

THE VIRGINIA BOARD OF LOCAL AND REGIONAL JAILS

The Virginia Board of Local and Regional Jails (Board) met on Wednesday, March 17, 2021 by **TELECONFERENCE** to Discuss General Business of the Board

BOARD MEMBERS PRESENT: The Honorable Vernie W. Francis, Jr., Chairman
Bobby Vassar, Vice Chairman
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 MEMBERS ABSENT: John Anderson, Jr., Secretary
Joanne Peña

EXECUTIVE DIRECTOR: Ryan C. McCord

BOARD COUNSEL: Phillip Figura, Office of the Attorney General

ATTENDEES: Steve Goff, Virginia Department of Corrections
Tawana Ferguson, Virginia Department of Corrections
Audrey Michael, Department of Corrections

BOARD ATTENDANCE ROLL CALL:

Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Yay
Karen Nicely	Yay
Kevin Sykes	Yay
Bobby Vassar	Yay

7 Board members in attendance – **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 however, must continue.

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 made by Dr. Garland and Seconded by Mr. Jett.

BOARD ROLL CALL VOTE:

Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Yay
Karen Nicely	Yay
Kevin Sykes	Yay
Bobby Vassar	Yay

7 Votes in FAVOR of the MOTION, two ABSENT – MOTION CARRIES

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

Introduction of Ryan C. McCord, Executive Director

Newly instated Executive Director of the Board of Local and Regional Jails, Ryan C. McCord addressed the Board with some of his personal experience. He graduated Wake Forest Law School in 2013 and moved back to his home state of Virginia. Mr. McCord worked as a Regulatory Analyst for the Virginia Department of Behavioral Health and Developmental Services. He later began his position at the Virginia

Department of Corrections, providing FOIA response and ancillary legal work as well as supervising the Offender Discipline Unit, the Offender Grievance Unit. Mr. McCord is a father of three children, five year old twins and a two year old. He stated that he looks forward to working with the Board members and looks forward to meeting them soon, adding that they are under the watchful eye of the media and the legislature so this is an important time for the Board of Local and Regional Jails.

Chairman Francis asked for a motion to approve the January 12, 2021 minutes.

I MOVE that the Board APPROVE the January 12, 2021 meeting minutes

Motion made by Mr. Jett, seconded by Dr. Garland with Dr. Masters abstaining.

ROLL CALL VOTE:

Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Abstain (Absent)
Karen Nicely	Yay
Kevin Sykes	Yay
Bobby Vassar	Yay

6 Votes in **FAVOR** of the **MOTION**, one **ABSTAIN** and two **ABSENT** – **MOTION CARRIES**

PUBLIC COMMENT

None

PRESENTATIONS

None

JAIL REVIEW COMMITTEE UPDATES

Due to COVID19 positivity rates, the Jail Review Committee meetings have been suspended. The Board hopes to resume the meetings for the scheduled April meeting.

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

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

Due to COVID 19 outbreaks throughout the Commonwealth of Virginia, Certification Audits were suspended temporarily. They have very recently been resumed.

ADDITIONAL ITEMS FOR DISCUSSION

Ms. Knically asked for an article about Hampton Roads Regional Jail (HRRJ) to be distributed to Board members prior to this meeting. The American Correctional Association revoked the national certification of the facility. The Board was prepared to place HRRJ on Probationary Certification with a due process hearing scheduled during the March 2020 meeting, but Governor Northam declared the Commonwealth of Virginia to be under Emergency Orders on March 12, 2020, just days before the scheduled Board meeting. The Jail Review Committee has four death investigations to review during the next possible meeting. Chairman Francis asked for approval by the attendees to issue subpoenas if necessary for consideration in the HRRJ cases.

MOTION to AUTHORIZE Chairman Vernie Francis to issue subpoenas if necessary for review of the current investigations into deaths at Hampton Roads Regional Jails made by Mr. Vassar and seconded by Dr. Garland.

ROLL CALL VOTE:

Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Yay
Karen Nicely	Yay
Kevin Sykes	Yay
Bobby Vassar	Yay

7 Votes in **FAVOR** of the **MOTION**, two **ABSENT** – **MOTION CARRIES**

Mr. Figura advised that he would prepared a subpoena in the event that it became necessary.

Mr, Vassar asked if the HRRJ participating jurisdictions were removing inmates from the facility. Portsmouth stopped sending inmates there over a year ago. Chesapeake and Norfolk are considering options. He asked if the Board should continue to certify the jail when the localities are removing inmates. Another Board member asked if HRRJ was on probation and Chairman Francis detailed a timeline of events:

Former Chairman Bill Dean sent a letter to HRRJ advising that the Board was considering placing them on probation for a period of two years for violations and the Board offered the facility administration the opportunity to appear before the Board on February 19, 2020 to respond to the potential action. On January 22, 2020, Superintendent David Hackworth

advised of his pending retirement and requested a continuance to March 19, 2020. The Board agreed to their request, however the Governor's emergency orders were declared on March 12, 2020 and the meeting never occurred. Technically, the HRRJ was never placed on probationary certification due to the circumstances. Chairman Francis noted that a team approach would be utilized to determine the path forward for the Board's actions

ADJOURNMENT

Mr. Jett offered the following in the form of a motion, duly seconded by Dr. Garland:

I MOVE that the meeting be adjourned.

ROLL CALL VOTE:

Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Yay
Karen Nicely	Yay
Kevin Sykes	Yay
Bobby Vassar	Yay

7 Votes in **FAVOR** of the **MOTION**, two **ABSENT** – **MOTION CARRIES**

Adjourned