

COMMONWEALTH OF VIRGINIA
BOARD OF LOCAL AND REGIONAL JAILS
MEETING MINUTES
APPROVED 11/16/2022

REGULAR MEETING..... September 21, 2022 12:00 PM

LOCATION.....6900 Atmore Drive, Richmond, Virginia

PRESIDING.....Vernie Francis, Chairman

BOARD MEMBERS PRESENT: The Honorable Vernie Francis, Chairman
 Cleopatra Booker, PsyD, Secretary
 Michael Carrera
 Tiffany Jenkins
 Amanda Trent
 Roland Sherrod, CPA
 Anita Maybach, M. D.
 Christopher Strom

EXECUTIVE DIRECTOR: Ryan C. McCord

BOARD STAFF PRESENT: Tawana Ferguson, Regulatory Compliance Supervisor
 John Rock, Jail Death Investigator
 Alison Lautz, Jail Death Investigator
 Gerald Olson, Architect
 Colleen Maxwell, Policy Analyst

GUESTS PRESENT: Stacie Sessoms, OAG, Board Counsel (remotely)
 Andrew McVeigh, Mosely Architects
 Chris Roman, Mosely Architects
 Sheriff Todd Wessells, Accomack County
 Major Shane Childress, Accomack County
 Colonel Kevin Hudson, Rappahannock Regional Jail
 Erick Gregory, Rappahannock Regional Jail
 James Giles, Rappahannock Regional Jail
 Major Jim Pritchett, Chesterfield County Sheriff's Office

CALL TO ORDER

Chairman Francis called the meeting to order at 12:27 p.m.

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DETERMINATION OF QUORUM

Chairman Francis determined there was a quorum present.

APPROVAL OF AUGUST BOARD MINUTES

The August 10, 2022 minutes were approved by motion of Ms. Trent and second by Mr. Carrera.

PUBLIC COMMENT

No one present to offer comments.

PRESENTATIONS

A resolution of appreciation, to be permanently on file in the records of the Board of Local and Regional Jails, was passed by motion of Ms. Trent with a second by Mr. Strom, in recognition of the contributions made by Mr. Bobby Vassar, former Board of Local and Regional Jails member.

APPROVAL OF JAIL DEATH REVIEW REPORTS

Ms. Trent offered the following in the form of a motion:

Pursuant to the reporting requirement of §53.1-69.1 subsection D, I recommend approval and submission of the reports on the following cases: 21-0026; 21-0008; 21-0034; 21-0044; 21-0027; 21-0031; 21-0059; 20-0033; 20-0999; 20-0035; 20-0001; 22-0021; 22-0011; 22-0016; 20-0019; 20-0037; 21-0001; 21-0007; 21-0010; 21-0013; 21-0015; 21-0012; 21-0021; 21-0042; 21-0063; 21-0067; and 21-0073.

Upon a *Motion* by Ms. Trent and a seconded by Dr. Booker, the attending members voted unanimously to *Approve* the above recommendations.

CERTIFICATIONS REPORT

Tawana Ferguson - Certifications Report Presentation

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1. Ms. Trent offered the following in the form of a motion:

Unconditional certification as a result of 100% compliance with Board standards for the following facilities:

1. Meherrin River Regional Jail – Alberta
2. Surry County Lockup
3. Rockingham-Harrisonburg Regional Jail
4. Piedmont Regional Jail

Ms. Trent then revised her motion to include, along with the facilities above, the unconditional certification of the Fauquier County Adult Detention Center.

Upon a *Motion* by Ms. Trent and a second by Dr. Booker, the attending members voted unanimously to *Approve* the above recommendations.

2. Ms. Trent offered the following in the form of a motion:

In recognition of the outstanding achievements of 100% compliance with Board standards, I recommend suspension of the 2022 annual inspections for the following facilities:

1. Meherrin River Regional Jail – Alberta
2. Surry County Lockup
3. Rockingham-Harrisonburg Regional Jail
4. Piedmont Regional Jail

Ms. Trent then revised her motion to include, along with the facilities above, the suspension of the 2022 annual inspection of the Fauquier County Adult Detention Center.

Upon a *Motion* by Ms. Trent and a second by Dr. Booker, the attending members voted unanimously to *Approve* the above recommendations.

3. Dr. Booker offered the following in the form of a motion:

Unconditional certification as a result of 100% to include re-certification to hold male and female juveniles in accordance with §16.1-249.G of the Code of Virginia for the following facilities:

- Surry County Lockup

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Upon a *Motion* by Dr. Booker and a second by Ms. Trent, the attending members voted unanimously to *Approve* the above recommendations.

4. Dr. Booker offered the following in the form of a motion:

Unconditional certification for the following facility:

- Danville City Jail

5. Rappahannock Regional Jail Audit – Colonel Kevin Hudson, Superintendent and facility counsel Eric Gregory, Hefty Wiley & Gore, P.C. shared information concerning their recent facility audit. Following the review of information presented, the proposed area of non-compliance was removed from the facility’s audit report.

JAIL REVIEW COMMITTEE REPORT

Mr. Sherrod read the motion below as follows:

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 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:

Cases	
21-0026	21-0067
21-0059	21-0066
21-0073	20-0037
21-0031	21-0034
22-0021	20-0036
22-0002	22-0024
21-0014	21-0062
20-0010	

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

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Mr. Sherrod as a motion offered the following:

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 finds that the investigation did reveal evidence indicating that the facility was out of compliance with the regulations promulgated by the Board. However, the Jail Review Committee finds that the corrective actions taken by the jail appropriately addresses the substance of the violation such that no further measures are necessary. NOW THEREFORE, I MOVE that the following cases be recommended to the Full Board for closure:

Cases	
21-0044	20-0028
21-0060	20-0019
21-0012	22-0011

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

PROPOSED BUILDING PROJECTS

Jerry Olson, Board Architect, presented the following for Board consideration:

- a. Albemarle-Charlottesville Regional Jail renovation

Dr. Booker offered the following motion – I recommend the Board of Local and Regional Jails APPROVE the Albemarle – Charlottesville Regional Jail’s request for state funding for the renovation and expansion of their facility. This motion recognizes a total eligible cost of \$49,021,414 of which up to 25% or \$12,255,353 would be eligible for State reimbursement in payments over a specified period of time. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a *Motion* by Dr. Booker and a second by Mr. Carrera, the attending members voted unanimously to *Approve* the above recommendation.

- b. Loudoun County Adult Detention Center renovation

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Ms. Trent offered the following motion – I recommend the Board of Local and Regional Jails APPROVE the Loudoun County Adult Detention Center’s request for state funding for the renovation and expansion of their facility. This motion recognizes a total eligible cost of \$34,400,652 of which up to 25% or \$8,600,163 would be eligible for State reimbursement in payments over a specified period of time. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a Motion by Ms. Trent and a second by Dr. Booker, the attending members voted unanimously to Approve the above recommendation.

c. Franklin County Jail safety and security improvements

Ms. Trent offered the following motion – I recommend the Board of Local and Regional Jails APPROVE the Franklin County Jail’s request for state funding for the upgrade of their facility. This motion recognizes a total eligible cost of \$129,604 of which up to 25% or \$32,401 would be eligible for State reimbursement in payments over a specified period of time. Such reimbursement is subject to the availability of funds and compliance with Board Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, 2018, and Sections 53.1-80 through 82 of the Code of Virginia.

Upon a Motion by Ms. Trent and a second by Dr. Booker, the attending members voted unanimously to Approve the above recommendation.

EXECUTIVE DIRECTOR REPORT

Ryan McCord provided the following information for the Board:

- a. Recognition of John Rock, Jail Death Investigator – Investigator Rock was recognized by the US Attorney’s Office for his role in the investigation of the death of Newport News Police Officer Katie Thyne when Investigator Rock during his tenure as a homicide detective in Newport News.
- b. Annual Reports Submissions – the annual reports will be submitted by October 1, 2022 for construction related reports and December 1, 2022 for the annual reports of jail death reviews, facility audits, and facility inspections.

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- c. Legislative Proposals – will be presented to the Secretary of Public Safety later this month.
- d. Local and Regional Jail Visits – Mr. McCord and Mr. Carrera have visited a few facilities over the past few weeks. They are doing so in an effort to increase Board member understanding of facility operations. Mr. McCord extended the invitation to other board members.
- e. Office of Regulatory Management Unified Plan – Ms. Maxwell, Board Policy Analyst provided an overview of the Board’s portion of the Department of Correction’s Unified Regulatory Plan. In spite of the Board having its own regulatory agency number and unique authority, the Office of Regulatory Management views the Board as a subsidiary of the DOC rather than an independent agency.
- f. SB 581 Fee Study Group Update – Mr. McCord shared that the SB 581 Workgroup report is due December 1, 2022.
- g. Mental Health in Jails – Mr. McCord will be meeting with representatives with the Department of Behavioral Health and Developmental Services to collaborate on the issue of mental health in jails.

BY-LAWS REVISION

Mr. McCord informed the Board that he and Ms. Maxwell have identified revisions to the By-Laws of the Board to bring them in line with Code changes. Chairman Francis provided his recommendations. The proposed changes will be disseminated to the Board for review and possible approval at the next meeting.

COMMITTEE ASSIGNMENTS

Chairman Francis made the following Committee Assignments:

Jail Review Committee:

- 1. Mr. Randy Sherrod, Chair
- 2. Sheriff Charles Jett
- 3. Dr. Anita Maybach
- 4. Ms. Amanda Trent

Liaison Committee:

- 1. Sheriff Steve Draper, Chair
- 2. Chris Smith, Vice Chair

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3. Sheriff Mike Taylor
4. The Honorable Charles Jett
5. Mr. Michael Carrera
6. Superintendent Steve Clear
7. Ms. Robyn de Socio, State Compensation Board Rep.
8. Mr. Jim Parks, VADOC Rep.

Policy and Regulations Committee:

1. Dr. Cleopatra Booker, Chair
2. Mr. Christopher Strom
3. Ms. Tiffany Jenkins
4. Mr. Michael Carrera

CLOSED SESSION

- a. Proposed Motion to include Specific Non-Members to Join in Closed Session:

Dr. Booker offered the following as a motion: Before we enter into closed session, pursuant to Virginia Code Section 2.2-3712(F) I *MOVE* to include the following nonmembers as necessary to our consideration of the subject of the closed session:

1. Ryan McCord
2. Alison Lautz
3. John Rock
4. Tawana Ferguson
5. Gerald Olson
6. Colleen Maxwell
7. Stacie Sessoms, OAG, Board Counsel (remotely)

Upon a *Motion* by Dr. Booker and a second by Mr. Carrera, the attending members voted unanimously to *Approve* the above recommendation.

- b. Proposed Motion to enter Closed Session

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Dr. Booker offered the following as a motion: I MOVE that the Board of Local and Regional Jails begin CLOSED session 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 Dr. Booker and a second by Mr. Carrera, the attending members voted unanimously to *Approve* the above recommendation.

- c. Enter Closed Session
- a. Proposed Motion to Enter Open Session (turn microphones on)

Dr. Booker offered the following as a motion: I *MOVE* that the Board of Local and Regional Jails reconvene our open session having concluded a closed session consult with legal counsel on specific legal matters requiring legal advice. I *MOVE* that this Board and its individual members certify that during the closed session, the Board 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 Dr. Booker and a second by Ms. Trent, the attending members voted unanimously to *Approve* the above recommendation.

All members certified.

There being no further business to discuss before the Board of Local and Regional Jails, upon a *Motion* by Dr. Booker and duly seconded, the meeting was *adjourned*.