

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	January 17, 2007
Location	6900 Atmore Drive Richmond, Virginia
Presiding	Sterling C. Proffitt, Chairman
Present	James H. Burrell Peter G. Decker, III W. Alvin Hudson, Jr. Raymond W. Mitchell W. Randy Wright
Absent	Jacqueline F. Fraser Gregory M. Kallen James R. Socas

10:00 a.m., Wednesday, January 17, 2007

6900 Atmore Drive, Richmond, Virginia

The meeting was called to order. Mr. Proffitt welcomed all those present. The roll was called by Mrs. Woodhouse. Three members, as indicated during roll call, were absent. The Chairman noted a quorum was present.

I. Board Chairman (Mr. Proffitt)

1) Presentation to Judge W. Park Lemmond, Jr.

The Chairman welcomed Judge W. Park Lemmond, Jr., as well as Liaison Committee Chairman Roy W. Cherry, and asked that both come forward for a presentation.

Mr. Cherry gave some background on the Board's Liaison Committee. He then presented a plaque to the Judge from the Committee honoring him for his almost 20 years of service to the Committee. The Judge thanked the Committee Chair and remarked on his experiences with the Committee. He noted the chief catalyst for the formation of the Committee was overcrowding in the jails and the resultant law suits and writs being filed at the time and how helpful and effective this Committee has proven to be. He remarked how much he has enjoyed his years spent with the Committee and how much he will enjoy being retired.

The Board Chairman then presented a Resolution to the Judge on behalf of the Board. The Resolution was read into the record in its entirety:

RECOGNIZING THE HONORABLE W. PARK LEMMOND, JR., UPON HIS DEPARTURE FROM THE LIAISON COMMITTEE OF THE VIRGINIA BOARD OF CORRECTIONS

On Motion of the Virginia Board of Corrections, the following resolution was adopted:

WHEREAS, The Honorable W. Park Lemmond, Jr., has served the Commonwealth faithfully since October 26, 1987, when he accepted service to the Liaison Committee of the Virginia Board of Corrections from then Board Chairman, John W. Williams, III. On January 5, 1988, W. Park Lemmond, Jr., attended his first meeting as a member of the Liaison Committee; and

WHEREAS, W. Park Lemmond, Jr., has served the Board, the Committee and the citizens of the Commonwealth in a non-partisan manner since that time under six Governors and eight Board Chairmen with marked integrity, pursuing the letter and intent of the law; and

WHEREAS, during his almost 20 years as a member in good standing of the Liaison Committee, W. Park Lemmond, Jr., attended and actively participated in as many scheduled meetings as practicable, all the while actively sitting on the bench of the Sixth Judicial Circuit of Virginia in Hopewell, Virginia, and then while acting as a substitute judge since his official retirement; and

WHEREAS, during his many years as a member of the Board's Liaison Committee, W. Park Lemmond, Jr., participated in many frank discussions regarding the treatment of inmates in local jails, understood the importance of his professional responsibility beyond the Liaison Committee and in so doing, became an active proponent of issues important to the Commonwealth, to the Board and to his fellow Committee members; and

WHEREAS, W. Park Lemmond, Jr., departed the Virginia Board of Corrections' Liaison Committee as a member in good standing in November, 2006.

NOW, THEREFORE BE IT RESOLVED, that the Virginia Board of Corrections, this 17th day of January, 2007, publicly recognizes the contributions of W. Park Lemmond, Jr., to the Virginia Board of Corrections, the Virginia Department of Corrections and the citizens of the Commonwealth of Virginia;

AND, BE IT FURTHER RESOLVED, that the Board extends its appreciation of his commitment to the Commonwealth and best wishes on his "retirement;"

AND, BE IT FINALLY RESOLVED, that a copy of this resolution be presented to The Honorable W. Park Lemmond, Jr., and that this resolution be permanently recorded and retained in the papers of the Board of Corrections, Commonwealth of Virginia.

2) **Motion to Rename Pocahontas Correctional Unit #13 in Chesterfield County**

The proposed Board Motion is a direct result of September, 2006, Board action wherein the Board recommended naming the new facility in Tazewell County Pocahontas State Correctional Center. The Governor approved this action in November and suggested that, to avoid confusion, the Board rename Unit #13 in Chesterfield County. In order to accommodate the Governor's request, the Board takes the following action.

Pursuant to Section 53.1-19 of the Code of Virginia, the Board approves the recommended renaming of the Pocahontas Correctional Unit #13, located in Chesterfield County, to ***Central Virginia Correctional Unit #13***.

The *MOTION* was made by Mr. Hudson and seconded by Mr. Burrell. It was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Decker, Hudson, Mitchell, Wright).

There were no questions and there was no discussion. There were no opposing votes. The Motion carried. The Chairman's vote was not required. Three members were absent.

As a result of the Board's action, a letter will be written to the Secretary of Public Safety for concurrence. If the Secretary concurs, the recommendation will then be sent to the Governor for final approval.

3) **Motion to Approve November Board Minutes**

The Chairman called for a Motion to approve the November Board minutes.

By *MOTION* duly made by Mr. Wright and seconded by Mr. Hudson, the minutes were *APPROVED* as presented by verbally responding in the affirmative (Burrell, Decker, Hudson, Mitchell, Wright).

There were no questions and there was no discussion. There were no opposing votes. The Motion carried. The Chairman's vote was not required. Three members were absent.

II. Public/Other Comment (Chairman)

At this time, the Chairman identified two individuals, Ms. Kate Irwin and Ms. Laura George, who were present to speak concerning proposed siting of a prison facility at Cox's Chapel in Grayson County. He asked the first speaker to identify herself and state her address. Mr. Proffitt reminded those present that there would be a five-minute time limit on remarks.

Ms. Kate Irwin was first to address the Board. She lives in the Cox's Chapel community in Grayson County and was at the meeting representing the Cox's Chapel Grange Committee to Protect the New River. In her remarks, she noted there is a great deal of opposition to the proposed site on the New River. She feels this location is inappropriate for many reasons. She feels there are more appropriate sites in Grayson County for a prison and that a facility on this site is neither consistent with the County's Comprehensive Plan nor with the County's goal of developing a tourism and recreation industry. She feels the Centex-Moseley Proposal to be lacking in information and fears hidden costs will become the burden of State taxpayers. She emphasized that she is not against prisons but that there are other sites to consider that would save Virginia taxpayers millions if it fit more closely with the County's Comprehensive Plan. She

stated the Grange Committee would be submitting a response to the Proposal, which response will be accompanied by a petition signed by individuals who oppose a prison on the New River. She emphasized those opposed are not obstructionists, but they care about the heritage of their community and the preservation of the New River and that the issue is dividing the community. In closing, she thanked the Board of listening and presented the Board with a postcard which shows an aerial view of the proposed site.

The Chairman thanked Ms. Irwin for her comments and then called for the other local citizen present to make her presentation to the Board.

Ms. Laura George identified herself for the record and stated she lives in Northern Virginia but has a home in the area, directly across from the proposed site. She stated she is an attorney, who does not practice any longer, and who will not rest until this prison is moved. She stated there already have been many violations of law to date and claims that: the contractor in this case has failed to abide by PPEA requirements and failed to abide by 2002 procedures; the contractor should have told the exact location of this prison; the contractor was supposed to advise whether the project was compatible with local zoning ordinances and comprehensive plans; and the contractor has not told about the opposition in the community. She claims there are currently nine sites in the County which would be better suited for a prison site. She stated this is a classic Pork Barrel project; that the developer chose the most expensive site, that the developer picked the most remote site on the river, and that she firmly believes the developer is strong-arming the County by leading them to believe that if they contest this site, they will lose the prison. In closing, she stated she will be filing a lawsuit against the County on this issue.

The Chairman thanked Ms. George and reiterated the Board of Corrections has no involvement in site selection and that when it finally comes before the Board way down the road, it will be to name the facility only.

At this time, the Chairman called for questions or comments from the Board. Mr. Burrell stated he understood the citizens' concerns and could not understand why the County would go forward with a site that the citizens were in such opposition to. Mr. Wright remarked he thought this was a tragic situation. Mr. Burrell then stated that even though it is not the Board's responsibility, he wondered if it would be in order for the Board to do a Resolution. Mr. Proffitt made the suggestion that it might be a good idea to get information from the Department on this issue before going forward. Mr. Wright responded he could think of no reason that would convince him that this would be a good site for the prison, which he then put it in the form of a motion stating that he would oppose the construction of a prison on this site. Mr. Burrell seconded the motion. There was no further discussion or comment at this point.

The *MOTION* was duly made by Mr. Wright and was seconded by Mr. Burrell; to oppose the construction of a prison on this site. During the call for the question, Mr. Burrell and Mr. Wright verbally noted their vote in favor of the Motion. Mr. Hudson's verbal response was not heard. Mr. Mitchell noted his *ABSTENTION* from the vote and stated that due to the fact that the Board has no authority to tell the Department where this prison should be located, he would abstain from the vote.

Mr. Burrell then stated this action would not be telling the Department; that the action would be a Motion reflecting the Board's concern. Mr. Decker then enquired if the Motion was in fact that the Board is concerned about the location because he agreed with Mr. Mitchell that the Board needed more information before taking a strong stance on the subject.

The Chairman then reiterated the *MOTION* to be that the Board pass a Resolution in opposition to this particular site. Mr. Wright agreed that this was his Motion.

MR. PROFFITT THEN ASKED FOR A SHOW OF HANDS FOR THOSE IN FAVOR OF THE MOTION AS STATED -- TO THIS PARTICULAR SITE. MESSRS. WRIGHT, HUDSON AND BURRELL RAISED THEIR HANDS. MR. PROFFITT THEN ASKED FOR THOSE OPPOSED TO THE MOTION TO RAISE THEIR HAND. MR. MITCHELL RESPONDED BY RAISING HIS HAND. MR. PROFFITT THEN ASKED IF THERE WERE ANY ABSTENTIONS. MR. DECKER RAISED HIS HAND. The Chairman did not vote as a tie breaker was not necessary. THERE WERE THREE ABSENCES AND WITH THE VOTE AS INDICATED, THE MOTION CARRIED.

The Chairman is tasked with writing a Resolution under his signature, which will be written before the March meeting and which will reflect the Board's action.

There was no further discussion.

Moving on, the Chairman was reminded that a Motion on the Resolution for Judge Lemmond had not been presented earlier when it was read into the record.

Motion to Approve Board Resolution Honoring Judge Lemmond for Years of Service to the Liaison Committee

At this time, the Chairman redirected the Board's attention to the Resolution for Judge Lemmond and stated it was now necessary to officially make a Motion in order to have the Resolution included in the record.

By *MOTION* duly made by Mr. Burrell and seconded by Mr. Mitchell, the Resolution previously presented to Judge Lemmond, and which was read into the record in its entirety by the Board Chairman, was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Decker, Hudson, Mitchell, Wright).

There were no questions and there was no discussion. There were no opposing votes. The Motion carried. The Chairman's vote was not required. Three members were absent.

III. Presentation to the Board

The Chairman noted there was no presentation scheduled for the Board this month, and he noted the Director was not present as he had been called downtown to the General Assembly.

IV. Liaison Committee (Mr. Burrell)

Mr. Burrell noted he and other members of the Committee met on January 16, 2007. He then updated the Board on information regarding the Department's capital outlay projects as provided to the Committee.

St. Brides' Phase II, a Level II facility with a cost of \$32.475 million, will yield an aggregate of 800 beds between two, 400-bed units with total square footage of 104,825. Construction has been delayed and the estimated completion date may be moved beyond September of this year. Pocahontas State Correctional Center, is a \$68.645 million, Level III, 1,024-bed project with 261,004 square feet, and is now 85% complete. Estimated completion has been changed from March to June of this year. Green Rock Correctional Center, is a 1,024-bed, Level III facility with 254,209 square feet at a cost of \$73.553 million. It is 90% complete and is scheduled for early completion, possibly in March of this year. And, the Deerfield expansion project is complete and is currently in the process of being occupied. It is a 600-bed facility (three, 200-bed units) with a cost of \$21.908 million. It is a Level II facility with 71,105 square feet and is 99% complete.

Mr. Burrell noted Mr. Bill Wilson of the Department's Compliance & Accreditation Unit presented the Committee with an update to the prison and jail population figures. The out-of-compliance figure as of the week of January 8, 2007, stood at 3,155. It was noted that with the anticipated opening of new beds at Pocahontas State, Green Rock and Deerfield Correctional Centers this year, the numbers are expected to drop giving local jails some temporary relief.

Mr. Burrell provided a brief update on several jail construction projects ongoing statewide. The project in Loudoun County is running one to two months behind. The Eastern Shore project is moving along well with estimated completion in March of this year. Later in the report, the Mr. Burrell noted he will provide the Board with information concerning Newport News City Jail's request for approval of their community-based corrections plan wherein they anticipate construction of 52 additional beds.

Mr. Burrell went on to state population figures for the Department were 34,448, with 21 contract prisoners. Jails had a population of 29,020, with 1,707 federal prisoners, down from the 1,929 previously reported.

Mr. Proffitt remarked that Deputy Secretary Cristman was present at the meeting and indicated the Department has made a concerted effort in to reduce the out-of-compliance numbers.

The report was concluded. No action on the report was required.

V. **Administration Committee (Mr. Wright)**

There was no Administration Committee meeting this month.

VI. **Correctional Services Committee Report/Policy & Regulations (Ms. Fraser)**

Motion to Approve Newport News City Jail's Community-Based Corrections Plan

Mr. Burrell noted Newport News is going ahead at its own expense to build an annex with 52 beds. Before proceeding in the process, however, Board approval of their community-based corrections plan is required.

By *MOTION* duly made by Mr. Burrell and seconded by Mr. Mitchell, the Board of Corrections approves the request for approval of the Community-Based Corrections Plan for the City of Newport News in support of their need to renovate and expand the Newport News City Jail.

There were no questions, no discussion or comments offered. **The *MOTION* was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Decker, Hudson, Mitchell, Wright).**

There was no further discussion. There were no opposing votes. The Motion carried. The Chairman's vote was not required. Three members were absent.

**Compliance and Accreditation
Certifications Section**

Mr. Burrell presented six certification recommendations on behalf of the Committee:

Unconditional Certification for Henrico County Regional Jail East with ACA Accreditation; Pittsylvania County Jail; Wythe County Lockup; Probation & Parole District #35 (Manassas); Probation & Parole District #9 (Charlottesville); and Probation & Parole District #12 (Staunton).

There were no questions or discussion. **The *MOTION* was duly made by Mr. Burrell and seconded by Mr. Wright and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Hudson, Mitchell, Wright).**

There were no opposing votes. The Motion carried. The Chairman's vote was not required. There were three members absent.

Mr. Burrell reported the following unannounced inspection results for informational purposes only. No Board action is required.

Virginia Beach Lockup #2 (100% compliance); Henrico County Regional Jail West; Patrick County Jail; Franklin County Jail (100% compliance); Pittsylvania County Jail (100% compliance); Richmond City Jail; and Loudoun County Adult Detention Center.

Motion to Approve Board's Regulations Governing Certification and Inspection

In accordance with §2.2-4006 of the Administrative Process Act, proposed 6VAC15-20 *Regulations Governing Certification and Inspection* has been published in the Virginia Register and made available for public comment. No public comments were received and now 6VAC15-20 is advancing to its final stage.

This memorandum updates a previous memorandum dated January 5, 2007. The suggested Board motion reflects the January 16, 2007, action of the Correctional Services/Policy and Regulations Committee to amend 6VAC15-20-90 of the final draft. The change has been made, and the regulation is now ready for final adoption by the Board of Corrections.

When signed by the Board Chair, the final regulatory package will receive executive branch review and will again be made available for public view on the Virginia Regulatory Town Hall. Upon publication in the Virginia Register of Regulations, 6VAC15-20 will undergo a 30-day final adoption period and become effective on April 5, 2007.

Mr. Burrell proposed the following for consideration:

The State Board of Corrections moves to adopt the final regulatory package to amend 6VAC15-20 *Regulations Governing Certification and Inspection* for publication in the Virginia Register subject to approval under the provision of Executive Order Number 36 (2006). This regulatory action shall become effective April 5, 2007.

The final regulations reflect one change from the proposed stage. The title of 6VAC15-20-90 has been changed from "Appeal process and schedule" to "Appeal process for audits/inspection and schedule."

In adopting these amendments, the Board affirms that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision, as provided in §2.2-4006 B. of the Administrative Process Act.

The *MOTION* was duly made by Mr. Burrell and seconded by Mr. Hudson and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Hudson, Mitchell, Wright).

There were no opposing votes. There were no questions and there was no discussion. The Motion carried. The Chairman's vote was not required. Three members were absent.

Mr. Burrell concluded his report.

Mr. Proffitt thanked him for his report and then went on to mention that Ms. Anne Wilmouth was present at the Liaison Committee meeting representing the Compensation Board. She brought the Committee up to date on several Comp Board requests being put before the General Assembly. Mr. Proffitt also remarked that Roy Cherry attended another disaster preparedness meeting recently. And lastly, the Chairman noted there will be a leadership change of the Committee at its next meeting. Mr. Cherry has stepped down as Committee Chairman and Committee Member Chris Webb will assume those duties in March.

VII. Closed Session

There was no Closed Session held.

VIII. Other Business

There was no Other Business to discuss.

IX. Board Member/Other Comment

After first enquiring of each Board member if they had any comment, the Chairman went on to note he had been contacted by Mr. Charlie Poff and invited to attend and present the keynote address at the groundbreaking ceremonies for the new Western Virginia Regional Jail on February 20, 2007, beginning at 10:00 a.m. in Roanoke. The Chairman wanted to ensure all of the Board members were aware of the event and to announce that formal invitations to each Board member are forthcoming

X. Future Meeting Plans

The following information has been provided to Board Members previously and is provided now for the purposes of the record.

The March, 2007, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, March 20, 2007.

Correctional Services/Policy & Regulations Committee – 11:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, March 20, 2007.

Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, March 21, 2007.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, March 21, 2007.

XI. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Mitchell, seconded by Mr. Hudson and unanimously *APPROVED* (Burrell, Decker, Hudson, Mitchell, Wright), the meeting was adjourned.

There was no discussion. The Motion carried.

(Signature copy on file)

STERLING C. PROFFITT, CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY