

FINAL/APPROVED for October 21, 2015
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, October 21, 2015 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

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

MEMBERS ABSENT: Carl R. Peed
Reverend Anthony C. Paige
Phyllis Randall, Chairman

VADOC STAFF PRESENT: Harold W. Clarke, Director
A. David Robinson, Chief of Corrections Operations
Donna Lawrence, Manager, Compliance and Accreditation Unit
Emmanuel Fontenot, Compliance and Accreditation Unit
James Bruce, Manager, Policy and Initiatives Unit
Donna P. Foster, Administrative Support, Board of Corrections

GUESTS PRESENT: Jamie Pham, Vectre Corporation

CALL TO ORDER

Vice-Chairman Vassar called the meeting to order at 12:04 p.m.

DETERMINATION OF QUORUM

Vice-Chairman Vassar determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Vice-Chairman Vassar welcomed everyone and asked the attendees to approve the agenda as presented. All members agreed to the agenda.

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APPROVAL OF MAY BOARD MINUTES

Vice-Chairman Vassar presented the September minutes for review and approval.

Upon a *MOTION* by Vice-Chairman Vassar and duly seconded, the members voted unanimously to *APPROVE* the September Board meeting minutes.

PUBLIC COMMENT PERIOD

No public comment made.

PRESENTATIONS

There were no presentations.

LIAISON COMMITTEE UPDATE

Mr. Anderson provided the summary as Ms. Gardner was unable to attend the October Liaison Committee meeting. His report provided an overview of the Funding and Budget Issues Report, Prison Population Report, the Jail Construction Update, Offender Management Services Update, the FCC Commission Review as well as other business.

Mr. Anderson reported that Dave Simons was unable to attend and Sheriff Morgan chaired the meeting in his absence.

Mr. Anderson reported that Robyn deSocio reported on funding and budget issues advising Per diem funding requirements were estimated to be around \$11.3 million for the current year. Funding for the next two years is expected to be around \$10.4 million and \$11.1 million respectively. State responsible forecasts indicate a slightly lower growth rate. She also stated that most jails are certifying in a timely manner which enables the forecasters to better budget the costs.

Mr. Anderson reported that Bob Casey was not in attendance but sent notification that there were no new construction projects to report.

Mr. Anderson reported that Jim Parks was also unable to attend but advised Sheriff Morgan that the out-of-compliance rates remained steady at 4,984 adding that there are no plans to open or close any facilities in the immediate future. In 2016 or 2017, Keen Mountain Correctional Center is scheduled to undergo a renovation, temporarily removing 300 beds from availability.

Mr. Anderson reported that Tim Trent reported that a decision should be made by the FCC (Federal Communications Commission) within the next few days regarding inmate telephone fees. There is expected to be a 90-day transition period once enacted. He added that expectations were for lower incomes from commissions for local facilities which will have a direct impact on inmate programs. Funding would have to be replaced by the localities if approved by each jurisdiction.

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Mr. Anderson reported that Col. David Hackworth advised the committee that a lawsuit had been filed by the Virginia Pilot news organization requesting provision of all training files from the DCJS (Department of Criminal Justice Services).

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

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

Mr. Vassar offered the following Committee recommendations for Board approval:

Unconditional Certification as a result of **100%** compliance for **Blue Ridge Regional Jail Authority – Amherst Adult Detention Center and Blue Ridge Regional Jail Authority – Halifax Adult Detention Center.**

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

Also, Unconditional Certification for **Martinsville City Jail & Annex to include male and female juveniles in accordance with §16.1-249.G**

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

The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves suspension of the 2015 Annual Inspection for the Blue Ridge Regional Jail Authority – Amherst Adult Detention Center and Blue Ridge Regional Jail Authority – Halifax Adult Detention Center.

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

The Board moves to initiate the regulatory process for a Periodic Review of the following regulations in accordance with Executive Order 17 (2014).

- 6VAC15-20 *Regulations Governing Certification and Inspection*
- 6VAC15-28 *Regulations for Public/Private Joint Venture Work Programs Operated in a State Correctional Facility*
- 6VAC15-45 *Regulations for Private Management and Operation of Prison Facilities*

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

The Board moves to initiate the regulatory process to repeal the existing 6VAC15-80 **Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities** to be replaced by an updated

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regulation written by the committee established for the purpose. This action is to be initiated by submitting a Notice of Intended Regulatory Action and Periodic Review in accordance with the Virginia Administrative Process Act.

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

DIRECTOR'S UPDATE

Director Clarke reported that all is progressing well within the Virginia Department of Corrections (VADOC). The populations are holding steady but female offender out-of-compliance rates have been on the rise, currently about 500 due to heroin use and property crimes. The VADOC hopes to be granted funding to open the Juvenile Justice Culpeper facility as a female housing facility. Initially, he requested funding to renovate for 300 beds, but has changed that number to 500 beds to fully renovate the facility. The VADOC is currently at 124% of design capacity.

Mr. Clarke reported that the FCC decision will have no impact on the VADOC and little impact on Virginia as the offender telephone rates are one of the lowest in the country. The VADOC does not benefit in any way from inmate phone calls as all commissions received are return the General Assembly, around \$3 million annually. He noted that upon his arrival as director, the rates were around \$4.75 for a 15 minute phone call. He immediately considered this unacceptable, scheduling a meeting with the vendor(s). The rates were negotiated down to the current rate of \$1.45 for a 15 minute call which actually increased state revenue due to affordability for offender families. Mr. Vassar noted that the localities are very concerned about the possible loss of the phone commissions as determined by the FCC decision. Mr. Clarke advised that the commissions are utilized to fund inmate programs in the jails.

Director Clarke advised that the new legislative session will begin soon and capital punishment is expected to be a heavily discussed topic, noting that the VADOC will be awaiting their decision.

ADDITIONAL ITEMS FOR DISCUSSION

Mr. Anderson asked about the potential re-entry utilization of halfway houses prior to offender release. Mr. Clarke noted that there are currently eight halfway houses available throughout the Commonwealth, five for males and three for females. Due to Virginia Code, sentences must be completed prior to use of the halfway house services as part of supervised release. Mr. Vassar asked if the VADOC would support an effort to pursue halfway house placement prior to completion of sentences. Mr. Clarke advised that he could support the effort noting that this would require a change to the state code.

Mr. Vassar advised the attendees that he chairs the Efficiencies and Fiscal Impact Committee and was interested in presenting this effort at the next meeting in early November, noting that this would not be presented as an effort officially supported by the Board of Corrections. He asked if the director could be tasked to develop proposals regarding how geriatric and other release eligible offenders could be prepared for release and provide possible funding to the Parole Board to develop the proposals. He noted that this funding may be made available through savings to the VADOC.

Rev. Bibbs asked for a list of Virginia halfway houses and jails that offer work release programs.

FUTURE MEETING DATES

November 18, 2015

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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 at 1:06 p.m.

APPROVED:

Phyllis J. Randall, Chairman

John F. Anderson, Jr., Secretary