

**COMMONWEALTH OF VIRGINIA**  
**BOARD OF CORRECTIONS**

Regular Meeting	March 21, 2007
Location .....	6900 Atmore Drive Richmond, Virginia
Presiding .....	Sterling C. Proffitt, Chairman
Present .....	James H. Burrell Peter G. Decker, III Jacqueline F. Fraser W. Alvin Hudson, Jr. Gregory M. Kallen Raymond W. Mitchell
Absent .....	James R. Socas W. Randy Wright

**10:00 a.m., Wednesday, March 21, 2007**

6900 Atmore Drive, Richmond, Virginia

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

**I. Board Chairman (Mr. Proffitt)**

**1) Discussion on Chairman’s March 5, 2007, Memorandum to the Board**

The Chairman indicated each member had been provided a copy of his memorandum referencing Voting by the Chairman. He explained that in the past, the Board Chairman voted only in instances where a tie-breaking vote was necessary. While the By-Laws are silent on this issue, they do state that “All meetings shall be conducted in accordance with the principles of procedures prescribed in the current edition of *Robert’s Rules of Order, Newly Revised.*” In checking *Roberts Rules*, it was discovered there was nothing to preclude the Chairman from voting on Board Motions; in fact, *Roberts Rules* states the “president” can vote in Board and Committee meetings; the only thing his presence at Committee cannot ensure, however, is a quorum.

Therefore, the Chairman will be exercising his right to vote from this point forward. And to dispel any appearance of influence which his voting may bring, he will vote last during any Board and/or Committee votes.

The Board members present voiced no concerns over this change, and there were no questions.

2) **Motion to Approve January Board Minutes**

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

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

There were no questions and there was no discussion. There were no opposing votes. **The Chairman then voted his approval of the Motion.** Two members were absent. Mr. Kallen was noted as *ABSTAINING* from the vote as he was not present at the January meeting. *And though Ms. Fraser verbally responded as voting in favor of approval of the Minutes, her vote cannot be considered as she was not present at the January meeting.* The Motion carried.

**II. Public/Other Comment (Chairman)**

There was no one present to address the Board.

**III. Presentation to the Board**

The Chairman noted there was no presentation scheduled for the Board this month.

**IV. Liaison Committee (Mr. Burrell)**

Mr. Burrell noted he and other members of the Committee met on March 20, 2007.

He indicated that during the Committee meeting, Ms. Kim Lipp updated the Committee on the Department's capital outlay projects. *St. Brides'* Phase II will yield an aggregate of 800 beds between two, 400-bed units. Construction at this point is on schedule for November of this year. *Pocahontas State Correctional Center* is a 1,024-bed project and is 90% complete. Estimated completion is now July of this year. *Green Rock Correctional Center* is also a 1,024-bed facility. Its estimated completion is early May of this year. And, the *Deerfield* expansion project is complete and the facility is being occupied. It is 600 beds in three, 200-bed units.

Then Mr. Bill Wilson presented the Committee with an update to the prison and jail population figures. The out-of-compliance figure as of meeting time was 2,479. Mr. Burrell remarked that even though the Department is releasing more inmates weekly as compared to last report, it is taking in more inmates which results in a net increase in population. It was mentioned that with the opening of new beds at Pocahontas State, Green Rock and Deerfield Correctional Centers this year, those numbers are expected to continue to drop giving local jails some temporary relief.

Mr. Burrell provided a brief update on several jail construction projects ongoing statewide who are adding additional beds; namely, New River Regional Jail; Shenandoah and Page, 488 beds; Blue Ridge Regional Jail, 310 beds; Brunswick, Dinwiddie & Mecklenburg, 524 beds; and Rockbridge, 114 beds.

Mr. Burrell announced that Ms. Robyn DeSocio, a Committee member, has been appointed to replace Mr. Bruce Haynes as Executive Secretary of the State Compensation Board. She was present to give a brief budget overview noting a 4 percent increase had been approved by the General Assembly, and 153 new positions have been approved. It is anticipated that the forecast per diem could be as high as \$12 million, and she noted that deputy sheriffs and jail deputies will now be included in LEOs.

There were no questions on the report so the report was concluded. No action on the report was required.

At this time, the Chairman noted Mr. Johnson was at the meeting table. He asked if Mr. Johnson had any comments to which he replied he had nothing other than he was happy to see everyone.

**V. Public/Other Comment (Chairman)**

At this time, the Chairman again asked if anyone from the general public wished to address the Board. Two members of the general public had come into the meeting room and indicated they would like to speak. The Chairman reminded them there would be a five-minute time limit for their remarks.

Ms. Roles stood to address the Board. She had a prepared statement, which she read into the record in its entirety. The statement will be made a part of the record and as such, will not be presented verbatim in the body of these minutes.

Ms. Roles began her recitation and prefaced her comments by stating she was not representing Virginia C.U.R.E. today but was representing all visitors to institutions and inmates incarcerated in Virginia. She told of a personal experience she and her family had at Buckingham Correctional Center in December and their frustration with the process that followed after the incident. Her feeling is when visitors have a problem, generally they will not come forward because complaints end up being taken out on the inmates. She stated that visitors and inmates should be treated with respect and that there is no excuse for anyone to be mistreated when dealing with the prison system. She feels there needs to be new hiring practices for Corrections Officers as well as psychological testing and more oversight, and Officers need to be responsible for their behavior.

After some general questions from the Board, Mrs. Roles completed her statement. Mr. Roles then stood to speak. He presented more details concerning the December incident at Buckingham, and stated his concerns about the way their particular situation was handled. He indicated he thought the problem started with changes to the visitation procedure and the confusion that ensued. And he still does not understand why only his visitation privileges were suspended and nothing happened to the other person involved.

At the conclusion of Mr. Roles' comment, there were no questions or comments from the Board. No Board action is required. The Chairman requested Ms. Roles to leave a copy of her statement, and he thanked both for coming.

**VI. Administration Committee (Mr. Kallen)**

Mr. Wright was absent so Mr. Kallen indicated the Committee had met to review the 1Q 2007 Overtime Report (Period Ended December 31, 2006). He gave no detail about the report. He noted that information was provided by Ms. Scott concerning Correctional Officers vacancies. This information had been previously requested by Mr. Wright to be provided to the Committee on a regular basis.

There were no questions or comments. No Board action was required.

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

Ms. Fraser indicated the Committee met on March 20, 2007. Board members present included Hudson, Burrell, Mitchell and Proffitt. Present for the Department were Mr. Wilson and Misses Ballard, Lawrence, Dow, Hill-Murray; Ms. Smith from the Secretary's Office, and Mr. Hefty, the legal representative for Rappahannock Regional Jail.

**1) Request for Approval of Value Engineering Study Cost Reimbursement by Rappahannock Regional Jail**

It was explained that the facility is constructing a 432-bed expansion and is asking for 50% reimbursement of the funds expended for a Value Engineering (VE) Study. This goes back to the November, 1994, Board meeting where the Board established a policy that all jails being built, expanded or renovated must undergo a VE Study in order to receive reimbursement of State funds for construction, but that expenditures specific to the VE Study itself were not reimbursable. Because the VE Study is not in the Standards and the Board has mandated something that is not reimbursable, the facility has made this specific request. There was much discussion in the meeting with input being provided by the Regulatory Coordinator for the Department.

As a result of the discussion, the Committee agrees to make a recommendation in the form of a motion to the Board and once approved, this new policy will supersede the Board's policy of November, 1994.

Therefore, Ms. Fraser presented the following *MOTION* for approval: **That the Board amends the existing Construction Standards policies under emergency procedures while the APA process is implemented to include a provision relative to the Value Management Assessment Study. These Standards are under the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities.**

The motion was seconded by Mr. Hudson. At the call for the question, there were general comments but no questions on the Motion. Mr. Proffitt noted that DOC staff supports this request and since this is a budgetary matter, input from the Secretary, DPB and the Governor's Office must be obtained and it will go through the APA process. The ***MOTION*** was ***APPROVED*** as presented by verbally responding in the affirmative (Burrell, Fraser, Decker, Hudson, Kallen, Mitchell). There were no opposing votes. **The Chairman then voted his approval of the Motion.** Two members were absent. The Motion carried.

2) **Motion for Approval of a Modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities by Eastern Shore Regional Jail**

Eastern Shore Regional Jail is constructing a new, 148-bed facility, and they would like to install additional beds prior to completion of the project in order to save costs and to avoid operational disruption. This is a routine request the Board has granted previously on a number of occasions.

Therefore, Ms. Fraser presented the following *MOTION* for approval. **That the Board accept the Committee's recommendation to grant a modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to allow the installation of additional beds in housing units in Eastern Shore Regional Jail prior to final inspection of the facility. This modification approval does not indicate a Board policy or position on the operational advisability of double bunking nor should it be construed as a current or future modification to Standard 5.4. This approval does not increase the Operational Capacity of the facility relative to staffing and does not authorize State reimbursement for the cost of the beds or their installation.**

The Motion was seconded by Mr. Hudson. There were no questions or comments at the call. The ***MOTION*** was ***APPROVED*** as presented by verbally responding in the affirmative (Burrell, Fraser, Decker, Hudson, Kallen, Mitchell). There were no opposing votes. **The Chairman then voted his approval of the Motion.** Two members were absent. The Motion carried.

3) **Compliance and Accreditation Certifications Section**

Ms. Fraser presented several certification recommendations for consideration on behalf of the Committee:

**Unconditional Certification for Sussex II State Prison with ACA Re-accreditation; Coffeewood Correctional Center; Wallens Ridge State Prison; Haynesville Correctional Center; Haynesville Correctional Unit #17; Powhatan Correctional Center to include approval for waivers to Standards 4-4132, 4-4138, 4-4141, 4-4155 and 4-4270;**

**Unconditional Certification for Hampton City Jail with ACA Re-accreditation; Bristol City Jail, 100% compliance; Rockbridge Regional Jail, 100% compliance and approval to hold male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia; Virginia Peninsula Regional Jail, 100% compliance; Greene County Lockup, 100% compliance and approval to hold male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia; Henry County Jail, 100% compliance; and Charlotte County Jail;**

**And Unconditional Certification for Probation and Parole District #4 (Accomac).**

The Motion was seconded by Mr. Burrell. There were no questions or discussion. The *MOTION* was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Fraser, Decker, Hudson, Kallen, Mitchell). There were no opposing votes. **The Chairman then voted his approval of the Motion.** Two members were absent. The Motion carried.

4) **Motion to Approve Suspension of Certain Unannounced Inspections**

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspension of annual Life, Health and Safety Inspections if full compliance with Standards has been attained in the jail's triennial Certification Audit. Therefore, Ms. Fraser recommends the following Motion:

**The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves the suspension of the 2007 annual unannounced inspections for the Bristol City Jail, Greene County Lockup, Henry County Jail and Rockbridge Regional Jail.**

The Motion was seconded by Mr. Mitchell. There were no questions or discussion. The *MOTION* was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Fraser, Decker, Hudson, Kallen, Mitchell). There were no opposing votes. **The Chairman then voted his approval of the Motion.** Two members were absent. The Motion carried.

Ms. Fraser noted that the Committee had been provided information concerning unresolved security glazing issues at Eastern Shore Regional Jail in that general documentation provided to this point indicates glazing does not meet Board Standards and requests for more specific information have gone unanswered. The issue is ongoing and further updates will be provided, as necessary. This update was provided for informational purposes only.

**VIII. Closed Session**

There was no Closed Session held.

**IX. Other Business**

Mr. Johnson indicated the Department was pleased with the outcome of this Session of the Legislature. The Department received funding for the Grayson County facility, received planning funding for another facility in Charlotte County, and the Department was successful in obtaining a 4 percent increase for its Corrections Officers. There were no questions of the Director.

**X. Board Member/Other Comment**

There were no comments other than Mr. Hudson stated he was pleased that the Department's Corrections Officers had received the pay increase as it is long overdue.

Mr. Proffitt indicated he and Mr. Hudson had attended the groundbreaking ceremony on February 20, 2007, for the Western Virginia Regional Jail. The Superintendent of the facility indicated in conversation with the Chairman that they will be coming back to the Board for additional funding as construction costs have increased substantially since the project was initially approved.

In addition, the Virginia Association of Regional Jails will be holding its annual conference in Virginia Beach, April 2-6, 2007. The Chairman will be in attendance.

And lastly, the Board has received official notification that the Governor has approved the name change of Unit 13 in Chesterfield County to be *Central Virginia Correctional Unit #13*.

The chairman recognized Ms. Fahey, with the Virginia Parole Board, as well as Ms. Smith from the Secretary's Office. Neither offered any comments.

**XI. Future Meeting Plans**

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

**The May, 2007, meetings are scheduled as follows:**

**Liaison Committee** – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 15, 2007.

**Correctional Services/Policy & Regulations Committee** – 11:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 15, 2007.

**Administration Committee** – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, May 16, 2007.

**Board Meeting** – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 16, 2007.

**XII. Adjournment**

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

There was no discussion. **The Chairman voted his approval of the move to adjourn.**  
The Motion carried.

*(Signature copy of file)*

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STERLING C. PROFFITT, CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY