

THE VIRGINIA BOARD OF CORRECTIONS

The Virginia Board of Corrections (Board) met on Friday April 10, 2020 by **EMERGENCY TELECONFERENCE** to Discuss a Request by Sheriff O'Sullivan of the City of Chesapeake Regarding **COVID-19**

BOARD MEMBERS PRESENT: The Honorable Vernie W. Francis, Jr., Chairman
Bobby Vassar, Vice Chairman
John F. Anderson, Jr., Secretary
William T. Dean
Olivia Garland, PhD
The Honorable Charles Jett
Karen Nicely, LPC
Reverend Kevin L. Sykes

BOARD COUNSEL: Phillip Figura, Office of the Attorney General

ATTENDEES: Jacquelyn Katuin, Secretary of Public Safety Office
Emmanuel Fontenot, Virginia Department of Corrections
Sheriff Jim O'Sullivan, Chesapeake Sheriff's Office
Chris Price, Chesapeake City Manager
Bob Geis, Chesapeake Deputy City Manager
Robyn deSocio, Compensation Board
Sheba Williams, Probation and Parole District #32
Mark Bowes, Richmond Times Dispatch
Margaret Matray, Virginian Pilot
Mark Hickman, Indivior

There were representatives from the following organizations, whose names were indiscernible on the recording. Please feel free to contact me at 804-887-7850 to provide your name for this record:

National Coalition of Public Safety Officers
Franklin Grove

Chairman Vernie Francis called the meeting to order with the following:

As the members of this Board know, I filed a notice of an EMERGENCY ELECTRONIC MEETING pursuant to Virginia Code § 2.2-3708.2(A)(3). While this meeting is taking

place through electronic communication means, it is open to members of the general public.

As you know, the Governor declared a state of emergency in effect until June 10, 2020 because of the potential spread of COVID-19, a communicable disease of public health threat and the anticipated effects of that spread. Given this threat, the Board cannot assemble in person because of the need for social distancing for a prolonged period of time.

As you know, there is a strong presumption that this Board should meet in person. However, Virginia Code Section 2.2-3708.2(A)(3) permits the Board of Corrections to meet electronically if "the purpose of the meeting is to address the emergency" - that is, the spread of the COVID-19 virus or its "anticipated effects."

I am in receipt of a letter from Jim J. O'Sullivan, Sheriff for the City of Chesapeake. Sheriff O'Sullivan requests the authority to temporarily house inmates from around the region who test positive for or otherwise present symptoms of COVID-19. The inmates would be held in an isolation unit located in the Chesapeake City Jail's newly constructed C-Unit.

I'll entertain a MOTION with respect to this Emergency Electronic Meeting.

MOTION: Mr. Chairman I MOVE that this Board conduct an Emergency Electronic Meeting to address the request made by Sheriff O'Sullivan in his letter dated April 3, 2020. I ALSO MOVE that this Board recognize that the Governor declared a state of emergency in effect until June 10, 2020 because of the potential spread of COVID-19, a communicable disease of public health threat, and the anticipated effects of that spread. I FURTHER MOVE that the Board FIND that because of this threat, the Board cannot assemble in person because of the need for social distancing for a prolonged period of time. Finally Mr. Chairman, I MOVE that this Board FIND that because the request by Sheriff O'Sullivan deals directly with a coordinated response to limiting the spread of COVID-19, an electronic meeting in the midst of this state of emergency is not only permissible, it is necessary.

Motion read by Chairman Francis, Made by Bobby Vassar and Seconded by John Anderson.

ROLL CALL VOTE:

John F. Anderson, Jr.	Yay
William T. Dean	Yay
Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Absent

Karen Nicely	Yay
Reverend Kevin Sykes	Yay
Bobby Vassar	Yay

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

Chairman opened the floor to Sheriff Jim O’Sullivan to discuss his request for opening an auxiliary building for COVID-19 patients.

Sheriff O’Sullivan: We have a great asset in Chesapeake with an auxiliary housing unit that is not occupied at this time. Seeing the trend with the coronavirus in the middle of last month, I began thinking of other opportunities to house individuals who tested positive. As you know in a correctional setting, it is very difficult to isolate individuals. We do the best that we can under the circumstances, but I believe that this building would provide a great opportunity in Chesapeake to keep positive testing individuals separated. My hope is to never need the building but I think it is inevitable at some point and that this should be on the table. It has to be approved for occupancy. If approved, we will roll up our sleeves and get busy with our health department here in Chesapeake, Chesapeake Regional Hospital, the medical vendor as well as the Chesapeake City Manager, Chris Price and the Deputy City Manager, Bob Geis, who are both on board. They first need to get occupancy and then would reach out to other jurisdictions locally in the Hampton Roads area who would be interested in entering into a Memorandum of Understanding to join in. Depending on the demand, we are for regionalism and doing the right thing in the worst of times to prevent the outbreak any further within our facilities.

Chairman Francis asked if any Board members had any questions:

Dr. Garland: Is the plan to accept positive-testing (inmates) and not individuals whose disease is active?

Sheriff O’Sullivan: We have not defined it clearly yet. We have only described the basics. We need the occupancy before devoting a lot of energy into specifics. If approved, we will develop a formatted plan. It will likely remain a work in progress, depending on the severity and depending on the need. We will be flexible and depending on what the

Dr. Garland: Once we approve this request, do you have any idea how long it would take to get your procedures in place and/or get the building ready for occupancy?

Sheriff O’Sullivan: I can have the building ready for occupancy within 24-48 hours. It is ready to go except for electronic hookups such as surveillance. Otherwise, we are ready to go. We will work with Chesapeake Regional Hospital and we would accelerate as needed.

Bobby Vassar: I don’t know if the sheriff has been provided a copy of our proposed motion to authorize the opening and use of the facility but I just want to make sure that it is broad enough to accommodate the current and changing needs which seem to be different from day to day, in order to avoid the need to come back to the Board. I just want to be sure that the Board’s authorization is sufficient to get the facility open and then to be utilized as medical and other conjunct factors may require under the circumstances. The sheriff can listen as we make the motion and structure it to meet the anticipated needs and developments.

Bobby Vassar made the following in the form of a motion and it was seconded by Dr. Garland:

I MOVE that the Board APPROVE/DISAPPROVE of temporary opening of existing Chesapeake Correctional Center’s Proteus Building – C-unit, for offenders, medically identified, test positive or otherwise present symptoms of COVID-19 for segregation purposes.

Sheriff O’Sullivan: I think that sounds excellent and I want to reassure everyone that we will be medically compliant before we would open the doors to receive anyone.

ROLL CALL VOTE:

John F. Anderson, Jr.	Yay
William T. Dean	Yay
Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Absent
Karen Nicely	Yay
Reverend Kevin Sykes	Yay
Bobby Vassar	Yay

8 Votes in **FAVOR** of the **MOTION**, one **ABSENT** – **MOTION CARRIES**

Chairman Francis thanked the Board members, Sheriff O’Sullivan and the other attendees. Sheriff O’Sullivan thanked the Board saying it has been an honor to serve.

Chairman Francis said that this concludes the purpose of this meeting. Thanking everyone for their time. Chairman Francis offered the following in the form of a motion:

I MOVE that the meeting be adjourned.

ROLL CALL VOTE:

John F. Anderson, Jr.	Absent
William T. Dean	Yay
Vernie, W. Francis, Jr.	Yay
Dr. Olivia Garland	Yay
Charles Jett	Yay
Dr. Heather Masters	Absent
Karen Nicely	Yay
Reverend Kevin Sykes	Yay
Bobby Vassar	Yay

7 Votes in **FAVOR** of the **MOTION**, two **ABSENT** – **MOTION CARRIES**

Adjourned