

FINAL/APPROVED for July 16, 2014
THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Wednesday, July 16, 2014 at the Department of Corrections (VADOC) Headquarters office, 6900 Atmore Drive, Richmond, Virginia 23225.

MEMBERS PRESENT: Carl R. Peed
John F. Anderson, Jr.
Reverend Dr. Yvonne Jones Bibbs
Phyllis J. Randall
Bobby N. Vassar

MEMBERS ABSENT: Ann Gardner
Cortland C. Putbrese
Reverend Anthony C. Paige

VADOC STAFF PRESENT: Harold W. Clarke, Director
A. David Robinson, Chief of Corrections Operations
Dreana L. Gilliam, Board Support
Bill Wilson, Local Facilities Unit
Brooks Ballard, Local Facilities Unit
Donna Lawrence, Compliance & Accreditation Unit
Jim Bruce, Policy & Initiatives Unit

GUESTS PRESENT: Richard C. Vorhis, Senior Assistant Attorney General
Tony Bell, Vice President, Moseley Architects
Carrie Henaghan, Architect, Moseley Architects
Bill Hefty, Partner, Hefty & Wiley, PC
Brian Foddrell, Captain, Prince William-Manassas Adult Detention Center
Peter Meletis, Superintendent, Prince William-Manassas Adult Detention Center
Mandy Lambert, Major, Prince William-Manassas Adult Detention Center

CALL TO ORDER

Mr. Peed called the meeting to order at 1:00 p.m.

DETERMINATION OF QUORUM

Mr. Peed determined there was a quorum present.

WELCOME AND INTRODUCTIONS

Mr. Peed welcomed the newly appointed members and asked everyone to introduce themselves.

INTERIM ELECTION OF TEMPORARY CHAIRMAN/PRESIDING OFFICER

Pursuant to Article II, Section 3 of the By-Laws of the Board of Corrections it has become necessary to hold an interim election due to the replacement of the members that held Board Officer positions. With a quorum being present to effect the election, following a discussion the following motion was presented.

Upon a motion by Ms. Randall and duly seconded, the members voted unanimously to elect Mr. Peed as interim Chair/Presiding Officer. The members voting “**AYE**” were Ms. Randall, Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar.

Pursuant to Article III, Section 1 of the By-Laws of the Board of Corrections, as the interim Chair, Mr. Peed appointed the following members to the Nominating Committee; Mr. Vassar, Chair, Ms. Randall and Mr. Anderson. Following a brief discussion with Richard C. Vorhis, Assistant Attorney General, the members agreed to defer further discussions and appointments to the August meeting.

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

LIAISON COMMITTEE UPDATE

Mr. Peed advised the members that Ms. Gilliam and Mr. Wilson would provide the Liaison Committee Update normally presented by a member of the Board. Ms. Gilliam provided a summary of the Funding and Budget Issues report presented by Robyn deSocio, Executive Secretary, Compensation Board. The topics of discussion included but were not limited to the following updates since the Committee’s last meeting: 1) the discovery of revenue shortfalls, 2) approval of the FY15 Budget, 3) 4th quarter funding, 4) Lids/CORIS update, and 5) preparation for the next cycle of forecasting. Ms. deSocio will continue to monitor funding and budgetary activities and will keep the members updated.

Mr. Wilson led the discussion regarding the implementation of the Handcuffing Standard (16VAC15-40-985, *Minimum Standards for Jails and Lockups*). Mr. Wilson provided a historical overview of the Standard for the new members. He explained the jails were taking this approach prior to promulgation of the regulation. Following a discussion, Mr. Wilson requested a motion to begin enforcement of the Standard effective January 1, 2015.

Upon a motion by Ms. Randall and duly seconded, the members voted unanimously 16VAC15-40-985, *Minimum Standards for Jails and Lockups*, will become effective and enforceable January 1, 2015.
The members voting “**AYE**” were Ms. Randall, Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar.

Mr. Wilson led the discussion regarding the City of Chesapeake’s request to continue usage of the temporary facilities for another year to address its overcrowding situation. Mr. Wilson provided a historical overview regarding the original request for additional space. Mr. Wilson received and responded to questions. Following a discussion, Mr. Wilson recommended that the Board take no action at this time and require the City of Chesapeake to report by letter addressing previously specified requirements in November 2014.

Mr. Wilson provided a summary of the inspection processes. Mr. Wilson received and responded to questions. There being no further comments or questions the following motion for approval was presented to the members for consideration:

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The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves the suspension of the 2014 Annual Inspection for the Southampton County jail an Annex, Loudoun County jail and Blue Ridge Regional Jail-Campbell County Adult Detention Center facility.

Upon a motion by Mr. Vassar and duly seconded, the members voted unanimously to approve the above recommendations. The members voting “**AYE**” were Ms. Randall, Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar.

Ms. Ballard led the discussion regarding Prince William-Manassas Detention Center plans to expand and renovate their existing facility and funding for construction. Ms. Randall advised the members that she works out of Prince William-Manassas Regional Adult Detention Center and considers many of the employees amongst her friends. Although there is currently no specific rule of professional conduct that would be violated if Ms. Randall deliberated or voted issues pertaining to Prince William Manassas Regional Adult Detention Center, in order to avoid even the appearance of impropriety, Ms. Randall plans to recuse herself from voting or deliberating.

The Board of Corrections approves the request from the Prince William-Manassas ADC for State jail funding for construction reimbursement for a 204-bed expansion and renovation of the Prince William-Manassas ADC. This approval recognizes a total eligible cost of \$42,064, 842, of which up to 50% or \$21,032,421 would be eligible for State reimbursement. Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a motion by Mr. Anderson and duly seconded, the members voted unanimously to approve the above recommendations. The members voting “**AYE**” were Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar. Ms. Randall recused herself from the deliberation and vote regarding the above recommendations.

Ms. Ballard led the discussion regarding Pamunkey Regional Jail Authority’s request for funding approval for the renovation of a multipurpose area of the jail to provide 12 additional community custody beds. Ms. Ballard received and responded to questions to provide clarification of the request. Following a discussion regarding community custody, the following motion was made for consideration:

The Board of Corrections approves the Pamunkey Regional Jail Authority’s request for state funding for the renovation to provide a 12-bed community custody unit in their facility. This approval recognizes a total eligible cost of \$577,150, of which 50% or \$288, 575 would be eligible for state reimbursement. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 1994 and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a motion by Ms. Randall and duly seconded, the members voted unanimously to approve the above recommendations. The members voting “**AYE**” were Ms. Randall, Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar.

DIRECTOR’S UPDATE

Director Clarke welcomed the new members. He advised the new members that the DOC is poised to assist them as they carry out the duties and responsibilities of the Board. He assured the members that staff is available should they require any assistance.

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Mr. Clarke advised the members that he extremely proud of the agency successes. Mr. Clarke provided an overview the DOC in general. He advised the members that he would like to take this opportunity to provide them with some information that they may or may not be aware of, as well as brag on DOC successes. The DOC has approximately 39,000 state responsible offenders. Approximately 30,000 offenders are in DOC custody, approximately 4,800-5,000 offenders are out of compliance, approximately 2,000 are in jails going through the classification process and approximately 2,000 are under contact with sheriffs. The DOC is authorized to employ 12,000 staff however; to address budgetary issues the DOC consistently maintains a 3.3% vacancy rate to address the fiscal shortfall. The DOC has approximately 11,600-11,700 staff on the job.

DOC consists of 43 facilities. The 43 facilities include everything from community custody facilities up to Level S (Red Onion) facilities. All but four of the 43 facilities are American Corrections Association accredited. The four, which are not accredited, are older facilities working diligently to meet the standards.

Prison Rape Elimination Act (PREA) was passed into law ten years ago. The DOC was the first state agency to have an adult facility accredited by PREA. The DOC has eight accredited facilities and must have at a minimum 1/3 of its facilities approved by the end of the first year. The DOC is far exceeding other DOC facilities and the Federal Bureau of prisons. Mr. Clarke advised the members that the successes are a direct result of dedication of the staff. Mr. Clarke advised the members that the Governor recently announced that the DOC has a 22.8% recidivism rate. The national average is 42-43%, currently California is at 60%. Oklahoma has the lowest recidivism rate of 22.2%.

Mr. Clarke reported current DOC challenges are capacity and medical services. Medical costs are escalating and the agency is in the process of developing a report to determine how the agency is doing comparatively with other states and how we are doing as a Department compared to the cost for state employees to receive medical care. Initial results indicate that although it is a major expenditure our costs are trending below the public at large and at least 50% below other institutions. The DOC is currently in the midrange overall and this is considered a good place to be. Mr. Clarke opened the floor for questions.

Mr. Clarke received and responded to questions regarding the recidivism rate and how it is determined, PREA accreditation standards, management of medical/mental health services in the facilities and the DOC 3.3% self-imposed employment vacancy rate. In addition, the members participated in a comprehensive discussion regarding re-entry initiatives and the effects on recidivism, probation and parole, public safety and the increasing incarceration rate. Further, the members went on to discuss current FCC issues. Mr. Clarke reported revenues generated from telephone usage go to the General Fund. Mr. Clarke stated that he is philosophically opposed to imposing high costs for telephone usage on the offenders. Three years ago, Mr. Clarke and Mr. Robinson met with the service provider and requested a gradual decrease in cost to the offender to make a telephone call. At the time of the meeting a 15-minute call was \$5, today a 15-minute call is \$1.48. Mr. Clarke stated that it was unfair to impose a sort of tax on a certain portion of the population because we can and the decrease in the rate had had not impact in the amount of funds deposited into the General Fund. In addition, the vendor also did not suffer any financial losses. The decreased rate increased the number of calls. Mr. Clarke is pleased with the DOC's stance as it is important to re-entry initiatives to maintain family ties and contact. More conversations with the FCC are coming because they plan to look at all calls. The members went on to discuss the fact that the inmate are initiating the collect calls however the cost associated it with it is being required by the population which can least afford it, elderly parents and grandparents.

Ms. Randall inquired as to whether DOC inmates are charged a daily fee if housed in a regional or local jail. Mr. Clarke advised that DOC inmates in prisons are not charged a fee. Mr. Wilson provided additional information. Regional jails are permitted to charge from \$1 to \$3 per day depending on the facility. If a DOC inmate goes

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back to a jail, the jail has an agreement that they will not charge a per diem rate. Mr. Wilson advised that he receives numerous complaints and refers them to their legislators. He reported the jails receive increased funding once an inmate is state responsible. The per diem is not charged if an inmate is DOC responsible but housed at a jail. The DOC previously attempted to have the legislation changed with no success.

ADMINISTRATION COMMITTEE UPDATE

No Administration Committee meeting was held.

APPROVAL OF MAY BOARD MINUTES

Chairman Peed presented the May minutes for review and approval.

Upon a motion by Chairman Peed and duly seconded, the members voted unanimously to approve the May Board meeting minutes as corrected. The members voting “**AYE**” were Ms. Randall, Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar.

ADDITIONAL ITEMS FOR DISCUSSION

No additional items for discussion.

FUTURE MEETING DATES

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 Peed and duly seconded, the meeting was adjourned by unanimous vote at 2:10pm. The members voting “**AYE**” were Ms. Randall, Mr. Anderson, Ms. Bibbs, Mr. Peed and Mr. Vassar.

APPROVED:

Signature Copy on File

Carl R. Peed, Chairman

COPY TESTE:

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Harold W. Clarke, Director