COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
LIAISON COMMITTEE

Regular Meeting.....……..……..……..…… March 18, 2003
Location .....6900 Atmore Drive; Richmond, Virginia
Presiding .....Roy Cherry, Superintendent, Hampton Roads Regional Jail
Present .....Clay Hester, Board of Corrections
Robert W. Mitchell, Board of Corrections
Sterling C. Proffitt, Vice Chairman, Board of Corrections
William Lane, Circuit Court Clerk
James W. Matthews, Compensation Board
John Isom, Superintendent, Albemarle/Charlottesville Regional Jail
Sheriff Thomas Jones, Charlotte County
Sheriff Vernie Francis, Southampton County Jail
Lt. Bill Gentry, Southampton County Jail
Sheriff Michael L. Wade, Henrico County
Chris Webb, Superintendent, Blue Ridge Regional Jail
Michael Howerton, Chief of Operations, DOC
Gary Bass, Chief of Operations, DOC
Jim Sisk, Manager Inmate Intake
Jennifer Hastings, Classifications and Records, DOC
Bert Jones, Architecture & Engineering, DOC
Judge W. P. Lemmond, Jr. (Retired)
Arnold Reynolds, Peumansend Creek Regional Jail
Pat J. Waskey, Liaison Committee Secretary
Absent ...….....John W. Marshall, Secretary of Public Safety
Linda Curtis, Commonwealth Attorney, Hampton
Frederick D. Hildebrand, Administrator, Clarke/Frederick/Fauquier/Winchester Regional Jail
Wayne M. Cosby, Circuit Court Clerk, Southampton County
Sheriff George McMillan, Roanoke City Jail
Dr. Jeffrey Trimble, Board of Corrections
Sheriff Stuart Kitchen, Jr., Sussex County
Sheriff Ronald Crockett, Lancaster County Jail
Sandra M. Thacker, Superintendent, Peumansend Creek Regional Jail
Sheriff Donald Hunter, Prince George County
Sheriff Samuel Shands, Dinwiddie County
Alan Katz, Assistant Attorney General
Ralph Dobbins, Superintendent, New River Valley Regional Jail
Gene Johnson, Deputy Director, DOC
John Jabe, Deputy Director, DOC
Jim Camache, Assistant Director, DOC
Sheriff Ronald T. Knight, Spotsylvania County
Sheriff Charles E. Jett, Stafford County
Helen Fahey, Chairman, Virginia Parole Board
John Jones, Virginia Sheriff's Association

10:00 a.m. Tuesday, March 18, 2003
Board Room, 6900 Atmore Drive, Richmond, Virginia Department of Corrections

Committee Chairman (Roy Cherry)

I. Approval Minutes

Minutes from the last meeting (January 14, 2003) were motioned for approval, seconded and passed.

II. Mr. Bert Jones

Mr. Jones presented an aerial photo of St. Bride's construction progress. The latest photo was taken on February 2, 2003. At this point, half of the housing unit has been pre-cast and erected. The housing unit is up and Building C, the support service building, began erection March 18, 2003. The construction crew are moving forward and making good progress. As far as pre-casting, it is good as expected due to weather conditions.

Even though delays have been in the past 2-3 months by the weather, at the project site as soon as it dry-out enough they will be pouring the foundation. Corrections construction unit, which is our in-house construction unit inmate labor, scheduled to go in next Monday, March 24, 2003 and start putting temporary roofing on the housing unit. This will get the building dry-in and allow Kellogg, Brown and Root to move sub-contractor into the building and begin up-cut of the building system.

Mr. Cherry asked when was the completion date scheduled. The contractor is putting together a delay claim that we have not yet received and have not fully evaluated. Probably 30 days but we are continuing to experience weather delays.

At the next Liaison meeting, I will be able to give you a projected completion date.

III. Mr. Howerton

Mr. Howerton gave an update of jail construction progress. This being the odd year (2003), the year applications for reimbursement are processed. This year we have three projects that have applied for state reimbursement and who have met the application deadline of March 1. Prince William-Manassas Adult Detention Center and Eastern Shore Regional jail that is a regional configuration between Northampton and Accomack. Also the Botetourt and Craig Regional Jail is a regional configuration between those two counties. Those three projects will be coming before the Board this year for state construction funding reimbursement. Pittsylvania County was the only other project that had been exempted from the moratorium but did not apply for reimbursement by March 1.

1. **Prisoner Population Report**

Mr. Howerton presented the Population Report to the Committee. See attached copy.

2. **Status of Jail Construction Projects**

Mr. Howerton presented updates to jail construction projects. See attached copy.

3. **Jail Contract Bed Program**

Mr. Howerton presented Jail Contract Bed Work Release Program population figures. See attached copy.

Chris Webb stated he thought a superintendent for Middle River Regional Jail had been hired. Mr. John H. Craig III is the Jail Administrator for the Augusta County Jail.

Southwest Virginia Regional Jail has hired Mr. Lee Noble as Superintendent.

Mr. Cherry asked if Botetourt and Craig were the only counties in that regional jail configuration.

Mr. Howerton stated only two counties and they qualified as regional jail because the language in the Code allows only two localities regional jails if they operated cooperatively before 1982 and which they did. We have other localities such as Alleghany/Covington; Greenville and Emporia jails that have cooperatively participated in holding prisoners prior to 1982.

Mr. Hester asked if the Northampton/Accomack Regional Jail was going to happen.

Mr. Howerton expressed there was serious questions about this project. As the proposal stands now it is not strong. Participation by Accomack is questionable. Their participation I believe includes a proposal for 5 beds in the jail but no indication of any funding on behalf of Accomack. We would like to see a little bit more cooperation demonstrated. Those are some of the comments sent back on the C-BCP. It will come before the Board to determine in fact if it is a regional jail; at this point, we are looking for satisfaction of compliance with Board standards. The Board and committee will hear a briefing on Northampton Jail proposal this afternoon. There are some weaknesses in this plan.

IV. Other Business

1. **Re-entry Program (Gary Bass)**
2. **Court Orders (Gary Bass)**
3. **Charlotte County Work Release Employment Compensation (Gary Bass)**
4. **Budget Updates (James Matthews)**

Gary Bass

1. Pre-release Program

Pre-release program is trying to get off the ground. Sometime ago I was contacted to work out cooperative agreement with some of the local jails to move inmates back into system 40 – 90 days prior their release date. We have been running this program for about a year. Southside Regional jail has been active since April 1 and program has gone very well. We are trying to expand to other jails but we had trouble finding the funds. However, it looks like the current budget does have the funding to expand to four or more jails. We are talking with Henrico and Hampton and they are interested in the program. DOC is working with the two localities to make an agreement but we are looking for two more jails to participate in this program. Sometime it does not work at regional jails due to funding. This program would do an inmate swap and bring-in inmates held for DOC swap for inmates on way out. There would be a position on-site to run this program. We would like to do it in conjunction with work release if at all possible. We have started the program in Fairfax but it is different because it is federal grant funding. This program is for violent offender therefore does not have work release program. OAR is running this program. We hope to have positions established by July 1,2003.

2. Clerk Court – Court Orders

There has always been a law in the books pertaining that court clerks have 30 days to send DOC court order. The law has never been enforced. Some discussion was made to enforce the law but no one knew how and no one did. Now they have put in the budget provision whereby DOC will make a report to keep records of all court orders received starting July 1. For orders not received, the Compensation Board would deduct $100 from the Court Clerk. Naturally this has caused some stir, we have had several meetings with the Clerk's offices. I think we have worked out an agreement at least on what is

late and what is the starting date. There is some confusion about what is the real date, date of court or date the judge signs it. The date the judge signs that court order is the date that is going to be used. The clerk's understand and agree with this. It is a problem for us when we receive 450 court orders per day. Apparently, there is no way the computer database can monitor this. It is something we are going to have to do and set-up a program or monitor by hand.

Judge Lemmond expressed that the judges' ruling of signing court orders is a good choice. Since I have retired, I have moved all over the state, they mail orders to me, I sign them, and mail them back. I think it would be a good idea if DOC and Clerks Association have about 10 minutes at the Juridical conference here in Richmond this year to let the judges know how $100 fine is determined and how prompt they need to deliver them to the clerks. Some clerks would rather not be screaming at the judges.

Mr. Bass stated that one of the things they have found is that the judge signs it and dates it on the date of the judgment.

Judge Lemmond stated this was not a good idea. But one way to handle the problem is to sign court order and put (npt) which makes it retroactive for purposes of enforcement back to the date decision was made.

Mr. Bass replied that when a judge signs the court order is date DOC will be using.

Mr. William Laine, Jr., Circuit Court Clerk, Isle of Wight County presented to the committee his response about court orders. The county is populated with over 30,000 people from whom we sentence around 130 felons into the system every year. Circuit Clerks are concerned about the status taking $100, the court are livid about this serious situation. We are already docked $460,000. Circuit Clerks met with the Compensation Board two weeks ago to decide where monies are to come out of the budget. My budget has already taken a big hit and I am very concerned. My personal experience concerning court orders is that the DOC is constantly requesting court orders. I know we send them because we note on the court order the day we send them to DOC. Second, court order request are usually several months later. Now, we write on the face of the court order the dates to indicate the date orders were sent the first time as well as the second time. Clerks all over the state tell me similar stories; Southampton requires them to send a receipt back. I do not choose this because it is a lot of paper work. We clerks would like to know who is not sending court orders so we can deal with them.

Gary Bass stated we really do not know who is late either. The bill by General Assembly was not sponsored by DOC. We opposed the language all the way. We do not have anything to gain from this. We do not have a system to tell you who is late. Once we start keeping up the court orders, logging them in, and run a report then we can tell you who are late. At this point unless there is some clerical error, we login and date each court order received. I hope we do not have any disagreement on that.

When requesting a second time for a court order it would then be several months late. Well if you send the court order and we do not get them, we will request them. DOC would login only what we receive. We have worked this out to benefit the clerks as much as possible and to make it fair. Once we receive court orders, and log the orders in, even if court orders get lost, it is logged in on the report and we will write for a new one but it will not be charged as being late.

We are working with clerks and making sure the report is accurate. From last week's, meeting an agreement was made with Compensation Board when the report was needed. Clerks can run a report and have a copy to contest any issues before going to the Compensation Board. DOC is going to run the report to be accurate. This report will become public record.

Mr. Sisk wanted to assure the committee that his office receives and logs in 250-450 court orders a day and knows that some mistakes will be made. If we have a question about something or you have a question before the report goes to Mr. Matthews, we make sure DOC and clerks are going to work it out before sending. We do not want the Compensation Board to take $100 per case from anybody and turn around and have to give it back.

Mr. Laine asked how would you like the court orders delivered.

Mr. Sisk stated we prefer to use fax machines but receive as mail as well. Faxed court orders will have at the top of the order "The following orders are being sent" check them and log them in but if DOC is short a page, we will get back to you. The model plan is to have someone reading every page, for typical errors, and anything like that. We have cases come in when judges sign court order, he signs it 2002 and we know it is 2003, those are some of the typical errors. It is a new process we are trying to start, certainly DOC wants to be accurate before sending to the Compensation Board.

Mr. Matthews asked when you find court orders that the date is incorrect and you have to send it back, when does the court order begin?

Mr. Bass stated if they send it in within 30 days the orders are in compliance but if we send a court order back for clarification, we do not count that again. Some orders are not sent because order is not considered out of compliance because probably we did not need it. Sometimes we have a six months sentence to serve at the jail, this is not DOC order but may have another sentence of two years from another jurisdiction and we have to compute them together. We will write for these orders. We are not trying to make the clerks look bad, we are trying to be fair.

Mr. Matthew stated the Compensation Board has not determined yet where or how $460,000 dollars is to come out. Decision on how that is going to be distributed among clerks has not been determine yet and the final budget to be sent by May 1.

3. Inmate Unemployment the Issue

Mr. Bass explained an issue from an inmate at Charlotte County work release program that applied for unemployment. As result, some of the other inmates think they can end their job and apply for unemployment too. I talked with VEC about this issue. A code section does deal with inmates on work release. Code states inmates can be eligible for unemployment under certain circumstances but monies come out of VEC account. I talked with the Director of DOC and our thinking that inmates on work release should not be eligible for unemployment. DOC will be submitting some code language to address this issue in next year general assembly. On the other hand, VEC replied “don’t you want your guys to have a good transition”, and yes we do but the guys have already given the privilege to be on work release for year and supposedly saving money. The inmates have a leg-up on other inmates coming out into society. I am concerned with prospective employers. If you lose your employers, you lose your work release program. If you do not have anyone hiring inmates, you do not have a program. We are looking at writing legislation for in system inmates to be ineligible for unemployment.

Judge Lemmond stated this program is a good program and we look at work release as a privilege for inmates.

Mr. Bass replied if you lose your job it is not as if you are destitute, you still have a home, food, and clothing but this particular inmate had an eligible complaint to receive unemployment. He did have a job in Charlotte County and we made him move to Richmond and he could not find a job but he had the benefit of work release for the period. Just like DOC, we have people come and go, who put in unemployment claims, we appeal them, and it takes time to investigate. The language will address inmates who are not eligible, worker compensation, or our project. However, when they go on work release that changes their status even though they are technically an inmate at this point they are an employee and should be eligible for workman’s compensation. If they get injured on job no problem with that, but if we put something in for unemployment, the Sheriff’s should agree.

Mr. Cherry thanked Mr. Laine for his comments from the clerks' perspective.

Jim Matthews gave an overview on budget estimates that went out last week and final budgets will be out on May 1. There were not a whole lot of changes; primarily the reduction for sheriffs and regional jails will be coming from per diem payment. $8.5 million for fiscal year 2003 will be coming from 4th quarter payment. Fiscal year 2004, the per diem reduction is a $13.3 million dollar additional reduction. If any monies left in 4th quarter next year, per diem will be pro-rated base on the number of inmates held in your facility in the 4th quarter. As reported at the last meeting, the vacancy savings fund will not be available for sheriffs and superintendents. The fund will be used as part of the budget reduction.

V. Future Meeting

The next meeting will be May 20, 2003 unless otherwise notified.

VI. Adjournment

By *Motion* duly made by Chairman Roy Cherry and seconded by several members present, the meeting adjourned.