

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

Regular Meeting .. ..... July 19, 2005

Location .....6900 Atmore Drive, Richmond, Virginia

Presiding Chairman..... Roy Cherry, Chairman, Liaison Committee, Board of Corrections

Present .....Clay Hester, Chairman, Board of Corrections  
Sterling Proffitt, Vice Chairman, Board of Corrections  
Bobby Mitchell, Board of Corrections  
Jimmy Burrell, Board of Corrections  
W. Alvin Hudson, Board of Corrections  
Jack Dewan, Virginia Association of Regional Jails  
Chris Webb, Blue Ridge Regional Jail  
Stuart Kitchen, Sheriff, Sussex County Jail  
B. J. Roberts, Hampton City Jail  
Dawn Smith, Office of the Secretary of Public Safety  
Bruce Haynes, Compensation Board  
Kim Lipp, Architecture and Engineering, DOC  
Gary Bass, Classification and Records, DOC  
Donna Lawrence, Compliance and Accreditation, DOC  
Donna Foster, Compliance and Accreditation, DOC

**I. May Minutes**

Minutes from the May 17, 2005 meeting were motioned for approval, seconded and passed.

**II. Minutes Summary**

- Kim Lipp presented the construction updates on behalf of Bert Jones. A handout was provided (and is included in this package) detailing the state institutional construction status. St. Brides Phase I was due for completion on July 20, 2005. Upon completion, Phase II will be initiated with the demolition of the old facility. Site work has begun at the Tazewell project in Pocahontas. The Pittsylvania facility is basically at the same stage as the Tazewell facility with site work almost complete and footings soon to be initiated. The footings and foundations at the Deerfield expansion have been started. Bruce Haynes requested the

construction report, but was advised that Ron Elliott's position had not yet been filled and there was no one acting in his absence. The Jail construction reports will resume upon the filling of that vacancy.

- Donna Lawrence advised the committee that the population report was included in the Liaison package and that the position vacated by Ron Elliott had been filled. Bill Wilson from the New Hampshire Department of Corrections will replace Mr. Elliott effective August 10, 2005. Mr. Wilson has over 20 years of experience with Corrections and worked with the West Virginia jails system prior to the system being regionalized. Chris Webb asked if there were any plans to close any facilities upon completion of the new facilities and Gary Bass answered that only St. Brides was slated to be closed due to its replacement with a larger facility. Mr. Bass added that there were no plans to resume the contract beds program. Jimmy Burrell asked how Virginia compared to the remaining 49 states in regard to per capita of population incarceration. Mr. Bass stated that Virginia is higher than the national average which is common for the South, where Virginia rates favorably in comparison. Sterling Proffitt asked if the jail capacity increase from May, 2005 until July 2005 was due to the opening of the Southwest Virginia Regional Jail (system). The Southwest Virginia Regional Jail system opened April, 2005 adding an additional 807 beds.
- Mr. Cherry introduced Bruce Haynes from the State Compensation Board, filling in for Robyn deSocio in her absence. The committee wishes to extend congratulations to Ms. deSocio on the birth of her son and looks forward to her return in September. The Compensation Board is in the process of submission of the financial plan. This fall, further submissions will be detailed concerning jail overcrowding, new jail funding submissions and other amendments involving jails. The governor will make his decisions in December as is customary. Emergency medical costs, involving state responsible inmates who are incurring unusually large expenses, may be submitted by request for additional funding twice annually. The Compensation Board sees multiple requests for ineligible inmates because they are locally responsible. Mr. Haynes requested that localities check these inmates in LIDs (Local Inmate Data System) for the date the inmate became state responsible prior to submission to save a large amount of local facility staff time in preparing this paperwork for submission. Of approximately \$300,000, the Compensation Board only paid out approximately \$240,000, but typically, about \$100,000 is returned to the General Fund. The General Assembly asked the Compensation Board to do a study of options for federal inmate recovery to include recovering capitol costs. Based upon the previously engaged "jail cost task force", they will meet on July 21<sup>st</sup> to discuss available options. There are currently two primary considerations, the first being revenue. The jails collected \$32 million last year and returned \$7.2 million to the Commonwealth. The second major issue is policy, specifically, the out-of-compliance rates for state inmates and the holding of federal inmates. The

General Assembly has asked for the possible options and may consider these options during the upcoming session. Alexandria Detention Center, Central Virginia Regional Jail and Northern Neck Regional Jail are exempt due to taking the capitol program with no state dollars. Also, the House of Delegates is looking into the possibility that some regional jails are not charging member contributions, meaning the locality is paying nothing toward inmate costs. Chris Webb raised the issue of formula restrictions causing jail administrators to consider it economically disadvantageous to hold state inmates.

- Mr. Haynes discussed the Wilder administration in retrospect, telling the committee about Fee Reform, the increase in fees for service processors, causing increased fees. The revenues increased dramatically, the fees were reformed, fees standardized at about \$10 and then private process servers emerged everywhere thereby ultimately reducing jail revenues. Alvin Hudson asked if the federal inmate population had increased dramatically. Mr. Haynes answered that it has been a slow, steady increase, not a fast succession that may eventually need to be addressed. A discussion ensued regarding the holding of federal inmates and at the locality's discretion. Mr. Haynes said this issue was of consequence due to the regional jails not charging the localities to hold inmates but were holding federal inmates and this was a topic of concern for the General Assembly members. Mr. Cherry told the committee that his jail (Hampton Roads Regional Jail) just recently started holding federal inmates to generate revenue to hold down costs to their jurisdictions. They are charging their member jurisdictions \$35/day. He would like the General Assembly members to keep this in mind when looking at the two or three jails not charging member jurisdictions. The state pays an \$8 per diem per inmate and this figure has not changed for over 20 years. Mr. Haynes stated that he wanted to hear any issues that are relevant to the options request from the General Assembly. He acknowledged that the Compensation Board is very aware of the cost to house an inmate because they get the jail cost report. Jack Dewan stated that the Compensation Board has reduced the jail revenues since approximately 1981. Mr. Haynes stated that the Compensation Board is aware that the reasoning behind housing federal inmates is to offset deficiencies in state funding. The only increase in state per diem funding since 1985 has been a \$.50 increase. They are looking for a reasonable and rational balance between the jails that charge the member jurisdiction and the ones that do not. Jimmy Burrell made note that there are states using determent programs and they estimate the return to be \$9 on the dollar. He wanted to know if Virginia was making any effort to utilize this type of preventative practice. Mr. Haynes recommended that Barry Green, Department of Juvenile Justice, be the person to contact for detailed response to this issue. That being said, he noted that there are several programs committed to keeping people out of jail but offered that there are three primary reasons that there are so many people in the jail system. Number one, they can't make bond due to priors or instability in their lives and they are awaiting trial. Number two, they have been sentenced and will

serve their term either in the jail or are waiting to go to the DOC. Number three would be the technical parole violator, which presents the most difficult situation. Sterling Proffitt added that the federal housing funds are the property of the locality, not the jail. Mr. Haynes stated that the exposure draft would be distributed and suggested that commentary be added for the Compensation Board's consideration.

- Gary Bass stated that the General Assembly passed a return to custody bill which pertains to the issue of technical violators. The concept consists of two criteria, one being negotiation with certain jails to house technical violators in a 30-day program. He added that it has been the experience of the DOC that 30 days is not long enough to have any impact, but it will be utilized. The second being a return to custody center, which would be a community corrections facility that is in existence and would be converted for this purpose. The return to custody center would be a 30 to 60-day program. Again, Mr. Bass said that 60 day programs do not historically have enough impact on the violator. The existing detention programs have a similar agenda but for a longer period, typically five and a half months. Sterling Proffitt asked if there would be more than one facility. Mr. Bass responded that the DOC suggested a single facility as a pilot program to monitor. Interestingly, the judges that have been involved in the discussion of this pilot program have not been very encouraged because of the short length of the program. The probation and parole officers are also in agreement, therefore, the support for the pilot does not appear to be very strong.
- Mr. Cherry thanked the Chairman of the Board of Corrections for the opportunity for the Liaison Committee to meet with the DOC and members of the Board of Corrections.

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