

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	November 17, 2010
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present	Kurt A. Boshart Felipe Q. Cabacoy William E. Osborne Rev. Anthony C. Paige B. A. Washington, Sr.
Absent.....	Cynthia M. Alksne Jonathan T. Blank Raymond W. Mitchell

1:00 p.m., Wednesday, November 17, 2010
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Former Director Gene M. Johnson introduced Mr. Harold W. Clarke, the new Director of the Department of Corrections. Mr. Clarke then provided his background and stated he looks forward to working with the Board. The Board members then introduced themselves and gave their backgrounds to and welcomed Director Clarke.

Chairman Decker indicated that Mr. Mitchell and Mrs. Alksne were absent and that Mr. Blank was listening in to the meeting via telephone. He then asked meeting attendees to identify themselves for the record.

For the record, six members, representing a quorum, were present. Messrs. Mitchell and Blank and Mrs. Alksne were absent as indicated above.

I. Board Chairman (Mr. Decker)

1) Proposed Motion to Approve October Board Minutes

The Chairman noted that the vote on the October meeting Minutes is being deferred to March because there was no quorum present at the meeting today as was present at that meeting.

2) Board Motion to Approve 2011 Meeting Dates

As discussed at the October meeting, a letter was written to the Secretary seeking approval for the Board to meet beginning in January and not in October of 2011. The Board was advised this request was not approved; therefore:

By **MOTION** duly made by Mr. Boshart, seconded by Mr. Osborne and verbally responded to in the affirmative (Boshart, Cabacoy, Osborne, Paige, Washington), the 2011 meeting dates were approved as presented with the next meeting being held in

March. The dates are as follows: March 16, May 18, July 20, September 21, October 19 and November 16, 2011.

There were no questions and there was no discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There were three absences. The Motion carried.

II. Public/Other Comment (Mr. Decker)

Ms. Cynthia Neff with Legal Aid Justice Center in Charlottesville, Ms. Jay George with Exodus and Mr. Al Simmons with Virginia C.U.R.E. were present to address the Board.

Ms. Neff presented the Board copies of *The Rebecca Project for Human Rights* report in which she noted Virginia had received an "F." This report has received a lot of attention and she thought it important information that the Board should have available to them. In response to her comment, Director Clarke responded he was intimately involved with finding out how the information for this report had been gathered and stated the report is unreliable. He indicated the report is presented as being research even though no Departments of Corrections can be identified as having provided information. The Association of State Correctional Administrators (ASCA) and others will be meeting to address the way the report was conducted because the information is not accurate and no one individual in any state DOCs can be identified as having responded. He indicated that states do not engage in such practices. He also remarked that Massachusetts, which has a very good policy in place regarding pregnant inmates, and which was the state for which he was most recently Director of the Department of Corrections, also got an "F" and interestingly, he noted that any state included in the report without a contact person indicated received an "F."

Mr. Simmons thanked Mr. Johnson for his many years of service and expressed to Mr. Clarke that he is looking forward to working with him and hopes he has a long and fruitful tenure.

Ms. George welcomed Director Clarke and stated she will miss Mr. Johnson. She brought to light a case in which an old-law inmate had his parole interview and the Parole Board denied him based on one question, and she could not understand how this would be allowed and what process is in place for such interviews. A discussion followed during which the Compass risk assessment tool used by the Department was explained. While not speaking for the Parole Board, Ms. Richeson went on to explain that Compass is an objective, point-based system that has been proven reliable and has been tested in other states. She expressed doubt that one question would cause an individual to fail.

There were no further questions or discussion. The Chairman thanked the guests for their input.

III. Presentations

Presentation by Ms. Scott Richeson on Prisoner Re-Entry

Ms. Richeson provided the Board with copies of the Virginia Adult Re-Entry Initiative (VARI) Executive Summary as well as copies of a Re-Entry PowerPoint slide presentation. She went over highlights of the program, beginning with the Governor's support of this initiative to include his appointment of Ms. Banci Tewolde as Statewide Prison Re-Entry Coordinator. Ms. Richeson noted that Virginia is the first state in the Union to have such a position and that Virginia is being very proactive in support of this initiative. She emphasized that re-entry follows the inmate from entry into the system, throughout their time in the system to their re-entry into society.

As a matter of history, Ms. Richeson explained that a Committee had been formed under former Director Johnson to create a re-entry plan for the Department. After several months of work, the plan is complete and has now been approved by the Governor. Ms. Richeson then went on to give some highlights of the plan, which includes 140 recommendations, some of which were illustrated during her presentation. A copy of her PowerPoint slides handout is included in the file, made a part of the record.

In closing, Ms. Richeson emphasized there is a lot of work to be done but the Department is ready. She reiterated the Public Safety Measures are excellent, staff is committed to change, evidence-based practices are embraced and ethical and professional standards are high.

Following some general questions and discussion, the Board Chairman thanked Ms. Richeson for her time and excellent presentation.

IV. Liaison Committee (Mr. Osborne)

It was reported that Mrs. Lipp had provided Committee members with some pictures and an update on the Grayson County project. She reported the Department is awaiting its Certificate of Occupancy for the facility. Mr. Osborne indicated Green Rock has contracted with Pennsylvania to hold some inmates and that generally, there are beds out there but there is not enough money available to bring them on line. He reported the out-of-compliance figure is approximately 3,500.

There were no questions. Mr. Osborne's report was concluded. No Board action was required.

V. Administration Committee (Mr. Boshart)

Mr. Boshart reported the Department has been tasked with preparing 2/4/6 percent budget cuts, which will equate to \$18 million, \$36.5 million and \$54.8 million, respectively. This will have a tremendous impact on the Department.

In support of Mrs. Alksne and Mr. Blank's continued efforts toward ensuring the Board is

properly carrying out its powers and duties as outlined in the Code as relate to the budget, he passed around a brief outline of the yearly key budget submission deadlines. This information is contained in the file, made a part of the record. It was suggested for the Department to make a presentation next spring and next fall on the 2012-14 budget process on a date to be determined. Ms. Scott indicated she will follow through on this.

VI. Correctional Services Committee Report/Policy & Regulations (Mr. Washington)

The following items were reviewed and discussed:

1) **Follow Up on Stellar Residential Services, Inc.**

The Inspector General's office has been working closely with the facility since its financial audit in September. An accountant has been hired, and they are working on implementing proper accounting procedures. Community Corrections is pleased with the progress being made and is working closely with staff at the facility. There is an Action Plan in place, and the facility remains on probation while it works toward completion of that Action Plan. No action by the Board is required at this time.

2) **Board Acknowledgement of Closing of Vinton Town Lockup**

It was reported that the Vinton Chief of Police had given up certification by the Department and DCJS to house juveniles and adults in the town lockup as of June 24, 2010. This information is for file purposes only. No action by the Board is required.

3) **Compliance and Accreditation Certifications Section:
State/Local/Regional/Community Facilities**

On behalf of the Committee, Mr. Washington presented the following certification recommendations for consideration by the Board:

Unconditional Certification for Lebanon Community Corrections Center;

and Unconditional Certification as a result of 100% compliance for Peumansend Creek Regional Jail and the Virginia Beach Correctional Center.

Therefore, by *MOTION* duly made by Mr. Washington and seconded by Rev. Paige, the Board *APPROVED* the above recommendations by responding in the affirmative (Boshart, Cabacoy, Osborne, Paige, Washington).

There were no further questions or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There were three absences. The Motion carried.

4) **Compliance and Accreditation**
Unannounced Inspections Section

A *MOTION* to suspend the annual unannounced inspections for the Peumansend Creek Regional Jail and the Virginia Beach Correctional Center was *APPROVED*; however, when it was explained no public notice had been given as is required, that action was *RESCINDED*. This item will be placed on the agenda for the March Board meeting.

5) **Policy & Regulations**

There was nothing to review this month

In addition, two representatives from the Chesapeake Sheriff's Office appeared before the Committee to update the Board on its efforts toward complying with language which states that all jail construction/renovation, if it increases capacity and regardless of whether it is being funded locally or by the state, must come to the Board for approval prior to commencement of construction/renovation. This had not been the case and the Department has been working diligently with staff at the facility to bring them in line. An update on their efforts will be provided at the March meeting.

VII. Closed Session

No Closed Session was held.

VIII. Other Business

Mr. Johnson stated he has enjoyed the time he has spent with the Board and how much he appreciates the Board's support of the Department. He anticipates the new Director will find that out and knows the Board will extend the new Director the same cooperation.

Director Clarke spoke in support of the Department stating he knows it has good-quality people who have managed cuts over the last 10 years, and noted we are experiencing difficult financial times and we are facing new challenges. He reiterated that the Department begins each year with a \$25 million deficit as well as other issues that will be compounded but that we will be the best stewards that we can be of the state's money.

IX. Board Member/Other Comment

Chairman Decker welcomed Director Clarke. Reverend Paige welcomed the new Director and encouraged him to do everything he can to communicate. Mr. Osborne wished Mr. Johnson well in his retirement and welcomed Mr. Clarke. He offered to do anything he can to help and made an offer for the Director to come to Southwest Virginia and visit the prisons there. Mr. Cabacoy offered no comment but did tell a story from his past. Mr. Boshart welcomed Mr. Clarke, and Mr. Washington welcomed Mr. Clarke and thanked Mr. Johnson for all he has done over the years and told him he has the best people working for him.

X. Future Meeting Plans (provided for informational purposes)

The March 16, 2011, meetings are scheduled as follows:

Liaison Committee – 9:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;

Correctional Services/Policy & Regulations Committee – 10:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;

Administration Committee – 12:30 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;

And Board Meeting – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

XI. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Washington, seconded by Mr. Osborne and **APPROVED** by verbally responding in the affirmative (Boshart, Cabacoy, Osborne, Paige, Washington), the meeting was adjourned.

There were no further questions or discussion. There were no opposing votes. The Chairman then voted his approval of the Motion. There were three absences. The Motion carried.

(Signature copy on file)

PETER G. DECKER, III, CHAIRMAN

B. A. WASHINGTON, SR., SECRETARY