

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

Regular Meeting March 19, 2008

Location 6900 Atmore Drive, Richmond, Virginia

Presiding Chairman Chris Webb, Chairman, Liaison Committee

Present Sterling Proffitt, Chairman, Board of Corrections
Jimmy Burrell, Board of Corrections
Jacqueline Fraser, Board of Corrections
Bobby Mitchell, Board of Corrections
Roy Cherry, Superintendent, Hampton Roads Regional Jail
Jeff Frazier, Superintendent, Northern Neck Regional Jail
John Roberts, Newport News City Farm
Jack Dewan, Virginia Association of Regional Jails
Robyn deSocio, State Compensation Board
Gary Bass, Classification and Records, DOC
Kim Lipp, Architecture and Engineering, DOC
Bill Wilson, Compliance and Accreditation, DOC
Donna Foster, Compliance and Accreditation, DOC

I. November Minutes

- Minutes from the November 13, 2007 meetings were motioned for approval and approved.

II. Meeting Summary

- Kim Lipp presented the capital program update. The primary notes being the status of the Deerfield Expansion project, Green Rock Correctional Center, Pocahontas State Correctional Center and St. Brides Correctional Center phase II are all 100% complete. All facilities have inmates loaded or loading except St. Brides which currently has budgeting limitations. The July 2008 load date is unlikely due to budget constraints. The Greyson facility is awaiting a permit while some earth work is being done. Winter caused delays due to frozen ground, but they are making up for lost time. It is scheduled to open in the Spring of 2010. Chris Webb asked if there were any facilities planned following the Greyson project to which Ms. Lipp answered that Charlotte county is currently under consideration by the legislature. An unsolicited PPEA

(public/private partnership) proposal has been received for that facility. The language from the General Assembly directed that we continue to plan for the Charlotte facility but no money was attached. If the private partner can be convinced that the need is significant, possibly they will provide funding until such time as the legislature will appropriate funds. There will be 1500-2000 beds in this facility for a dormitory style facility with heavy programming designed to assist inmates with re-entry. Another facility has been proposed for a private facility through the GEO Group. Another request introduced to the legislature without funding requested is the replacement and expansion of the Powhatan facility.

- Bill Wilson presented the Prison Population report. He provided a handout of local and regional jail capacity since 1993. This handout is included in this package. On the last page, you will see question marks for some regional jail projects under consideration by the General Assembly. Chesapeake has been approved, as well as Richmond City Jail which is in coordination with Gloucester and Powhatan at this time, although they (Richmond) have received approval for a sole effort. The Southern Regional Jail consisting of Patrick, and Henry Counties and Martinsville, is unlikely to reach approval as Henry County and Martinsville only want to dedicate 5 beds to this project at this time and Mr. Wilson has notified them that this is unacceptable. Patrick County will likely build without the partnership. Potentially, Danville would be better suited as a future partner with Henry County and Martinsville, although there is no current plan for this project. Out of compliance rates have continuously improved. February's numbers were about 1,700 inmates out of compliance and the Rate was 1,534 as of March 14th.
- Gary Bass addressed the out of compliance rate improvements stating that the DOC is filling beds at Green Rock (which is filled) and Pocahontas (which is within 200 beds of being filled). The 800 beds at St. Brides are not funded to be filled at this time. Mr. Cherry noted the favorable impact that the improved out of compliance levels have had on the local and regional jails to which Mr. Webb agreed. Mr. Bass reiterated that the new facilities are almost at full capacity which will impact the out of compliance rates. He said that there is half a building with about 120 beds closed at Nottoway for renovation, which should be completed in August or September 2008.
- Robyn deSocio discussed the current budget discussions. The governor's budget contained several technical items. One of which was the \$7.5 million shortfall for retirement rate adjustments previously discussed in the Liaison Committee. Budget reduction proposals included recoveries such as a portion of the retiree healthcare credit premium recovery as well as a portion of the liability insurance bond premium on behalf of sheriff's offices and regional jails to the department of risk management from the first reimbursement for the

fiscal year. The total amount of this reduction is around \$2 million per year, which will manifest as a lesser reimbursement amount to the jail or locality. Notification was sent out by the Compensation Board of this reduction on December 17, 2007 when the governor's budget was released. \$3.5 million and 317 positions were allocated for new facilities scheduled to open in fiscal year '09, including Riverside, Prince William, Rappahannock and Newport News. The funding was budgeted with an anticipated 3 month delay built-in, eliminating the need to fund Western Virginia Regional Jail with an anticipated opening date of March. The three month delay would push funding requirements to June 1st. Money was added back for Western Virginia during the General Assembly session enabling them to open on time. Ms. deSocio stated that she thinks a similar situation occurred for Rappahannock with an anticipated opening in March or February, but the opening was in actuality substantially earlier and funds were appropriated for a phase I opening funded for August 1st and a phase II opening for July 2009. Prince William, Riverside and Newport News maintained the built-in delays throughout the session. The only remaining topic of interest for this committee from the governor's budget recommended no funding for the Master Deputy program for sheriff's or jails and no additional funding for jails that are already funded. Some funding was provided for the link between the local and regional jails and the SAVIN program. Decided in the session, all constitutional officers will receive a 2% pay increase for the next two fiscal years effective December 1st. The governor's budget had recommended a single 3% pay increase on July 1, 2009. There is a \$50 million aid to localities reduction which will be addressed later in this transcription.

There was a funding reduction of \$1.1 million in each year that extends the 90 day vacancy policy beginning July 1st. This requires any vacancy for treasurers, commissioners and circuit court clerks and has been extended to sheriff's offices and regional jails requiring vacant positions remain vacant for 90 days before filling effective July 1, 2008. The savings cannot be credited toward budget savings. This does not affect current vacancies. The governor's budget gave localities \$2 million the first year and \$4 million the second year for incentive payment for proving the expanded retirement benefits, but the funding was removed in conference, thereby no change in terms of how the Comp Board will be funding reimbursements to localities for retirement contributions. There were changes made to the staffing costs and timing for the opening of Western Virginia Regional and Rappahannock Regional.

In combined actions, the General Assembly and the budget bill resulted in changes to per diem payments. The fall Comp Board forecasts had anticipated a \$14.9 million requirement for the current fiscal year which was recommended by the governor's budget. Due to leveling local responsible populations and increases in the federal inmate population, the amount needed for the current

fiscal year has been reduced enabling \$3 million to be pulled in conference. The needed amount was reduced to \$11.9 million necessary for the current year which is sufficient to cover the forth quarter. Since the General Assembly only allocates fund for current years, the caboose bill, once signed by the governor, will determine the timing of the forth quarter payments even though it is scheduled for April. She speculates these payments will be made in May. Ms. deSocio added that the General Assembly bases future funding on the requirements of the previous year, they have also based the next fiscal year's budget at \$11.9 million regardless of the speculation of the Comp Board that \$14.9 is the necessary base point.

The governor had considered removing the exemption from the federal overhead recovery from the 3 facilities that are currently exempt but the General Assembly added the funding back. The language states that the funding is restored for the first year, but no language is in place for any following years, so the outcome remains to be seen. \$760,000 annually was appropriated for ongoing maintenance of the link between the jails and the SAVIN victim notifications system which was originally funded by a grant procured by the sheriff's association and the federal government. No positions were allocated for staffing standards.

Some language amendments were included in this year's session. The governor's budget did not include any language about the staffing and capacity study, the General Assembly did include such language. By October recommendations will need to be compiled detailing resource requirements for the study. Also, the Senate Finance Committee proposed language requiring a report regarding mental health status in jail facilities. The Comp Board has been conducting a survey for the past few years, but the Senate Finance Committee has requested more detailed information to including treatments provided and costs of treatments and the Comp Board will need additional assistance in completing this report due by December.

Some of the budget reductions proposed in October have been carried over including the aid to localities reduction. As stated earlier in this transcription, there was a \$50 million reduction per year for the next two years in aid to localities. Ms. deSocio stated that her interpretation of the impact of this measure was that the Comp Board as well as other appropriate state agencies will provide information to the Department of Planning and Budget regarding the aid to localities funding. The Department of Planning and Budget will then determine funding requirement for each locality based on the information provided. The local governments will determine where they will apply the deductions. Language requires that localities notify DPB of their preference of division of funds by August 30th. The Senate equated this reduction to be 4.2%, but Ms. deSocio stated that her calculations did not match that of the Senate's.

She anticipates that the Comp Board will forecast budgets as they have in the past and after August 30th, there may be a reimbursement reduction as opposed to a budget reduction. She is unclear how this will affect regional jails.

Whether the authority will receive a reduction or the participating localities, she's not sure. The language requires that the dollar amounts to be provided are due within 30 days of enactment, which she interprets as after the veto session. Mr. Webb asked if there was any clarification regarding the types of payments to localities that were exempted. Ms. deSocio answered that she was aware of some education exemptions. Also exempt are the salaries of elected constitutional officers. Per diems were not calculated into the percentage of the reductions but may be affected by actual dollar reductions. Items considered mandatory by code are provided for in the constitution, no specifications were made.

Information regarding the budget will be available on the Comp Board's website following adjournment of the General Assembly at:

<http://www.scb.virginia.gov/>

Please remember that this information will not incorporate the \$50 million reduction in aid to localities. Veto session is scheduled for April 23rd. Mr. Webb asked if the savings from 90 day vacancies would be applied to the locality funding reduction, to which she answered no, it would not.

Roy Cherry expressed his appreciation of Ms. deSocio's assistance should it be needed, saying that she's always complete and provided in-depth information during the committee meetings. He added that he wanted to make the attendees aware of legislation affecting regional jails. Specifically, the legislation applied to LEOS, and that it is applied to all sheriff's deputies and all DOC sworn employees but regional jails have been omitted from this. Mr. Cherry wanted the committee to take note that the regional jails are being overlooked in funding legislation. There is a program for accreditation in sheriff's jails that directly affect sheriff's pay raises, but is not a consideration for regional jail superintendents. He stated that he sees a pattern developing. He stated that wanted to bring this observation to the attention of the members of the Board of Corrections for potential future influence. Jack Dewan stated that, in the past, there was a continuous struggle for similar consideration in legislative action referencing specifically "regional jail superintendents/officers" or any inclusion of administrative remarks. He stated that he wholeheartedly agrees with Mr. Cherry in his concerns. Sterling Proffitt added that he was involved in the endeavor to seek recognition from the legislature in the past. After continuous attempts, the situation improved, but now it appears that the regional jails have befallen the inadvertent omission of the legislators. Mr. Webb asked if Mr. Cherry wanted to make a motion on this subject at this time. Mr. Cherry stated that he did not, he just wanted the Board's awareness. Jeff Frazier noted that legislation was proposed to mandate LEOS in the regional jails, but that those

Board of Corrections
Liaison Committee
April 17, 2008

bills had failed during the session. Mr. Proffitt stated that he recalled it taking 5 years for the regional jails to be included in LEOS at which time it was mandated. The localities were not in agreement with mandating the funding at which time it became a local option thereby no longer mandated. Mr. Proffitt stated that he felt additional staff were excluded who should have been considered for the same compensation as sworn officers such as facility nursing staff as well as additional omitted staff. Ms. deSocio wanted to add that there was legislation discussing regional jail definition requirements. She wanted to make the committee aware that all of the legislation in this category was postponed to next year's session. She suggested that this may be the appropriate context in which to open discussion about the inclusion of the regional jails in appropriations.

By motion duly made by the Chairman of the Liaison Committee, Chris Webb, and seconded by several members in attendance, the meeting adjourned.