

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

Regular Meeting.....July 15, 2015

Location6900 Atmore Drive, Richmond, Virginia

Presiding.....David Simons, Committee Chairman

Present..... Carl Peed, Board of Corrections
John F. Anderson, Board of Corrections
Rev. Anthony Paige, Board of Corrections
Phyllis Randall, Board of Corrections
Bobby N. Vassar, Board of Corrections
David A. Hackworth, Chesapeake Sheriff's Office
Tim Trent, Blue Ridge Regional Jail
Bill Wilson, RSW Regional Jail
Matt Marsteller, Blue Ridge Regional Jail
Gabe Morgan, Newport News Sheriff's Office
Paul Perry, Peumansend Creek Regional Jail
Vince Ferrera, Hampton Roads Criminal Justice Training Academy
Fred Norman, Cousins & Associates, Inc.
Frederick Cobbin, Member of the Public
Brooks Ballard, Volunteer, Retired VADOC
Bob Casey, Local Facilities Unit, Department of Corrections
James Bruce, Policy and Initiative Unit, Department of Corrections
Donna Foster, Liaison Support, Department of Corrections

The meeting was called to order at 9:32 a.m. and attendees in the room identified themselves for the record. Mr. Simons welcomed all attendees.

I. Committee Chairman

Mr. Simons called for a Motion to approve the May minutes.

Sheriff Morgan suggested the removal of the name of the inmate named in the May minutes and replaced with "inmate" in the May minutes. Members voted in agreement of his recommendation.

Upon a **MOTION** by Mr. Trent and duly seconded, the May 20, 2015 minutes were unanimously **APPROVED** as corrected.

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

Ms. deSocio was unable to attend the July meeting.

III. **Prison/Local Jail Population Report and Jail Construction Update – Mr. Bob Casey**

Mr. Casey reported the following construction updates expected in 2015:

- Central Virginia Regional Jail-50% completed as of June 3rd;
- Prince William-Manassas Regional Jail is expected to begin construction in April of 2017;
- Southwest Virginia Regional Jail Authority is still processing their reimbursement package for submittal;
- Richmond City Justice Center is still processing their reimbursement package for submittal;
- RSW Regional Jail reimbursement payment has been approved by the Treasury;
- Rockbridge Regional Jail- multiple modification request, he anticipates presenting to the Board of Corrections in the September meeting if additional information is received;
- Martinsville City Jail is requesting an integrated security control system upgrade as well as emergency power and he anticipates presenting to the Board of Corrections in the September meeting if additional information is received;
- Southampton County Jail is requesting a replacement kitchen and dining hall building and he anticipates presenting to the Board of Corrections in the September meeting if additional information is received.

IV. **Offender Management Service Update - Mr. Jim Parks**

Mr. Parks was unable to attend the July meeting.

V. **Federal Communications Commission Update-Mr. Tim Trent**

Mr. Trent reports that the FCC (Federal Communications Commission) update will be available on Friday, July 17, 2015 and he will be able to bring forth additional information at the September meeting.

VI. **Other Business**

There was a continuation of the discussion from the May meeting regarding the death of an inmate at Fairfax Adult Detention Center and the use of force proceeded. Phyllis Randall described the events as reported by the media that preceded the incident. Ms. Randall advised the attendees that she is a mental health therapist and has worked in a jail setting for a number of years. She stated that she is aware of the crosswalk between mental health and incarcerated offenders, adding that approximately 82% of all offenders have some form of mental health concerns. Ms. Randall prefaced her remarks by saying that there is a need to work closely with the Community Services Board, as well as other mental health agencies in the jail setting. There are currently some inconsistencies in the interactions between these services and the local correctional system. The inmate referenced in the May meeting was incarcerated in the Fairfax County Adult Detention Center. According to media reports, she was handcuffed voluntarily. Officers entered her cell and placed ankle restraints on her at which time she became combative. Ms. Randall advised that the term combative could relay multiple scenarios and no details are currently available. Reportedly, the inmate was tased one time, without calming the situation. She was then tased an additional three times, one of which was described as a tase that was held to her body for an extended period of time. She was then placed in the transport van to be transferred to the Alexandria Adult Detention Center, the original purpose of extracting her from her cell. Officers found her to be unresponsive at this time and transported her to the Inova Fairfax Hospital where she was pronounced dead. The investigation into this incident was handed over to the Fairfax Police Department.

Ms. Randall advised that mental health staff does not nor should they become involved in the extraction of offenders from their cells. She also stated that immediate decisions sometimes must be made due to unanticipated circumstances. She noted that she has not seen any reports detailing this investigation and is not accusing anyone of inappropriate behavior, adding that it is very possible that no wrongdoing was found during this investigation. She expressed her concern that, as a member of the VABOC (Virginia Board of Corrections) responsible for approving policies guiding practices within local facilities she would like to see more information regarding this incident. Also, she asked if the VABOC could improve upon policy to prevent this from occurring in the future.

Additional discussion by Liaison members and attendees included a suggestion that members of the VABOC approach the Commonwealth's Attorney once the investigation is complete to request further information, but to allow the process to work as designed until more information becomes available. The VABOC has the authority to review training and policy issues that may be affected by this case. They were warned against injecting the VABOC into a potential criminal investigation by demanding information about a specific case.

The use of electronic conductive devices by law enforcement officials has been repeatedly reaffirmed by the U.S. Supreme Court and most Virginia localities have

policies pertaining to the use of these devices. There are additional considerations involved concerning medical conditions, medications and existing underlying health issues.

Vince Ferrera, Executive Director, Hampton Roads Criminal Justice Training Academy, stated that training is recommended and designed by the manufacturer who also offer a model policy to agencies choosing to purchase these devices.

Attendees stated that policy reflecting a more restrictive use of taser than the manufacturer's model policies is more favorable than out-of-scope usage. There are liability issues if the device is used beyond the in-scope recommendations. There is a uniform use of force continuum beginning with verbal command, physical presence, verbal orders and progressing to less than lethal use of force such as OC spray, and/or expandable baton, and as a last resort, a conductive energy device. Training emphasizes constant attempts to de-escalate the situation and using the least amount of force necessary to gain control. All Virginia facilities are required to have a use of force policy in place.

Virginia agencies are permitted by law to craft policies specific to their facilities. Requiring all facilities/localities to use the same standards detailing use of force is virtually impossible due to physical differences among facilities. There is currently a minimum standard in place from the Department of Criminal Justice Services, the Board of Corrections and the American Correctional Association, if the locality chooses that accreditation. The CIT (Crisis Intervention Training) model has been adopted by the Commonwealth of Virginia and is being utilized across the state, especially for mental health patients housed in the jails.

A VABOC member asked for a comparison of the standards to be provided to Board members prior to the September meeting. The VABOC member stated that handcuffs, shackles, a spit-guard and OC spray should be practical methods to gain or maintain control of an inmate.

An attendee advised that inmates slip off cuffs frequently, creating a dangerous situation. Handcuffs on one arm become a deadly weapon. It was noted that DCJS governs all training academies throughout the state. To change all standards due to the possible mistake made by an officer at one facility would be a mistake.

Sheriff Morgan read a statement provided by Sheriff Stephen Draper of the Martinsville Sheriff's Office exemplifying the need for localities to have the flexibility to create policy specific to their needs, while observing the minimum standard requirements.

A member of the VABOC asked about the creation of a policy that will emphasize de-escalation, as well as address resource requirements, to ensure provision of the least lethal continuum of force, utilizing OC spray or whatever is necessary.

A Liaison member advised that not all facilities can use pepper spray. The spray renders large areas inoperable and some jails have no windows, which are necessary to clear the air.

Comparison standards will be provided for VABOC members for the September meeting and Mr. Hackworth will ask his Taser trainer to attend if his schedule permits.

Mr. Simons reminded the attendees that the next meeting date is Wednesday, September 16, 2015 at 9:30 a.m.

VII. **Other Comments**

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

DRAFT