

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	September 19, 2007
Location	6900 Atmore Drive Richmond, Virginia
Presiding	Sterling C. Proffitt, Chairman
Present	James H. Burrell Peter G. Decker, III Jacqueline F. Fraser James R. Socas W. Randy Wright
Absent	W. Alvin Hudson, Jr. Gregory M. Kallen Raymond W. Mitchell

10:00 a.m., Wednesday, September 19, 2007

Board Room, 6900 Atmore Drive
Richmond, Virginia 23225

The meeting was called to order. Mr. Proffitt welcomed everyone and noted a quorum was present. The roll was called by Mrs. Woodhouse. Three members, as indicated during the verbal roll call and as noted above, were absent.

I. Board Chairman (Mr. Proffitt)

1) Presentation to (Retired) Sheriff E. Stuart Kitchen, Jr.

The Chairman welcomed retired Sheriff E. Stuart Kitchen, Jr., of Sussex County and Liaison Committee Chairman Christopher R. Webb and asked that both come forward for a presentation.

Mr. Webb spoke and gave some background on the Board's Liaison Committee. He then presented a Distinguished Service Award to Sheriff Kitchen honoring him for his almost 20 years of service on behalf of the Committee. The Board Chairman then presented to and read into the record a Resolution for Sheriff Kitchen on behalf of the Board:

RECOGNIZING E. STUART KITCHEN, JR., UPON HIS DEPARTURE FROM THE LIAISON COMMITTEE OF THE VIRGINIA BOARD OF CORRECTIONS

On Motion of the Virginia Board of Corrections, duly made and seconded, the following Resolution was adopted:

WHEREAS, E. Stuart Kitchen, Jr., has served the Commonwealth faithfully almost continuously since April 11, 1988, when he initially accepted service to the Liaison Committee of the Virginia Board of Corrections from then Board Chairman, John W.

Williams, III. On that date, E. Stuart Kitchen, Jr., attended his first meeting as a member of the Liaison Committee; and

WHEREAS, E. Stuart Kitchen, Jr., has served the Board, the Committee and the citizens of the Commonwealth in a non-partisan manner since that time under seven Governors and nine Board Chairmen with marked integrity, pursuing the letter and intent of the law; and

WHEREAS, during his almost 20 years as a member in good standing of the Liaison Committee, E. Stuart Kitchen, Jr., attended and actively participated in as many scheduled meetings as practicable, all the while actively administering the duties of the office of Sheriff of Sussex County; and

WHEREAS, during his many years as a member of the Board's Liaison Committee, E. Stuart Kitchen, Jr., participated in many frank discussions regarding the treatment of inmates in local jails, understood the importance of his professional responsibility beyond the Liaison Committee and in so doing, became an active proponent of issues important to the Commonwealth, to the Board and to his fellow Committee members; and

WHEREAS, E. Stuart Kitchen, Jr., departed the Virginia Board of Corrections' Liaison Committee as a member in good standing in May, 2007.

NOW, THEREFORE BE IT RESOLVED, that the Virginia Board of Corrections, this 19th day of September, 2007, publicly recognizes the contributions of E. Stuart Kitchen, Jr., to the Virginia Board of Corrections, the Virginia Department of Corrections and the citizens of the Commonwealth of Virginia;

AND, BE IT FURTHER RESOLVED, that the Board extends its appreciation of his commitment to the Commonwealth and best wishes on his "retirement;"

AND, BE IT FINALLY RESOLVED, that a copy of this Resolution be presented to E. Stuart Kitchen, Jr., and that this Resolution be permanently recorded and retained in the papers of the Board of Corrections, Commonwealth of Virginia.

/s/

James H. Burrell; Peter G. Decker, III; Jacqueline F. Fraser; W. Alvin Hudson, Jr.; Gregory M. Kallen; Raymond W. Mitchell; Sterling C. Proffitt; James R. Socas; W. Randy Wright and Christopher R. Webb, Liaison Committee Chairman.

The Chairman offered his congratulations and went on to add that during his tenure on the Liaison Committee, he found Sheriff Kitchen's input to be measured, insightful, objective and professional. Mr. Kitchen thanked the Board and the Committee for their good work on behalf of the Commonwealth. He remarked how in the old days the Sheriffs and the Department were adversaries but that with the advent of the Liaison Committee, and with the help of many Boards of Corrections and under the leadership of the Department of Corrections, that adversarial relationship has changed to a partnership. He closed by thanking everyone and stating how his years of service have been a pleasure and an honor. The Sheriff then departed the Board meeting.

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. Decker and seconded by Ms. Fraser, the Minutes were **APPROVED** as presented by verbally responding in the affirmative (Burrell, Decker, Fraser). There was no comment or discussion. There were no opposing votes. The Chairman voted his approval of the Motion. Three members were absent. Messrs. Socas and Wright did not vote as they were not present at the July meeting. The Motion carried.

Even though the Chairman indicated that the Motion carried, action on this Motion will be readdressed in November. There must be a quorum of members present and voting at the current meeting who were present at the meeting whose activity is being voted on and this was not the case.

The Chairman reported he had written a note to Warden Jeff Dillman at Green Rock Correctional Center on the Board's behalf, thanking him for his hospitality in hosting the Board at the facility in July.

3) **Report of Nominating Committee/Election of Board Officers**

At the July meeting, the Chairman appointed Mr. Kallen, as Chair, Ms. Fraser and Mr. Decker to comprise the Nominating Committee. At that time, he requested the Committee report to be presented by Mr. Kallen in September. As Mr. Kallen was absent, the results of the Committee's report are deferred to the November meeting of the Board.

4) **Proposed Board Committee Assignments for 2008**

The Chairman included his proposed Committee membership roster in the Board package. Committee assignments will remain as is with Mr. Burrell, Ms. Fraser, Mr. Hudson and Mr. Mitchell comprising the Correctional Services/Policy & Regulations Committee and with Messrs. Decker, Kallen, Socas and Wright comprising the Administration Committee.

Ms. Fraser will Chair and Mr. Hudson will Co-Chair the Correctional Services Committee. Mr. Wright will Chair and Mr. Kallen will Co-Chair the Administration Committee. The same members of the Correctional Services/Policy & Regulations Committee also sit on the Liaison Committee. Mr. Burrell is Vice Chairman of the Liaison Committee. The Chairman is an ex officio member of each Committee.

II. **Public/Other Comment**

The Chairman indicated there was no one present from the public to address the Board.

III. Presentation to the Board

There were no presentations scheduled for the Board. However, Mr. Leininger spoke to several items of interest on behalf of the Director, who was out of state: The property in *Grayson County* has been transferred to the Department, site work has begun and the people of Grayson County are very happy; *Pocahontas State Correctional Center* will begin loading inmates on September 25, 2007; *Green Rock Correctional Center* has 800 inmates loaded at this time; the contract with *Serenity House* in Newport News expires at the end of September, 2007, is not being renewed and the 24 inmates residing at the facility have been removed.

Mr. Leininger reported the Department met with members of the State Crime Commission regarding *Lawrenceville Correctional Center* to go over the results of the recent security operations review undertaken by an outside consultant at the request of the Department. Each Board member was provided a copy of the report. One finding of interest was the ratio of female to male officers is more in line with what you would expect at a female institution rather than at a male institution; 66% of the officers at Lawrenceville are female. Mr. Leininger reported that this situation has caused some operational and policy-related issues, which are being addressed. In closing, he stated that with the changes being implemented as a result of the security operations review, the Crime Commission is satisfied; and as contraband interdiction was a large focus of that review, efforts to stem this activity will continue at Lawrenceville and at all Department facilities statewide. The Board was reminded that Lawrenceville is the state's only private prison, run by the GEO Group.

There were no questions of Mr. Leininger. No Board action on the report is required.

IV. Liaison Committee (Mr. Burrell)

Mr. Burrell noted he and members of the Committee met on September 18, 2007. During that meeting, Ms. Kim Lipp provided information on the Department's capital outlay projects. She indicated that *Deerfield* is 99.9 percent complete and is undergoing some warranty work; *Green Rock* is undergoing some warranty work; *Pocahontas* is 99 percent complete and the final walk through is being performed; *St. Brides Phase II* is 85 percent complete with some interior and site work to be done and expected completion is anticipated for a December of this year or January of 2008; and the *Mt. Rogers* project is set to begin soon.

Mr. Bill Wilson of the Compliance and Accreditation Unit reported the out-of-compliance figure as of Committee meeting time was 1,785, which is the lowest it has been for some time.

In addition, Mr. Burrell reported that the *Riverside Regional Jail Work Release Center* is set to open in October of this year; if they decide to form a regional jail authority, *Shenandoah, Rappahannock and Warren Counties* have yet to determine a site for a regional jail; *Brunswick, Mecklenburg and Dinwiddie Counties* are considering a regional jail in that area; *Martinsville/Patrick/Henry/and possibly Pittsylvania Counties* are

looking at the possibility of forming a regional jail authority; and the *Rockbridge Regional Jail Authority*, which is looking to expand its current facility, is working out some problems and that has been deferred. There will be more information on Rockbridge during Ms. Fraser's report.

During the meeting, Ms. DeSocio from the Compensation Board reported the budget shortfall is at least \$12 million and could even be as much as \$14 million with the Governor instructing most state agencies to come up with a 5% reduction strategy. Deputy Secretary Cristman mentioned that consideration was being given to taking money from the Commonwealth's Rainy Day Fund and that without so doing, the shortfall will be even larger.

There were no questions, comments or discussion of Mr. Burrell. No Board action on the report is required.

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

1) **Overtime Report for Fiscal Year Ended June 30, 2007**

Mr. Wright reported the Committee had discussed the overtime report. There are no glaring issues to be addressed. He noted that even though movement has been experienced with staffing of the new facilities, the percent of vacancy is not much higher than usual.

There were no questions or comments of Mr. Wright. No Board action on the report is required. The Chairman also indicated Ms. Scott had provided the Board with copies of the August 31, 2007, Correctional Officer Vacancy report.

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

The Committee met on September 18, 2007, and discussed several items.

1) **Board Motion to Grant Waiver Requested by Sheriff of City of Portsmouth Regarding Construction of Work Release Center; and Board Motion to Grant Waiver for Construction of Gymnasium at Portsmouth City Jail**

The first waiver request is for an exemption to the legislation requirement 384 D.1., which calls for localities to obtain prior approval before construction, remodeling, renovation or rehab of any facility which results in increased capacity. Sheriff Watson presented documentation that actual construction of the Work Release Center occurred prior to October of 2004, construction was completed prior to the new law taking effect and, therefore, the locality should be exempt from the legislation. As a result of the Sheriff's contention, the Board Chairman requested guidance from the Attorney General's Office, which was received and indicates it is unreasonable to expect Portsmouth to comply with the requirement as the Sheriff had provided documentation that clearly indicated that construction had been started prior to the new legislation taking effect.

Therefore, by *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, it was moved that, **“the Board of Corrections approves the waiver for Portsmouth City Jail for the Work Release Center; and that the Board of Corrections grants a waiver to Budget Item 384 D.1. for the construction of the gymnasium provided the gymnasium is built to Board Standards and is not used to house inmates.”**

The Motion was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Socas, Wright). There was no comment or discussion. There were no opposing votes. The Chairman voted his approval of the Motion. Three members were absent. The Motion carried.

2) **Board Motion to Approve Planning Study for the Blue Ridge Regional Jail to Renovate and Expand the Existing Halifax Facility, to Construct a New Appomattox/Amherst Facility and to Replace Beds at the Moneta Facility**

The Blue Ride Regional Jail Authority is requesting approval of funding for jail construction reimbursement for a 420-bed expansion and renovation to the regional jail. The planning study proposes a 380-bed, new facility to replace the Appomattox and Amherst Jails, renovation and expansion to support space at the Halifax facility and also to replace 40 beds at the Moneta facility (old Camp 24).

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, it was moved that, **“the Board of Corrections approves the Blue Ridge Regional Jail Authority’s request for State funding construction reimbursement for a 380-bed facility at Amherst, renovation of 40 beds at Moneta and a new laundry at the Halifax facility. This approval recognizes total eligible costs of \$63,329,791 of which up to 50% or \$31,664,896 would be eligible for State reimbursement. Such reimbursement is subject to the availability of funds and compliance with the Board’s Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities and with Sections 53.1-80 through 82 of the Code of Virginia.”**

The Motion was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Socas, Wright). There was no comment or discussion. There were no opposing votes. The Chairman voted his approval of the Motion. Three members were absent. The Motion carried.

3) **Board Motion to Approve Request for Additional Jail Construction Funding Reimbursement for Riverside Regional Jail**

This new jail construction project was approved by the Board in 2005 and is being constructed in two phases. Phase I consisted of the construction of a new pre-release dormitory and a new maintenance building and is ongoing. Phase II includes construction of a new general population housing unit, a new medical unit and recreational facilities and was put out to bid in June of this year. The Authority has

run into unforeseen cost increases as a result of the unusually high inflation rate between the time the project funding was initially approved and the bidding of Phase II. In addition, they are being impacted by a poor bid environment driven by the amount of Federal construction projects being bid in the same timeframe as this project (Fort Lee construction). Therefore, the Authority is requesting the Board approve additional jail construction funding reimbursement.

By *MOTION* duly made by Mr. Fraser and seconded by Mr. Burrell, it was moved that, **“the Board of Corrections approves the Riverside Regional Jail Authority’s request for additional state jail construction reimbursement in the amount of 50% of the additional approved project costs of \$16,970,970 or \$8,485,485. This makes the total eligible project cost to be \$93,433,573 of which 50% is \$46,716,786. This approval is subject to the availability of funds and compliance with the Board’s Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities and in compliance with Sections 53.1-80 through 82 of the Code of Virginia.”**

The Motion was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Socas, Wright). There were general comments by Mr. Socas and Ms. Fraser. Ms. Ballard indicated this was an unusual circumstance in that the facility is competing directly with Fort Lee. She stated it is not expected that any other project requesting additional construction funding reimbursement will experience cost increases of this magnitude. There were no opposing votes. The Chairman voted his approval of the Motion. Three members were absent. The Motion carried.

To their credit, it was noted that the Riverside Regional Jail Authority initiated an aggressive Value Engineering and cost reduction effort and successfully reduced the total budget overages by more than \$500,000.

4) **Compliance and Accreditation**
Certifications Section

Ms. Fraser presented the following certification recommendations for consideration on behalf of the Committee:

Unconditional Certification with 100% compliance for Bland Correctional Center;

Unconditional Certification for Central Virginia Correctional Unit #13;

Unconditional Certification with 100% compliance for both Bath County and Surry County Lockups;

and Unconditional Certification for Piedmont Regional Jail; Blue Ridge Regional Jail (Lynchburg Adult Detention Center) to include certification to hold male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia; Loudoun County Adult Detention Center; Dinwiddie County Jail; Probation & Parole District 21 (Fredericksburg), Probation & Parole

District 25 (Leesburg); and Probation & Parole District 32 (Henrico).

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Socas, was **APPROVED** by verbally responding in the affirmative (Burrell, Decker, Fraser, Socas, Wright). There were no questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

5) **Motion to Approve Suspension of Unannounced Annual Inspection**

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 has been attained in the jail's triennial Certification Audit.

Therefore, the Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves suspension of the 2007 Annual Inspection for Bath County Lockup and Surry County Lockup.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Decker, was **APPROVED** by verbally responding in the affirmative (Burrell, Decker, Fraser, Socas, Wright). There were no questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Three members were absent. The Motion carried.

Ms. Fraser noted two items listed on the agenda have been deferred to a future meeting; those being, the request for approval of the community-based corrections plan for the expansion of Rockbridge Regional Jail as well as the request for approval of a cost increase on the expansion project for Northwest Regional Adult Detention Center.

6) **Update to APA Process for Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities**

It has been a convoluted process but the proposed change to the Standards dealing with Value Engineering is progressing through the normal APA process. The Department of Planning and Budget and the Secretary of Public Safety have both reviewed and approved the proposed change. The item is now awaiting the Governor's review and approval. Once that approval occurs, the item will go the Virginia Register for publication.

At this time, Ms. Fraser concluded her report. There were no further questions.

The Chairman spoke to the Rockbridge Regional Jail expansion. He indicated there are five localities participating in the project. As such, all five localities must approve resolutions before the project can go forward; four have agreed, one has not. The Jail Superintendent had inquired to see if the Board would consider their request without all five participating localities being in agreement. He was advised that the decision

must be unanimous among all five localities in order to be considered by the Board. It is anticipated that Rockbridge will be back before the Board in the near future.

VII. Closed Session

There was no Closed Session held.

VIII. Other Business

Nothing to report.

IX. Board Member/Other Comment

The members were polled and offered no comment. The Chairman spoke at this time. He noted that the Botetourt/Craig Regional Jail will be holding an Open House on October 13, 2007, and had invited the Chairman to attend. As the Chairman will be out of town on that date, Mr. Hudson has been asked to represent the Board in his absence.

On August 21, 2007, Director Johnson and the Chairman attended a meeting set up by Secretary Marshall, which was held at the Department of Fire Programs in Glen Allen. In attendance were all Agency Directors and Board Chairs under the Public Safety Secretariat. Addressed was: Board protocol, reminding everyone present that Boards have their authority collectively, not as individuals; if a Board feels there might be something of a controversial nature going on, to apprise the Secretary's Office of such; if an individual Board member feels strongly about some upcoming legislation, to not go directly to your legislator but to work it out through the Secretary's Office; if and when you are contacted by the media and you do not feel comfortable speaking with the media, to refer them to your agency's PI (Mr. Traylor). The Secretary then made a point to thank each member of each Board under his Secretariat for their dedication and service, and he indicated that a meeting like this might be held on a semi-annual basis.

Deputy Secretary Cristman spoke at this point. He thanked the members for their time and dedication. He remarked that another item that came up during the meeting was the request that Boards hold off holding regular meetings during the General Assembly Session as there is a lot of work during that period of time and everyone is extremely busy.

At this time, the Chairman made the suggestion that the Board hold a Special Meeting in October in order to address the Rockbridge request as well as any other items needing consideration by the Board before November. There would be a Correctional Services Meeting held immediately prior to the Special Meeting.

After some discussion, it was agreed to hold a Special Board Meeting on October 24, 2007, at Atmore Drive with the Correctional Services Committee to meet at 9:30 a.m. and the Board to meet one hour after that.

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, 2007, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 13, 2007.

Correctional Services/Policy & Regulations Committee – 11:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 13, 2007.

Administration Committee – 9:30 a.m., Room 3156, 6900 Atmore Drive, Richmond, Virginia, November 14, 2007.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, November 14, 2007.

Ms. Fraser offered the suggestion that when setting the Board's schedule for 2008, consideration might be given to holding all Board meetings on one day in order to save time and money. Mr. Socas also suggested the possibility of perhaps not holding meetings on Wednesdays, as it breaks up the week. Much discussion was had with good points being made.

It was decided that the full Board will discuss the 2008 Board schedule during the October Special Meeting. A tentative schedule will be provided to the Board prior to the meeting for review and discussion.

(At this time, Mr. Socas departed the meeting)

XI. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Wright, seconded by Mr. Burrell and unanimously *APPROVED* (Burrell, Decker, Fraser, Wright), the meeting was adjourned. There was no discussion. The Chairman voted his approval of the move to adjourn. The Motion carried.

(Signature copy on file)

STERLING C. PROFFITT, CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY