

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
LIAISON COMMITTEE MINUTES**

Regular MeetingMarch 14, 2006

Location6900 Atmore Drive, Richmond, Virginia

Presiding Chairman..... Roy Cherry, Chairman, Liaison Committee, Board of Corrections

PresentClay Hester, Chairman, Board of Corrections
Sterling Proffitt, Vice Chairman, Board of Corrections
W. Alvin Hudson, Board of Corrections
Randy Wright, Board of Corrections
Jack Dewan, Virginia Association of Regional Jails
Tom Jones, Charlotte County Jail
B. J. Roberts, Hampton City Jail
Chris Webb, Blue Ridge Regional Jail Authority
Robyn deSocio, State Compensation Board
Ron Elliott, Peumansend Creek Regional Jail
Bert Jones, Architecture and Engineering, DOC
Gary Bass, Classification and Records, DOC
Matt Savino, Video NOC Manager, DOC
Bill Wilson, Compliance and Accreditation, DOC
Pat Waskey, Community Corrections, DOC

I. January Minutes

Minutes from the January 17, 2006 meeting were motioned for approval, seconded and passed.

II. Minutes Summary

- Bert Jones presented the DOC construction updates. He stated that St. Brides phase I is fully functional and phase II is in the demolition stage. Last week demolition of the kitchen and dining hall began and next week they will begin demolition of the old administration building. The Tazewell project is on schedule at this time and is the only current project that has suffered any weather impact. No extensions have been requested. The Pittsylvania project is on schedule, if not ahead of schedule, with a May '07 completion date. Interior work has begun on the facility. The Deerfield expansion is still on schedule with a take over of the kitchen expected next month. The next take over will be of the

medical department and the housing unit which will be ready in November '06 and the take over is upon completion. There are still some capital funds in the budget (that have not yet been appropriated) earmarked for an expansion of the parameter of recreational space in the maintenance services of the building. Mr. Cherry asked how PPEA has impacted the DOC. Mr. Jones responded that the DOC has been very pleased with it. It allows the contractor to take the capital budget information as submitted to the General Assembly and submit a proposal which streamlines the bidding process. It resulted in an unsolicited proposal based on the capitol budget and resulted in three additional submissions. Mr. Hester asked further explanation of the PPEA. Mr. Jones explained that it is the Public Private Infrastructure Educational Act. It was initially proposed as the Public Private Infrastructure Transportation Act and upon further review it was expanded to be available to all state agencies but the name (specifically the word Educational) was not changed.

- Bill Wilson presented the Population Report. March 10 out-of-compliance rates were 1,265 down from around 1,800 a few months ago.
- Gary Bass addressed the reason for the reduction in the out of compliance rates. Some new beds were opened due to renovations at Powhatan Correctional Center, "M" building (segregation). He stated that there had been a major push to fill all vacant beds in programs such as the TC program, mental health beds and Compensation Board beds. His unit has been receiving calls from some of the jails inquiring if any additional funds have become available to fund more Compensation Board beds. Mr. Bass stated that this may be an issue that needs to be looked into in the future.
- Mr. Wilson resumed his presentation of the jail construction updates stating that Loudoun should open around the end of June or the beginning of July. Middle River should open toward the end of the month, they are waiting on smoke tests. Chesterfield should open any day having recently been given a second smoke test. Winchester should open their permanent facility in May. The Community Based Correction Plan was received from Culpeper. Shenandoah, Warren, Page and Rappahannock were approved to submit their plan March '07. New River Valley Regional Jail has requested to submit their Community Based Correction Plan in August of this year, but Mr. Wilson stated that he feels this will be too late and probably will need to wait until next year for consideration. Mr. Wilson advised the members of one senate bill that was tabled until next year, SB618. This bill provides that each state and local correctional facility shall provide a child friendly visiting room in order to encourage healthy bonds between incarcerated parents and their children. These child-friendly visiting rooms shall include activities for young people, adequate facilities with private areas for nursing there should also be regulations that do not penalize inmates with sanctions such as termination of the visit for normal child behavior. Numerous members mentioned obvious impacts that this bill would have. The second bill causing strong impact

is SB30, the Budget Bill, item 384, amendment 12, provides for strict language that would essentially require that jails request permission from the Board of Corrections in order to change a toilet (to make any significant changes). The DOC has requested changes to the language of the bill, but the changes have yet to be made in the body of the bill. This language was written in this manner due to several jails that have built wings to accommodate federal inmates, which the General Assembly wants eliminated. Mr. Hester asked the status and Mr. Wilson said he thought it had not yet been passed. Robyn deSocio answered that John Jones is working with Senate staff to get the issue revised in a less restrictive manner. Chris Webb discussed SB618 stating that, if the bill resurfaces, the Liaison Committee may want to take an official stand. Members discussed impacts such as the requirement to create space where there is non-existing space to accommodate this requirement, the likelihood of this enabling contact visits, the mentality that jail/prison is a fun place for children and requirements for staffing to ensure safe play (due to possible future litigation) as some examples. Chris Webb revisited the SB618 issue stating that the Liaison Committee may want to consider taking a formal standing in the event that the bill resurfaces in future sessions. Several members stated that for many jails this would require an addition to be built for accommodation.

- Robyn deSocio, representing the Compensation Board, reported on current budget issues. The Governor has submitted a proposed 3% increase for constitutional officers and regional jails and their staff. The Senate and the House recommended a 4% increase for state workers for December 1, 2006 (for fiscal year '07). For fiscal year '08, the Senate recommends an additional 3% and the House and additional 2%. Regarding staffing, the Governor recommends 87 new positions for new construction and expansions projects (Northwestern Regional Jail and Eastern Shore Regional Jail), the House has proposed a one time reduction in current fiscal year funding for Fairfax County for some positions that were allocated for a construction project dating from 5 years ago to staff 2 floors that were never opened. No funding has been proposed for projects scheduled for completion in fiscal year '08, which are Prince William and Botetourt, Craig and Gloucester. No additional funding has been proposed for overcrowding. Regarding sheriff's offices, the Governor's budget recommends funding for 33 court services positions over the biennium, which is 20% of what is due. The Senate proposal keeps the positions and the House version eliminates them. 29 law enforcement positions are recommended by the Governor, both the House and Senate recommend an additional 11 (40 total). At issue is a language item allowing all positions to be re-allocated. There is an existing policy of the Compensation Board the addresses position re-allocation . There are, however, amendments from the Governor, the House and the Senate eliminating this language. Language that was retained by the Governor, the House and the Senate allows for position re-allocation in sheriffs' offices due to overcrowding or when overcrowding is resolved, positions can be re-allocated to other jails in need of positions due to overcrowding issues. \$760,000 was recommended to upgrade

existing Livescan programs and install new Livescan programs for facilities operating without this technology. This recommended funding is due to language that would require all fingerprints and photo identification data to be submitted to the State Police electronically by fiscal year '08. There is language submitted that would authorize the Compensation Board to withhold reimbursement of expenses from sheriff's offices and jails when notified by the State Police that incomplete and/or inaccurate information was reported to reduce incorrect arrest data. The Department of Criminal Justice Services recommendation would withhold funding from State Police for incomplete and/or inaccurate data in 599 reporting. Language for both authorizing withholding of funds provides for funding to be reimbursed once data is correct and complete. Restrictions allow this repayment only within the fiscal year in which funds were paid.

Regarding language recommendations, the House and Senate have recommended language and funding for the Compensation Board to contract with the Virginia Community Policing Institute to implement an interface between SAVIN (Statewide Automated Information Notification Program, a victim notification system) and the Virginia Sex Offender Registry. The Virginia Community Policing Institute is going to be working with the Sheriff's Association on a recently received grant for implementation of this victim notification system in local and regional jails. Funding is to be provided to the Virginia Community Policing Institute to purchase software to interface the SAVIN system with the Virginia Sex Offender Registry. Once the system is implemented statewide to automate some of the additional information regarding sex offenders, it will be available through this automated notification system. Additional Senate amendments provide funding for 6 sheriff's offices, which are participating in the master deputy program that are not currently funded, salary supplements for sheriffs who serve two or more localities (i.e., county and city) and for a position on the Compensation Board staff to forecast local jail inmate populations. There is currently population forecasting by the Department of Planning and Budget for the state responsible, local responsible and juvenile offenders. The Department of Juvenile Justice and the Department of Corrections provide corresponding forecasts. The Department of Criminal Justice provides forecasts for jails. No additional funding has been proposed for jail per diems, however, the Compensation Board anticipates sufficient funding for the 4th quarter payment due in April. The Governor has proposed an additional \$285,000 statewide with a projected need of \$4.8 million for fiscal year '07 and \$7.5 million for fiscal year '08. The General Assembly will not address the proposed funding until the reconvening session around the due date of the 4th quarter payment. Ms. deSocio said to expect some revisions during this session, but offered no predictions. There is no change in the methodology for the Federal Overhead Recovery Program. The House has proposed two amendments regarding the three exempt facilities. The first would phase out the exemptions over the next four years, with a 25% reduction this fiscal year (fiscal year '06), a 75% reduction for fiscal year '07 and 50% reduction for fiscal year '08. The other proposal would recommend

that only the Piedmont Regional Jail be permitted to remain exempt as an incentive to house state and local contract inmates and house fewer federal inmates. Bill Wilson asked about the Federal Overhead Recovery Program calculation formula. Ms. deSocio answered that the federal adp (adult daily population) is multiplied by the Commonwealth contribution cost of salary. She further explained that the amount of salaries per inmate day is multiplied by the adp of federal inmates netted against the per diem payment. Jack Dewan asked if there were changes in the exemptions. Ms. deSocio answered that there were no changes in the methodology or the rates. Mr. Cherry asked about the Fairfax money and if it was available to the Compensation Board in the past or if the money was being lost by the Compensation Board. Ms. deSocio answered that previously the money would remain appropriated as un-allotted as considered by the Department of Planning and Budget, meaning it was in the Compensation Board's appropriations, but it was not available until the facility opened. A few years ago, the funding was put into the base funding. The Compensation Board allocated the positions to Fairfax in the current fiscal year. The funds were set aside and Fairfax was told to advise the Compensation Board upon opening of the other floors. Mr. Cherry asked if the money had been available for use in the 4th quarter per diems. Ms. deSocio answered, "potentially", the funds were in two separate areas, per diems and staffing. Language in the appropriations pertaining to per diems and sheriff's and jails regional operations allow the Compensation Board to transfer funds interchangeably, however, the few times the Compensation Board has tried to transfer these funds, Department of Planning and Budget has not approved the transaction. Regarding the year of the budget reductions, the Compensation Board attempted to use the funds, but Department of Planning and Budget did not approve it. None of the money has been used to date. The House proposal would take that money. Fairfax has not opened the additional space because the need essentially is not there due to the increased cost to provide staffing, which would be paid by the county (53 correctional officers) and the Compensation Board only refunds 50% of this cost. She added that there are probably additional issues that have delayed the opening of the other two floors at Fairfax.

Normally, a budget estimate would be produced about two weeks after adjournment. Since the General Assembly will not reconvene until the 27th, the timeframe is unknown. Currently, a budget hearing is scheduled for April 7th, but that may be pushed back (for Augusta County). Two years ago, a similar situation did not produce a decision until the 1st week of May. A budget estimate should be sent out within a week of a conference report being available. A possible per diem estimate could be prepared, as not many changes are anticipated for the current fiscal year.

On February 2nd, an e-mail was sent to all sheriffs, regional jails and superintendents about re-appropriation of fiscal year '05 funds. The Compensation Board was re-appropriated about \$5 million, so they can refund for

vacancy savings (see recent communications on the SCB website) as a one time use of these funds for such things as equipment, hourly wages and office expenses. Questions should be directed to Ms. deSocio or one of the technicians. Also, the COIN system has had some difficulties. She thanked everyone for their patience and said the issues are being resolved.

- Mr. Cherry discussed other business. He opened the floor for discussion regarding disaster planning and coordination between the DOC, sheriffs' offices, regional jails, Homeland Security and military forces. Mr. Hester addressed the enormity of the effort that this contingency plan would involve. Mr. Dewan asked if some research was supposed to be done prior to this meeting. Mr. Cherry said that he did not know if anyone was designated to research the project and mentioned the necessary staff coordination needed to handle such a task. Ron Elliott agreed that the project would take staff as well as require some time devotion to the effort. He added that identification of the issues is a large part of the project and, in the event of a disaster, the media impact could be significant. He felt, as a committee, there is an obligation to designate individuals to create a dialog and consider what is at stake. It may even require a series of sub-plans worked out among various jails within close proximities. Chris Webb agreed that this is a complex issue for not only the DOC, but also representatives from the Virginia Sheriffs' Association, the Regional Jail Association and other state agencies as well. He suggested writing a letter to the DOC requesting the formulation of a task force because the committee does not have the authority to designate a committee of this magnitude. He said that he felt it would require a higher level of authority than anyone on the Liaison Committee could designate. Jack Dewan stated that he felt there were two topics to address, a weather disaster or an insurgent type disaster. The weather disaster could be handled on more of a local level as Mr. Elliott suggested and the insurgent disaster would require a state level or federal level of planning capabilities. Bill Wilson suggested writing to the Governor's office. He said that the Governor has greater powers such as the National Guard, the DOC, the Secretary of Public Safety and even the Department of Homeland Security through the Federal Government. The Governor would have greater power to draw from multiple state agencies as the DOC has no control over other necessary agencies. Mr. Cherry said that he had spoken to numerous committee members and found an overwhelming majority willing to participate, but no one felt they had the capacity to coordinate this project. He said he heard a suggestion to forward a request to the Secretary of Public Safety to provide some leadership or staffing. B. J. Roberts said that the sheriffs are ultimately responsible for the local inmates, the DOC for state inmates and the state police for citizens and everyone needs to be aware of where they will be placed in the event of a disaster. He felt the Virginia Sheriffs' Association would be involved as well as the Regional Jail Association. Mr. Cherry stated that he would be glad to create a letter to this effect, but because the Liaison Committee is appointed by the Board of Corrections, wondered if the letter should be addressed to the Board. Mr. Hester agreed that the letter should go to the

Board of Corrections
Liaison Committee
February 13, 2006

Secretary of Public Safety from the Board of Corrections and the Board should be made aware of this request in advance of the letter. Mr. Cherry reiterated that a letter would go from the Board to the Secretary's office and, if a letter was necessary, from the Liaison Committee. Mr. Hester said that the Liaison Committee could vote on it and pass it on to the Board for the meeting the following day for them to act on it.

Chris Webb made a motion to ask the Board of Corrections to send a letter to the Secretary of Public Safety to create a committee to address the contingency plan. The motion was seconded and passed.

By motion duly made by the Chairman of the Liaison Committee, Roy Cherry, and seconded by several members in attendance, the meeting adjourned.