

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

Regular MeetingJuly 18, 2006

Location6900 Atmore Drive, Richmond, Virginia

Presiding Chairman..... Roy Cherry, Chairman, Liaison Committee, Board of Corrections

PresentSterling Proffitt, Acting Chairman, Board of Corrections
W. Alvin Hudson, Board of Corrections
Jimmy Burrell, Board of Corrections
Bobby Mitchell, Board of Corrections
Jacqueline Fraser, Board of Corrections
Ted Costin, Virginia Department of Emergency Services
Michael Cline, Virginia Department of Emergency Services
Anna McRay, Virginia Department of Emergency Services
Jack Dewan, Virginia Association of Regional Jails
Clyde Cristman, Deputy Secretary of Public Safety
Robyn deSocio, State Compensation Board
Judge W. P. Lemmond, Jr., (Retired)
Sandra Thacker, Peumansend Creek Regional Jail
Jim Parks, Classification and Records, DOC
Matt Savino, Video NOC Manager, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

I. May Minutes

- Minutes from the May 16, 2006 meeting were motioned for approval, seconded and passed.

II. Minutes Summary

- Michael Cline from the Virginia Department of Emergency Management was first on the agenda. He introduced Clyde Cristman, Deputy Secretary of Public Safety and his colleagues, Preparedness Director, Ted Costin responsible for the state plans including hurricane plans and evacuation planning and Anna McRay, Special Planner, handling evacuation planning. Ms. McRay would be the initial contact for assistance in planning jail evacuations. Mr. Cristman asked to introduce Meredith Farrar-Owens, with the Sentencing Commission, chairing the Technical Advisory Committee for the jail and prison populations. Mr.

Cline also wished to advise the committee of the Office of Commonwealth Preparedness, directed by Bob Crouch, Assistant to the Governor and was recently given the responsibility of coordinating state agencies and other entities to include representatives from sheriff's organizations in emergency preparedness. Hurricanes are the major event that would result in evacuation and the state has three basic plans with special annexes. Volume one is the basic plan for general organization, volume two is the recovery plan involving discussion beyond the basic organization and for specific types of hazards, they have special annexes or special volumes such as for terrorism, one for oil spills and hazardous materials, and one for hurricanes. A sub-set to the hurricane plan is the evacuation plan that has been in place for the Tidewater area for several years and is based on a 1992 evacuation study that addresses the various levels of storm surge. Storm surge is the primary hazard during a hurricane and is an increase in the normal level of the ocean (accounting for the shifting tides). Category 3 hurricane storm surge is eighteen feet above the normal tide with added wave action and winds at one hundred thirty miles per hour. This is the basis for mandated evacuation of people in mobile homes and people along the coast who are vulnerable to the storm surge and the wind damage. Jimmy Burrell asked if there were any correctional facilities in the vulnerable area of storm surge and wind damage. Mr. Cline said, yes, for some facilities, but he could not answer which ones. There is an update to the 1992 survey that should be completed within the next eighteen months. Mr. Cline asked Mr. Costin if that data was yet available, and he answered that yes, they have the surge data available, but they would need the location and would need to then match the surge data through a GIS process. Mr. Cline discussed an area at the eastern end of the tunnel where the land has been developed beside a bay called Willoughby Spit, containing 5-6,000 homes and is 1,000 acres of sand deposited by two previous storms that will be under water in the event of a Category 3 hurricane. Norfolk has only two potentially dry areas during this scenario, the airport and an industrial area with multiple warehouses.

Evacuation plans involve evacuating 6-700,000 people. The governor is the only individual who can mandate an evacuation, usually a Category 2 will mandate evacuation within two days of predicted tropical storm force winds (39 mph) at which point the evacuation must be discontinued due to problems on bridges and in tunnels. The Virginia Department of Emergency Services predicts the capability to evacuate Norfolk within 23-30 hours. This would involve reversing the east-bound lanes of Interstate 64 making all of I-64 west-bound. Jimmy Burrell asked about the barricades. Mr. Cline stated that half of the barricades are being installed now, previously, the National Guard would be called in adding 24 hours to the required time and 160 State Troopers to man the barricades. There will still be some law enforcement, but the requirements are reduced due to the barricades. I-64 will only carry approximately 25% of the evacuees. The primary concern will be for special needs individuals. They will need to be evacuated in advance of the orders. Traffic will move slowly, causing a potential hazard for special needs individuals. Currently, there are

approximately 30,000 people without transportation who would need to be evacuated by shuttle and the same would probably apply to the jails. Corrections has two prisons that are evacuated (St. Brides Correctional Center and Indian Creek Correctional Center) well in advance of the orders for mandatory evacuation. Mr. Cline recommends two days prior to the initial impact. Other consideration would be the potential for an unsecured facility such as a high school gym, requiring additional staff ranging from correctional officers to support staff to provide meals. According to state code, whoever is responsible for the jail (sheriff, superintendent) is responsible for the evacuation and shelter of that population (including transportation). They have not, in the past, made determination as to shelters for jail population, but are willing to assist the responsible party. Mr. Cline hopes that there is currently a plan in place for all facilities. He also stated that he would hope that the evacuation was temporary, but in the event that the facility was severely damaged or destroyed, this could become long term. The state is prepared to assist with the long term plan, should it become necessary, in alternate prisons and jails. In conclusion, the responsible party should have a plan in place for the up front, short term evacuation of the facility population, including transportation, shelter and provisions. They will provide assistance if necessary with prior notification. The governor has the authority to pull staff from prisons, State Police and the National Guard as a last resort. If there is a presidential declaration of disaster, FEMA will reimburse 75 % of costs for protective measures not to include normal costs such as staff scheduled to work, but they will cover overtime costs if necessary for operations under evacuation plans. If there is a mandatory evacuation without a presidential declaration (i.e., the storm unexpectedly veers off the coast at the last minute) there is a possibility that the state public assistance program (for costs incurred by government) that will reimburse costs between 50 and 75%, if approved. To date, there has been no incidence of reimbursement to regional jails. Reimbursement would require consideration of all the appropriate jurisdictions. This scenario may have to go to the legislature for further consideration. Jack Dewan asked about I-64 being a primary evacuation route and how far inland the evacuation route would extend. Mr. Cline responded that it would revert back to normal routing at the I-295 exchange east of Richmond. There is an additional exit near Williamsburg but the exact route number was unclear. Mr. Cline stated that there is a current study underway to determine which facilities could accommodate evacuees (all evacuees, not just correctional facilities). They are primarily hoping for voluntary locations that fit the criteria of refuge of last resort. A refuge of last resort must be able to withstand the winds, is not in a flood plane, can provide power and toilets for one night until power is restored and they will guarantee security (in the form of law enforcement). Governor Kaine has guaranteed reimbursement for all costs incurred as a result of offering a facility as a shelter for evacuations. Incentives for shelter preparation are being considered through Homeland Security grants. Only 5-10% of the people will seek public shelters in the event of a mandatory evacuation.

Mr. Cherry discussed Sheriff B. J. Roberts' concerns for the Hampton City Jail population and potential evacuation procedures. He also mentioned the Portsmouth City Jail and the Norfolk City Jail having low elevations. Mr. Cherry said that there were no plans in place that he was aware of for evacuation. They all appear to be dependent upon the DOC facilities for assistance. Mr. Dewan stated that Route 460 would have too low an elevation for it to be considered an evacuation route. Mr. Cline stated that the evacuation would need to take place well in advance of any potential flooding, bearing in mind that evacuations are expected to take 23-30 hours and will move very slowly once it has been mandated. The plan in place provides for law enforcement to redirect traffic off the evacuation routes 2 hours before the tropical force winds are forecasted and direct the evacuees to the designated shelters.

Judge Lemmond told the committee of his prior service as the Air National Guard Liaison Officer to the Governor providing advice regarding available resources for natural and manmade disasters. He suggested that this office may still be in existence and may be a resource for further information. Mr. Cline said that this position still exists now and is called the Defense Coordinating Officer. Judge Lemmond also suggested a classification of inmates to determine security levels to be considered and possibly the National Guard Armories for inmate population shelters considered. Another suggested shelter was the Lorton Federal Prison, which has closed. Donald Hunter, former sheriff for Prince George County, currently serves as the State Homeland Security Officer and may be another possible resource.

Mr. Cline asked that the Liaison Committee and/or Board of Corrections identify several individuals representing different agencies, DOC, sheriffs, superintendents, etc., to work with Emergency Services to consider the longer term housing of inmates. He said he knew the Hanover Juvenile Facility was not in operation, but would probably be earmarked for Juvenile populations. He suggested that this discussion begin as soon as possible.

Clyde Cristman added that a task force in particular involving representatives from the affected localities is an excellent idea. He also stated that one of the unexpected outcomes in New Orleans was that inmates awaiting trial had to be released as the courthouses were destroyed, eradicating the paperwork necessary to try them for their crimes. He stated that a high school gym may not be the best idea, but the gymnasium at a regional jail or prison may be an excellent resource. He stated that it appears the thought is that the DOC will have the necessary resources to assist all the affected facilities, but if the event is catastrophic, the DOC may not be able to provide assistance. Judge Lemmond stated that the state facilities could possibly transfer appropriate inmates to other state facilities to make room for the jail inmates. Also, he told the committee that the Army National Guard has a multitude of vehicles which may be a transportation resource.

Mr. Cherry thought that a task force could be coordinated and that maybe the Department of Emergency Services would provide guidance and oversight for this task force. Mr. Cline suggested the task force consists of an appointee from the Sheriffs' Association, the Regional Jail Association, the DOC, State Police, National Guard and possibly VDOT. Bill Wilson suggested the training offered through the FEMA website as well. He added that it will provide some insight into when to evacuate your facility ahead of the mandatory order. Mr. Cherry stated that he would hope that all facilities have a plan in place for evacuation with plans for a destination. Mr. Cline stated that they (Virginia Department of Emergency Services) would appoint someone to work with the task force. Mr. Cristman said that the State Police needs to be aware of the movement of inmates in this situation, thereby their input would be helpful as there are some issues with jurisdictional boundaries. Stuart Kitchen stated that Vernie Francis was faced with a dilemma while evacuating Southampton County Jail for Hurricane Floyd, in which the roads were impassable for transport to the planned destination of Sussex County Jail and he had to change the plan to go to Southside Regional Jail. Mr. Cherry stated that he would contact John Jones, Executive Director, Virginia Sheriffs' Association. Robyn deSocio stated that he had already been contacted and was willing to assist. Jack Dewan, Director, Virginia Association of Regional Jails, was in attendance and was in agreement to assist. Mr. Cline agreed to contact the other state agencies and asked that Mr. Cherry let him know who would represent each agency and he would then set a date and time for the meeting.

- Mr. Cherry told the committee that Bert Jones was unable to attend or send a representative from his unit. A report was provided and is included in this package.
- Bill Wilson presented the prison population report stating that the out-of-compliance rate was up to 1,916 on Monday July 17, 2006. Because there are no new beds available until January he could not predict any improvements. Jim Parks was unable to offer much relief other than to tell the committee that the Deerfield expansion is due to open between November and January and then the Tazewell and Chatham facilities after that. Mr. Wilson made note that due to the extra day given state employees, the out-of-compliance number is increased and usually takes a while to recover from holidays.

In jail construction, Mr. Wilson told the committee that Sussex, Dinwiddie, Brunswick and Mecklenburg are considering creating a regional jail, but Brunswick has some desire to go forward without the other counties or possibly join Southside Regional Jail. A meeting was scheduled for July 18 to discuss plans for Brunswick. Eastern Shore Regional Jails is scheduled to open in March. Loudoun County is scheduled to open in September, which is about three months behind schedule. He has received a community based correction plan from Culpeper, which will need some revision. Riverside Regional

notified Mr. Wilson that they have never had a staffing study since opening. He has received several requests for staffing studies. If there are any facilities operating who have not had staffing studies, please notify the Compensation Board as this should be done for all facilities. Newport News City Jail was given an exemption to renovate the juvenile facility into a work center, pending approval by the Board of Corrections. Mr. Wilson was appointed to the training and ethics committee of the National Sheriffs' Association and he is open to suggestions from sheriffs (or anyone). Mr. Dewan asked for a list of the local jails that are currently under construction and Mr. Wilson said he would provide it.

- Robyn deSocio reported that the General Assembly reached an agreement on the budget and the Compensation Board and the budget estimates were posted on their website on June 26th. The budget hearing was held on June 28th and the Compensation Board approved the budget for constitutional officers and regional jails. The June 30th cut-off was made by the Compensation Board and e-mails were sent late that afternoon. The Board did approve the allocation of the positions that the General Assembly approved, 40 law enforcement positions and 17 court services positions, as well as some positions for construction of new jails. Also, some livescan funding was approved for a few facilities. She wanted to remind everyone of the Jail Risk Training Conference that will take place the end of October and the beginning of November in Williamsburg and Roanoke. The LIDs conference will be held September 20th and 21st at the Sheraton West in Richmond. They will begin preparation for the next package for the next session of the General Assembly. The executive agencies turn in their budgets into the Department of Planning and Budget in September. The Compensation Board will be recommending amendments to the newly passed budget before the next meeting and will work to include funding the other facilities that are scheduled to open in the current biennium that have not been funded yet, such as Gloucester and Botetourt and for positions for Newport News if they fall into this biennium. They will be working closely with Mr. Wilson to anticipate who will be scheduling opening dates in the next year. They will also look into the need for overcrowding positions as they were surprised there were none approved from this past session after considering the out-of-compliance numbers. They will hopefully fill the customer service position for city sheriff's and regional jails within the next month. The position had to be re-advertised.

Ms. deSocio wanted to add that they had an open slot for the Jail Risk Conference to be held in October for emergency evacuation planning and were hoping that once the representatives had been selected, someone could speak at the conference regarding emergency evacuation planning. She said she will speak to someone from Emergency Management, but would like a committee update. Mr. Cherry commented on the wonderful job done by the Compensation Board maintaining communications during the General Assembly's last session, given the unusual circumstances.

- Judge Lemmond announced that the next meeting will be his last. He has served on the Liaison Committee for 20 years as of the September meeting. He stated that if the Board Chairman wanted any recommendation from him for a replacement for his seat, he would be happy to do so. He said that he has seen only positive results from the formation of the Liaison Committee, as well as serving functions outside of the purpose for its formation.
- Mr. Dewan wanted to advise the committee that Chuck Moore, previously the sheriff for the city of Newport News, passed away after a brief illness.
- By motion duly made by the Chairman of the Liaison Committee, Roy Cherry, and seconded by several members in attendance, the meeting adjourned.