

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

Regular MeetingMarch 16, 2011

Location6900 Atmore Drive, Richmond, Virginia

Presiding..... John Roberts, Chairman

PresentPeter Decker, III, Chairman, Board of Corrections
B. A. Washington, Member, Board of Corrections
Rev. Anthony C. Paige, Member, Board of Corrections
William Osborne, Member, Board of Corrections
Kurt Boshart, Member, Board of Corrections
Cynthia Alksne, Member, Board of Corrections
Harold W. Clarke, Director, DOC
Elton Blackstock, Blue Ridge Regional Jail Authority
Gabe Morgan, Sheriff, Newport News City Jail
Roy Cherry, Hampton Roads Regional Jail
Ron Werdebaugh, Northwestern Regional Adult Detention Center
Steve Draper, Sheriff, Martinsville City Jail
Sandra Thacker, Peumansend Creek Regional Jail
Ted Hull, Northern Neck Regional Jail
Dave Simons, Western Tidewater Regional Jail
Mike Jones, Moseley Architect
Robyn deSocio, Compensation Board
Gary Bass, Classification and Records, DOC
Mike Leininger, Legislative Liaison, DOC
Kim Lipp, Architecture and Engineering, DOC
Brooks Ballard, Architecture and Engineering, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

The meeting was called to order and attendees were welcomed.

I. Committee Chairman (John Roberts)

- Mr. Roberts welcomed the committee members. He then called for a motion to approve the November minutes. By **MOTION** duly made and seconded, the minutes were unanimously **APPROVED**. The Motion carried.

Mr. Cherry introduced Dave Simon, current superintendent of Western Tidewater Regional Jail, who will be replacing Mr. Cherry as superintendent of Hampton Roads Regional Jail effective April 1, 2011.

II. Meeting Summary

Bill Wilson reported the following:

- The out-of-compliance inmate numbers are 3,697 as of March 14, 2011. Patrick County opened its jail on February 21, 2011 making it a 63 bed capacity jail. Loudoun County is close to opening but has had some structural difficulties and vendor issues. He has received two community based corrections plans for expansions, one for Central Virginia Regional Jail and the other for Southwest Virginia Regional Jail. Mr. Wilson did not have the bed space summary that was provided to the legislature, but will bring copies to the next meeting. Gabe Morgan expressed disappointment at the outcome of the legislative session stating that he felt the DOC had failed to present the bed space survey in a manner that benefits the localities, but rather benefits the DOC. He quoted from a document on his computer that stated that local responsible inmate populations had declined and the localities were able to absorb state inmates as a result and added that this was an incorrect finding. Mr. Wilson agreed and advised that he had repeatedly told the committee that the 4,000 available beds according to the survey were not to be considered as safe beds. The beds shown as available in the survey were improvised beds to relieve overcrowding. The operational capacity should be referred to as design capacity and those beds are not to be considered as available by design, but for overcrowded use only. Mr. Morgan revisited the report that he referenced previously using Richmond City Jail as an example, which showed 200 available beds, stating that this was false reporting of usable bed space. He stated that his perception was that the DOC was using available beds for out of state inmates while overcrowding beds at the local level, in effect, balancing the DOC budget on the backs of the localities. Mr. Wilson advised that the report he referenced was created by the Senate Finance Committee, not the DOC.

Elton Blackstock informed the committee that he is the president of the Regional Jails Association and they, as well as the Virginia Sheriffs Association, utilize the Liaison Committee as a resource to express their concerns and needs. He stated that he feels there is a breakdown in communication regarding what is presented in the committee meetings and what is presented to the legislature through senate finance and house appropriations. He added that whoever is writing the reports within the DOC is ignoring the concerns of the localities. He stated that they would have to circumvent the DOC to express their concerns. The budget cuts continue to be passed on to the localities resulting in tax increases to the taxpayers at the local level. He added that the state delegates and senators are being told that these dangerous beds are available for use by the state. He cannot understand why the DOC is not passing along their concerns. Additional conversation continued with the same or similar concerns. Steve Draper asked to be provided a copy of the bed survey and would have liked to have been able to review the report prior to submission to the General Assembly, otherwise, what is the point of attending

the Liaison Committee meetings? Mr. Wilson asked which report he was referencing, the bed survey or the report quoted by Mr. Morgan. No response was given.

Cynthia Alksne added that she questions what the point is as well. What should the Board of Corrections do about this issue and what should the Liaison Committee do about this problem? She said that it was clear that the legislature has removed involvement of the BOC from the state DOC budget process. The new statute regarding the duties of the BOC only enables them to deal with superintendents at the local level and she questioned how that could be done without a global view and added that this leaves the BOC to deliver the bad news as they do not have the "guts" to do it themselves. She stated that the DOC wrote the bill to change this methodology, carried the water and the DOC did not inform anybody at the Board level, nor did the DOC inform anyone at the local level. She added that she considers it a problem that needs to be discussed but thinks it will not be a transparent process in the future. Mr. Morgan stated that the re-entry program is a secretive process of which the local administrators have not been informed. Ms. Alksne stated that either the Board needs to be eliminated or empowered to be of value in the process.

Peter Decker advised that he had not seen the report involved in this discussion. The attendees, in trying to determine the origin of the report, asked if the author(s) were known. Mr. Wilson suggested that it was likely written by Paul Van Lenten (House Appropriations Committee) and/or Dick Hickman (Senate Finance Committee). Mr. Morgan read the name on the report and it was authored by Mr. Hickman.

Mr. Decker was asked by Mr. Roberts to introduce the Director to the attendees. Mr. Decker introduced Mr. Harold W. Clarke who joined the meeting in progress.

The attendees advised Mr. Clarke of their concerns as described in the previous text including the bed space survey. Mr. Morgan advised that Liaison members had asked that notes be included detailing additional parameters outside of the requested information for the legislature. He added that the DOC had eliminated this additional information when presenting the survey to the committee advising the committee members that the localities could absorb additional offenders. Mr. Morgan told Mr. Clarke that the DOC advises the legislature in matters outside of the recommendation of the Liaison Committee. Mr. Wilson added that the report in question originated from the Senate Finance Committee and was not representative of information given them by the DOC. They were advised on numerous occasions that the apparent bed space disclosed in the survey was not to be considered as safe for continued use and not in compliance with the designed capacity. Mr. Clarke asked if the report Mr. Morgan referenced was a report originating from the DOC. Robyn deSocio explained that the BOC was asked to prepare a report for the legislature that

counted beds at the local level. Attendees clarified that the BOC was asked to create the report, which was compiled by Ms. Alksne with the assistance of Mr. Wilson. From the information supplied by that report, the Senate Finance Committee prepared a report to be presented to the legislators at their retreat last fall. This presentation would likely have been based upon assumptions made by the senate finance staff using that data. Ms. Alksne added that the data was selectively pulled from this report, no information was shared after that point and legislation was passed using this selective data. There is no longer a trust relationship among the parties of the Liaison members, the Board of Corrections and the DOC. Mr. Clarke asked Mr. Wilson if he considered the report to be an accurate representation of the information provided by the beds survey report. Mr. Wilson responded that it was a partial representation of the survey. Mr. Morgan stated that the additional applicable information that was to be included by request of the localities was excluded from the packet supplied to the legislature. Ms. Alksne clarified that all additional information was included in the packet as requested. The committee staffers would have likely been the parties using selective information, not the DOC or BOC.

Mr. Clarke advised that he would like to have a trust relationship with the members and will be involved in finding the persons responsible for the misinformation. If the DOC is responsible for problematic situations, he will do whatever he can to correct the problem. He would like to ensure that we operate with common definitions and when speaking in a forum on behalf of the localities during which they cannot be present he wants to represent them accurately. Ms. deSocio advised that the report prepared by the Senate Finance Committee would be posted online for the retreat, but not necessarily intended to be distributed in other scenarios to outside agencies. She suggested that when opinions are as strong as with this committee, it may be optimal to request the attendance of the appropriate staff members at the meetings to ensure the desired information is relayed. Ms. Alksne suggested that any information compiled for the legislature be distributed to the Board of Corrections and the Liaison Committee members as soon as possible for review to enable the sheriffs and superintendents to lobby for or against potential legislation. Mr. Clarke recommended developing a process to provide information that will allow time to react appropriately to potential outcomes and to understand the role played by the DOC in the process.

After several members touched on the topic of elimination of the Board of Corrections, Mr. Blackstock expressed that he would prefer to see the duties of the BOC increased. Ms. Alksne stated that she would prefer to either empower the Board or eliminate it totally. Ms. deSocio advised that she is unfamiliar with the origin of the suggestion of elimination of the Board, however, she is familiar with the governor's reform commission which has a committee on simplification of operations which is looking at the issue of statewide boards and commissions. There was a preliminary draft out of that committee for consolidation and elimination released last fall that they were not ready to go

forward with because there were processes of vetting of staff that needed to take place. There was a one line suggestion out of this committee to eliminate the Board of Corrections. The last thing she was aware of happening within this commission was that much more information gathering was necessary prior to further consideration. She suggested that this information is considered prior to going before the governor and asking for changes.

Robyn deSocio reported the following:

- Since the October meeting when she last attended, she had discussed the requests of the Compensation Board and since that time, the governor's budget came out in December with 2 major issues affecting jails. One issue was the projected \$7.4 million shortfall in per diem funding for jails which was included in the governor's budget. There was also a full end funding for sheriffs' offices and jails related to the 2010 failure of the Virginia Public Safety Fund fee. The fund fee failed during the legislative session. There was originally a \$8.3 million shortfall for FY11 (fiscal year 2011) and a \$21.7 million shortfall for FY12 based on the failure of that fee. The governor asked the Comp. Board not to reduce the funding for the sheriffs' offices and jails and \$8.3 million was included in the governor's budget for FY11 and \$8.3 million for FY12 to go toward the \$21.7 million shortfall to be applied to the fund fee leaving a \$13.4 million. The legislature adjourned approving an additional \$6 million for FY12 leaving a \$7.4 million shortfall for FY12 which will be reviewed again in the fall. After the house and senate submitted their budgets, at the end of the session it appeared that \$6.1 million was needed for per diem funding, an amendment was taken and it now appears that there will be sufficient funding to cover the fourth quarter for the current year. There were also some amendments, one was a technical issue from the governor's reform commission eliminating the mandate for the localities to provide the DOC with a reports related to federal prisoners that the DOC had tried to have removed for a while which is already reported to the Compensation Board through the LIDs system. There was also a budget amendment included under the DOC that affects both the DOC and some of the localities, requiring Mr. Wilson's unit to provide assessments on capacity and staffing needs for Piedmont and Western Tidewater. There was also language that offsets other language that would allow those jails to seek funding in the future for staffing for beds that have not previously been counted even though federal inmates have been housed in those beds which will help them go forward with this request. Overall language that affects jails and sheriffs' offices was the proposal to allow localities to turn the 5% employee share of retirement contributions back to employees provided that they give at least a 3% pay raise which ended with no change. For localities already making retirement payments it will be considered irrevocable. State employees got a 5% pay raise and will be required to contribute 5% toward retirement. There is a funding reduction of \$1.7 million for liability insurance and bond premiums which support the sheriffs' offices and the jails paid by the Compensation Board, 50% of which is currently recovered from those offices,

100% of which will be recovered from those offices in the future. This is paid to the Department of Risk Management and the payment is recovered and prorated from sheriffs' office and jails. Another technical issue concerns \$1 million in funding provided by the Compensation Board to the Virginia Center for Policing Innovation for support of the SEVIN victim notification system where the funding was moved to the sheriffs' and jails budgets so that it will no longer show as \$1 million in administrative support for the Compensation Board, which is not a reality and was considered when the governor's office requested 5% reduction in administrative costs. Budget estimates are available on the website which does include the budget reduction and distribution amounts to each office. The reconvene veto session begins Wednesday, April 6th and the final budget will be set by May 1st. They hope to provide the reduction numbers to the sheriffs' office and jail in the first few weeks of April and will ask how you wish to attribute that across your budgets. Their board meeting is in the last week of April and they wish to have everything complete by that time. Mr. Morgan asked why the risk management fee was being returned back to the localities. Ms. deSocio answered it was part of the 2% reduction for all offices requested by the governor last fall.

Kim Lipp reported the following:

- Grayson is complete and the certificates of occupancy have been issued. No money was appropriated for funding of operations, although it was requested.

Gary Bass reported the following:

- James River Correctional Center is the ninth prison that has been closed. People will ask him if the DOC has plans to close any more prisons to which he answers that we had not planned to close the other eight prisons. None of the closings were requested by the DOC, they were budget issues. We have also accepted 1,000 offenders from Pennsylvania which has reduced the DOC bed capacity by over 4,000 beds. He had requests from a jail with inmates on the floor this week and he took those inmates, as well as a few more, and has had a number of jails requesting that he stop intake and send more inmates. The overcrowded jails can notify him and he will do all he can to take inmates from them.

Other business:

- Mr. Draper advised that the construction committee is meeting twice monthly and would like for the director to do a study on the printer availability on the 2nd floor. The time wasted waiting for a printer does not seem to be cost effective and is a problem for the committee when copies are necessary. Mr. Leininger advised that the printers are controlled by Northrop Grumman and the DOC does not have the privilege of adding printers. Ms. Lipp added that she was

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told that the per page cost for a personal printer is about \$.25 compared to \$.01 per page with a central printer.

- Mr. Roberts advised the committee that Mike Leininger has been appointed by the director to attend the Liaison Committee meetings on his behalf and reminded the attendees that the next meeting would be March 16, 2011.

By MOTION duly made by the Chairman of the Liaison Committee, John Roberts, and seconded by several members in attendance, and unanimously APPROVED, the meeting was adjourned.