

## **Rockingham/Harrisonburg Community Criminal Justice Board (CCJB)**

County Administration Center, Fire & Rescue Classroom  
December 8, 2014 @ 4:00p.m. Call to Order

### **Meeting Minutes**

Board members present –

Marsha Garst – Commonwealth Attorney  
Chaz Evans-Haywood – Clerk of Circuit Court,  
Sheriff Bryan Hutcheson – Rockingham County and City of Harrisonburg  
Judge Bruce D. Albertson – Circuit Court  
Judge Richard Claybrook – General District Court  
Judge David O’Donnell – Juvenile & Domestic Relations  
Pablo Cuevas – Rockingham County Board of Supervisor  
Ted Byrd – City of Harrisonburg Council Member  
Joseph Paxton – County Administrator  
Kurt Hodgen – City Manager  
Louis Nagy – Defense Attorney  
Don Driver - Department of Social Services  
Lacy Whitmore – Community Services Board  
Dr. Carol Fenn – Rockingham County School Superintendent  
Dr. Scott Kizner – Harrisonburg City School Superintendent  
Chief Stephen Monticelli – Harrisonburg Police Department

Board Members Absent – Judge T.J. Wilson – Circuit Court  
Monica Martin – Chief Magistrate  
Chief Lee Shifflett – James Madison University Public Safety

Staff present Ann Marie Freeman, Director Court Services Unit

Guests present - Senator Mark D. Obenshain  
Delegate Tony Wilt,  
Thomas H. Miller, Jr., County Attorney  
G. Chris Brown, City Attorney  
Stephen G. King, Deputy County Administrator  
Lt. Steve Shortell – Rockingham/Harrisonburg Regional Jail Director  
Kurt Boshart – Harrisonburg Police Department

**Minutes** from the October 28, 2013 meeting were approved  
Motion was made by Don Driver and Seconded by Kurt Hodgen  
Motion passed unanimously

The Community Criminal Justice Board (CCJB) held a public meeting to discuss the Community-Based Corrections Plan (CBCP) and Facility Planning Study (FPS), that is proposed to be sent to the Department of Corrections for their review at the end of December 2014.

Members of the CCJB, County officials, City officials and staff from both jurisdictions were introduced.

Chairman Cuevas recognized Senator Obenshain and House of Delegate member Tony Wilt during the meeting.

Ann Marie Freeman provided an overview on the jail overcrowding issue and shortcomings in the current facility. She outlined the steps to be taken and scheduled timeframe to accomplish those steps.

Administrator Paxton explained that the CCJB has until July, 2016 to consider alternatives which can be implemented locally to reduce the size of the proposed jail facility, and the Board and City Council will not need to take action on building a facility until July, 2016. By that time, an architect will be hired. No additional funds will be expended before the middle of 2016 on this part of the process, if it is determined a facility needs to be built. Construction on a new facility will not begin until the fall of 2017. Administrator Paxton further explained the process will not start until the plans are submitted to the Department of Corrections. If the group waits until the next biennium to submit the plans, it will be July, 2018 before an architect is hired, September, 2019 before a bid can be awarded and the first quarter of 2022 before a facility would be completed. The plan has been expedited so the Board and Council will know it is in the que. At some point in the future a decision will be made whether or not to “pull the trigger” on that que.

Lacy Whitmore introduced Ellen Harrison, Acute Services Director at the Community Services Board (CSB). Ms. Harrison coordinates the mental health services currently provided at the jail. She provided a summary of existing mental health services and initiatives currently supported in the jail. She also reviewed an 18-month pilot project the CSB hopes to begin in January to provide additional service hours and access to a mental health professional within the jail. There are two additional projects the CCJB work group will need to review to determine ways to divert individuals from entry into the jail.

Mr. Whitmore stated he hopes the pilot program will be in alignment with the statewide work that Judge Claybrook has been involved with to develop a special population docket or court. A Driving Under the Influence (DUI) court is being considered in the Harrisonburg/Rockingham County area.

Administrator Paxton indicated the CCJB would like to forward the pilot program request, to extend mental health services and determine the needs of citizens in the local community, to the Board and City Council for consideration. He noted there were also projects recommended for consideration that require funding be included in the budgeting process.

Mayor Byrd confirmed that Charlottesville and other jurisdictions are conducting a similar pilot program so the work group has guidelines to follow rather than having to implement new policies and procedures. He understands other localities have received state funding for similar pilot programs. Ms. Harrison confirmed that was the case and noted higher-density jurisdictions have the program up and running.

**Authorization** to forward the pilot program, to expand mental health services and determine what services are needed, to the City Council and Board of Supervisors.

Motion was made by Don Driver and Seconded by Marsha Garst

Motion passed unanimously

Michael Jones from Moseley Architects reviewed trends in the jail.

In response to a question from Dr. Kizner, Mr. Jones noted the State does not reimburse for day reporting centers. However, state grants may be available to cover staff salaries. He explained a day reporting center is a place with extreme supervision where people report daily, and it can be located in a store front, a judicial center, or any desired location.

Mr. Driver asked if the pilot programming size is based upon the local jail demographics or a typical program size across the state. Mr. Jones indicated it is based on the size of the local population and comparisons he made to jails of a similar size to determine the possible percentage attainable. It is not based on needs or who is currently incarcerated.

Judge Albertson asked if a drug court creates more strain on the local jail resources since there is less incarceration time, meaning inmates do not go to the Department of Corrections. Mr. Jones responded that was fair to say.

In response to a question from Judge Albertson, Mr. Jones indicated if the City and County institute a drug court, he believes it would eventually save beds. Inmates receive a deferred sentence when they enter the program, which is about a year long. If an inmate completes the program, the charges are dropped and the inmate is removed from the system. If the program is not completed, the inmate returns to jail and serves the original sentence. Mr. Jones further indicated there is only a 25 percent bed reduction statewide since only 25 percent of inmates complete the program. The need for beds is delayed for the remaining 75 percent of inmates in the program.

In response to a question from Mr. Driver, Mr. Jones indicated he did not know if most courts added extra jail time if the program was not completed. Judge Albertson believes a portion of the sentence would be suspended. He thinks if an inmate is sentenced to two years with one year and 10 months suspended, the inmate may serve 60 days in a local facility because they are not transferred.

Mr. Jones advised it is difficult for a facility to solve an overcrowding issue through programs alone. Programming is good but other changes are needed in the system. If one person enters the jail and stays a year, the diversion of that one person saves one jail bed. One person can also be a diversion of 1/12 of a bed if they are only in jail 30 days, in which case 12 inmates would need to be diverted into a program to save one jail bed. Mr. Jones explained that looking at the jail system as a bathtub where the jail population is in the tub and the tub stays filled through the spigot, if the jail is emptied it will refill in six to seven months.

Carrie Hennigan from Moseley Architects reviewed the Facility Planning Study, which is based on recommendations made in the Community-Based Corrections Plan. Ms. Hennigan focused on the construction by explaining the layout of the proposed facility. She noted the planning study content follows the Department of Corrections (DOC) requirements. The purpose of the study is to develop a plan to calculate the estimated cost of the facility. The planning study provides decision-makers with

the information needed to determine if they want to go forward. The planning study evaluates the site by taking into account the zoning, availability of utilities, size and terrain and the Willow Springs Road site was determined to be an appropriate site. Ms. Hennigan indicated the work release area could be used as a day reporting center if the dormitories are not full. A weekender program could also be conducted in this section of the building since it is a less secure type of housing.

Ms. Hennigan indicated the total estimated cost of the proposed facility is \$63.2 million before any DOC reimbursement. The local cost will be less if the proposal is approved by the DOC and is placed in the State budget.

In response to several questions from Judge Albertson regarding mental health housing beds in the current jail, Ms. Hennigan said there were none because the all beds in the current facility are for the general population; there is not a separate housing unit for inmates with mental health issues. There is no room to expand mental health housing in the current jail. To do so, a general population housing unit would need to be labeled as mental health housing. If a general population housing unit was converted to mental health housing, general population inmates would have to be diverted to another facility or squeezed into a smaller general population housing unit.

Judge Albertson asked about unsentenced inmates awaiting trial and probation revocation. He noted the figures in Mr. Jones' presentation are based on a one-day snapshot, but he thought some inmates would have dual classifications. Many of the people Judge Albertson sees on probation violations are being held in the Rockingham County Jail or another facility for a new charge. He questioned whether the numbers Mr. Jones presented took those situations into account. Mr. Jones indicated they do not; inmates labeled as probation violators are awaiting charges or hearings for a violation. Mr. Jones does not know the proportion awaiting new charges, but said that would be a new administrative decision that could be from another jurisdiction for any type of charge.

Administrator Paxton indicated the numbers are distorted a little because Sheriff Hutcheson has been asked to send inmates who have been sentenced to Middle River Regional Jail. Inmates awaiting trial are held in the local jail to reduce the number of inmate transports back and forth between Harrisonburg and the Middle River Regional Jail.

Louis Nagy asked if the percentages in the presentation for Unsented Awaiting Trial (35.1%) and Awaiting Probation Revocation (25.4%) are based on total inmate population or only those inmates in the local facility. According to Mr. Jones, the numbers only reflect those at the jail. He said the pre-trial population as a proportion of the jail would be lower and more in line with other jails in Virginia if the inmates at Middle River were included.

In response to questions from Mr. Nagy, Sheriff Hutcheson indicated the Rockingham County Jail currently has 92 inmates housed at Middle River Regional Jail. He said 33 (approximately one-third) are out of compliance and are waiting for the Department of Corrections to transfer them elsewhere, while the locality pays the cost for their beds. Lieutenant Shortell noted two inmates at Middle River have pending charges with no bond. He normally sends all sentenced (local and DOC) inmates to Middle River. None of the DOC inmates currently housed in the local jail are out of compliance. He does not have a figure on how many of the remaining inmates are local or DOC inmates.

Administrator Paxton explained that since Middle River has excess capacity, the State is not in a hurry to move the out-of-compliance inmates from that facility. If the prisoners' sentences are longer

than a year they may remain there before DOC will pick them up. Sheriff Hutcheson said the jail is at the State's mercy so the percentage of inmates placed at Middle River due to non-compliance could increase from one-third to a half. They may end up staying there before DOC will pick them up

Mr. Driver asked if the demographics of inmates with substance abuse or mental health issues included inmates housed at Middle River. If not, he wondered if including those inmates would alter the percentage. Mr. Jones responded that the demographics information is a profile of only those inmates in the Rockingham County Jail. He did not have an estimate regarding how the population at Middle River would differ other than the charges would be more serious because a third of those inmates are federal prisoners. Mr. Jones does not know the background needs of those inmates, but questioned if they should be included in a program since they will be transferred to a state prison. Mr. Driver noted that two-thirds of the inmates at Middle River are there due to overcrowding in the local jail. He wondered about a program for them since they will return to the local community after their release.

Chairman Cuevas stated that many citizens are asking the City and County not to build a new jail facility. He does not know how to rebuild the lives of those who have made mistakes and motivate them to lead better lives with better opportunities without space, programs and trained people to address their needs. Chairman Cuevas does not know what shape the space and programs will take, but said the Community-Based Corrections Plan and Facility Planning Study need to move forward for alternatives to be considered and to develop an orderly system to teach inmates to read, be properly trained for the workforce and be rehabilitated from drug and alcohol abuse. In addition to space, such a system requires will power, funding and help from the General Assembly, numerous agencies and trained staff (law enforcement, judges, mental health specialists and others).

Chairman Cuevas indicated recommendations received from the study and the public have helped the CCJB determine possible solutions, and some steps have already been taken by the Community Services Board. Chairman Cuevas thinks the problems can be minimized if the community works together in a positive manner.

Chairman Cuevas also expressed concern about the needs of victims and how to protect them. There are citizens who have lost loved ones, material items and businesses that are entitled to some restitution, he said.

Chairman Cuevas stated he wanted to form a special committee to look at and design alternative programs that do not require the kind of jails currently utilized. He talked with and wants to appoint former (retired) Judge John Paul to chair the committee which will include the City Manager, Mayor, County Administrator, Board Chair and Ruth Stoltzfus Jost (a citizen who is actively working with the City and County to contribute suggestions) to represent the community. Sheriff Hutcheson and Court Services Director Ann Marie Freeman will serve as resources since they have access to numbers and work with the inmate population on a daily basis. He said the committee and community need to believe in the process and work together to determine a way to better address corrections and rehabilitation. Members of the General Assembly, judges, public safety personnel and others will be asked to assist the special committee in developing programs to make our community a better place in which to live. Chairman Cuevas hopes this committee will remember the victims who also need assistance.

Chairman Cuevas thanked the citizens for attending the meeting. Their presence communicates to the CCJB that citizens want something different. He said today is a good time to start something different.

Mayor Byrd confirmed with Community Services Board Director Lacy Whitmore, Commonwealths Attorney Marsha Garst, Sheriff Hutcheson and the judges that they were in support of Community-Based Corrections Plan and Facility Planning Study as presented,

Mayor Byrd made a motion, which was seconded by Commonwealths Attorney Garst to approve and move forward with the Community-Based Corrections Plan and Facility Planning Study.

Dr. Kizner asked if anyone else could vote other than the individuals Mayor Byrd confirmed were in support of the corrections plan, and whether the Board was voting on the exact plan presented with the \$63.2 million project. Chairman Cuevas explained the vote is for the CCJB to forward the Community-Based Corrections Plan and Facility Planning Study to the Board of Supervisors and City Council for consideration. This is part of a process to have a plan drafted in a proper manner to be reviewed by the State. There is no commitment of money, specific layout of buildings or uses of building at this time.

Administrator Paxton explained approval of the motion would move these two documents to the City Council and Board of Supervisors. If the local governing bodies approve the documents, they will be forwarded to the Department of Corrections for their review. In the spring, the Board and Council will need to adopt resolutions to allow the plan and study to go before the Board of Corrections. If the Board of Corrections approves the documents, the dollar amount for the project will be forwarded to Governor McAuliffe. If it is approved by the General Assembly, the Board and Council will have a year or two to make a final decision to move it forward. He reiterated the motion is to move these two documents (the Community-Based Corrections Plan and Facility Planning Study) forward to the Board and Council. It also gives the local governing bodies and Community Criminal Justice Board an opportunity and framework to begin serious dialogue on how the project and numbers can be implemented.

Chairman Cuevas noted this is similar to the school system providing plans for a new school to the state for them to consider possible funding, if and when the School Board decides to build a new school. Unless the plans go through this process, the General Assembly will not consider funding assistance for a future facility.

Dr. Kizner said he asked for clarification because everyone on the committee is reading the report from a different perspective. He is concerned about prevention since half the inmates do not have a high school diploma. Dr. Kizner said whatever is built will not be big enough if this population is not reduced and services are available in the community.

Chairman Cuevas stated this needs to be a part of the community's overall needs. There are community commitments for the environment, education, law enforcement, and other areas, but taxpayers cannot pay all of that at one time.

A gentleman in the audience indicated there was a mistake on Moseley Architect's slide showing the location of the proposed facility as it did not show Pleasant Valley, the Springs at Osceola, Ramblewood and other residents. He hopes the group will consider other locations so escapees do not wander into a family's backyard.

Chairman Cuevas indicated he understood the citizen's point but the landfill has been located in that area for decades and yet developments were built near the landfill and citizens purchased those homes near the landfill.

The CCJB voted unanimously in favor of approving and moving forward with the Community-Based Corrections Plan and Facility Planning Study by forwarding it to the Board of Supervisors and City Council

**Adjournment** at 5:44 p.m.