

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

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| Regular Meeting | November 16, 2005 |
| Location | 6900 Atmore Drive Richmond, Virginia |
| Presiding..... | Clay B. Hester, Chairman |
| Present..... | James H. Burrell Jacqueline F. Fraser W. Alvin Hudson, Jr. Gregory M. Kallen Raymond W. Mitchell Sterling C. Proffitt |
| Absent..... | James R. Socas W. Randy Wright |

10:00 a.m., Wednesday, November 16, 2005

6900 Atmore Drive, Richmond, Virginia

The meeting was called to order.

I. Board Chairman (Mr. Hester)

The Chairman called the meeting to order, welcomed attendees and thanked them for coming.

1) Motion to Approve September Board Minutes

By *MOTION* duly made by Mr. Hudson and seconded by Mr. Burrell, the minutes were unanimously *APPROVED* as presented by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Messrs. Wright and Socas were absent.

2) Motion to Approve October Special Meeting Minutes

By *MOTION* duly made by Mr. Hudson and seconded by Ms. Fraser, the Special Meeting Minutes were unanimously *APPROVED* as presented by verbally responding in the affirmative (Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. As a tie-breaking vote was not necessary, the Chairman's vote was not noted. Messrs. Wright and Socas were absent, and Mr. Burrell did not vote as he was not present at the October Special Meeting.

II. Public/Other Comment (Mr. Hester)

There were several representatives from the four localities whose requests for state jail construction reimbursement are on the agenda for review and action by the Board. They

were identified for the record, and the Chairman stated they would be invited to speak during the Correctional Services Committee meeting report, if they so chose. There were no members of the general public present to speak to the Board.

III. Presentation to the Board

There was no presentation to the Board this month.

IV. Liaison Committee (Mr. Proffitt)

Mr. Proffitt noted the committee had met, Chaired by Roy Cherry, and Board of Corrections members present were Ms. Fraser and Messrs. Burrell, Hudson, Mitchell and Hester. He stated it was a good turnout, with good discussions and frank exchanges.

Mr. Proffitt reported the Department had provided an update on the Department's capital outlay projects stating that the St. Brides' Phase I is completed. The Department will now commence work on Phase II, with the demolition of the old facility scheduled to begin in December, 2005. Phase II is a \$32.475 million project with an aggregate of 800 beds between two, 400-bed units and is scheduled for completion in the summer of 2007.

The Tazewell, medium-security facility (1,024 beds) will cost \$68.645 million. Completion of the project is scheduled for March, 2007. The second medium-security, 1,024-bed facility is located in Pittsylvania County with a price tag of \$73.553 million. During the committee meeting, Mr. Burrell had enquired as to why there was a difference in the cost of the two facilities as they are more or less sister projects. It was indicated that with Pittsylvania, the Department will have to pay for water and wastewater. This project is ahead of schedule with completion still scheduled for May, 2007. And the Deerfield expansion is 600 beds (three, 200-bed units) at a cost of \$21.908 million. Estimated completion of this project is scheduled for November, 2006.

Mr. Proffitt then reviewed the prison and jail population report. The Department's population as of November 7, 2005, was 31,692, including 23 contract prisoners. Operational capacity as of November 9, 2005, was 30,766, down 592 due to the closing of the old St. Brides. As of November 4, 2005, the total felons received was 6,041; felons released was 3,829 and felons paroled was 831, for a total release of 4,660 or an average of 108 a week.

Turning to jails, as of September 20, the population was 26,388, including 1,842 federal prisoners. The capacity of the jails as of November 1, 2005, was 17,456. Population in excess of capacity as of September 20, 2005, was 8,932 or 51% over total capacity. As of September 20, 2005, felons with more than one year to serve totaled 3,577. Felons available for pickup as of October 21, 2005, were 3,267. Felons out of compliance as of October 21, 2005, were 1,605. A more updated figure puts the number at 1,545. And, as of November 4, 2005, felons released totaled 4,089 (average 95 week), with 3,083 good time released and 1,006 paroled.

Mr. Proffitt then discussed the Jail Contract Bed/Work Release Program briefly by stating there are 208 jail contract/work release beds filled, 13 work release/pre-release beds filled and 135 jail contract beds filled for a total of 356.

Mr. Proffitt then reviewed the projected openings for some jail projects. The first is **Botetourt-Craig**, scheduled for December, 2007, 124 beds, \$14.6 million. **Northwest Virginia (old Clarke/Frederick/Fauquier/Winchester)**, scheduled for May, 2006, 204 bed community custody as well as an 86-bed housing unit, \$19.2 million. **Western Virginia**, scheduled for September, 2008, 605 beds, \$70.9 million. The current **Loudoun County** project, 196 beds, \$19.1 million, scheduled for December, 2005. **Prince William/Manassas**, scheduled for September, 2007, \$31.8 million. **Eastern Shore**, scheduled for October, 2006, 148 beds, approximately \$17 million. **Middle River**, scheduled for February, 2006, 396 beds, \$43.9 million. And **Virginia Beach**, scheduled for May, 2006, 312 beds and some renovations, \$45.2 million.

Also discussed were the four projects that were reviewed by the Correctional Services Committee (**Loudoun County Adult Detention Center, Gloucester County Jail, Rappahannock Regional Jail and Riverside Regional Jail**). Information will be presented on those projects by Ms. Fraser during her Committee report.

Mr. Proffitt noted a follow-up discussion with Sheriff B.J. Roberts (Hampton City) concerning a request of the Department to assist with evacuating inmates held locally should a hurricane strike the Tidewater area. When this concern was raised with the Director, he stated that the Department would do all it could to help but that the Department's first responsibility is to ensure the safety of its own inmates.

Mr. Proffitt noted that the Compensation Board has requested re-appropriation of prior year unbalances totaling \$3.5 million for FY07 to include the enhancement of Live Scan, to offset the vacancy savings and transfer other line items. The Comp Board will be sending out the portion of the Governor's budget that directly affects jails, and they are looking at some equipment funding issues. In addition, the Comp Board's office has relocated to 102 Governor Street in the Oliver Hill Building in Richmond. And finally, the report on federal prisoner recovery was presented to the General Assembly, which report included all four alternatives with comments, and the Liaison Committee's recommendation was included.

In addition and in response to a request by Mr. Burrell, Mr. Proffitt asked about the possibility of documents provided to the Board be provided on disk. That request will be examined to see if it is possible.

There being no questions or comments, the report was concluded. No action on the report was required.

V. Administration Committee (Mr. Burrell)

Mr. Burrell noted the Committee met briefly with staff to discuss the 1st Quarter Overtime Report. Department wide, there was small increase over the same period last year, primarily attributed to military leave and training requirements.

There being no questions or comments, the report was concluded. No action on the report was required.

VI. Correctional Services Committee Report/Policy & Regulations (Ms. Fraser)

The Committee met on November 15, 2005, with the following Board members in attendance: Messrs. Hudson, Proffitt, Hester and Ms. Fraser. Representatives from the four local jails present at the Board meeting were in attendance at the Committee meeting: 3 representatives from Loudoun County Jail, 3 representatives from Rappahannock Regional Jail, 1 representative from Riverside Regional Jail and 2 representatives from Gloucester County Jail.

Ms. Fraser noted that Ms. Brooks Ballard had presented the Staff Analysis on the Planning Study for each of the localities. They are presented individually for the purposes of the record.

As to **Loudoun County**, this is a request from the county for funding for jail construction reimbursement for a 264-bed expansion to and renovation of the Loudoun County Jail currently under construction. The housing additions will be two-level additions consisting of two housing pods with four housing units each connected to the facility currently being built. The expansion of support space will be single level with renovation of and addition to the core of the facility, which is now under construction. Support space expansion will include administrative, visitation, intake/release processing, medical, kitchen, laundry and storage. The community-based corrections plan was approved by the Board on October 26, 2005. The design is staff efficient and meets the Appropriation Act's inmate-to-staff ratio of 3 to 1. And the project will undergo a Value Engineering Study. The Committee and the locality discussed the need for the minimum-security housing to be constructed as cells instead of dormitories. This request was made as a result of the problem that Loudoun and other Northern Virginia areas are having with gang-related crime and the issues relating to it with classification and the housing of gang members.

Therefore, the Committee recommends the following: "**The Board of Corrections approves the County of Loudoun's request for state funding for construction reimbursement for a 264-bed addition to the Loudoun County Jail. This approval recognizes a total eligible cost of \$33,558,709, of which 25% or up to \$8,389,677 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and in compliance with the Board's Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, and Sections 53.1-80 through 82 of the Code of Virginia.**"

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Burrell. At the call for discussion, the Chairman asked if any representative from Loudoun County wished to address the Board, and they indicated they did not have anything to say. Mr. Proffitt spoke to the fact that he felt the additional money approved is certainly justified. At that, the Motion was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

The second funding request reviewed was from **Gloucester County**. This is a funding request from Gloucester County for the construction of a 52-bed expansion to and the renovations of support spaces for the existing Gloucester County jail. This expansion will result in a total capacity of 90 beds. The existing Gloucester County Jail was constructed in the 1980s. The expansion will consist of a two-level addition to the existing jail. Included in this expansion will be 16, maximum-security cells, 20, medium-security cells, and a 16-bed minimum-security dormitory. The staffing analysis indicated the design is staff efficient and meets the Appropriation Act's inmate-to-staff ratio of 3 to 1. Their community-based corrections plan was approved by the Board on October 26, 2005. The project will undergo a Value Engineering Study.

Therefore, the Committee recommends the following: "**The Board of Corrections approves the Gloucester County request for funding of state jail construction reimbursement for a 52-bed expansion to and the renovations of the Gloucester County Jail. This approval recognizes total eligible costs of \$10,181,053, of which 25% or up to \$2,545,263 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and in compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, and Sections 53.1-80 through 82 of the Code of Virginia.**"

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Mitchell. At the call for discussion, representatives from the facility thanked the staff and Board for its consideration. The Motion was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

The next funding request is from **Riverside Regional Jail**, representing the Counties of Charles City, Chesterfield, Prince George, Surry and the Cities of Colonial Heights, Hopewell and Petersburg for funding for jail construction reimbursement for a 684-bed expansion.

The Planning Study proposes the addition of 684 beds in two housing units. The new housing units will be two levels, with each unit containing five housing pods. Both housing units will be connected directly to the existing facility. The core space in the existing jail was designed to accommodate this expansion; therefore, only very minor renovations are needed to the visitation area. The community-based corrections plan was approved by the Board on October 26, 2005; and the design is staff efficient and meets

the Appropriation Act's inmate-to-staff ration of 3 to 1. The project will undergo a Value Engineering Study at the end of the design/development stage to further address cost effectiveness and design efficiency.

Therefore, the Committee recommends the following: "**The Board of Corrections approves the Riverside Regional Jail Authority's request for state funding for construction reimbursement for a 684-bed addition to the Riverside Regional Jail. This approval recognizes a total eligible cost of \$76,462,599, of which 50% or up to \$38,231,299 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and in compliance with the Board's Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, and Sections 53.1-80 through 82 of the Code of Virginia.**"

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Mitchell. At the call for discussion, the Superintendent thanked the Board for allowing him to be at the meeting. The Motion was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

The fourth and final jail reviewed was the **Rappahannock Regional Jail**. The jail represents the Counties of Stafford, Spotsylvania, King George and the City of Fredericksburg for funding for jail construction reimbursement for a 432-bed expansion of the facility.

To house the expanding population of the Rappahannock Regional Jail, the Planning Study proposes a 432-bed addition to and renovation and expansion of support space. The housing additions will be two-level additions; one pod with four housing units and one pod with two housing units. Both pods will be connected to the existing facility. The Board approved the community-based corrections plan on October 26, 2005. The design is staff efficient and meets the Appropriation Act's inmate-to-staff ratio of 3 to 1. The project will undergo a Value Engineering Study at the end of the design/development stage. The Committee and the locality discussed the need for the minimum-security housing to be constructed as cells instead of dormitories because Rappahannock has the same issue with gangs; therefore, the Committee is recommending an increase of \$1.47 million to the approximately \$26 million initially anticipated.

Therefore, the Committee recommends the following: "**The Board of Corrections approves the Rappahannock Regional Jail Authority's request for state funding for construction reimbursement for a 432-bed addition to the Rappahannock Regional Jail. This approval recognizes a total eligible cost of \$48,834,859, of which 50% or up to \$24,417,429 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and in compliance with the Board's Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, and Sections 53.1-80 through 82 of the Code of Virginia.**"

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Hudson. At the call for discussion, local representatives thanked the Board for its consideration of their request and noted they were prepared for any questions. At this time, Mr. Burrell noted that in general, it cost more per bed for an expansion than it did to build from scratch. There being nothing further, the Motion was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

At this time, the Chairman thanked staff for their hard work in getting all the plans and reimbursement requests through and completed so the Board could do what it needed to do. And the Chairman thanked the Board members for attending the extra meetings and doing all that it had to do so that the localities could get their projects approved and be able to move forward.

Approved Board Motion to Suspend (Calendar Year) 2005 Unannounced Inspections

“The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Board Standards, approves suspension of the 2005 annual inspection for Amherst County Jail, Appomattox County Jail, Blue Ridge Regional Jail (Bedford County Adult Detention Center, Campbell County Adult Detention Center and Moneta Adult Detention Center), Chesterfield County Jail, Hampton Roads Regional Jail, Montgomery County Jail, Northern Neck Regional Jail, Riverside Regional Jail, Blacksburg City Lockup, Fairfax County Lockup (Mason Street and Mount Vernon), Fluvanna County Lockup and Highland County Lockup.”

The *MOTION* was duly made by Ms. Fraser and seconded by Mr. Mitchell. There was no comment or discussion on the motion. There being nothing further, the Motion was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

The Committee had a discussion on **Botetourt-Craig Regional Jail** with reference to their request for permission to install double bunks to enhance operational flexibility and to save on the cost of the beds by having them installed during construction. The consensus of the Committee was the request should be brought forward, particularly in light of the fact there is already precedent set for this type of request. However, as the request was not on the agenda for this meeting, no Board action could be taken. The request will be placed on the agenda for the January Board meeting.

Ms. Fraser then continued with the certification recommendations section of her report.

The Committee recommended **Unconditional Certification of Deep Meadow Correctional Center with approval of waivers for Standards 4-4135, 4-4137, 4-4139, 4-4141 and 4-4270**.

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Burrell, the above recommendation was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

The Committee also recommended **Unconditional Certification as a result of 100% compliance for Bedford Adult Detention Center, Moneta Adult Detention Center and Probation & Parole District #33 (Warsaw);**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Hudson, the above recommendations were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

And the Committee recommended **Unconditional Certification for the following: Sussex County Jail to include male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia; Probation and Parole District #23 (Virginia Beach); and Probationary Certification for Piedmont House Residential Program with a 90-day follow up as a result of the number of Standards found out of compliance at the time of the audit, particularly those Life, Health and Safety, and Unconditional Certification for Gemeinschaft Residential Program.**

By *MOTION* duly made by Ms. Fraser and seconded by Mr. Mitchell, the above recommendations were unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt). There was no discussion on the motion, and there were no opposing votes. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

As there were no other questions or further comments, the report was concluded.

VII. Closed Session

No Closed Session was held.

VIII. Other Business (Mr. Johnson)

The Director had nothing to report. He stated he is looking forward to the Holidays, the upcoming Session and the new Administration.

IX. Board Member/Other Comment

Mr. Proffitt noted, and the members agreed, he was pleased with the way the Gubernatorial Election had turned out. Ms. Fraser noted the Department had recently

been in the newspaper and asked if the Director would care to elaborate. The Director recounted an incident which occurred at Pocahontas Correctional Unit whereby an officer had gotten a female inmate pregnant. As a result of that, the Department has done two things. The Inspector General's Office has conducted several day's worth of random interviews with inmates to see if there were other complaints or concerns. The Director noted the Department has always taken these complaints seriously, and when it finds out about them, they are investigated and staff is prosecuted or disciplined accordingly. In addition, he noted that in response to concerns that may be raised as a result of this incident, a Task Force has been formed, headed by Ms. Cookie Scott, to look not only at the women's facilities but look at the system as a whole, not so much as an investigative issue but as far as the policies and procedures we have as far as harassment, safety or anything of that nature to see if we need to tweak or add policies with a heavy emphasis to ensure that our practice is what it is supposed to be.

X. Future Meeting Plans

The following information has been provided to Board Members previously and is provided now for the purposes of the record.

The January, 2006, meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 17, 2006.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 17, 2006.

Administration Committee – 9:30 a.m., Room 3054, 6900 Atmore Drive, Richmond, Virginia, January 18, 2006.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 18, 2006.

XI. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Hudson, seconded by Mr. Burrell and unanimously *APPROVED* by those members in attendance (Burrell, Fraser, Hudson, Kallen, Mitchell, Proffitt), the meeting was adjourned. Two members were absent, and as a tie-breaking vote was not required, the Chairman's vote was not noted.

(Signature copy on file)

STERLING C. PROFFITT, VICE CHAIRMAN