

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
AGENDA**
6900 Atmore Drive, Richmond, Virginia 23225

Friday, April 10, 2020, 10:00 p.m.

1. Call to Order
2. Determination of Quorum
3. Approval/Disapproval of temporary opening of existing Chesapeake Correctional Center's Proteus Building – C-unit, for offenders, medically identified, test positive or otherwise present symptoms of COVID-19 for segregation purposes.

BOARD ACTION REQUIRED

- Proposed Board Motion to Approve/Disapprove of temporary opening of existing Chesapeake Correctional Center's Proteus Building – C-unit, for offenders, medically identified, test positive or otherwise present symptoms of COVID-19 for segregation purposes.
 - **Suggested Motion**-I move that the Board Approve/Disapprove of temporary opening of existing Chesapeake Correctional Center's Proteus Building – C-unit, for offenders, medically identified, test positive or otherwise present symptoms of COVID-19 for segregation purposes.
4. Adjournment



COMMONWEALTH of VIRGINIA

Board of Corrections

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(804) 674-3587 (FAX)

Vernie W. Francis, Jr., Chairman
Bobby N. Vassar, Vice Chairman
John F. Anderson, Jr., Secretary

P.O. BOX 26963
RICHMOND, VIRGINIA 23261

William T. Dean
Olivia Garland, PhD
Charles Jett
Heather Masters, MD, SFHM, FACP
Karen E. Nicely
Rev. Kevin L. Sykes

NOTICE OF AN EMERGENCY ELECTRONIC MEETING

TAKE NOTICE the Virginia Board of Corrections will hold an **EMERGENCY ELECTRONIC MEETING** on April 10, 2020 at 10:00 am pursuant to Virginia Code § 2.2-3708.2(A)(3). The meeting will take place through electronic communication means and will be open to members of the general public. The sole purpose of the meeting will be to address a request by Jim J. O'Sullivan, Sheriff for the City of Chesapeake. Sheriff O'Sullivan requests the authority to temporarily house inmates from around the region who test positive for or otherwise present symptoms of COVID-19. The inmates would be held in an isolation unit located in the Chesapeake City Jail's newly constructed C-Unit.

VFOIA creates a strong presumption that meetings of "public bodies" are open to the public and conducted in person. However, a public body may conduct a meeting through "electronic communication means" pursuant to Virginia Code § 2.2-3708.2(A)(3) if:


the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency.

Here, the Governor declared a state of emergency in effect until June 10, 2020 because of "the potential spread of COVID-19, a communicable

disease of public health threat" and "[t]he anticipated effects" of that spread. *See, Executive Order Number Fifty-One (Northam) (2020)*. Accordingly, Code § 2.2-3708.2(A)(3) permits the Board of Corrections to meet electronically if "the purpose of the meeting is to address the emergency" - that is, the spread of the COVID-19 virus or its "anticipated effects." Given this threat, the Board cannot assemble in person because of the need for social distancing for a prolonged period of time. Because the request by Sheriff O'Sullivan deals directly with a coordinated response to limiting the spread of COVID-19, an electronic meeting in the midst of this state of emergency is not only permissible, it is necessary. Given these exigent circumstances, action on this request cannot wait until the state of emergency is lifted and the Board can hold an in-person meeting.

NOW THEREFORE, the Virginia Board of Corrections will hold an EMERGENCY ELECTRONIC MEETING on April 10, 2020 at 10:00 am pursuant to Virginia Code § 2.2-3708.2(A)(3). Members of the general public who wish to attend and obtain related documents should contact Ms. Donna Foster at Foster, Donna donna.foster@vadoc.virginia.gov.

Regards,



Vernie Francis, Jr., Chairman
Virginia Board of Corrections



COMMONWEALTH of VIRGINIA

HAROLD W. CLARKE
DIRECTOR

Department of Corrections

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RICHMOND, VIRGINIA 23261
(804) 674-3000

March 26, 2020

MEMORANDUM

To: Joseph W. Walters
Deputy Director for Administration

From: Emmanuel W. Fontenot
Compliance & Accreditation Manager

Subject: Chesapeake Correctional Center Temporary Emergency Housing - Quarantined Offenders

On Wednesday, March 25, 2020, Compliance and Accreditation visited the Chesapeake Correctional Center as scheduled regarding the letter submitted by Sheriff Jim O'Sullivan.

Upon arrival, Compliance and Accreditation staff were met and escorted through the housing areas in question by Lt. Colonel Kight. Commodes, showers, and washers/dryers were noted in the units. The facility appears to be in the same condition as it was when initially approved by the Virginia Board of Corrections for temporary housing in 2020. Additionally, from 2012 to the closure in late 2018, the units were inspected as part of the Annual Inspections and Triennial Audits. During its annual inspection in 2019, Mr. Solomon, Certification Analyst, included the unit in his inspection and noted it was used for storage. Inspection Reports and Triennial Audits did not reveal any problems specifically to such units. In fact, during that time, the facility primarily received 100% on Annual Inspections as well as Triennial Audits. The Chesapeake Correctional Center achieved 100 percent Compliance for the years of 2012, 2014, 2017, 2018, and 2019. The violations for the years of 2013 include the following: (940-Culinary Items-kitchen, 1140-Showers in Jail needed cleaning), 2015, (393- Not all staff reviewed Blood borne pathogens every 12 months), and 2016 (940- Culinary Items-kitchen again, 1150 Pest Control not done as required). It was noted when 100 percent did not occur, the score was not directly related to the temporary housing units. Since it has been vacant for approximately 2 years and used primarily for storage, some refreshing such as painting will be required. Lt. Colonel Kight indicated that refreshing would occur if approved by the Virginia Board of Corrections. He also advised that the Classification Unit would be involved in the temporary process.

In view of the facts, this structure received approval for temporary housing by the Virginia Board of Corrections in the past, received positive Audits, Inspections, and appears to have incurred minimal

changes, which the jail is planning to address. Temporary housing under the present circumstances does not seem unreasonable.

Please advise if you need additional information.

C: Dean Ricks, Director of Administrative Compliance



OFFICE OF THE SHERIFF

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JIM O'SULLIVAN, SHERIFF
WILLIAM C. BENNETT, UNDERSHERIFF
KEVIN KIGHT, CHIEF DEPUTY

TO: Virginia Board of Corrections

FROM: Jim J. O'Sullivan, Sheriff

A handwritten signature in black ink, appearing to be "JJO", is written over the name "Jim J. O'Sullivan, Sheriff".

DATE: April 3, 2020

RE: Temporary Use Request

Due to the current COVID19 pandemic health crisis currently taking place, the Chesapeake Sheriff's Office is requesting temporary use of one of our existing Proteus buildings (C-Unit), which was previously utilized as a temporary housing unit until 2018.

Approval of this request would allow our Correctional Facility to utilize the unit for any inmates that may be medically identified and need segregation housing from the main facility and general population. Additionally, we would provide housing assistance to local Hampton Roads facilities that may have an inmate that tested positive and is not symptomatic. Any local Hampton Roads facility that wishes to utilize our temporary housing unit would be required to enter into a Memorandum of Understanding (MOU) with the Chesapeake Sheriff's Office and provide the necessary resources to care for their inmate.

Upon Board approval, we would begin the process to have the unit completely operational and prepared for housing if needed as soon as possible. The building would permanently cease housing inmates once medically necessary housing for all COVID19 positive inmates is no longer needed.

I hope that the use of this unit is not required, however, I would like to remain prepared for any level of response for housing needs required to safeguard our inmate population and any other Hampton Roads jurisdiction that wish to enter in a MOU agreement.