

Final/APPROVED
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Tuesday, March 20, 2019 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

BOARD MEMBERS PRESENT: The Honorable Vernie W. Francis, Jr., Chairman
Bobby Vassar, Vice Chairman
John F. Anderson, Jr., Secretary
William T. Dean
Olivia Garland, Ph.D.
The Honorable Charles Jett
Heather Masters, M.D., S.F.H.M., F.A.C.P.
Karen Nicely
Reverend Kevin L. Sykes

BOARD JAIL REVIEW UNIT: Steve Goff, Investigative Analyst
Kemba Jennings, Policy Analyst

BOARD COUNSEL: Phillip Figura, Esq., Office of the Attorney General

BOARD MEMBERS ABSENT: None

VADOC STAFF PRESENT: Emmanuel Fontenot, Compliance, Certification and Accreditation
Erma Locust, Compliance, Certification and Accreditation Unit
Bob Casey, Compliance, Certification and Accreditation Unit
Sharen Faxio, Compliance, Certification and Accreditation
James Bruce, Policy and Initiatives Unit
Rebecca Hancock, Policy and Initiatives Unit
Donna Foster, Administrative Support, Department of Corrections

GUESTS PRESENT: Dr. Michael Schaefer, Virginia Department of Behavioral Health and
Developmental Services
Justin Brown, JLARC
Jamie Bitz, JLARC
Sarah Berday-Sacks, JLARC
Kelly Richards, Department of Planning and Budget
Oscar Meeks, Pittsylvania County Jail
Tommy Nicholson, Pittsylvania County Jail
Andre Smalls, Stellar Residential Services
Sharon Glick-Ringgold, Gemeinschaft Home
Patrick Wilson, Richmond Times Dispatch
Denice Lavoie, Associated Press
Bruce Crusier, Mental Health America-Virginia

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CALL TO ORDER

Chairman Francis called the meeting to order at 12:01 p.m.

DETERMINATION OF QUORUM

Chairman Francis determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Chairman Francis welcomed everyone in attendance. He asked all attendees to introduce themselves.

APPROVAL OF JANUARY BOARD MINUTES

Chairman Francis presented the January 8, 2019 minutes for review and approval.

Upon a *Motion* by Chairman Francis and duly seconded, the members voted unanimously to *Approve* the January 8, 2019 Board meeting minutes.

PUBLIC COMMENT PERIOD

None

PRESENTATIONS

Dr. Michael Schaefer

Dr. Schafer discussed the legislation passed by the legislature during the 2019 session that impacts the Virginia Board of Corrections. He has offered to form workgroups addressing the requirements of the legislation and will assist with establishing new standards to meet the mandates. The legislation requires that other state agencies provide input into the creation of the standards and the Office of the Inspector General has been tasked with estimating costs and enforcement to include annual unannounced inspections. Dr. Schaefer's summary is attached.

LIAISON COMMITTEE UPDATE

Mr. Anderson provided an overview of the Funding and Budget Issues Report, Prison Population Report, the Jail Construction Update, Offender Management Services update as well as other business.

Mr. Anderson reported that Tim Trent served as chairman of the Liaison Committee meeting. The September and November meeting minutes were approved.

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Mr. Anderson reported that Ms. deSocio advised that the legislature adjourned at the end of March. Several amendments that pertain to jails were approved. Salary increases were approved after revenue contingencies were met. There will be no delay in implementation of a targeted salary increases for entry level deputy sheriffs of \$871 for all grade 7 and \$911 for all grade 8 sworn deputy sheriffs only effective February 1, 2019. It did not include regional jail officers. A 2% across-the-board increase, approved by last year's General Assembly, was increased to 3% by the 2019 General Assembly effective July 1, 2019. There is a stipulation attached requiring governing bodies to use the added funding to support salary increases as opposed to absorbing the funding to offset local salary supplements. The Compensation Board (CB) interprets that any combined salary increases provided locally during the current biennium Fiscal Years 2019 and 2020 (FY19 and FY20) that totals 3% minimally of the CB salary amount, will meet the legislated requirement. Additionally, language proposed a one-time bonus of 1% effective December 1, 2019 in the Governor's budget that was not approved.

A technical change was made to the FY20 funding for the Prince William/Manassas Regional Jail expansion project. The original completion date was expected in December, 2019 which was changed to March, 2020, reducing the cost for FY20.

Another technical change reduced the base funding in the current FY19 budget by \$3 million and in FY20 by \$3.6 million for per diem funding payments to localities and regional jails based on decreased costs of housing local and state responsible inmates in local and regional facilities based on actual populations and the latest growth rates based on population forecasts. This funding is anticipated to be sufficient to meet per diem funding requirements.

These amendments are subject to review or change during the veto session in accordance with recommendations by the Governor.

The CB has resolved a long-standing issue related to the transmission of LIDs confinement data to the Social Security Administration (SSA) on behalf of jails for incentive or bounty payments back to localities and regional jails when a beneficiary is incarcerated. This data transmission was fairly smooth in the old LIDs system but presented difficulty in the transmission with the new LIDs/CORIS system when trying to interface with the SSA. This resulted in substantially reduced incentive payments for many jails. The efforts of the CB along with the efforts of the Virginia Department of Corrections (VADOC) IT staff have finally resulted in successful interface and now functions as it was intended. Between December, 2018 and February, 2019, \$287,000 in payments have been made by the SSA. This data is available in the LIDs system and was shared with the jails in February.

The CB provided training from November, 2018 through January, 2019 to assist jail staff with reconciliation and other analytical functions using LIDs. Ms. deSocio wanted to thank all jails and staff who participated in this training and hopes this will be helpful in the future.

Mr. Anderson reported that Mr. Casey reported that the Piedmont Regional Jail project to expand the intake area has been completed. Prince William/Manassas Regional Jail's Phase II, 204-bed expansion, floor discrepancy resolution was approved by the building official. The project is nearing 60% completion with

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the anticipated date remaining March 2020. Henry County Jail received two qualified bids (English and Ballard) in January. Review is underway with award of the contract expected by the end of March. The site demolition of the old Dupont plant is substantially complete. Completion is expected in November 2021.

Mr. Anderson reported that Jim Parks did not attend the meeting, but gave Jim Bruce the out-of-compliance update. The current total for out-of-compliance inmates is 2,585 of which 2,364 are males and 221 are females.

JAIL REVIEW COMMITTEE REPORT

Mr. Dean reported that there were no pending cases at this time and that the February meeting had been cancelled.

**CORRECTIONAL SERVICES COMMITTEE /POLICY & REGULATIONS
LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED INSPECTIONS:**

By recommendation of the Compliance, Certification and Accreditation Unit to approve as follows:

I make the following recommendations in the form of a Motion:

Unconditional certification as a result of 100% compliance for:

**Charlotte County Jail
Portsmouth City Jail
Culpeper County Jail
Greene County Lockup**

Captain Oscar Meeks (Pittsylvania County Jail) addressed the Board members with corrective action taken to address all Standards that were found out-of-compliance during their audit. He will create an annual report detailing availability of Programs and services available to inmates. Classification will now be determined with the assistance of a computerized program recently implemented. And universal precautions will be updated individually during the month of January.

Andre Smalls (Stellar Residential Services) addressed the Board members explaining the financial burden created by the standard requiring an annual financial audit as opposed to a financial review. He stated that the cost of a financial audit was approximately more than triple the cost of a review. He noted that this reduces the programs that can be offered to the residents. The Board agreed to look into the requirement further.

Sharon Glick-Ringgold (Gemeinschaft Home) addressed the Board members with the same concerns as Mr. Smalls, the financial burden created by the standard requirement of a financial audit instead of accepting a

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financial review. Ms. Ringgold has a larger residential program, but it directly affects the cost of producing a financial audit. She too, noted the impact to the residential program recipients. She also addressed being found out-of-compliance for a fire inspection in 2016. However, fire inspections were available for 2017 and 2018.

Chairman Francis asked Ms. Jennings to provide clarification to the Board for consideration of amending the standard.

Unconditional certification for:

**Pittsylvania County Jail
Stellar Residential Services
Gemeinschaft Home**

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspension of the 2019 annual inspections for the Charlotte County Jail, Portsmouth City Jail, Culpeper County Jail and Greene County Lockup.

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

GENERAL DISCUSSION

Chairman Francis advised that Steve Goff, Board Investigator and Kemba Jennings, Policy Analyst for the Board are now under the supervision of Emmanuel Fontenot, Compliance, Certification and Accreditation. Mr. Fontenot added that they were transferred to his unit officially on March 18, 2019. He looks forward to working with both of them as well as the Board of Corrections.

CLOSED SESSION

None

ADDITIONAL ITEMS FOR DISCUSSION

None

FUTURE MEETING DATES

Wednesday, May 15, 2019
Wednesday July 17, 2019

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Wednesday, September 18, 2019

Wednesday, November 20, 2019

ADJOURNMENT

There being no further business to discuss before the Board of Corrections, upon a *Motion* by Chairman Francis and duly seconded, the meeting was *Adjourned* by unanimous vote of the attending members.

APPROVED:

Signature on File

The Honorable Vernie W. Francis, Jr., Chairman

John F. Anderson, Jr., Secretary