

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

Regular Meeting	May 18, 2011
Location .....	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present.....	Cynthia M. Alksne Jonathan T. Blank Kurt A. Boshart Felipe Q. Cabacoy William E. Osborne B. A. Washington, Sr. One Vacancy
Absent.....	Rev. Anthony C. Paige

**1:00 p.m., Wednesday, May 18, 2011**  
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Chairman Decker welcomed attendees and asked each to identify his or herself for the record after which the Board Roll Call was made. Seven members were present. There is one vacancy, and Reverend Paige left after the Committee meeting due to illness.

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

1) **Board Motion to Approve March Minutes**

The Chairman called for a Motion to approve the March Board Minutes.

During the call for comment, Mrs. Alksne requested to have the first paragraph on Page 4 of the draft Minutes amended to include a sentence to indicate her displeasure, along with that voiced by other members, over the way the Board was apprised of the legislative language changes. It was agreed to accommodate this request.

Therefore, by **MOTION** duly made and seconded, the March Board Minutes were **APPROVED** by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There is one vacancy and Reverend Paige was absent. Mr. Blank's vote was not considered as he was not physically present at the March meeting.

The Motion carried.

2) **Follow Up to Letter of Concern Sent to Each Board Member** – Mr. Broughton for Ms. Jennings

As requested by Mr. Washington and other members in March, an update by Mr. Broughton was provided regarding the issues described in the letters sent to the Board members. In very general terms, he explained that each letter had been thoroughly reviewed and analyzed and 18 offenders were identified from three facilities, Keen Mountain, Red Onion and Wallens Ridge. Depending on the concerns listed, the letters were referred to the appropriate Region, Mental Health Services, Office of Health Services or Classification Services. It was determined four needed full investigations. One offered new issues which had not previously been addressed. None were found to involve criminal activity or employee misconduct. Had that been the case, they would have been referred to the local Commonwealth's Attorney.

Mrs. Alksne and Messrs. Blank and Washington were particularly concerned about the allegations of excessive force and racism. Mr. Broughton ensured the Board it would be kept apprised, and the Director noted the Department has no interest in concealing the truth and will continue its work as well as working closely with the Virginia State Police and the FBI, as appropriate. By way of guidance, it was suggested that no response be made to the originator of the letters. No action by the Board is required at this time.

3) **Discussion on Resolution to Recognize Roy W. Cherry**

A proposed resolution was sent in the Board packet for review and input. During discussion at the meeting, no changes were indicated. Therefore, the Chairman will write to Mr. Cherry and invite him to attend the July Board meeting for presentation of the Resolution. No action by the Board is required.

**II. Public/Other Comment (Mr. Decker)**

There were no members of the general public present requesting to address the Board.

**III. Presentations**

1) **DOC Re-Entry Initiative – Accomplishments and Challenges** (Ms. Richeson)

Ms. Richeson, the Department's Programs and Re-Entry Manager, introduced Mr. Malcolm Taylor, Ms. Lekita Sykes and Ms. Lisa Houchens from Community Corrections.

She reminded the Board that the full re-entry plan was presented in November, 2010. She reiterated that the cornerstones of the plan are organizational change and following the science; the continuum of correctional supervision follows from sentencing through community post-release supervision.

Some accomplishments include funding for 45 positions to provide support re-entry operations, both with Senior Re-entry Probation Officers and staff to support re-entry preparation in prison programs. Successful legislation allows for implementation of an inmate re-entry savings plan, inmate work at rest areas (when rest areas are closed to the public) and HIV testing before release. Also, VirginiaCORIS has been integrated to allow for a shared case system. And, the first three intensive re-entry programs are established at facilities to serve the highest re-entry areas in Virginia: Tidewater (St. Brides and Indian Creek), Northern Virginia (Coffeewood) and Richmond (Deep Meadow).

Mr. Malcolm Taylor, who is Acting Deputy Director for Community Corrections as well as the Eastern Regional Director for Community Corrections, introduced Ms. Lekita Sykes from District 2 in Norfolk and Ms. Lisa Houchens from District 9 in Charlottesville, Probation and Parole Officers who spoke to some of the challenges facing their Districts.

Ms. Sykes works in the Norfolk area whose number one re-entry challenge is the caseload. Her District has over 4,000 probationers/parolees under supervision and Officers are carrying an average caseload of 120-130 offenders. She stated that Anytrax (formerly RoboCuff) has been helpful by minimizing the caseload as offenders only have to come in to the office twice a year. At least 25 percent of the supervised population is currently supervised by Anytrax. She stated that it will be extremely helpful when her District gets its Re-entry Specialist Senior position filled as this person will be able to take the re-entry work off regular line Officers.

Ms. Houchens stated that continuing education of stakeholders is one of her District's major challenges. Caseloads run between 90 and 100 offenders per Officer in her District in Charlottesville. Communications systems between localities are problematic in her District because everyone has their own system and information is not shared. Director Clarke reported that as of 3:00 p.m. today, law enforcement will now be given read-only access to CORIS.

Ms. Richeson advised that anything the Board can do to help will benefit public safety.

Mr. Decker thanked Ms. Richeson for the re-entry update.

On another note, as a result of Department staff appearing in Washington to testify about PREA (Prison Rape Elimination Act) and its application within the Department, specifically at Fluvanna and Haynesville, Mrs. Alksne had requested a briefing for the Board. Mr. Leininger introduced Warden Wendy Hobbs of Fluvanna Correctional Center for Women (FCCW) to speak on the subject.

Mrs. Hobbs indicated she was present and testified in Washington. She informed the Board that in 2008 and 2009, the Department of Justice Statistics sent out a survey to inmates nationwide regarding prison rape. The survey was sent to two Virginia facilities, FCCW and Haynesville Correctional Center. She stated the survey was self

reported, the numbers were not verified and there was no investigation and no follow up. She emphasized the survey did not paint an accurate picture and unfortunately, as a result when the final report was published last August, FCCW showed a particularly high rate of occurrence as compared to other states.

Warden Hobbs reported that the numbers were not an accurate reflection of the reality. While there are still some issues, many improvements have been noted. Staff and offenders have been trained and re-trained. PREA is taken very seriously, and the Department has a zero tolerance on this. Warden Hobbs assured the Board that the culture of the facility has changed.

Mr. Decker thanked Warden Hobbs for her presentation. No Board action was required.

#### **IV. Liaison Committee (Mr. Osborne)**

Mr. Osborne reported that Mr. Hickman and Mr. VanLenten were in attendance and had discussed last year's *Survey on the Actual Capacity of the Local and Regional Jails in Virginia (2010)* also known as the Board's bed capacity report. He thanked Mr. Leininger and other Board members who were present at the meeting and stated that Sheriff committee members have a vested interest in the findings outlined in this report and any legislative changes impact them directly so they would like to be kept apprised if possible.

Mrs. Alksne mentioned Item 377 7.E. of the 2011 Appropriation Act, another report due to the money committees and the Secretary of Public Safety on October 1. She indicated the Board would like advice on the best approach and that she and Mrs. DeSocio would like to be included in any discussions. Director Clarke has already spoken with Mr. Hickman about this as he believes more clarity is needed. Mrs. Alksne offered to return to Richmond at any time to meet on this report. Mr. Leininger proffered that perhaps the legislature is not looking for an end product in October but rather a good game plan on how to accomplish the requirement. Director Clarke repeated he would verify the October date and other details and will get a meeting scheduled.

There were no questions. Mr. Osborne's report was concluded. No Board action was required.

#### **V. Administration Committee (Mr. Blank)**

##### **1) Internal Audit Quarterly Report**

Mr. Harrell reviewed the report with the Committee and indicated there are no significant issues as a result.

##### **2) Correctional Officer Vacancy Rate as of March 31, 2011**

There was no formal discussion on this item. It was provided for review and discussion purposes only. It was noted that the Department's staffing ratio is 5 or 6 to 1.

Mr. Boshart indicated he would like to hear more about mental health issues in corrections due to the cost of medications, the decline in the number of available mental health facilities and the problems of mental health issues in jails. He indicated he would like to hear how mental health issues are impacting the Department's budget and staff. It was suggested to have the Department's Mental Health Director, Dr. Robin Hulbert, at the next meeting for a presentation. It was remarked that prisons are the largest mental health facilities in the nation today and it is problematic for management.

There were no other comments or questions on the report. No Board action was required.

#### **VI. Correctional Services Committee Report/Policy & Regulations (Mrs. Alksne)**

The following items were reviewed and discussed:

##### **1) Board Motion to Approve Suspension of Certain 2011 Unannounced Inspections**

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspensions of annual Life, Health and Safety Inspections if full compliance with Standards is attained during the jail's triennial certification audit. Since the March meeting, two jails have achieved 100% compliance with Board Standards. They are: Hampton Roads Regional Jail and the Southampton County Jail and Annex.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Mr. Osborne:

**“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves suspension of the 2011 annual inspection for the Hampton Roads Regional Jail and the Southampton County Jail and Annex.”**

The Motion was unanimously *APPROVED* by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

##### **2) Board Motion to Approve Community-Based Corrections Plan for Central Virginia Regional Jail Authority**

The Central Virginia Regional Jail Authority is seeking approval of its community-based corrections plan (CBCP) to justify the construction of a 200-bed addition. The current revised CBCP and addendums have undergone interagency reviews and are felt to comply with Board Standards.

Therefore, by *MOTION* duly made by Mrs. Alksne, seconded by Mr. Washington:

**“The Board of Corrections approves the request for approval of the Community-Based Corrections Plan for the Central Virginia Regional Jail Authority in support of their need to construct a 200-bed expansion.”**

The Motion was unanimously *APPROVED* by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. In an abundance of caution, Mr. Blank *ABSTAINED* from the vote. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

3) **Board Motion to Approve Community-Based Corrections Plan for Southwest Virginia Regional Jail**

The Southwest Virginia Regional Jail Authority is seeking approval of its community-based corrections plan (CBCP) to justify the construction of a 512-bed addition spread out over three facilities. The current revised CBCP and addendums have undergone interagency reviews and are felt to comply with Board Standards.

Therefore, by *MOTION* duly made by Mrs. Alksne, seconded by Mr. Washington:

**“The Board of Corrections approves the request for approval of the Community-Based Corrections Plan for the Southwest Virginia Regional Jail Authority in support of their need to construct a 512-bed expansion.”**

The Motion was unanimously *APPROVED* by verbally responding in the affirmative (Alksne, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. In an abundance of caution, Mr. Blank *ABSTAINED* from the vote. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

4) **Compliance and Accreditation Certifications Section:  
State/Local/Regional/Community Facilities**

On behalf of the Committee, Mrs. Alksne presented the following certification recommendations for consideration by the Board:

**Unconditional Certification as a result of 100% compliance for Hampton Roads Regional Jail and the Southampton County Jail and Annex;**

**Unconditional Certification for the Floyd County Lockup to include male and female juveniles in accordance with §16.1-249 of the Code of Virginia;**

**Unconditional Certification for the Chesterfield County Jail, Rappahannock County Jail and Friends of Guest House, Inc.;**

**And Unconditional Certification for Stellar Residential Services, Inc. with a variance for the financial audit for the years 2007 and 2008.**

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Mr. Washington, the Board *APPROVED* the above recommendations by responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

5) **Compliance and Accreditation Unannounced Inspections Section:**  
**Local/Regional Facilities**

Facilities achieving 100% compliance with Life, Health and Safety Standards during their unannounced annual inspections were listed in bold on the agenda.

This is provided for informational purposes only. No action by the Board is required.

6) **Policy & Regulations**

a) **Final Copies of 6VAC15-28, Regulations for Public/Private Joint Venture Work Programs Operated in a State Correctional Facility, Effective March 16, 2011**

This is provided for informational purposes only. No action by the Board is required.

b) **Board Motion to Move 6VAC15-40, Minimum Operational and Supervision Standards for Regional Jails and Lockups, to Public Comment Period in Accordance with Virginia Administrative Process Act**

The proposed draft amendments to 6VAC15-40, as well as copies of the Jail Prisoner Medical Treatment Programs Model Plan and the Payment of Costs Associated with Prisoner Keep Model Plan, are incorporated by reference. They were submitted to the Board for review and approval.

Therefore, by *MOTION* duly made by Mrs. Alksne and seconded by Mr. Boshart:

***“The Board has reviewed and accepts the final amendments to 6VAC15-40, Minimum Operational and Supervision Standards for Regional Jails and***

***Lockups, and moves to submit the final regulation for public comment in accordance with the Virginia Administrative Process Act.”***

The Motion was unanimously ***APPROVED*** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

c) **Board Motion to Move 6-VAC15-26, Regulations for Human Subject Research, to Public Comment Period in Accordance with Virginia Administrative Process Act**

The proposed draft amendments to 6VAC15-26, *Regulations for Human Subject Research*, were submitted to the Board for review and approval. These regulations apply to any individual, group or agency conducting research using human participants within the Virginia Department of Corrections including any facility, program or organization owned, operated, funded or licensed by the Department.

Therefore, by ***MOTION*** duly made by Mrs. Alksne and seconded by Mr. Boshart:

**“The Board has reviewed and accepts the final amendments to 6VAC15-26, *Regulations for Human Subject Research* and moves to submit the final regulation for public comment in accordance with the Virginia Administrative Process Act.”**

The Motion was unanimously ***APPROVED*** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

d) **Board Motion to Move 6VAC15-50, Community Diversion Program Standards to Notice of Intended Regulatory Action (NOIRA) Stage in Accordance with Virginia Administrative Process Act**

These regulations set standards for the operation of Community Diversion Incentive (CDI) programs. These regulations were established under §53.1-182 of the Code of Virginia, which was changed by Chapter 372 of the 1999 Acts of Assembly to place this responsibility with the Board of Criminal Justice Services. Therefore, the Department of Corrections recommends that 6VAC15-50 be repealed.

Therefore, by ***MOTION*** duly made by Mrs. Alksne and seconded by Mr. Boshart:



**“The Board moves to initiate the regulatory process to repeal 6VAC15-50, *Community Diversion Program Standards*, by submitting a Notice of Intended Regulatory Action in accordance with the Virginia Administrative Process Act.”**

The Motion was unanimously ***APPROVED*** by verbally responding in the affirmative (Alksne, Blank, Boshart, Cabacoy, Osborne, Washington).

There were no questions and there was no further discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

Prior to going into Closed Session, Mr. Blank noted he will be participating in the review of the Board Policies as he had requested during the March meeting. Mr. Leininger has provided copies of the documents in question. Mr. Blank will be working with Mr. Leininger and staff on this project.

## **VII. Closed Session**

The call for the Closed Session was made. Meeting attendees exited the room. Mr. Clarke, Mr. Leininger, Mr. Katz, Mrs. Woodhouse and seven Board members remained.

**By *MOTION* duly read by Mr. Boshart and unanimously *AFFIRMED* by the verbal response of each of the following (Alksne, Blank, Boshart, Cabacoy, Decker, Osborne, Washington), it was moved that the Board reconvene in Closed Session pursuant to Section 2.2-3711(A)(7.) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.**

**Reverend Paige was absent and there is one vacancy. No opposing votes were indicated.**

The Closed Session discussion was held off the record. Mrs. Alksne departed the Board meeting during the Closed Session. At the conclusion of the Closed Session, the public meeting was reopened and the following Motion made:

**By *MOTION* duly made by Mr. Decker, seconded by Mr. Blank and verbally *APPROVED* by responding in the affirmative, the record was reopened and an individual roll call vote was taken by Mrs. Woodhouse whereby Board members were requested to vote that to the best of their knowledge, only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting, and only such business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered.**

**Six Board members verbally responded in the affirmative. Mrs. Alksne had departed the meeting during the Closed Session. Reverend Paige was absent and there is one vacancy. No opposing votes were noted.**

#### **VIII. Other Business**

Chairman Decker thanked the Department for the weekly updates. He mentioned he had traveled to the Academy to attend the Correctional Officers' Week Ceremony. 42 Officers were recognized and received awards. He noted you could see the pride in the faces of the Officers.

Mr. Osborne indicated he had received several phone calls about naming the Grayson facility Peach Bottom. He indicated residents are dead set against the name Mt. Rogers. The Board has received no official response from the locality in response to its March letter.

Mrs. Woodhouse indicated that Bobby Mitchell's wife and daughters would be attending the July Board meeting to receive the Board Resolution in his honor. Mr. Blank indicated he might not be at the July meeting due to having a trial scheduled for that date.

#### **IX. Board Member/Other Comment**

Mr. Boshart is on the Board of the ESGR (Employer Support of the Guard and Reserve). He indicated that Augusta Correctional Center had recently received an award in recognition of its support of employee participation in the Guard and Reserve, and the Department's support is commendable.

Mr. Osborne noted that Southwest Virginia had been hard hit by recent tornadoes and asked if inmates might be used to help in the clean up effort. He was advised this can happen; that the locality just needs to ask.

Director Clarke stated how proud he is of the Department, which is operating at 166 percent of capacity while overseeing 37,000 inmates, 33,000 within our walls and 4,000 in local jails today. He indicated that some Sheriffs want more inmates and some say they have enough.

He indicated that Grayson is still vacant and that the inmates from Pennsylvania may be sent back. He advised that of the \$20 million received from Pennsylvania to house its inmates, \$10 million goes to the operation of Bland so if the inmates are sent back, it will have a huge impact on the Department. He stated that Pennsylvania had inmates in Michigan and has now called those back. He will be touring Green Rock with the Pennsylvania Secretary of Public Safety in the near future and a decision will be made after that time.

NIC, the Urban Institute and JSAT are working with the Department on a reorganization

from the top down. Director Clarke mentioned the Department's 'Healing Environment.' He has been working with Corrections Officers and others and has filmed a 'Questions to the Director' segment with Corrections Officers, which will be circulated systemwide in an effort toward keeping staff informed of what is going on within the Department. The Director indicated that at his direction, a committee has been assembled who is looking at ways to better inform internal and external audiences about what is going on within the Department and that within six months, everyone will be seeing changes.

**X. Future Meeting Plans (provided for informational purposes)**

**The July 20, 2011, meetings are scheduled as follows:**

**Liaison Committee – 9:30 a.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia;

**Correctional Services/Policy & Regulations Committee – 10:30 a.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia;

**Administration Committee – 12:30 p.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia;

**And Board Meeting – 1:00 p.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia.

**XI. Adjournment**

There being nothing further, by **MOTION** duly made by Mr. Osborne, seconded by Mr. Boshart and **APPROVED** by verbally responding in the affirmative (Blank, Boshart, Cabacoy, Osborne, Washington), the meeting was adjourned.

There were no questions and there was no further discussion. Mrs. Alksne's vote was not considered as she left the meeting during the Closed Session. There were no opposing votes. The Chairman then voted his approval of the Motion. Reverend Paige was absent and there is one vacancy. The Motion carried.

*(Signature copy on file)*

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PETER G. DECKER, III, CHAIRMAN

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B. A. WASHINGTON, SR., SECRETARY