

FINAL/APPROVED
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, November 15, 2017 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

BOARD MEMBERS PRESENT: Phyllis Randall, Chairman
Bobby Vassar, Vice Chairman
John F. Anderson, Jr., Secretary
William T. Dean
Sheriff Vernie W. Francis, Jr.
Sheriff Charles Jett
Heather Masters, M.D., SFHM, FACP
Reverend Kevin L. Sykes

BOARD JAIL REVIEW UNIT: Steven Goff, Investigative Analyst
Brian Sutherland, Policy Analyst

BOARD COUNSEL: Michael Jagels, Esq., Office of the Attorney General

BOARD MEMBERS ABSENT: Olivia J. Garland, Ph.D

VADOC STAFF PRESENT: Donna Lawrence, Compliance, Certification and Accreditation Unit
Erma Locust, Compliance Certification and Accreditation Unit
Bob Casey, Compliance, Certification and Accreditation Unit
Teresa Harvey, Ombudsman Services Unit
Jim Bruce, Policy and Initiatives Unit
Rebecca Hancock, Policy and Initiative Unit
Jeff Dyer, Policy and Initiatives Unit
Joseph Walters, Human Resources Unit
Paul Haymes, Special Investigations Unit
Ron Hall, Special Investigations Unit
Jim Parks, Classification and Records Unit

GUESTS PRESENT: David Hackworth, Chesapeake Sheriff's Office
Katy Evans, Richmond Times Dispatch
Bruce Crusier, Mental Health America-Virginia
Annie Blakely, Mental Health America-Virginia

CALL TO ORDER

Chairman Randall called the meeting to order at 12:01 p.m.

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DETERMINATION OF QUORUM

Chairman Randall determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Chairman Randall welcomed everyone in attendance.

APPROVAL OF SEPTEMBER BOARD MINUTES

Chairman Randall presented the October 18, 2017 minutes for review and approval. Sheriff Jett was not included as in attendance.

Upon a **MOTION** by Chairman Randall and duly seconded, the members voted unanimously to **APPROVE** the September 20, 2017 Board meeting minutes as amended.

PUBLIC COMMENT PERIOD

Bruce Cruser, Executive Director, Mental Health America-Virginia address the Board members noting that his organization is an 80-year-old mental health advocacy group. He requested transparency of the process and reports containing review findings updated on the BOC website.

PRESENTATIONS

Jim Bruce

The Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities remains under review and is expected to go live on the Board of Corrections' website soon. Once those offices approve the standards, it will be posted in the Virginia Register and will become effective thirty days after posting.

Jim Parks

Mr. Parks addressed the members explaining that there were 33 total erroneous releases in Virginia to date and four were state responsible inmates. The common reasons for erroneous release can be scenarios such as similar names or time miscalculations, but from his experience, 90% erroneous releases are due to a pending court date or pending sentence in another locality that the facility has not yet been made aware of.

Sheriff Charles Jett

Sheriff Jett introduced the newly hired investigative staff for the Board of Corrections Jail Reviews Committee.

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Steve Goff, Investigative Analyst

Mr. Goff was previously a Virginia State Trooper who specialized in criminal and civil investigation. He became a state trooper immediately upon returning from serving in the war in Vietnam. He served as a trooper in Harrisonburg where he was promoted to Sergeant after 12 years of service. Three years later he was promoted to First Sergeant and transferred to Lexington, VA and was again promoted to set up the Office of Professional Standards in Richmond, VA. He would later transfer back to fieldwork. In 2000, the Governor established the Special Operations Division and Mr. Goff was chosen to establish the new division with the primary focus being interdicting drugs in high crime areas. After the attacks on September 11, 2002, his team reorganized as the Counterterrorism team which later became a unit rather than a division where Mr. Goff was the commander. He later retired from the position going to work for the Allen & Allen Law Firm as the director of investigations for around 8 years. Mr. Goff retired from Allen & Allen for 2 years before returning to work for the Virginia Department of Corrections as a backgrounds investigator before applying as a Board Investigations Analyst.

Brian Sutherland, Policy Analyst

Brian Sutherland has 23 years of experience beginning at Haynesville Correctional Center where he worked for 8 years. Mr. Sutherland worked with the emergency response team where he began his teaching experience. He was employed by Peumansend Creek Regional Jail and was promoted to Sargent within 4 months of starting this position. Mr. Sutherland was promoted again in about 8 months to Lieutenant and 6 years later to Training and Accreditation Captain, learning leadership skills. When the Prison Rape Elimination Act (PREA) was passed into legislation he volunteered to become the PREA Coordinator where he created a PREA Chat, inviting other agencies throughout the state to join together to participate in an open forum to discuss the implemented law. He observed policies that he had written adopted by other facilities. Unfortunately, Peumansend Creek Regional Jail has since closed, during which time he has further developed his PREA knowledge and skills by working with the Department of Justice to become a PREA auditor.

LIAISON COMMITTEE UPDATE

Mr. Anderson provided an overview of the Funding and Budget Issues Report, Prison Population Report, the Jail Construction Update, Offender Management Services Update as well as other business.

Mr. Anderson reported that Chairman Timothy Trent officiated at the Liaison Committee. The September 20, 2017 minutes were unanimously approved.

Mr. Anderson reported that Ms. deSocio reported that the budgets for state agencies have been submitted and are being considered for the next biennium, Fiscal Year 2019 and 2020 (FY19 & 20). The Governor will consider these when his budget is submitted on December 18, 2017. The Compensation Board has proposed the following for consideration:

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- Jail per diem funding – The upcoming FY18 appears to be sufficient and additional funding of \$500K has been requested for FY 19 and \$1.5 million for FY20;
- Jail expansion staffing – staffing for Prince William/Manassas Regional Jail, which is expected to open FY20 for \$1.5 million with an additional \$3 million per year for future years;
- Jail overcrowding positions – 50 % of funding for jails with annual overcrowding rates at or above 40% above rated capacity for emergency positions. If funding is approved, this would provide 56 positions at \$1.9 million.

Also requested is career development funding for constitutional officers/deputies and staffing standards for constitutional officers. In addition, reports and studies were requested by the legislature primary related to jails. The Compensation Board appreciates their participation in the 2017 Mental Illness in Jails, Mental Health Assessment staffing workgroup and liability insurance program stakeholders. Ms. deSocio expects to ask jails for data regarding the use of the mental health instruments. She thanked the jails for sharing data and procedures with auditors regarding the budget language requiring that all inmates are screened upon booking using either the brief jail mental health screening or the corrections mental health screen for women or men. More data will likely be requested in the next six months related to the use of these instruments. Jails should be able to begin gathering data regarding the implementation of the screening requirement. They are currently using limited data collected from the mental illness in jails survey and data collected from six jails by the Department of Criminal Justice who were awarded grant funding for various mental health pilot programs.

Mr. Anderson reported that Jim Parks reported the out-of-compliance total as 3,163, with 2,771 being males and 391 being females. Mr. Parks also reported that Virginia Correctional Center for Women recently was expanded during a renovation, adding 150 beds. Hopefully the construction project will be completed soon and the female out-of-compliance numbers will improve.

Mr. Anderson reported that Mr. Casey reported the Chesapeake Correctional Center's 190 bed expansion is expected to be completed in April or May 2018. In addition, the current status of the compliance with the requirement by the General Assembly is to vacate the temporary structures of all inmates by March 15, 2018.

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

CORRECTIONAL SERVICES COMMITTEE SUSPENSION

The Board of Corrections discussed considering suspension of future meetings primarily to avail all Board members to attend the Jail Review Committee meetings. The functions of this committee are frequently repeated in the full Board meeting, so it is not necessary considering the new requirements of the Board.

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I move that the Correctional Services Committee meeting be suspended for six months to determine whether it is necessary to continue the Correctional Services Committee in light of the desire of the Board to give more members an opportunity to attend the Jail Review Committee meetings.

Upon a *Motion* by Mr. Vassar and duly seconded, the attending members of the Board voted unanimously to *Approve* the above recommendation.

**CORRECTIONAL SERVICES COMMITTEE UPDATE/Policy & Regulations
LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED
INSPECTIONS:**

Reverend Sykes reported for the Correctional Services Committee.

By recommendation of the Compliance, Certification and Accreditation Unit to approve as follows:

Unconditional certification as a result of 100% compliance for:

**Fairfax County Adult Detention Center
William Truesdale Adult Detention Center**

**Unconditional certification to include male and female juveniles in accordance with
§16.1-249. of the Code of Virginia for:**

**Fluvanna County Lockup
Virginia Beach Lockup #3**

Upon a *Motion* by Reverend Sykes and duly seconded, the attending members voted unanimously to *Approve* the above recommendation.

The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspension of the 2017 annual inspections for the Fairfax County Adult Detention Center and William Truesdale Adult Detention Center.

Upon a *Motion* by Rev. Sykes and duly seconded, with Mr. Dean abstaining, the remaining attending members voted unanimously to *Approve* the above recommendations.

(Chairman Randall had to leave the meeting due to a prior engagement and vacated the chairman position which was replaced by Vice Chairman Vassar)

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Chesapeake City Jail requested that the board approve their plans to comply with requirements by the General Assembly, House Bill 1635, effective March 16, 2013, that granted a waiver from construction requirements of the *Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities* for the continued use of three temporary structures. The Chesapeake City Jail has signed into a housing agreement with Hampton Roads Regional Jail and the jail expansion is expected to be completed in April or May of 2018. Both of these actions are acceptable according to the legislation requirements. The Chesapeake City Jail plans to remove all inmates from the temporary structures by March 15, 2018.

Regardless of the final completion date, it is the jail's plan not to house any offenders in the temporary structures beyond March 15, 2018.

The Board of Corrections agrees that the city of Chesapeake has met the requirements of legislation passed March 16, 2013 that three temporary structures not be used to house community-custody inmates beyond a period of five years. The City has satisfied the requirement of "approval of an alternative housing agreement" by its execution of an agreement for participation in Hampton Roads Regional Jail dating back to June 9, 2014. This shall be as long as the plan is executed March 15, 2018 and no offenders remain housed in the temporary structures.

Upon a *Motion* by Sheriff Jett and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

JAIL REVIEW COMMITTEE REPORT

Sheriff Francis reported that the Jail Review Committee (JRC) discussed organizing the newly formed meeting. The JRC members decided to go forward, planning to meet monthly beginning Monday, December 4, 2017 at 11:00 am. They also discussed identifying the core standards that will be of primary focus, noting that all standards can be of importance depending on the circumstances of the issue falling under review. In addition, the JRC asked that the Policy Analyst review the processes utilized by other states.

CLOSED SESSION

None

ADDITIONAL ITEMS FOR DISCUSSION

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FUTURE MEETING DATES

January 9, 2018
March 21, 2018
May 16, 2018
July 18, 2018
September 19, 2018
November 14, 2018

ADJOURNMENT

There being no further business to discuss before the Board of Corrections, upon a *Motion* by Vice Chairman Vassar and duly seconded, the meeting was *Adjourned* by unanimous vote of the attending members.

APPROVED:

Signature on File

Phyllis J. Randall, Chairman

John F. Anderson, Jr., Secretary