

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
LIAISON COMMITTEE MINUTES**

Regular Meeting May 15, 2007

Location6900 Atmore Drive, Richmond, Virginia

Presiding Chairman..... Chris Webb, Chairman, Liaison Committee

Present Sterling Proffitt, Chairman, Board of Corrections
Jimmy Burrell, Board of Corrections
Bobby Mitchell, Board of Corrections
Paul Van Lenten, Jr., House Appropriations Committee
Clyde Cristman, Office of the Secretary of Public Safety
Alan Katz, Office of the Attorney General
Dick Hickman, Senate of Virginia
John Crooks, Department of Planning and Budget
B. J. Roberts, Sheriff, City of Hampton
Roy Cherry, Superintendent, Hampton Roads Regional Jail
Jeff Frazier, Superintendent, Northern Neck Regional Jail
Sandra Thacker, Peumansend Creek Regional Jail
Stuart Kitchen, Sheriff, Sussex County Jail
Tom Jones, Charlotte County
Jack Dewan, Virginia Association of Regional Jails
Robyn deSocio, State Compensation Board
Gary Bass, Classification and Records, DOC
Kim Lipp, Architecture and Engineering, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

I. January and March Minutes

- Minutes from the January 16, 2007 and March 20, 2007 meetings were motioned for approval, seconded and passed.

II. Meeting Summary

- Kim Lipp presented the Capital Program update. She advised members that the Construction Update Report can be made available online (and in color) if anyone would be interested. Please contact Donna Foster at donna.foster@vadoc.virginia.gov if you would like this sent to you on e-mail. The report will be given to attendees of the Liaison Committee meetings. Green Rock is on the cover of the May report. The Deerfield expansion was

almost fully loaded at the time of the May meeting. Green Rock was also loading at the time of the May Liaison meeting. Green Rock was one of the only successful PPA (public/private umbrella bidding) projects in the state. She reported that it is one of the nicer DOC facilities in existence (possibly even nation-wide) and invited anyone interested to visit the new prison. Pocahontas, being almost identical to Green Rock is just as nice a facility and is almost complete (95%), but cannot be loaded until the funds are made available as appropriated this fall. St. Brides phase II is making progress with expected load dates to be in late Fall or early Winter. Mt. Rogers' route 58 site has been chosen (not the river site) for the building site and the construction pricing is in progress. The commercial construction division of Centex Moseley, LLC has been bought out by Balfour Beatty Moseley, LLC, which has a commercial construction focus, whereas Centex Homes was the concentration of Centex Moseley. Hopefully there will be an improvement in the future projects with this arrangement. Mr. Cherry asked about the PPA bidding. Ms. Lipp stated that it involved public and private umbrella bidding of three projects, the Deerfield expansion, Green Rock and Pocahontas. The involved parties, the builder and the owner join together to become a partnership to improve the success of the project through negotiation. The other PPA projects throughout the state are rumored to have multiple legal claims (owner vs. contractor) but she was unaware of any details.

- Mr. Webb recognized the attendance of Dick Hickman, from Senate finance and Paul Van Lenten, Jr., from the House Appropriations Committee. Also in attendance was Jeff Frazier, Superintendent of Northern Neck Regional Jail a new committee appointee.
- Bill Wilson presented the Prison Population Report, stating that the out-of-compliance levels have been at around 2,450 for several weeks.
- Gary Bass addressed the out-of-compliance rates stating that the increased levels are surprising. He continued stating that Deerfield was almost totally loaded and Green Rock was loading and the numbers were not changing at the expected rate, offering the only possible explanation as an increase in court orders.
- Mr. Wilson continued with his report saying that Northwestern Regional Jail would be opening their pod any day, increasing their capacity by 95 beds. Eastern Shore had some delays in opening but is open at the time of this transcription adding 134 beds. Loudoun County should open in July, after some construction delays adding 460 general population beds. He recommended approval of the Community Based Corrections Plan for New River Regional Jail which will add 488 beds. Rockbridge and Blue Ridge have approval for new facilities to replace Moneta, Appomattox and Amherst. Two exemptions have been approved, one for Shenandoah, Warren, Page and Rappahannock and the other for Brunswick, Dinwiddie and Mecklenburg.

- Robyn deSocio presented updates from the Compensation Board. She said that budgets were approved on time this year and they were available on May 1st on their website. There were 11 facilities that opted into the Master Deputy Program that have not been funded yet but will be considered upon the receipt of their applications on July 1st. The only funding for positions that was approved was for the opening of the Botetourt/Craig Regional Jail.
- Clyde Cristman stated that it's time to do a comprehensive evaluation of the rated capacities and the staffing determinations. Currently there is a ratio of 1:3 (staffing:rated capacities) but average daily populations are impacting the ratios. He feels that staffing and capacity should be considered. The prison population can consider forecasts to determine building needs. The forecast for the jails is based on a one bed per cell plan, whereas the state inmate forecasts consider one bed per cell as well as double bunking and dormitory type general population. He would like some budget language that would require this to be studied. The study dialog should include the Compensation Board, the DOC, the Sheriffs' Association and the Virginia Association of Regional Jails. The Liaison Committee would be a good starting point for this dialog to begin. Mr. Webb stated that he was relieved to hear this as there has been little discussion in recent years to address the emergency correctional positions at some of the facilities. Mr. Wilson stated that staffing requirements need to be based on the number of posts that are necessary to make the facility secure. Mr. Webb wanted to clarify that the language that goes before the General Assembly would indicate the participants and issues to be reviewed. Mr. Cristman expressed agreement and said that for the next meeting, he will bring in a proposal from the appropriate Secretariats for the committee to review and have further discussion from that point. Ms. deSocio added that the process must also be reasonable because, realistically, it would not progress if presented too radically. Mr. Wilson said that jails built prior to 1981 were rated based on 35 square feet per cell capacities and new jails are rated at around 70 square feet per cell. This affects double bunking capacities. Stuart Kitchen discussed concerns of small jails regarding supporting agencies such as nearest fire department, nearest hospital, number of deputies available. He stated that one or two additional deputies in a small jail can have a huge impact operationally. Mr. Cristman stated that he would like to see a comprehensive, long term plan considered in this legislation as well.
- Mr. Wilson discussed the construction standards revisions. This was in progress prior to Mr. Wilson's employment, and it has been completed for the most part, but Brooks Ballard is still trying to assemble the information.
- Sterling Proffitt related that Bill Hefty requested value engineering reimbursement consideration for the Rappahannock Regional Jail at the March Correctional Services Committee. They felt it was a budgetary issue that would need to follow proper procedures through the Department of Planning and

Budget for reimbursement. It will most likely require a staffing study as well as a community based corrections plan.

Sheriff Kitchen inquired into the status of the Evacuation Committee. Mr. Cherry responded that the committee has been organized and that Anna McRay from The Department of Emergency Management has assisted and served in a primary leadership role. A Major from the National Guard has devoted a considerable amount of time in the effort. The committee is making progress but the topic is complex and will require extensive input from all the participating agencies to reach reportable progress. As this committee has been advised previously, participants include sheriffs, regional jail superintendents, DOC, Department of Emergency Management, State Police, VDOT, National Guard, as well as others. Mr. Cristman added that he had spoken with Michael Cline from the Department of Emergency Management and he told him that an issue identified as a result of this committee was consideration of the evacuation requirements for the Juvenile Justice agencies. The committee is identifying high risk facilities by geographical location; these will take initial precedence as the committee further defines evacuation needs according to hurricane category. He said that there are two primary issues that must be addressed immediately. First, each jail needs to have an evacuation plan in place that is not totally dependent upon the DOC. Then the plan needs to be followed through. Mr. Proffitt expressed concern that additional language may be necessary to give the officers authority take inmates to different jurisdictions. He stated that there is language giving the administrator jurisdiction in an emergency to transfer authority. Mr. Cristman said that it may be a good idea to include this transfer of authority in the declaration of an emergency by the Governor.

Gary Bass told the committee that the DOC has evacuated prisons on seven occasions, once evacuating over 3,000 inmates. The evacuating facility sent staff to the in-taking facility, maintaining the transferred population in the count of the evacuated facility. This can be a problematic situation for the staff that is transferred as they are not allowed to leave the in-taking facility to deal with personal matters. Alan Katz from the Office of the Attorney General joined the meeting and the question of authority was presented to him. He said that the issue should be look at, but, currently, there exists a provision that empowers the Director of the DOC to transfer authority in the event of an emergency, even though this specific statutory authority has never been exercised.

Mr. Proffitt cited Virginia State Code §53.1-79.1 Agreements to transfer, transport and confine prisoners, which says, "The sheriff or superintendent of any jail may enter into an agreement with the sheriff or superintendent of any other jail in the Commonwealth to transfer and transport prisoners between the respective facilities, and to confine such prisoners, unless such transfer is otherwise prohibited by law."

Paul Van Lenten from the Senate Finance Committee advised that following the verbal declaration of a state of emergency, the governor is empowered to include any necessary language in the order once formatting the Executive Order.

Mr. Cherry further discussed issues that have been addressed in the Emergency evacuation meetings. He discussed the mutual aid agreements that are currently in place between the jails that would be effective in a manageable disaster involving very few facilities. The greatest concern is a catastrophic event involving a category 4 or greater hurricane and what resources the facilities have if the DOC is not to be considered an option. Mr. Cristman said he would try and have a report concerning this issue available for the July meeting. Jimmy Burrell discussed the emergency evacuation drill held overnight on May 19th through 20th on I-64 reversing east-bound lanes to west-bound travel lanes.

- Sandra Thacker advised the committee of recent meetings held by the Centers for Disease Control (CDC) regarding pandemic disease outbreaks. They discussed the obvious concerns for bird flu but also recent outbreaks of MRSA (methicillin-resistant Staphylococcus aureus) and how these issues need to be handled within the facility to prevent a community outbreak as well.

By motion duly made by the Chairman of the Liaison Committee, Chris Webb, and seconded by several members in attendance, the meeting adjourned.