

**COMMONWEALTH OF VIRGINIA
BOARD OF LOCAL AND REGIONAL JAILS
BOARD MEETING AGENDA**

January 18, 2023; 12:00 p.m.

6900 Atmore Drive, 3rd Floor Board Room #3056

Richmond, VA 23225

1. Call to Order
2. Determination of Quorum
3. Approval of November 16, 2022 Meeting Minutes
 - a. **Motion** - I move that the Board Approve/Disapprove the November 16, 2022 meeting minutes
4. Public Comment Period*
5. Presentations: None scheduled
6. Compliance, Certification and Accreditation Report
 - a. Tawana Ferguson - Certifications Report Presentation

*Handout - Certification Report of the State Board of Local and Regional Jails
Compliance Audits*
 - b. **Motion** - I make the following recommendation in the form of a Motion:
Unconditional certification for the following facilities:

Galax City Lockup
Blackstone Lockup
Rappahannock Regional Jail
Virginia Beach Correctional Center
 - c. Virginia Beach Correction Center Audit – Presentation by Sheriff Stolle, Undersheriff Struzziari, and Captain Mapes
7. Policy and Regulations Committee Report – Dr. Cleopatra Booker
 - a. **Motion to Approve By-Laws Revisions**
 - i. The Policy and Regulations Committee reviewed and evaluated the By-Laws of the former Board of Corrections and made numerous revisions. THEREFORE, I MOVE to recommend to the Full Board that the revised By-Laws be adopted as the By-Laws of the State Board of Local and Regional Jails.

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8. Liaison Committee Report

9. Jail Review Committee Report (*read by a JRC member*)

a. Motion to Close Cases where **No Violations** were found:

i. The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee finds that investigation did not reveal any evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. NOW THEREFORE, I MOVE that the following cases be recommended to the Full Board for closure:

b. Motion to Close Cases where **Violations** were properly addressed:

i. The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee finds that the investigation revealed evidence indicating that the facility was out of compliance with Board regulations; however, the Jail Review Committee further finds that corrective actions taken by the jail appropriately addressed the Committee's concern. NOW THEREFORE, I MOVE that the following cases be recommended to the Full Board for closure:

10. Executive Director Report: Ryan McCord

- a. Legislative Update
- b. Personnel Update
- c. Schedule of 2023 Board and Committee Meetings

11. Enter into Closed Session

a. Proposed Motion to include Specific Non-Members to Join in Closed Session:

i. Board Member: Before we enter into closed session, pursuant to Virginia Code Section 2.2-3712(F) I *MOVE* to include the following nonmembers as necessary to our consideration of the subject of the closed session:

1. Names of the individuals to be included:

- a. Stacie Sessoms
- b. Ryan McCord
- c. Tawana Ferguson

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- d. Colleen Maxwell
- e. Ashley Gordon
- f. Alison Lautz
- g. John Rock
- h. Gerald Olson
- i. Jake Petzold

b. Proposed Motion to enter Closed Session

- i. Board Member: I MOVE that the Board of Local and Regional Jails begin CLOSED session pursuant to Virginia Code Section 2.2-3711(A) (8) to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

12. Enter Closed Session - Turn off microphones

13. Enter into Open Session and Certify Discussion was limited to consultation with legal counsel on specific legal matters requiring legal advice.

a. Proposed Motion to Enter Open Session (turn microphones on)

- i. Board Member: I MOVE that the Board of Local and Regional Jails reconvene our open session having concluded a closed session consult with legal counsel on specific legal matters requiring legal advice. I MOVE that this Board and its individual members certify that during the closed session, the Board limited its discussion to matters lawfully exempt from the public meeting requirements and identified in the closed session motion. If a Member cannot so certify, I ask that they state the reason specifically on the record and that the recorder take role.

14. Additional Items for Discussion/Board Member Comment

15. Adjournment

*** Comments from the public are limited to five minutes per person on matters not on the agenda**

**COMMONWEALTH OF VIRGINIA
BOARD OF LOCAL AND REGIONAL JAILS
MEETING MINUTES**

REGULAR MEETING..... November 16, 2022, 12:00 PM

LOCATION.....6900 Atmore Drive, Richmond, Virginia

PRESIDING.....Vernie Francis, Chairman

BOARD MEMBERS PRESENT: The Honorable Vernie Francis, Chairman
 The Honorable Charles Jett, Vice Chairman
 Cleopatra Booker, PsyD, Secretary
 Michael Carrera
 Tiffany Jenkins
 Amanda Trent
 Roland Sherrod, CPA
 Christopher Strom

BOARD MEMBER(S) ABSENT: Dr. Anita Maybach

EXECUTIVE DIRECTOR: Ryan C. McCord

BOARD STAFF PRESENT: Tawana Ferguson, Regulatory Compliance Supervisor
 Alison Lautz, Jail Death Investigator
 Gerald Olson, Architect
 Colleen Maxwell, Policy Analyst

GUESTS PRESENT: Stacie Sessoms, Office of the Attorney General, Board
 Counsel (remotely)
 Sonny Daniels, Assistant Secretary of Public Safety &
 Homeland Security
 Captain Joshua Fahy, Chesterfield County Sheriff's Office
 Lt. Colonel Charles Armstrong, Riverside Regional Jail

CALL TO ORDER

Chairman Francis called the meeting to order at 12:27 p.m.

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21-0002	21-0016
21-0057	21-0052
21-0006	21-0003

Upon a *Motion* by Mr. Sherrod and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

Mr. Sherrod as a motion offered the following:

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee finds that the investigation did reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. However, the Jail Review Committee finds that the corrective actions taken by the jail appropriately addresses the substance of the violation such that no further measures are necessary. NOW THEREFORE, I MOVE that the following cases be recommended to the Full Board for closure:

Case: 20-0040

Upon a *Motion* by Mr. Sherrod and duly seconded, the attending members voted unanimously to *Approve* the above recommendation.

EXECUTIVE DIRECTOR REPORT

Ryan McCord provided the following information for the Board:

- a. Annual Reports Submissions – the annual report of jail death reviews, audits, and inspections will be submitted on December 1, 2022. It will be sent out to Board members for review prior to submission.
- b. Legislative Proposals – no updates on which proposals made it through but he will have more to share by next meeting.
- c. SB 581 Fee Study Group Update – Mr. McCord shared that the SB 581 Workgroup report is due December 1, 2022. He gave an update on the workgroup’s limited progress. Dr. Booker recommended an outside agency conducting the work due to the complexity of data. She added that it should be supported by funding attached to the SB that would likely be carried over to the 2023 session.

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2. Virginia Beach Lockup #2
3. Surry County Lockup

Upon a *Motion* by Dr. Booker and second by Mr. Carrera, the attending members voted unanimously to *Approve* the above recommendations.

3. Dr. Booker offered the following 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 the following facilities:

- Virginia Beach Lockup #2

Upon a *Motion* by Dr. Booker and a second by Mr. Carrera, the attending members voted unanimously to *Approve* the above recommendations.

4. Dr. Booker offered the following in the form of a motion:

Unconditional certification for the following facility:

- Norfolk City Jail

5. Ms. Ferguson provided Status Updates for the following facilities:

- a. Rappahannock Regional Jail
- b. Henry County Jail
- c. Louisa County Lockup
- d. Blackstone Lockup
- e. Galax Lockup
- f. Appomattox Lockup
- g. Piedmont Regional Jail

CLOSED SESSION

1. Proposed Motion to include Specific Non-Members to Join in Closed Session:

Dr. Booker offered the following as a motion: Before we enter into closed session, pursuant to Virginia Code Section 2.2-3712(F) I *MOVE* to include the following nonmembers as necessary to our consideration of the subject of the closed session:

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There being no further business to discuss before the Board of Local and Regional Jails, upon a *Motion* by Dr. Booker and duly seconded, the meeting was *adjourned*.

DRAFT

**BY-LAWS OF THE STATE BOARD OF
LOCAL AND REGIONAL JAILS**

ARTICLE I

Organization Purpose, Powers, and Duties

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5 The Board of Local and Regional Jails is established by the Code of Virginia as a
6 policy board with a broad range of responsibilities. The purpose, powers, and duties of the
7 Board are those enumerated in Title 53.1-5 of the Code. Chief duties of the Board include,
8 but are not limited to, developing and establishing operational and fiscal standards
9 governing the operation of local correctional facilities and lockups; advising the Governor
10 on matters relating to local corrections; making, adopting and promulgating such rules and
11 regulations as may be necessary to carry out the provisions of this title and other laws of
12 the Commonwealth pertaining to local correctional facilities and lockups; and developing
13 and implementing policies and procedures for the review of the death of any inmate that
14 the Board determines warrants review that occurs in the custody of any local correctional
15 facility or lockup.

ARTICLE II

Officers; Election Procedures

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21 §1. The Officers of the Board shall be the Chair, Vice Chair, and Secretary.

22
23 §2. The Officers shall be elected through a three-member Nominating Committee, to
24 be appointed by the current Chair at a meeting prior to the election. Elections shall be held
25 in even numbered years in September or as soon thereafter as a quorum of the Board is
26 present. Officers so elected shall serve a term of two years and officers may succeed
27 themselves consecutively with no term limit. The Nominating Committee shall nominate
28 at least one Board member for the offices of Chair, Vice Chair, and Secretary and report
29 the nominees to the full Board for vote. Board members may add other nominees to those
30 recommended by the Nominating Committee. The Officers shall be elected by the majority
31 vote of a quorum.

32
33 §3. Should it become necessary to hold an interim election due to the illness,
34 resignation, and/or replacement of any Board Officer, such election shall be held as soon
35 thereafter as possible utilizing the above-stated process. A quorum of the Board must be
36 present to effect the election. In the interim and until such election is held, a Parliamentary
37 succession shall be utilized; i.e., vice chairman to chairman; secretary to vice chairman.
38 Should it not be possible for a Parliamentary succession due to a current officer holder
39 being replaced by the Governor, the process shall be that a member in good standing shall
40 be selected by the membership to act as temporary chairman and presiding officer in order
41 to effect appointment of a nominating committee. Once that step has been taken, the
42 Nominating Committee shall complete its assignment as outlined in Section 2 above. Once
43 an interim election has taken place, the results are binding upon the membership until the
44 next election.

ARTICLE III

**BY-LAWS OF THE STATE BOARD OF
LOCAL AND REGIONAL JAILS**

Officer Responsibilities

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4 §1. The Chair shall be the presiding officer of the Board. The Chair shall appoint
5 members to all committees, task forces, advisory councils, and other like assignments. The
6 chair shall act as the official spokesperson or representative of the Board and shall perform
7 such additional duties as required. The Chair is an ex-officio member of all committees.
8

9 §2. The Vice Chair shall assume all powers and duties of the Chair in the absence or
10 disability of the Chair. The Vice Chair shall perform other duties as assigned by the Chair
11 or the Board to include but not be limited to appointment to the Liaison Committee.
12

13 §3. The Secretary shall be responsible for co-authorizing the Board minutes with the
14 Chair and performing other duties as assigned by the Chair or the Board.
15

16 §4. Board Officers shall serve until a successor is elected. An Officer may resign at
17 any time or may be removed prior to a regularly scheduled election at any Board meeting
18 upon motion by any Board member and a two-thirds vote of the Board membership. A
19 successor may thereafter be elected for the remainder of the term using the interim election
20 process as per Article II, §3 of these By-Laws.
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ARTICLE IV

Meetings

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26 §1. Pursuant to §53.1-4 of the Code of Virginia, the Board shall hold regular meetings
27 at least six times each calendar year at such times and places as it deems appropriate. Five
28 members shall constitute a quorum.
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30 §2. Special meetings of the Board may be called by the Chair or, in the Chair's absence
31 or disability, by the Vice Chair or by any three members of the Board at such dates, times,
32 and places as may be specified in the call for the meeting. A quorum of the Board is
33 required to conduct a special meeting. A Special Meeting may count towards the
34 requirement of meeting at least six times a year.
35

36 §3. Adequate notice in writing shall be given to Board members of the time and place
37 of all meetings. A waiver of notice of meeting in writing signed by any member, whether
38 before or after the time stated therein, shall be equivalent to the giving of proper notice,
39 and any member who attends a meeting shall be deemed to have the timely and proper
40 notice of the meeting unless the express purpose of the member's attendance at such
41 meeting is to object because the meeting is not lawfully called or convened.
42

43 §4. As required by the Freedom of Information Act and in accordance with guidelines
44 set forth in the Virginia Register of Regulations, notice shall be made to the public of Board
45 meetings or any Committee meeting. By Code, a meeting is defined as including work
46 sessions, when sitting physically, or through telephonic or video equipment pursuant to

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1 §2.2-3707, as a body or entity, or as an informal assemblage of (i) as many as three
2 members or (ii) a quorum, if less than three, of the constituent membership, wherever held,
3 with or without minutes being taken, whether or not votes are cast, of any public body. In
4 addition, notices for meetings of state public bodies on which there is at least one member
5 appointed by the Governor, shall state whether or not public comment will be received at
6 the meeting and, if so, the approximate point during the meeting when public comment
7 shall be received (§2.2-3707.F. of the Code of Virginia). For special or emergency
8 meetings, notice shall be given to the public concurrently with the notice provided
9 members of the public body conducting the meeting. Results of such meetings are not
10 official actions of the Board until brought to the membership for vote.

11
12 §5. Pursuant to §2.2-3708.2 of the Code of Virginia, a Board member may participate
13 in a Board meeting through electronic communication means from a remote
14 location that is not open to the public only in accordance with the requirements
15 of this section. On or before the day of a meeting, a Board member shall notify
16 the Board Chair that such member is unable to attend the meeting due to a
17 personal matter and identifies with specificity the nature of the personal matter
18 or due to a temporary or permanent disability or other medical condition that
19 prevents the member's physical attendance. The Board shall record in its minutes
20 the specific nature of any personal matter and the remote location from which the
21 member participated. Such participation by the member shall be limited each
22 calendar year to two meetings. A quorum of the Board must be physically
23 assembled at the primary or central meeting location and the voice of the remote
24 participant must be heard by all persons at the primary or central meeting
25 location.

26
27 §6. Meeting activities shall comply with Freedom of Information Act requirements.
28 Minutes shall be recorded at all public meetings and voting by secret or written ballot is
29 not permissible. Closed sessions may be called only for those purposes outlined in §2.2-
30 3711 of the Code of Virginia.

31
32 §7. Meaningful participation is essential to the fulfillment of the function of
33 membership. Situations of inappropriate participation or lack of participation shall be
34 referred to the Chair for appropriate action.

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36 §8. All meetings shall be conducted in accordance with the principles of procedures
37 prescribed in the current edition of Robert's Rules of Order, Newly Revised

ARTICLE V

Standing Committees

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43 §1. The standing committees of the Board shall be the Policy & Regulations
44 Committee, the Jail Review Committee, and the Liaison Committee.

**BY-LAWS OF THE STATE BOARD OF
LOCAL AND REGIONAL JAILS**

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2 §2. The Policy & Regulations Committee shall be composed of at least four Board
3 members appointed by the Board Chair, who will designate one member to serve as
4 Committee Chair. Members shall serve until such time as Committee assignments are
5 rotated. The Committee Chair shall select a Committee Vice Chair from the Committee
6 membership. The Policy and Regulations Committee shall review the findings of
7 inspections and certification audits and make recommendations to the Board regarding
8 certification of jails and lockups. The Policy and Regulations Committee is also responsible
9 for proposing adoption or revision of Board policies and procedures and proposing changes
10 to the Board's standards and regulations. Any recommendations or proposals made by the
11 Committee shall not be deemed official until brought to the full Board for a vote.
12

13 §3. The Jail Review Committee shall be composed of at least three Board members
14 appointed by the Board Chair who will designate one member to serve as Committee Chair.
15 Members shall serve until such time as Committee assignments are rotated. The
16 Committee Chair shall select a Committee Vice Chair from the Committee membership.
17 The Jail Review Committee shall conduct a review of each in-custody jail death and report
18 the findings of the review to the Board. Based on the findings of such reviews, the Jail
19 Review Committee may recommend changes to the Board's standards. The Jail Review
20 Committee or their staff designee shall also create a detailed report of the findings of jail
21 death reviews, including any recommendations for changes to the Board's standards, which
22 shall be approved by the Board Chair and submitted to the Governor, the Speaker of the
23 House of Delegates, and the President pro tempore of the Senate.
24

25 §4. The Liaison Committee shall be composed of membership representing a variety
26 of law enforcement entities, which should include but are not limited to, the Virginia State
27 Sheriffs' Association, the Virginia Association of Regional Jails, the Board Vice Chair, the
28 Chair and one member of the Board's Policy & Regulations Committee, and
29 representatives from the Department of Corrections, and the State Compensation Board.
30 Committee appointments shall be made by the Board Chair. The Board Chair may appoint
31 an additional Board member to the Liaison Committee. The membership shall elect a
32 Committee Chair to preside over meetings. The Committee Chair shall select a Committee
33 Vice Chair from the Committee membership. Board members shall serve until such time
34 as Committee assignments are rotated and other members shall serve a minimum of three
35 years. The Liaison Committee, through its Board representative, shall report its activities
36 to the full Board on a regular basis. Such reports are not official actions of the Board until
37 brought before the membership for vote. Ex-officio members shall include a representative
38 from the Office of the Secretary of Public Safety and Homeland Security and the Office of
39 the Attorney General, as well as the President and Executive Director of the Virginia
40 Sheriffs' Association. The Liaison Committee shall aim to promote more effective
41 communications among law enforcement and jail officials by creating a forum whereby
42 public safety officials can meet and address issues of mutual concern.
43

44 §5. Committee membership in standing shall be annually reviewed by the Board Chair.
45 Based on this review, Committee assignments shall be reconfirmed or changed, as
46 appropriate. There is no term limit to committee assignments. Committee membership

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1 shall be reviewed subsequent to any election of a new Board Chair. The Committee Chair
2 of each respective committee shall have authority to break any tie in voting that may occur.
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ARTICLE VI

Board Activities/Representation

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8 §1. The Board or Chair may determine special projects which call for ad hoc
9 committees or other task forces. Board representation in these groups shall be determined
10 by the Chair. The Chair or Board shall establish the mission of the committee and specify
11 the time within which the committee is to make its report to the Board.
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13 §2. If an outside organization or community group requests Board of Local and
14 Regional Jails' representation on a committee or task force, the Board Chair, or a designee
15 appointed by the Chair, shall fulfill this role at the Chair's discretion.
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17 §3. Requests for information directed to a Board member by the media or other outside
18 individuals/organizations for the Board's position or views on a subject shall be referred to
19 the Board Chair, or to a designee appointed by the Chair, for response. No Board member
20 may speak on the Board's behalf without explicit permission from the Board Chair.
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ARTICLE VII

By-Laws Amendments; Compliance

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26 §1. The By-Laws may be amended at any regular or special meeting of the Board by
27 an affirmative vote of the majority of the Board provided that the proposed amendment
28 was included in the notice of the meeting.
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30 §2. Failure to observe the provisions of these By-Laws by any Board member shall be
31 referred to the Chairman for appropriate action.
32

33 §3. Failure to observe procedural provisions of these By-Laws does not affect the
34 validity of Board action.
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36 Approved January 18, 2023
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39 _____
40 The Honorable Vernie Francis, Board Chair
State Board of Local and Regional Jails