

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

Regular Meeting .....November 13, 2013

Location.....6900 Atmore Drive, Richmond, Virginia

Presiding.....David Simons, Committee Chairman

Present .....Peter G. Decker, III, Chairman, Board of Corrections  
Ann Gardner, Member, Board of Corrections  
Felipe Q. Cabacoy, Member, Board of Corrections  
William Osborne, Member, Board of Corrections  
Rev. Anthony Paige, Member, Board of Corrections  
Carl Peed, Member, Board of Corrections  
Cortland Putbrese, Member, Board of Corrections  
Robyn deSocio, State Compensation Board  
Major David Kidwell, Arlington County  
Tim Trent, Blue Ridge Regional Jail  
Major David Hackworth, Chesapeake City  
Captain John Jenkins, Fauquier County  
Sheriff Steve Draper, City of Martinsville  
John Roberts, Newport News (Retired)  
Bill Wilson, Local Facilities Unit, Department of Corrections  
Brooks Ballard, Local Facilities Unit, Department of Corrections  
Jim Bruce, Policy Unit, Department of Corrections  
Matt Marsteler, Blue Ridge Regional Jail

The meeting was called to order and attendees in the room identified themselves for the record. Mr. Simons welcomed all attendees.

**I. Committee Chairman (Mr. David Simons)**

Mr. Simons called for a Motion to approve the September Minutes. By **MOTION** duly made and seconded, the minutes were unanimously **APPROVED**.

Regarding the 2014 Board Meeting dates, Mr. Simons noted there are no issues or conflicts with them, as proposed.

**II. Funding and Budget Issues (Ms. Robyn deSocio, State Compensation Board)**

Ms. deSocio reported that the Governor’s Budget will be presented in mid-December and that a summary will be sent by the Compensation Board. She provided a status update on the LIDS/CORIS project. She noted the second quarter per diem payments

will be completed by the end of this month. She indicated that ABILIS is sending a corrective action plan to correct the financial data module. She stated there have been four hot fixes to correct critical system issues and another is coming. She asked that the Comp Board be advised of any issues.

She noted that the daily commitment and daily release reports are expected to be available through LIDS/CORIS by the end of December.

She stated that the Comp Board recently completed a Medicaid Report on the number of inmates in jails who may be eligible for Medicaid for their inpatient hospitalizations. Inmates must be over 65, disabled (which is difficult to determine) or pregnant to be eligible for Medicaid for inpatient hospitalizations.

Information for the report from FY12 and FY13 was gathered for those jails who participate in Anthem coverage. The Comp Board was able to identify average numbers for the report: the average cost over the two years was \$5.9 million for inmates admitted to the hospital from jails. The average total number of inmates incarcerated in jails was 232,427. The average total number of inmates who had inpatient hospitalizations was 400, and out of the 400, the projected number that may be eligible for Medicaid was 46, where most of those inmates were over 65 years of age. The average cost of inpatient hospitalizations for those inmates projected to be eligible for Medicaid is \$675,822.

Nine jails do not participate in Anthem. Out of the 56 jails that do, only 43 had hospitalizations. She noted the numbers are very small. She noted the Department of Medical Assistance Services completed a large part of the report.

Ms. deSocio also reported the Jail Cost Report was published on November 1, as required by Code. There is a link on the Comp Board site to access the report.

Mr. Simons suggested that anything that can be done to offset medical prices for local inmates is helpful. Captain Jenkins noted his jail uses HEM whenever possible for Medicaid-eligible inmates, which Medicaid will cover and which has saved them a tremendous amount of money.

### III. **Prison/Local Jail Population Report and Jail Construction Update – Mr. Bill Wilson**

Mr. Wilson reported the Department's out-of-compliance number at 4,981 as of November 12. He noted that River North is open with 254 beds filled currently. At the beginning of January, 260 beds will be opened as reception beds. He stated the state bed capacity is 21,826 beds, and the jail bed capacity is 34,266 beds.

Mr. Bruce spoke to the PREA Standards. He noted the Board has already begun the regulatory process in order to comply with the new federal PREA guidelines; however, concerns have been raised due to the expense of the DOJ-mandated audits and as well

as uncertainty about compliance. It was suggested that a slight change to the language might help with the process. He then read the text as originally proposed as well as some adjusted language that might be considered to address concerns:

This is the reference and text as originally proposed:

Sections 1047 (Jails) and 1305 (Lockups) will be added to 6VAC 15-40, Minimum Operational and Supervision Standards for Local and Regional Jails and Lockups, as follows:

The facility shall be in compliance with *National Standards To Prevent, Detect, and Respond to Prison Rape* (PREA standards) as established by the Department of Justice. The first certification shall be whenever scheduled by the Department of Justice within the 3-year rotational period from August, 2013, through August, 2016. All subsequent audits will be conducted within 36 months of the previous audit. Compliance documentation will include certification of compliance from a Department of Justice-accredited auditor.

This text was suggested as a possible, less-restrictive, lower-cost alternative:

The facility shall demonstrate compliance with *National Standards To Prevent, Detect, and Respond to Prison Rape* (PREA standards) as established by the Department of Justice. Certification of compliance from a Department of Justice-accredited auditor is optional.

Mr. Wilson noted those jails that currently hold federal inmates have to adhere to the Standards anyway. He suggested that PREA folders could be set up at jails that do not hold federal inmates, and his staff could check them that way.

Mr. Simons noted this is an unfunded mandate but some jails have found it incumbent on them to go ahead and hire PREA coordinators, among other expenses. He indicated that some facilities have installed additional cameras and have sent staff to training in an effort to comply. Other members present indicated they did not know what their jails were doing to comply because there is such confusion about the whole PREA audit process. The suggestion was made that Sheriffs and Regional Jails come up with a consensus on a process and that ultimately the Board would be asked to direct the Sheriffs and Regional Jails accordingly. It was suggested that the Board be asked to put together a committee to discuss this issue more fully and hopefully to come up with some viable solutions. Mr. Bruce indicated that the Department of Corrections has incorporated the PREA Standards into its operating standards, but he was not sure about DOJ audits. It was suggested as long as we have Standards in place, they may not be federally mandated standards but at least there is something and if jails meet those Standards and the Board audits to those Standards, then the jails would be in compliance. It is a matter for further discussion, and Mr. Wilson will bring the suggestion to the full Board.

There being nothing further, Messrs. Wilson and Bruce concluded their comments.

III. **Other Comments (Mr. David Simons)**

There were no comments offered and no new business. With that, Mr. Simons noted the next meeting will be held on March 19, 2014, at 9:30.

There being nothing further, by *MOTION* duly made and seconded, the meeting was adjourned.

DRAFT