

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	September 20, 2006
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Sterling C. Proffitt, Vice Chairman
Present.....	James H. Burrell Peter G. Decker, III Jacqueline F. Fraser W. Alvin Hudson, Jr. Gregory M. Kallen Raymond W. Mitchell James R. Socas W. Randy Wright

10:00 a.m., Wednesday, September 20, 2006

6900 Atmore Drive, Richmond, Virginia

The meeting was called to order. Mr. Proffitt welcomed all those present. The roll was called by Mrs. Woodhouse. No members were absent.

I. Board Vice Chairman (Mr. Proffitt)

1) Welcome to Newest Board Member, Mr. Peter G. Decker, III

Mr. Decker is the newest member of the Board and was appointed by Governor Kaine in August. He stated he was born and raised in Norfolk, where he currently resides. He noted it was a pleasure to meet everyone and looks forward to serving.

2) Appointment of Nominating Committee for Board Officers

Mr. Proffitt announced the members of the Nominating Committee to be: Ms. Fraser, to act as Chair, with Messrs. Hudson and Kallen acting as committee members. Mr. Proffitt noted that pursuant to the Board's By-Laws, the Report of the Committee for the 2007 Slate of Officers must follow at the next meeting of the Board.

3) Proposed Appointments to Board Committees

This action was deferred until after Board Officer elections, now slated for November.

4) Board Meeting Dates for 2007

The proposed meeting dates for 2007 were included in the Board package mailing.

During discussion, Mr. Kallen drew attention to the proposed November dates in that the 20th and 21st, as proposed, are the two days immediately preceding Thanksgiving

Day next year. **It was agreed to change the proposed meeting dates to the second Tuesday and Wednesday in November, 2007, instead; being November 13, 2007, for the Liaison and Correctional Services, and November 14, 2007, for the Administration and Board meetings.**

By *MOTION* duly made by Mr. Kallen and seconded by Mr. Mitchell, the Board meeting dates for 2007 were unanimously *APPROVED* as indicated above by verbally responding in the affirmative (Burrell, Fraser, Decker, Hudson, Kallen, Mitchell, Socas, Wright).

There were no further questions or discussion. There were no opposing votes. The Motion carried. Mr. Proffitt's vote was not required as the vote was not a tie.

Mr. Proffitt requested that the Liaison Committee secretary be advised of the November date change for 2007.

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

Chatham Men's Diversion Center

Ms. Fraser noted additional language to be included in the proposed Minutes; that the language for Chatham Men's Diversion Center will include approval for a waiver to Standard 4-ACRS-1A-12, 100% Unconditional Certification. This action was approved by the Board in July but was omitted from the draft Minutes.

Mr. Proffitt called for a motion to approve the July minutes. **By *MOTION* duly made by Mr. Wright and seconded by Mr. Hudson, the minutes were *APPROVED* as discussed by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Socas, Wright).**

There were no questions or further comments. There were no opposing votes. Mr. Decker's vote was not recorded as he was not present at the July meeting. The Motion carried. Mr. Proffitt's vote was not required.

II. Public/Other Comment (Mr. Proffitt)

Mr. Proffitt recognized and welcomed Mrs. Maxine Roles with Virginia C.U.R.E. to make her comments.

Mrs. Roles noted she had a prepared statement to read to the Board dealing with inmate medical treatment complaints and concerns from across the state. She remarked she has not yet updated Mr. Bill Wilson with this information as she has in the past. And she had one inmate family member with her who wanted to address the Board.

At this time, she read her prepared statement. As a copy was provided for the file, her statement was recorded but a verbatim recitation is not included in the Minutes. The last

incident recounted in her statement dealt directly with an inmate who is now in the state system, but whose problems began in a local facility. His family member was present and would be addressing the Board herself on his behalf.

At the conclusion of Mrs. Roles' statement, Mr. Socas noted these were serious allegations and wondered what response the Director had to them. The Director reminded everyone that the jails are not under the control or authority of the Department other than to accredit them for the Board. He noted that if the inmates in question are state responsible, the Department can do something to get them out of the local jail but that he would need names. As to the inmate who is now in the state system, he would see what could be done but wanted to hear from his mother, who was present to address the Board. In conclusion, Mrs. Roles thanked the Board for their time and attention and it was noted that she will be meeting with Mr. Wilson to give him this latest information.

Mrs. Boucher then addressed the Board regarding her son's serious medical condition. She described his case at length and in depth to the Board and presented it in a written statement, which was recorded, along with other documents which are included in the record.

Mr. Proffitt thanked Mrs. Boucher for her comments. Mr. Kallen questioned what the chain is for proper medical care. The Director explained that if someone feels they are not receiving the proper medical attention, they can file a grievance, which if unresolved by medical goes to the facility administration (Warden or Assistant Warden) and then to the Region and can ultimately be brought to the Office of Health Services at Headquarters. The Director emphasized that medical personnel reports only to trained medical personnel, not to Wardens.

Mr. Socas summarized the three local jail issues illustrated by Mrs. Roles. Mr. Wilson will gather the facts as to each and will report his findings back to the Board, and the Director was working on the other issue.

Mr. Socas also asked about medical liaison (if medical personnel is truly qualified to perform their duties) and accreditation policy issues (should the Department be auditing facilities on a publicized cycle), which were remarked upon by Mrs. Roles. Mr. Proffitt noted that local jail Superintendents are mandated to not interfere with a doctor's orders. The Doctor's decision is the final decision. Mr. Socas then asked if jails were notified of impending triennial audits. The response was, yes; however, jails are not advised ahead of time of the unannounced annual inspections.

Each of the issues is being addressed and more information will be forthcoming. Mr. Proffitt thanked Virginia C.U.R.E. for their interest and for bringing the matters to the Board's attention.

III. Presentation to the Board (Mr. Johnson)

The Director noted there was no presentation but did state the Department had put together something for the former Chairman, which he shared with the Board and which

he will endeavor to get to the former Chairman. In addition, he noted the Department's new construction was going well and is looking forward to getting the new facilities opened next summer.

He also mentioned two recent court cases the Department had prevailed upon; being the challenge to the Department's Grooming (as relates to religious beliefs) and Death Penalty Policies (as relates to the chemicals that are used), both of which policies were upheld.

Mr. Socas asked if there had been any follow up on the inmate wage issue previously discussed by the Board. It was noted a letter had been sent by the former Chairman to the Secretary in support of any additional funding requests by the Department for inmate pay. Mr. Johnson noted the inmate pay procedure has been updated and is being piloted in five institutions, which will result in an increase to their pay and currently the Department is eating the cost. The current rate is a maximum of \$.60 and a minimum of \$.30 and the rate has not changed since 1985.

IV. Liaison Committee (Mr. Proffitt)

Mr. Proffitt noted he and the Committee met on September 19, 2006, Chaired by Roy Cherry. Other Board members present were Messrs. Burrell, Hudson and Mitchell. As the Sheriff's Conference was going on at the same time as the meeting, attendance was a little low.

Mr. Proffitt updated the Board on the Department's capital outlay projects. He remarked that even though there was no one making a presentation, a handout had been provided to the Committee. St. Brides' Phase I construction is complete, inmates loaded; a \$44.93 million project with 400 beds (Level II). The Department continues its work on Phase II, a Level II facility with a cost of \$32.475 million which will yield an aggregate of 800 beds between two, 400-bed units. The project is 25% complete. The Tazewell medium-security facility, located in Pocahontas, Virginia, will cost \$68.645 million, and the project is 71% complete. It has 1,024 beds and is a Level III facility. And, the second medium-security, 1,024-bed facility is located in Pittsylvania County in the Town of Chatham on property owned by the Department. It has a price tag of \$73.553 million and is 78% complete. Completion of that project is scheduled for May, 2007, but it could be completed as early as March. It is also a Level III facility. And, the Deerfield expansion is on schedule for 600 beds (three, 200-bed units) at a cost of \$21.908 million. Estimated completion of this project is November, 2006, and it is a Level II facility.

Mr. Proffitt reviewed the 12 jail construction projects currently underway across the Commonwealth and he remarked how expensive construction is, both for the State and for the localities.

Mr. Bill Wilson of the Local Facilities Unit presented the Committee with an update to the population figures. The population figures for the Department as of September 11, 2006, were 31,668. Jails had a population of 21,678 as of September 1, with 1,825 federal prisoners. Felons out-of-compliance have jumped a little bit.

The Committee discussed the VDEM disaster preparedness presentation from the July meeting. A sub-committee has been formed consisting of three sheriffs and two regional jail superintendents. Mr. Cherry approached VDEM to take the lead and coordinate. Further information will be forthcoming.

Mr. Proffitt then gave a brief synopsis of current and new local jail construction projects. He remarked that Ms. DeSocio of the Compensation Board reported on their upcoming training, "Managing Jail Risks," and she addressed some upcoming budget issues. And Mr. Proffitt noted the recent launch of the VINE program in jails, which program has been operational within the Department since January of 2000.

The report was concluded. There was one question related to whether you ever catch up when you are over capacity, and the answer was no. No action on the report was required.

V. Administration Committee (Mr. Wright)

1) Overtime Report for Fiscal Year Ended June 30, 2006

Mr. Wright noted the Committee had met and had made six notes to mention. The approximate overtime figure is about \$400,000, which is in keeping with past years. There were some questions about Lunenburg, which went from \$21,827 to \$76,294. It was explained that officers had been sent to James River Correctional Center to cover staff shortages, which, in turn, drove Lunenburg's figures up.

Powhatan Correctional Center has the highest vacancy rate. The Committee also looked at the percent of staff-filled positions. Powhatan has about a 16 percent vacancy rate. The system overall is approximately 5 percent, which led to a question and a concern about the impact on the numbers of Correctional Officers serving in the Armed Forces who have been called up. The Committee wanted to see if there was any track record that would tell that of those who were called up, what percentage has come back, and they would like to have a report on that

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

The Committee met on September 19, 2006, with the following Board members in attendance: Messrs. Hudson, Proffitt and Ms. Fraser. Department staff present included Ms. Hill-Murray and Mr. Wilson and representatives from the Martinsville Sheriff's Office.

Appeal by Martinsville City Jail to Standard 6VAC-15-40-540

Martinsville City Jail representatives appeared to appeal the results of their jail and annex audits as relates to Standards 6VAC15-40-540, which calls for the jail to have a Virginia Department of Health inspection every 12 months. The inspection was found to have exceeded the 12-month timeframe by 42 days. However, the inspection did occur prior to the audit on August 2 and 3, 2006. The Sheriff based his appeal on the fact that he has

had no deficiencies over the past 3 inspections and that they have attained 100% compliance on each. After lengthy discussion, the Committee agreed to discuss three courses of action: to sustain the appeal; to sustain the appeal and not waive the exemption from the annual inspection; and not to grant the appeal.

During Committee, a motion was made to sustain the appeal but it died for lack of a second. A second motion was made to sustain the appeal and not waive the exemption from the annual inspection. That motion passed Committee by a vote of 2 to 1; therefore, based on the Committee's recommendation:

“By *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson, it was moved that the Board sustain the appeal by Martinsville City Jail to Standard 6VAC15-40-540 with the facility still to be required to be inspected this year, even though they now have 100% compliance as a result of the Board action.”

There were no questions or discussion. The Motion was *APPROVED* by unanimously verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen, Mitchell, Socas, Wright). There were no opposing votes. The Motion carried. Mr. Proffitt's vote was not required.

Board Motion to Approve Community-Based Corrections Plan for Culpeper County Jail

Culpeper County was not able to get other jurisdictions interested in constructing a facility with Culpeper or to have Culpeper to join with them. Their current jail has 37 beds available, and the average daily population for FY05 was 87.5 inmates. On September 9, 2006, the population was 85, with 24 inmates being held at other locations. The community-based corrections plan calls for a 224-bed facility. Therefore, the Committee recommended:

“By *MOTION* duly made by Ms. Fraser, seconded by Mr. Mitchell, it was moved that the Board approves the Culpeper County's Community-Based Corrections Plan for construction of a new jail.”

There were some questions and there was some discussion on the Motion. Mr. Socas asked where the 224 number came from. Ms. Fraser explained that it was a 10-year projection even though it probably would not be enough. Mr. Proffitt noted that Culpeper on its own will only be reimbursed 25% of its construction expenses.

The Motion was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen, Mitchell, Wright). Mr. Socas noted his opposing vote. The Motion carried. Mr. Proffitt's vote was not required.

Suspension of Unannounced Annual Inspections

The Committee discussed the suspension of the unannounced inspections for the Northwestern Regional Adult Detention Center and the Newport News City Jail. This

request is based on the facilities' 100% compliance with Board Standards attained during their triennial certification audit. Based on that 100% compliance, the Committee is recommending the following Motion:

“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves the suspension of the 2006 Annual Inspection for Northwestern Regional Adult Detention Center and Newport News City Jail in recognition of outstanding achievement of 100% compliance with Standards.”

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Burrell and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen Mitchell, Socas, Wright). There were no opposing votes. There were no questions and there was no discussion. The Motion carried. Mr. Proffitt's vote was not required.

Patrick County Jail

The Committee tabled the discussion for probationary status for Patrick County Jail based on the fact that the recalled sprinklers have been replaced. The Committee received and reviewed documentation from the Fire Marshal that the sprinkler issue has been addressed.

Compliance and Accreditation Certifications Section

As usual, there were a number of certification recommendations made by Ms. Fraser on behalf of the Committee:

Unconditional Certification for Institutions with 100% compliance to include: Southampton Men's Detention Center (with ACA re-accreditation) and Patrick Henry Correctional Unit #28; and

Unconditional Certification for Local Jails and Lockups with 100% compliance for Northwestern Regional Adult Detention Center and Unconditional Certification for Newport News City Jail to include the holding of male and female juveniles in accordance with Section 16.1-249(g), Code of Virginia;

and Unconditional Certification for Brunswick County Jail to include male and female juveniles in accordance with Section 16.1-249(g), Code of Virginia; and for Newport News Department of Adult Corrections; and for Northampton County to include the holding of male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia;

And Unconditional Certification for Community Diversion and Detention Centers with 100% compliance for White Post Community Corrections Center; and Unconditional Certification for Probation & Parole District 20 (Bedford).

There were no questions or discussion. The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Hudson and by unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen Mitchell, Socas, Wright). There were no opposing votes. The Motion carried. Mr. Proffitt's vote was not required.

Ms. Fraser concluded her presentation and Mr. Proffitt thanked her for her report.

VII. Closed Session

No Closed Session was held.

VIII. Other Business (Mr. Johnson)

Board Motion to Approve Names of Two New State Correctional Facilities in Pittsylvania and Tazewell Counties

The Director noted that the governing bodies of the localities in question had submitted their recommendations for the names of the facilities to be located in their jurisdictions. After all suggestions were reviewed, the Department determined to recommend to the Board that the facility in Tazewell would be named Pocahontas State Correctional Center, and the facility in Pittsylvania would be named Green Rock Correctional Center. It was noted that two other suggested names proffered by Tazewell were reviewed by the Department and declined.

Several Board members voiced concern over the fact the name Pocahontas is currently affiliated with the long-established Correctional Unit #13, which is located in Chesterfield County, and questioned if using that same name for the new facility in Tazewell might cause confusion to the general public. The Director stated it the Department had no issue with two facilities having Pocahontas in their names.

In addition, the sensitivity issue was raised as "Pocahontas" is a Native American name, and the question was posed as to whether a letter should be written asking for input from Native Americans. The Director noted he did not feel this would be an issue and felt that since this was the name that the locality had requested, the Department had no problem accepting their recommendation.

The possibility of tabling the issue until a later meeting was proffered. It was explained that this process has been ongoing since late last year, and hoped that if the Board could agree, the matter could be voted on as the Department and the localities are anxious to have the matter resolved.

At the conclusion of the discussion, Mr. Proffitt proffered the following:

"Pursuant to Section 53.1-19 of the Code of Virginia, I move that the Board approve the recommended name for the facility located in Pittsylvania County to be Green

Rock Correctional Center, and the recommended name for the facility located in Tazewell County to be Pocahontas State Correctional Center.”

At this time, Mr. Burrell suggested that that Motion be split into two separate motions. Mr. Wright agreed. Mr. Proffitt agreed to amend the Motion to read as follows:

“Pursuant to Section 53.1-19 of the Code of Virginia, I move that the Board approve the recommended name for the facility located in Pittsylvania County to be Green Rock Correctional Center.”

By *MOTION* duly made by Mr. Proffitt and seconded by Mr. Mitchell, a unanimous vote was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen Mitchell, Socas, Wright). There were no opposing votes. The Motion carried. Mr. Proffitt’s vote was not required.

Then Mr. Proffitt offered the second motion for the Tazewell facility:

“Pursuant to Section 53.1-19 of the Code of Virginia, I move that the Board approve the recommended name for the facility located in Tazewell County to be Pocahontas State Correctional Center.”

By *MOTION* duly made by Mr. Proffitt and seconded by Mr. Kallen, the vote was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Hudson, Kallen, Mitchell, Wright). There was further discussion at this point. Mr. Proffitt called for the vote. There were two opposing votes; Ms. Fraser and Mr. Socas. The Motion carried. Mr. Proffitt’s vote was not required.

IX. Board Member/Other Comment

Mr. Wright had received an inmate letter regarding ongoing confusion on the MCI contract. He asked for some follow up or clarity as there were some items that still did not make sense to him. And Mr. Socas noted he had been provided some comparative information and it appears Virginia is in the range of the majority. He noted the information is still confusing to him. Mr. Burrell noted that Sheriff B.J. Roberts of Hampton has been elected as Sergeant at Arms of the National Sheriffs’ Association. Mr. Socas mentioned the fact that there are some important policy discussions that the Board could have, whether it’s medical attention or minimum wage, and without getting into operations it would be helpful to air some issues to make sure everyone stays on the right track. Mr. Kallen asked if the Director knew if any federal prisoners would be moved southwest of Roanoke. The Director stated he did not know and noted there was pressure on local jails to not house so many federal prisoners. Mr. Proffitt noted that on August 10, 2006, he had been the guest speaker at the graduation of the Central Virginia Training Academy. He also mentioned that at the Board of Director’s meeting of the Virginia Association of Regional Jails on September 8, 2006, concern had been voiced about inmates with mental health issues, who are on the increase, and how the jail setting is not appropriate and by default, that is where many of them end up. Mr. Leininger noted this

is an issue that has caught the attention of the Senate Finance Committee; mental health treatment in local and regional jails. Mr. Wright also noted the necessity to do a better lobbying job in support of a correctional officer pay increase. He noted the Board has some clout collectively and perhaps members could individually get to key committee members. He was suggesting not only a letter but to show up at the committee meetings.

X. Future Meeting Plans

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

The November, 2006, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 14, 2006.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 14, 2006.

Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, November 15, 2006.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 15, 2006.

XI. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Mitchell, seconded by Mr. Wright and unanimously *APPROVED* (Burrell, Decker, Fraser, Hudson, Kallen, Mitchell, Socas, Wright), the meeting was adjourned. There was no discussion. The Motion carried.

(Signature copy on file)

STERLING C. PROFFITT, VICE CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY