

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	July 18, 2007
Location.....	Visitation Room, Green Rock Correctional Center Chatham, Virginia
Presiding.....	Sterling C. Proffitt, Chairman
Present.....	James H. Burrell Peter G. Decker, III Jacqueline F. Fraser Gregory M. Kallen Raymond W. Mitchell
Absent.....	W. Alvin Hudson, Jr. James R. Socas W. Randy Wright

10:00 a.m., Wednesday, July 18, 2007

Visitation Room, Green Rock Correctional Center, 475 Green Rock Lane
Chatham, Virginia 24531

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. The Chairman thanked Mr. Jabe, Mr. Huffman, Warden Tracy Ray and other staff for taking time to attend. He also thanked Warden Jeffrey Dillman and his staff for their hospitality and for hosting the Board.

I. Board Chairman (Mr. Proffitt)

1) Motion to Approve May Board Minutes

The Chairman called for a Motion to approve the May Board Minutes.

By **MOTION** duly made by Mr. Mitchell and seconded by Mr. Kallen, the Minutes were **APPROVED** as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Mitchell, Kallen). 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.

2) Opinion of Attorney General Regarding Clarification to Paragraphs D.1 and D.2 of Item 384; Chapter 847 of the 2007 Acts of Assembly

During the May Correctional Services Committee meeting, discussion was held as to when the Board has to approve construction for jails as a result of changes enacted by the 2007 General Assembly. Based on that discussion, on May 21, 2007, the Chairman requested an official interpretation of the above item from Alan Katz, Senior Assistant Attorney General.

On May 29, 2007, Mr. Katz responded that: "Paragraph D.1 provides, essentially, that the Board of Corrections must give its prior approval to any project which results in increased jail capacity. Paragraph D.2 provides that any facility operated by any local or regional jail which houses inmates in secure custody are subject to the provisions of §§ 53.1-5 and 53.1-68 of the Code of Virginia, as well as all the rules, regulations, and inspections established by the Board of Corrections. Paragraph D.2 is not specifically limited to situations that increase jail capacity."

This information is included in the Board Minutes as a matter of record.

II. Public/Other Comment (Chairman)

There was no one present from the public to address the Board.

III. Presentation to the Board (Mr. Jabe)

There were no presentations scheduled for the Board.

IV. Liaison Committee (Mr. Burrell)

Mr. Burrell noted he and other members of the Committee met on July 17, 2007, in Richmond and during that meeting, Ms. Kim Lipp provided information on the Department's capital outlay projects. She indicated that *Deerfield* is 99.9 percent complete; *Green Rock* is 99% completed and has 420 inmates loaded currently and is anticipating loading 50 inmates per week until the facility reaches capacity; *Pocahontas* is 95 percent complete; and *St. Brides* Phase II is 80 percent complete.

Mr. Bill Wilson presented the Committee with an update to the prison and jail population figures. The out-of-compliance figure as of Committee meeting time was 2,345.

In addition, Mr. Burrell reported that Loudoun County Adult Detention Center has completed its recent construction; Eastern Shore Regional Jail is open; New River Valley Regional Jail's community-based corrections plan will be coming before the Board for approval today; and Rockbridge Regional Jail will be coming in the next month.

He also noted that ACA is coming up with a new Standard to apply to jails with less than 500 inmates, which is expected to ease the audit process and result in less expense. Mrs. DeSocio with the Compensation Board voiced concern over the upcoming biennium funding in that per diem funding is going to be \$7-\$10 million short and there is an anticipated shortfall in retirement funding. Deputy Secretary Cristman brought up the female beds crisis. Female numbers are increasing faster than male numbers and even though it is a smaller number of the overall population, the percentage increase is 10% for females versus 3% for males. He suggested the possibility of perhaps converting a male facility in order to accommodate the increasing numbers of female inmates. The Committee offered no solution.

There were no questions, comments or discussion. No Board action was required.

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

As there were no agenda items for review and discussion by the Administration Committee, no meeting was held.

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

The Committee met on July 17, 2007, in Richmond. Board Members Proffitt, Burrell, Mitchell and Fraser were present. Staff included Mr. Wilson, Mr. Camache, Ms. Lawrence, Ms. Hill-Murray, Ms. Ballard, Ms. Dow and Ms. Richeson along with a cadre of representatives from localities who were presenting information to the Committee. The first request was from the Sheriff of the City of Portsmouth.

1) **Board Action on Request for Waiver 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 is for an exemption to the legislation requirement that calls for localities to obtain prior approval before construction, remodeling, renovation or rehab of any facility which results in increased capacity. Sheriff Watson is of the opinion that the actual construction of the work release center occurred prior to October of 2004 and even after a series of delays, the buildings were finally completed prior to the new law taking effect and thus exempts them from the legislation. The Chairman requested guidance from the Attorney General's Office as to whether the Board could rule on this request; however, no guidance was received and Mr. Katz was not at the Committee meeting. After much discussion, the Committee agreed to recommend the following and presented same to the Board:

By **MOTION** duly made by Ms. Fraser and seconded by Mr. Burrell, the Board will grant the waiver upon receipt of the opinion from the Attorney General's Office.

At the call for questions, comments or discussion, Ms. Fraser elected to **WITHDRAW** the Motion in favor of taking no action at this time inasmuch as the Board is awaiting guidance from the Attorney General's Office. The Department will follow up with Mr. Katz in the Attorney General's Office and anticipates having updated information for the Board by the September meeting.

(Ms. Fraser *did not* address the waiver request for construction of the gymnasium at the facility. Therefore, that request will be placed on the agenda for the September Board meeting.)

2) **Board Motion to Approve Community-Based Corrections Plan for Blue Ridge Regional Jail for Replacement of Amherst and Appomattox County Jails and the Moneta Facility; and for Expansion of the Halifax Facility**

The Blue Ridge Regional Jail Authority is seeking approval of their community-based corrections plan to justify replacement of Amherst and Appomattox County Jails and the Moneta facility of the Blue Ridge Regional Jail, and the addition of 40 beds to the Halifax facility. The current Blue Ridge Regional Jail has 760 beds. The new facility for Amherst, Appomattox and Moneta will add 380 beds, plus the Halifax facility will have 40 beds resulting in 420 new beds. The Authority is seeking approval based upon the community-based corrections plan which justifies the replacement. The Committee discussed this request and recommends the following:

The Board of Corrections approves the request for approval of the Community-Based Corrections Plan for the Blue Ridge Regional Jail Authority in support of its need to replace the Amherst, Appomattox and Moneta facilities and expand the Halifax facility for a total of 420 additional beds.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Mitchell, was *APPROVED* as presented by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

3) **Board Motions to Approve Modification Requests to Standards 5.12.C.1., 5.3.C. and 5.4.A. of the Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities for New River Valley Regional Jail**

New River Valley Regional Jail Authority is requesting the Board to approve three modification requests for the 488-bed addition and renovation of the new facility. They are: to allow a reduction in the required temporary holding cells or areas; to allow for an increase in the capacity of the minimum-security housing unit from 48 to 54; and to allow for the installation of additional beds in housing units prior to final inspection so that there will not be additional costs later. The Board has done this previously, and these are normal modifications it has granted for other facilities.

The Committee's recommendation is that the following Motions be proffered:

To facilitate an operational decision by the New River Valley Regional Jail and in consideration of historical usage documentations, the Board of Corrections grants a modification to Standard 5.12.C.1 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to allow a reduction in the number of required temporary holding cells for this facility. This modification approval shall not be construed as a future modification or variance to Standard 5.12.C.1 for this or any other facility; and,

To facilitate an operational decision by the New River Valley Regional Jail and in consideration of historical usage documentation, the Board of Corrections grants a modification to Standard 5.3.C of the Standards for Planning, Design,

Construction and Reimbursement of Local Correctional Facilities to allow an increase in the capacity of the minimum-security housing unit from 48 to 54 for this facility. This modification approval shall not be construed as a future modification or variance to Standard 5.3.C for this or any other facility; and,

To facilitate an operational decision by the New River Valley Regional Jail, the Board of Corrections grants a modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities for the installation of additional beds in housing units in the New River Valley Regional Jail prior to final inspection of the facility. This modification approval does not indicate a Board policy position on the operational advisability of double bunking in cells nor should it be construed as a current or future variance to Standard 5.4 Further, this approval does not increase Operational Capacity of the facility relative to staffing and does not authorize state reimbursement for the cost of the beds or their installation.

The *MOTIONS*, duly made by Ms. Fraser and seconded by Mr. Mitchell, were *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

4) **Board Motion to Approve Jail Construction Funding Reimbursement Request by New River Valley Regional Jail for Jail Expansion**

The fourth request is from the New River Valley Regional Jail Authority for funding jail construction funding reimbursement for the 488-bed expansion and renovation of the New River Valley Regional Jail. The addition will be housing in three levels with 10 housing units and a renovation of the kitchen, laundry and the visiting area. The Committee removed the \$40,000 of eligible costs for the value engineering study, which brought the total to \$59,737,134 with 50% being \$29,868,567. Therefore, the Committee offered the following recommendation:

The Board of Corrections approves the New River Valley Regional Jail Authority's request for state funding for construction reimbursement for a 488-bed addition to and renovation of the New River Valley Regional Jail. This approval recognizes a total eligible cost of \$59,737,134 of which up to 50% or \$29,868,567 would be eligible for reimbursement. Such reimbursement 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 Sections 53.1-80 through 82 of the Code of Virginia.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Burrell, was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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) **Board Motion to Approve Modification Request to Standard 5.3.A. of the Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities for Eastern Shore Regional Jail**

The fifth item was the Eastern Shore Regional Jail Authority's request for approval of a modification to Board Standards. They have constructed a new, 148-bed facility and will be expanding that facility to 325 beds in the future. The Jail Authority has requested modification to the Standards dealing with the housing unit capacity. This would increase the housing unit capacity from 12 to 24. The Board has granted such modification previously; therefore, the Committee makes the following recommendation:

To facilitate an operational decision by the Eastern Shore Regional Jail, the Board of Corrections grants a modification to Standards 5.3.A. of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to allow an increase in the capacity of the maximum-security housing unit from 12 to 24 for this facility. This modification approval shall not be construed as a future modification or variance to Standard 5.3.A. for this or any other facility.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Burrell, was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

6) **Compliance and Accreditation Certifications Section**

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

Unconditional Certification for Marion Correctional Treatment Center to include waivers for Standards 4-4006, 4-4131, 4-4134, 4-4137, 4-4139, 4-4141, 4-4468, and 4-4270;

Unconditional Certification with 100% compliance for Galax City Lockup; Petersburg City Jail/Annex; Virginia Beach Lockup #2 to include certification to hold male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia; Colonial Beach Lockup; Norfolk City Jail; Danville City Jail; and Rappahannock Regional Jail as a result of the Committee's recommendation to *UPHOLD APPEAL* of Standard 6VAC 15-40-950;

And Unconditional Certification for Middle River Regional Jail with *APPEALS BEING UPHELD* for Standards 6VAC 15-40-790 and 6VAC 15-40-950 and with

an *APPEAL BEING DENIED* for Standard 6VAC 15-40-393. The Board is requesting the facility to submit a corrective Plan of Action for that Standard.

And Unconditional Certification for Danville Adult Detention Center with *DENIAL OF APPEAL* of 6VAC 15-40-910 and the facility will be requested to submit a corrective Plan of Action for that Standard.

And Unconditional Certification for Roanoke County Jail *with ACA Re-accreditation*; Probation & Parole District 40 (Fincastle); Stellar Residential Services, Inc. and The Dorcus House.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Mitchell, was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

7) **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 Petersburg City Jail/Annex, Norfolk City Jail, Danville City Jail, Galax City Lockup, Virginia Beach Lockup #2 and the Colonial Beach Lockup.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Burrell, was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

8) **Motion to Approve Revisions to the Inmate Work Program and Payroll System**

Section 53.1-43 of the Code of Virginia authorizes the Director of Corrections to establish a system of pay incentives for inmates, subject to the Board's approval. The Department's current inmate pay system was established in December, 1996. The system has become administratively burdensome and inefficient, with outdated practices and layers of duplicative paperwork and reviews.

In 2003, the Department's Strategic Plan established a Task Force, headed by Red Onion State Prison Warden Tracy Ray, to study best practices in inmate pay and make recommendations to improve the system. The Task Force's goals were to: simplify practices of managing inmate labor to meet DOC needs; reduce paperwork

and increase efficiency; maintain fiscal responsibility; and focus on inmate employment skills and work habits to assist the Department and to assist them with re-entry into society.

The Task Force has completed its work. It has piloted the proposed Pay Program at over five diverse prison facilities for over 18 months. Evaluation of the pilot has been successful and the Department has achieved its goals. Board approval is now requested in order to implement the program statewide. Once that approval happens, it is anticipated that all institutions will be using the new system by the first of next year. Therefore, the Committee offered the following recommendation:

Pursuant to Code Section 53.1-43, the Board of Corrections approves the Department's proposed revisions to the Inmate Work Program and Payroll System.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Mitchell, was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

9) **Motion to Approve Room and Board Fee Increase for Diversion Center Programs**

Mr. Camache, Deputy Director for Community Corrections, submitted a request to increase the required amount that individuals pay when they are in a Diversion Center based on authority granted under Section 19.2-316.3C of the Code of Virginia. Currently, the Board has approved a rate of \$10.00 per day. That fee was set back in 2001. Based upon inflation, Community is requesting the fee to be increased to \$12.00 per day. The Committee agreed that a \$2.00 increase was necessary. Therefore, based upon the Committee's recommendation, it was moved that:

In accordance with the authority granted under Section 19.2-316.3C of the Code of Virginia, the Board of Corrections approves a room and board fee increase from \$10.00 to \$12.00 per day for Diversion Center Programs effective this day.

The *MOTION*, duly made by Ms. Fraser and seconded by Mr. Mitchell, was *APPROVED* by verbally responding in the affirmative (Burrell, Decker, Fraser, Kallen, Mitchell). 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.

10) **The last item the Committee discussed is provided for informational purposes only. In May, the Board approved an amendment to the Standards for Design, Planning, Construction and Reimbursement of Local Correctional Facilities to be handled under the Emergency Procedures of the APA process. This amendment specifically addresses Value Engineering Study Cost**

Reimbursement.

As is the normal process, the Attorney General's Office approved the amendment and it went on to the next step in the review process being that of the Department of Planning and Budget, where it was stopped as it does not meet the emergency procedure requirements. Instead, it was suggested to Fast Track the amendment, which will take longer than anticipated but still not as long as if it had to go through the entire APA process. Therefore, the amendment will follow the Fast Track. No additional action by the Board is required.

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

VII. Closed Session

There was no Closed Session held.

VIII. Other Business (Mr. Jabe)

Mr. Jabe noted that construction on the Pocahontas State Correctional Center is on schedule and the facility is slated to open on September 18, 2007. Phase II of St. Brides is scheduled for opening in January. And he offered congratulations to Warden Dillman and his staff on the smooth opening of Green Rock Correctional Center.

IX. Board Member/Other Comment

The Chairman was the only one who spoke at this time. He reminded the Board that according to the By-Laws, Board Officer elections are to be held in September. He appointed a Nominating Committee for that purpose consisting of Mr. Kallen, Ms. Fraser and Mr. Decker with Mr. Kallen sitting as Chair of the Committee and asked that the Committee come prepared with its slate of officers for the September meeting.

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 September, 2007, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 18, 2007.

Correctional Services/Policy & Regulations Committee – 11:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 18, 2007.

Administration Committee – 9:30 a.m., Room 3156, 6900 Atmore Drive, Richmond, Virginia, September 19, 2007.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, September 19, 2007.

XI. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Mitchell, seconded by Mr. Burrell and unanimously **APPROVED** (Burrell, Decker, Fraser 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)

STERLING C. PROFFITT, CHAIRMAN

RAYMOND W. MITCHELL, SECRETARY