

**FINAL/APPROVED**  
**THE VIRGINIA BOARD OF CORRECTIONS**

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The Virginia Board of Corrections (Board) met on Wednesday, March 21, 2018 at the Department of Corrections (VADOC) Headquarters, 6900 Atmore Drive, Richmond, Virginia 23225.

**BOARD MEMBERS PRESENT:** Bobby Vassar, Vice Chairman  
John F. Anderson, Jr., Secretary  
The Honorable Vernie W. Francis  
Olivia J. Garland, PhD  
Heather Masters, M.D., SFHM, FACP

**BOARD JAIL REVIEW UNIT:** Steven Goff, Investigative Analyst  
Brian Sutherland, Policy Analyst

**BOARD COUNSEL:** Phillip Figura, Esq., Office of the Attorney General (Conference Call)

**BOARD MEMBERS ABSENT:** Phyllis Randall

**CONFERENCE CALL:** William T. Dean  
The Honorable Charles Jett  
Reverend Kevin L. Sykes

**VADOC STAFF PRESENT:** Emmanuel Fontenot, Compliance, Certification and Accreditation Unit  
Erma Locust, Compliance Certification and Accreditation Unit  
Bob Casey, Compliance Certification and Accreditation  
Jim Bruce, Policy and Initiatives Unit  
Rebecca Hancock, Policy and Initiative Unit  
Donna Foster, Administrative Support, Department of Corrections

**GUESTS PRESENT:** Sheriff Stephen Draper, Martinsville Sheriff's Office  
Laura Hopkins, Martinsville City Jail  
Taylor Muniz, Mosely Architects  
Bruce Crusier, Mental Health America-Virginia

**CALL TO ORDER**

Vice Chairman Vassar called the meeting to order at 12:00 p.m.

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**DETERMINATION OF QUORUM**

Vice Chairman Vassar determined there was a quorum present.

**WELCOME AND INTRODUCTIONS**

Vice Chairman Vassar welcomed everyone in attendance.

**APPROVAL OF SEPTEMBER BOARD MINUTES**

Vice Chairman Vassar presented the January 9, 2018 minutes for review and approval.

Upon a *MOTION* by Vice Chairman Vassar and duly seconded, the members voted unanimously to *APPROVE* the January 9, 2018 Board meeting minutes.

**PUBLIC COMMENT PERIOD**

None

**PRESENTATIONS**

**Jim Bruce**

The Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities review ended on March 8, 2018. The regulations became effective on March 9, 2018.

**Douglas Shore**

**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 Chairman Timothy Trent Superintendent of the Blue Ridge Regional Jail Authority officiated at the Liaison Committee. The January 9, 2018 minutes were unanimously approved.

Mr. Anderson reported that Ms. deSocio reported that the Budget was not approved because the House and Senate could not agree on several issues. They will return on April 11, 2018 for the reconvene session. Part of the budget that needs to be approved is sheriff's office and jails per Diem funding of \$500 thousand for fiscal year 2019 (FY19). Nothing was amended by the governor's office so appears to be a non-contentious issue. The House proposed a \$1,000 annual salary increase for all sheriff's deputies where the sheriff's office provides primary law enforcement. This would not affect larger localities or

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regional jails, only smaller jurisdictions. The Senate did not have a comparable bill so this will need to go to conference.

The Compensation Board will release the budget as soon as possible following the passing of the FY19 budget. In the past, the legislature did not reach an agreement until the 2nd or 3rd week of June with July 1<sup>st</sup> being the beginning of the fiscal budget year. No major changes that will affect local facilities are expected for the FY19 budget. Mr. Vassar asked if an amendment session was expected to follow the special session. Ms. deSocio noted that the 6th Wednesday following adjournment begins the reconvene session, where the governor introduces amendments or vetoes, Once the legislature agrees on a budget, they can adjourn and reconvene on the sixth Wednesday after adjournment. When an agreement is not reached until June, they do not adjourn but rather hold the session until the governor acts on amendments or vetoes with the goal being to have the Commonwealth funded by the beginning of the fiscal year on July 1st.

The Governor had proposed a 2% salary increase for state employees effective December 2019. The House of Delegates proposed moving the effective date up to July 1, 2019 and the Virginia State Senate removed the salary increase and added language that would require the Governor to propose a 2% salary increase effective July 1, 2019 while setting money aside for the pay increase in the event revenues for 2018 do not require re-forecasting. If revenues are below the 2018 forecasted level and funding needs to be re-forecasted, the money would then be redirected to offset the reduced revenues and there would be no salary increase. In addition, the House proposed expanding Medicaid and the Senate did not.

Mr. Anderson reported that Jim Parks was unable to attend the March Liaison Committee but the out-of-compliance total was 3,146, with 2,804 being male and 342 being female.

Mr. Anderson reported that Mr. Casey reported that Chesapeake Correctional Center remains on schedule for an expected mid-May, 2018 completion date and all inmates have been removed from the Proteus temporary structures in accordance with legislation. The Piedmont Regional Jail expansion is expected to be completed in November 2018. Southside Regional Jail's security door upgrade/replacement project is anticipated to be completed in June 2018. The upgrade/replacement for Northwest Regional Adult Detention Center is expected to be completed in July 2018. The Prince William-Manassas Regional Jail Phase II-204 bed expansion received the notice to proceed with construction on December 4, 2017 and anticipated completion of March 2020. The Henry County Jail is currently under design with an anticipated construction start date in June 2019 and completion in November 2021.

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

By recommendation of the Compliance, Certification and Accreditation Unit to approve as follows:

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**Unconditional certification as a result of 100% compliance for:**

**Southwest Virginia Regional Jail Authority-Duffield  
Richmond City Jail  
Virginia Beach Lockup #4**

**Unconditional Certification for:**

**Accomack County Jail  
Botetourt-Craig Regional Jail  
Grayson County Lockup  
Dominion Services for All People  
Cross Roads Reconciliation Services**

**Probationary Certification for:**

**Stellar Residential Services**

For failure to comply with financial audit requirements for 6 months from this date to give the facility an opportunity to provide the required documentation. After this timeframe has elapse, the Board will revisit this issue and has the option of continuing the probationary certification or de-certifying the facility.

Lancaster County Jail and Gemeinschaft Home CRP were postponed until the May meeting to allow for representative to attend to answer any questions by the Board members. (There was inclement weather during this meeting)

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

**The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with standards, approves the suspension of the 2017 annual inspections for the Southwest Virginia Regional Jail Authority –Duffield, Richmond City Jail and Virginia Beach Lockup #4.**

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

**JAIL REVIEW COMMITTEE REPORT**

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Sheriff Francis reported that Mr. Goff provided an update and advised that he would have a more detailed report for the March meeting. He reported difficulties in obtaining documentation from the Roanoke City Jail. The committee voted to recommend to the full Board the following motion:

**I move that the committee recommends to the full Board to authorize the Office of the Attorney General to issue a subpoena for the records denied access by the Roanoke City Sheriff be ordered to be released to the Board of Corrections' staff.**

Upon a *Motion* by Sheriff Francis and duly seconded, the attending members voted unanimously to *Approve* the above recommendations.

Mr. Figura advised that he had spoken with the Roanoke City Attorney who assured him that the documents are being produced at this time and will be ready for Mr. Goff to pick up. The City Attorney will assist to coordinate that this process will proceed smoothly and within 10 days. Mr. Figura suggested that, in the future, the Board gives him authorization to facilitate similar letters in advance of Board of Corrections' meetings as well as authorization to contact the city or county attorney to advise of legal responsibility and potential consequence. Mr. Vassar answered on behalf of the Board that he, by all means had the approval. Mr. Figura said that should a similar issue occur, he would provide a copy of his letter to the attorney for the administrator of a facility to Board members in advance for review.

Ms. Garland suggested sending a copy of the letter that was distributed to a facility administrators be sent to the corresponding city and county attorneys as well.

**CLOSED SESSION**

None

**ADDITIONAL ITEMS FOR DISCUSSION**

Ms. Locust asked if there was anything that she could provide the Board to clarify information for certifications.

Mr. Anderson asked if basic information for the facilities being considered for certification be provided so the Board members would know something about each facility.

Mr. Vassar asked that the terminology using mandatory and non-mandatory be changed as he considers all of the standards to be mandatory.

Dr. Masters expressed her concerns about the 29-hour workweek requirements, limiting Mr. Goff and Mr. Sutherland from working additional hours while trying to catch up on the backlog of jail deaths to July 1, 2017. The positions were funded on July 1, 2017 but not filled until mid-November, so there is little risk in going over the 1,500 hours that were funded. When this issue was brought to the attention of the Virginia Department of Corrections (VADOC), a memo was provided, dated in 2013 stating that wage employees

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are limited to 29 hours per work week on average per month. She noted that she worried that there may be a misinterpretation about the actual code and suggested further review. Mr. Vassar added that it appears to be a misapplication of the law that was passed. The memo was obviously referring to a twelve month basis. He further questioned the absence of some who represented the VADOC executive office. It is the desire of the Board to have jail deaths reviewed dating back to July 1, 2017. That places undue pressure on Mr. Goff and Mr. Sutherland to try to catch up while being limited to working 29 hours per week and not being able to work any additional hours.

Ms. Garland asked about Mr. Sutherland's position. Would his position become a full-time position or would he need to apply for it? Who would be involved in the interviews and what process would take place to determine placement.

**FUTURE MEETING DATES**

July 18, 2018  
September 19, 2018  
November 14, 2018

**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 of the attending members.

APPROVED:

*Signature on File*

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Phyllis J. Randall, Chairman

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John F. Anderson, Jr., Secretary