

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	September 21, 2005
Location.....	6900 Atmore Drive Richmond, Virginia
Presiding.....	Clay B. Hester, Chairman
Present.....	James H. Burrell Jacqueline F. Fraser W. Alvin Hudson, Jr. Gregory M. Kallen Raymond W. Mitchell Sterling C. Proffitt James R. Socas
Absent.....	W. Randy Wright

10:00 a.m., Wednesday, September 21, 2005

6900 Atmore Drive, Richmond, Virginia

The meeting was called to order.

I. Board Chairman (Mr. Hester)

The Chairman called the meeting to order, welcomed attendees and thanked them for coming.

1) Welcome Newest Board Member, James R. Socas

The Chairman introduced and welcomed Mr. James Socas, who serves as senior Vice President of Corporate Development for Symantec. Mr. Socas thanked the Chairman for his kind words and stated he is looking forward to working with the Board.

2) Presentation of Resolution Recognizing Mrs. René T. Maxey Upon Her Departure from the State Board of Corrections

Mrs. Maxey was present, along with her husband. The Chairman asked Mrs. Maxey to come forward, at which time he presented her with the Resolution while reading its contents into the record. The Chairman then offered a few personal comments to Mrs. Maxey, thanking her for her years of dedicated service to the Board and stating how much she would be missed. Following the Chairman's remarks, Mrs. Maxey noted how much she had enjoyed working with the Board and how much she was going to miss everyone. She and the Chairman then posed for a photograph after which she departed the meeting.

For the purposes of the record, the Resolution reads as follows:



***RECOGNIZING MRS. RENÉE T. MAXEY UPON HER
departure FROM THE STATE BOARD OF
CORRECTIONS***

On Motion of the Board, the following resolution was adopted:

WHEREAS, Mrs. Reneé T. Maxey has served the Commonwealth faithfully since November 16, 1999, when she was sworn in as a member of the State Board of Corrections under then-Governor James S. Gilmore, III; and

WHEREAS, Mrs. Maxey has served the citizens of the Commonwealth in a non-partisan manner under two Governors and four Board Chairmen with marked integrity, pursuing the letter and intent of the law; and

WHEREAS, during her 6 years as a member in good standing of the State Board of Corrections, Mrs. Maxey attended and actively participated in 43 out of 44 scheduled meetings, all the while maintaining her active, full-time position as Director of Piedmont Court Services in Farmville, Virginia; and

WHEREAS, during her almost 6 months as a member and 4+ years as Chairman of the Board's Correctional Services/Policy & Regulations Committee, Mrs. Maxey was active in the review and rewrite of the Board's By-Laws, was active in the review and recommendation processes for the Department's audits and inspections and was active in the review and recommendation processes for local facilities across the Commonwealth as they came before the Board seeking to renovate and/or construct and fund new facilities, all the while managing change in the committee and its operations; and

WHEREAS, Mrs. Maxey understood the importance of her professional responsibility beyond the Board, and in so doing became an active proponent of issues important to the Commonwealth and to her fellow Board members; and

WHEREAS, Mrs. Maxey departed the State Board of Corrections as a result of being succeeded by a new gubernatorial appointee.

NOW, THEREFORE BE IT RESOLVED, that the State Board of Corrections, this 21st day of September, 2005, publicly recognizes the contributions of Mrs. Reneé T. Maxey to the Virginia Department of Corrections and the citizens of the Commonwealth of Virginia;

AND, BE IT FURTHER RESOLVED, that the Board extends its appreciation of her commitment to the Commonwealth and best wishes as she progresses in her career;

AND, BE IT FINALLY RESOLVED, that a copy of this resolution be presented to Mrs. Reneé T. Maxey and that this resolution be permanently recorded among the papers of the State Board of Corrections, Commonwealth of Virginia.

James H. Burrell
Jacqueline F. Fraser
Clay B. Hester
Alvin W. Hudson, Jr.
Gregory M. Kallen
Raymond W. Mitchell
Sterling C. Proffitt
James R. Socas
W. Randy Wright

3) **Appointment of Nominating Committee**

Mr. Hester selected Ms. Fraser and Messrs. Burrell and Hudson to sit on the Nominating Committee, with Mr. Burrell to act as Committee chairman. Each accepted. At this point, Mr. Hester asked for a short recess in order for the Committee to meet to come up with their recommended slate of Officers.

A short recess was taken.

4) **Report of Nominating Committee/Election of Officers**

The meeting was reconvened, and the Chairman asked for the Committee's report. Mr. Burrell proposed the following slate of officers for 2006: **Mr. Hester, Chairman; Mr. Proffitt, Vice Chairman; and Mr. Mitchell, Secretary.**

There were no other nominations from the floor, and the vote went forward on the proposed slate in total. By *MOTION* duly made by Mr. Burrell, seconded by Ms. Fraser and unanimously approved as presented by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt) the slate of officers was *APPROVED*. There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. There was one absence, and Mr. Socas did not vote.

Mr. Hester accepted the Chairmanship, thanked the members for their vote of confidence, and stated he looked forward to working with them over the next year.

5) **Appointment to Board Committees for 2006**

In August, the Chairman asked the members to provide their input as to any changes they wanted to make to current committee assignments. Hearing nothing in the interim, he announced the current committee membership will remain as is. The Chairman then gave Mr. Socas a brief explanation of the mission of each Board Committee as well as the meeting days and times after which he offered him an assignment to the **Correctional Services/Policy & Regulations Committee**. Mr. Socas accepted the appointment.

The 2006 Committee membership is as follows:

Liaison: Proffitt (Vice Chair), Hudson, Burrell, Fraser, Mitchell

Correctional Services/Policy & Regulations: Fraser (Chair), Hudson, Proffitt, Socas

Administration: Wright (Chair), Kallen, Burrell, Mitchell

6) **Motion to Approve Board Meeting Dates for 2006**

By *MOTION* duly made by Mr. Hudson and seconded by Mr. Burrell, it was moved to approve the proposed 2006 meeting schedule. By verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt, Socas), the motion was *APPROVED*. There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. There was one absence.

For the record, the 2006 meetings are set for the third Wednesday of the following months: **January (18); March (15); May (17); July (19); September (20) and November (15).**

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

By *MOTION* duly made by Mr. Hudson and seconded by Ms. Fraser, the minutes were unanimously *APPROVED* as presented by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Mr. Wright was absent, and Mr. Socas did not vote as he was not present at the July meeting.

8) **Motion to Approve August Special Meeting Minutes**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Mitchell, the special meeting minutes were unanimously *APPROVED* as presented by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was

not noted. Mr. Wright was absent, and Mr. Socas did not vote as he was not present at the August Special meeting.

II. Public/Other Comment (Mr. Hester)

There were no members of the general public present to speak.

III. Presentation to the Board

There was no presentation to the Board this month.

IV. Liaison Committee (Mr. Proffitt)

Mr. Proffitt noted the committee had met, Chaired by Roy Cherry, and Board of Corrections members present were Ms. Fraser and Messrs. Hester, Burrell and Hudson. He stated it was a good turnout, with good discussions and frank exchanges.

Mr. Proffitt reported the Department had provided an update on the Department's capital projects stating that the St. Brides' Phase I is scheduled for completion on September 20 and will be operational by October 1, 2005. It is a \$44.93 million project with 400 beds. As soon as the new beds come on line, the Department will begin work on Phase II, which will cause a temporary loss of 592 beds. Phase II is a \$32.475 million project with an aggregate of 800 beds between two, 400-bed units with construction scheduled to begin immediately upon completion of Phase I.

The Tazewell, medium-security facility (1,024 beds) will cost \$68.645 million. Deep dynamic compaction continues. Completion of the project is scheduled for March, 2007. The second medium-security, 1,024-bed facility is located in Pittsylvania County with a price tag of \$73.553 million. Completion of the project is scheduled for May, 2007. The project is 100% VPBA-bond funded. And the Deerfield expansion is 600 beds (three, 200-bed units) at a cost of \$21.908 million. Estimated completion of this project is scheduled for November, 2006, and the project is 100% VPBA-bond funded.

Ms. Lawrence attended the meeting and introduced Mr. Bill Wilson, who was hired effective August 10, 2005, to fill the position formerly held by Mr. Ron Elliott. Mr. Wilson has 20 years with corrections, most recently in West Virginia. He told the Committee there would be some changes to the jail inspection report, which will ultimately make it easier to read.

Mr. Proffitt then reviewed the prison and jail population report. The Department's population as of September 12, 2005, was 31,726, including 23 contract prisoners. Operational capacity as of September 15, 2005, was 31,358, with 88 beds temporarily closed at Sussex I.

Turning to jails, as of July 19, the population was 25,749, including 1,842 federal prisoners. The capacity of the jails as of September 1, 2005, was 17,456. Population in excess of capacity as of July 19, 2005, was 8,293 or 47.51%. As of July 19, 2005, felons with more than one year to serve totaled 3,437. Felons available for pickup as of September 9, 2005, were 2,929. Felons out of compliance as of September 16, 2005,

were 1,540. And, as of September 9, 2005, felons released totaled 3,284, with 2,474 good time released and 810 paroled.

There was some conversation following the report, with Mr. Proffitt again reiterating the fact that the Department continues its efforts to remove state-responsible inmates as quickly as possible from local jails.

Mr. Proffitt then reviewed the jail construction projects. Most are ongoing and one has been completed. The **Middle River Regional Jail** (Augusta/Staunton/Waynesboro) is a new, 396-bed facility costing \$39.3 million. Its estimated completion date is February, 2006. Mr. Proffitt reported that **Loudoun County** will be coming back to the Board for approval to install additional beds. **Virginia Beach** (312 beds) is a \$45.2 million project encompassing renovations and an addition to the existing facility. Completion of the total project is estimated for May, 2006. **Southwest Virginia Regional Jail** was a \$37.2 million project of 780 aggregate beds divided between three facilities (Abingdon, Haysi and Duffield). Those facilities are currently operational, with openings being held in March and April of this year. And lastly, the **Chesterfield County Jail** is a new, \$24 million project with 154 beds, estimated to be operational by October, 2005.

Additionally, it was reported there are still four projects to be reviewed by the Board (Loudoun County Adult Detention Center, Gloucester County Jail, Rappahannock Regional Jail and Riverside Regional Jail). It is anticipated that a Special Meeting will be called in October to address those projects as Ms. Fraser will explain during her Committee report.

Mr. Proffitt explained that the Compensation Board was preparing a report to be presented to the General Assembly on federal inmates being housed in local jails. A Committee was formed and met to review concerns. Comments have been received and a draft response has been prepared and submitted. The concern is that jails are holding too many federal prisoners. The draft response suggested four options; the Liaison Committee endorsed Option #2, which is a straight \$14-a-day recovery. It was noted that whatever decision is made, three jails could be exempted from and grandfathered into the proposal; those being, Alexandria Adult Detention Center, Northern Neck Regional Jail and Central Virginia Regional Jail. Ultimately, any decisions will be up to the General Assembly.

Additionally, Mr. Proffitt noted a concern raised by Sheriff B.J. Roberts (Hampton City Jail) concerning an evacuation plan for local jails in the Tidewater area in light of the events following Hurricane Katrina and asking whether local prisoners could be evacuated to and housed by the Department temporarily to keep them out of harm's way. Mr. Johnson stated that something can and will be done.

There being no questions or comments, the report was concluded. No action on the report was required.

V. Administration Committee (Mr. Burrell)

Mr. Burrell noted the Committee met briefly with staff to discuss the 4th Quarter Overtime Report as well as the Department's Request for the Board to Commence the Process for Naming New Facilities. Additionally, the request by VCE to acquire 3.87 acres of land in Chesterfield County was heard.

VCE is intent on purchasing a tract of unimproved land for the purpose of expanding their headquarters and distribution center. The approximately 3.87 acre parcel is contiguous to VCE's current location in the Chesterfield Industrial Airpark. A purchase price has been negotiated. A number of requirements must be satisfied in order for the acquisition to occur. In addition to due diligence items, such as environmental inspections, survey and title search, approval by the Board is needed.

By *MOTION* duly made by Mr. Burrell, seconded by Mr. Mitchell and unanimously approved by verbally responding in the affirmative ((Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt, Socas), the action was *APPROVED*. There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Mr. Wright was absent.

As to the 4th Quarter Overtime Report, Mr. Burrell noted that Department-wide, there was only a \$36,000 difference between FY04 and FY05 overtime. Mr. Socas questioned the wide variances between facilities and highlighted, specifically, the \$1.1 million at Powhatan. Ms. Scott responded that Powhatan has historically experienced significant staff turnover, with 90% of that turnover being in the security area. She stated that the facility is actively recruiting new personnel.

There being no further questions, Mr. Burrell proceeded to the Department's request for the Board to commence the process for naming the two new facilities currently under construction in the Commonwealth, one in Tazewell County and one in Pittsylvania County. In his cover memorandum, the Director asked the Board to communicate the Department's wish that the proffered names not be of any individual, either living or dead.

On *MOTION* duly made by Mr. Burrell, seconded by Mr. Mitchell, the Board commenced the process for the naming of new facilities. Letters will be sent by the Board to the County Administrators and the Chairpersons of the County Board of Supervisors of the localities hosting the facilities currently under construction. This action is pursuant to Section 53.1-19 of the Code of Virginia. At the request of the Director of the Department, the official names for the facilities will include the words "correctional center."

Pursuant to Code, the localities will be advised of the Board's action in a formal letter to each county's governing body and a recommendation requested of them. Upon receipt of any recommendations, the Board will vote on the official names at the next available meeting. The items will then be forwarded to the Honorable John W. Marshall, Secretary of Public Safety, for concurrence, who will then forward the recommendations to the Governor for final approval.

There being no other questions or discussion, the report was concluded.

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

The Committee met on September 20, 2005, with the following Board members in attendance: Messrs. Hudson, Proffitt, Hester and Ms. Fraser. Additionally, Ms. Lawrence, Ms. Hill-Murray and Mr. Wilson were present.

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, the following recommendations were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt, Socas):

Unconditional Certification as a result of **100% compliance** for the **Amherst County Jail, Fairfax County Mason District Lockup, Fairfax County Mt. Vernon Lockup, Probation & Parole District #7 (Petersburg), Probation & Parole District #42 (Franklin), Fluvanna County Lockup to include male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia; and Montgomery County Jail to include male juveniles in accordance with Section 16.2-249(g) of the Code of Virginia;**

and that **Probation & Parole District #1 (Richmond), Probation & Parole District #22 (Martinsville), Albemarle/Charlottesville Regional Jail (corrected 3/15/06) and Rubicon, Inc.** receive **Unconditional Certification**;

and that **Serenity House Residential Program** be placed on **Probationary Certification for 90 days** due to the 14 Standards being found out of compliance, to include four Life, Health, Safety Standards. It was noted by the Audit Team that many of the findings involved problems revealed during observations as well as a lack of written policies being in place.

There was no discussion on the motion and there were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Mr. Wright was absent.

Ms. Fraser reported a request by the Augusta County Jail to suspend their 2005 certification audit due to its participation in the Middle River Regional Jail, which is scheduled to open in February, 2006. She also noted that this practice has been used in the past and does not set precedent.

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson, it was *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt, Socas) to suspend the 2005 Certification Audit for the Augusta County Jail in anticipation of the opening of the new, Middle River Regional Jail in February, 2006, and the subsequent closure of this facility. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Mr. Wright was absent.

For informational purposes, it was noted for the record that **the following jails and lockups received 100% on their Unannounced Inspections.** No Board action is required.

Blacksburg Town Lockup, Fairfax County Adult Detention Center, Henrico County Jail West, Peumansend Creek Regional Jail, Petersburg City Jail, Roanoke County Jail, Hampton City Jail and Galax Town Lockup.

As a follow up to what Mr. Proffitt mentioned earlier during his Committee report, Ms. Fraser noted the Committee's recommendation that the Board hold a Special Meeting in Richmond in October to review the community-based corrections plans for four localities (Gloucester, Rappahannock, Riverside and Loudoun). It is suggested that the Committee meet on October 25, 2005, at 1:00 p.m. with representatives from the localities, and then on October 26, 2005, at 10:00 a.m. in this room for a full Board meeting so the Board can review and act on the Committee's recommendations.

It is the consensus of the Board to hold the Special Meeting in October in order to address the above-mentioned community-based corrections plans.

Additionally, as provided in the package, Ms. Fraser advised that the suggested changes to the Regulations Governing Certification and Inspection have been approved by the Office of the Attorney General and the Department of Planning and Budget with final regulatory action by the Governor pending.

She also noted that Dillwyn Correctional Center and Fluvanna Correctional Center for Women have each been re-accredited; Dillwyn with a score of 99.7 and Fluvanna with a score of 98.4. The facilities will be honored at ACA's annual meeting to be held in Tennessee in January.

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

VII. Closed Session

No Closed Session was held.

VIII. Other Business (Mr. Johnson)

The Director reported that the Department has been involved with the Hurricane Katrina relief efforts being organized at Fort Pickett. The Department has provided two-to-three trailers full of supplies for hurricane evacuees but it is now questionable whether the State will get anyone at all. The Director noted that Mr. Jabe's Zoom-A-Lube fund sent the employee relief funds for the Louisiana and Mississippi Departments of Corrections \$10,000 and \$5,000, respectively. In addition, Governor Warner personally contacted the Director to thank the Department for all it has done.

In closing, the Director reported the Department might be asked to send some correctional officers to Louisiana and 700 have volunteered to go. Additionally, the Department offered to take 500 prisoners, but that offer has not yet been accepted.

IX. Board Member/Other Comment

Mr. Socas asked staff members to provide an indication of how the Department measures its success so that the Board and the Department can understand. Mr. Proffitt reminded the Board that the Eastern Shore Regional Jail has come in \$9 million over budget and Prince William/Manassas has come in \$20 million over budget and that it is only going to get worse with construction material costs skyrocketing.

X. Future Meeting Plans

As previously mentioned, a Special Meeting of the Board has been called by the Chairman for Wednesday, October 26, 2005, in Richmond in the Board Room. The meeting will start at 10:00 a.m. In addition, the Correctional Services Committee will meet on October 25, 2005, at 1:00 p.m. in the Board Room.

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

The November, 2005, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 15, 2005.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 15, 2005.

Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, November 16, 2005.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 16, 2005.

XI. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Hudson, seconded by Mr. Mitchell and unanimously *APPROVED* by those members in attendance (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt, Socas), the meeting was adjourned. One member was absent.

(Signature copy on file)

CLAY B. HESTER, CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY