

**COMMONWEALTH OF VIRGINIA**  
**BOARD OF CORRECTIONS**

Regular Meeting	October 15, 2008
Location .....	6900 Atmore Drive Richmond, Virginia
Presiding .....	Sterling C. Proffitt, Chairman
Present .....	Peter G. Decker, III Jacqueline F. Fraser Raymond W. Mitchell James R. Socas W. Randy Wright
Absent .....	James H. Burrell Gregory M. Kallen Beverley A. Washington

**1:00 p.m., Wednesday, October 15, 2008**  
6900 Atmore Drive, Richmond, Virginia 23225

**The meeting was called to order. The roll was called by Mrs. Woodhouse. Mr. Proffitt noted a quorum was present. Three members were absent, as indicated during the verbal roll call and as noted above.**

**I. Board Chairman (Mr. Proffitt)**

**1) Motion to Approve July Board Minutes**

The Chairman indicated there would be no vote on the proposed July Minutes as there must be a quorum of members present and voting at the current meeting who were present at the meeting whose activity is being voted on and this was not the case. This item will be revisited at the November meeting.

**2) Motion to Approve September Board Minutes**

The Chairman indicated there would be no vote on the proposed September Minutes as there must be a quorum of members present and voting at the current meeting who were present at the meeting whose activity is being voted on and this was not the case. This item will be revisited at the November meeting.

**3) Report of Nominating Committee/Election of Board Officers**

At the July meeting, the Nominating Committee members were appointed by the Chairman; being Mr. Kallen as Chairman with Ms. Fraser, Mr. Wright and alternates, Messrs. Decker and Socas. Their report was to have been presented in September. As only one Committee member and one alternate was present at the September meeting, the item was deferred to October. Although the Chairman of the Nominating Committee was not present at the October meeting, two Committee members, Ms. Fraser and Mr. Wright, were present as were the two alternates, Messrs. Decker and

Socas. Mr. Decker was selected to be the third member, with Mr. Socas' blessing. The meeting was recessed briefly so the Committee could meet, and the Committee departed the room.

Upon the Committee's return, the Board meeting was reconvened, and the Chairman asked for the Committee's report. Ms. Fraser reported the Committee unanimously recommended leaving the current slate intact and that the following Slate of Officers be re-elected: **Sterling Proffitt, Chairman; James H. "Jimmy" Burrell, Vice Chairman; and Raymond W. "Bobby" Mitchell, Secretary.**

Mr. Proffitt asked if there were further nominations from the floor. Hearing none, the Board proceeded to vote on the proposed slate individually, by office.

**By MOTION duly made by Ms. Fraser, seconded by Mr. Wright and unanimously approved as presented by verbally responding in the affirmative (Decker, Fraser, Socas, Proffitt, Wright), Mr. Bobby Mitchell was APPROVED for re-election to the position of Board Secretary.**

There were no questions and there was no discussion. There were no opposing votes. Mr. Mitchell *ABSTAINED* from the vote. Three members were absent. The Motion carried.

**By MOTION duly made by Ms. Fraser, seconded by Mr. Wright and unanimously approved as presented by verbally responding in the affirmative (Decker, Fraser, Mitchell, Socas, Proffitt, Wright), Mr. Jimmy Burrell was APPROVED for re-election to the position of Board Vice Chairman.**

There were no questions and there was no discussion. There were no opposing votes. Three members were absent. The Motion carried.

**And by MOTION duly made by Ms. Fraser, seconded by Mr. Wright and unanimously approved as presented by verbally responding in the affirmative (Decker, Fraser, Mitchell, Socas, Wright), Mr. Sterling Proffitt was APPROVED for re-election to the position of Board Chairman.**

There were no questions and there was no discussion. There were no opposing votes. Mr. Proffitt *ABSTAINED* from the vote. Three members were absent. The Motion carried.

On behalf of the other Officers, the Chairman thanked the membership for its support.

#### 4) Meeting Dates for 2009

During discussion, it was noted that Board meetings will continue to fall on the 3<sup>rd</sup> Wednesday. No meeting will be held in January. In order to meet the statutory requirement of meeting at least six times per calendar year, meetings will be held every

other month beginning in March (March, May, July) and will meet every month beginning in September, October and November. *The 2009 meeting dates are as follows: March 18; May 20; July 15; September 16; October 21; and November 18, 2009.*

**By MOTION duly made by Mr. Mitchell and seconded by Ms. Fraser, the Board meeting dates for 2009 were unanimously APPROVED as indicated above by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright).**

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

#### 5) **Appointments to Board Committees for 2009**

Mr. Proffitt indicated the proposed slate for Board Committee membership has been provided in the Board package. Committee assignments will remain as they are currently and are as indicated below:

**Liaison Committee:** Burrell (Vice Chair), Fraser, Mitchell

**Correctional Services/Policy & Regulations Committee:** Fraser (Chair), Burrell (Vice Chair), Mitchell

The Chairman is proposing to place Mr. Washington on the Liaison and Correctional Services Committees.

**Administration Committee:** Wright (Chair), Kallen (Vice Chair), Decker, Socas  
The Chairman thanked the members for their continued service to their respective Committees. He also reiterated that the Board Chairman is *ex officio* of all Board Committees and can cast votes as necessary. No vote on Board Committee assignments was required.

#### **II. Public/Other Comment**

The Chairman indicated there was no one present from the public to address the Board.

#### **III. Presentation to the Board**

There were no presentations scheduled this month. However, at this point the Director gave a brief summary of the Agency's reduction strategies noting the Department lost 1,100 positions this go-round resulting in 69 layoffs. The Department is hopeful it will be able to place more than 50% of those affected. Among other strategies, Southampton and Pulaski Correctional Centers; Dinwiddie and Tazewell Correctional Field Units; and Chatham Diversion and White Post Detention Centers will be closed. Including the above, the Department's total for FY09 equals almost \$22.7 million.

There was some general discussion and comment. No Board action was required.

**IV. Liaison Committee (Mr. Proffitt)**

Mr. Proffitt gave a brief overview of the Committee meeting as Mr. Burrell had to depart prior to the Board meeting. He indicated that attendance was light and that Ms. DeSocio was not in attendance but Mr. Wilson with the Department's Compliance & Accreditation Unit reported that the Comp Board's Tuesday Report will now be posted online on a monthly basis. Mr. Wilson also reported and as indicated by the Director, the Department will be closing six facilities, which will mean that between 1,300 and 1,400 inmates will have to be transferred elsewhere within the system. Mr. Wilson indicated that until after January 1, 2009, no further state-responsible inmates from jails will be transferred to the Department of Corrections, other than females and those with a serious medical condition. Director Johnson also stated that those state-responsible inmates in jails that are very serious behavioral problems also will be considered.

Ms. Lipp with the Department's A&E Services Unit reported that the Grayson County project is moving along but that the contractor has requested an extension due to unexpected delays as the result of weather conditions and the asbestos abatement project. Even with the delays, completion is still estimated for early 2010.

Mr. Wilson reported the out-of-compliance number as 1,478, with 422 out-of-state inmates currently housed within the Department.

There was some general discussion and comment. No Board action is required.

**V. Administration Committee (Mr. Wright)**

**1) Board Motion to Approve Resolution to Transfer Approximately 50 Acres of Land and Buildings at former Capron Correctional Unit in Southampton County**

The Department requests to transfer 50 acres of land at the former Capron Correctional Unit to Southampton County per an Act to convey a parcel of real property to Southampton County [S 1047] approved April 4, 2007. This transfer will include all real property on the 50-acre site and one acre currently leased by the County for a radio tower site. The property will be utilized by Southampton County as a jail facility.

Therefore, the following *MOTION*, duly made by Mr. Wright and seconded by Mr. Mitchell, was *APPROVED* as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright).

**“Pursuant to Section 53.1-18 and as requested by the Department of Corrections, the Board of Corrections approves the transfer of 50 acres of land at the Capron Correctional Unit to Southampton County per an Act to convey a parcel of real property to Southampton County [S 1047] approved April 4, 2007. This transfer**

**will include all real property on the 50-acre site and one acre currently leased by the County for a radio tower site. The property will be utilized by Southampton County as a jail facility. The Director of the Department of Corrections may execute all documents in furtherance of the transfer of this property.”**

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried. Mr. Proffitt thanked Mr. Wright for his report.

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

The Committee met on October 15, 2008. Board members Burrell, Fraser, Mitchell and Proffitt, along with several guests, were present to discuss several items.

##### **1) Opinion of Attorney General Regarding Inclusion of Pretrial Services Costs in Community-Based Corrections Plans for Reimbursement**

As suggested at the September meeting, the Chairman wrote a letter to Mr. Katz concerning the inclusion of funding for pre-trial services in a community-based corrections plan submitted to the Board for approval. Specifically, the Board asked whether it was correct in its interpretation that a community-based corrections plan can include funding in the budget of the State Compensation Board for additional deputies to staff alternative incarceration programs operated by local jails, as well as in the appropriate annual budget for the Department of Criminal Justice Services for local pre-trial and community-based probation services.

In response, Mr. Katz opined there are no guarantees of funding even though the programs are included in a locality's community-based corrections plan and it appears that the Compensation Board specifically is opposed to such specific budgeting.

The matter is considered closed. No Board action is required.

##### **2) Board Motion to Approve Agreement Between Board of Corrections (BOC) and Eastern Shore Regional Jail Board (ESRJB)**

At its September 17, 2008, meeting, the Board approved a modification to Board *Standards* for Eastern Shore Regional Jail related to bar grille installation, specifically the method of attachment of bar grilles to the window frames and doors with security screws in lieu of the required welded connections, which is the preferred method of attaching the bar grilles to window frames and doors.

The Eastern Shore Regional Jail indicated at that time and prior to approval by the Board that it is committed to maintaining the facility, including glazing, in a manner that is functional and accessible to maintenance staff without altering the security of the glazing and offered to enter into a legally binding agreement that the bar grilles will be

removed only for maintenance purposes and will be reinstalled after completion of any maintenance work.

Staff recommended that the Jail Board provide the Department of Corrections with a mutually acceptable and legally binding agreement, which would state that except for maintenance purposes, all bar grilles will remain in place in perpetuity and that they will be reinstalled immediately upon completion of any maintenance activities, which agreement would be reviewed by the Attorney General's Office. A Board Motion to that effect was approved on September 17, 2008.

That binding agreement was prepared by and received from the Eastern Shore Regional Jail Board and has been reviewed and revised by staff at the Department of Corrections as well as by Alan Katz, Senior Assistant Attorney General. A signed agreement was the result of that review and revision, which agreement was presented to the Committee for review and consideration. During that review, it was discovered that paragraph 2 had been omitted from the copy under consideration. When contacted, Eastern Shore faxed a copy with all paragraphs intact; however, the Board requested to wait for the original to arrive to sign; therefore, it was recommended to approve the agreement as stated below.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Decker, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright).

**“The Board *APPROVES* the Agreement by and between the Eastern Shore Regional Jail Board and the Board of Corrections of the Commonwealth of Virginia.”**

**AGREEMENT**

This Agreement made this 23rd day of September, 2008, by and between the Eastern Shore Regional Jail Board (hereafter “ESRJB”) and the Board of Corrections of the Commonwealth of Virginia (hereafter “BOC”) provides as follows:

WHEREAS, the Department of Corrections (hereinafter “DOC”) has the responsibility of inspecting the Eastern Shore Regional Jail and certifying whether or not said Regional Jail is in compliance with BOC “Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities” 1994 (hereinafter “Standards”) and DOC regulations; and

WHEREAS, the ESRJB has previously obtained BOC approval to install bar grilles over certain Level I glazing to accomplish Level II glazing equivalency; and

WHEREAS, the ESRJB has installed bar grilles where required to do so but has installed such bar grilles using security screws rather than welding them in accordance with industry standards used by BOC “Standards”; and

WHEREAS, BOC is willing to approve the method of installation used by the ESRJB only if it is assured that the bar grilles will not be removed except for necessary maintenance or replacement of the glazing over which the bar grilles have been installed; and

WHEREAS, the ESRJB is willing to provide this assurance to the BOC.

NOW, THEREFORE, in consideration of the premises, the parties agree as follows:

1. BOC authorizes the ESRJB to utilize security screws as a manner of installation for the bar grilles on Level I glazing to accomplish equivalency to the required Level II protection at the installations required by BOC Standards in the Eastern Shore Regional Jail; and

2. In addition to the bar grilles on larger windows, ESRJB has reduced the following door glazing to less than 5” in one direction using brackets attached with security screws to: 96 cell doors in all housing areas, IS-12, CS-29, FM-07 (2 doors), FM-05, CS-31 and IS 10.

3. The ESRJB has installed bar grilles on all Level I glazing in the locations identified in paragraph 1 and 2, above.

4. For the life of the Eastern Shore Regional Jail, the ESRJB shall not permit the bar grilles which are the subject of this Agreement to be removed except for the purpose of repairing or maintaining the glazing over which the bar grilles are installed and shall without delay reinstall said bar grilles after such maintenance or replacement of glazing is completed.

5. Should the Eastern Shore Regional Jail Board at any time fail to comply with the terms of this agreement, the Board of Corrections may enforce the agreement in the Circuit Court of either Northampton County or the City of Richmond, at its discretion, and the Eastern Shore Regional Jail Board shall bear all the costs of such litigation, including reasonable attorney’s fees incurred by the Board of Corrections or attributable to work done by the Office of the Attorney General on behalf of the Board of Corrections in connection with the enforcement of this Agreement.

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

Upon receipt of hard copies of the above agreement, originals will be forwarded to the Chairman for signature. Once signed, an original will be retained in the Board file.

3) **Board Motion to Approve Value Engineering Study Requirement for Small State Jail Construction Projects**

This item was deferred from the September meeting. During the November, 1994, Board meeting, the Board approved a *Policy* to require value engineering (VE) on all jail construction projects coming before the Board for approval of state jail construction funding reimbursement. That *Policy* requirement for value engineering (known as Value Management Assessment [VMA] for purposes of the Standards) will become a *Standard* when the **Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities** are revised.

As discussed, several small projects have come before the Board for which it appears that the cost of the VE for those projects would far outweigh the cost savings achieved. Because of this, it is deemed wise to set a cost for small projects under which VE/VMA would not be required. On State construction projects, VE is not required for projects under \$5,000,000.



Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Mitchell, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“The Board of Corrections grants a modification to the November, 1994, Board Policy, which requires an independent Value Engineering Study on all jail projects, to allow projects under the cost of \$5,000,000 to perform an in-house cost reduction analysis in lieu of an independent Value Engineering Study or Value Management Assessment on the project.”**

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

4) **Board Motion to Approve Planning Study for Meherrin River Regional Jail**

Meherrin Regional Jail Authority, consisting of the Counties of Brunswick, Dinwiddie and Mecklenburg, is requesting state jail construction funding reimbursement for the construction of a new, 798-bed jail to be known as the Meherrin Regional Jail. The localities' reimbursement request is being submitting in light of the project's exemption from the current funding moratorium under Chapter 879, Item #388.A.4.a of the 2008 Virginia Acts of Assembly.

The Planning Study proposes the construction of a new, 126-bed facility in Mecklenburg and a new, 672-bed facility in Brunswick to house an inmate population of 798 for the participating localities. Both facilities will include administrative, visitation, intake/release processing, special purpose, medical, kitchen, inmate programs and storage support areas and core sizing to accommodate future expansion. The Community-Based Corrections Plan documenting the need for 798 beds for the participating localities was approved by the Board on July 16, 2008.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Wright, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“The Board of Corrections approves the request from the Counties of Brunswick, Dinwiddie and Mecklenburg for state jail construction funding reimbursement for a new, 798-bed regional jail, which is to be known as the Meherrin River Regional Jail. This approval recognizes a total eligible cost of \$147,354,391 of which up to 50% or \$73,677,196 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 (1994) and Sections 53.1-80 through 82 of the Code of Virginia.”**

During the call for discussion, Mr. Socas made a general observation that if the

Department is closing correctional facilities as a result of budgetary constraints, doesn't it look odd that the Board is approving this expenditure. Mr. Barry Green explained that jail construction funding is long-term financed through Treasury Bonds whereas State construction funding is financed through reimbursement from the General Fund. One has a direct impact on the budget; the other does not.

There being no further discussion, the call for the vote was made. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

5) **Proposed Board Motion to Approve Planning Study for Public Safety Building Renovation for City of Newport News**

This is a request by the City of Newport News for funding approval for the first phase of a life, health, safety renovation of the Public Safety Building for Newport News City Jail. This request is being submitted in light of the project's exemption from the current funding moratorium under Chapter 879, Item #388.A.1, 2008 Virginia Acts of Assembly.

The Public Safety Building has intake cells and public entry and lobby on the first floor; administrative support areas, sheriff's offices, storage and staff offices on the second; library, special purpose cells, visiting and dormitories on the third; kitchen and laundry on the fourth; and single cell blocks and dormitories on the fifth through seventh floors. The Planning Study provides details of life, health, safety upgrades to the building.

The building was built in 1975 under the 1969 edition of the Southern Standard Building Code and does not have the safety features required by more current Codes. These upgrades are necessary to provide safety to the occupants of the facility and to be allowed to maintain the occupant load that is currently in the facility. These upgrades are in response to Building and Fire Code issues brought forward by local Building and Fire Officials. Staffing analysis was not required for this project since there is no increase in bed space.

A VE Study will not be required as the project is under \$5,000,000. A Community-Based Corrections Plan for this funding approval is not required because the project is not increasing inmate population or bed space. The Community-Based Corrections Plan documenting the need for 52 beds was approved by the Board in January, 2007.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Mitchell, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“The Board of Corrections approves the City of Newport News’ request for state jail construction funding reimbursement for the life, safety upgrades to the Public Safety Building. This approval recognizes a total eligible cost of \$1,712,500, of**

**which 25% or \$428,125 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 (1994) and Sections 53.1-80 through 82 of the Code of Virginia.”**

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

6) **Proposed Board Motion to Approve Three Modification Requests for Patrick County Jail**

Patrick County is constructing a new, 60-bed jail facility. Their Community-Based Corrections Plan was approved by the Board in September.

- a) **Patrick County is requesting a modification to Standard 5.4 (6VAC-15-80-350), Cells and Dayrooms, of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994) for the installation of additional bunks.**

Patrick County’s request has been submitted in accordance with Standard 1.3, which states that the *“The Board may grant modifications to the provisions of any of these Board Standards upon application by the owner or the owner’s agent provided the spirit and intent of these Board Standards are observed and inmate, staff and public welfare, safety and security are not compromised.”* The Standard also instructs that such requests *“shall include all necessary documentation to justify the request.”*

The Patrick County Jail is currently in the Planning Study stage and construction is scheduled for completion in 2011. The facility is requesting to be allowed to install additional bunks prior to completion of construction in order to save costs and operational disruption of the installation after completion of the project.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Mitchell, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“To facilitate an operational decision by Patrick County, the Board of Corrections grants a modification to Standard 5.4 (6VAC-15-80-350) of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994) to allow the installation of additional beds in housing units in the Patrick County Jail prior to final inspection of the facility. This modification approval does not indicate a Board policy or position on the operational advisability of double bunking nor should it be construed as a current or future modification to Standard 5.4. Further, this approval does**

**not increase the operational capacity of the facility relative to staffing and does not authorize State reimbursement for the cost of the beds or their installation. This modification approval shall not be construed as a future variance to Standard 5.4 for this facility or as a current or future variance for any other facility.”**

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

- b) **Patrick County is also requesting a modification to Board Standard 5.12.C.1. [6VAC 15-80-430], Temporary Holding Cells, to reduce the number of temporary holding cells from 3 to 2 with no open seating.**

Patrick County has submitted this request in accordance with Standard 1.3, which states that the *“The Board may grant modifications to the provisions of any of these Board Standards upon application by the owner or the owner’s agent provided the spirit and intent of these Board Standards are observed and inmate, staff and public welfare, safety and security are not compromised.”* The Standard also instructs that such requests *“shall include all necessary documentation to justify the request.”*

The current jail was built in 1927 and has a rated operating capacity of 8. The jail has an average daily population of approximately 70 inmates, with 40 of those inmates housed in other jails across the State. Standard 5.3 states that the *“Breakdown of custody levels shall be 20% maximum, 40% medium and 40% minimum or based on justification provided by historical data and information.”* Historically, this jail has experienced less than one arrest per day.

Intake design as shown in the Planning Study design has 2 single cells, one group hold and no open seating. Standard 5.12.C.1 (6VAC-15-80-430) stipulates temporary holding (intake) shall be provided *“at a minimum of one inmate for each 10 inmates for which the facility is designed. Fifty percent of this number shall be provided as single holding cells with the remainder being a combination of group hold and open holding area.”* This would require at least 3 single cells, at least one group hold and open seating to accommodate those not held in cells. This Standard is intended to provide flexibility for staff to handle disruptive, intoxicated and suicidal inmates and to separate genders during the holding and booking process. There are provisions in other areas of the facility for future expansion but no provisions for expansion associated with intake.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Decker, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“To facilitate an operational decision by the Patrick County Jail and in consideration of historical usage documentation, the Board of Corrections grants a modification to Standard 5.12.C.1 (6VAC-15-80-430) of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994) to allow a reduction in the number of required temporary holding cells to two and no open seating for this facility. This modification approval shall not be construed as a future modification or variance to Standard 5.12.C.1 for this facility or as a current or future variance for any other facility.”**

Mr. Socas asked if the average for this facility is one arrest per day, what the highest number of arrests per day was. Sheriff Smith was present and responded that the highest number of arrests ever in one day was 2.75. There was no further comment or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

- c) **Patrick County is also requesting a modification of Board Standard 5.3 (6VAC-15-80-340), Security Levels of Housing, to change the current breakdown of custody levels.**

Patrick County has submitted this request in accordance with Standard 1.3, which states that the *“The Board may grant modifications to the provisions of any of these Board Standards upon application by the owner or the owner’s agent provided the spirit and intent of these Board Standards are observed and inmate, staff and public welfare, safety and security are not compromised.”* The Standard also instructs that such requests *“shall include all necessary documentation to justify the request.”*

The current jail was built in 1927 and has a rated operating capacity of 8. The jail has an average daily population of approximately 70 inmates, with 40 of those inmates housed in other jails across the State. Standard 5.3 states that the *“Breakdown of custody levels shall be 20% maximum, 40% medium and 40% minimum or based on justification provided by historical data and information.”*

Housing as shown in the Planning Study design has one housing unit with 12 maximum single cells (20%), one medium housing unit with 12 single cells (20%), and two dormitories for the remaining 36 population (60%). The female housing is completely a dormitory with no separation of custody levels and no segregation available.

After some discussion, the Committee and representatives from Patrick County compromised and offered this recommendation to the Board:

The following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Mitchell, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“To facilitate an operational decision by the Patrick County Jail, the Board of Corrections grants a modification to Standard 5.3 (6VAC-15-80-340) of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994) to allow the custody level breakdown for this facility to be 20% maximum, 27% medium and 53% minimum. This breakdown will include providing custody level separation by providing one, four-person cell and an eight-person dormitory in female housing. This modification approval shall not be construed as a future modification or variance to Standard 5.3 for this or any other facility.”**

During the call for question or comment, the Chairman indicated that Patrick County had agreed to modify their original plan. There was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

7) **Board Motion to Approve Planning Study for Patrick County Jail**

This is a request from Patrick County for funding for jail construction reimbursement for the construction of a new, single-jurisdiction, 60-bed facility. The project’s cost estimate is currently under review by staff and is being based on modification requests approved by the Board at its October meeting.

Due to a revision of the Planning Study showing increased costs and unresolved questions relating to requirements of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities being received on October 2, 2008, Department staff was unable to complete its review in time for the October 15, 2008, Board meeting. And as it was imperative to have this request before the Board in October as funding items must be submitted no later than November 6, 2008, for inclusion in the Governor’s Budget, the request for state jail construction reimbursement was approved using a form that included only locality-requested costs without a staff analysis of eligible costs having been completed by the Department. That analysis of eligible costs for cost revision is to be completed in time for the November 6 cutoff date.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Decker, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Wright):

**“The Board of Corrections approves the County of Patrick’s request for approval of their Planning Study for state jail construction funding reimbursement for a new, 60-bed jail. This project will include expanded core space for expansion of the facility to 120 beds. This approval recognizes an estimated total cost of \$12,043,723 of which up to 25% or \$3,010,930 is eligible for reimbursement. This cost is subject to revision at the Board’s November, 2008, meeting. Such reimbursement is subject to the availability of funds and compliance with the Board Standards for Planning, Design, Construction and Reimbursement of Local**

**Correctional Facilities (1994) and Sections 53.1-80 through 82 of the Code of Virginia.”**

Mr. Proffitt reiterated that everyone involved has been advised that this approval could change. Mr. Socas remarked that \$200,000 per bed is a lot of money.

There were no questions and there was no discussion. There was one *ABSTENTION* (Mr. Socas). The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

8) **Compliance and Accreditation  
Certifications Section**

Ms. Fraser presented the following certification recommendations for consideration on behalf of the Committee:

**Unconditional Certification for Dinwiddie Correctional Unit #27,  
Brunswick Correctional Center with ACA Re-Accreditation and Rustburg  
Correctional Unit #9;**

**and Unconditional Certification as a result of 100% compliance for Appalachian  
Men’s Detention Center and Probation and Parole District #33 (Warsaw).**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Mitchell, the Board *APPROVED* the above recommendations by verbally responding in the affirmative (Decker, Fraser, Mitchell, Socas, Wright).

There were no questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

9) **Policy & Regulations**

a) **Board Motion to Initiate the Regulatory Process to Review and Revise as  
Necessary 6VAC15-80 of the Standards for Planning, Design, Construction and  
Reimbursement of Local Correctional Facilities by submitting a Notice of  
Intended Regulatory Action in accordance with the Virginia Administrative  
Process Act**

The Department recommends that the **Standards for Planning, Design,  
Construction and Reimbursement of Local Correctional Facilities** (6VAC 15-80) be reviewed in its entirety and amended where necessary in accordance with the Administrative Process Act. The Definitions and the Value Management Analysis *Policy* have each recently received Board Action; therefore, these items will be incorporated into the amended document as well as any other information recommended for inclusion. In order to proceed, the Board will need to initiate a

Notice of Intended Regulatory Action.

Therefore, the following **MOTION**, duly made by Ms. Fraser and seconded by Mr. Wright, was **APPROVED** as presented by verbally responding in the affirmative (Fraser, Decker, Mitchell, Socas, Wright):

**“The Board of Corrections moves to initiate the regulatory process to review and revise, as necessary, 6VAC 15-80, Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, by submitting a Notice of Intended Regulatory Action in accordance with the Virginia Administrative Process Act.”**

There were no questions, comments or discussion. There were no opposing votes. The Chairman voted his approval of the Motion. Three members were absent. The Motion carried.

Mr. Proffitt indicated Ms. Ballard would be assembling a committee of jail and regional jail staff and architects and will be commencing the review/revision process as soon as possible.

#### **VII. Closed Session**

No Closed Session was held.

#### **VIII. Other Business**

#### **IX. Board Member/Other Comment**

The members were polled. Ms. Fraser, Mr. Decker, Mr. Mitchell, Mr. Wright and Mr. Socas each indicated they had nothing. Mr. Proffitt indicated he hoped the newest member, Mr. B.A. Washington, would be present at the November meeting. He also indicated that Mr. Alvin Hudson would be recognized for his service to the Board and Commonwealth by way of presentation of a resolution in his honor at the November meeting. He will send a letter to Mr. Hudson, inviting him to attend the presentation.

#### **X. Future Meeting Plans**

**The November 19, 2008, meetings are scheduled as follows:**

**Liaison Committee – 9:30 a.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia;  
**Correctional Services/Policy & Regulations Committee – 11:00 a.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia;

**Administration Committee – 12:30 p.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia;

**And Board Meeting – 1:00 p.m.**, Board Room, 6900 Atmore Drive, Richmond, Virginia.



**XI. Adjournment**

There being nothing further, by **MOTION** duly made by Mr. Wright, seconded by Ms. Fraser and unanimously **APPROVED** (Decker, Fraser, Mitchell, Socas, Wright), the meeting was adjourned. There was no discussion. The Chairman voted his approval of the move to adjourn. Three members were absent. The Motion carried.

*(Signature copy on file)*

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STERLING C. PROFFITT, CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY