

**COMMONWEALTH OF VIRGINIA**  
**BOARD OF CORRECTIONS**

Regular Meeting	March 15, 2006
Location.....	6900 Atmore Drive Richmond, Virginia
Presiding.....	Clay B. Hester, Chairman
Present.....	Jacqueline F. Fraser W. Alvin Hudson, Jr. Raymond W. Mitchell Sterling C. Proffitt James R. Socas W. Randy Wright
Absent.....	James H. Burrell Gregory M. Kallen

**10:00 a.m., Wednesday, March 15, 2006**

6900 Atmore Drive, Richmond, Virginia

**The meeting was called to order and attendees were welcomed. The Chairman introduced and welcomed the newest member of the Parole Board, Mr. Jackie Stump, a former member of the House of Delegates who was sitting in for Parole Board Chairman Fahey. Mr. Wright then introduced his guest, Mr. Bill Klein, a life-long friend who works for Chaplain Services at St. Brides Correctional Center. No roll was called. Two members were absent.**

**I. Public/Other Comment (Mr. Hester)**

Mr. and Mrs. John Roles were at the meeting representing the general public as well as Virginia CURE. At this time, the Chairman opened the meeting to Mrs. Roles for her comments. She passed out some papers to help the Board understand her presentation. The issues she brought forth concerned the new MCI contract, and she noted she was speaking on behalf of Virginia CURE. At this point, she read from a prepared statement. The statement is included in the file, made a part of the record.

Mrs. Roles gave an overview of her understanding of the new MCI contract: that the contract would offer two calling options, debit or prepaid and collect, which was to have gone into effect on January 1, 2006. She contends families are not offered a debit system at all but a collect-call system and a prepaid, collect-call system, which means the families are receiving a slightly lower rate but are still having to comply with the phone rates based on collect calls, which means they pay surcharges and higher rates, and the families take exception to the new contract because they claim they are actually paying more than they did under the old contract;  
that families should have been able to sign up for the new prepaid, collect-call system by February 1, 2006, when the new contract went into effect; however, there are people still trying to sign up for the new prepaid, collect-call system one month later but cannot get through to MCI;

that families are not being offered any debit system, only the new prepaid, collect-call and old collect-call systems, and you must pick one or the other. And if you previously used the \$100 billing method, any monies applied to that account are not transferable to the new contract, so you have to use that money under the old collect call rates; that families claim they are now paying more money under the new contract than they did with the old; that the message notifying call recipients of the ability to sign up for the new, prepaid, collect-call system is in addition to another message telling about the new prepaid system and where to call to sign up for the option, and the two messages total 50 seconds, which time is counted against your 20-minute telephone call; and that the families believe there are, in truth, three billing systems in place.

She closed by stating she will not sign up for the prepaid system. She went on to request a meeting with the Department, the Board, MCI and the families to see if all can work together and seek some relief for taxpaying families.

Following Mrs. Roles' presentation, Mr. Socas asked several questions, and the Director responded. Mr. Socas then commended Mrs. Roles for bringing up a topic worthy of further study by the Board and requested a presentation at the next meeting. The Director stated he would ensure this presentation would take place. The Director closed by reminding those present that profits from the inmate phone system do not come to the Department but go directly to the Commonwealth's General Fund to the tune of \$6.6 million for the last fiscal year.

There was some other general discussion. The Chairman thanked Mrs. Roles for her comments. There were no other members of the general public present to speak to the Board.

## **II. Board Chairman (Mr. Hester)**

### **1) Motion to Approve January Board Minutes**

Mr. Hester called for a motion to approve the January minutes. By *MOTION* duly made by Mr. Mitchell and seconded by Mr. Hudson, the minutes were unanimously *APPROVED* by verbally responding in the affirmative. Although all members present responded, only the votes of Ms. Fraser and Messrs. Hudson and Proffitt were noted, as they were the only Board members present at the January meeting; Messrs. Hester, Mitchell, Socas and Wright were not. There was no discussion, and there were no opposing votes. The Chairman's vote was not required as there was no tie to approve the motion. Two members were absent.

### **2) Motion to Revise September, 2005, Board Minutes**

In January, Ms. Fraser made a Motion to revise the draft November Minutes. At that time, she noted that Albemarle/Charlottesville Regional Jail had previously been Unconditionally Certified by the Board in September, 2005, and that to include that same information in the November Minutes would have been a duplication of

previous Board action. Her Motion in January carried and no mention of Albemarle/Charlottesville Regional Jail was mentioned in the November Minutes.

However, since that time, it was discovered the September Minutes never indicated Albemarle/Charlottesville Regional Jail as being Unconditionally Certified by the Board, which minutes must now be revised. A copy of the proposed correction was included in the Board package, as distributed.

Therefore, by *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson, the September, 2005, Board Minutes will be *REVISED to insert on Page 8, Section VI, Paragraph 4 after Probation & Parole District #22 (Martinsville) the words, "Albemarle/Charlottesville Regional Jail."* This action was *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). As a tie-breaker was not necessary, the Chairman's vote was not noted. Two members were absent.

3) **Motion to Approve January Board Minutes**

At this time, Mrs. Woodhouse reminded the Board that Mr. Mitchell should not have proffered the motion to approve the January Minutes as he was not present at that meeting. Therefore, the Chairman requested the Motion be proffered by a Board member who was present in January. It was not necessary to rescind the original Motion, but only to recast the first and second of that Motion.

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson, both of whom were present at the January meeting, the Minutes were unanimously *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Proffitt). Although all members present responded, only the votes of Ms. Fraser and Messrs. Hudson and Proffitt were noted, as they were the only Board members present at the January meeting; Messrs. Hester, Mitchell, Socas and Wright were not. There was no discussion, and there were no opposing votes. The Chairman's vote was not required as there was no tie to approve the motion. Two members were absent.

**III. Presentation to the Board (Mr. Hester)**

There was no presentation to the Board this month. The Director noted he had nothing to report other than to say the Department is waiting for the budget to be approved by the Legislature.

**IV. Liaison Committee (Mr. Proffitt)**

Mr. Proffitt noted he and the Committee met on March 14, 2006, Chaired by Roy Cherry. Other Board members present were Ms. Fraser and Messrs. Hester and Hudson.

Mr. Proffitt reported an update to the Department's capital outlay projects stating that St. Brides' Phase I is completed. The Department has now commenced work on Phase II, which is a \$36.475 million project with an aggregate of 800 beds between two, 400-bed units and is scheduled for completion in July of 2007. The Tazewell medium-security

facility (1,024 beds) will cost \$68.645 million and completion of the project is scheduled for March, 2007. And, the second medium-security, 1,024-bed facility is located in Pittsylvania County with a price tag of \$73.553 million with completion of that project scheduled for May, 2007. Interestingly, it was noted there were some delays due to mild winter in that the grounds became a quagmire with the freezing and thawing temperatures. 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.

Mr. Wilson presented the Committee with the population figures for the Department and the jails. The Department's population as of March 6, 2006, was 31,897, up 414 from the January 10, 2006, figure. Jails had an excess population of 8,636 as of January 17, 2006. As of March 1, 2006, their actual capacity was 17,755. As of February 24, 2006, total felons available for pickup were 2,393, down 532 inmates, and felons out-of-compliance as of March 10, 2006, were 1,265, a decrease of 677 from the December 30, 2005, figure. Mr. Proffitt commended the Department on their continuing efforts to reduce the out-of-compliance number.

Mr. Proffitt then reviewed several jail construction projects. The first was the current **Loudoun County Jail**, 196 beds; a \$19.18 million project scheduled for completion at the end of June, 2006. The **Middle River Regional Jail (Augusta/Staunton/Waynesboro)**, 396 beds; a \$43.96 million project scheduled for completion at the end of March, 2006. The **Chesterfield County Jail**, 154 beds; a \$24 million project expected to open any day. And, the **Northwest Regional Jail (Clarke/Frederick/Winchester)**, a \$19.2 million project whose community-corrections beds will be coming on line shortly.

In addition, **Culpeper County** has submitted its community-based corrections plan for an expansion of their existing facility. And, the proposed regional jail for the **counties of Shenandoah/Page/Rappahannock/Warren** and the existing **New River Valley Regional Jail** have until March 1 of next year to file their community-based corrections plans.

Also discussed were SB618, where there was proposed language for jails to have child-friendly visitation and to provide nursing stations, which legislation was killed; and SB30, line item 384, where proposed language indicates if a jail does any kind of renovation or expansion, regardless of the funding source, then it would have to come to and be approved by the Board. It is thought that the genesis came from various jails who in the past have undertaken extensive expansion contracts utilizing local and federal dollars with no state funding involved. Mr. Proffitt then asked the question if there are no state dollars involved, then can a locality be required to submit a community-based corrections plan or planning study to the Board; because if there was no state money involved, how can you require them to submit a community-based corrections plan or planning study? Mr. Proffitt noted that if the language passes as is, the Board will have no choice but to comply with and enforce the law.

For informational purposes, Ms. DeSocio from the Compensation Board went over several items provided in the Governor's budget and their impact on the localities. Committee Chairman Roy Cherry revisited the previous Committee discussion concerning disaster planning and interagency cooperation between local and state agencies should there be a natural disaster, such as a hurricane or tornado, or even a nuclear disaster or terrorist act. This subject was originally broached by Sheriff B.J. Roberts with the Committee several months ago. Several Committee members noted the importance of addressing this issue and looked to the Board for the best approach; whether to contact the Governor's Office or the Secretary of Public Safety. The consensus was since the Liaison Committee is appointed by the Board, that the issue be brought before the Board for action. The Chairman asked the Director for his thoughts.

The Director feels it is a good idea and noted that NIC (National Institute of Corrections) is going to have a three-day program in May in Baltimore to discuss disaster planning and to review issues that came up with the hurricanes in Mississippi and Louisiana and to start some planning processes with that. The Director's vision is that after this meeting, the Department would then put together a meeting inviting all of the jails, but particularly those in the Tidewater area, to discuss what would happen and what response the Department could have. In addition, the Director has spoken with Mr. Bob Crouch in the Governor's Office, who is very interested and very supportive as well.

It was decided it would be appropriate for the Board to write a letter to the Secretary initiating conversation on the subject of disaster preparedness and asking for guidance as to who will be involved and what direction will be taken.

Therefore, by *MOTION* duly made by Mr. Proffitt and seconded by Mr. Hudson, the Board will send a letter to the Secretary of Public Safety to request any possible coordination as far as disaster planning as regards jails and the Department. The motion was *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). There was no further discussion, and there were no opposing votes. As a tie-breaker was not necessary, the Chairman's vote was not noted. Two members were absent.

The report was concluded, and a letter will be sent by the Board Chairman. No other action on the report was required.

**V. Administration Committee (Mr. Wright)**

The Committee met and reviewed the Overtime Report for the 2d Quarter of FY06. Generally, FY06 is down as compared to FY05. Keying on the factors ranging from security conditions to training requirements to military leave, vacancies seem to be the premiere culprit, and the Department is going to provide the Committee with numbers that show what staffing vacancies are on a whole and with each institution.

Mr. Socas had some questions regarding the numbers for Sussex I and II and a large change in the numbers for St. Brides from last year and asked if from a structural standpoint, there are factors that have come up because there are several facilities that

have moved to an overtime model of funding. Mr. Wright explained that these fluctuations were the result of openings of new facilities where you bring in staff for additional training and as a result, you are more than 100 percent staffed. Mr. Socas noted and understood that St. Brides was affected by the ramp up for opening the new facility, but Sussex I and II appeared to be in a permanent state of high overtime expenditures and not a ramp up. The Director explained that one of the biggest issues with Sussex I and II is vacancies, and there is a problem with recruitment and retention at both. The Department has flooded that area with the Sussexes and Southampton and Greenville making it difficult to find staff. Mr. Wright agreed and stated this was one of the reasons the Committee has asked for the breakdown. Mr. Socas then suggested that as the pool of available workers in those areas is lower than what the Department needs, it may then be a structural fact faced in that area. The Director agreed and went on to mention that the Department has constructed and opened an officers quarters at Sussex in the hope that it can recruit from outside of the area and be able to provide a place for staff to stay while they are on duty in the hope that will assist with retention. Also, the Director noted that if the Department continues to lose staff to local sheriffs departments and the state police because they are receiving salary increases by the legislature where correctional officers are not, the trend will continue.

There were no further comments or questions, and the report was concluded. No action by the Board was required.

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

The Committee met on March 14, 2006, with the following Board members in attendance: Messrs. Hester, Hudson, Proffitt and Ms. Fraser. Ms. Fraser noted for the first time in a long time, the Committee had no presentations or issues relative to community-based corrections plans, planning studies or jail construction; however, they did review and discuss facilities recommended for certification.

The Committee recommended **Unconditional Certification for Halifax Correctional Field Unit #23 with approval of waivers for Standards 4-4132, 4-4135, 4-4137, 4-4141, 4-4154 and 4-4270.**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Socas, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaker was not required, the Chairman's vote was not noted.

The Committee also recommended **Unconditional Certification as a result of 100% compliance for Virginia Beach Lockup #4 to include the holding of male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia.**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). There was no discussion on the

motion, and there were no opposing votes. Two members were absent, and as a tie-breaker was not required, the Chairman's vote was not noted.

And the Committee recommended **Unconditional Certification for Accomack County Jail.**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Mitchell, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaker was not required, the Chairman's vote was not noted.

And the Committee recommended **Unconditional Certification for Bethany Hall, Inc.**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Proffitt, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaker was not required, the Chairman's vote was not noted.

Ms. Fraser also noted for the record local and regional jails who had achieved 100% compliance with their unannounced inspections: **Pamunkey Regional Jail; Appomattox County Jail; Colonial Beach Lockup; Henry County Jail; Greene County Lockup; Charlotte County Jail; Fluvanna County Lockup; Rockbridge Regional Jail; and Madison County Lockup.**

This information is provided for informational purposes only. No Board action is required.

At this time, Mrs. Woodhouse noted to the Board that the Committee Chairman had made no recommendation for Lancaster County Jail. After a brief discussion, it was found to have been overlooked, and Ms. Fraser presented the Committee's recommendation of **Unconditional Certification for Lancaster County Jail to include the holding of male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia.**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Mitchell, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaker was not required, the Chairman's vote was not noted.

As there were no other questions or further comments, the report was concluded.

## **VII. Closed Session**

No Closed Session was held.

**VIII. Other Business (Mr. Johnson)**

At this time, the Director reviewed the history of the telephone system and reiterated the fact that the Department has no desire for families to pay outrageous phone rates. He agreed there are a lot of details and that it can be confusing. The Director made the suggestion that perhaps some Board members could come and meet with Procurement and MCI and get detailed information for the Board prior to having an open forum about it as was suggested to occur at the May Board meeting. The Chairman asked Ms. Fraser to do that, and she agreed. Mr. Socas then requested that the group present the rates that Virginia families pay and compare that to other states, which would be a good benchmark to confirm we are getting a good deal; and he asked that that information be compared to New York, Illinois, California, Florida and Texas; and to look at the average cost for a 15-minute call, pre and post this change; and in looking at the surcharges, having a table that shows per minute and surcharges would be helpful data to see; and to see how the MCI proposal compared to other proposals that came in. He stated that nobody questions the quality of the job that was done, but since the issue was raised in good faith by someone caught up in the system, that the Board owes it to the families to look into this. He is not questioning how phones are used or not used but hoped the Department is erring on the side of being humane on the side of prisoners.

Mr. Socas said he would present the specific requested information in writing. It was decided a presentation on the MCI inmate phone system will be provided to the Board at the next meeting. If after the presentation, a committee of the Board needs to meet with the Department, it will be done after that time.

**IX. Board Member/Other Comment**

No Board members offered any comment, and Mr. Stump and Mr. Katz had nothing to offer. Mr. Proffitt updated the Board on the status of two bills before the legislation that affected both the Board and the Department. In addition, he quoted figures for 13 jail projects approved by the Board totaling approximately \$454 million, of which the state will reimburse either 25 for local or 50% for regional, which demonstrates the Commonwealth's financial commitment to local corrections.

**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 May, 2006, meetings are scheduled as follows:**

**Liaison Committee** – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 16, 2006.

**Correctional Services/Policy & Regulations Committee** – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, May 16, 2006.

**Administration Committee** – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, May 17, 2006.



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**Board Meeting** – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia,  
May 17, 2006.

**XI. Adjournment**

There being nothing further, by *MOTION* duly made by Mr. Hudson, seconded by Mr. Wright and unanimously *APPROVED* (Fraser, Hudson, Mitchell, Proffitt, Socas, Wright), the meeting was adjourned. Two members were absent.

*(Signature copy on file)*

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CLAY B. HESTER, CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY