

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

Regular MeetingOctober 19, 2011

Location6900 Atmore Drive, Richmond, Virginia

Presiding..... John Roberts, Chairman

PresentPeter Decker, III, Chairman, Board of Corrections
B. A. Washington, Member, Board of Corrections
Rev. Anthony C. Paige, Member, Board of Corrections
William Osborne, Member, Board of Corrections
Kurt Boshart, Member, Board of Corrections
Felipe Cabacoy, Member, Board of Corrections
Cynthia Alksne, Member, Board of Corrections
Harold W. Clarke, Director, DOC
Dick Hickman, Senate Finance Committee
Glenn Aylor, Central Virginia Regional Jail
Elton Blackstock, Blue Ridge Regional Jail Authority
Bruce Conover, Northwestern Regional Adult Detention Center
Gabe Morgan, Sheriff, Newport News City Jail
Dave Hackworth, Chesapeake City Jail
Eugene Taylor, Hampton Roads Regional Jail
Tim Trent, Blue Ridge Regional Jail Authority
Mike Jones, Moseley Architect
Cary Gill, Moseley Architect
Dick Hall-Sizemore, Department of Planning and Budget
Robyn deSocio, Compensation Board
Kim Lipp, Architecture and Engineering, DOC
Jim Parks, Classification and Records, DOC
Brooks Ballard, 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.

I. Committee Chairman (John Roberts)

- Mr. Roberts welcomed the committee members. He then called for a motion to approve the July minutes. By **MOTION** duly made and seconded, the minutes were unanimously **APPROVED**. The Motion carried.

Mr. Roberts introduced Major David Hackworth from Chesapeake City Jail, the newest appointee to the Liaison Committee.

II. Meeting Summary

General Conversation included the following:

- Included in the Liaison package is a draft letter from Cynthia Alksne addressing the bed space survey. She wants to get a better feel for what the numbers mean and asks that the administrator include more attachments with explanations to detail their individual facility. She also hopes to include the number of people sleeping on the floor of the facility. A change that has been considered is having the jail inspectors in the Compliance and Accreditation Unit write reports when the facilities are inspected to give the legislators some context. She wants input from the liaison members to include parameters to clarify the information to the General Assembly.

Bill Wilson advised that life, health and safety inspections are conducted annually and would not incur additional costs to the DOC. He suggested that square footage and day room space per inmate should be included in future bed space surveys. The national standard for maximum operational capacity is around 25% over rated capacity and some local facilities are over that number. Due to the diversity of the jail construction and administrators' management style, each jail's maximum safe operating capacity must be determined individually by the operators. The Virginia legislature has generally considered 50% over capacity to be acceptable. Mr. Wilson created a sample color chart to show the population in some facilities over the rated capacity to illustrate how extreme some facilities have been overcrowded and suggested something similar to present to the legislators for the purpose of visual impact. He clarified that double bunking requests which were granted by the BOC were for two beds in a space designed for one bed for the purpose of accommodating overflow population, not for standard rated capacity. The support areas such as medical, food service and hot water are not designed to handle double bunking on a full-time, daily basis.

Mr. Wilson further discussed the difference between the rated capacity, operational capacity and the design capacity. He recommends changing the language to 'design capacity' to clarify what the facility is designed to support. This would further clarify for the legislature the number of inmates that a jail can safely handle, except for in extenuating conditions. Reverend Anthony Paige suggested that the method of presentation could have a big impact on the recommendations of the legislators, suggesting that complicating the methodology may have negative impacts.

Sheriff Gabe Morgan stated that he did not think it was appropriate to “dumb it down” for the legislators. He suggested that the complexities have value in consideration of capacities also stating that there should be a question and answer session involving the administrators to clarify any uncertainties one-on-one.

Glenn Aylor discussed the first report submitted by the BOC and mentioned that he thought Dick Hickman would be more involved in the process going forward. He complimented Cynthia Alksne for her efforts and added that it was his understanding that the DOC was not cooperative in submitting all the information to the legislature. He suggested that Mr. Hickman make recommendations of what would be the optimal presentation for the legislators involved. Mr. Roberts advised that due to a previous commitment, Mr. Hickman would be arriving later in the meeting. The conversation could be continued upon his arrival.

Robyn deSocio reported the following:

- Information has gone to the Department of Planning and Budget to go through the administrative process for review and consideration. The Compensation Board has requested that \$7.4 million be restored that was pulled out of the budget, then restored on a one time basis for FY12. If this funding is not included in the FY13/14 budget, it will not be included in future budgets. This is about 2% of all operating fiscal budgets. New jail construction/expansion requests have been submitted for Meherrin River Regional Jail with 480 beds scheduled to open in FY13, RSW (Rappahannock, Shenandoah and Warren) Regional Jail, and a 592 bed expansion of Southwest Virginia Regional Jail Authority. It would not be unusual to see the FY13 items funded and not the FY14. There was a savings in the current fiscal year as the Loudoun expansion was funded to open and they have not yet opened as was Pittsylvania, also not yet opened. Those funds are included in the current funding. The inmate forecasting process has been completed and they are looking at a \$4.6 million shortfall in per diem funding for the current year and an additional \$4.5 million in FY13 and \$4.6 million in FY14. The governor’s budget comes out in December.

William Osborne stated that the Virginia Sheriffs’ Association of has not expressed enough concerns about salaries. Some localities have to supplement the operational salaries because the General Assembly won’t provide sufficient funds for the positions. Sheriff Morgan defended the Sheriffs’ Association saying that they have been supporting additional funding for operations instead of increased per diems, in opposition to the governor.

Mr. Aylor asked Ms. deSocio how the 2/4/6% reduction requested by the governor will impact localities. She answered that the Compensation Board had to submit reduction to appropriations but cannot say exactly how it will impact

the localities. There are no more specific programs that can be reduced other than general funding. She said she doesn't think there is going to be an across the board cut. They were looking at impacts of reduction at 2/4/6%.

DOC Director Harold Clarke added that he is working with the budget director to submit the 2/4/6% proposals to the governor and the situation is dire. The governor has asked all state agencies to take the reductions very seriously.

Ms. deSocio advised that she had no more information to include at this time.

Mr. Roberts updated Dick Hickman that the committee began discussions about the bed space survey but had paused discussion for inclusion of his input. Mr. Wilson advised Mr. Hickman of the previous discussion among the committee adding that the BOC needs to show the legislature that the 4,000 beds that were shown on the previous survey pose safety concerns and many are attained by the use of floor space. Mr. Aylor asked for specifics in data guidelines from Mr. Hickman.

Mr. Hickman said that he is currently using rated capacity. If you consider current trends statewide, the jail inmate population over rated capacity has dropped from about 54% to about 30%. This number is a fairly good number when compared with nationwide acceptable standards. An important number will be whether the governor replaces lost revenue in his budget from the Pennsylvania inmates who will be returned due to the cancellation of the contract. The DOC has a \$20.4 million shortfall in its annual budget. If this funding is not in the budget, the equivalent of Green Rock Correctional Center would need to be closed. Green Rock has about 1,000 beds. It's unlikely the Green Rock facility would close as it is a new facility, but the beds space equivalent would need to be closed. That's also with the assumption that the Grayson facility would remain mothballed. If Green Rock is funded, the double bunking over rated capacity for localities would further drop to around 15% by 2017. The forecasts show populations leveling off, not increasing. In answering the question of the information needed by the General Assembly, they need a responsible measure of capacity that considers multiple occupancy cells given the design, square footage and the best judgment of the BOC taking into account water capacity, sewerage capacity, kitchen capacity, etc. with a reasonable exclusion of old jails, date of construction to be determined by the BOC. Mr. Aylor asked if the design capacity is a better snapshot, since the rated capacity is inflated. Mr. Hickman advised that the rated capacity does not include double bunking.

Ms. Alksne stated that she will be sending out the drafted letter that was provided to the members and that the jail inspectors will do an analysis to better determine safe and reasonable double bunking capacities. She wants to have a better understanding of parameters that everybody agrees with. She told Mr. Hickman that the gathering of this information would require funding.

Conversation continued discussing the differing factors that determine appropriate populations including the administration style, officers, inmate populations, mental health requirements in various localities, security levels and physical health requirements.

Mr. Hickman agreed that these determinations are better made in conjunction with the administrator, the DOC and the BOC. Kurt Boshart asked for clarification of the terminology of rated, operational, operating and design capacity. Mr. Wilson explained that the standards are in the process of being changed to utilize the term 'design capacity' which reflects the population at which the facility was designed to function. Mr. Clarke advised that the operational capacity is the maximum at which a facility can function safely and the national acceptable standard is considered to be 25% above the design capacity. He added that he believes that the best determination of capacity is to have clear and precise standards that include discretionary populations. Ms. deSocio added that the discretionary population standards would clarify the staffing requirements as well.

Mr. Hickman noted that the DOC is double bunking most facilities as compared to the design capacity. The effective caps have been decided basically on the water and sewer capacities. Bruce Conover explained that a larger problem facing the local facilities is deficient staff for increased populations. Ms. Alksne stated that this matter should be addressed in information provided to the legislature. She also warned of potential legal issues with over calculating populations at facilities in the creation of the survey. Mr. Blackstock recommended hiring a consulting firm to determine capacities. Sheriff Morgan in disagreement stated that he felt the expertise exists within the DOC and staff who are already familiar with the various facilities. Mr. Blackstock agreed that the DOC has the expertise, but added that the Local Facilities Unit of the DOC has been gutted compared to the staffing of past years. Mr. Wilson advised that he felt the DOC is capable of making the determinations with the assistance of the administrators of the jails.

Mr. Clarke reiterated the need for clear and concise standards to include discretionary populations adding that Kim Lipp lead an exercise for the DOC recently that illustrated the ability for some facilities to better support additional populations due to building design. Mr. Wilson advised that the standards used during the design of a facility at the time of construction should be used as a basis for reasonable population design. Ms. Lipp offered a suggestion to consider the design capacity which should take into consideration utilities and excluded beds that were not in the plans that were approved by the board standards as submitted for review. Also excluded are beds for which funding is not provided by the Compensation Board, including beds used for federal inmates and not built by state funds. Also excluded are beds used for special designations such as medical and segregation.

Ms. Alksne suggested that Mr. Wilson and Ms. Lipp determine the designations as discussed by Ms. Lipp. An attachment to the final report could be included to clarify any possible inconsistencies in the report.

Sheriff Morgan added that he would like to know how the distribution of inmates to fill excess bed space would be determined as well. Mr. Hickman stated that the DOC, the DCJS, the Comp. Board and a representative of the Secretary of Public Safety meet on a monthly basis to review the overcrowding in the jails. They review individual cases and individual facilities during this meeting. Rev. Paige addressed Mr. Hickman stating that he feel the jails need more funding and he hoped the Senate Finance Committee would attempt to provide more funding for the jails.

Ms. Alksne asked if the committee was in agreement that the draft letter provided to members was ready for distribution. Mr. Aylor asked that a distinction regarding staffing be made. On items #8 and #9, it was agreed that the line items would be omitted and detailed in a narrative to be attached to the report. The return date will be 30 days from the date mailed. Also, the term 'design capacity' will be added to the final draft. Mr. Hickman wanted to clarify on item #4 regarding temporary beds that it was never the intent of the Senate Finance Committee to include beds on floor space or any referenced temporary beds to be counted in the survey. Mr. Wilson verified that the referenced temporary beds were not counted in the survey that was provided to the legislature, but felt it valid information to provide the legislators.

Jim Parks (filling in for Mr. Bass) reported the following:

- Green Rock has received notice from Pennsylvania that they will be taking back their inmates by the end of March 2012. The DOC may be able to increase the inmate intake numbers somewhat. Also, there will be an ongoing repair project going on at Greensville Correctional Center. An entire building of 344 beds has been absorbed within the compound thus far and will be a moving repair from building to building that will take over a year to complete. Any change in the pace of receiving should have already been felt by local facilities. There is also a small project at Wallens Ridge State Prison which has reduced the population by 80 beds for construction. There have been some changes in population distribution made between Wallens Ridge and Red Onion keeping them level 5 and 6 institutions.

Bill Wilson reported the following:

- The out of compliance numbers are up to 4,329. Also, he asked if all the Liaison Committee members would please provide Donna Foster with your e-mail address. It can be sent to donna.foster@vadoc.virginia.gov.

Board of Corrections
Liaison Committee
October 19, 2011

Mr. Clarke noted that Gary Bass is no longer in Classification and Records, he has been promoted to Regional Administrator. You can still use the same phone number(s), but someone in the unit will assist you, as the position has not yet been filled.

By MOTION duly made by the Chairman of the Liaison Committee, John Roberts, and seconded by several members in attendance, and unanimously APPROVED, the meeting was adjourned.