

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
JAIL REVIEW COMMITTEE MEETING**

Regular Meeting.....January 9, 2018

Location6900 Atmore Drive, Richmond, Virginia

Presiding.....Phyllis Randall, Chairman, Board of Corrections

Present.....John F. Anderson, Jr., Board of Corrections Member
William T. Dean, Board of Corrections Member
Olivia Garland, Ph.D., Board of Corrections Member
Sheriff Charles Jett, Board of Corrections Member
Reverend Kevin L. Sykes, Board of Corrections Member
Bobby Vassar, Board of Corrections Member
Steve Goff, Board of Corrections
Brian Sutherland, Board of Corrections
Angie Goff, Member of the Public
Sheriff Ernest Giles, Sussex County
Lt. Vincent Givens, Sussex County Sheriff's Office
Sgt. James Shanko, Sussex County Sheriff's Office
Phillip Figura, Board Counsel, Office of the Attorney General
James Bruce, Department of Corrections
Emmanuel Fontenot, Department of Corrections
Erma Locust, Department of Corrections
Bob Casey, Department of Corrections
Donna Foster, Department of Corrections

Absent.....Sheriff Vernie W. Francis, Jr., Chairman

Phyllis Randall presided in Sheriff Francis' absence.

The meeting was called to order and Board Chairman Randall welcomed all attendees.

The December minutes were brought before the Committee for approval. Ms. Randall presented the December 4, 2017 minutes for review and approval.

Upon a **MOTION** by Ms. Randall and duly seconded, the attending members voted unanimously to **APPROVE** the December 4, 2017 Jail Review Committee meeting minutes.

The November 15, 2017 minutes were brought before the Committee for approval during the full Board meeting.

Upon a **MOTION** by Ms. Randall and duly seconded, the attending members voted unanimously to **APPROVE** the November 15, 2017 Jail Review Committee meeting minutes.

Public Comment

There was no public comment.

Presentation

Phillip Figura, Board Counsel, Office of the Attorney General

Mr. Figura discussed Freedom of Information Act (FOIA) requirements as well as open meeting requirements as they relate to the Board of Corrections/Jail Review Committee (BOC/JRC). He advised that the issue presents some serious challenges. The release of information requested through FOIA would likely be discretionary for the BOC/JRC. On the other hand, there is an expectation for transparency when possible. Because most jail deaths will present a medical or mental health history, they will make transparency virtually impossible. Mr. Figura added that most governor appointed boards that review deaths have closed meetings. He advised that a language addition to Code of Virginia §2.2-3711 would be a simple protection for this committee. Summarized, the documentation accompanying a death review is protected from public release, the conversation currently is not.

Closed Session

As the committee members prepared for closed session, Mr. Vassar suggested a change to the suggested motion by deleting the second sentence of the motion. The current wording:

Suggested Motion: I move that the Jail Review Committee approves commencing closed session pursuant to Code of Virginia §2.2-3711.(?) to discuss (?). I further move that this committee FIND that such consultation or briefing in an open meeting would adversely affect the function of this committee.

The underlined wording above has been struck from the motion.

Mr. Vassar offered the following as a motion:

I move that the Jail Review Committee begin *CLOSED* session pursuant to Code of Virginia §2.2-3711(A16) to discuss matters lawfully exempt from public disclosure of medical and mental health records.

Upon a **Motion** by Ms. Randall and duly seconded, the attending members voted unanimously to **Approve** the above recommendations.

Reconvene Open Session

Upon the members' return to open session, Mr. Vassar offered the following in the form of a motion:

I move that the Jail Review Committee reconvene our open session to discuss matters pursuant to Code of Virginia §2.2-3711(A16) to discuss matters lawfully exempt from public disclosure of medical and mental health records. I move that this committee and its individual members Certify that in closed session, the Jail Review Committee and its individual members Certify that in closed session the Jail Review Committee limited its discussion to public meeting requirements lawfully exempt from the public meeting requirements and identified in a closed session motion. If a member cannot so Certify, I ask that the recorder take role.

Upon a *Motion* by Mr. Vassar and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

General Discussion

Ms. Randall discussed a matter that occurred since the December meeting that caused a great deal of confusion. The Board of Corrections' investigative team were approved for working from their home office by telecommute in accordance with the Virginia Department of Corrections Telecommute Agreement, by unanimous attendee vote during the December meeting. Ms. Randall was notified that the Board staff were advised that the Board's agreement with the investigative staff had been denied by the Secretary of Public Safety. Ms. Randall spoke with Victoria Cochran, Deputy Secretary of Public Safety about this matter and she was told that Ms. Cochran knew nothing about the denial. Ms. Randall then met with Brian Moran, Secretary of Public Safety, and he advised that he had not been consulted about this issue and knew nothing of it. He further noted that he was completely comfortable with the Board Investigative staff being permitted to telecommute. Mr. Moran advised that the Virginia Department of Corrections should be able to offer the Board staff a vehicle for use whenever necessary. They also discussed the addition of another part-time position or possibly making one of the current part-time positions into a full-time position. Mr. Moran noted that this funding had already been included in the Governor's budget. Ms. Randall advised that she plans to address the General Assembly-budget subcommittee regarding this matter.

Mr. Goff described the time-line of events leading up to the telecommute issue confusion and the conflicting information that he and Mr. Sutherland have encountered. The attending members discussed the matter noting the absence of Department of Corrections executive staff to advise on matters of concern to the Board of Corrections and asked if they could have a designee from the Director's office attend future meetings.

A letter was copied and distributed to the attendees that was written by Brian Sutherland and Steve Goff. There were various thoughts shared by members about what should and should

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not be in the initial introductory letter and the best method for informing the sheriffs and superintendents about the new death review process without seeming too aggressive or offensive. The final decision about the review process included a suggestion for a courtesy phone call to notify the administrator of a pending review, a follow-up letter detailing requests for additional information and an in-person visit by the jail investigator. Also recommended was a vow of confidentiality for all information provided if possible as well as a few tweaks to the initial letter. The administrators will be notified as soon as possible of any personnel changes. Ms. Garland added that changes to the notification process should specify that the changes by the Jail Review Committee only apply to death notification to the Virginia Department of Corrections, thereby the State Board of Corrections and will not have any impact on other notification requirements for other agencies.

Other Comments

There being nothing further, the meeting was *ADJOURNED*.