

**COMMONWEALTH OF VIRGINIA**  
**BOARD OF CORRECTIONS**

Regular Meeting.....July 20, 2005  
Location.....6900 Atmore Drive  
Richmond, Virginia  
Presiding.....Clay B. Hester, Chairman  
Present.....James H. Burrell  
W. Alvin Hudson, Jr.  
Gregory M. Kallen  
Raymond W. Mitchell  
Sterling C. Proffitt  
W. Randy Wright  
Absent.....Jacqueline F. Fraser  
Reneé T. Maxey

**10:00 a.m., Wednesday, July 20, 2005**  
6900 Atmore Drive, Richmond, Virginia

**The meeting was called to order.**

**I. Board Chairman (Mr. Hester)**

The Chairman called the meeting to order, welcomed attendees and thanked them for coming. He asked that prior to getting into the agenda, that each guest identify themselves for the record.

**II. Public/Other Comment (Mr. Hester)**

At this time, the Chairman asked if any members of the public were in attendance. Mrs. Woodhouse noted that Mrs. Venema was present and had earlier remarked she had a statement to make. The Chairman gave Mrs. Venema the floor where she proceeded to read her statement into the record in its entirety. At the conclusion of her reading, she remarked she would like to give the Chairman a copy of a letter that the Venemas received from the Department of Health Professions in response to a complaint that was made for the denial of medical records. She noted that the Board of Counseling is redoing their state code to ensure that all counselors who are certified by the State of Virginia are following both the state and federal regulations regarding the release of clinical medical information. She then left the documents with the Chairman, noted she had other things to do and departed the meeting room.

The Chairman thanked the guests for being at the meeting. As the statement was recorded during its reading and a typewritten copy provided, it is not reprinted in the minutes but it is in the Board's official file as a matter of record.

There were several other people present who had matters pending before the Board who did not speak at this time.

**III. Motion to Approve May Board Minutes**

By *MOTION* duly made by Mr. Hudson, seconded by Mr. Burrell, the minutes were unanimously *APPROVED* as presented by verbally responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Proffitt, Wright). Misses Fraser and Maxey were absent. No tie-breaking vote by the Chairman was necessary.

**IV. Presentation to the Board (Ms. Scott)**

Ms. Cookie Scott introduced Mr. John Taylor, Chief Information Technology Officer for the Department, and his staff, Mr. Jody Rogish, project manager for VirginiaCORIS, and Mr. Rick Taylor, who were brought in to explain where the Department is in the planning and implementation of its new Offender Management System called **VirginiaCORIS**. The Chairman welcomed the presenters as handouts were distributed to meeting attendees.

Mr. Rogish noted that VirginiaCORIS is the number one project in Public Safety today and it has been approved by the IT Investment Board. VirginiaCORIS is an integrated Offender/Case Management System. It is Microsoft-based, dotnet, SQL-server technology and it will be one system integrated across the Commonwealth by the Department and will replace a multitude of legacy applications currently being run. The product is produced by X-Wave and currently the MaineCORIS version is installed in the State of Maine and it is soon to be installed in Vermont, New Hampshire as well as in Virginia. It is a collaborative approach and with four states putting their resources together in developing this application, the Department will be able to use some of the same or some of the re-engineered processes or some of the benefits of the other states, and one benefit in particular is the Health Care module.

Mr. Rogish explained that the project implementation schedule is broken into three Phases. There is the Offender Sentence Calculation, which is the first phase and is about 75 percent finished today; there is the Community Corrections, which is the second phase with implementation scheduled for December, 2006; and the Institutional Operations, which is the last phase with implementation scheduled for the spring of 2008. The Offender Sentence Calculation component is scheduled to go live in October, 2005.

From a financial perspective, he stated that the first phase is estimated at a cost of \$1.2 million with a federal matching grant of \$900,000 that is being utilized today. The Community Corrections phase is estimated at \$4.7 million and additional appropriations are being requested for that, as well as the Institutional Operations phase, which is estimated today at \$5.2 million and additional appropriations will be requested for that as well. He reiterated that the second and third phases have not been funded yet, but the Offender Calculation has been funded and is about 75 percent complete.

There being no questions, the Chairman thanked Mr. Rogish for his very informative presentation. No action on the presentation was required by the Board.

**V. Liaison Committee (Mr. Proffitt)**

Mr. Proffitt noted the committee had met, Chaired by Roy Cherry, and Board of Corrections members present were Mr. Hester, Mr. Burrell and Mr. Hudson. He also noted it was a lighter-than-normal turnout.

After approval of the May minutes, the Department gave an update on the Department's capital projects stating that the St. Brides' Phase I is scheduled for completion on July 20, 2005, and the facility should be operational by October 1 of this year. It is a \$44.93 million project with 400 beds. It was noted that the facility will be Security Level 2. As soon as the beds come on line, the Department will begin work on Phase II, which will cause 592 beds to be temporarily closed. The project received approximately 84 percent of its funding from the Violent Offender Incarceration-Truth In Sentencing (VOI-TIS) grant. Phase II is a \$32.475 million project with an aggregate of 800 beds between two, 400-bed units. Construction is scheduled to begin immediately upon completion of Phase I. The first construction in Phase II will be the warehouse support building, where design work is ongoing and the estimated completion date for the project is the spring of 2007. Phase II is 100 percent VPBA-bond funded and was contracted using the design-build method of delivery.

The Tazewell, medium-security facility (1,024-beds) will cost \$68.645 million. Deep dynamic compaction has been ongoing, and the Committee was advised that as the site once was used for mining, it is being very closely monitored. Footings have been started, and the facility is estimated for completion in March, 2007. The groundbreaking will be held on July 29, 2005. This project is also 100 percent VPBA-bond funded. The second medium-security, 1,024-bed facility is in Pittsylvania County at a cost of \$73.553 million. Completion of the project is scheduled for May, 2007. Footings will be started and earth work is moving and it is on schedule. It also is 100 percent bond funded. And lastly, the Deerfield expansion is three, 200-bed units for an aggregate of 600 beds (\$21.908 million). Footings and foundations have been started and estimated completion of this project is scheduled for November, 2006. This project, too, is 100 percent VPBA-bond funded.

Mr. Proffitt proceeded with the prison and jail population report. The Department's population as of July 14 was 31,839, including 21 contract prisoners. Turning to jails, as of June 21, the population was 25,177. Of that population, jails were carrying 1,965 federal prisoners. The capacity of the jails as of July 1, 2005, was 17,707, an increase of 422 due to the Southwest Virginia Regional Jail coming on line. Felons out of compliance as of July 17, 2005, were 1,608. Mr. Proffitt also noted that there are 88 beds temporarily closed at Sussex I.

It was reported that the Compensation Board is in the midst of a financial plan. It is 134 pages and in the Fall they will be making a request to the General Assembly to address jail overcrowding. In addition, information was provided on the emergency medical fund that the Compensation Board has to cover a jail if it incurs exorbitant medical costs for a state-responsible inmate. The fund is \$300,000 and ordinarily the Comp Board returns approximately \$100,000 but they used a little more this past fiscal year and returned \$60,000. It was also indicated that there is an ongoing study of the federal prisoner inmate recovery, and there is a jail task force in place to look at a list of options to address jail overcrowding. In 2003, the federal recovery was \$7.2 million, and the House

has concerns over jails that are operating at no expense to their participating county(ies), and the General Assembly is looking to recoup more money.

Mr. Bass reported to the Committee that there was a Code change this year involving return to custody for technical violators (for people under community supervision) that the Department has been negotiating with jails to handle. It is a 30-day program. There was Code language to have a Return to Custody Center, and there is talk about doing a pilot program of approximately 30 to 60 days for that initiative. Mr. Bass indicated this would be similar to the state's Detention programs they have been using for several years, and he indicated that would be approximately a 5 ½-month program.

There being no questions or comments, the report was concluded. No action on the report was required.

**VI. Administration Committee (Mr. Wright)**

Mr. Wright noted that the Committee had met briefly with staff to discuss the Department's Six-Year Capital Budget Request for the biennium 2006-2008 (\$375.402 million). The reason for the high total the first two years is the two new prisons that are anticipated to be coming on line.

In addition, some discussion was held about the problems with the structure at Staunton Correctional Center, which falls under an historical category. It is hoped that the facility will be sold at some point in the future. He noted that the groundbreaking was held at Chatham; that the Department was looking at the prospect of establishing joint purchasing power with other state corrections across the United States; and that the Tazewell prison groundbreaking is slated for July 29, 2005.

There being no questions, the report was concluded. No action by the Board was required.

**VII. Correctional Services Committee Report/Policy & Regulations (Mr. Proffitt)**

The Chairman noted that Ms. Fraser will now be Chairing the Correctional Services Committee since the departure of Ms. Maxey. And in Ms. Fraser's absence, Mr. Proffitt presented the Committee's report.

**Appeal by Campbell County Adult Detention Center**

Campbell County Adult Detention Center underwent their audit on June 14 and 15, 2005. This facility is one of five that comprises the Blue Ridge Regional Jail system. The Deputy Superintendent appeared before the Committee on an appeal on Standard 6VAC15-40-910. As two members of the audit team had differing opinions as to compliance with the Standard, the appeal was brought forward. Documentation and

policies were presented, policies that are uniform across all five facilities comprising BRRJ, which established that procedures were in place. In addition, other members of the Blue Ridge Regional Jail had undergone audits previously with the exact same policy in place, and they had not been found out of compliance. Thus, the Board was asked to consider upholding an appeal of the finding of non-compliance. It was the unanimous decision of the Committee and is the Committee's recommendation that the appeal be upheld because they were in compliance.

There were no questions or comments.

By *MOTION* duly made by Mr. Proffitt, seconded by Mr. Burrell and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright) it is recommended that the *APPEAL* by the **Blue Ridge Regional Jail's Campbell County Adult Detention Center** *BE UPHELD* and therefore they will be found in *100% Compliance*.

There was no discussion on the motion and there were no opposing votes. Two members were absent, and as a tie-breaking vote was not necessary, the Chairman's vote was not noted.

And by *MOTION* duly made by Mr. Proffitt and seconded by Mr. Mitchell, the following recommendations were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright): That the **Riverside Regional Jail** receive **Unconditional Certification** as a result of **100% compliance to include approval of a request by the Superintendent to hold male and female juveniles in accordance with Section 16.1-249 of the Code of Virginia**; and that the **Warren County Jail** receive **Unconditional Certification to include approval of a request by the Sheriff to hold male and female juveniles in accordance with Section 16.1-249 of the Code of Virginia**.

There was no discussion on the motion and there were no opposing votes. Two Board members were absent, and as a tie-breaking vote was not necessary, the Chairman's vote was not noted.

And by *MOTION* duly made by Mr. Proffitt and seconded by Mr. Wright, the following recommendations were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright):

**Unconditional Certification** as a result of **100% compliance** for the **Deerfield Correctional Center and Unconditional Certification** for the **Botetourt, Nottoway, and Greenville Correctional Centers**;

and that the **Appomattox County Jail** receive **Unconditional Certification** as a result of **100% compliance**;

and that the **Botetourt County Jail, Campbell County Adult Detention Center (BRRJ) and Chesapeake Correctional Center** receive **Unconditional Certification**;

and that **Probation & Parole District #15 (Roanoke) Probation & Parole District #13 (Lynchburg), Probation & Parole District #34 (Williamsburg) and Probation & Parole District #39 (Harrisonburg)** receive **Unconditional Certification**.

There was no discussion on the motion and there were no opposing votes. Two Board members were absent, and as a tie-breaking vote was not necessary, the Chairman's vote was not noted.

For informational purposes, it was noted for the record that **the following jails and lockups received 100% on their unannounced inspections**. No Board action is required.

**Alleghany/Covington Regional Jail, Colonial Beach Lockup, Danville City Jail, Halifax Adult Detention Center (BRRJ), Henry County Jail, Pamunkey Regional Jail, Rappahannock County Jail, Rockbridge Regional Jail, and the Southampton County Jail.**

In addition, it was noted that the Northampton County Jail is still on probationary status. The localities are currently in the process of building a new regional jail that will supplant the old jail.

Lastly, Mr. Proffitt noted the **Request by the Middle River Regional Jail to install additional beds prior to final inspection**. He quoted, "Staff have reviewed this request and advise the Board that double bunking is a local operational choice and not a decision made in response to Board policy. While approval is recommended to assist Middle River Regional Jail, Board action should not support uniform double bunking; any increase in operational capacity due to added beds or additional costs for beds or installation."

In light of the above, the following suggested Motion is provided:

"To facilitate an operational decision by the Middle River Regional Jail Authority, the Board of Corrections grants a modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities for the installation of additional beds in cells in the Middle River Regional Jail prior to final inspection of the project.

This modification approval does not indicate a Board policy position on the operational advisability of double bunking in cells nor should it be construed as a current or future variance to Standard 5.4. Further, this approval does not increase the operational capacity of the facility relative to staffing and does not authorize state reimbursement for the costs of the beds or their installation."

It was noted that this is a practical, cost-saving method to install additional beds rather than to finish construction, get all the approvals and permits, and then have to come back



and start the process again. That is why MRRJ is making this request and it does not set precedent.

By *MOTION* duly made by Mr. Proffitt, seconded by Mr. Burrell and unanimously *APPROVED* by responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright), the request was approved.

There was no discussion on the motion and there were no opposing votes. Two Board members were absent, and as a tie-breaking vote was not necessary, the Chairman's vote was not noted.

In addition, it was noted that several representatives from the **Western Virginia Regional Jail Authority** had attended the Committee meeting and communicated their strong intent to build and operate a regional jail. At this time, they are **requesting Board approval to install additional beds**. For that reason, Mr. Proffitt offered a similar motion to Middle River and read the following into the record:

“Staff have reviewed this request and advise the Board that double bunking is a local operational choice and not a decision made in response to Board policy. While approval is recommended to assist Western Virginia Regional Jail, Board action should not support uniform double bunking; any increase in operational capacity due to added beds or additional costs for beds or installation.”

In light of the above, the following suggested Motion is provided:

“To facilitate an operation decision by the Western Virginia Regional Jail Authority, the Board of Corrections grants a modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities for the installation of additional beds in cells in the Western Virginia Regional Jail prior to final inspection of the project.

This modification approval does not indicate a Board policy position on the operational advisability of double bunking in cells nor should it be construed as a current or future variance to Standard 5.4. Further, this approval does not increase the operational capacity of the facility relative to staffing and does not authorize state reimbursement for the costs of the beds or their installation.”

By *MOTION* duly made by Mr. Proffitt, seconded by Mr. Hudson and unanimously *APPROVED* by responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright), the request was approved.

Again, this decision makes sense and does not set precedent as far as the Board. Representatives were present from the WVRJA if any Board member had any questions.

There was no discussion on the motion and there were no opposing votes. Two Board members were absent, and as a tie-breaking vote was not necessary, the Chairman's vote was not noted.

Again, with reference to Western Virginia Regional Jail, it was noted how involved the process is to get any regional jail up and running and that just one of the requirements is for a community-based corrections plan to be in place. Mr. Proffitt went on to read some background.

“The City of Salem and the Counties of Franklin, Montgomery and Roanoke are requesting approval of their Community-Based Corrections Plan (CBCP) to justify the need to construct a 592-bed regional jail. The proposed regional jail will serve Franklin, Montgomery and Roanoke Counties and the City of Salem. A preliminary geo-technical investigation report has been performed for this site. Based upon the findings of this study, it appears that the site is suitable for the construction of the proposed regional jail. The Community-Based Corrections Plan recommends a total jail system capacity of 1,006 to serve the needs of the service area for a 10-to-14-year period. In consideration of the rated capacity of the existing jails in the service area, a shortfall of 789 beds will be needed for growth to 2018. Due to the current rate of construction and per-bed costs, the participating jurisdictions propose building a regional jail facility with a rated capacity of 592. The 2018 projection will be met by virtue of double bunking 200 cells during the construction phase of the project, which will increase the number of available beds to 792. The current revised CBCP has undergone interagency reviews and is felt to be in compliance with the Board’s Standards.”

**Board Motion by the City of Salem and the Counties of Franklin, Montgomery and Roanoke to Approve Their Community-Based Corrections Plan**

“The Board of Corrections approves the City of Salem and the Counties of Roanoke, Montgomery and Franklin’s Community-Based Corrections Plan in support of their need to construct a 592-bed regional jail.”

By *MOTION* duly made by Mr. Proffitt, seconded by Mr. Hudson and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright), the request was approved.

There were no opposing votes. During discussion, Sheriff Holt addressed the Board and thanked the members for their consideration. Mr. Wright noted that as he and the Chairman had been part of establishing a regional jail, he could appreciate what the localities are trying to do. The Chairman noted that what WVRJ was doing was mirroring what was done with the creation of the Hampton Roads Regional Jail; keeping the local jails open as well as the double bunking. There was no further discussion.

Two Board members were absent, and as a tie-breaking vote was not necessary, the Chairman’s vote was not noted.

In closing, Mr. Proffitt noted that Mr. Tony Casale with DCJS has been at the Committee meeting and had noted that this facility is the first to comply with new Code requirements involving community custody.



In addition, this project is one of what was six requiring Board approval this year. Previously, Mr. Elliott had indicated that Loudoun and Roanoke/Salem/Montgomery/Franklin would be coming to the Board in May; in July, Riverside and Rappahannock; and in September, Gloucester, Amherst/Nelson/Appomattox, which has withdrawn. As there are five projects that need approval this year and the absolute drop-dead date for Board consideration would be the November meeting, and as the Board will be reviewing this project along with the other four in a very short time period, there was discussion during Committee with Director Gene Johnson about holding a special meeting in relation to further approvals for WVRJ.

The Chairman noted that in looking at the Board's By-Laws, it says that Special Meetings may be called by the Chairman or by three members. In his capacity as Chairman, he called for a Special Meeting in August in order to complete the process for this regional jail project. The Chairman stated he was looking at August 31 in the City of Roanoke, and staff has assured that they will make all the arrangements and noted that if there were no problems with his suggestion, that he was calling for a Special Meeting on Wednesday, August 31, at 10:00 a.m. in the City of Roanoke.

Staff asked if the subcommittees would be meeting in conjunction with the Special Meeting and the Chairman indicated they would not.

As there were no questions or comments, the report was concluded. The Chairman thanked Mr. Proffitt for his report.

The Chairman redirected the Board to the Administration Committee's report; that there was one other item that needed to be discussed.

### **VIII. Administration (Mr. Wright)**

Mr. Wright noted that there was a Motion before the Board for the sale of a staff house. Mr. Thurston gave some background in that when the Department went to sell the house, it was found that this particular house had been inadvertently left off the original motion. Originally, all of the paperwork was forwarded to General Services and they proceeded with the normal process and when the Attorney General's Office got the paperwork for the sale, they noticed that the property was not on the list. This action will remedy that omission.

By *MOTION* duly made by Mr. Wright, seconded by Mr. Kallen and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Mitchell, Wright), the following was read into the record:

#### **Board Motion for Approval of Statewide Sale of Staff House Located Outside of Prison Facility Boundaries**

“Pursuant to Section 53.1-18 of the Code of Virginia and as requested by the Department of General Services, it is moved that the Board approve the May 19, 2005, sale and the execution of all documents by the Director of the Department of Corrections for the staff

house located at 180 Phipps Circle, Clintwood, Virginia, as directed by the 2003 Appropriation Act, which property met the criterion of being located outside of the boundaries of prison facilities, to buyers and under terms and conditions deemed appropriate by DGS, and in accordance with the law. The Director of the Department of Corrections executed all documents in furtherance of the sale of this property on May 19, 2005, to Tracy S. Ray and Jennifer L. Ray, husband and wife.”

There was no discussion on the motion and there were no opposing votes. Two Board members were absent, and as a tie-breaking vote was not necessary, the Chairman’s vote was not noted. Mr. Wright’s report was concluded.

**IX. Other Business (Ms. Scott)**

Ms. Scott reported that the Director and Mr. Jabe were at St. Brides today looking at completion of Phase I.

In addition, she noted the scheduled execution of Mr. Ron Lovitt was stayed by the Supreme Court at 5:10 p.m. on the day of execution, July 11, 2005. She reported that this case will come back to the U.S. Supreme Court when the Court reconvenes this fall.

There is another execution scheduled for July 27 for Justin Wolfe. The Department has been advised that that execution is not likely to take place.

In reference to the jail projects that are left to be completed, the Department has filled Mr. Elliott’s position with the new person coming on board on August 10. In addition, the Department has contracted with Mr. Mike Howerton to train the new employee.

And finally, Ms. Scott remarked on the changes to the Board Room. A remodeling is underway, some of which has been completed. It will be refurbished with new ergonomic chairs, new side chairs, teleconferencing capabilities, and new audio equipment. The Department will be replacing the carpet and baseboard shortly. And the Board’s pictures are not on the wall as they have been sent out to be rematted and reframed and will be rehung before the next meeting. Ms. Scott concluded her report.

The Chairman noted Ms. Fahey’s presence, and she stated she had nothing to offer. There was nothing from the Attorney General’s Office, and no one from the Secretary’s Office was present.

**X. Closed Session**

No closed session was held.

**XI. Board Member/Other Comment**

Mr. Proffitt remarked that Probation and Parole Officers and Community Corrections staff were being recognized this week. He noted they have a very difficult job, which they do very well. In addition, he wanted to thank Ms. Reneé Maxey for her many years

of faithful service to the Board. The Chairman echoed those sentiments. In addition, the Chairman thanked the members of the Petersburg Commonwealth's Attorney's office for their interest in attending the meeting.

**XII. Future Meeting Plans**

**As previously mentioned, a Special Meeting of the Board has been called by the Chairman for Wednesday, August 31, 2005, in Roanoke at a location to be announced. The meeting will start at 10:00 a.m. Notice will be forthcoming as to the location and overnight accommodations.**

**The following information has been provided to Board Members previously and is provided now for the purposes of the record.**

**The September, 2005, meetings are scheduled as follows:**

**Liaison Committee** – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 20, 2005.

**Correctional Services/Policy & Regulations Committee** – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 20, 2005.

**Administration Committee** – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, September 21, 2005.

**Board Meeting** – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 21, 2005.

**XIII. Adjournment**

There being nothing further, by *MOTION* duly made by Mr. Mitchell, seconded by Mr. Hudson and unanimously *APPROVED* by those members in attendance (Burrell, Hudson, Kallen, Mitchell, Proffitt, Wright), the meeting was adjourned.

*(Signature copy on file)*

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CLAY B. HESTER, CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY