

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

Regular MeetingMarch 17, 2010

Location6900 Atmore Drive, Richmond, Virginia

Presiding..... John Roberts, Chairman

Present Sterling Proffitt, Chairman, Board of Corrections
Jimmy Burrell, Board of Corrections
B. A. Washington, Member, Board of Corrections
Rev. Anthony C. Paige, Member, Board of Corrections
Dick Hall-Sizemore, Department of Planning and Budget
Roy Cherry, Hampton Roads Regional Jail
Eugene Taylor, Hampton Roads Regional Jail
Bruce Conover, Northwestern Regional Adult Detention Center
Elton Blackstock, Blue Ridge Regional Jail Authority
Steve Draper, Sheriff, Martinsville City Jail
Jeff Frazier, Superintendent, Northern Neck Regional Jail
Sandra Thacker, Peumansend Creek Regional Jail
Robyn de Socio, Executive Secretary, 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

The meeting was called to order and attendees were welcomed.

I. Committee Chairman (John Roberts)

- Mr. Roberts called for a motion to approve the November minutes. By MOTION duly made and seconded, the minutes were unanimously APPROVED by the attending committee members.

II. Meeting Summary

Kim Lipp reported the following:

- The Grayson facility is progressing well. Final completion will likely be moved from June to August due to snow delays but the facility still has not been funded to open for intake. Funding was provided for buildings and grounds and some

security to maintain the facility as warranties will likely expire before inmates are housed within the facility. She circulated a picture from October. There is some rumor that an inmate construction crew of around 20 people may be housed there if jobs are available in the area. This would enable the facility to be used for cooking and exercising the systems. The Dark Skies International publication that promotes reduced light pollution gave the project a write up praising the use of the roofing materials. This project used two methods of construction, one modular cells and the other a panelized construction. The applied use will tell the durability of the different methods.

Robyn deSocio reported the following:

- The governor's budget recommended substantial reductions for sheriffs' offices and jails. The Compensation Board (Comp. Board) will produce revenue estimates to the conference report from the legislature to localities and constitutional officers for funding based upon what has been approved by the legislature 15 days after adjournment. There was an approximately \$17 million shortfall for FY11 which equates to about a 4% appropriation reduction for operations. They still are trying to determine the individual budget reduction for each locality. Also, there is a 90 day vacancy freeze through last September's reduction which was converted into an across-the-board reduction equaling about a 2.7% reduction. This was a one time issue until FY10 when the Comp Board starts to budget for FY11 which begins again, and will include the 90-day vacancy freeze calculation. The other issue approved in conference was a continuation of the aid-to-localities reduction which was increased from \$50 million to \$60 million and the Department of Planning and Budget has been implementing back to localities. These funds are reallocated by the locality to determine if they will flow through the Comp. Board or not. This information will be made available to localities by March 26th.

Jail contract bed per diem rates were determined to be \$12/day. \$2 million was taken by the legislature for reasons unknown to Ms. deSocio. Ultimately, there was about a 33% average reduction in the state per diems with a total loss of about \$26 million which may total between 35 and 40% once all reductions are calculated.

The DOC will be bringing in inmates with 2 year sentences rather than 1 year to become state responsible. Payment will remain \$12/day per diem. Forecasting impacts are currently not funded and may be reflected in forth quarter per diem reductions. Mr. Bass added that it was not the recommendation of the DOC to change the state responsible time to serve from 1 year to 2 years, but the DOC will continue to work with localities and regional jails for difficult cases. St. Brides phase II will open the 800 beds that have remained in limbo for the past couple of years even though it is not funded. The DOC is bringing in about 1,000 Pennsylvania contract inmates to Green Rock Correctional Center which is funding the opening of the 800 beds at St. Brides as well as the 300 beds that

were used for the Wyoming inmates and will be turning in about \$8 million to the General fund from that Pennsylvania contract. A small, as yet unidentified facility is slated to be closed this year (FY11) and a large facility the following year. The DOC can bring in inmates convicted of a felony as well. Bill Wilson added that the DOC continues to meet with the office of the Secretary of Public Safety to identify jails that are over crowded and will continue to do so to avoid overcrowding if possible. The 90 day early release rule may affect the out-of-compliance rates as well for nonviolent offenders once effective, July 1st. The definition of “nonviolent offender” is very restrictive, for example, ‘possession with intent to distribute’ fails to qualify as nonviolent. This ruling does not apply to local responsible inmates.

Dick Hall-Sizemore from the Department of Planning and Budget stated that there are approximately 4,000 inmates that will be local responsible, adding about 2-3,000 that will not transfer to state responsible status (between 1,000 and 2,000 would remain local responsible prior to this ruling). Roy Cherry further broke down the numbers to approximately a 10% increase in jail populations. Rev. Paige asked about impact studies and grants to fund budgetary conditions such as the Commonwealth is currently experiencing. Ms. deSocio explained that the budgetary impacts have been presented to the legislators and the issues have not fallen on deaf ears. The legislature has previously funded emergency positions for similar funding crises and if allowances are possible and are deemed necessary, can be funded to some degree again in the future. Mr. Hall-Sizemore added that there is an expectation that misdemeanor prosecution by Commonwealth attorneys will be decreased, thereby reducing judges’ likelihood to prosecute these cases. Suggested guidelines will recommend reduced prosecutions, however, he is skeptical of this scenario coming to fruition.

Sterling Proffitt stated that there needs to be a political will to reinstate discretionary parole. Eligibility should be limited obviously, but it would reduce the costs to the state. Mr. Burrell asked the average cost to house an inmate. Mr. Hall-Sizemore responded that it depends on the measurement used. For the DOC, an inmate in a 1,000 bed facility costs approximately \$25,000/year/inmate not including overhead and programs. Rev. Paige suggested impact studies for the purpose of cost containment to the state. Ms. deSocio stated that language was ongoing under the Secretary of Public Safety to consider alternative programs for nonviolent offenders for recommendation to the General Assembly. Whether it will resurface remains to be seen.

Sheriff Draper asked about available DOC bed space due to unfunded facilities. Ms. Lipp told him that there are 1,034 beds at the Grayson facility. Sheriff Draper praised the DOC for receiving problem or catastrophic medical needs inmates, but he was disheartened that the jail contract bed program was eliminated. Sheriff Tom Jones said that he has seen numerous inmates who have come into the jail without any work skills due to never having held a job

and they were extremely happy after learning job skills and having the ability to hold down a job. Mr. Bass advised that the work release program was not eliminated, but the funding was reduced, possibly increasing the inmate paid portion of the per diem.

Jeff Frazier asked about the one day furlough for constitutional officers and if that included the 4% she spoke of previously. Ms. deSocio answered that the one day furlough was approved for FY10 and the 4% vacancy reductions have stayed in effect since September. An update will be sent out to local facilities in the future with a dollar figure added for the furlough, totaling the equivalent of one day of pay per employee. The issue of how to handle the furlough will need to be determined on a local basis. The Comp. Board will not require a one day furlough for each employee. Retirement group life insurance reimbursements are on hold until FY11, which begins July 1, 2010.

Bill Wilson reported the following:

- As of March 12th, New River Valley Regional Jail opened their expansion adding 488 beds. The most recent Tuesday report from November 30, 2009 shows the Jail population at 28,522 inmates with a rated capacity of 19,273, of which, 792 were state responsible.
- Sandra Thacker advised that she is participating in a survey for a consulting firm reviewing the cost of implementation of standards for PREA (Prison Rape Elimination Act) on behalf of the United States Office of the Attorney General. One standard that she found relates to audits to be performed by an outside agency every three years. She suggested that the Board of Corrections audits performed by the Compliance and Accreditation Unit for the DOC may be a potential means by which to perform these audits. Cost impacts for outside audits have not been reviewed and she wrote Donna Lawrence to inquire about potential cost impact to the DOC for performing the audits. Ms. Lawrence responded that there has been no discussion between her unit and the Board of Corrections regarding the PREA audits. Ms. Thacker asked to make a motion that the Board of Corrections oversee the standards and have them added to the tri-annual audits performed by the DOC and study the cost impact of implementation, which is due Friday (March 19th). She added that she thinks the costs of the audits, if by private agencies, will be devastating to local facilities.

The committee will meet on May 19, 2010 at 9:30 a.m. in the Board Room at Atmore Drive.

Board of Corrections
Liaison Committee
March 17, 2010

By MOTION duly made by the Chairman of the Liaison Committee, John Roberts, and seconded by several members in attendance, the meeting adjourned.