

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	July 19, 2006
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Sterling C. Proffitt, Vice Chairman
Present.....	James H. Burrell Jacqueline F. Fraser W. Alvin Hudson, Jr. Raymond W. Mitchell W. Randy Wright
Absent.....	Gregory M. Kallen James R. Socas
One Vacancy	

10:00 a.m., Wednesday, July 19, 2006
6900 Atmore Drive, Richmond, Virginia

The meeting was called to order. Mr. Proffitt noted a quorum was present. The roll was called by Mrs. Woodhouse. Two members were absent. There is one vacancy on the Board.

I. Board Vice Chairman (Mr. Proffitt)

1) Motion to Approve May Board Minutes

Mr. Proffitt called for a motion to approve the May minutes. By *MOTION* duly made by Mr. Hudson and seconded by Mr. Burrell, the minutes were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Mitchell). There were no opposing votes, and Mr. Wright noted his *ABSTENTION* from the vote as he was not present at the May meeting. There were no questions and there was no discussion. The Motion carried. The Vice Chairman's vote was not required as there was no tie vote. Messrs. Kallen and Socas were absent.

II. Public/Other Comment (Mr. Proffitt)

No one was present from the general public who wished to make a comment.

III. Presentation to the Board (Mr. Proffitt)

The Vice Chairman noted Mr. Johnson's absence due to his being out of state. Mr. Leininger was recognized as wishing to speak to the Board.

Mr. Leininger reminded the Board of the issue of naming the two new facilities currently under construction in Tazewell and Chatham. He noted that while there has been some progress on naming the Tazewell facility, there is still nothing definite at this point. He did note, however, that Senator Hawkins had recently left a message concerning naming

the Chatham facility wherein he stated the locality would like consideration of the name *Green Rock Correctional Center*, as that area of the county is known as the Green Rock District and the site is located on Green Rock Road.

Mr. Leininger stated the Department hopes to have name recommendations for both facilities to the Board for the September meeting. The Board can then make its official recommendation to the Secretary and the Governor.

The Vice Chairman thanked Mr. Leininger for the information.

IV. Liaison Committee (Mr. Proffitt)

Mr. Proffitt noted he and the Committee met on July 18, 2006, Chaired by Roy Cherry. Other Board members present were Ms. Fraser and Messrs. Burrell, Hudson and Mitchell.

Mr. Proffitt reported it was an interesting meeting, with Mr. Michael Cline and staff from the state Department of Emergency Management in attendance, who provided an update on plans the Commonwealth has related to disasters: terrorism, hazardous materials and hurricanes. It was remarked that there was a 1992 survey in existence which pertained to disasters, which is currently being updated. It was explained that by Code, localities are responsible for evacuations in the short term. In the long term, the State could be requested to render assistance. In closing, it was decided the Liaison Committee would put together a task force to address this matter, and VDEM will coordinate and work with the Committee.

Mr. Proffitt then went on to update the Board on the Department's capital outlay projects. He remarked that even though there was no one making a presentation, a handout had been provided to the Committee. St. Brides' Phase I construction is complete, a \$44.93 million project with 400 beds (Level II). Upon opening those beds, the 592 beds at the old St. Brides will be closed, resulting in a temporary decrease in capacity. The Department continues its work on Phase II, a Level II facility with a cost of \$32.475 million, and which will yield an aggregate of 800 beds between two, 400-bed units. The project is 20% complete. The Tazewell medium-security facility, located in Pocahontas, Virginia, will cost \$68.645 million and the project is 68% complete. It has 1,024 beds and is a Level III facility. And, the second medium-security, 1,024-bed facility is located in Pittsylvania County in the Town of Chatham on property owned by the Department. It has a price tag of \$73.553 million and is 72% complete. Completion of that project is scheduled for May, 2007. It is also a Level III facility. And, the Deerfield expansion is on schedule for 600 beds (three, 200-bed units) at a cost of \$21.908 million. Estimated completion of this project is November, 2006, and it is a Level II facility.

Mr. Bill Wilson of the Local Facilities Unit presented the Committee with an update to some local jails. He reported that Sussex, Dinwiddie and Mecklenburg Counties are discussing the possibility of forming a regional jail; that the Eastern Shore is proceeding with a March, 2007, opening; that Loudoun County Jail is scheduled to open in September, 2006; that Culpeper County has filed its community-based corrections plan

for a new jail that they are anticipating; that Superintendent Darnley Hodge of the Riverside Regional Jail advised that a staffing analysis has not been done, and Mr. Wilson stated that any other jails needing one should contact/write the Compensation Board to request it; and that the City of Newport News is trying to convert a juvenile facility over to a work release center as part of the jail. Mr. Proffitt stated that Ms. Fraser will give more details on the Newport News project during her Correctional Services Committee report.

Ms. DeSocio gave the Committee an update from the Comp Board, and Judge Lemmond announced that September would be his last meeting. He has been on the Committee for 20 years and will be happy to give a recommendation on his replacement.

As to the population figures for the Department and the jails, the Department's population as of July 13, 2006, was 31,837. Jails had a population of 27,101 as of mid-May, 2006, with 1,950 federal prisoners. Felons out-of-compliance as of July 17, 2006, were 1,916.

The report was concluded. There were no questions or comments. No action on the report was required.

V. Administration Committee (Mr. Wright)

There was no Administration Committee meeting this month.

VI. Correctional Services Committee Report/Policy & Regulations (Ms. Fraser)

The Committee met on July 18, 2006, with the following Board members in attendance: Messrs. Hudson, Proffitt and Ms. Fraser. Department staff present included Misses Lawrence, Hill-Murray and Ballard, as well as Messrs. Wilson and Leininger, Ms. Dow, Dr. Jennings and Alan Katz from the Attorney General's Office. Alan Katz provided guidance on the Newport News Jail expansion being discussed.

Newport News is planning an expansion to its existing jail facility to be constructed with local funds. They want to convert their former juvenile detention center into a work release center. In the Budget Bill, Item 384.D.1. states that, "no city, county, town or regional jail shall authorize the construction, remodeling, renovation or rehabilitation of any facility to house any inmate in secure custody which results in increased jail capacity without the prior approval of the Board of Corrections." And, Item 384.D.2. states, "any facility operated by any local or regional jail in the Commonwealth which houses any inmate in secure custody shall be subject to the provisions of §53.1-5 and §53.1-68, Code of Virginia, as well as all rules, regulations and inspections established by the Board of Corrections."

Those two items are confusing in that the question is how much authority does the Board have in requiring Newport News to submit planning studies and community-based corrections plans. After discussion with staff and the representative from the Attorney General's Office, the Committee agreed that Newport News has to submit those planning

documents. Therefore, the Committee recommends the following Motion: **“That the Board notify the City of Newport News that it must submit a community-based corrections plan, a planning study and adhere to state construction standards.”**

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Hudson and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Mitchell, Wright). There were no opposing votes. There were no questions and there was no discussion. The Motion carried. The Vice Chairman’s vote was not required as there was no tie vote. Messrs. Kallen and Socas were absent. The notification will be by letter written under the Vice Chairman’s signature to the Sheriff of the Newport News City Jail.

The Committee also discussed the suspension of jail inspections for four lockups: the Altavista Town Lockup, the Garfield District Lockup, the Carroll County Lockup and the Shenandoah County Jail. This request is based on the facilities’ 100% compliance with Standards attained during their triennial certification audit. Based on that 100% compliance, the Committee is recommending the following Motion: **“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves the suspension of the 2006 Annual Inspection for Altavista Town Lockup, Prince William County (Garfield District Lockup), Carroll County Lockup and Shenandoah County Jail.”**

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Burrell and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Mitchell, Wright). There were no opposing votes. There were no questions and there was no discussion. The Motion carried. The Vice Chairman’s vote was not required as there was no tie vote. Messrs. Kallen and Socas were absent.

The Committee also discussed the suspension of the jail audit for the Loudoun County Adult Detention Center. The new facility is scheduled to open in September, 2006, and will receive an unofficial, mock audit within six months of opening. Based on the Committee’s recommendation, it was moved that, **“The Board of Corrections suspend the triennial audit for the Loudoun County Adult Detention Center based upon the closure of the current jail and the opening of the new facility.”**

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Mitchell and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Mitchell, Wright). There were no opposing votes. There were no questions and there was no discussion. The Motion carried. The Vice Chairman’s vote was not required as there was no tie vote. Messrs. Kallen and Socas were absent. A letter will be sent to the Sheriff, notifying him of the Board’s action.

And the Committee discussed the request for **probationary status for Patrick County Jail**. The Committee is recommending to **defer that to September, 2006**, based on the fact they might not have received notification in time. The facility will be advised of the deferral.

The Committee also heard from Dr. Jennings, who is the Chairman of the Human Subject Research Committee for the Department. Included in the Board package were suggested changes to the Regulation for Human Subject Research. He explained that at one time each facility had its own its own committee reviewing research proposals coming from universities. Since 1997, the Department has had a central committee reviewing research requests, and these suggested changes are to enact in policy what the Department has been doing since 1997. Therefore, the Committee recommends the following Motion: **“The Board moves to initiate the regulatory process to review and revise as necessary the Regulations for Human Subject (6 VAC 15-26) by submitting a Notice of Intended Regulatory Action in accordance with the Virginia Administrative Process Act.”**

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Burrell and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Mitchell, Wright). There were no opposing votes. There were no questions and there was no discussion. The Motion carried. The Vice Chairman’s vote was not required as there was no tie vote. Messrs. Kallen and Socas were absent.

Ms. Fraser also noted two housekeeping items related to the Board’s Certifications package for July. **Dillwyn Correctional Center’s ACA compliance percentage was reported at 98.8. It should be 99.8. And as to Sussex Correctional Center I, the name should be changed to Sussex I State Prison.**

As usual, there were a number of certification recommendations made by Ms. Fraser on behalf of the Committee:

Unconditional Certification for Brunswick Correctional Center, Dillwyn Correctional Center, Fluvanna Correctional Center for Women, Buckingham Correctional Center, Sussex I State Prison, Indian Creek Correctional Center;

Unconditional Certification as a result of 100% compliance for Pulaski Correctional Center;

Unconditional Certification to include waivers for Standards 4-4132, 4-4135, 4-4137, 4-4138, 4-4139, 4-4141, 4-4154, 4-4155, 4-4162, 4-4169, 4-4258, 4-4270, 4-4346, 4-4360, 4-4368, 4-4400, 4-4464, 4-4467, 4-4468, 4-4475, 4-4482, 4-4512 and 4-4514 for Tazewell Correctional Unit #31, as well as recommending a 90-day review by the Compliance and Accreditation Unit based on the number of non-compliant Standards other than those listed above. The waivers are based on physical plant issues only and have nothing to do with the other Standards that were reviewed;

Unconditional Certification for Southampton Correctional Center with waivers for Standards 3-4128-1, 3-4136, 3-4143, 3-4148 and 3-3258;

Unconditional Certification for Jails and Lockups with 100% compliance:

Central Virginia Regional Jail; Altavista Town Lockup; Prince William County (Garfield District Lockup); Carroll County Jail to include male and female juveniles in accordance with §16.1-249 of the Code of Virginia; Shenandoah County Jail;

Unconditional Certification for Richmond City Jail to include male juveniles in accordance with §16.1-249 of the Code of Virginia;

Unconditional Certification for Community Corrections, Probation and Parole Districts 37 (Rocky Mount) and 36 (Alexandria);

Unconditional Certification for Chatham Men's Diversion Center as a result of 100% compliance to include a waiver for Standard 4-ACRS-1A-12;

And Unconditional Certification for Serenity House and Piedmont House Community Residential Programs.

The recommendations were presented by way of a *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson and were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Mitchell, Wright). There were no opposing votes. There were no questions and there was no discussion. The Motion carried. The Vice Chairman's vote was not required as there was no tie vote. Messrs. Kallen and Socas were absent.

Mr. Proffitt noted an item he had seen on Channel 12 the previous evening where, apparently, the Richmond City Jail had been without power for a lengthy period of time that day but was back up and running.

As there were no other questions or further comments, the report was concluded.

VII. Closed Session

No Closed Session was held.

VIII. Other Business (Mr. Johnson)

There was no other business to report.

IX. Board Member/Other Comment

Mr. Wright noted a recent conversation he had with the Sheriff of Norfolk, who has probably the most overcrowded jail in the Commonwealth, who had remarked what a great job the Department has been doing in getting the state-responsible inmates out of that facility.

Mr. Proffitt noted that Board Officer elections would be held in September. In addition, he has been asked to address the Central Virginia Criminal Justice Academy in August.

Deputy Secretary Cristman noted there is a Task Force in effect for the Richmond City Jail and it, too, commends the Department on getting state-responsible inmates out of the facility as quickly as it has. He stated the Department does a good job managing that issue and commends the Department on its response.

At this time, Mr. Proffitt asked the only observer in the room to identify himself for the record. He stated his name is Garry Simms, who has been involved with prison ministry for 26 years. and who wanted to come and observe and see how the process works. Mr. Proffitt thanked him for his interest.

X. Future Meeting Plans

The following information has been provided to Board Members previously and is provided now for the purposes of the record.

The September, 2006, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 20, 2006.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 20, 2006.

Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, September 21, 2006.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 21, 2006.

XI. Adjournment

There being nothing further, by *MOTION* duly made by Ms. Fraser, seconded by Mr. Wright and unanimously *APPROVED* (Burrell, Fraser, Hudson, Mitchell, Wright), the meeting was adjourned. Two members were absent, and there was one vacancy.

(Signature copy on file)

STERLING C. PROFFITT, VICE CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY