

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
LIAISON COMMITTEE MINUTES**

Regular Meeting September 16, 2009

Location6900 Atmore Drive, Richmond, Virginia

Presiding..... John Roberts, Chairman

Present Sterling Proffitt, Chairman, Board of Corrections
Jimmy Burrell, Vice Chairman, Board of Corrections
B. A. Washington, Member, Board of Corrections
Reverend Anthony C. Paige, Board of Corrections
Roy Cherry, Hampton Roads Regional Jail
Eugene Taylor, Hampton Roads Regional Jail
Bruce Conover, Northwestern Regional Adult Detention Center
Jeff Frazier, Northern Neck Regional Jail
Elton Blackstock, Blue Ridge Regional Jail Authority
Tim Trent, Blue Ridge Regional Jail Authority
Keith Lockridge, Charlotte County
Gary Bass, Classification and Records, DOC
Kim Lipp, Architecture and Engineering, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

The meeting was called to order and attendees were welcomed. No roll was called.

I. Committee Chairman (John Roberts)

- Mr. Roberts called for a motion to approve the July minutes. By MOTION duly made and seconded, the minutes were unanimously APPROVED by the attending committee members.

II. Meeting Summary

Robyn deSocio was unable to attend, please see attachment.

Sterling Proffitt reported the following:

- Mr. Proffitt introduced the newest member of the Liaison Committee, Reverend Anthony Paige, also appointed a member of the Board of Corrections in July. He added that the governor’s website, under public safety, shows that he (the

governor) recommended restoring the reductions to constitutional officers and a 4.7% reduction to sheriff's officers presumably for regional jails as well as a 10% reduction for circuit court treasurers, directors of finance and commissioners of the revenue. Under the Secretary of Public Safety, the Commonwealth will close the Brunswick Correctional Center, Botetourt Correctional Center and the Natural Bridge Juvenile Corrections Facility. The personnel changes are expected to be 449.5 with total layoffs 225. Gary Bass added the layoff totals are an estimate and that the DOC will try to absorb as many positions as possible as was done in the last two rounds of budget cuts. In 2002, 1,165 positions were eliminated resulting in only 30 actual layoffs. Last year 600 positions were abolished and only around 30 people were laid off. Positions have been held open for quite some time to accomplish the fewest layoffs possible. The General Assembly has still not funded St. Brides Correctional Center's expansion or the new Grayson Prison therefore, the closings will have an impact on local facilities.

Kim Lipp reported the following:

- Ms. Lipp advised the committee that the staff member who prepared the construction reports moved to Texas and they don't have anyone at this time to prepare the hardcopy report. The Grayson facility is progressing well and will have 1,038 beds, but unfortunately, this facility remains unfunded by the General Assembly. Completion is slated for July, 2010, but it will not be opened at that time. Mr. Bass advised that the DOC has been instructed to try to fill the facility with out of state inmates. Even though several states want to contract the beds, they have budgetary issues that do not afford this scenario. St. Brides still has 800 unfunded beds that are not staffed or funded as well.

Bill Wilson reported the following:

- The Tuesday report, which has been unavailable for months, was published on July 31, 2009. That report shows 27,829 total jail inmates, with 2,858 out of compliance inmates, which is expected to increase considerably.

Gary Bass reported the following:

- There are 1,104 inmates in the two closing facilities (Botetourt and Brunswick). In absorbing the inmates at Brunswick and Botetourt, the DOC will be unable to receive inmates from the jails, with the exception of catastrophic or serious mental illness, which will increase the out of compliance numbers. Last year it took about ten weeks to absorb 1,300+ inmates, so he anticipates slightly less than two months for this transition. With funding, St. Brides could become fully functional rather quickly since the original facility is operational. Red

Onion State Prison will not be filled to capacity as Red Onion is a super-max facility and inmates are not sent there without the appropriate security level classification. Botetourt was a therapeutic community facility (TC) which represents the loss of a successful program. Indian Creek remains a therapeutic community facility and is still operational. The timing for closing Botetourt is unfortunate after the DOC has encouraged changes in legislation over the past four years, the behavioral correctional program was approved. This is a sentencing option enabling a judge to sentence an individual to the TC program that became effective July 1, 2009. Indian Creek has a TC capacity of 800+, so hopefully, the DOC can accommodate populations eligible for the recently approved sentencing option. Brunswick was a newer facility than Botetourt, but was an expensive prison operationally. The programs from Brunswick that were salvaged are SORT, a sex offenders treatment program, and a mental health program. These changes do not affect public safety. The DOC maintains the operation security at the same level even in closing facilities. There may be some impact at the local level even though recent trends have seen reductions in jail populations.

Elton Blackstock noted that jails typically operate above rated capacities, many time double or more the rated capacity and there is no additional funding for staff at this point. Ms. Lipp added that there is a big discrepancy in the methodology of bed counts between jails and prisons. Rated capacity in jails typically refers to single bunking, whereas, in prisons, double bunking is the norm. Because of this discrepancy, prisons and jails are at a comparable level of double bunking. Mr. Bass noted that the DOC has controlled entry into the prisons, while the jails do not have that level of control over their inmate intake. Reverend Paige stated that he was concerned about underfunding for bed space due to safety concerns of overpopulations. Mr. Bass responded that Virginia has the lowest assault rate in the nation of inmate on inmate and inmate on staff assaults. This is not a helpful statistic for justification of funding due to public safety concerns.

Virginia also has a generous population of dangerous inmates, but they are well managed and the staff is well trained to deal with them. He noted that the jails are the first to intake these security intensive inmates but they are received into the prison as a high priority. Kim Lipp added that there is currently an impression within the legislature that there is an excess capacity among the newer local jails and regional jails that are opening or soon to be opened. She asked the committee if that was a true analogy. Mr. Conover replied that the DOC has a greater capacity to close facilities than do the jails and the only potential for cutting costs due to budget shortfalls is in personnel, thereby, increasing risk potentials.

Mr. Blackstock advised that jails have become a dumping ground for the mentally ill for lack of better institutional availability. There is no funding provided by the legislature to address this increasingly difficult issue. This

contributes to overcrowding by the need to segregate these inmates for liability and ethical reasons. Severe medical issues are cost prohibitive for local facilities as well. This scenario requires segregation beds that reduce apparent capacities. Mr. Wilson noted that staffing is determined by the Compensation Board based on old standards and fails to consider special needs inmates as staff intensive, such as medical and transportation staff. The standards are in the final revision stages.

Mr. Cherry asked about published language suggesting that the Brunswick facility is being sold to the local regional jail authority and asked what affiliation that referenced. Mr. Wilson responded that this refers to the Meherrin River Regional Jail Authority, but they have denied having any interest in purchasing it for the same reasons that the DOC wants to close it. Brunswick Correctional Center had high operational costs. The suggestions for Meherrin RRJA to purchase the Brunswick facility has not been decided nor finalized.

Mr. Bass advised that contract bed funding has not changed, the DOC is funded for 500 jail contract beds (JCB). There has, however, been a change in local work release funding. The DOC eliminated the work release program 20 years ago (approximately) and has contracted with the local facilities for work release qualified inmates. Originally, the local facilities received \$28/day for this agreement and this has not changed. If an inmate is received into the DOC and released to local facilities for work release, they are reimbursed at \$28/day. The definition has changed somewhat. Workers who serve local time are reimbursed at \$8/day. Local facilities frequently request that state responsible inmates be classified for work release. This classification change from JCB to work release requires the reimbursement to be at \$8/day. Several years ago additional funding was provided to increase the JCB program from 300 to 500 beds. The DOC maintains JCB beds at around 300 and opted to reimburse jails at the \$28/day JCB rate even when the inmate was placed into a work release program. The Department of Planning and Budget contested this monetary discrepancy and the original code has been enforced for about one and half years. An inmate must be received into the DOC and returned to the local facility to qualify for the \$28/day reimbursement. Frequently, the inmate will lose his/her job in the time required for this processing, making it difficult to allow for the DOC processing time constraints for the jail to receive the enhanced reimbursement while maintaining employment of the inmate. Jeff Frazier asked about reimbursement rates for court order state responsible inmates. Mr. Bass answered that the reimbursement remains at \$8/day unless the inmate is DOC processed. Mr. Proffitt clarified that "court ordered" is technically an invalid interpretation. The judicial system cannot legally classify inmates.

Mr. Bass noted that the DOC is not accepting inmates for intake until the closing of the two DOC facilities has been completed, however, in the event

Board of Corrections
Liaison Committee
September 24, 2009

that there is a catastrophic medical cost or severely mentally ill inmate, he will attempt to make an exception.

Bill Wilson added that Chris Ramos from the Virginia Catholic Conference, who had attended and spoke recently to the committee, is still having problems with two jails that are failing to follow federally required concessions for catholic services and sacraments when security is not at risk.

By MOTION duly made by the Guest Chairman of the Liaison Committee, Roy Cherry, and seconded by several members in attendance, the meeting adjourned.