

# THE VIRGINIA BOARD OF LOCAL AND REGIONAL JAILS

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The Virginia Board of Local and Regional Jails (Board) met on Wednesday, August 19, 2020 by **TELECONFERENCE** to Discuss General Business of the Board

**BOARD MEMBERS PRESENT:** The Honorable Vernie W. Francis, Jr., Chairman  
Bobby Vassar, Vice Chairman  
John F. Anderson, Jr., Secretary  
Olivia Garland, PhD  
The Honorable Charles Jett  
Heather Masters, M.D., S.F.H.M., F.A.C.P.  
Karen Nicely, LPC  
Reverend Kevin L. Sykes

**BOARD COUNSEL:** Phillip Figura, Office of the Attorney General

**ATTENDEES:** Emmanuel Fontenot, Virginia Department of Corrections  
Tawana Ferguson, Virginia Department of Corrections  
Bob Casey, Virginia Department of Corrections  
Steve Goff, Virginia Department of Corrections  
Paul Williamson, Virginia Peninsula Regional Jail  
Colonel Bobby Russell, Western Virginia Regional Jail  
Tony Bell, Moseley Architects  
Taylor Muniz, Moseley Architects  
Bill Porter, Moseley Architects  
Captain Rick Norris, Virginia Beach Sheriff's Office  
Lieutenant Greg O'Neil, Virginia Beach Sheriff's Office  
John Brown, Montgomery County Jail

## **BOARD ATTENDANCE ROLL CALL:**

|                                |            |
|--------------------------------|------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b> |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b> |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b> |
| <b>Charles Jett</b>            | <b>Yay</b> |
| <b>Dr. Heather Masters</b>     | <b>Yay</b> |
| <b>Karen Nicely</b>            | <b>Yay</b> |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b> |

**Bobby Vassar  
Joanne Peña**

**Yay  
Absent**

8 Board members in attendance, one **ABSENT – Quorum Present**

**MOTION TO CONVENE**

**As you know, the Governor declared a state of emergency in effect from March 12, 2020 and is ongoing because of the potential spread of COVID-19, a communicable disease of public health threat and the anticipated effects of that spread. Given this threat, the Board cannot assemble in person because of the need for social distancing for a prolonged period of time. The work of the Board\***

**As you may know, Governor Northam amended the state budget to include the use of electronic meetings in HB30 (Chapter 1289) Section 4-0.01 It provides that this Board may conduct a public electronic meeting during a state of emergency if: “(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; [and] (ii) the purpose of the meeting is to discuss or transact the business statutorily required.” The law requires that this Board “shall make available a recording or transcript of the meeting on its website ...and... Distribute minutes of a meeting.”**

**The purpose of the meeting is to take action on Board Certifications and Construction Projects as mandated by law. In light of this, I’ll entertain a *MOTION* with respect to this Emergency Electronic Meeting.**

**Motion read by Chairman Francis, Made by Mr. Jett and Seconded by Olivia Garland**

**BOARD ROLL CALL VOTE:**

|                                |               |
|--------------------------------|---------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b>    |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b>    |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b>    |
| <b>Charles Jett</b>            | <b>Yay</b>    |
| <b>Dr. Heather Masters</b>     | <b>Yay</b>    |
| <b>Karen Nicely</b>            | <b>Yay</b>    |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b>    |
| <b>Bobby Vassar</b>            | <b>Yay</b>    |
| <b>Joanne Peña</b>             | <b>Absent</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT – MOTION CARRIES**

**That motion being carried unanimously among attendees we can begin this Electronic Meeting.**

Chairman Francis asked for a motion to approve the June 24<sup>th</sup>, 2020 minutes.

**I MOVE that the Board APPROVE the June 24, 2020 meeting minutes**

**Motion made by Mr. Anderson, seconded by Mr. Vassar.**

**ROLL CALL VOTE:**

|                                |                                 |
|--------------------------------|---------------------------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b>                      |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b>                      |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b>                      |
| <b>Charles Jett</b>            | <b>Abstained due to absence</b> |
| <b>Dr. Heather Masters</b>     | <b>Yay</b>                      |
| <b>Karen Nicely</b>            | <b>Yay</b>                      |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b>                      |
| <b>Bobby Vassar</b>            | <b>Yay</b>                      |
| <b>Joanne Peña</b>             | <b>Absent</b>                   |

7 Votes in **FAVOR** of the **MOTION**, one Abstain and one **ABSENT** – **MOTION CARRIES**

**NOMINATING COMMITTEE**

Chairman Francis appointed John Anderson, Jr., Dr. Olivia Garland and Reverend Kevin Sykes to the nominating committee to name nominees for Chairman, Vice-Chairman and Secretary.

The agenda was rearranged slightly to address construction projects.

**VIRGINIA PENINSULA REGIONAL JAIL**

**BOARD ACTION REQUIRED**

Proposed Board Motion to Approve/Disapprove to allow the Virginia Peninsula Regional Jail to proceed with its renovation by submitting this project as a Minor Renovation Project.

**I MOVE the Board of Local and Regional Jails APPROVES the Virginia Peninsula Regional Jail authority's request for state funding for upgrades to the intake area window, security doors and recreation yard barrier. This approval recognizes a total eligible cost of \$230,923, of which up to 25% or \$57,731 would be eligible for State reimbursement. Such reimbursement is**

subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.

Motion by Mr. Jett and duly seconded by Mr. Anderson.

**ROLL CALL VOTE:**

|                         |        |
|-------------------------|--------|
| John F. Anderson, Jr.   | Yay    |
| Vernie, W. Francis, Jr. | Yay    |
| Dr. Olivia Garland      | Yay    |
| Charles Jett            | Yay    |
| Dr. Heather Masters     | Yay    |
| Karen Nicely            | Yay    |
| Reverend Kevin Sykes    | Yay    |
| Bobby Vassar            | Yay    |
| Joanne Peña             | Absent |

8 Votes in FAVOR of the MOTION, one ABSENT – MOTION CARRIES

**VIRGINIA BEACH CORRECTIONAL CENTER**

BOARD ACTION REQUIRED

Proposed Board Motion to Approve/Disapprove to allow the Virginia Beach Correctional Center to proceed with its renovation by submitting this project as a Minor Renovation Project.

**I MOVE the Board of Local and Regional Jails GRANTS a modification of Standard 6VAC15-81-300, Minor Renovation Projects; Required Information, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, to allow the Virginia Beach Correctional Center to proceed with its renovation by submitting this project as a Minor Renovation Project. This approval of modification shall not be construed as a future variance to Board Standards 6VAC15-81-300 for this facility or as a current or future variance for any other facility.**

Motion by Mr. Vassar and duly seconded by Mr. Jett.

**ROLL CALL VOTE:**

|                         |     |
|-------------------------|-----|
| John F. Anderson, Jr.   | Yay |
| Vernie, W. Francis, Jr. | Yay |
| Dr. Olivia Garland      | Yay |

|                             |               |
|-----------------------------|---------------|
| <b>Charles Jett</b>         | <b>Yay</b>    |
| <b>Dr. Heather Masters</b>  | <b>Yay</b>    |
| <b>Karen Nicely</b>         | <b>Yay</b>    |
| <b>Reverend Kevin Sykes</b> | <b>Yay</b>    |
| <b>Bobby Vassar</b>         | <b>Yay</b>    |
| <b>Joanne Peña</b>          | <b>Absent</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

BOARD ACTION REQUIRED

Proposed Board Motion to Approve/Disapprove to allow the Virginia Beach Correctional Center to proceed with its upgrade of the master security control system in the facility.

**I MOVE the Board of Local and Regional Jails APPROVES the Virginia Beach Correctional Center’s request for state funding for the upgrade of the master security control system in their facility. This approval recognizes a total eligible cost of \$5,291,431, of which up to 25% or \$1,322,858 would be eligible for State reimbursement. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.**

**Motion by Mr. Vassar and duly seconded by Mr. Jett.**

**ROLL CALL VOTE:**

|                                |               |
|--------------------------------|---------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b>    |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b>    |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b>    |
| <b>Charles Jett</b>            | <b>Yay</b>    |
| <b>Dr. Heather Masters</b>     | <b>Yay</b>    |
| <b>Karen Nicely</b>            | <b>Yay</b>    |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b>    |
| <b>Bobby Vassar</b>            | <b>Yay</b>    |
| <b>Joanne Peña</b>             | <b>Absent</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

## MONTGOMERY COUNTY JAIL

### BOARD ACTION REQUIRED

Proposed Board Motion to Approve/Disapprove to allow the Montgomery County Jail to proceed with its renovation by submitting this project as a Minor Renovation Project.

**I MOVE the Board of Local and Regional Jails APPROVES the Montgomery County Jail's request for state funding for upgrades to the Jail dormitory. This approval recognizes a total eligible cost of \$1,014,286, of which up to 25% or \$253,571 would be eligible for State reimbursement. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.**

Motion by Mr. Vassar and duly seconded by Mr. Jett.

### ROLL CALL VOTE:

|                                |               |
|--------------------------------|---------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b>    |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b>    |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b>    |
| <b>Charles Jett</b>            | <b>Yay</b>    |
| <b>Dr. Heather Masters</b>     | <b>Yay</b>    |
| <b>Karen Nicely</b>            | <b>Yay</b>    |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b>    |
| <b>Bobby Vassar</b>            | <b>Yay</b>    |
| <b>Joanne Peña</b>             | <b>Absent</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

### PRESENTATIONS

Tawana Ferguson explained her strategy to ensure that jails report medical incidents requiring emergency care to prevent tragic incidents. She suggested that the Board consider removal of probationary status from two facilities and the Board asked that these facilities remain in probationary status until September, later requesting that status remain until further notice.

**CORRECTIONAL SERVICES COMMITTEE UPDATE/Policy & Regulations  
LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED  
INSPECTIONS:**

Compliance, Certification and Accreditation - Certifications Report:  
Local/Regional/Community Facilities

**BOARD ACTION REQUIRED**

**I make the following recommendations in the form of a Motion:**

**Unconditional certification as a result of 100% to include re-certification to hold male and female juveniles in accordance with §16.1-249.G of the Code of Virginia for:**

Northern Neck Regional Jail  
Western Tidewater Regional Jail

**Unconditional certification as a result of 100% for:**

Highland County Lockup  
Alleghany Regional Jail  
Page County Jail  
Southampton County Jail and Annex  
Grayson County Lockup  
Eastern Shore Regional Jail  
Loudoun County Adult Detention Center  
Blue Ridge Regional Jail Authority – Campbell County Adult Detention Center

**Unconditional certification for:**

Meherrin River Regional Jail  
Chesterfield County Jail

**Unconditional certification to include certification to hold male and female juveniles in accordance with §16.1-249.G of the Code of Virginia for:**

Dinwiddie County Lockup (new facility)  
Floyd County Lockup (re-certification)

**Motion by Mr. Jett and duly seconded by Dr. Garland.**

**ROLL CALL VOTE:**

**John F. Anderson, Jr.      Yay**  
**Vernie, W. Francis, Jr.    Yay**

|                             |               |
|-----------------------------|---------------|
| <b>Dr. Olivia Garland</b>   | <b>Yay</b>    |
| <b>Charles Jett</b>         | <b>Yay</b>    |
| <b>Dr. Heather Masters</b>  | <b>Yay</b>    |
| <b>Karen Nicely</b>         | <b>Yay</b>    |
| <b>Reverend Kevin Sykes</b> | <b>Yay</b>    |
| <b>Bobby Vassar</b>         | <b>Yay</b>    |
| <b>Joanne Peña</b>          | <b>Absent</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

**BOARD ACTION REQUIRED**

Jail inspections recommended suspensions.

**I MOVE the Board of Local and Regional Jails, in recognition of the outstanding achievement of 100% compliance with standards, APPROVES the suspension of the 2020 annual inspection for the Northern Neck Regional Jail, Western Tidewater Regional Jail, Highland County Lockup, Alleghany Regional Jail, Page County Jail, Southampton County Jail and Annex, Grayson County Lockup, Eastern Shore Regional Jail, Loudoun County Adult Detention Center and BRRJA – Campbell County Adult Detention Center.**

**Motion by Dr. Garland and duly seconded by Mr. Vassar.**

**ROLL CALL VOTE:**

|                                |               |
|--------------------------------|---------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b>    |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b>    |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b>    |
| <b>Charles Jett</b>            | <b>Yay</b>    |
| <b>Dr. Heather Masters</b>     | <b>Yay</b>    |
| <b>Karen Nicely</b>            | <b>Yay</b>    |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b>    |
| <b>Bobby Vassar</b>            | <b>Yay</b>    |
| <b>Joanne Peña</b>             | <b>Absent</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

## **ADDITIONAL ITEMS FOR DISCUSSION**

Dr. Garland advised that she and Ms. Nicely had met and edited the Behavioral Health Standards. Standard 12 was removed and the indicators were redirected to other standards. She plans to send a copy to Chairman Francis with a crosswalk for applicable reference to other standards.

Chairman Francis noted that Robyn deSocio from the Compensation Board is assisting with the mandated census reporting. He advised that HB 1284 requires a workgroup to look at requirements governing the application and use of isolation in confinement, referred to restrictive housing. The Board is requesting a one-year waiver in response to this mandate due to COVID-19. A waiver is also being requested for the required financial impact of the Behavioral Health Standards.

Chairman Francis advised that Emmanuel Fontenot has done an outstanding job setting up interviews for the Policy Analyst position. There were twelve or thirteen applicants interviewed with two top candidates chosen and submitted to the Human Resources Unit. Hopefully, the new Policy Analyst will be announced soon. He added that he appreciates the hard work and efforts from staff and noted that staff are working diligently to try and enable case reviews to resume in the near future.

Mr. Anderson offered the following in the form of a motion:

**I MOVE that the meeting be adjourned.**

### **ROLL CALL VOTE:**

|                                |            |
|--------------------------------|------------|
| <b>John F. Anderson, Jr.</b>   | <b>Yay</b> |
| <b>William T. Dean</b>         | <b>Yay</b> |
| <b>Vernie, W. Francis, Jr.</b> | <b>Yay</b> |
| <b>Dr. Olivia Garland</b>      | <b>Yay</b> |
| <b>Dr. Heather Masters</b>     | <b>Yay</b> |
| <b>Karen Nicely</b>            | <b>Yay</b> |
| <b>Reverend Kevin Sykes</b>    | <b>Yay</b> |
| <b>Bobby Vassar</b>            | <b>Yay</b> |

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

**Adjourned**