

THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, September 18, 2019 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

BOARD MEMBERS PRESENT: The Honorable Vernie W. Francis, Jr., Chairman
Bobby Vassar, Vice Chairman
John F. Anderson, Jr, Secretary
William T. Dean
Olivia Garland
Heather Masters, M.D., S.F.H.M., F.A.C.P.
Karen Nicely, LPC
Reverend Kevin L. Sykes

BOARD JAIL REVIEW UNIT: Steve Goff, Investigative Analyst
Kemba Jennings, Policy Analyst

BOARD COUNSEL: Phillip Figura, Esq., Office of the Attorney General

BOARD MEMBERS ABSENT: Charles Jett

VADOC STAFF PRESENT: Dean W. Ricks, Director, Administrative Compliance
Emmanuel Fontenot, Compliance, Certification and Accreditation
Erma Locust, Compliance, Certification and Accreditation
Bob Casey, Compliance, Certification and Accreditation
James Bruce, Policy and Initiatives
Rebecca Hancock, Policy and Initiatives
Jim Parks, Classification and Records
Donna Foster, Administrative Support, Board of Corrections

GUESTS PRESENT: Richard Allsbrook, SWVRJA-Tazewell
Dwayne Lockhart, SWVRJA-Tazewell
Bruce Crusier, Mental Health America-Virginia
Eddie Wiggins, Mental Health Virginia
Reverend Rosalind Hall, New Life Deliverance Tabernacle
Krystal Jordan, Vector/Corizen

CONFERENCE CALL: Bill Wilson, Riverside Regional Jail

CALL TO ORDER

Chairman Francis called the meeting to order at 12:54 p.m.

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DETERMINATION OF QUORUM

Chairman Francis determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Chairman Francis welcomed everyone in attendance. He asked all attendees to introduce themselves.

APPROVAL OF JULY BOARD MINUTES

Chairman Francis presented the July 17, 2019 minutes for review and approval. The minutes excluded the Construction Projects presented by Bob Casey.

Upon a *Motion* by Chairman Francis and duly seconded, the members voted unanimously to *Approve* the July 17, 2019 Board meeting minutes as amended..

NOMINATING COMMITTEE

Chairman Francis appointed John F. Anderson, Jr. as Chairman of the Nominating Committee and appointed Reverend Kevin L. Sykes and Dr. Olivia Garland as committee members. Mr. Anderson was not in attendance for the July meeting and will present the committee recommendation at the November meeting

PUBLIC COMMENT PERIOD

None

PRESENTATIONS

Jim Bruce

Mr. Bruce discussed the passage of Chapter 725-Uncodified Acts by the General Assembly which requires the Board to address pregnant prisoners: use of restraint, noting that the patron intended for the default to be no restraint.

Additionally, The General Assembly passed Regulation Reform requirements under the same Chapter 725 Act. He noted that there are eight regulations promulgated by the Board that need template updates. He noted several Virginia Codes and was asked about the intention of the original regulations by Mr. Vassar. This issue will require further investigation and will be updated at a later date. Ms. Jennings was asked to investigate this issue further.

Chairman Francis offered the following in the form of a motion:

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I **MOVE** to appoint Kemba Jennings as the Regulatory Coordinator for the Virginia State Board of Corrections.

Upon a **Motion** by Chairman Francis and duly seconded, the attending members voted unanimously to **Approve** the above recommendations.

LIAISON COMMITTEE UPDATE

Mr. Anderson 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.

Mr. Anderson reported that Tim Trent served as chairman of the Liaison Committee meeting.

Mr. Anderson reported that Ms. deSocio reported that the Compensation Board and the VADOC had been approved for funding through the 2018 Legislature to create a data exchange between the DMAS and the CORIS/LIDs systems for state and local responsible offenders. Again, Ms. Tinsley is creating the system to share data from the jails. There was an extensive study to review requirements for the Inter-agency agreement. LIDs user agreements will be modified to increase access, secure the data and provide an index for coding. The biannual LIDs conference is currently in session. DMAS is working to provide training to approved jail staff and should be available in January when they are expected to go live.

State agencies are preparing budgets for the upcoming fiscal year 2021 through 2022 (FY21-22), which are required by later this month. The Compensation Board is reviewing anticipated needs for per diem funding such as staffing requirements based on capacities for expanded facilities such as Prince William Regional Jail. Per diem funding needs are based on approved forecasts. Ms. deSocio noted that the Compensation Board staff believe there is sufficient per diem funding for the current fiscal year.

Mr. Anderson reported that Ashley Morales and Sue Tinsley reported similar information as Ms. deSocio regarding the agreement and data sharing by DMAS (Virginia Department of Medical Assistance Services) and CORIS/LIDs to enable access of Medicaid Services for prison and jail offenders.

Mr. Anderson reported that Mr. Casey reported that Prince William/Manassas Regional Jail (204 bed expansion) is around 75% complete, with full completion expected in July 2020. Henry County is still trying to get costs down and are looking at 2022 if the project proceeds.

Mr. Anderson reported that Jim Parks reported the total for out-of-compliance inmates is 2,841 of which 2,566 are males and 275 are females. All female offenders will be classified out of State Farm with the goal being to consolidate females to one work center (Brunswick), which will become a CCAP (Detention and Diversion).

JAIL REVIEW COMMITTEE REPORT

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Mr. Dean reported that the Jail Review Committee met on August 21 and again this morning and is now inviting representatives from facilities to provide context to the death reviews prior to deliberations and propping of findings.

Mr. Dean offered the following motions:

Western Virginia Regional Jail

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee ***FINDS*** that the evidence presented in these cases ***DID*** reveal acts or omissions by the facility or any employee or agent thereof that may have directly or indirectly contributed to the inmate's death. The Jail Review Committee further ***FINDS*** that the investigation ***DID*** reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. ***NOW THEREFORE, I MOVE*** that the following cases be recommended to the Full Board for action as a result of the following cases:

Case	Location	Date of Death
18-0016	Western Virginia Regional Jail	7/22/17

Pursuant to 6 VAC 15-20-100 (B)(3), your facility is ***HEREBY*** issued a ***PROBATIONARY CERTIFICATION*** for a period of ***TWELVE MONTHS*** from the date of this ***Order***. Your facility has until its certification audit to come into compliance with the Board's Standards. If your facility does not meet the requirements for certification at the conclusion of this period, the Board will issue a ***LETTER OF DECERTIFICATION***.

The facility shall provide written updates on measures taken to come into compliance with the Board's regulations at least quarterly during the probationary period.

Pursuant to Virginia Code §53.1-68, the Virginia Department of Corrections Compliance and Accreditation Unit is hereby directed to conduct quarterly random unannounced audits during the probationary certification period.

Upon a ***Motion*** by Mr. Dean and duly seconded, the attending members voted unanimously to ***Approve*** the above recommendations.

Mr. Francis noted that the Board has closed a case unintentionally and it needed to be reopened and the offered the following in the form of a motion:

I move that the following case be reopened after being unintentionally closed:

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Case	Location	Date of Death
18-0043	Hampton Roads Regional Jail	5/15/18

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

CLOSED SESSION

Chairman Francis noted that the Board needed to go into closed session to hear Department of Correction/Classification and Records recommendation for consideration:

I *MOVE* that the Board of Corrections begin *CLOSED* session pursuant to Virginia Code Section 2.2-3711(A)(18) to discuss or disclose the identity of, or information tending to identify, any prisoner who provided assistance, information, or other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

Pursuant to Virginia Code Section 2.2-3712(F) I *MOVE* that the presence of the following individuals will reasonably aid this board in considering the subject of the closed session:

Names of the individuals to be included:

Dean Ricks
Phillip Figura
Jim Parks
Kemba Jennings
Steve Goff
Emmanuel Fontenot
Erma Locust
Jim Bruce
Rebecca Hancock
Bob Casey
Donna Foster

Upon a *Motion* by Chairman Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

Chairman Francis offered the following in the form of a motion:

I *MOVE* that the Jail review Committee reconvene our open session having concluded a closed session to discuss or disclose the identity of, or information tending to identify, any prisoner who provided assistance,

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information, or other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety. I **MOVE** that this committee and its individual members certify that during the closed session, the Jail Review Committee limited its discussion to that matter which is lawfully exempt from the public meeting requirement and identified in the closed session motion. If a member cannot so certify, I ask that they state the reason specifically on the record and the recorder take roll.

Upon a **MOTION** by Mr. Anderson and duly seconded, the attending members voted unanimously to Approve the above recommendations. All attending Board of Corrections' members **CERTIFIED** that the closed session discussion was limited to medical, mental health records and legally exempt matters.

Chairman Francis offered the following in the form of a motion:

In closed session, the Board discussed the identity of a prisoner who provided assistance, information, or other extraordinary services. In consideration thereof, the Board hereby **ALLOWS** the prisoner a **CREDIT** of 12 months toward their term of confinement.

Upon a **MOTION** by Chairman Francis and duly seconded, the attending members voted unanimously to **APPROVE** the above recommendations.

CORRECTIONAL SERVICES COMMITTEE/POLICY & REGULATIONS LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED INSPECTIONS:

By recommendation of the Compliance, Certification and Accreditation Unit to approve as follows:

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

Unconditional certification for:

Southwest Virginia Regional Jail Authority-Tazewell

Upon a **Motion** by Chairman Francis and duly seconded, the attending members voted unanimously to **Approve** the above recommendation.

The Board asked that the remaining facilities recommended for Unconditional Certification send representation to the November meeting to answer question regarding the plans of action to remedy standards found out of compliance. They are as follows:

Blue Ridge Regional Jail Authority-Lynchburg Adult Detention Center
Rappahannock Regional Jail
Virginia Beach Lockup #2
Meherrin River Regional Jail
Surry County Jail

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GENERAL DISCUSSION

Chairman Francis advised that he and Secretary of Public Safety, Brian Moran, discussed the JLARC report and Secretary Moran thanked the Board for their service to the Board of Corrections and cooperation with the JLARC review.

Chairman Francis reference the JLARC report and their recommendation to note frequency of standards found out-of-compliance and if similar standards are out-of-compliance as well.

ADDITIONAL ITEMS FOR DISCUSSION

None

FUTURE MEETING DATES

Tuesday, January 7, 2020

Wednesday, March 18, 2020

Wednesday, May 20, 2020

Wednesday, July 15, 2020

Wednesday, September 16, 2020

Wednesday, November 18, 2020

ADJOURNMENT

There being no further business to discuss before the Board of Corrections, upon a *Motion* by Chairman Francis and duly seconded, the meeting was *Adjourned* by unanimous vote of the attending members.