

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	September 16, 2009
Location	6900 Atmore Drive Richmond, Virginia
Presiding	Sterling C. Proffitt, Chairman
Present	Cynthia M. Alksne Jonathan T. Blank James H. Burrell Peter G. Decker, III Rev. Anthony C. Paige B. A. Washington, Sr.
Absent.....	Raymond W. Mitchell James R. Socas

1:00 p.m., Wednesday, September 16, 2009
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. The Chairman welcomed everyone, and the roll was called. Two members were absent as indicated during the verbal roll call and as indicated above. A quorum was present. The Chairman asked meeting attendees to identify themselves for the record.

I. Board Chairman (Mr. Proffitt)

1) **Welcome to Newest Board Members**

The Chairman welcomed Mrs. Cynthia M. Alksne of Fairfax, formerly a career prosecutor and political analyst with several cable news networks. He congratulated her on her appointment to the Board. Mrs. Alksne thanked the Chairman and indicated she looks forward to working with the Board. The Chairman noted Mr. James Socas has been appointed to fill Mr. Gregory Kallen's unexpired term.

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

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

By **MOTION** duly made by Mr. Burrell and seconded by Rev. Paige, the Minutes were **APPROVED** as presented by verbally responding in the affirmative (Blank, Burrell, Decker, Paige, Washington).

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne abstained from the vote as she was not present at the July meeting. The Chairman then voted his approval of the Motion. There were two absences. The Motion carried.

3) **Appointment of Nominating Committee for Election of Board Officers**

Pursuant to Board By-Laws, Board Officers are elected every Fall. A Nominating Committee is appointed by the Chairman in order to effect those elections. In that vein, the Chairman requested Mr. Decker to chair the Nominating Committee with Messrs. Washington and Blank as Committee members and with Messrs. Paige and Socas as alternates. The Committee will present its proposed slate of Officers for election at the October meeting.

4) **Board Committee Assignments for 2010**

The Chairman's Committee assignments were included in the Board package. For current members, there have been no changes to the membership of the Liaison, Correctional Services/Policy & Regulations and Administration Committees. New member Mrs. Alksne has been assigned to the Administration Committee; Rev. Paige has been assigned to the Liaison and Correctional Services Committees; and Mr. Blank and Mr. Socas have also been assigned to the Administration Committee. The Chairman asked Mr. Washington to continue as Chair of the Correctional Services Committee.

II. Public/Other Comment (Mr. Proffitt)

No member of the general public requested to address the Board.

III. Presentation to the Board

There was no presentation scheduled for the Board this month. However, the Director spoke about the closing of Brunswick and Botetourt Correctional Centers. He indicated that Brunswick is one of the most expensive facilities to operate due to its campus-style design, which makes it very staff intensive and which drives costs up. He indicated that Botetourt is an older unit that is not in the best shape. The savings realized by the closing of these two facilities will match the dollars the Department has been directed to give up.

The Director indicated Human Resources is working closely with affected employees to ensure a smooth transition; either relocation to a vacant position elsewhere in the state, layoffs or retirement. Vacancies have been held open statewide in anticipation of budget reductions; it is hoped that many affected employees will be relocated to those vacant positions and few people will lose their jobs.

The Director noted the closing of these two facilities will directly impact the number of state-responsible inmates in local jails. Currently, that number is approximately 2,700, which number will rise. The Department is working closely with local sheriffs and jail administrators to ensure the best transition possible. He noted that if the Department is made aware of any medical or behavioral issue at a local facility, it will immediately bring that inmate in.

The Director also told the Board about some negative press regarding the Books Behind Bars program and press reporting that the Department was against allowing inmates to read. He explained that Quest Institute of Charlottesville, who has been working with the Department for years by donating books to inmates and by allowing inmates to purchase books through them, had its privileges suspended as the result of contraband coming in with some of their books. This suspension was in effect until the matter could be investigated. Upon further review, Quest's privileges have been restored with a stern reminder that contraband is not acceptable and will not be tolerated.

Reverend Paige asked the Director if the Department's emergency plan is sufficient if the Swine Flu manifests into a problem. The Director and Mr. Jabe both indicated the Department is in good shape in this regard. Masks have been ordered for each facility and staff has been trained on how to use the masks. And flu vaccines have been ordered.

The Chairman thanked the Director for his comments. No action by the Board was required.

IV. Liaison Committee (Mr. Burrell)

Mr. Burrell gave a brief overview of the Committee meeting.

Mrs. Lipp reported the Mt. Rogers facility in Grayson County is on scheduled for completion sometime in late spring or early summer 2010. There is no funding to open this facility, which has 1,038 beds.

Mr. Wilson indicated the current out-of-compliance number was 2,838.

The Director explained that with the closing of Brunswick and Botetourt, 1,104 inmates will have to be moved and absorbed into other facilities within the Department. He also explained that after having experienced a similar situation with closings last year, it is anticipated that this process will take less time than in the past. He informed the Committee that St. Brides has 1,200 beds, but 800 cannot be utilized because there is no funding. He reported that the Mental Health and Sex Offender Programs at Brunswick are being saved and moved to Greensville Correctional Center. Unfortunately, the Therapeutic Community at Botetourt cannot be saved with 300 inmates affected, half of whom may not get immediate placement at Indian Creek due to a lack of program bed space.

In response to Mrs. Alksne's question, Mr. Jabe indicated there are currently 86 inmates in the Sex Offender Treatment Program at Brunswick. These offenders qualify for civil commitment but are placed in this program in order to avoid civil commitment. They will continue in this program but will now be located at Greensville.

Mr. Burrell's report was then concluded. There was no further discussion or comment. No Board action is required. Mr. Proffitt thanked Mr. Burrell for his report.

V. Administration Committee (Mr. Decker)

Mr. Decker indicated the Committee had reviewed the Correctional Officer Vacancy Rate Report as of July 31, 2009. He indicated there were no extreme changes between this and the May report provided to the Board in July. The June year-to-date overtime report was also reviewed by the Committee. Compared to the same period last year, there has been a 42 percent decrease in overtime expenditures or \$3,954,543.

There was no discussion. No Board action is required. Mr. Proffitt thanked Mr. Decker for his report.

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

With Board members Burrell, Paige, Washington and Proffitt and several guests present, the Committee met to discuss several items:

1) Discussion on Piedmont House

Piedmont House has been under review by the Board since September of last year when they underwent their Certification Audit during which several deficiencies were cited. Of particular concern was that an independent financial audit had not been conducted as required by the Standards. Also during this period, the facility had experienced personnel turnovers which affected operations. As a result, the Board requested the Department's Compliance and Accreditation Unit to again review the operation and report back to it in July. At that time, this item was deferred to September in order to give the facility an opportunity to come into complete compliance.

At today's Committee meeting, Mr. David Schmidt, president of the Piedmont House Board of Directors, was present and explained the actions being taken to address the deficiencies cited during the audit. He brought with him and introduced the facility's newly appointed Executive Director, Ms. Laura Anderson. He went on to assure the Committee that the Piedmont House Board of Directors is taking the necessary steps to bring its operation into and to maintain compliance. The financial audit is currently underway and should be completed in time for the next meeting of the Board.

Therefore, this item is deferred to the October Board meeting. No action by the Board is required at this time.

2) Board Motion to Approve Community-Based Corrections Plan for Richmond City Jail

Mr. Washington reported the Committee had received information from Mr. Wilson, Sheriff Woody and others involved with the project. Due to the current economic situation and the fact that the City of Richmond was unable to obtain 50% reimbursement because of its inability to form a regional jail, the City proposes to do a combination of new construction and renovation. The City plans to construct a building on the existing jail site. This building would contain 572 new beds. It will

demolish and remove a majority of the existing jail and close the jail annex. That portion of the remaining existing structure will be renovated to accommodate a new core infrastructure and renovate some dorms to maintain 460 existing beds. This would give a total DOC-rated capacity of 1,032 beds. Although this is shy of the jail's current ADP, the City will be requesting a waiver to double bunk approximately 50 percent of the cells, which will add approximately 518 beds for a total of 1,550 beds. This, along with the 75 beds at Peumansend Creek Regional Jail, would meet their current needs.

Therefore, by *MOTION* duly made by Mr. Washington, seconded by Mr. Burrell:

“The Board of Corrections approves the request for approval of the Community-Based Corrections Plan for the City of Richmond in support of its need to expand the Richmond City Jail.”

During the call for questions, comments or discussion, Mr. Blank enquired as to the impact of double bunking 50 percent of the cells. It was explained that oftentimes localities will seek advance permission to install double bunking during construction order to mitigate the cost of having to come back after final inspection but prior to the completion of construction to install additional beds at additional expense. It was emphasized that double bunking is an operational decision by the locality; all localities do not request this waiver. It was explained that segregation cells would not be double bunked; that double bunking is supposed to be a temporary measure. And, double bunking is not compensated by positions; the Compensation Board funds jail staff at a ratio of 1 officer for every 3 inmates of rated capacity.

Mr. Blank asked if double bunking is routinely done, what was the impetus for not allowing double bunking to begin with? It was explained that the Board's construction Standards were last revised in 1994 and at that time there was not the degree of experience there is now with double bunking. Currently, the ACA national standard is 70 square feet per cell; double bunked would mean each inmate would have 35 square feet per cell. The Department builds at 80 square feet per cell, double bunked. Nationally, very few corrections departments meet the 70-square-foot-per-cell standard. Countrywide, cells are double bunked. It was noted the Board's construction Standards are under review and revision. Mrs. Alksne asked if double bunking meant hot bunking, where you have one bed and you rotate two inmates through it. She had run across this term and activity in the past and wanted to ensure it was not happening in Virginia.

There was no further discussion. The Motion was verbally *APPROVED* by responding in the affirmative (Alksne, Blank, Burrell, Decker, Paige, Washington). There were no opposing votes. The Chairman then voted his approval of the Motion. There were two absences. The Motion carried.

3) **Board Motion to Grant Appeal by Charlotte County Jail to Finding of Non-Compliance for Standard 6VAC15-40-1100 as Cited During Unannounced Inspection**

In May of this year, the Charlotte County Jail had its unannounced inspection where it was observed that the facility had undergone fire inspections in February of 2008 and March of 2009, which exceeded the 12-month limit between fire inspections as required by Standard. It was determined by the Deputy State Fire Marshal that due to a reorganization in the Central Office of the State Fire Marshal wherein the responsibility for the fire inspection for the Charlotte County Jail was transferred to the Western Office of the State Fire Marshal, the jail's annual fire inspection was delayed. As this was outside the control of the Charlotte County Jail, the Sheriff was seeking a one-time exemption to the Standard.

Therefore, by **MOTION** duly made by Mr. Washington, seconded by Mr. Decker and verbally approved by responding in the affirmative (Alksne, Blank, Burrell, Decker, Paige, Washington), the Board **GRANTS A ONE-TIME EXEMPTION to Standard 6VAC15-40-1100 for the Charlotte County Jail for its 2009 unannounced inspection.**

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

4) **Board Motion to Approve Suspension of Unannounced Inspections for Certain Facilities**

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspension of annual Life, Health and Safety Inspections if full compliance with Standards has been attained during the jail's triennial Certification Audit. Since May, six jails and three lockups have achieved 100% compliance with Board Standards. They are: Southwest Virginia Regional Jail (Haysi), Central Virginia Regional Jail, Newport News City Jail, Newport News Adult Detention Center (Farm), Franklin County Jail, Martinsville City Jail, Prince William County Lockup (Garfield District), Wythe County Lockup and Carroll County Lockup.

Therefore, by **MOTION** duly made by Mr. Washington, seconded by Rev. Paige, and verbally **APPROVED** by responding in the affirmative (Alksne, Blank, Burrell, Decker, Paige, Washington):

“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves the suspension of the 2009 Unannounced Inspections for: Southwest Virginia Regional Jail (Haysi), Central Virginia Regional Jail, Newport News City Jail, Newport News Adult Detention Center, Franklin County Jail, Martinsville City Jail, Prince William County Lockup (Garfield District), Wythe County Lockup and Carroll County Lockup.”

Mr. Blank asked if a study of the dollar cost associated with performing unannounced inspections had ever been performed. It was agreed that such a study had probably not been performed and that staff salaries, meal and overnight expenses, as well as any expenses incurred by the jails would have to be taken into consideration in determining such costs.

There were no other questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There were two absences. The Motion carried.

5) **Compliance and Accreditation**
Certifications Section

On behalf of the Committee, Mr. Washington presented the following certification recommendations for consideration by the Board:

Unconditional Certification as a result of 100% compliance for Haynesville Correctional Unit #17 and Patrick Henry Correctional Unit #28;

Unconditional Certification with ACA Re-Accreditation for Indian Creek Correctional Center;

Unconditional Certification as a result of 100% compliance with ACA Re-Accreditation for Southampton Men's Detention Center;

Unconditional Certification as a result of 100% compliance for Newport News City Jail to include male and female juveniles in accordance with §16.1-249.G of the Code of Virginia; Martinsville City Jail to include male and female juveniles in accordance with §16.1-249.G of the Code of Virginia; and Franklin County Jail;

Unconditional Certification for Northwestern Regional Adult Detention Center;

Unconditional Certification with ACA Re-Accreditation for Roanoke County/City of Salem Jail;

Unconditional Certification as a result of 100% compliance for White Post Diversion Center and Probation & Parole District 2 (Norfolk);

Unconditional Certification for Probation & Parole District #20 (Bedford) with a *VARIANCE GRANTED* for Standard 6VAC15-62-50(A);

And Unconditional Certification for Probation & Parole District #9 (Charlottesville).

By ***MOTION*** duly made by Mr. Washington and seconded by Rev. Paige, the Board ***APPROVED*** the above recommendations by verbally responding in the affirmative (Alksne, Blank, Burrell, Decker, Paige, Washington).

There were no questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There were two absences. The Motion carried.

6) **Policy & Regulations**

A preliminary draft of amendments to the Minimum Operational and Supervision Standards for Local and Regional Jails and Lockups (6VAC15-40), as well as copies of the Jail Prisoner Medical Treatment Programs Model Plan and the Payment of Costs Associated with Prisoner Keep Model Plan, was provided. Both Model Plans will be incorporated by reference into the proposed regulation. Once approved by the Board, the proposed regulatory amendments will be submitted for public comment in accordance with provisions of the Administrative Process Act.

Therefore, by **MOTION** duly made by Mr. Washington and seconded by Rev. Paige,

“The Board has reviewed and accepts the proposed amendments to 6VAC15-40 Minimum Operational and Supervision Standards for Local and Regional Jails and Lockups and moves to submit the proposed regulation for public comment in accordance with the Virginia Administrative Process Act.”

The Motion was verbally **APPROVED** by responding in the affirmative (Alksne, Blank, Burrell, Decker, Paige, Washington). There were no opposing votes. The Chairman then voted his approval of the Motion. There were two absences. The Motion carried.

The Chairman thanked Mr. Washington for his report.

VII. Closed Session

No Closed Session was held.

VIII. Other Business (Mr. Johnson)

There were no further comments from the Director.

IX. Board Member/Other Comment

The members were polled. Mrs. Alksne thanked everyone for their help and looks forward to working with everyone. Reverend Paige had no comment. Mr. Decker complimented the new members on their insightful inquiries. Mr. Washington had no comment. Mr. Burrell welcomed the new members. Mr. Blank had no comment. The Chairman indicated the Department will be providing and overview/orientation session at the October Board meeting, he reminded the Board it will meet in October and November, as previously agreed and he stated the Board will no longer be receiving the \$50 per diem.

The Chairman concluded his remarks. No action by the Board was required.

X. Future Meeting Plans

The Chairman announced the **October 21, 2009**, 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;

Administration Committee – 12:30 p.m., Board Room, 6900 Atmore Drive, Richmond,
Virginia;

And Board Meeting – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

XI. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Blank, seconded by Mrs. Alksne and unanimously **APPROVED** (Blank, Burrell, Decker, Paige, Washington), the meeting was adjourned. There was no discussion. The Chairman voted his approval of the move to adjourn. There were two absences. The Motion carried.

(Signature copy on file)

STERLING C. PROFFITT, CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY