

# THE VIRGINIA BOARD OF LOCAL AND REGIONAL JAILS

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The Virginia Board of Local and Regional Jails (Board) met on Wednesday, May 19, 2021 by **TELECONFERENCE** to Discuss General Business of the Board

**BOARD MEMBERS PRESENT:** The Honorable Vernie W. Francis, Jr., Chairman  
Bobby Vassar, Vice Chairman  
John Anderson, Jr., Secretary  
Olivia Garland, PhD  
The Honorable Charles Jett  
Heather Masters, M.D., S.F.H.M., F.A.C.P.  
Karen Nicely, LPC  
Joanne Peña  
Reverend Kevin L. Sykes

**BOARD MEMBERS ABSENT:** None

**EXECUTIVE DIRECTOR:** Ryan C. McCord

**BOARD COUNSEL:** Phillip Figura, Office of the Attorney General

**ATTENDEES:** Bob Casey, Virginia Department of Corrections  
Tawana Ferguson, Virginia Department of Corrections  
Audrey Michael, Department of Corrections  
Donna Foster, Department of Corrections  
Robyn deSocio, Virginia Compensation Board  
Gregory Winston, New River Valley Regional Jail  
Larry Leabough, Riverside Regional Jail  
Lt. Col. Dennis Hall, Riverside Regional Jail  
Lt. Col. Harold Reed, Riverside Regional Jail  
James Pritchett Chesterfield County Sheriff's Office  
Colonel W. Smith, Western Tidewater Regional Jail  
Lt. Col. Mark Sites, Fairfax Adult Detention Center  
John Taylor, Design Engineer, County of Fairfax  
Julie Steele, HOK Architects  
Robert Caramitsos, HOK Architects  
Mario Lemos, HOK Architects

**BOARD ATTENDANCE ROLL CALL:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members in attendance – **Quorum Present**

**MOTION TO CONVENE**

As you know, the Governor declared a state of emergency in effect from March 12, 2020 and is ongoing because of the potential spread of COVID-19, a communicable disease of public health threat and the anticipated effects of that spread. Given this threat, the Board cannot assemble in person because of the need for social distancing for a prolonged period of time. The work of the Board however, must continue.

As you may know, Governor Northam amended the state budget to include the use of electronic meetings in HB30 (Chapter 1289) Section 4-0.01 It provides that this Board may conduct a public electronic meeting during a state of emergency if: “(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; [and] (ii) the purpose of the meeting is to discuss or transact the business statutorily required.” The law requires that this Board “shall make available a recording or transcript of the meeting on its website ...and... Distribute minutes of a meeting.”

The purpose of the meeting is to take action on Board Certifications and Construction Projects as mandated by law. In light of this, I’ll entertain a *MOTION* with respect to this Emergency Electronic Meeting.

**Motion made by Mr. Vassar and Seconded by Mr. Anderson.**

**BOARD ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members voted in favor – **MOTION CARRIES**

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

Chairman Francis asked for a motion to approve the March 17, 2021 minutes.

**I MOVE that the Board APPROVE the March 17, 2021 meeting minutes**

**Motion made by Mr. Anderson, seconded by Dr. Garland.**

**ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members voted in favor – **MOTION CARRIES**

**PUBLIC COMMENT**

None

**PRESENTATIONS**

None

**JAIL REVIEW COMMITTEE UPDATES**

Motion made by Dr. Garland, Chairman of the Jail Review Committee seconded by Charles Jett.

**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 further 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>Case</b>	<b>Location</b>	<b>Date of Death</b>
20-0013	Riverside Regional Jail	4/16/2020
20-0041	Riverside Regional Jail	12/28/2020

Additional cases were reviewed by the Jail Review Committee on April 14 and 21, 2021, but any action has been postponed by request of the facilities.

**ROLL CALL VOTE:**

- John Anderson**                      **Yay**
- Vernie, W. Francis, Jr.**            **Yay**
- Dr. Olivia Garland**                **Yay**
- Charles Jett**                         **Yay**
- Heather Masters**                  **Yay**
- Karen Nicely**                       **Yay**
- Joanne Peña**                        **Yay**
- Kevin Sykes**                        **Yay**
- Bobby Vassar**                      **Yay**

9 Board members voted in favor – **MOTION CARRIES**

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

**Certifications Report: Local/Regional Facilities**

Motion made by Mr. Vassar and seconded by Dr. Garland;

**I make the following recommendations 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:**

Essex County Jail

**Unconditional certification as a result of 100% for:**

Middle Peninsula Regional Jails

Patrick County Jail

Southwest Virginia Regional Jail Authority – Duffield

Southwest Virginia Regional Jail Authority – Abingdon

Southwest Virginia Regional Jail Authority – Haysi

Richmond City Justice Center

**ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members voted in favor – **MOTION CARRIES**

Motion made by Dr. Garland and seconded by Mr. Anderson.

**The Board of Local and Regional Jails, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspensions of the 2021 annual**

inspection for Essex County Jail, Middle Peninsula Regional Jail, Patrick County Jail, Southwest Virginia Regional Jail Authority – Duffield, Southwest Virginia Regional Jail Authority – Abingdon, Southwest Virginia Regional Jail Authority – Haysi, and the Richmond City Justice Center.

**ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members voted in favor – **MOTION CARRIES**

**FAIRFAX COUNTY ADULT DETENTION CENTER**

Bob Casey presented the construction update for Board approval.

- Proposed Board Motion to Approve/Disapprove a waiver for the requirement of a Value Management Analysis.

Motion read by Mr. Jett and seconded by Dr. Garland.

**The Board of Local and Regional Jails approves Fairfax County’s request to waive the requirement of a Value Management Analysis in compliance with Section 6VAC15-81-390 in the Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018 and Sections 53.1-80 through 82 of the Code of Virginia.**

**ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>

<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members in voted in favor – **MOTION CARRIES**

- Proposed Board Motion to Approve/Disapprove to allow the Fairfax County’s request for funding to proceed with its upgrades of the mechanical and electronic security control system in the facility.

Motion read by Mr. Jett and seconded by Dr. Garland.

**The Board of Local and Regional Jails approves the FAIRFAX COUNTY’S request for state funding for the upgrades to the mechanical and electronic security control systems within their facility. This approval recognizes a total eligible cost of \$57,918,683, of which up to 25% or \$14,479,670 would be eligible for State reimbursement in payments over a specified period of time. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.**

**ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>
<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members voted in favor – **MOTION CARRIES**

**ADDITIONAL ITEMS FOR DISCUSSION**

Superintendent Gregg Winston, New River Valley Regional Jail asked if the Board would consider a resolution to recognize Correctional Officers for National Jail Employee Week. This is an annual recognition during the first week in May as an appreciation of the commitment of

corrections employees for their devoted service. Chairman Francis agreed and will, with the assistance of Executive Director McCord, create a proclamation to the appreciation of service by corrections staff.

Ryan McCord, Executive Director, Board of Local and Regional Jails, discussed the process forward for recommendations by the Jail Review Committee to the Board.

Both facilities have requested continuances of the formal hearing dates and those requests have been granted. The formal hearing date is set for June 16<sup>th</sup> for both facilities. The next step will involve the formal presentation of evidence. Mr. McCord will meet with the facilities to present evidence and cite Minimum Standards that the Board believes were violated and the basis for penalties. Following this informal presentation of evidence, each facility has five weeks from the date of the original notice to submit their Notice of Objection for the preliminary findings and recommended penalties. Our process allows for 21 days but additional time was requested by the facilities and granted by the Chairman. One facility has until May 28<sup>th</sup> and the other until June 5<sup>th</sup>. The negotiation and consent period begins and lasts until 10 days before the hearing. Because the hearing is tentatively scheduled for June 16<sup>th</sup>, the 10 day prior to the hearing date is June 6<sup>th</sup>, only allowing for one day for negotiation and consent which Mr. McCord noted was insufficient. Currently the time requirements are under consideration for moving forward with negotiations. He will assist with the facilities in presenting their plans of action to the Board for solutions intended to correct the violations. Chairman Francis, Mr. McCord and Mr. Figura (Board Counsel) will discuss a more appropriate date for hearings. Chairman Francis noted that the Board wishes to give facilities ample time for determination of the way forward. He expects the June Jail Review Committee meeting to be a standard meeting and the Board of Local and Regional jail members will be made aware of the status of the facilities.

Bob Casey advised the Board that this would be his final meeting prior to his July the 1st retirement. Chairman Casey told him that on behalf of the Board, he wishes him a happy retirement and he will be difficult to replace.

## **ADJOURNMENT**

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

**I MOVE that the meeting be adjourned.**

### **ROLL CALL VOTE:**

<b>John Anderson</b>	<b>Yay</b>
<b>Vernie, W. Francis, Jr.</b>	<b>Yay</b>

<b>Dr. Olivia Garland</b>	<b>Yay</b>
<b>Charles Jett</b>	<b>Yay</b>
<b>Heather Masters</b>	<b>Yay</b>
<b>Karen Nicely</b>	<b>Yay</b>
<b>Joanne Peña</b>	<b>Yay</b>
<b>Kevin Sykes</b>	<b>Yay</b>
<b>Bobby Vassar</b>	<b>Yay</b>

9 Board members in voted in favor – **MOTION CARRIES**

**Adjourned**

**DRAFT**