COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting January 18, 2006
Location……..6900 Atmore Drive
Richmond, Virginia
Presiding Sterling C. Proffitt, Vice Chairman
Present…….James H. Burrell
Jacqueline F. Fraser
W. Alvin Hudson, Jr.
Gregory M. Kallen
Absent…….Clay B. Hester
Raymond W. Mitchell
James R. Socas
W. Randy Wright

10:00 a.m., Wednesday, January 18, 2006
6900 Atmore Drive, Richmond, Virginia

The meeting was called to order. Mrs. Woodhouse called the role. Four members were absent. There was a quorum present.

I. Board Vice Chairman (Mr. Proffitt)

The Vice Chairman called the meeting to order and asked that people in the meeting room identify themselves for the record.

1) **Motion to Approve November Board Minutes**

Mr. Proffitt called for a motion to approve the November draft minutes. During discussion, Ms. Fraser noted a correction to the draft minutes as presented; in that Albemarle/Charlottesville Regional Jail should not have been included in the listing of facilities approved for Unconditional Certification on Page 8 as that action had already been taken by the Board in September.

With that correction, by *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, the minutes were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen). There were no opposing votes. As a tie-breaking vote was not necessary, the Vice Chairman's vote was not noted. Messrs. Hester, Mitchell, Socas and Wright were absent.

II. Public/Other Comment (Mr. Proffitt)

Mr. and Mrs. John Roles were present to speak as members of the general public. Mrs. Roles represents Virginia CURE as well as The Concerned Citizens' Coalition. She had a prepared statement which set out, among other things, her suggestion to standardize certain aspects of the regional jail system; those being, food, medical and cleanliness as

they seem to be common problems system wide. She explained that both Virginia CURE and The Concerned Citizens' Coalition regularly receive mail from inmates who have situations where they feel their concerns are not addressed or resolved. She has received numerous letters from inmates at Pamunkey, Riverside and Southside Regional Jails and read about several occurrences at each of the above-mentioned facilities. She has been in contact with Mr. William Wilson of the Department, who has been responsive in investigating her concerns but felt the Board should also be made aware. Mr. Proffitt stated the Board would speak with staff about a potential follow up to the concerns raised. Mrs. Roles thanked the Board for listening to her concerns.

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

III. Presentation to the Board

There was no presentation to the Board this month.

IV. Liaison Committee (Mr. Proffitt)

Mr. Proffitt noted the committee had met, Chaired by Roy Cherry, and Board of Corrections members present were Ms. Fraser and Messrs. Burrell and Hudson. He stated it was a good turnout, with good discussions and frank exchanges.

Mr. Proffitt reported an update to the Department's capital outlay projects stating that St. Brides' Phase I is completed. The Department will now commence work on Phase II, with demolition of the old facility scheduled to begin this month. Phase II is a $32.475 million project with an aggregate of 800 beds between two, 400-bed units and is scheduled for completion in July of 2007.

The Tazewell medium-security facility (1,024 beds) will cost $68.645 million. Completion of the project is scheduled for March, 2007. The second medium-security, 1,024-bed facility is located in Pittsylvania County with a price tag of $73.553 million. Completion of that project is scheduled for May, 2007. And the Deerfield expansion is 600 beds (three, 200-bed units) at a cost of $21.908 million. Estimated completion of this project is November, 2006.

The Department has previously submitted plans to the Department of Planning and Budget for proposed projects in Mount Rogers and Charlotte County. Funding for these projects was not included in the Governor's budget but the Department is hoping for money for the design phase and perhaps site acquisition. However, money was set out for Bland and Marion for some replacement projects for housing units.

Pertaining to the Master Plan, Ms. Kim Lipp reported that the forecast numbers for the state-responsible inmates had dipped a little bit so if the Mount Rogers project comes to

fruition, it would be for 1,000 out-of-compliance beds in FY2010 and Charlotte County would be for FY2011 for 1,000 or perhaps a little less.

Mr. Proffitt then reviewed the projected openings for some jail projects. The first was the **old Clarke/Frederick/Fauquier/Winchester (Northwest Regional Jail),** scheduled for May, 2006; 204 community-custody and 86 housing-unit beds, $19.2 million. **Chesterfield County Jail**, scheduled to open in February, 2006; 154 beds, $24 million. **Middle River Regional Jail**, scheduled for March, 2006; 396 beds, $43.957 million. The current **Loudoun County Jail**, 196 beds; $19.17 million, scheduled for March, 2006. Additionally, Loudoun just recently came before the Board for approval of another expansion project. **New River Valley Regional Jail** has proposed legislation before the General Assembly for an exemption from the current jail construction funding moratorium and could be coming to the Board for a new addition if the language is approved. **Richmond City Jail** has pending legislation in the works. One is that they be considered a regional jail in partnership with the state. The language, if enacted, would have the Board of Corrections a member of the governing board of the Richmond City Regional Jail along with the Sheriff (or his representative) as well as someone appointed by the Richmond City Council. Mr. Proffitt noted there could be landmines to the state in this proposed legislation, first and foremost being that it would be a conflict of interest for the Board. It was also noted there is pending legislation for the **Counties of Shenandoah/Page/Rappahannock/Warren** for an exemption to the funding moratorium in order to build a new regional jail.

Mr. Bass addressed the Committee and indicated they were working on the out-of-compliance numbers and are hoping to get that number under 1500. They are trying for more utilization of the jail contract bed program. He noted the re-entry program is doing well and is soon to have 15 of those programs but they are experiencing difficulties with screening in a timely manner. He also indicated the Department is in the first phase of its new computer system, which addresses sentence computation. And, there is a budget proposal to increase medical staff at some institutions.

Discussion was again held with reference to transporting inmates during a natural disaster. More information will be forthcoming.

There being no questions or comments, the report was concluded. No action on the report was required.

V. <u>Administration Committee</u> (Mr. Burrell)

There was nothing to report.

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- For review and discussion purposes only –
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VI. Correctional Services Committee Report/Policy & Regulations (Ms. Fraser)

The Committee met on January 17, 2006, with the following Board members in attendance: Messrs. Hudson, Proffitt and Ms. Fraser. Department staff in attendance were Mrs. Lawrence, Mr. Wilson, Ms. Ballard and Mr. Taylor-Muniz with Moseley Architects. Ms. Ballard presented several requests for modifications to Board Standards for Planning, Design, Construction and Reimbursement.

Request by Middle River Regional Jail for Modification to Standards 5.43.F and 6.29.D of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities

This Standard relates to the requirement for lights in the walk-in plumbing chase and the modification is requested to allow those lights to be deleted in the walk-in plumbing chase and to substitute them with convenient outlets for work lights. During the bid process, there were cost overruns and the facility accepted $36,000 in deletions. Staff then notified them this was a Standard and in order to put them back in it would cost $63,000 so that is why this modification is requested. Mr. Nunez notified the committee that occupancy is expected in two to three months. Therefore, the Committee recommends:

To facilitate an operational decision by the Middle River Regional Jail and in consideration of the availability of outlets for lighting, the Board of Corrections grants modifications to Board Standards 5.43.F and 6.29.D of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to allow walk-in plumbing chases to be constructed without fixed lighting. This modification approval shall not be construed as any future variance to Board Standards 5.43.F and 6.29.D.

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

Request by Riverside Regional Jail for Modification to Standard 5.12.C.1 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities

Riverside Regional Jail is constructing a 684-bed addition, which will bring their total population to 1,416. They have requested a modification to 5.12.C.1, which relates to the prescribed number of temporary holding cells in the jail's intake/booking area. This Standard requires 10 percent operating capacity to be designated as temporary holding cells in the intake/booking areas. Historical data and the handling of intake by feeder

jails, such as Petersburg and Chesterfield, supports the request for Riverside. The facility has found that 60 percent of their inmates are booked by Chesterfield and Petersburg and are transferred to Riverside. So, the Committee recommends the following:

To facilitate an operational decision by the Riverside Regional Jail and in consideration of historical usage documentation, 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.

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

Request by Rappahannock Regional Jail for Modification to Standard 5.12.C.1 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities

Rappahannock is currently constructing a 432-bed addition to their facility, which will bring their total population to 1,024. This facility uses open booking in their intake, and based on five-year history data, the intake care constructed for the original facility has met their needs and can accommodate the increased activity related to their current expansion project. Therefore, the Committee recommends the following:

To facilitate an operational decision by the Rappahannock Regional Jail and in consideration of historical usage documentation, 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.

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

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- For review and discussion purposes only –
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Request by Botetourt/Craig Regional Jail for Modification to Standard 5.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities.

The Counties of Botetourt and Craig have requested permission to install double bunks at the Botetourt/Craig Regional Jail. The reason for this request is to enhance their operational flexibility and to save on the cost of beds by having them installed during construction. Double bunking is a local operational choice and not a decision made in response to Board policy. However, the Committee felt that it is going to recommend that in order to assist Botetourt/Craig Regional Jail, it would support the uniform double bunking. Therefore, the Committee recommends:

To facilitate an operational decision by the Botetourt/Craig 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 cells in the Botetourt/Craig Regional Jail prior to final inspection of the project. This modification does not indicate a Board 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 the Operational Capacity of the facility relative to staffing and does not authorize state reimbursement for the cost of the beds or their installation.

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

The Committee also discussed two appeals to inspections for Norfolk City Jail and Alexandria City Jail.

Appeal by the Norfolk City Jail to Standard 6VAC-40-1040

Norfolk City Jail was inspected on November 9 and 10, 2005. During that inspection, Mr. Wallace Lambert determined that there were several new hires who had not received training in emergency plans as required by two specific Standards. It appears that 26 new hires did not receive this training. What did happen was they revised their training manual and it was inadvertently left off but it was previously done, so those new 26 hires had not been trained. The Sheriff admits to that. They have now done their Plan of Action to include that, so he was appealing the decision. The Committee recommends ***that the appeal be denied*** because it was not done.

By *MOTION* duly made by Ms. Fraser, seconded by Mr. Burrell, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative

(Burrell, Fraser, Hudson, Kallen). There was no discussion on the motion, and there were no opposing votes. Four members were absent, and as a tie-breaking vote was not required, the Vice Chairman's vote was not noted.

Appeal by the Alexandria City Jail to Standard 6VAC15-40-1100

During their inspection on December 7, 2005, it was noted there was no fire safety inspection report on file in the jail, and the Standard 6VAC-15-40-1100 says that they shall have a state or local fire inspection conducted every 12 months, and the report shall be on file. During the time, the report was not on file. They had had their inspection but the report was not on file. Therefore, the Sheriff is making an appeal of this non-compliance. After much discussion, it was determined that this was not the first time that this had occurred. Therefore, the Committee recommends ***that the appeal be denied***.

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

Ms. Fraser then continued with the certification recommendations section of her report.

The Committee recommended **Unconditional Certification** of **Virginia Correctional Center for Women with approval of waivers for Standards 4-4137, 4-4138, 4-4131, 4-4141 and 4-4270.**

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

The Committee also recommended **Unconditional Certification as a result of 100% compliance for Southside Regional Jail, Patrick County Jail, and Unconditional Certification for Mecklenburg County Jail, and Unconditional Certification as a result of 100% compliance for Chesterfield Women's Diversion and Detention Center and Stafford Men's Diversion Center and Probation and Parole District #38 (Emporia)**;

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, the above recommendations were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen). There was no discussion on the motion, and there were no opposing votes. Four members were absent, and as a tie-breaking vote was not required, the Vice Chairman's vote was not noted.

The Committee had some discussion with reference to Richmond City Jail. It was noted that the facility had been inspected recently by the Department, and several LHS Standards were found out of compliance. The facility is overcrowded, but there is no Standard that relates to overcrowding. And the jail was found to be clean. Food was an issue, according to inmates. They have submitted a Plan of Action as a result of the inspection. In addition, Mr. Proffitt noted it could cost at least $120 million to build a new city jail. Ms. Ballard had indicated the construction cost per square foot for corrections is running $279/square foot, which now costs $110,000 per bed and for each year you delay, you add $10,000 per bed. Mr. Wilson noted there is legislation to put the new facility in another jurisdiction. The jail has to do something and it will probably be in the $125 million to start. And once you get it in the pipeline, it would still be a handful of years down the road.

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

VII. Closed Session

No Closed Session was held.

VIII. Other Business (Mr. Johnson)

The Director had nothing to report.

IX. Board Member/Other Comment

Ms. Fraser expressed interest in what was going on with the General Assembly and what was included in the Governor's Budget. Mr. Johnson noted the Department got a significant increase in community positions. Construction-wise, the Department had recommended and received funding to replace the trailers at Marion and Bland, which should have been done long ago. And it was recommended that the Department be funded to complete the basement area under the gymnasium area at Bland for visiting. And the Department received complete staffing for all of the expansions and new prisons. Mr. Burrell asked if there was anything the Board should do about the legislation concerning the makeup of the Board. Mr. Proffitt noted the Department would be interceding, as last year. Mr. Proffitt then remarked he had attended a Jail Builders' Conference in Burlington, North Carolina. Administrators from several regional jails across Virginia were in attendance. It was noted by the conference organizer that North Carolina is behind the curve on construction and that Virginia is at the forefront. The recurring theme from North Carolina was that they are getting brand-new jails and they are a mess. It was a worthwhile session. He also mentioned the Department FY2005 Management Summaries Report, which was received in the mail. The Department has an $859 million budget, and then you have tens of millions of dollars that go to the operation of jails, and the Department of Juvenile Justice. It is amazing the amount of money that

goes to corrections in all aspects. The Board did its part in FY05. Its expenditures were $14,018. Mr. Proffitt remarked on the telephone revenue and the fact that he wished that revenue remain with the Department instead of going to the General Fund. Mr. Johnson agreed and noted that money should go to benefit inmates, such as an increase in inmate pay. Mr. Burrell then asked if anyone knew if the General Assembly was looking at any increase in funding for prevention because it is generally believed that preventing crime is a lot less costly than incarceration. Mr. Proffitt stated he did not know of any specific bills that are before the General Assembly. Mr. Burrell suggested that perhaps the Board should present a Resolution to the General Assembly in that vein. No action was taken on the suggestion. Mr. Johnson then noted the telephone contract is scheduled to go into effect in February, and the Department continues its efforts to negotiate a reduction in the rates and to extend the 15-minute time limit.

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, 2006, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, March 14, 2006.
Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, March 14, 2006.
Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, March 15, 2006.
Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, March 15, 2006.

XI. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Hudson, seconded by Ms. Fraser and unanimously *APPROVED* by those members in attendance (Burrell, Fraser, Hudson, Kallen), the meeting was adjourned. Four members were absent, and as a tie-breaking vote was not required, the Vice Chairman's vote was not noted.

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STERLING C. PROFFITT, VICE CHAIRMAN

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RAYMOND W. MITCHELL, SECRETARY