

FINAL/APPROVED for March 19, 2014
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, March 19, 2014 at the Department of Corrections (VADOC) Headquarters office, 6900 Atmore Drive, Richmond, Virginia 23225.

MEMBERS PRESENT: Peter G. Decker, III, Chairman
Felipe Q. Cabacoy
Ann Gardner
William E. Osborne
Reverend Anthony C. Paige
Carl R. Peed

MEMBERS ABSENT: Kurt A. Boshart
Linda D. Curtis
Cortland C. Putbrese

VADOC STAFF PRESENT: Harold W. Clarke, Director
Debra D. Gardner, Chief Deputy Director
Dreana L. Gilliam, Board Support
Bill Wilson, Local Facilities Unit
Brooks Ballard, Local Facilities Unit
Beverly Hill-Murray, Compliance & Accreditation Unit
Jim Bruce, Policy & Initiatives Unit
Patrick Folliard, Policy & Initiatives Unit

GUESTS PRESENT: Tonya D. Vincent, Deputy Secretary of Public Safety
Dick Hall-Sizemore, Department of Planning and Budget
Lawrence Everette, Interim Executive Director, Rubicon

CALL TO ORDER

Chairman Decker called the meeting to order at 1:00p.m.

DETERMINATION OF QUORUM

Chairman Decker determined there was a quorum present.

APPROVAL OF NOVEMBER BOARD MINUTES

Chairman Decker presented the November minutes for review and approval. Ms. Gardner stated a correction to the minutes was necessary. Chairman Decker agreed that the minutes should be revised to reflect Ms. Gardner's attendance and Ms. Curtis' absence at the November Board meeting. Chairman Decker advised Ms. Gilliam would make the necessary revisions to the minutes.

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Upon a motion by Chairman Decker and duly seconded, the members voted unanimously to approve the November Board meeting minutes as corrected. The members voting “**AYE**” were Mr. Cabacoy, Ms. Gardner, Mr. Osborne, Rev. Paige, and Mr. Peed.

WELCOME AND INTRODUCTIONS

Chairman Decker welcomed everyone and asked the guests to introduce themselves. Chief Deputy Gardner introduced new employee Dreana L. Gilliam, Administrative Staff Assistant and Board Support. Director Clarke introduced Tonya Vincent, Deputy Secretary of Public Safety.

PUBLIC COMMENT PERIOD

Lawrence Everette, Interim Executive Director, Rubicon, Inc. provided a status update. Mr. Everette reported that the financial audit work is being performed by Cherry Bekaert, LLP. The auditors have worked closely with staff over several months unfortunately the completion date is unknown at this time. Mr. Everette advised the members that the delinquent payments and subsequent debts were incurred under previous leadership. The inheritance of numerous challenges has made it extremely difficult but he is working diligently to resolve the issues.

Mr. Everette was pleased to report that debts previously incurred by Rubicon are being addressed. The Virginia Employment Commission’s (VEC) has been paid. Mr. Everette has developed an agreed upon payment plan with the Virginia Department of Taxation. On Friday of last week he received acceptance of his proposed payment plan to satisfy the agency’s debt to the Internal Revenue Service (IRS). All contracts with Community Services Boards have been renewed at a higher rate. The contract with the Department of Probation and Parole has been renewed and expanded.

Mr. Everette also reported that while the independent audit was being performed, Rubicon simultaneously underwent a compliance audit performed by the VADOC. One or two minor nonconformance items were found during this audit and have been resolved. Mr. Everette stated that it has been a long struggle but he feels good about the progress being made. Mr. Everette took this opportunity to advise the members that he credits the stellar staff at Rubicon for turning the agency around. He stated that the only thing that surpasses their professionalism is their dedication.

LIAISON COMMITTEE UPDATE

Mr. Osborne provided a summary of the March 19, 2014 Liaison Committee meeting. His report provided an overview of the Funding and Budget Issues Report, Prison/Local Jail Population Report, the Jail Construction Update and the Offender Management Services Updates.

Mr. Osborne reported that Ms. deSocio provided a comprehensive overview of the proposed 2014-2016 Biennial Budget, jail per diem payments and the LIDS/CORIS transition. She provided a great deal of information regarding the proposed budget however; no definitive information is currently available because the budget has not been finalized. Fifteen to twenty jails had not made their 3rd Quarter payment however, currently only four payments remain outstanding. All issues are expected to be resolved by June 30.

Mr. Osborne reported the out-of-compliance number was reported at 4,835 as of March 10, 2014. Following a question from Mr. Osborne regarding local jails, Mr. Wilson indicated there are 45 local jails and 23 regional jails.

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Mr. Osborne advised the members that the Virginia Department of Health (VDH) gave an extensive presentation regarding their HIV/Aids program (handouts were provided). VDH offers several programs that ensure access to HIV/Aids related medical care and medications for inmates released from correctional facilities. Facility representatives in attendance that currently utilize the programs services spoke very highly of the program and its benefits.

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

CORRECTIONAL SERVICES COMMITTEE UPDATE/Policy & Regulations

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

Unconditional Certification as a result of 100% compliance for the following;

Blacksburg Town Lockup
Highland County Lockup
Alleghany Regional Jail
Meherrin River Regional Jail (Mecklenburg site)
Chesterfield County Jail

Unconditional Certification as a result of 100% compliance for the following;

Blackstone Town Lockup*
Western Tidewater Regional Jail*

**Both to include male and female juveniles in accordance with §16.1-249.G of the Code of Virginia.*

Unconditional Certification for the following;

Arlington County Detention Center
Alexandria City Detention Center (William G. Tuesdale Adult Detention Facility)
Rockingham-Harrisonburg Regional Jail
Smithfield Town Lockup
Northern Neck Regional Jail

Upon a motion by Mr. Cabacoy and duly seconded, the members voted unanimously to approve the above recommendations. The members voting “**AYE**” were Mr. Decker, Mr. Cabacoy, Ms. Gardner, Mr. Osborne, Rev. Paige and Mr. Peed.

LOCAL FACILITIES SECTION – STAFFING/FUNDING AND UNANNOUNCED INSPECTIONS:

Board Motion to Approve Suspension of 2014 Unannounced Inspections

Section 53.1-68 of the Code of Virginia authorizes the Board of Corrections to grant suspensions of annual Life, Health and Safety Inspections if full compliance with Standards is attained during the jail’s Triennial Certification Audit. Two jails and one lockup have achieved 100% compliance with Board Standards. They are

as follows:

Western Tidewater Regional Jail
Highland County Lockup
Alleghany County Regional Jail
Meherrin River Regional Jail
Chesterfield County Regional Jail

DIRECTOR'S UPDATE

Mr. Clarke reported he is pleased with the Department's budget. Although the budget did not include all requested items, the current budget will enable the Department to continue on track and keep up the good work.

Mr. Clarke advised the members that they would need to approve the name of the newest institution. The Department of Juvenile Justice (DJJ) is currently in the process of abandoning its ownership and operations at its Culpeper location. The VADOC will convert the former juvenile center, to a facility for women and take over operations effective July 1, 2014. The VADOC recommends naming the facility Culpeper Correctional Facility for Women or Coffeewood Correctional Center for women.

Upon a motion by Director Clarke and duly seconded, the members voted unanimously to approve the recommended name of the facility located in Culpeper to be "Culpeper Correctional Facility for Women." The members voting "AYE" were Mr. Cabacoy, Ms. Gardner, Mr. Osborne, Rev. Paige, and Mr. Peed.

Following the vote, Rev. Paige requested an opportunity to comment. Chairman Decker turned the floor over to Rev. Paige. Rev. Paige stated that the Correctional community needs to become more progressive regarding how we are seen in the public eye. Going forward, it is time to be a little more innovative in the ways in which we brand ourselves. We should do something different than remaining the same jail house/lock up place. It is time for renovation and restoration and thinking outside the box.

In response to Rev. Paige's comments, Director Clarke provided feedback. Director Clarke agreed that it is time to take a different approach. He reported that the last three years have been innovative. The VADOC held its first Future Search Conference. The two-day Conference convened all stakeholders (Legislators, Commonwealth Attorney, Governor's staff, Law Enforcement etc.). The Conference provided the opportunity to discuss the future of the course of the Department. Mr. Clarke reported that he scheduled to visit Georgia and has gone as far as Maine to provide information to other Departments of Corrections (DOC). The Department received the Star Award from the Southern Legislative Conference for its Step-Down program at Wallens Ridge and Red Onion and several states are looking at Virginia's program. Recently, a film crew from New York was doing interviews with staff as well as filming at those facilities and at Headquarters. They are producing a Step-Down program documentary. The VADOC is seeking long-term transformation beginning with correctional officers and finishing up with inmates. Virginia has the second best recidivism rate in the country and Mr. Clarke is proud of the road VADOC is taking. There are always ways to improve and he welcomes any thoughts and ideas for improvement.

Director Clarke also provided a Legislative/Regulatory update. The Cadaver Bill (Senate Bill 304, Disposition of Dead Bodies) established a process for the disposition of unclaimed dead bodies. Formerly Sheriff's were responsible for the disposal of unclaimed bodies after 30 days. The VADOC is not responsible for unclaimed dead bodies.

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House Bill 1052, Method of Execution provided that if the Director of the Department of Corrections certified that lethal injection was not available as a method of execution, electrocution shall be used instead. HB1052 met with a lot of controversy both in the House and Senate. The Bill was tabled until next year. The VADOC was able to secure enough of the drug until March 2015. He advised the members that since the VADOC purchase, the drug has been taken off the market. Tennessee was recently able to pass legislation identical to Virginia's HB1052. Currently eight offenders are on Death Row and of the eight offenders, one is not competent, six fall within the timeframe of drug availability and one inmate falls outside the timeframe.

Chief Deputy, Debra Gardner reported that the Agribusiness display at the General Assembly was a big hit and the feedback was primarily positive. Director Clarke commented that although some people were definitely impressed some have also criticized the VADOC of "promoting a plantation mentality." Director Clarke stated that those in disagreement fail to see that the inmates are developing a portfolio of valuable work skills that will be beneficial upon their release. Chief Deputy Gardner reported this General Assembly was very busy for the VADOC. The staff completed 44 legislative analyses. The Board Standard for Jails and Lockups (Use of Restraints on Pregnant Inmates) 6 VAC 15-40 has been signed off by the Secretary of Public Safety and Homeland Security and the Governor, these actions complete the regulatory process.

ADDITIONAL ITEMS FOR DISCUSSION

Chairman Decker polled the members for any additional comments and/or concerns. Rev. Paige indicated that he would like to express his concerns to Deputy Secretary Vincent regarding his concerns. Rev. Paige stated that the change in the Code was flawed in that all of the Board's authority has been taken away. A Board should have the responsibility for oversight. The 2010 decision to remove the Board's authority as a decision making body needs to be reviewed and reconsidered by the Secretary of Public Safety. He stated at the very least if the policy was returned to its previous state at least there would be public oversight. Rev. Paige stated that he feels the previous administration made a mistake that needs to be corrected. Director Clarke asked the members to introduce themselves to Ms. Vincent. Following the introductions, Mr. Cabacoy indicated that he was in agreement with Rev. Paige's comments and concerns. Mr. Cabacoy reported that he has been appointed to other Boards and was able to review/approve the budget and that is not the case here. Mr. Cabacoy feels there needs to be more interaction between the Board and the Department. Chairman Decker advised Deputy Secretary Vincent that she may visit the VADOC website to review the minutes for historical information regarding the change duties and responsibilities of the Board.

FUTURE MEETING DATES

May 21, 2014
July 16, 2014
August 20, 2014
September 17, 2014
November 19, 2014

ADJOURNMENT

There being no further business to discuss before the Board of Corrections, upon a motion by Chairman Decker and duly seconded, the meeting was adjourned by unanimous vote at 1:56pm. The members voting "AYE" were Mr. Cabacoy, Ms. Gardner, Mr. Osborne, Rev. Paige, and Mr. Peed.

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APPROVED:

(Signature copy on file)

Peter G. Decker, III, Chairman

Linda D. Curtis, Secretary