

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
LIAISON COMMITTEE MINUTES**

Regular MeetingJuly 20, 2011

Location6900 Atmore Drive, Richmond, Virginia

Presiding..... John Roberts, Chairman

PresentPeter Decker, III, Chairman, Board of Corrections
B. A. Washington, Member, Board of Corrections
Rev. Anthony C. Paige, Member, Board of Corrections
William Osborne, Member, Board of Corrections
Kurt Boshart, Member, Board of Corrections
Felipe Cabacoy, Member, Board of Corrections
David Simons, Hampton Roads Regional Jail
Glenn Aylor, Central Virginia Regional Jail
Daniel Woodward, Central Virginia Regional Jail
Frank Dyer, Central Virginia Regional Jail
Elton Blackstock, Blue Ridge Regional Jail Authority
Keith Lockridge, Charlotte County Jail
Bruce Conover, Northwestern Regional Adult Detention Center
Dick Hall-Sizemore, Department of Planning and Budget
Robyn deSocio, Compensation Board
Gary Bass, Classification and Records, DOC
Mike Leininger, Legislative Liaison, DOC
Kim Lipp, Architecture and Engineering, DOC
Brooks Ballard, Architecture and Engineering, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

The meeting was called to order and attendees were welcomed.

I. Committee Chairman (John Roberts)

- Mr. Roberts welcomed the committee members. He then called for a motion to approve the May minutes. By **MOTION** duly made and seconded, the minutes were unanimously **APPROVED**. The Motion carried.

Mr. Decker will be signing a letter appointing David Simons as a member of the Liaison Committee during the official Board of Corrections meeting later this afternoon.

II. Meeting Summary

Gary Bass reported the following:

- There have been no recent opening or closing of facilities. There are rumors that the 1,000 Pennsylvania inmates are going to be returned to Pennsylvania as is reported in the PA papers almost weekly, but the authorities have not yet notified Virginia that this is the case. If authorities make a decision to return the inmates, they would have a six month window in which to return them. He does not know what the implications of the loss of those inmates would be, since the contract to house them is funding the operations of Green Rock Correctional Center.

A number of jails are in agreement with the DOC to hold state responsible inmates. The issue of how to code these inmates has arisen for funding purposes. The DOC maintains an out-of-compliance list and the inmates in question are not considered out-of-compliance since they are being held by agreement. After talking with Anne Wilmouth at the Compensation Board, a solution has been decided that will not affect the funding for local facilities. Jennifer Hastings sent a letter to most of the jails to clarify if the jails want to continue to hold these inmates or if they want them placed on an intake list. The decision is to continue using the JCB (jail contract bed) or JCW (for work release) category. JCB is no longer funded by the General Assembly at an additional \$14/day but if they are coded as JCB/JCW, they qualify for the \$12/day reimbursement instead of the \$4/day alternative. In the event that the jail requests holding an inmate, they will be reimbursed at \$4/day. An article should be in the next LIDs newsletter (August 1st). JCB would be coded LIDs 27 and LIDs 28 for JCW. Glenn Aylor asked if the agreement with the DOC, which he states specifies a dollar amount, would be rewritten. Mr. Bass responded that the amount is in the cover letter, not the agreement since the DOC has no control over the amount of reimbursement to local facilities.

Mike Leininger reported the following:

- Mr. Leininger will be leaving the Department of Corrections due to the elimination of his position. This will be his last meeting.

Robyn deSocio reported the following:

- When the legislative session adjourned in the spring, there was a \$21 million shortfall for the sheriffs' and jails' operating programs for FY12. A portion of that was restored during the regular legislative session, bringing the shortfall to \$7.4 million. During the reconvened session, the governor's budget provided that if the budgets were sufficient, the \$7.4 would be allocated as a one time basis to shore up the shortfall. The jails had to go through the exercise to deal

with the \$7.4 million in reductions which was about 2% of the base of the operating budgets. The announcement was expected to be made around mid-August if that shortfall would be restored. A preliminary announcement was made in July that will be communicated to localities and regional jails detailing the next steps forward. She stated that she thinks those funds are forthcoming. There is a need to get the funds restored to prevent an ongoing reduction in the future. She reminded the attendees that this would be one time money and not ongoing funding into the future. Glenn Aylor asked where the funding would be restored because he lost a position. Ms. deSocio responded that the funding would go to temporary funds. If a position is being funded through another source, it can be reimbursed through the temporary salaries funds if submitted. Official action probably will not occur until August.

Also, the fiscal year began with estimates of per diems based upon last year's inmate forecasts which included a \$4 million shortfall for FY12. A new forecasting process will be done for the upcoming year in the fall months based upon actual inmate populations. She hopes to be able to advise where the Compensation Board stands for adequate per diem funding for the current fiscal year. They have the mental illness survey that has been provided by the localities. The Senate Finance Committee and the behavioral health people are assisting in submission of a report required from the Compensation Board for submitting this information. Budget developments will be created in the next few months as well. Also, they are trying to put together jail costs report training for this fall and she will be contacting some jails in the future to hold half day regional type training sessions for anyone interested.

Bill Wilson reported the following:

- As of June 30th, there were 27,960 inmates in local facilities and 3,745 out-of-compliance inmates as of July 19th. That number is down in part due to the change in the classification of out-of-compliance, as explained by Mr. Bass. He reminded the attendees that Wallace Lambert retired July 1st and he will fill in temporarily for Mr. Lambert's inspections until a replacement for him has been hired, when and if this is approved.

Rev. Paige asked for an explanation of the term "out-of-compliance." Mr. Wilson replied that, at one time, the jails received a higher per diem rate for inmates determined to be out-of-compliance. That is no longer the case. Jails are reimbursed at the standard \$12/day rate as JCB classified inmates. Out-of-compliance is defined as 60 days after the DOC receives the sentencing order from the courts. The courts are required to provide the information to the DOC within 30 days but that is not always the case. Mr. Bass did a survey that showed the actual time that the courts provide this information is an average of 82 days. The Compensation Board starts paying the \$12/day per diem on the 91st day after sentencing. These numbers provide for some confusion regarding

the actual out-of-compliance rates, but were originally determined as the date by which the DOC was to pick up the inmate.

Rev. Paige asked what causes the delay in the DOC picking up the inmates. Mr. Wilson explained that there are no available beds in the prisons. Rev. Paige concluded that he cannot understand why there is an empty prison while there are out-of-compliance inmates in the jails. Mr. Leininger explained that there are two issues at play. One issue is money. Insufficient funding prevents the opening of the Grayson prison and the contract with Pennsylvania provides funding for the contract inmates at the Green Rock prison. Also, the DOC has had to close eight facilities leaving insufficient beds to pick up the jail inmates. Rev. Paige asked if there were enough out-of-compliance inmates to fill the empty beds at Grayson. Mr. Leininger responded that there are enough out-of-compliance inmates to open the Grayson facility, but the legislature has not provided funding to open the prison. Rev. Paige stated that the jails are overcrowded and yet there are state facilities sitting unused. Mr. Aylor said it is cheaper to put the inmate in his jail at \$4/day rather than the DOC to take them in at state costs of around \$70/day. Mr. Roberts added that there was another aspect to the issue. A lot of the jails do not want to get rid of the state responsible inmates for additional funding reasons. Rev. Paige asked if it was optional. Mr. Roberts responded that it is based on whether a facility wants to hold state inmates.

Mr. Roberts asked about the attendance of Virginia Delegate Patrick Hope of Arlington who requested a space on the agenda to discuss HB1488. Mr. Leininger responded that Del. Hope proposed the bill during the last General Assembly session regarding the shackling of pregnant inmates in transport and during delivery. There was a report called the Rebecca Report created by some researchers in D.C. that gave Virginia an F grade in its treatment of pregnant women due to this shackling issue. He stated that we (the DOC) tried diligently to find the author of the report to find out who they spoke with and how it could be that Virginia was given a failing grade in the issue. The author has, to date, never been located. DOC staff has been asked if they spoke with anyone regarding the Rebecca Report and no one has responded to knowing any details about it. Bill Wilson asked if the report came out of American University and added that this report is, in reality, college papers that are showing up on the internet as an actual professionally researched document. Del. Hope has originated legislation to prevent this treatment of pregnant inmates. The director has advised the legislator that policy does not allow this treatment and if the situation presents itself that would require additional restraint, it is handled by another office. Del. Hope along with the ACLU wanted to extend the requirement to the localities which is the reason he wanted to address this committee. Mr. Leininger advised that he was not speaking on Del. Hope's behalf and is not aware of the reason he was unable to attend but asked that Del. Hope be extended forward to the next scheduled meeting. Elton Blackstock stated that he would be happy to bring the issue before the Regional Jail

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Association and report back with his findings. B. A. Washington added that he is bothered by the fact that the origination of the report is unknown and yet has had an impact on state policy. Bruce Conover recommended the issue be addressed in a medical standard rather than by legislation.

The committee recognized Mike Leininger by applauding his service to the Commonwealth of Virginia, Department of Corrections.

By MOTION duly made by the Chairman of the Liaison Committee, John Roberts, and seconded by several members in attendance, and unanimously APPROVED, the meeting was adjourned.