

Final/Approved for March 15, 2017
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, March 15, 2017 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

MEMBERS PRESENT: Phyllis Randall, Chairman
Bobby Vassar, Vice Chairman
John F. Anderson, Jr., Secretary
Ann Gardner
Colin P. O'Dawe
Reverend Dr. Yvonne Jones Bibbs
Reverend Kevin L. Sykes

MEMBERS ABSENT: None

VADOC STAFF PRESENT: Donna Lawrence, Compliance Certification and Accreditation Unit
Bob Casey, Compliance, Certification and Accreditation Unit
James Bruce, Policy and Initiatives Unit
Rebecca Hancock, Policy and Initiatives Unit
Donna P. Foster, Administrative Support-Board of Corrections

GUESTS PRESENT: Phillip Figura, Office of the Attorney General
Dick Hall-Sizemore, Department of Planning and Budget
Jamie Pham, Vectre Corporation

CALL TO ORDER

Chairman Randall called the meeting to order at 12:00 p.m.

DETERMINATION OF QUORUM

Chairman Randall determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Chairman Randall welcomed everyone in attendance.

APPROVAL OF DECEMBER BOARD MINUTES

Chairman Randall presented the December minutes for review and approval.

Upon a **MOTION** by Chairman Randall and duly seconded, the members voted unanimously to **APPROVE** the December Board meeting minutes.

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PUBLIC COMMENT PERIOD

No public comment made.

PRESENTATIONS

There were no presentations.

LIAISON COMMITTEE UPDATE

Ms. Gardner provided an overview of the Funding and Budget Issues Report, Prison Population Report, the Jail Construction Update, Offender Management Services Update as well as other business.

Ms. Gardner reported that Ms. deSocio attended the meeting reported that the General Assembly approved language and funding to support a 2% across the board salary increase effective July 1, 2017 for constitutional officers, regional jails and employees provided that the governing authority of such employees uses funds to support salary increases. The amendment is provided in lieu of a 1.5% bonus effective December 1, 2017 and proposed in the introduced budget bill. The salary compression increase is for sheriffs' offices and regional jails, introduced by the governor in December and will go forward with an effective date of August 1, 2017. Additional participation in the sheriffs' and regional jail's master deputy and master jail officer programs has been funded with an effective date of August 1, 2017. Funding in the second year has been approved to support staffing for the city of Chesapeake's 192 bed jail expansion project, scheduled to be completed in February 2018.

The budget bill proposed funding of \$4.2 million and two staff positions for the Department of Criminal Justice Services to support mental health screenings and assessments in local regional jails in grant funds. Those funds were diverted by the General Assembly for the provision of other mental health services. Language was included under the Compensation Board section of the budget which required local and regional jails to screen for mental illness of every individual, on admittance to jail, by using a standardized jail mental health screening instrument. This screening instrument will be designated by the Commissioner of Behavioral Health and Developmental Services.

Ms. Gardner reported that Mr. Casey reported the jail construction updates. Mr. Casey indicated that the Chesapeake facility is under active construction. Prince William-Manassas is scheduled for completion in 2019.

Ms. Gardner reported that Mr. Keith Dawkins attended on behalf of Mr. Parks. Mr. Dawkins reported that the out-of-compliance is currently approximately 3,600.

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

CORRECTIONAL SERVICES COMMITTEE UPDATE/Policy & Regulations
LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED INSPECTIONS:

Mr. O'Dawe offered the following Committee recommendations for Board approval:

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I make the following recommendations in the form of a *Motion*:

Unconditional certification as a result of 100% Compliance to include male and female juveniles in accordance with §16.1-249.G of the Code of Virginia for:

Western Tidewater Regional Jail

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendation.

Unconditional certification as a result of 100% Compliance to include male and female juveniles in accordance with §16.1-249. of the Code of Virginia for:

Northern Neck Regional Jail

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendation.

Unconditional certification as a result of 100% compliance for:

**Highland County Lockup
Alleghany Regional Jail
Page County Jail**

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendation.

Although the following facilities were recommended for unconditional certification by the Compliance, Certification and Accreditation staff, the members of the Board voted to defer recommendations and requested attendance by a designee of the facility at the May 17, 2017 meeting to further discuss their audits:

**Rockingham-Harrisonburg Regional Jail
Smithfield Town Lockup**

BOARD ACTION REQUIRED

- Proposed Board Motion to Grant Suspensions of the 2017 Annual Inspection for the Western Tidewater Regional Jail, Northern Neck Regional Jail, Highland County Lockup, Alleghany Regional Jail and Page County Jail.

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The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspension of the 2017 annual inspections for the Western Tidewater Regional Jail, Northern Neck Regional Jail, Highland County Lockup, Alleghany Regional Jail and Page County Jail.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

(Note: Alleghany Regional Jail was unintentionally omitted from the original motion on the agenda. This has since been corrected)

RSW Regional Jail received an unannounced inspection February 22-23, 2017. The following three (3) Life, Health, Safety standards were found deficient:

- **6VAC-15-40-390 LHS:** Documentation failed to support all security staff were current in First Aid and CPR training.
- **APPEAL:** In 2015 one staff member was on leave for FMLA during the facility's training dates. He slipped through the cracks and did not receive the recertification. The other 119 security staff received training.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Grant* the above appeal

- **6VAC-15-40-405 LHS:** Documentation failed to support all security staff were current in AED training.
- **APPEAL:** As with the above standard, the same security staff missed the training for the Automatic Defibrillator. The officer did have prior training in the AED. The standard only states that staff will be trained in the use of the AED and there is no expiration date.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Grant* the above appeal.

- **6VAC-15-40-1100 LHS:** Documentation failed to support fire inspections were done every 12 months as required by standard. Last inspection dated 12/2015.
- **APPEAL:** The Fire Marshal conducted a fire inspection in April 2016, however the report was never sent to us. Therefore we did not have it on file at the time of the inspection. On February 24, 2017 the Fire Marshal provided the facility with the 2016 documentation.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Grant* the above appeal.

NORTHWESTERN REGIONAL JAIL

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BOARD ACTION REQUIRED

The Board of Corrections grants a modification of Standard 6VAC15-80-160, Minor Renovation Project, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the Northwestern Regional Jail to proceed with its renovation by submitting this project as a Minor Renovation Project. This approval of modification shall not be construed as a future variance to Board Standards 6VAC15-80-160 for this facility or as a current or future variance for any other facility.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

The Board of Corrections grants a waiver of Standard 6VAC15-80-211, Value Management Analysis, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the Northwestern Regional Jail to proceed with its renovation without performing a Value Management Analysis. This approval of waiver shall not be construed as a future variance to Board Standards 6VAC15-80-211 for this facility or as a current or future variance for any other facility.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

The Board of Corrections approves the Northwestern Regional Jail Authority's request for state funding for the upgrades security control system in their facility. This approval recognizes a total eligible cost of \$2,397,831 of which up to 50% or \$1,198,916 would be eligible for State reimbursement. Such reimbursement is subject to availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

SOUTHSIDE REGIONAL JAIL

BOARD ACTION REQUIRED

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The Board of Corrections grants a waiver of Standard 6VAC15-80-211, Value Management Analysis, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994, to allow the Southside Regional Jail to proceed with its renovation without performing a Value Management Analysis. This approval of waiver shall not be construed as a future variance to Board Standards 6VAC15-80-211 for this facility or as a current or future variance for any other facility.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

The Board of Corrections approves the Southside Regional Jail's request for state funding for the improvement and upgrade to the security doors in their facility. This approval recognizes a total eligible cost of \$169,450 of which up to 50% or \$84,725 would be eligible for State reimbursement. Such reimbursement is subject to availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

CLOSED SESSION

None

ADDITIONAL ITEMS FOR DISCUSSION

Board Counsel, Phillip Figura, Office of the Attorney General, reported that Virginia State Senate Bill, SB1063 passed both chambers of the legislature and is expected to be signed into law. This bill will dramatically expand the authority of this board authorizing it to become a quasi-grand jury in relation to investigating jail inmate deaths. Mr. Figura noted that he has never seen anything like this before in the Commonwealth. He further explained that the Virginia State Board of Corrections will be basically a grand jury of field experts. As the bill is currently written, the makeup of this board will shift somewhat. The proposed membership will consist of a physician, one citizen member, two individuals with experience conducting civil and criminal death investigations, one individual employed by a public mental health agency, an individual with experience overseeing a correctional facility, one individual with experience in administration of an educational vocational program, and an individual with experience in financial management or performing audit investigations. Mr. Figura noted that there will be some changes to the membership.

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The day-to-day operations of the Board will dramatically change. Although this bill does not require that every death be investigated, it requires minimally a cursory glance by someone representing this body as well as a report. The fiscal impact statement provides \$100,000 for one position to serve this Board. Policy and procedure must be written, likely by this Board. The individual employed by this board would presumably visit facilities for collection of information to be presented to the Board.

A few difficulties may arise such as a report required by statute. The Board will need to consider a forward after the collection of information, through policy and procedure. The compilation of these policies and procedures will be complex requiring the consideration of many factors, such as concurrent criminal investigations. The Board will need policy and procedure to provide some sort of de-confliction or deference upon completion of a criminal nature. The need for confidentiality pertaining to such issues as medical records will need to be addressed in compliance with HIPPA laws even if the individual is dead, there is still an expectation of privacy. Findings made by the Board of Corrections should also balance sensitivity for privacy with public interest. If the Board must exercise its full authority and subpoena witness for testimony, it is very difficult to do as a collective. The person working for the Board may need to be an experienced attorney or have the office of the Attorney General provide assistance. He also noted that the time commitments of the members will likely change dramatically. As an example he noted that a witness who is cooperating fully and telling the truth can easily testify for 45 minutes. Each review will take a great deal of preparation to have it ready to present to the full Board.

Mr. Figura offered to request information upon which the Board can begin to establish policies and procedures. This will not be the first Board to face such changes and he will try to marshal other localities if it is the desire of the members of the Board.

Additional discussion ensued pertaining to speculation of future responsibilities and changes to the Board of Corrections as well as time requirements on behalf of support staff in various state agencies.

Annual elections of Board officers were not held in the Fall of 2016, therefore will be held as soon as possible. Chairman Randall nominated Colin O'Dawe, John F. Anderson, Jr. and Pastor Kevin Sykes to serve on the nominating committee and elections will be held during the May 17, 2017 meeting.

The Board offered sympathies to Reverend Yvonne Bibbs following the unexpected loss of her husband. Our condolences for her and her family.

FUTURE MEETING DATES

July 19, 2017
September 20, 2017
October 18, 2017
November 15, 2017

ADJOURNMENT

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There being no further business to discuss before the Board of Corrections, upon a *Motion* by Chairman Randall and duly seconded, the meeting was *Adjourned* by unanimous vote at 1:16 p.m.

APPROVED:

Phyllis J. Randall, Chairman

John F. Anderson, Jr., Secretary