

COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS

Regular Meeting	May 15, 2013
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Peter G. Decker, III, Chairman
Present	Kurt A. Boshart Felipe Q. Cabacoy Linda D. Curtis William E. Osborne Reverend Anthony C. Paige Carl R. Peed
Absent	Cynthia M. Alksne Jonathan T. Blank

1:00 p.m., Wednesday, May 15, 2013
6900 Atmore Drive, Richmond, Virginia 23225

The meeting was called to order. Chairman Decker welcomed attendees and thanked everyone for coming. Roll call was taken by Mrs. Woodhouse. Two members were absent as indicated above.

I. Board Chairman (Mr. Decker)

1) **Board Motion to Approve March Board Minutes**

The Chairman called for a Motion to approve the March Board Minutes.

By ***MOTION*** duly made and seconded, the March Board Minutes were ***APPROVED*** by verbally responding in the affirmative (Cabacoy, Curtis, Osborne, Paige, Peed).

Mr. Boshart's vote was not considered as he was not present at the March meeting. Mrs. Alksne and Mr. Blank were absent. There were no opposing votes. The Chairman then voted his approval of the Motion. The Motion carried.

II. Public Comment

Reverend Rosalind Battle was present. She thanked the Board for allowing her to attend and speak. She indicated that her church continues to assist with the transition of inmates returning to their communities and stated that employment is a huge challenge for them. She spoke very highly of the Federal Bonding Resource program and suggested the Department might include that program in its re-entry services.

The Chairman thanked Rev. Battle for her comments. No Board action was required.

III. Liaison Committee (Mr. Osborne)

Mr. Osborne indicated that Messrs. Decker, Cabacoy, Osborne, Paige and Peed were in attendance along with Department staff and representatives from several Sheriffs' Departments and Regional Jails.

Ms. deSocio updated the Committee on items reported during the March meeting. She indicated the Governor signed the Budget on May 3, 2013, and that the Comp Board received its additional per diem appropriation and received funding to restore previous reductions to the Career Development Program for Master Deputy/Master Jail Officers.

As a follow up to questions from Committee members in March, Ms. deSocio reported that the new LIDS/CORIS system will include a mental health tracking module. She stated some delays have been experienced with implementing the new LIDS/CORIS system. She also stated that jail staff has been trained and that final implementation is now scheduled for the end of May. She announced that the biannual LIDS Conference is scheduled in Richmond on June 13 and 14, 2013.

Mr. Wilson reported the jail population at 29,917 with capacity at 21,996 beds. He indicated the out-of-compliance number was 4,611 as of May 13, 2013. A discussion was held about the revised Board Standard regarding TB testing and a possible solution for "frequent flyers" in that instead of everyone having to be tested within 72 hours of admission each time, they would only have to be tested once a year if it is documented or if they have tested positive in the past.

There were no questions or comments. The Chairman thanked Mr. Osborne for his report. No Board action was required.

IV. Presentation to the Board (Ms. Gardner)

Re-Entry Step-Down Program (Ms. Richeson)

Ms. Richeson, the Department's Re-Entry and Programs Manager, provided information on the Department's Segregation Step-Down Program at Wallens Ridge and Red Onion State Prisons via a PowerPoint presentation, a copy of which is included in the Board file. As she went through the slides, she explained the program Mission, the paradigm shift to Evidence-Based Practices, the Security Level "S" steps, programming, the Security Level "6" steps, the Level "S" populations, the Messages from Dad Program, the Fostering Cultural Diversity through Religious Services Programs and closed with Reduction Success Stories from Red Onion. At the conclusion of her presentation, Ms. Richeson fielded several questions and accepted praise for the program.

The Chairman thanked Ms. Richeson for her enlightening report. No Board action was required.

Review of 2013 General Assembly Session (Ms. Gardner)

Ms. Gardner provided each Board member with a summary of the 2013 legislative session. In review, she noted the Department had several bills at the General Assembly this year. All agency introduced bills passed and will become effective July 1, 2013. She indicated that the joint DOC/DJJ bill to reinstate law enforcement powers to both agencies also passed.

There were no questions or comments, and no Board action was required. Mr. Decker thanked Ms. Gardner for her report.

V. Correctional Services Committee Report/Policy & Regulations (Mr. Boshart)

**1. Compliance and Accreditation Certifications Section:
State/Local/Regional/Community Facilities**

a) Update on Status of Audit for Rubicon, Inc.

Mr. Boshart reported that an audit is scheduled for this facility in June. The facility remains Decertified. A report to the Board is expected in July.

**2. Compliance and Accreditation Certifications Section:
State/Local/Regional/Community Facilities**

b) Board Motion to Grant Modification Request for Central Virginia Regional Jail for Standard 5.12.C.4 of the *Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994)*

The Central Virginia Regional Jail Authority is constructing a 200-bed expansion of its jail, which serves the Counties of Fluvanna, Greene, Louisa, Madison and Orange. Associated with this project is a request to approve a modification to the *Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994)* for Standard 5.12.C.4, privacy screening in intake cells.

The facility is currently in the design stage, and the project is scheduled for completion in January, 2016. Approval of this request would allow intake cells to be constructed without the inclusion of privacy screens as required by current Board Standards. The administrator of the facility feels that the screens are a safety and suicide hazard.

After discussion, the Committee deemed the request to be reasonable and makes the following recommendation in the form of a **MOTION**, duly made by Mr. Boshart, seconded by Mr. Peed and **APPROVED** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Peed):

“To facilitate an operational decision by the Central Virginia Regional Jail Authority, the Board of Corrections grants a modification to Standard 5.12.C.4 of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities (1994) to allow single intake cells with glazing of no more than 200 square inches to be constructed without privacy screening for the toilets in those cells. This modification approval shall not be construed as a future variance to Board Standard 5.12.C.4 for this facility or as a current or future variance for any other facility.”

There were no questions and there was no discussion. Reverend Paige noted his *OPPOSING* vote. Mrs. Alksne and Mr. Blank were absent. The Chairman then voted his approval of the Motion. The Motion carried.

- c-d) Unconditional Certification for Prince William/Manassas Adult Detention Center to include male and female juveniles in accordance with §16.1-249 of the Code of Virginia and Culpeper Adult Detention Center.**
- e) Unconditional Certification for Middle River Regional Jail with *DENIAL OF APPEALS***

Middle River Regional Jail is appealing the out-of-compliance findings for Standards 6VAC15-40-540 (LHS) and -730. The facility did not contact the Department of Health for its inspection until September 6, 2012, and the inspection was not completed until April 4, 2013, well outside the one-year time period as outlined in the Standard. The facility bases its appeal on the fact that this is not within their control.

In addition, documentation failed to support that newly admitted inmates, who are physically capable, are permitted to complete at least two local or long-distance telephone calls during the booking process. The facility acknowledges that on one form the facility did not document that a second call was made; however, the facility maintains that this could have been because the offender did not want to make a second call or it could have been the result of staff oversight.

After discussion, it was recommended that both *APPEALS BE DENIED. The findings of the Audit Team are upheld, and the facility will be instructed to submit corrective Plans of Action.*

By *MOTION* duly made by Mr. Boshart and seconded by Mrs. Curtis, the Board *APPROVED* the above three recommendations by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Paige, Peed).

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne and Mr. Blank were absent. The Chairman then voted his approval of the Motion. The Motion carried.

There were no questions or further comments. The Chairman thanked Mr. Boshart for his report.

3. Policy & Regulations

c) Proposed Board Motion to Approve Revised Board Policies

In March, revised Board policies were presented for review and discussion. There being no other changes:

By **MOTION** duly made by Mr. Boshart and seconded by Rev. Paige, the Board **APPROVED** the revised Board Policies as presented by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Paige, Peed).

There were no questions and there was no discussion. There were no opposing votes. Mrs. Alksne and Mr. Blank were absent. The Chairman then voted his approval of the Motion. The Motion carried.

a) Review/Discussion of Revisions to Current Board By-Laws

The Chairman indicated it is well past time to update the Board's By-Laws. Each Board member was provided a copy of the current By-Laws and it was requested that a review be made and any revisions/changes be submitted to him with a copy to Ms. Woodhouse by the end of June. Any revisions/changes will then be provided to Mrs. Curtis, who will oversee the rewrite. It is hoped to have a revised document completed in time for review and approval at the July Board meeting.

b) Update Regarding PREA (Prison Rape Elimination Act) Requirements for Virginia (Ms. Thornton)

Ms. Thornton is the Department's PREA/ADA Coordinator. She thanked the Board for its work on jail compliance with PREA and went on to explain what a PREA audit will look like.

She indicated there are 40 PREA auditors nationwide. For those facilities who are currently ACA accredited, two PREA audits will be performed. ACA will perform one and the Department of Justice (DOJ) will perform another. Facilities must contract directly with the DOJ for that audit and the cost will be borne by the facility and may vary. For those facilities who are not ACA accredited, only a DOJ audit will be performed. Jails can be fined if they are found to not be in compliance with the PREA Standards.

Ms. Thornton indicated that Virginia jails are getting ready for this process and several have contacted her with questions. In addition to assistance with questions, Department PREA analysts have also been lending assistance. Ms. Thornton indicated that Department PREA procedures vary slightly from the Board's newly created PREA Standard. She does not anticipate any major problems with compliance.

Mr. Wilson indicated training has been provided to Sheriff's and Regional Jails. If it is found they are not in compliance, Comp Board staffing and per diem reimbursement could be affected.

There were no other questions or comments. The Chairman thanked Mr. Boshart for his report.

VI. Closed Session

No Closed Session was held.

VII. Other Business

There was no other business to be discussed.

VIII. Board Member Comment (Mr. Decker)

Reverend Paige indicated this was his last meeting as his appointment is up on June 30. He stated this has been a wonderful, eye-opening experience. He commended staff for the tremendous work they are doing and stated he does not believe that citizens have the slightest notion of the work the Department is doing and that the Department needs to tell its success stories more often.

Mr. Decker stated he appreciated Reverend Paige's input and insight and that it has been a pleasure serving with him. Mr. Osborne thanked Reverend Paige and commended him for his service to the Board and the Commonwealth. Mrs. Curtis stated she has learned a lot from him and thanked Reverend Paige and wished him well. Mr. Peed stated that his has been a short experience but indicated Reverend Paige always brought the tone of the meeting down to get issues resolved. On a side note, Mr. Peed noted that this week is Law Enforcement Officers' Week and that last week was Correctional Officers' Week. Mr. Peed also thanked the Department for providing the monthly newsletter. Mr. Cabacoy stated he wished Reverend Paige well and stated he was happy to know and work with him. Mr. Boshart stated he has enjoyed Reverend Paige's perspective and will miss it.

Mr. Decker indicated a request had been made to look at the scheduled Board meetings and change the October meeting to August because of reports due to the legislature by September 1. After discussion, it was agreed to cancel the October meeting and hold a meeting on the 14th of August in its place. The Regulatory Town Hall will be revised to reflect this change, and notice will be provided to anyone who could be impacted.

IX. Future Meeting Plans (provided for informational purposes)

There being nothing further, it was noted the July 17, 2013, meetings are scheduled as follows:

Liaison Committee – 9:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;
Correctional Services/Policy & Regulations Committee – 10:30 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia;
Board Meeting – 1:30 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia.

X. Adjournment

There being nothing further, by **MOTION** duly made by Mr. Osborne, seconded by Reverend Paige and **APPROVED** by verbally responding in the affirmative (Boshart, Cabacoy, Curtis, Osborne, Paige, Peed), the meeting was adjourned.

There were no questions and there was no further discussion. There were no opposing votes. Mrs. Alksne and Mr. Blank were absent. The Chairman then voted his approval of the Motion. The Motion carried.

(Signature copy on file)

PETER G. DECKER, III, CHAIRMAN

KURT A. BOSHART, SECRETARY