

Final/Approved for October 19, 2016
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, October 19, 2016 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

MEMBERS PRESENT: Phyllis Randall, Chairman
Bobby Vassar, Vice Chairman
John F. Anderson, Jr., Secretary
Colin P. O'Dawe
Reverend Dr. Yvonne Jones Bibbs
Reverend Kevin L. Sykes

MEMBERS ABSENT: Ann Gardner

VADOC STAFF PRESENT: Donna Lawrence, Compliance Certification and Accreditation Unit
Bob Casey, Compliance, Certification and Accreditation Unit
James Bruce, Policy and Initiatives Unit
Donna P. Foster, Administrative Support-Board of Corrections

GUESTS PRESENT: Phillip Figura, Office of the Attorney General
Dick Hall-Sizemore, Department of Planning and Budget
Katy Evans, Richmond Times Dispatch
Jamie Pham, Vectre Corporation

CALL TO ORDER

Chairman Randall called the meeting to order at 12:09 p.m.

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 September minutes for review and approval. Donna Foster advised that Central Virginia Regional Jail was incorrectly reported as nearing completion rather than correctly reporting that the project

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has reached completion and Southampton Regional Jail was referenced twice. The motion was changed to approved as amended.

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

PUBLIC COMMENT PERIOD

No public comment made.

PRESENTATIONS

There were no presentations.

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 Ms. deSocio did not attend the meeting and advised that there was nothing new to report.

Mr. Anderson reported that Mr. Casey did not attend the meeting and advised that there was nothing new to report.

Mr. Anderson reported that Mr. Parks reported that there are currently about 300 beds off-line at Keen Mountain Correctional Center while the facility undergoes a renovation. Intake of male offenders was slowed in August in anticipation of possible budget restraints that may have caused a facility closure. The reported out-of-compliance numbers are 4,554, 4,171 males and 383 females. Mr. Parks noted that the Culpeper women's facility will likely be placed on hold again, adding that it is ready to open, but has not been funded for staffing due to budget constraints.

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

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

Mr. O'Dawe offered the following Committee recommendations for Board approval:

I make the following recommendations in the form of a *Motion*:

Unconditional certification as a result of 100% compliance for Peumansend Creek Regional Jail.

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Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

BOARD ACTION REQUIRED

- Proposed Board Motion to Grant Suspensions of the 2016 Annual Inspection for the Peumansend Creek Regional Jail.

The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspension of the 2016 annual inspection for the Peumansend Creek Regional Jail.

Upon a *Motion* by Mr. O'Dawe and duly seconded, the members voted unanimously to *Approve* the above recommendations.

ADDITIONAL ITEMS FOR DISCUSSION

Ms. Randall advised that she had recently attended a NACO (National Association of Counties) meeting. There are two subcommittees in NACO, one with concerns over health and human services and the other transportation issues. They are focusing on an effort to decrease the number of mental health patients in incarcerated settings. This is a nationwide problem and has been passed along to the Virginia Association of Counties. Jail staff is typically not trained to deal with mental health patients and NACO is trying to begin at the community level, prior to incarceration, by offering substance abuse assistance. Also under consideration is the formation of mental health courts, similar to drug courts and veterans' courts. Henrico, Prince William and Winchester have some of the best data to support this project in the nation. Ms. Randall advised that she would provide some additional information at the November board meeting.

Mr. Vassar summarized previous discussion regarding closed session format, including his suggestion that a motion be made to go into closed session as well as a certification count following closed session. Mr. Figura provided a handout detailing circumstances that would be appropriate for the Board of Corrections to meet in closed session. Under the Virginia Freedom of Information Act, certain criteria must be met for a public board to go into closed session and specific wording is necessary to convene in closed session. Additionally, specific wording is necessary to return from closed session and to reconvene in open session. He recommended that any member who anticipates a motion to go into closed session, contact him prior to the meeting and he will provide proper wording to go into and return from closed session. Mr. Figura cautioned that the only topic that can be discussed is the topic for which the motion is specifically made. If a member were to encroach upon another topic, the chairman would be responsible for calling this person out-of-order and report the out-of-order issue during certification, after which the topic could be discussed. During closed session, a straw vote could be taken, but would not be an official vote. An official vote would need to be taken once the board returns to open session. He suggested that a motion be made to reconvene the open session, for clarity. During certification, each board member's name is called and that member would then certify that no other topic was discussed during closed session.

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Ms. Randall discussed another meeting that she attended at the request of Delegate Rob Bell. This meeting was attended by Donna Lawrence and several other stakeholders in the corrections' community. She briefed the attendees by stating that the Deeds Commission is preparing recommendations, one of which concerns oversight of serious incidents occurring within local facilities. She noted that there was an assumption that the Board of Corrections was receiving updates regarding serious incidents in the jails and had oversight of this issue. There was discussion concerning duties and responsibilities of the Board of Corrections. Ms. Randall recalled an incident for which she inquired if the Board of Corrections had subpoena power and she was told they did not. She noted that she has since found out that the board does have subpoena power.

Ms. Randall provided handouts of the Code of Virginia §53.1-5 Powers and duties of Board and §53.1-6 Board may administer oaths, conduct hearings and issue subpoenas. Mr. Figura reminded the attendees that this is the second Board of Corrections meeting that he has attended and cannot be bound by statements made by others adding that the Board of Corrections is empowered with the ability to issue subpoenas and hold hearings, but he is unaware of any instance in which these powers have been utilized. Mr. Vassar noted that the Board has oversight over certification, probationary certification and decertification in the event that the standards are not met. Ms. Lawrence reported that there is a standard concerning serious incidents. Local facilities are required to report serious incidents to the Local Facilities Unit in some manner within 24 hours of the incident. This unit falls under her management. She noted that this standard is usually met. Additionally, she noted that there were over 700 complaints sent to the Local Facilities Unit in 2015, which is a responsibility that the Board of Corrections is not able to handle. Ms. Randall advised that she is not advocating for or against these responsibilities, but added that the Board has no staff, would not be able to investigate incidents and would not know what to do with the results if they did conduct a review. Ms. Randall advised that during the meeting with Del. Bell, the oversight was believed to be the responsibility of the Board of Corrections or the Inspector General. She indicated that the sheriffs and superintendents were not supportive of the oversight falling under the Inspector General. Mr. Figura explained that the Inspector General Unit was re-staffed from many agencies throughout the Commonwealth to one central location, with a few satellite offices. The VADOC has maintained a Special Investigations Unit to review situations within the prisons only and are not staffed to provide this service to the jails. Mr. Vassar stated that the Board does not have the authority to ask the who, what, when or where questions necessary to conduct an investigation, only the authority to review and change standards.

Ms. Randall summarized the response of the attending members by stating that the Board of Corrections does not have the authority to investigate serious incidents in the jails nor do they wish to be given this authority. They do wish to be notified of serious incidents (death, escape, erroneous release and/or firearm discharge) from now on and into the future. She made the following motion:

In the event of a serious incident in a jail, the chairman and vice chairman will be notified with 48 hours of the Virginia Department of Corrections receiving notification. In addition, the full board will receive a report of all incidents since the prior meeting.

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Upon a *Motion* by Ms. Randall and duly seconded, the members voted unanimously to *Approve* the above recommendations.

PENDING FUTURE MEETING DATES

March 15, 2017
May 17, 2017
July 19, 2017
September 20, 2017
October 18, 2017
November 15, 2017

ADJOURNMENT

There being no further business to discuss before the Board of Corrections, upon a *Motion* by Chairman Randall and duly seconded, the meeting was *Adjourned* by unanimous vote at 1:31 p.m.

APPROVED:

Phyllis J. Randall, Chairman

John F. Anderson, Jr., Secretary