

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

Regular Meeting October 21, 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
Bobby Mitchell, Member, Board of Corrections
Dick Hall-Sizemore, Department of Planning and Budget
Eugene Taylor, Hampton Roads Regional Jail
Bruce Conover, Northwestern Regional Adult Detention Center
Elton Blackstock, Blue Ridge Regional Jail Authority
Tom Jones, Sheriff, Charlotte County
Robyn de Socio, Executive Secretary, Compensation Board
Ron Elliott, Peumansend Creek Regional Jail
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 September minutes. By MOTION duly made and seconded, the minutes were unanimously APPROVED by the attending committee members.

II. Meeting Summary

Robyn deSocio reported the following:

- The governor’s budget came out on September 8th and the Compensation Board has been busy trying to set implementation plans for the governor’s reductions. At the last meeting that she attended (July), she discussed the last minute state distribution of federal funds to cover fiscal year 2009 (FY09) general funds to reimburse the constitutional officers, sheriff’s offices and regional jails totaling

\$109 million from federal funds. This involved stimulus funding that requires tracking by local auditors. There were some concerns by some local auditors about the distribution that resulted in changes in August. There is \$23.3 million in federal stimulus funds that will cover portions of the FY10 personnel costs. The Comp. Board is working with DCJS, the Dept. of Accounts and APA to track funding requirements. Some communications regarding this funding were sent out last spring and everyone was sent a request asking for a DUNS number (an assigned number any state agency must have in order to receive any federal grant funding). They will be working on finalizing the implementation plans for federal funds distribution. Members can expect another communication in the near future from the Comp. Board detailing how this will be handled. The Commonwealth is maintaining responsibility for federal funds reporting. Local facilities will have to account for the funds and deal with local auditors.

The budget reductions were announced by the governor on September 8th and the Comp. Board has worked out the implementation of these reductions. There are two primary sheriff's offices and regional jail issues, one being a 4.7% across the board reduction, and the other, a conversion of the existing freeze on vacant positions to an across the board reduction. A freeze on accrued vacancy savings has been in place since 2002 and last year there was an implementation of the 90-day freeze. Together, this equates to about \$15 million that must be recovered every year in order to balance the budget. This is equal to 7.3% but the board froze existing unused master deputy funding prior to distributing this across the board, which was about \$1 million not being used. Master deputy positions in use will be funded, but unfilled master deputy positions are currently frozen. This action reduced the reduction to about 6.9%. This reduction was implemented in September, which is difficult to reflect over the course of a full fiscal year, therefore the boards will have to modify the savings throughout the course of the remaining fiscal year. If reimbursement requests are not reduced on a monthly basis (or at whatever interval the locality determines) the savings will ultimately come at the end of the fiscal year in the form of no reimbursements effective March or April of FY10. Of worthy consideration may be furloughs, vacancy savings or reductions in salaries, but preferably not in your base. FY11 may bring additional resource drains. The governor will introduce his budget recommendations the third week of December for FY11 and FY12 and the legislature will introduce their recommendations in the spring of next year. The governor stated that there was a budget shortfall of \$300 million and recommended a \$1.5 billion budget increase for FY10.

Regarding per diems, the Comp. Board re-ran the forecasts for FY10 and there was a shortfall of about \$6 million. Recalling last year's governor's budget, there was a 7% reduction to per diems that was not restored during the last legislative session and there was an anticipated shortfall due to this action. It is unknown if the governor will address this in the caboose bill for FY10 when his budget is submitted in December. These recommendation must be considered

by the legislature and final budgets remain to be seen until most likely near the fourth quarter.

She thanked the participants of the mental health survey. The report is due to the legislature on November 1st.

Kim Lipp reported the following:

- There are substantial changes to the Grayson project. She circulated pictures showing interior painting, the sliders (door) are installed and slots are being put in the sliders as this facility has been considered for an increase in the security level from a three to a four. The determination has not been finalized. The exterior changes include fencing being installed by inmates from the corrections construction unit.

Mr. Washington asked about the financial savings gained by utilizing the corrections construction unit. Ms. Lipp said she would see what she could do to present a basic approximation of savings recouped from inmate labor programs. Many members remarked on the savings gained from inmate labor utilization and the productive benefit to the offenders. Mr. Blackstock furthered the discussion to include the lucrative benefits of the agribusiness products program through the DOC. Members also discussed other DOC programs such as the re-entry program and the hope that the recidivism rate for the participating offenders is being tracked following treatment experience gained through this program. Of note, the inclusiveness of life skill such as how to prepare a résumé, the hydroponics program, the flash freeze plant for food processing program and numerous production services provided by offender work programs.

Bill Wilson reported the following:

- The most recent Tuesday Report shows 27,797 total jail population, 5,949 of which are state responsible. The out of compliance numbers have raised dramatically due to the closing of Brunswick and Botetourt Correctional Centers. The number has increased from 3,356 in early October to 3,450 at the time of the meeting. Mr. Bass noted that he's hoping this is the high water mark and the DOC will begin to receive inmates again.

The Richmond City Jail submitted their community based corrections plan, which was approved by the Board with the planning study to be submitted at the October meeting. Richmond has demolished a portion of the jail and will be building a multi-level tower that will increase their capacity by about 150 beds. The Meherrin Regional Jail (includes Mecklenburg, Brunswick and Dinwiddie) will go ahead with building the 400 bed facility. They are proposing that

Mecklenburg County Jail remain open as a work release center with 68 beds. Due to prohibitive costs, they have opted out of the Brunswick Correctional Center proposal. There is a new state cap of \$50 million for reimbursement. Warren, Rappahannock and Shenandoah counties have reached an agreement and have submitted their community based corrections plan for the October Board of Corrections meeting.

Gary Bass reported the following:

- All inmates from Brunswick and Botetourt Correctional Centers have been relocated as of October 9th, staff placement is ongoing. One hundred twenty inmates were moved into jails with whom the DOC had an agreement to hold inmates. Some of the aforementioned jails have additional vacant beds and will continue to receive DOC inmates by agreement. Lower risk inmates are preferable for jail assignments, yet the DOC generally has bed space at the lowest security level making it a fairly daunting task to determine which offenders will go to jails. These placements are reimbursed at the standard \$14/day. The sexually violent predators are screened for civil commitment through the Dept. of Mental Health and some are eligible for jail confinement at \$28/day while awaiting trial which may consist of multiple hearings. This has been utilized as a JCB (jail contract bed) holding option in appropriate jails. Mr. Bass noted that he is skeptical about how much more the department can do to safely decrease costs without the elimination of successful rehabilitation programs. The mental health and sexually violent predator programs from Brunswick were preserved and moved to Greensville Correctional Center, however the substance abuse treatment center at Botetourt was abolished. There remains a TC (therapeutic community) program at Indian Creek and hopefully it will adequately serve the most needy male offenders in the future. For females, there is a TC program at VCCW. Currently, over 100 inmates are awaiting this program.

Regarding sexually violent predators civil commitment, Mr. Bass clarified some talking points. This can potentially involve a lifetime commitment. Having sat on the panel for determination of eligibility of release or commitment, he often struggled with the decision to incarcerate sexually violent predators for life and said that frequently at issue was the lack of community resources to provide treatment. They often have the support of family who are willing to accept and assist them in daily living making the decision more difficult.

DOC intake began on October 9th and we are hoping that the out of compliance rates have reached their high water mark.

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