

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS**

Regular Meeting.....March 16, 2005
Location6900 Atmore Drive
Richmond, Virginia
Presiding.....Clay B. Hester, Chairman
Present.....James H. Burrell
W. Alvin Hudson, Jr.
Gregory M. Kallen
Reneé T. Maxey
Sterling C. Proffitt
Absent.....Jacqueline F. Fraser
Raymond W. Mitchell
W. Randy Wright

10:00 a.m., Wednesday, March 16, 2005

6900 Atmore Drive, Richmond, Virginia

The meeting was called to order.

I. Board Chairman (Mr. Hester)

The Chairman welcomed attendees and thanked them for coming.

Motion to Approve January Board Minutes

By *MOTION* duly made by Mr. Hudson, seconded by Mr. Burrell, and at the call for discussion, Ms. Maxey noted a minor wording change had been made to the Draft Minutes as distributed but nothing substantive. There being no questions as to the minor wording change, the Motion was unanimously *APPROVED* as presented by verbally responding in the affirmative (Burrell, Hudson, Kallen, Maxey, Proffitt). As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Ms. Fraser and Messrs. Mitchell and Wright were absent.

II. Public/Other Comment (Mr. Hester)

The Chairman noted for the record that Ms. Kim Mummert, Mr. Peter Lundt, and Mrs. Mary Venema were present as members of the general public and asked if they had any comments. Ms. Mummert spoke first and stated she had been dealing with the Department since October, 2004, concerning alleged policy violations by staff of the Department and presented supporting documentation. She remarked the Board had the right and the ability to investigate alleged violations and suggested they do such. She also named other issues of concern. The Chairman stated the information presented will be turned over to the appropriate authorities within the Department for review.

After several general questions and comments, the Chairman thanked Ms. Mummert for her comments.

At this time, the Chairman asked Mr. Peter Lundt with Friends of Guest House, Inc., for his comments. Mrs. Venema interjected with a request to the Chairman for an update concerning the Department's authorization for using a quota to fill beds outside of an inmate's security level; i.e., to take a Level I security inmate and move them to a Level II facility to fill a bed. The Chairman responded he was not aware of the issue and pointed out that the Board does not get involved operational issues. He reiterated the Board sets policies relative to certifications only and that the Board does not set any policies on quotas. She suggested that the Board look into the use of quotas as opposed to security level needs to fill beds especially when the state is spending millions to build new facilities. The Director stated that he would check into her concerns.

After some discussion, the Chairman thanked Mrs. Venema for her comments.

At this time, Mr. Lundt addressed the Board. He stated that Friends of Guest House is a nine-bed, female-residential facility for non-violent ex-offenders located in Northern Virginia, which has been in its current location since 1981. That location was closed in 2003 because of mismanagement. New management took over in the summer of 2003, rehabilitated the house, and reopened under new management in June, 2004. Guest House is requesting a waiver of two Board Standards; the 24-hour-awake requirement, and the two-hour-bed-check requirement, and the reason for the request is based on economics.

He stated that for a nine-bed facility to incur the extra cost of having to pay someone to stay awake all night adds an additional financial burden on the facility. In addition, he explained that the facility has a very sophisticated security system with night monitors and sensors on the screens and since they have been open, there have been no attempted breakouts or anyone entering the facility after hours. He noted there is a staff member in the house 24 hours a day. In closing, Mr. Lundt remarked the facility had just completed their first full audit since the facility reopened with only three findings, two of which are related to the requested waivers. He suggested the possibility of the Board considering a long-term waiver provided there are no violations related to security.

After some discussion, the Chairman remarked the matter could not come for a vote during this meeting but will be placed on the agenda for the May Board meeting. He thanked Mr. Lundt for coming and for his comments.

There were no other members of the general public present.

**III. Presentation to the Board (Mr. Johnson)
(Mr. James M. Sisk, Jr., Security Threat Group Unit Manager)**

Mr. Johnson introduced Mr. James Sisk, who gave some background on the Department's Security Threat Group (STG) Unit. He briefly described the database devoted to gang information with the idea that specific Department staff will have access to it and will be able to share this information amongst themselves. Currently, the information comes from OBSCIS and it will integrate with the new OMS system, when operational.

Mr. Sisk announced that the Unit is hosting a two-day gang conference to be held at the Academy for Staff Development on May 17-18, 2005. He invited any Board member interested to attend. He explained that the Department has a lynchpin role in the law enforcement community with reference to STG's, with particular emphasis on gang criminality factors. And, the whole idea behind gang prevention and identification is Officer safety because whatever the gang tells a member to do, they will do. It is us and them; the gang member versus the police, and all Department employees are considered the police. The purpose of the conference is to give Department staff the chance to attend some important training in order to better prepare them for responding to gang problems within the Department. He noted that logically, if you were a gang member, you would not want the Officer or Department to know you were a gang member but that is not how they think. The gang has become their family and it is them against the rest of the world. This training will serve to bring some needed awareness to staff.

The Board then viewed a video which demonstrated a typical gang disciplinary meeting. As there was no audio to the video, Mr. Sisk walked the Board through what was happening in the video. At its conclusion and as there were no questions, Mr. Sisk again invited the Board to the conference in May. At that point there was some further discussion and comment after which the Chairman thanked Mr. Sisk for his presentation. No action on the report was required.

IV. 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. Mitchell, Mr. Burrell, Mr. Hudson and Ms. Maxey as well as Deputy Secretary Green.

He noted that Mr. Tony Casale of the Department of Criminal Justice Services gave a presentation to the committee about a concern regarding pre-trial screening programs across the state. There are 30 such programs across the state involving 39 jails and 80 localities. He stated that when an individual is arrested and is in a pre-trial status before they go to court, a pre-trial case manager will sit down and do an interview with that individual and certain data is required. Mr. Casale indicated that takes about 45 minutes. Sometimes the case manager will access the local inmate data system for jails (LIDS). But as jails have the option of either entering information on line daily or entering it in a batch when they have the opportunity, then there is a delay as the information is not current. Mr. Casale went on to describe the minimum information the pre-trial people would need: name, social security number, sex, age, major offense at commitment, type of offense, reason confined, commitment date and time (in the month, day and year format), court in which the defendant is being admitted, and recent release and release time (also having the month, day and year format). He indicated it is preferable for the case managers to be able to put as much of this information together ahead of time because the case manager wants to get to court as soon as they can to make a presentation to the judge with the idea of diverting the individual into the pre-trial program. Having to gather the information while interviewing the inmate can cause a delay of much as 1½ hours. He suggested that perhaps a standardized form could be established. Mr. Casale

then concluded his remarks. Mr. Ron Elliott has indicated he will maintain an ongoing dialog with Mr. Casale to see what can be done to resolve this issue.

Mr. Dave Hawkins gave an update on the Department's capital projects stating that the St. Brides' project is substantially complete and the facility should be ready to move into in late July. As to Phase II, the engineering and the actual building of the facility has been awarded to KBR under the design-build concept with a notice to proceed for this spring. That will be an additional 800 beds and completion is projected for the spring of 2007.

Mr. Hawkins provided an update on the medium-security, 1,024-bed facility in Tazewell, which is estimated for completion in March, 2007, and stated that the locality will be providing the water/wastewater service. The second medium-security facility in Pittsylvania County has undergone some early site work and that location has an estimated completion of May, 2007. As with Tazewell, the locality is looking at providing the water and wastewater services. The Deerfield expansion is an additional 600 beds with an estimated completion of November, 2006.

Chairman Cherry asked Mr. Hawkins about the explosion at St. Brides and as Mr. Hawkins summarized, propane was used in the kitchen and the contractor was purging a 1½" line there and somehow a cap was left off that line. As they were trying to pressurize that line, the propane was leaking out. Propane is heavier than air so it sunk to the floor, and someone was in the kitchen and lit a torch and there was an explosion. There were some injuries and the Department is getting some engineers to inspect the structural integrity of the building and all of the utilities are being examined as well.

Mr. Ron Elliott presented his report to the committee stating that the Department population as of March 7 was 31,975, an increase of 861 from January 12, 2005. As of March 4, felons received was 1,378, felons released with a good time release date was 782, paroled was 212, with a total release of 994.

The jail population as of January 18 was 24,512, a decrease of 561 from November 16, 2004. Mr. Proffitt noted that when asked, the Sheriffs and Superintendents present at the meeting indicated they were pleased with the movement of state-responsible inmates out of jails, particularly those with medical problems.

As of January 18, felons with more than one year to serve was 3,653, an increase of 29 from November 16, 2004. As of February 25, 2005, felons available for pickup was 2,763, a decrease of 38 from January 7, 2005. As of March 14, felons out-of-compliance was 1,277, a decrease of 205 from January 7, 2005, which shows the Department is continually striving to get the state-responsible inmates out of jails. As of March 4, 2005, felons released with a good time release date was 580, felons paroled was 218, with a total release of 798.

Mr. Proffitt stated that Mr. Elliott then discussed the jail projects currently under construction; the **Middle River Regional Jail** where roofing sections are being constructed, electrical and plumbing systems are being installed, and as of March 11, 2005, ceilings, duct work and conduits are being installed and interior painting is

underway with an estimated completion date of February, 2006; the **Loudoun County** facility where as of 1/10/05, all exterior walls were constructed and roofing and security hardware systems were installed and that this project has received an additional exemption to the state jail construction funding moratorium that will allow the Board to consider expanding the scope of the current project to include a request for additional funding; the **Virginia Beach City Jail**, as of January 10, 2005, the HVAC was completed, carpeting and cabinetry was installed, and installation of the video visitation equipment to have been completed by the end of January and with estimated completion of the new addition being May, 2005, and with renovations scheduled for completion in May, 2006; the **Southwest Virginia Regional Jail**, a three-jail-site facility, has an estimated completion date for two of the facilities of April 10, 2005, and the third in May, 2005; the **Chesterfield County Jail's** inmate loading date has been moved up from December to September of this year; the **Botetourt/Craig Regional Jail's** construction bids are expected to be let this August with construction to begin in October, 2005, and with an estimated completion date of November, 2007.

Mr. Proffitt stated that there will be six projects coming to the Board for funding; two in May, two in July and two in September. All projects have to be in and approved by the Board by November of this year in order to be considered by the General Assembly.

He briefly went over the Jail Contract Bed program numbers at which point his report was concluded. There were no question or comments and no action on the report was required.

VI. Administration Committee (Mr. Burrell)

Mr. Burrell noted that the committee had met briefly with staff, discussed several items including the upcoming Gang Conference to be held in May of this year, and remarked that the Department had made out well during this year's General Assembly with the committee having been provided some of the Budget changes affecting the Department. He then closed his report. No comment or reference was made to the Financial Report for the 2d Quarter Ending December 31, 2004.

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

VII. Correctional Services Committee Report/Policy & Regulations (Ms. Maxey)

By *MOTION* duly made by Ms. Maxey and seconded by Mr. Burrell, the following recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Maxey, Proffitt):

Unconditional Certification as a result of **100% compliance** for the **Lebanon Community Corrections Center**.

There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was note noted. Three members were absent.

And by *MOTION* duly made by Ms. Maxey, it was moved that the **Lunenburg Correctional Center, Alleghany/Covington Regional Jail, Page County Jail, and Probation & Parole District #31 (Chesapeake)** receive **Unconditional Certification; and,**

that the **Virginia Beach Correctional Center** receive **Probationary Certification; and,**

that the **Western Tidewater Regional Jail and the Blackstone Town Lockup** receive **Unconditional Certification to Include Male and Female Juveniles in Accordance with Section 16.1-249(g) of the Code of Virginia.**

After the call for discussion, the *MOTION* was seconded by Mr. Burrell and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Hudson, Kallen, Maxey, Proffitt). There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Three members were absent.

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.

Altavista Town Lockup, Central Virginia Regional Jail, Lynchburg City Adult Detention Center (Blue Ridge Regional Jail), Madison County Lockup, Rockingham/Harrisonburg Regional Jail, and the Virginia Peninsula Regional Jail.

Ms. Maxey also noted that the matter of Friends of Guest House was addressed by the committee and as already stated, will be addressed at the May Board meeting. The only other matters reported to the committee, and as were previously reported by Mr. Proffitt during his Liaison Committee report, are the two requests for state jail construction funding reimbursement to be reviewed by the committee in May. She noted there was nothing to report for Policy & Regulations, and as there were no questions or comments on her report, it was concluded. The Chairman thanked Ms. Maxey for her report.

VIII. Other Business (Mr. Johnson)

The Director had nothing in particular to report. He did remark that he had checked on the situation brought up by Mrs. Venema and had found that the Department had not moved anybody from one security level for the reason of filling a bed at another security level but stated if there was a specific case she had in mind, he would be glad to discuss it with her. There were no questions of the Director.

IX. Closed Session

No closed session was held.

X. Board Member/Other Comment

Mr. Proffitt reminded the Board of the upcoming Regional Jails Association Conference.

XI. Future Meeting Plans

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

The May, 2005, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 17, 2005.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 17, 2005.

Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, May 18, 2005.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 18, 2005.

XII. Adjournment

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

(Signature copy on file)

CLAY B. HESTER, CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY