

FINAL/APPROVED
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, July 17, 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
Heather Masters, M.D., S.F.H.M., F.A.C.P.
Karen Nicely, LPC

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: Olivia Garland
Charles Jett
Reverend Kevin L. Sykes

VADOC STAFF PRESENT: Bob Casey, Compliance, Certification and Accreditation Unit
James Bruce, Policy and Initiatives Unit
Anne Elmakis, Policy and Initiatives Unit
Atron Thorne, Information Technology Services
Donna Foster, Administrative Support, Board of Corrections

GUESTS PRESENT: Sarah Berday-Sacks, JLARC
Dr. Blythe Bowman, VCU
James Pritchett, Chesterfield County Jail
David Smith, IAHR, VA Coalition Against Solitary Confinement
Peter Meletis, Prince William-Manassas Regional Jail
Amanda Lambert, Prince William-Manassas Regional Jail
Cindy Depoy, Prince William-Manassas Regional Jail
Patrick Wilson, Richmond Times Dispatch
Denice Lavoie, Associated Press
Bruce Cruser, Mental Health America-Virginia

CONFERENCE CALL: Bill Wilson, Riverside Regional Jail

CALL TO ORDER

Chairman Francis called the meeting to order at 12:27 p.m.

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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 MAY BOARD MINUTES

Chairman Francis presented the May 15, 2019 minutes for review and approval.

Upon a *Motion* by Chairman Francis and duly seconded, the members voted unanimously to *Approve* the May 15, 2019 Board meeting minutes.

NOMINATING COMMITTEE

Chairman Francis appointed John F. Anderson, Jr. as Chairman of the Nominating Committee and appointed Reverend Kevin L. Sykes and Dr. Olivia Garland as committee members.

PUBLIC COMMENT PERIOD

None

PRESENTATIONS

Kemba Jennings-Jail Mortality

Ms. Jennings reported some jail mortality statistics.

Steve Goff

Mr. Goff reported that there are currently 16 open cases, 6 of which are active and 10 are awaiting autopsy reports. To date, 47 cases have been closed and 29 are pending board action.

Antron Thorne

Mr. Thorne discussed the use of Google Chrome Encryption and the requirements for sending and receiving encrypted emails.

LIAISON COMMITTEE UPDATE

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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.

Mr. Anderson reported that Ms. deSocio was not able to attend the meeting, but provided an update by email. She advised “there is not a lot to report for this month's meeting as we have just completed budgeting for FY20 and are beginning the summer biennial budget development process for FY20-22 for completion this fall. There is one piece of information that I would like to pass along to the group, and that is to make sure Sheriffs and Superintendents are aware that our 2019 LIDS Conference for LIDS Technicians and backups, which meets the biannual training requirement for LIDS Technicians, will be held on September 17-18, 2019 at the Virginia Crossings Hotel and Conference Center in Glen Allen, Virginia (in the Richmond area). A registration notice will be going out soon via email, and I ask that Sheriffs and Superintendents ensure their LIDS staff are able to attend on these dates to receive important information and updates that the conference will provide.”

Mr. Anderson reported that Mr. Casey reported that Prince William/Manassas Regional Jail (204 bed expansion) is nearing 73% completion. The scope of work increase to buildout the Work Release space will be presented at today’s Board meeting. The schedule has been impacted by weather delays and some design and construction issues. Final completion has been pushed back approximately four months to July 2020. The Henry County 400 bed new jail project is waiting on an updated price for site work. It has been determined that the amount of controlled fill is less than originally thought which will bring down the cost somewhat. This will help determine how many additional cuts will be necessary. If the project moves forward, the anticipated completion date will be pushed back until 2022.

Mr. Anderson reported that Jim Parks reported the total for out-of-compliance inmates is 2,532 of which 2,321 are males and 211 are females.

JAIL REVIEW COMMITTEE REPORT

Mr. Dean thanked Mr. Goff and Ms. Jennings for helping them in reaching 47 closed death review cases.

Mr. Dean offered the following motions:

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee **FINDS** that the evidence presented in these cases **DID NOT** reveal any act or omission by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further **FINDS** that investigation **DID NOT** reveal any evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. **NOW THEREFORE, I MOVE** that the following cases be recommended to the Full Board for closure.

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Case	Location	Date of Death
18-0037	SWVRJA-Tazewell	4/12/18

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

Portsmouth City Jail

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee *FINDS* that the evidence presented in these cases *DID* reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further *FINDS* that the investigation *DID* reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. *NOW THEREFORE, I MOVE* that the following cases be recommended to the Full Board for action as a result of the following cases:

Case	Location	Date of Death
18-003	Portsmouth City Jail	1/18/18
18-0023	Portsmouth City Jail	8/21/17

Pursuant to 6 VAC 15-20-100 (B)(3), your facility is *HEREBY* issued a *PROBATIONARY CERTIFICATION* for a period of *TWELVE MONTHS* from the date of this *Order*. Your facility has until its certification audit to come into compliance with the Board's Standards. If your facility does not meet the requirements for certification at the conclusion of this period, the Board will issue a *LETTER OF DECERTIFICATION*.

The facility shall provide written updates on measures taken to come into compliance with the Board's regulations at least quarterly during the probationary period.

Pursuant to Virginia Code §53.1-68, the Virginia Department of Corrections Compliance and Accreditation Unit is hereby directed to conduct quarterly random unannounced audits during the probationary certification period.

Riverside Regional Jail

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee *FINDS* that the evidence presented in these cases *DID* reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further *FINDS* that the investigation *DID* reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. *NOW*

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THEREFORE, I MOVE that the following cases be recommended to the Full Board for action as a result of the following cases:

Case	Location	Date of Death
17-0004	Riverside Regional Jail	10/31/17
17-0010	Riverside Regional Jail	11/30/17

Pursuant to 6 VAC 15-20-100 (B)(3), your facility is **HEREBY** issued a **PROBATIONARY CERTIFICATION** for a period of **THREE YEARS** from the date of this **Order**. Your facility has until its certification audit to come into compliance with the Board's Standards. If your facility does not meet the requirements for certification at the conclusion of this period, the Board will issue a **LETTER OF DECERTIFICATION**.

The facility shall provide written updates on measures taken to come into compliance with the Board's regulations at least quarterly during the probationary period.

Pursuant to Virginia Code §53.1-68, the Virginia Department of Corrections Compliance and Accreditation Unit is hereby directed to conduct quarterly random unannounced audits during the probationary certification period.

Virginia Beach City Jail

The Jail Review Committee investigated the following case by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee **FINDS** that the evidence presented in this case **DID** reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further **FINDS** that investigation revealed **DID** reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. **NOW THEREFORE, I MOVE** that the following cases be recommended to the Full Board for action as a result of the following case:

Case	Location	Date of Death
18-001	Virginia Beach City Jail	1/8/18

In consideration thereof, and in recognition of the significant and commendable actions taken by your agency to remediate the above violation, the Board **HEREBY** takes **NO FURTHER ACTION**.

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

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:

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

Unconditional certification as a result of 100% compliance for:

**Galax Lockup
Danville City Jail
Fauquier Adult Detention Center
Norfolk City Jail**

Unconditional certification for:

**Bristol City Jail
RSW Regional Jail**

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

RIVERSIDE REGIONAL JAIL

The Board of Corrections approves the Riverside Regional Jail Authority's request for state funding for the upgrades to the roofing, shower coatings, security key dispensing system, cameras and CCTV system, phone system and water heaters. This approval recognizes a total eligible cost of \$3,229,787, of which up to 25% or \$807,447 would be eligible for State reimbursement. Such reimbursement is subject to availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018 and Sections 53.1-80 through 82 of the Code of Virginia.

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

PRINCE WILLIAM-MANASSAS REGIONAL ADULT DETENTION CENTER

The Board of Corrections approves the request from the Prince William-Manassas Regional ADC for State jail funding for construction reimbursement for an increase in the scope of work to buildout shell space within the current expansion project for their existing Work Release program. This approval recognizes a total eligible cost of \$2,713,549, of which up to 50% or \$1,356,774 would be eligible for State reimbursement. Such reimbursement is subject to availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018 and Sections 53.1-80 through 82 of the Code of Virginia

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

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Kemba Jennings advised that the Board members needed to approve periodic reviews of 6VAC-15-26, Regulations for Human Subject Research and 6VAC-15-40, Minimum Standards for Jails and Lockups.

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 he and Deputy Secretary Ryant Washington were contacted by Delegate Patrick Hope in regards to HB1933 with questions concerning implementation of the statute. While the Board of Corrections was not directed to do anything in accordance with this Bill, Ms. Jennings researched Delegate Hope's questions and responded by letter. His questions pertained to consent for someone deemed mentally unable to give consent. In order to determine consent, a court order will be sought.

CLOSED SESSION

None

ADDITIONAL ITEMS FOR DISCUSSION

None

FUTURE MEETING DATES

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