

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

Regular Meeting.....September 16, 2015

Location6900 Atmore Drive, Richmond, Virginia

Presiding.....David Simons, Committee Chairman

Present..... Carl Peed, Board of Corrections
John F. Anderson, Board of Corrections
Rev. Anthony Paige, Board of Corrections
Phyllis Randall, Board of Corrections
Bobby N. Vassar, Board of Corrections
David A. Hackworth, Chesapeake Sheriff's Office
Bill Wilson, RSW Regional Jail
Matt Marsteller, Blue Ridge Regional Jail
John Vargas, Virginia Beach City Jail
Capt. William James, Chesapeake Sheriff's Office
Sgt. Danny Rosario, Hampton Roads Regional Jail
George Pender, Member of the Public
Robyn deSocio, Compensation Board
Brooks Ballard, Volunteer, Retired VADOC
Bob Casey, Local Facilities Unit, Department of Corrections
James Bruce, Policy and Initiative Unit, Department of Corrections
James Parks, Offender Management Services Unit, Department of Corrections
Donna Foster, Liaison Support, Department of Corrections

The meeting was called to order at 9:35 a.m. and attendees in the room identified themselves for the record. Mr. Simons welcomed all attendees.

I. Committee Chairman

Mr. Simons advised the attendees that September is typically a low attendance meeting due to a conflict with a meeting for the Virginia Sheriffs' Association.

Ms. Randall recommended "use of force discussion" to be added to "Other Business" on the meeting agenda.

Mr. Simons called for a motion to approve the agenda.

Upon a **MOTION** by Mr. Wilson and duly seconded, the September 16, 2015 agenda was unanimously **ADOPTED** as recommended.

Mr. Simons called for a Motion to approve the July minutes.

Upon a **MOTION** by Mr. Wilson and duly seconded, the July 15, 2015 minutes were unanimously **APPROVED**.

II. **Funding and Budget Issues (Ms. Robyn deSocio, State Compensation Board)**

Ms. deSocio reported that the two percent across the board pay raises went into effect on September 1, 2015, as approved by the legislature. The new minimum for entry-level deputies and jail officers as grade seven is now \$31,009. A grade eight entry-level officer or deputy who has been employed for one year or longer now earns a minimum of an additional 4.56%.

Ms. deSocio further reported that the budget process is now underway for the fiscal 17-18 biennium. State agencies will submit proposals that will then follow the administrative budget development process by the end of the week. Mr. Casey's report on the status of jail construction projects is used to determine operational costs that will be included in the budget process for the next biennium. The Compensation Board will be presenting unfunded needs for staffing standards including the need for jail overcrowding requirements. The career development program is a high priority for many constitutional officer associations, including the master deputy/master jail officer program, where some additional funds are needed.

One of the main priorities of the Compensation Board is per diem funding. Generally, each fiscal year begins with an anticipated fourth quarter shortfall, which is typically funded during the upcoming legislative session. The Compensation Board is currently participating in the process of inmate forecasting under the office of the Secretary of Public Safety which forecasts jail and prison inmate populations. They are reviewing local and state responsible populations in jails and forecasting the growth expectations over the next several years. New projection percentages for growth in these populations are expected by mid-October and will be the basis for requests for per diem funding needed for the current year and as well as the next two years. They are anticipating annual amounts of approximately \$14 million, but that number will likely be updated at a later time.

The LIDs data is now more accurate thanks to information provided by local facilities as well as vendor corrections to more accurately provide data, improving the forecasting process. Also, reports have been made available in the LIDs/CORIS system that were not previously available that will improve the ability of LIDs technicians to pull down data and perform reconciliation functions. Monthly LIDs training is available for new users and those who need a refresher. A LIDs conference is being planned for the spring of 2016. Because the LIDs conference was postponed,

they will give a deferral on requirements for training updates that are due or overdue. The Tuesday Report has been replaced with the Average Daily Population Report and is still in the process of being updated.

Mr. Simons gave high praises to Oliver Bradshaw, of the Compensation Board, who is performing a LIDs audit at Hampton Roads Regional Jail. He also stated that the current \$8/12 per diem rate is insufficient. He has mental health inmates who require \$425 daily for medications and professional services. At some point the monetary requirements need to follow the patient. Mr. Wilson noted that the Community Service Boards (CSBs) are funded by caseload and many offenders are a part of this caseload. However, some of the CSBs are refusing to provide medications or services to the incarcerated population and they become the responsibility of the jail. Ms. Randall discussed the situation at Prince William/Manassas Regional Jail where CSB staff are assigned to the jail. Unfortunately, this methodology is not utilized statewide. The function of the CSB is determined by the CSB and the Board of Supervisors with directives from the judicial system, however there is no consistency.

Ms. deSocio thanked attendees for completing the mental health survey, providing valuable input for consistency in reporting and identifying details such as evaluation forms utilized and who performs mental health assessments in order to identify the need for mental health services.

Mr. Simons advised that Dick Hickman will be meeting with the Creigh Deeds Commission on September 24th in the Suffolk City Council Chambers. He was optimistic that this would begin the process of offering assistance in providing care to people with these conditions. Capt. James recommended Linda Bryant, Assistant Attorney General in Norfolk as a good contact regarding this issue, stating that they have a good model in place. Ms. Randall also recommended Keith Schuster, director of the DORS (drug offender rehabilitation service) program and Col. Pete Meletis, Prince William/Manassas Regional Adult Detention Center, both of whom have expressed a willingness to assist with this issue.

III. **Prison/Local Jail Population Report and Jail Construction Update – Mr. Bob Casey**

Mr. Casey reported the following construction updates expected in the near future:

- Central Virginia Regional Jail – completion of the addition is expected around late October at which time the renovation on the existing building will begin;
- Prince William/Manassas – Mr. Casey will meet with the design team and owner on August 26th to review the preliminary design;

- Southwest Virginia Regional Jail Authority is still processing their reimbursement package for submittal;
- Richmond City Justice Center is expected to deliver their reimbursement package on September 25th for submittal;

IV. **Offender Management Service Update - Mr. Jim Parks**

Mr. Parks reported that the out-of-compliance rate was 4,947 and has remained fairly consistent. Construction was scheduled to begin at Keen Mountain Correctional Center this fall but has been postponed until next spring. Following the closing of the State Farm, additional beds were added to Nottoway, Buckingham and Augusta Correctional Centers. Currently, Red Onion State Prison is the only facility that is not double bunked in the VADOC with the segregation remaining single cell units.

V. **Federal Communications Commission Update-Mr. Tim Trent**

Mr. Marstellar reported on behalf of Mr. Trent that the FCC (Federal Communications Commission) ruling has been postponed until October. No anticipated results have been shared at this point.

VI. **Other Business**

David Hackworth introduced Capt. James noting that in his department, defensive tactics are incorporated into non-lethal training. He added that they are teaching the force continuum from physical presence to verbal commands and all the way up to lethal force. Mr. Hackworth stated that Capt. James has been a defensive tactics instructor for approximately twenty years, was one of their first Taser instructors and assisted in the selection of Taser over other electronic devices on the market. Capt. James was also recertified recently by Taser as an instructor.

Ms. Randall introduced herself as a mental health therapist and described the events leading up to the death of the inmate in Fairfax County as discussed in previous meetings. She advised that Sheriff Kincaid had recently released a video of the incident as well as the report of the findings by the Fairfax County Police Department. Ms. Randall noted that there is turmoil within the African American Community in Fairfax over the issue. She asked if there were different standards recommended by the array of vendors of electronic control devices.

Capt. James answered they he has only dealt with Taser. The manufacturer leaves the use of force curriculum up to each department, noting that the Taser training is one of the best training experiences that he has had. Taser trains on their product only.

Mr. Simons asked how a continuum of force could be developed when some facilities do not use electronic devices.

Capt. James responded that no equipment or devices are mandated for use in their facility. Ms. Randall added that she would like to ensure that all facilities have funding for devices incorporated in a use of force continuum policy. She also asked what the maximum recommended usage of devices would be, how often they are utilized and limitations recommended when an offender is restrained. Mr. Hackworth warned against that making standards overly restrictive adding that any new standard must allow for what the situation dictates. Mr. Simons discussed a new dynamic as with the PERF document with the introduction of an advocate for the person whom officials are trying to gain control. Capt. James stated that each time a device is used is considered a separate use of force incident stating that the offender must be evaluated following each use of a device, which is also the appropriate time to attempt to gain control. De-escalation should be included throughout the entire process. Capt. James noted that the tools are available, but attitudes need to change, adding CIT (crisis intervention teams) need to be utilized and that there is time to slow down. Time is only an issue if it is life threatening. He noted that the manufacturer advised that there is an increased risk of death each time any device is utilized, including electronic devices, expandable batons and/or OC spray.

Sgt. Danny Rosario, Hampton Roads Regional Jail, stated that not all facilities have a use of force continuum, as it is not mandated. He noted that there is no annual review or training requirement in the BOC standards. He recommends an annual training requirement as well as a use of force policy and continuum that incorporate scenario settings.

Mr. Simon stated that the BOC minimum standard 6VAC15-40-970 – Restrictions of Physical Force is vague and broad and suggested that a change should be considered.

Mr. Vassar asked if there is a tendency to over-rely on Tasers rather than tactics. Capt. James responded that defensive tactics are emphasized noting that there are incidents when devices can fail which require use of foundation defensive tactics. Sgt. Rosario recommended annual review and training and noted that the National Institute of Justice has a use of force continuum that could be used as a tool in the development of the continuum. Ms. Randall asked Ms. deSocio if it would be appropriate for the BOC to ask for funding from the General Assembly to be available to localities if training is mandated under the BOC Minimum Standards. Ms. deSocio responded that typically, required training is provided by DCJS as they maintain training records throughout employment history. She was unsure that line item funding would be the standard route for access to training. The Compensation Board previously conducted a training for jails named “Managing Jail Risks” but funding was lost several years ago and they have not been able to continue offering it. She stated that she has been pursuing restoration of this training noting that there is a multitude of issues discussed during this meeting that could potentially be addressed through this program. Also, the Division of Risk Management, who handles liability insurance covering most jails is seeing huge costs in litigation and legal fees. One issue driving these costs is occurrences within the jails. These costs are eventually funneled through the jails via

increased premiums. She added that DCJS may be a preferred source for mandatory training.

Mr. Peed advised that he would like to obtain statistical data pertaining to liability costs, however believes this information is protected. He noted that this information alone would justify any mandated training.

Mr. Simons stated that he would ask Michael Parham from Risk Management to address the Liaison Committee during the next meeting.

Ms. Randall added one last comment to the meeting, noting that officers involved in a situation leading to a death need to be offered therapy from a mental health specialist as this can result in PTSD (post-traumatic stress disorder).

Mr. Simons reminded the attendees that the next meeting date is Wednesday, October 21, 2015 at 9:30 a.m.

I. **Other Comments**

There being nothing further, by ***MOTION*** duly made and seconded, the meeting was ***ADJOURNED.***

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