

# THE VIRGINIA BOARD OF LOCAL AND REGIONAL JAILS

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The Virginia Board of Local and Regional Jails (Board) met on Tuesday, January 12, 2021 by **TELECONFERENCE** to Discuss General Business of the Board

**BOARD MEMBERS PRESENT:** The Honorable Vernie W. Francis, Jr., Chairman  
Bobby Vassar, Vice Chairman  
John F. Anderson, Jr., Secretary  
Olivia Garland, PhD  
The Honorable Charles Jett  
Karen Nicely, LPC  
Joanne Peña  
Reverend Kevin L. Sykes

**BOARD MEMBERS ABSENT:** Heather Masters, M.D., S.F.H.M., F.A.C.P.

**BOARD COUNSEL:** Phillip Figura, Office of the Attorney General

**ATTENDEES:** Emmanuel Fontenot, Department of Corrections  
Steve Goff, Virginia Department of Corrections  
Tawana Ferguson, Virginia Department of Corrections  
Bob Casey, Virginia Department of Corrections  
Audrey Michael, Department of Corrections  
Larry Leabough, Riverside Regional Jail  
Bobby Russell, Western Virginia Regional Jail  
David Cox, Western Virginia Regional Jail  
Jim Gwen, Counsel, Western Virginia Regional Jail

**BOARD ATTENDANCE ROLL CALL:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

8 Board members in attendance – **Quorum Present**

**MOTION TO CONVENE**

As you know, the Governor declared a state of emergency in effect from March 12, 2020 and is ongoing because of the potential spread of COVID-19, a communicable disease of public health threat and the anticipated effects of that spread. Given this threat, the Board cannot assemble in person because of the need for social distancing for a prolonged period of time. The work of the Board\*

As you may know, Governor Northam amended the state budget to include the use of electronic meetings in HB30 (Chapter 1289) Section 4-0.01 It provides that this Board may conduct a public electronic meeting during a state of emergency if: “(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; [and] (ii) the purpose of the meeting is to discuss or transact the business statutorily required.” The law requires that this Board “shall make available a recording or transcript of the meeting on its website ...and... Distribute minutes of a meeting.”

The purpose of the meeting is to take action on Board Certifications and Construction Projects as mandated by law. In light of this, I'll entertain a *MOTION* with respect to this Emergency Electronic Meeting.

Motion read by made by Mr. Anderson and Seconded by Mr. Jett.

**BOARD ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

8 Votes in FAVOR of the MOTION, one ABSENT – MOTION CARRIES

That motion being carried unanimously among attendees we can begin this Electronic Meeting.

Chairman Francis asked for a motion to approve the November 18th, 2020 minutes.

I MOVE that the Board APPROVE the November 18<sup>th</sup>, 2020 meeting minutes

**Motion made by Dr. Garland, seconded by Mr. Vassar with Mr. Jett sustaining.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

**BOARD CALENDAR**

Chairman Francis asked for a motion to approve the 2021 Board Calendar.

**I MOVE that the Board APPROVE the 2021 Board Calendar.**

**Motion made by Mr. Vassar, seconded by Rev Sykes.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

**PUBLIC COMMENT**

None

**PRESENTATIONS**

Superintendent Colonel Larry Leabough, Riverside Regional Jail, requested consideration of release from probation noting that his facility has had numerous inspections and audits with 100% findings. He added

that there have been procedural changes to correct violations and complaints have slowed greatly. Probationary certification affects his housing options.

Superintendent Bobby Russell also asked for probation removal as the probation for Western Virginia Regional Jail (WVRJ) was for one year effective September 2019. The facility's counsel, Mr. Gwen, added that WVRJ had received multiple 100% compliance audits and inspections and had utilized the Emergency room facilities at a nearby medical center liberally and had provided documentation to the Board to support their actions.

The Board members began a discussion regarding a time limit that would expire without action and would lift the probation or if action by the Board was necessary. It was determined that this would be addressed in the wording of the notification of probation communication. During this discussion it was decided that existing probation that can expire without action will time out, or expire without action.

**I MOVE that the probationary period assigned by the Board will end upon completion of time as specified by the Board.**

**Motion read by made by Mr. Vassar and Seconded by Mr. Jett.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

**8 Votes in FAVOR of the MOTION, one ABSENT – MOTION CARRIES**

**CORRECTIONAL SERVICES COMMITTEE UPDATE/Policy & Regulations  
LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED  
INSPECTIONS:**

Compliance, Certification and Accreditation - Certifications Report:  
Local/Regional/Community Facilities

**BOARD ACTION REQUIRED**

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

**Unconditional certification as a result of 100% for:**

Southside Regional Jail  
Botetourt-Craig Regional Jail  
Accomack County Jail

**Motion by Mr. Jett and duly seconded by Dr. Garland.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

**8 Votes in FAVOR of the MOTION, one ABSENT – MOTION CARRIES**

**BOARD ACTION REQUIRED**

Jail inspections recommended suspensions.

**I MOVE the Board of Local and Regional Jails, in recognition of the outstanding achievement of 100% compliance with standards, APPROVES the suspension of the 2021 annual inspection for the Southside Regional Jail, Botetourt-Craig Regional Jail and Accomack County Jail.**

**Motion by Mr. Vassar and duly seconded by Ms. Peña.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

**8 Votes in FAVOR of the MOTION, one ABSENT – MOTION CARRIES**

**Motion made by Dr. Garland and duly seconded by Mr. Vassar.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Dr. Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

**ADDITIONAL ITEMS FOR DISCUSSION**

Chairman Francis recognized Ms. Peña, Ms. Michael and their workgroup who are addressing the requirements set forth in HB1284, thanking them for the report as well as their efforts. Dr. Garland asked if the Auditors and Inspectors were auditing and inspecting facilities and if jails placed on probation could be updated with recommendations by the Inspectors. Chairman Francis noted that the probation notification letters need to be reviewed for language allowing removal of probation.

**ADJOURNMENT**

Mr. Vassar offered the following in the form of a motion, duly seconded by Ms. Peña:

**I MOVE that the meeting be adjourned.**

**ROLL CALL VOTE:**

<b>John F. Anderson, Jr.</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

**Adjourned**