

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

Regular Meeting	November 14, 2007
Location .....	6900 Atmore Drive Richmond, Virginia
Presiding .....	Sterling C. Proffitt, Chairman
Present .....	James H. Burrell Peter G. Decker, III Jacqueline F. Fraser W. Alvin Hudson, Jr. Gregory M. Kallen Raymond W. Mitchell
Absent .....	James R. Socas W. Randy Wright

**10:00 a.m., Wednesday, November 14, 2007**  
6900 Atmore Drive, Richmond, Virginia 23225

**The meeting was called to order. The roll was called by Mrs. Woodhouse. Mr. Proffitt noted a quorum was present. Two members were absent, as indicated during the verbal roll call.**

**I. Board Chairman (Mr. Proffitt)**

**1) Re-visit Previously Approved July Board Minutes**

The Chairman noted that even though there was a quorum to conduct business of the Board at the July meeting, when the Minutes were called for a vote in September, all members present at that time were not eligible to vote as they were not present at the July meeting. Therefore, the Chairman called for the recertification of the July Board Minutes.

By **MOTION** duly made by Mr. Mitchell and seconded by Mr. Burrell, the Minutes were **APPROVED** as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). There was no comment or discussion. There were no opposing votes. The Chairman voted his approval of the Motion. Two members were absent. Mr. Hudson did not vote as he was not present at the July meeting. The Motion carried.

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

The Chairman called for a Motion to approve the September Board Minutes. After the call for the Motion, the second and the vote, Messrs. Hudson, Kallen and Mitchell abstained as they were not present at the September meeting. Therefore, as there were not enough voting members present at this meeting who were present at the September meeting, action on this Motion will be revisited in March, 2008.

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

At the July meeting, the Chairman appointed Mr. Kallen, Ms. Fraser and Mr. Decker to comprise the Nominating Committee. At that time, he requested the Committee report to be presented in September. Mr. Kallen was absent in September, so the Committee's report was deferred to November.

The Committee was present and departed the room. The Board meeting was recessed in order to give the Committee time to convene. Upon its return, the Board meeting was reconvened, and the Chairman asked for the Committee's report. Committee Chairman Kallen reported the Committee had voted unanimously to leave the current slate of Officers intact and that the following slate of Officers be re-elected: **Sterling Proffitt, Chairman; James H. "Jimmy" Burrell, Vice Chairman; and Raymond W. "Bobby" Mitchell, Secretary.**

There were no further nominations from the floor. Mr. Burrell suggested that the Board vote on the proposed slate individually, by office.

**By MOTION duly made by Mr. Kallen, seconded by Mr. Burrell and unanimously approved as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen), Mr. Bobby Mitchell was APPROVED for re-election to the position of Board Secretary.**

There were no questions and there was no discussion. There were no opposing votes. Mr. Mitchell *ABSTAINED* from the vote, and the Chairman voted in support of the Motion. Two members were absent.

**By MOTION duly made by Mr. Kallen, seconded by Mr. Mitchell and unanimously approved as presented by verbally responding in the affirmative (Decker, Fraser, Hudson, Kallen, Mitchell), Mr. Jimmy Burrell was APPROVED for re-election to the position of Board Vice Chairman.**

There were no questions and there was no discussion. There were no opposing votes. Mr. Burrell *ABSTAINED* from the vote, and the Chairman voted in support of the Motion. Two members were absent.

**And by MOTION duly made by Mr. Kallen, seconded by Mr. Burrell and unanimously approved as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Hudson, Kallen, Mitchell), Mr. Sterling Proffitt was APPROVED for re-election to the position of Board Chairman.**

There were no questions and there was no discussion. There were no opposing votes. Mr. Proffitt *ABSTAINED* from the vote. Two members were absent.

On behalf of the other Officers, the Chairman thanked the membership for its support.

4) **Discussion/Approval of Proposed Board Meeting Dates for 2008**

In September, Mr. Clyde Cristman suggested when considering meeting dates for 2008, all Boards under the Public Safety Secretariat possibly not meet in January during the General Assembly Session. This request was mentioned at the Liaison Committee yesterday and was discussed during today's Board meeting. It was agreed that the Board and Committee will comply with the request to not meet during the General Assembly Session.

Mr. Proffitt then went on to discuss the remainder of the proposed meeting dates. He reminded the Board that it must meet at least six times per year per Code. He stated that if the Board considered meeting in March, May, July, September and November as proposed, it would be one meeting short of the Code requirement. In order to not meet in January and to avoid the summer months and vacations, it was suggested by staff to add a meeting in October as many jails requesting construction funding reimbursement submit their requests during the September to November timeframe when they are pushing to get everything approved.

Mr. Proffitt agreed with that suggestion. He then went on to poll the Board to see if anyone had any objection to the Board skipping the January, 2008, meeting. No objections were noted.

The Chairman then reviewed the suggested dates listed for each month and the reasoning behind listing three consecutive dates. Previously, members had remarked that meeting in the middle of the week was not convenient but that meeting on a Monday or a Tuesday might be preferable, so Monday, Tuesday and Wednesday dates were listed for each month. The Chairman also remarked that it had been a consensus in September that the Board possibly could conduct all of its business in one day. A typical Board meeting day might then be Liaison at 10:00, Correctional Services at 11:00, Administration at 12:30 and Board at 1:00. He also remarked that by combining all Board meetings into one day, it would be doing its part to reduce expenses.

Discussion in favor and against the proposal to hold all Board meetings in one day was held. A suggestion was made to perhaps try the proposal out for two meetings to see if the one-day schedule was workable as well as to keep holding the Board meeting on Wednesday.

Therefore, by **MOTION** duly made by Ms. Fraser, seconded by Mr. Kallen and approved as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell) it was **APPROVED that Board and its Committees conduct business on one day instead of two.**

There was no further discussion. Mr. Hudson voted in opposition to the Motion. The Chairman voted in support of the Motion. Two members were absent. The Motion carried.

The next motion was to decide on the day of the week to hold the meeting; to keep the meeting day to the third Wednesday of March, May, July, September and November, to

add October 15 and with the caveat that the Board will experiment with the one-day sessions for the months of March and May.

By **MOTION** duly made by Ms. Fraser, seconded by Mr. Mitchell and approved as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell) it was **APPROVED that Board and its Committees conduct business on the third Wednesday of March, May, July, September and November, add October 15, and with the caveat that the Board will experiment with the one-day sessions for the months of March and May, 2008.**

There was no comment or discussion. Mr. Hudson voted in opposition to the Motion. The Chairman voted in support of the Motion. Two members were absent. The Motion carried.

Mr. Burrell suggested that specific language be included in the Motion to say the Committees would meet at 10:00, 11:00, 12:30 and 1:00 on the same day.

By **MOTION** duly made by Ms. Fraser, seconded by Mr. Decker and approved as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell) it was **APPROVED that Board and its Committees will meet at 10:00, 11:00, 12:30 and 1:00 on the third Wednesday of the months mentioned previously.**

There was no comment or discussion. Mr. Hudson did not indicate a vote either way. The Chairman voted in support of the Motion. Two members were absent. The Motion carried.

## **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. Mr. Johnson provided an update on a couple of noteworthy news items:

On November 9, 2007, an Open House was held showing off the new program at James River Correctional Center where the Department is taking care of retired thoroughbred horses. He stated there was a good article in the Richmond Times-Dispatch and noted the Department takes care of dogs, too.

There was another story the Associated Press ran about the tag shop operation at Powhatan Correctional Center. As Virginia leads the nation in personalized tags and the VCE tag shop manufactures the tags for the Commonwealth, the AP did a story on our tag shop.

Then CNN ran a story that included video about the Snipers, Muhammad and Malvo. The video showed Muhammad being interviewed and suggested the interview took place at Sussex. That suggestion was erroneous. The interview actually took place in

Maryland. CNN finally admitted to us that their report was erroneous but never posted any type of retraction.

There was substantial press coverage on P&P's Operation Trick no Treat on Halloween night and how the Department handles the monitoring of sex offenders statewide.

The locality put together a groundbreaking ceremony in Grayson County a few weeks ago. They are very anxious to get that project going and are doing some ground work currently.

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

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

Mr. Burrell noted he and members of the Committee met on November 13, 2007. During that meeting, Mr. Bill Wilson introduced a new member of his staff, Mr. Jef Sevenker.

Mr. Burrell went on to state that Mr. Wilson reported the out-of-compliance number as of meeting time was 1,822. Ms. Lipp reported that Pocahontas is fully loaded; St Brides will be loaded soon; Green Rock is fully loaded; and as the Director said, a groundbreaking was held in Grayson County for the new facility there. Mr. Wade Jewell of the State Compensation Board spoke about funding issues and some of the challenges that will be faced by the Commonwealth over the next two years as a result of the budget shortfall.

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

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

There was no Committee meeting as there were no items to be discussed.

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

The Committee met on November 13, 2007, and discussed several items.

**1) Board Motion Regarding Timing of Submittal of Jail Construction Cost Increase Requests**

Numerous requests are received from jails undergoing construction projects to increase funds eligible for state reimbursement as the result of cost increases for building materials as well as for inflation. While staff is aware there may be cost increases for some projects, the requests for additional funding have not been submitted until after the construction has actually been completed. Therefore, it was decided it is necessary to put a timeframe on receiving requests for jail construction funding reimbursement.

Therefore, by *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, it was moved that, **“In order to facilitate processing of funding for reimbursement of increased jail construction costs, any cost increase requests shall be submitted to the Board no later than at 50% completion of construction of the project. This guideline shall apply to any jail construction project for which construction has not begun by December 1, 2008. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities and § 53.1-80 through 82 of the Code of Virginia.”**

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

2) **Board Motion to Approve Request by Prince William-Manassas Regional Adult Detention Center to Install Additional Bunking**

Prince William-Manassas is adding a 200-bed expansion to its existing facility, and they are requesting to be allowed to install additional bunks prior to the completion of the construction in order to save costs and disruption after the facility is complete.

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, it was moved that, **“In order to facilitate an operational decision by the Prince William-Manassas Regional Adult Detention Center, the Board of Corrections grants a modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to allow the installation of additional beds in housing units in the Prince William-Manassas Regional Adult Detention Center prior to final inspection of the facility. This modification approval does not indicate a Board policy or position on the operational advisability of double bunking nor should it be construed as a current or future modification to Standard 5.4. Further, this approval does not increase the operational capacity of the facility relative to staffing and does not authorize State reimbursement for the cost of the beds or their installation.”**

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

3) **Board Motion to Approve Request for Additional Jail Construction Funding Reimbursement for Botetourt-Craig Regional Jail**

Due to an unusually high inflation rate, the additional requirements from VDOT, the Chesapeake Bay Enhancement Program and the cost of construction materials, the costs for jail construction have increased. It was noted that the Authority initiated

aggressive value engineering and cost-reduction efforts and actually saved over \$1 million during this process.

By *MOTION* duly made by Mr. Fraser and seconded by Mr. Hudson, it was moved that, “**the Board of Corrections approves the Botetourt-Craig Regional Jail’s request for additional state jail construction funding reimbursement in the amount of 50% of the additional approved project costs of \$2,917,038 or \$1,458,519. This makes the total eligible project cost to be \$17,528,052 of which 50% is \$8,764,026. 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.”**

Ms. Fraser noted representatives from Botetourt-Craig were present. Mr. Ron Smith with Botetourt County remarked that the Sheriffs and Boards of Supervisors appreciate the consideration shown by the Board and the support and input received from Department staff on this project. The localities are very excited about the project.

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

The Chairman reported that on October 13, 2007, Mr. Hudson attended the opening ceremonies for Botetourt-Craig Regional Jail representing the Board. Mr. Hudson stated there were several hundred people in attendance at the ceremony and this facility should take care of the counties’ needs well into the future.

4) **Board Motion to Approve Additional State Jail Construction Funding Reimbursement for the Northwestern Regional Adult Detention Center**

Again, because of the high cost of inflation and increase in construction materials costs between the time the project funding was initially approved and the construction of Housing Pod 3, as well as unforeseen additional site costs and the conceptual design status at the time the funding request was made, the cost of construction for this project has increased considerably. It was noted that the Authority’s aggressive value engineering and cost-reduction efforts successfully reduced the total budget overages more than \$1 million.

By *MOTION* duly made by Mr. Fraser and seconded by Mr. Mitchell, it was moved that, “**the Board of Corrections approves the Northwestern Regional Adult Detention Center Authority’s request for additional state jail construction funding reimbursement in the amount of \$525,187 or 50% of the additional approved project costs of \$1,050,373. This makes the total eligible project cost to be \$20,264,979 of which 50% is \$10,132,489. This approval is subject to the availability of funds and in 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, Hudson, Kallen, Mitchell). There was no comment or discussion. There were no opposing votes. The Chairman voted his approval of the Motion. Two members were absent. The Motion carried.

5) **Board 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 100% 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 the Rockingham/Harrisonburg Regional Jail and the Virginia Beach Correctional Center.”**

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

6) **Compliance and Accreditation  
Certifications Section**

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

**Unconditional Certification for Alexandria Adult Detention Center, Fairfax County Adult Detention Center, Middle River Regional Jail, Pamunkey Regional Jail and Tazewell Regional Jail;**

**and Unconditional Certification with 100% compliance for both Rockingham Harrisonburg Regional Jail and the Virginia Beach Correctional Center.**

By **MOTION** duly made by Ms. Fraser and seconded by Mr. Mitchell, the Board **APPROVED** the above by verbally responding in the affirmative (Fraser, Burrell, Decker, Hudson, Kallen, Mitchell). There were no questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Two members were absent. The Motion carried.

7) **Discussion Regarding Danville Adult Detention Center**

During the facility’s certification audit in April of this year, it was found out of compliance with two deficiencies, which were subsequently appealed and which appeals were denied by the Board. As a result and as required by the Board’s Regulations Governing Certification and Inspection, the facility was required to



provide the Board with a written corrective Plan of Action for the two deficiencies. On a follow up inspection, it was determined that the facility has corrected the deficiencies; however, they have yet to submit the required corrective Plan of Action.

Therefore, the Board has determined that the facility will submit a corrective Plan of Action as required and will do so within 30 days. A letter so stating will be sent to the facility administrator with a copy to the Danville City Manager.

8) **Board Motion to Approve 6 VAC 15-61 Standards for State Community Corrections Units**

The Department is recommending changes to 6 VAC 15-61 Standards for State Community Corrections Units. The revised Standards have undergone a preliminary review by Field and Central Office personnel as well as Mr. Camache and the office of the Attorney General. The AG's Office has advised that these Standards are exempt from the Administrative Process Act. In addition to the language provided, the Department asked that the following be incorporated into those already proposed:

Under Definitions:

“Case Records” – “action” needs to be “actions.”

Insert “‘Incentives’ means approved responses to positive behaviors.”

Under 100F:

Restate to read: “Appropriate programs and services including proportionate incentives and sanctions which address identified risks and needs.”

Under 100W:

After first sentence, add: “The revoking authority may empower the hearing officer to defer the revocation recommendation, restore the offender to supervision, and employ available sanctions or report the findings and recommendation to the authority for a decision as to revocation. The hearing officer issues a verbal decision or recommendation immediately after the hearing and provides a written decision to the offender within twenty one calendar days of the hearing.”

Under 100 BB:

Delete “or provisionally revoked.”

Ms. Fraser then offered the following:

**“With those changes, the Board of Corrections adopts 6 VAC 15-61 as its Standards for State Community Corrections Units authorized by Section 53.1-5 of the Code of Virginia. Further, these Standards are exempt from provision of the Administrative Process Act, authorized by Section 2.2-4002 B.9. of the Code of Virginia. To allow for public comment, adoption shall go into effect 30 days after publication in the Virginia Register.”**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, the Board *APPROVED* the above by verbally responding in the affirmative (Fraser, Burrell,

Decker, Hudson, Kallen, Mitchell). There were no questions, comments or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. Two members were absent. The Motion carried.

**VII. Closed Session**

No Closed Session was held.

**VIII. Other Business**

Mr. Johnson made the suggestion that the Board might consider beginning the process of revising its Construction Standards as they have been in place since 1994 and are badly in need of updating.

**IX. Board Member/Other Comment**

The members were polled. Only Mr. Proffitt had any remarks and mentioned he had attended the Western Regional Jail's conference in Roanoke.

**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 March 19, 2008, meetings are scheduled as follows:**

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

**Correctional Services/Policy & Regulations Committee – 11:00 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. Mitchell, seconded by Ms. Fraser and unanimously **APPROVED** (Burrell, Decker, Fraser, Hudson, Kallen, Mitchell), 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)*

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STERLING C. PROFFITT, CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY