

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

Regular Meeting May 21, 2008

Location6900 Atmore Drive, Richmond, Virginia

Presiding Chairman..... Chris Webb, Chairman, Liaison Committee

Present Sterling Proffitt, Chairman, Board of Corrections
Jimmy Burrell, Board of Corrections
Jacqueline Fraser, Board of Corrections
Bobby Mitchell, Board of Corrections
Barry Green, Office of the Secretary of Public Safety
Jeff Frazier, Superintendent, Northern Neck Regional Jail
Tom Jones, Sheriff, Charlotte County
Sandra Thacker, Peumansend Creek Regional Jail
Charlie Poff, Western Virginia Regional Jail (under Construction)
Jack Dewan, Virginia Association of Regional Jails
Robyn deSocio, State Compensation Board
Gary Bass, Classification and Records, DOC
Kim Lipp, Architecture and Engineering, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

I. March Minutes

- Robyn deSocio requested a change to the March minutes. The March minutes state, "The language requires that the dollar amounts to be provided are due within 30 days of enactment, which she interprets as after the veto session." Ms desocio requested that the terminology be changed to "after July 1". Minutes from the March 19, 2008 meetings were motioned for approval and approved pending change request.

II. Meeting Summary

- Due to a conflict in schedules between the Liaison meeting at 10:00 and The Compensation Board meeting at 11:00 (every third Wednesday), Robyn deSocio will be presenting her report first until further notice which will enable her to attend the Liaison Committee meeting.

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Ms. deSocio budget estimates were release and the Board held budget meetings on April 10th, then met on April 23rd to set budgets, which were made available on May 1st. At the March Liaison meeting, it was unclear how regional jails would be affected by the funding reductions. The Department of Planning and Budget distributed draft aid-to-localities reduction figures in early April to local governments. Included in the draft were figures related to each of the regional jails with a note that they anticipated that the final number would distribute the regional jail amount to the member jurisdictions. She stated the it was her understanding the funds would be distributed to the member jurisdictions and will not direct a specific reduction to the regional jails, but determination would likely be left up to the member jurisdictions. Chairman Webb had asked about exemption from the figures in the March meeting. In October there were exemptions for constitutional officers salaries and per diems on the basis of reductions, the current aid-to-localities reductions are not excluding those amounts. Therefore, every amount that they budget for all constitutional officers and regional jails is factoring into the proration of that \$50 million reduction. The final number are due to release August 1st and localities have until August 30 to report how they choose to take those reductions. The staffing capacity analysis will, over the course of the next month, be starting to pull together.

Mr. Webb asked about the option of writing the check to the state to cover the aid-to-localities funding reduction to prevent the reduced figures from affecting the base for future funding. Ms. deSocio stated that she had not heard whether the reduction would come from the base future funding amounts. In various discussions, multiple ideas have been theorized, i.e., the reduction would become a permanent base reduction or the locality may determine changes in the funding year by year, but she thought it would be safe to send the check to avoid that possible ramification, or at minimum potentially safer. Several localities have reported to her that they are choosing that option. Mr. Webb noted that localities have until January to send the check should they choose this option. Ms. deSocio agreed that the check would be due by January if they choose this option by August 30th. Jack Dewan asked if the check would go to the locality or the jail authority with respect to the regional jails. Ms. deSocio clarified if he was discussing the distribution of the reduction which he was. She said her understanding is that the intent was to split the prorated reduction amount for the regional jail among the member jurisdictions. Mr. Webb asked about the state contracting beds out to other states and the impact on the out of compliance costs. He was aware that Sheriff Lanteigne of Virginia Beach had sent a letter and one of the issues raised was that the state does not pay until the 91st day following sentencing as opposed to the 61st day by code. Ms. deSocio

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was not familiar with the issue of the 61 vs. 91 days but she was aware of the letter from Sheriff Lanteigne. She said the reason that the Comp Board begins paying on the 91st day is that the law requires that the clerk provide the sentencing order to the DOC within 30 days and once received, the 60 days required by code begins. The Comp Board does not look at the DOC's out of compliance rates in consideration of per diems and it is possible that it takes longer than 30 days for the clerk to provide sentencing information to the DOC. To change this legislation it would require legislative as well as budget action. Mr. Webb stated that regional jails face the same dilemma as sheriff run jails in that it varies greatly the differences in the time it takes for the clerks to provide records to the DOC affecting the payout time line. Gary Bass stated that he found in his last review that the DOC receives the court order on average on the 89th day after sentencing. He said it is highly unusual for the DOC to receive a court order within two weeks after the court order is signed even though they are electronically transmitted. Jeff Frazier asked if it was possible for the DOC to receive the court order directly from the supreme court system and remove a person from the loop. Mr. Bass said that there had been a plan in the works for 7-8 years supported by the DOC to have a unified system where the clerk would enter the orders directly into the system. He said they have to get the orders signed before they are official and some judges are literally circuit court judges who travel from one jurisdiction to another. Jack Dewan asked if the judges encouraged the clerk to rush them through, would there be a benefit. Mr. Bass said that it would reflect a more accurate out of compliance rate. Ms. deSocio stated that the 60 days is based on the DOC's receipt of the order assuming that the clerk has provided the order to the DOC by the 31st day. The 91st day language is likely to ensure that the jurisdiction is being paid even if the DOC has not yet received the orders. The working figures of the Comp Board suggest that inmate per diems are paid at a higher rate than the out of compliance due to a presumption of the 31 days for the order to be received by the DOC. Mr. Bass said he could survey a particular jail by request.

- Kim Lipp presented the capital program update. Pocahontas, Green Rock and St. Brides are considered completed and are no longer in the Construction Update package. The Greyson project is the only ongoing project at this time. Site work continues at Greyson. The Charlotte County project has received an unsolicited bid from the GEO group by still remains without a contract. Current language is planning a dormitory building in this project for special programming such as re-entry or technical violator populations or even possibly both. Greyson is expected to come online in the Spring of 2010 with Charlotte to follow one year later, in the Spring of 2011. Tom Jones asked if there was a

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mental health facility and Ms. Lipp stated that all the facilities have some type of mental health accommodations, but she was not aware of any special mental health functions from the Charlotte facility.

- Bill Wilson presented the population report. The April 15, 2008 Tuesday Report jail population was 27,807 inmates. The rated capacity is around 18,000 creating a excess of roughly 9,200 inmates. The out of compliance rate was 1,693 as of May 19, 2008. Patrick County is in the process of building a jail, but have had difficulties with potential member jurisdictions. At this point it is anticipated that they will forego the regional facility and build a 120 bed local facility. Eastern Shore will have their first audit, while Botetourt/Craig will have a mock audit. Loudoun County will also have their first audit in the near future. Mr. Wilson again discussed the new audit offering by ACA with reduced standards and costs for small jails (500 beds or less). Mr. Webb asked about the May 2, 2008 out of compliance rate at 1,522 compared to the current rate of 1,693 and wanted to know if this was a trend. Gary Bass responded that once Deerfield, Green Rock and Pocahontas were filled there was a trend of increased population and hopes this does not continue. Jeff Frazier asked about a topic discussed the regional jail association meeting concerning the contracting of out of state inmates and asked the position of the DOC. Mr. Bass responded that once Green Rock and Pocahontas were built, the original plan approved by the General Assembly and throughout the budget process involved removing the 983 temporary beds that were crammed into the prisons in hallways and added to open dorms, even though they are obstructing the view. This plan was approved and the DOC has the authority to take them down but those beds were not taken down, they were utilized for the out of state inmates. From this perspective, the local facilities were not impacted by the out of state inmates. Because of budget deficits, they had considered closing a facility which would negatively impact the local facilities. His point was that the budget deficits are affecting everyone and there may be further implications in the future as well. Barry Green added that the DOC must address a \$19.2 million deficit. The plan was to make up some of these deficits with revenues from the out of state inmates. This plan enabled the DOC to keep all possible beds open. Without these revenues, facility closings are likely. Also because of existing budget cuts, the 800 St. Brides beds will not be filled as they are not funded for staff, etc. Mr. Bass said that the contract inmates would enable the DOC to open the St. Brides beds albeit later than previously anticipated. Mr. Green wanted to add that forecasting will begin again and the DOC's growth rate is about where forecasts predicted. The local responsible population has tapered off to below forecasts and hopefully this will eventually level out the

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out of compliance rates. This issue will be reviewed in upcoming forecasting. Mr. Dewan asked about response statewide to the contract inmates. Mr. Bass said he's not hearing many complaints from localities yet.

- Mr. Webb asked if Mr. Green wanted to further address the staffing criteria. Mr. Green said that he felt it is in initial phases and there's really not much to say about the yet. Possibly during the July meeting more can be said about this topic.
- Sterling Proffitt stated that the Board of Corrections would be addressing the one vs. two day meeting schedule. Mr. Webb asked if the committee would want the Board to address a possible earlier meeting time to accommodate Robyn deSocio's commitment conflict, maybe 9:30 as opposed to 10:00? Mr. Proffitt stated that he was not opposed to that change. The general consensus was that all attendees were in favor of the time change if the Board agreed.

By motion duly made by the Chairman of the Liaison Committee, Chris Webb, and seconded by several members in attendance, the meeting adjourned.