

**COMMONWEALTH OF VIRGINIA
BOARD OF LOCAL AND REGIONAL JAILS
JAIL REVIEW COMMITTEE MEETING**

Regular Meeting.....April 14, 2021

LocationAcademy for Staff Development, 1900 River Road, Crozier, Virginia

Presiding.....Olivia Garland, Chairman

Present.....John F. Anderson, Jr. Board of Local & Regional Jails Member
Vernie W. Francis, Jr. Board of Local & Regional Jails Member
Charles Jett, Board of Local & Regional Jails Member
Karen Nicely, LPC, Board of Local & Regional Jails Member
Bobby Vassar, Board of Local & Regional Jails Member
Phillip Figura, Board Counsel, Office of the Attorney General
Steve Goff, Board of Local & Regional Jails
Audrey Michael, Board of Local & Regional Jails
Donna Foster, Department of Corrections

The meeting was called to order and Chairman Garland welcomed all attendees.

The October 22, 2020 minutes were brought before the Committee for approval.

Upon a *Motion* by Chairman Garland and duly seconded, the attending members voted unanimously to *Approve* the October 22, 2020 Jail Review Committee meeting minutes.

Public Comment

None

Presentation

None

Closed Session

The following was offered by Mr. Anderson as a motion:

I *MOVE* that the Jail Review Committee begin *CLOSED* session pursuant to Virginia Code Section 2.2-3711(A)(16) to discuss or consider medical and mental health records; and pursuant to Virginia Code Section 2.2-3711(A)(8)

to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

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

Pursuant to Virginia Code Section 2.2-3712(F) I *MOVE* that the presence of the following individuals will reasonably aid this board in considering the subject of the closed session:

Names of the individuals to be included:

**Phillip Figura
Steve Goff
Audrey Michael
Donna Foster**

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

Reconvene Open Session

Upon the members' return to open session, Mr. Anderson offered the following in the form of a motion:

I *MOVE* that the Jail Review Committee reconvene our open session having concluded a closed session to discuss or consider medical and mental health records and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. I *MOVE* that this committee and its individual members certify that during the closed session, the Jail Review Committee limited its discussion to matters lawfully exempt from the public meeting requirements and identified in the closed session motion. If a Member cannot so certify, I ask that they state the reason specifically on the record and that the recorder take role.

Upon a *Motion* by Mr. Anderson and duly seconded, the attending members voted unanimously to *Approve* the above recommendations. All attending Board of Local & Regional Jails' members *Certified* that the closed session discussion was limited to medical, mental health records and legally exempt matters.

Actions

I make the following recommendations in the form of a Motion by Chairman Garland:

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee further finds that investigation revealed evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. NOW THEREFORE, I MOVE that the Board of Local and Regional Jails of the facility be notified of the Committee's findings:

Hampton Roads Regional Jail

18-0066 date of death 12/31/18
6VAC-15-40-1045 - Supervision of Inmates

The Jail Review Committee recommends to the Board of Local and Regional Jails ***Decertification*** and order that inmates held there be returned to the jurisdiction of origin.

19-0013 date of death 4/19/19
6VAC-15-40-360 - Twenty-Four Hour Emergency Medical and Mental Health Care

The Jail Review Committee recommends to the Board of Local and Regional Jails ***Decertification*** and order that inmates held there be returned to the jurisdiction of origin.

19-0006 date of death 2/23/19
6VAC-15-40-360 - Twenty-Four Hour Emergency Medical and Mental Health Care
6VAC-15-40-1045 - Supervision of Inmates

The Jail Review Committee recommends to the Board of Local and Regional Jails ***Decertification*** and order that inmates held there be returned to the jurisdiction of origin.

18-0043 date of death 5/15/18
6VAC-15-40-360 - Twenty-Four Hour Emergency Medical and Mental Health Care
6VAC15-40-400 - Management of Pharmaceuticals
6VAC-15-40-1045 - Supervision of Inmates
HRRJ Policy 10.4, Section II Inmate Supervision - Well Being Checks (security rounds)

The Jail Review Committee recommends to the Board of Local and Regional Jails ***Decertification*** and order that inmates held there be returned to the jurisdiction of origin.

In reviewing the cases, the Jail Review Committee finds a wanton disregard for the Board's Minimum Standards. The Jail Review Committee finds that the lack of sufficient trained staff make a significant threat to public safety, not only to the inmates but to the correctional officers themselves. The Committee further finds that all of the violations demonstrate an egregious lack of concern for the health and safety of all who enter the Hampton Roads Regional Jail.

Board of Local & Regional Jails
Jail Review Committee
April 14, 2021

Furthermore, the Committee finds that Hampton Roads Regional Jail knowingly withheld information from this Committee and gave this Committee manifestly inaccurate and misleading case summaries.

Given all of this, this Committee finds that there is no reasonable chance of bringing the facility into compliance with the Board's Minimum Standards, therefore, with respect to the cases that this committee has already addressed, this Committee recommends that the Board of Local and Regional Jails impose the penalties as discussed.

General Discussion

None

Other Comments

There being nothing further, the meeting was *Adjourned*.

**COMMONWEALTH OF VIRGINIA
BOARD OF LOCAL AND REGIONAL JAILS
JAIL REVIEW COMMITTEE MEETING**

Regular Meeting.....April 21, 2021

LocationAcademy for Staff Development, 1900 River Road, Crozier, Virginia

Presiding.....Olivia Garland, Chairman

Present.....John F. Anderson, Jr. Board of Local & Regional Jails Member
Vernie W. Francis, Jr. Board of Local & Regional Jails Member
Charles Jett, Board of Local & Regional Jails Member
Heather Masters, Board of Local & Regional Jails Member
Karen Nicely, LPC, Board of Local & Regional Jails Member
Bobby Vassar, Board of Local & Regional Jails Member
Ryan McCord, Executive Director, Board of Local and Regional Jails
Phillip Figura, Board Counsel, Office of the Attorney General
Steve Goff, Board of Local & Regional Jails
Audrey Michael, Board of Local & Regional Jails
Donna Foster, Department of Corrections

The meeting was called to order and Chairman Garland welcomed all attendees.

The April 14, 2021 minutes were not available for review.

Public Comment

None

Presentation

None

Closed Session

The following was offered by Mr. Anderson as a motion:

I *MOVE* that the Jail Review Committee begin *CLOSED* session pursuant to Virginia Code Section 2.2-3711(A)(16) to discuss or consider medical and mental health records; and pursuant to Virginia Code Section 2.2-3711(A)(8) to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

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

Pursuant to Virginia Code Section 2.2-3712(F) I *MOVE* that the presence of the following individuals will reasonably aid this board in considering the subject of the closed session:

Names of the individuals to be included:

**Ryan McCord
Phillip Figura
Steve Goff
Audrey Michael
Donna Foster**

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

Reconvene Open Session

Upon the members' return to open session, Mr. Anderson offered the following in the form of a motion:

I *MOVE* that the Jail Review Committee reconvene our open session having concluded a closed session to discuss or consider medical and mental health records and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. I *MOVE* that this committee and its individual members certify that during the closed session, the Jail Review Committee limited its discussion to matters lawfully exempt from the public meeting requirements and identified in the closed session motion. If a Member cannot so certify, I ask that they state the reason specifically on the record and that the recorder take role.

Upon a ***Motion*** by Mr. Anderson and duly seconded, the attending members voted unanimously to ***Approve*** the above recommendations. All attending Board of Local & Regional Jails' members ***Certified*** that the closed session discussion was limited to medical, mental health records and legally exempt matters.

Actions

I make the following recommendations in the form of a Motion by Chairman Garland:

The Jail Review Committee investigated the following cases by reviewing institutional, medical, and mental health records and other relevant evidence of the circumstances surrounding each death. The Jail Review Committee further finds that investigation did

not reveal any evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. **NOW THEREFORE, I MOVE** that the following cases be recommended to the Full Board for closure as a result of the following cases:

Case	Location	Date of Death
20-0013	Riverside Regional Jail	4/16/2020
20-0041	Riverside Regional Jail	12/28/2020

The Jail Review Committee makes the preliminary finding that the Riverside Regional Jails or any employee or agent thereof that may have directly or indirectly contributed to the death of the three inmates. The Jail Review Committee therefore will recommend that the Board of Local and Regional Jails find as follows:

Case #19-0021 Date of Death 7/24/19

Based on facts revealed upon investigation as outlined above, the Jail Review Committee recommends that the Board of Local and Regional Jails find that the Riverside Regional Jail failed to meet the minimum acceptable level of compliance within the Minimum Standards required for:

- 6VAC15-40-120 : Classification – (Paragraph B:4. (Medical History or Needs) & 6.(Treatment Needs of Inmate)
- 6VAC15-40-360 : Twenty-Four-Hour Emergency Medical/Mental Health Care
- 6VAC15-40-370 : Receiving and Medical Screening of Inmate
- 6VAC15-40-380 : Inmate Access to Medical Services

Case #20-0008 Date of Death 2/17/2020

Based on facts revealed upon investigation as outlined above, the Jail Review Committee recommends that the Board of Local and Regional Jails find that the Riverside Regional Jail failed to meet the minimum acceptable level of compliance within the Minimum Standards required for:

- 6VAC15-40-360 : Twenty-Four-Hour Emergency Medical/Mental Health Care
- 6VAC15-40-370 : Receiving and Medical Screening of Inmate
- 6VAC15-40-380 : Inmate Access to Medical Services

Case #20-0011 Date of Death 3/24/2020

- 6VAC15-40-360 : Twenty-Four-Hour- Medical Mental Health Care
- 6VAC15-40-370 : Receiving and Medical Screening of Inmate
- 6VAC15-40-380 : Inmate Access to Medical Services
- 6VAC15-40-1045 : Inmate housing areas shall be inspected a minimum of twice per hour at random intervals

Board of Local & Regional Jails
Jail Review Committee
April 21, 2021

The Jail Review Committee *FINDS* that one inmate repeatedly sought help from jail administration and correctional officers. Some of the pleas were responded to with callous indifference by staff with two notable exceptions. There was a correctional officer who did her best to assist the inmate by bringing her concerns to a supervisor and trying to bring the issue to the attention of the classification department for the inmate's cell assignment. Another correctional officer displayed great compassion in trying to save this inmate's life. However, due to confusion and delay throughout the facility, she was not successful.

Now, therefore, with respect to the above cases, the committee *Will RECOMMEND* that the Board of Local and Regional Jails **IMPOSE THE FOLLOWING PENALTIES:**

Pursuant to 6VAC15-20-100 – From the findings found here, the Jail Review Committee will **RECOMMEND** that the Board of Local and Regional Jails **DECERTIFY** the Riverside Regional Jail

And

Pursuant to Virginia Code §53.1-69, **ORDER** inmates held henceforth be **TRANSFERRED** to the jurisdiction of origin.

Motion seconded by Mr. Vassar.

Upon a *Motion* by Chairman Garland and duly seconded, the attending members voted unanimously to *Approve* the above recommendations. Dr. Masters *Abstained* from the vote on Case #20-0011.

General Discussion

None

Other Comments

There being nothing further, the meeting was *Adjourned*.

Upon a *Motion* by Chairman Garland and duly seconded, the attending members voted unanimously to *Approve* to *Adjourn*.