

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	July 18, 2012
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present.....	Kurt A. Boshart Felipe Q. Cabacoy Linda D. Curtis William E. Osborne B. A. Washington, Sr.
Absent.....	Cynthia M. Alksne Jonathan T. Blank Reverend Anthony C. Paige

1:00 p.m., Wednesday, July 18, 2012
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Chairman Decker welcomed attendees and thanked everyone for coming. The Board roll was taken by Mrs. Woodhouse.

I. Board Chairman (Mr. Decker)

1) Board Motion to Approve March Board Minutes

The Chairman called for a Motion to approve the March Board Minutes.

By **MOTION** duly made by Mr. Osborne and seconded by Mrs. Curtis, the March Board Minutes were **APPROVED** by verbally responding in the affirmative (Cabacoy, Curtis, Osborne, Washington). Mr. Boshart was not present during the March meeting so his vote was not considered. Messrs. Blank and Paige were absent as was Mrs. Alksne. There were no opposing votes, and the Chairman then voted his approval of the Motion. The Motion carried.

2) Board Motion to Approve April Special Meeting Minutes

The Chairman then called for a Motion to approve the April Special Meeting Minutes.

By **MOTION** duly made by Mrs. Curtis and seconded by Mr. Boshart, the April Special Meeting Minutes were **APPROVED** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Washington). Messrs. Blank and Paige were absent as was Mrs. Alksne. There were no opposing votes, and the Chairman then voted his approval of the Motion. The Motion carried.

II. Public Comment

Ms. Rosalind Hall with the New Life Deliverance Tabernacle Church in Richmond spoke to the interest her church has in prisoner re-entry activities. She thanked the Board for the opportunity to sit and listen.

At this time, the Chairman welcomed attendees and asked that each introduce themselves for the record.

III. Liaison Committee (Mr. Osborne)

Mr. Osborne reported that discussion was held on funding issues affecting local and regional jails to include: fully funding the 4th quarter per diem, which was originally approved in 2010 for \$5.8 million but which could experience a \$4.5 million shortfall in 2013 (revisions will be made in next year's legislative session); the aid to localities distribution is \$50 million for FY13 and \$45 million for FY14; the SB497 requirement that employees contribute 5 percent and localities contribute 5 percent toward retirement, which the localities can phase in over five years; the funding for Meherrin River Regional Jail staffing has begun; the restoration of \$7.4 million for Public Safety, which had been a \$30 million reduction for FY12; and the Jail Officer Master Deputy Program funding has been restored on a one-time basis for people approved in the past. Also, it was reported that the LIDs program is being redesigned and will be incorporated into CORIS. It is expected to go live next spring.

It was reported that the out-of-compliance figure is 4,864, including 6 federal inmates. The Meherrin River Regional Jail opened in Alberta at the end of June and began taking inmates July 2, which resulted in the closing of Brunswick and Dinwiddie County Jails. A 30-day turnaround is being emphasized at Powhatan Reception, which is the primary reception center for the Department. The Department is rearranging Wallens Ridge and Red Onion to increase bed space. And, it will take \$2.2 million in funding to open River North Correctional Center and there is no funding in the pipeline.

There were no questions. Mr. Decker commented that several members of the Committee were not available as they had not received meeting notices; they will be present in September. There were no other comments. The Chairman thanked Mr. Osborne for his report. No Board action was required.

IV. Administration Committee

Though there was no Administration Committee meeting this month, there were three items on the agenda for the Board's information. There was a briefing on Agenda Item b. No Board action was required.

Board Briefing on Temporary Transfer Agreement (TTA) With Mental Hospital in Marion to Acquire Building To Be Used for P&P Office in Marion

Warden David Boehm briefly spoke to the Board about the history of the building and its proposed use via the temporary transfer agreement with Mental Health. It is proposed to utilize the building for Administrative Offices for Marion Correctional Treatment Center as well as Probation and Parole District 17 (Marion). He presented a photo of the property in question and provided details on the proposed cost savings to be recognized by District 17 with this move.

There were no questions or comments. The Board thanked Warden Boehm for his time and the information.

V. Correctional Services Committee Report/Policy & Regulations (Mr. Washington)

**1. Compliance and Accreditation Certifications Section:
State/Local/Regional/Community Facilities**

Mr. Washington presented the following jail certifications for consideration:

Agenda Items b-p): Unconditional Certification as a result of 100% compliance for Southwest Virginia Regional Jail (Duffield); Southwest Virginia Regional Jail (Abingdon); Norfolk City Lockup; Middle Peninsula Regional Security Center; Southwest Virginia Regional Jail (Haysi); New River Valley Regional Jail; Central Virginia Regional Jail; Prince William County Garfield Lockup; Carroll County Lockup to include male and female juveniles in accordance with §16.1-249 G. of the Code of Virginia and Wythe County Lockup;

Unconditional Certification for Accomack County Jail and Patrick County Jail; and Essex County Lockup to include male and female juveniles in accordance with §16.1-249 G. of the Code of Virginia; and,

Continue Probationary Certification for Rubicon, Inc. and Probationary Certification for Dominion Services for All People until October, 2012.

Executive Director Clarence Jackson was present to update the Board regarding Rubicon, Inc. The required financial audit for 2010 is still not complete but the facility continues to demonstrate a good-faith effort toward getting this audit accomplished. He reported some financial difficulties have eased as a result of the sale of property owned by the facility. The Board is comfortable with the recommendation of continuing probationary certification until such time as the audit is complete. The Department will continue working with the facility to affect completion of the audit and compliance with the Standard.

By **MOTION** duly made by Mr. Washington and seconded by Mrs. Curtis, the Board **APPROVED** the above recommendations by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Washington).

There were no questions and there was no discussion. There were no opposing votes. There were three absences. The Chairman then voted his approval of the Motion. The Motion carried.

a) **Board Motion to Accept Memorandum of Agreement (MOA) Between Board and State Fire Marshal (SFM) for Annual Inspections of Local Jails (necessary to effect Board Standard 6VAC15-40-1100 Annual Fire Safety Inspection)**

Mr. Mike Williford, the Department's Risk Management Manager, was present to speak to the process as he was instrumental to getting the updated agreement worked out. The Board thanked him for his efforts.

The current MOA has been in place since August of 1998. Mr. Williford noted the SFM is under no legal obligation to perform these inspections for local jails but is willing to continue the original agreement. However, as the SFM is facing dwindling resources and though there is currently no fee involved with their performing these inspections, this could change so it is vitally important to get this agreement signed and in place before any change occurs.

Therefore, by **MOTION** duly made by Mr. Washington and seconded by Mr. Osborne, the Board **APPROVED** the following action by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Washington),

“The Board of Corrections approves the revised Memorandum of Agreement between the Board of Corrections and the Virginia Department of Fire Programs to coordinate the requirements of the Virginia Statewide Fire Prevention Code and rules and regulations governing the certification process.”

There were no questions and there was no discussion. There were no opposing votes. There were three absences. The Chairman then voted his approval of the Motion. The Motion carried.

2) **Compliance and Accreditation Unit (Unannounced Inspections Section):
Local and Regional Jails and Lockups**

A listing of Life, Health and Safety inspection results (Agenda Item 2 c-w) since the last Board meeting was provided. No Board Action was required on those inspection results.

a) **Board Motion to Grant Appeal by Petersburg City Jail to Standard 6VAC15-40-1100 (Annual Fire Safety Inspection)**

On May 2, 2012, the facility was inspected. During this inspection, it was determined that the jail was not in compliance with Standard 6VAC15-40-1100; “The facility shall have state or local safety inspections conducted every 12 months. Localities that do not enforce the Virginia Statewide Fire Prevention Code (VSFPC) shall have inspections performed by the Office of the State Fire Marshal. Written reports of fire safety inspections shall be on file with the facility administrator.” The facility had a fire safety inspection in January, 2011, and then in February, 2012. This exceeded the 12-month period.

On May 7, 2012, the jail received a letter from the City Fire Marshal’s Office relating that “due to exigent circumstances (fire investigations) in December, 2011, and January, 2012, the Fire Marshal’s Office was unable to perform the annual inspection.” The inspection was completed in February, 2012. Therefore, due to circumstances beyond their control, the Petersburg City Jail is requesting a one-time exception to Standard 6VAC15-40-1100.

After reviewing the documentation provided by Sheriff Crawford, there was concurrence that the timing of the annual fire safety inspection was beyond her control and recommend that the jail be granted a one-time exception to the Standard. Therefore,

By **MOTION** duly made by Mr. Washington and seconded by Mrs. Curtis, the Board **GRANTS THE APPEAL** for Sheriff Crawford of the Petersburg City Jail by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Washington). The facility is now 100% compliant with its annual inspection.

There were no questions and there was no discussion. There were no opposing votes. There were three absences. The Chairman then voted his approval of the Motion. The Motion carried.

b) **Board Motion to Grant Suspension of Certain 2012 Unannounced Inspections**

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspensions of annual Life, Health and Safety inspections if full compliance with Standards is attained in the jail’s Triennial Certification Audit.

Since January, 2012, six jails and two lockups have achieved 100% compliance with Board Standards. They are as follows: Richmond City Jail, SWVRJA-Duffield, SWVRJA-Abingdon, Middle Peninsula Regional Security Center, SWVRJA-Haysi, New River Valley Regional Jail, Virginia Beach City Lockup #4 and Norfolk City Lockup. Therefore,

By **MOTION** duly made by Mr. Washington and seconded by Mrs. Curtis:

“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with 6VAC15-40 (Minimum Standards for Jails and Lockups), approves suspension of the 2012 annual inspection for the Richmond City Jail, SWVRJA-Duffield, SWVRJA-Abingdon, Middle Peninsula Regional Security Center, SWVRJA-Haysi, New River Valley Regional Jail, Virginia Beach City Lockup #4 and Norfolk City Lockup.”

The Board **APPROVED** the action by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Washington).

There were no questions and there was no discussion. There were no opposing votes. There were three absences. The Chairman then voted his approval of the Motion. The Motion carried.

3) Policy & Regulations

a) Update to Committee Visiting Pregnant Inmate Restraints Language

Mr. Blank was not in attendance but requested that Ms. Woodhouse inform the Board that since the July 11, 2012, meeting, he has received additional comments and requests. He will update the chart previously provided and will circulate it to the Board before the next meeting.

VI. Closed Session

There was no Closed Session this month.

VII. Other Business (Director Clarke)

The Director mentioned recent news regarding the Chesapeake City Jail and the continuing conversation about who is responsible. He noted blame is now being apportioned partly to the Department; the facility is overcrowded and has approximately 200 offenders out of compliance. The Department is more than willing to remove them, if necessary, but is not sure what resources exist as far as available beds because this information will not be more fully available until the Board's jail bed capacity survey is completed. He also brought the Board up to date on several other issues facing the Department and closed with the note that the Department is moving along well and appreciates its relationship with the Board and if there is anything the Board needs, to please let him know. There was general conversation involving the Board members after the Director concluded his comments.

VIII. Future Meeting Plans (provided for informational purposes)

The September 19, 2012, meetings are scheduled as follows:

Liaison Committee – 9:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;
Correctional Services/Policy & Regulations Committee – 10:30 a.m., Board Room, 6900
Atmore Drive, Richmond, Virginia;
And Board Meeting – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

X. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Osborne, seconded by Mr. Cabacoy and **APPROVED** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Washington), the meeting was adjourned.

There were no questions and there was no further discussion. There were no opposing votes. There were three absences. The Chairman then voted his approval of the Motion. The Motion carried.

(Signature copy on file)

PETER G. DECKER, III, CHAIRMAN

SECRETARY