

At the regular meeting of the RSW Regional Jail Finance and Personnel Committee held at RSW Regional Jail on January 24, 2019, at 1:00 pm:

Present: Mary Beth Price (County Administrator, Shenandoah County), Douglas Stanley (County Administrator, Warren County), Garrey Curry (County Administrator, Rappahannock County), Brendan Hefty (Hefty Wiley and Gore: Legal Counsel) Russell Gilkison (Superintendent, RSW Regional Jail), Steven Weaver (Deputy Superintendent, RSW Regional Jail), Stephanie Smith (Finance Manager, RSW Regional Jail), Mary O'Connor (Administrative Assistant, RSW Regional Jail).

Absent: None.

### **Welcome and Introductions**

Ms. Price called the meeting to order at 1:00 pm.

### **Adoption of Minutes**

On a motion by Mr. Stanley, seconded by Ms. Price, and by the following vote, the RSW Regional Jail Finance and Personnel Committee adopted the minutes of the November 15, 2018 meeting as presented:

Aye: Price, Stanley

Abstain: Curry

### **Superintendent's Report**

Mr. Gilkison reported on the following items:

#### Average Daily Population

Rappahannock	18	5.4%
Shenandoah	143	43%
<u>Warren County</u>	<u>171</u>	<u>51.5%</u>
Member Jurisdiction ADP	332	
Prince William County	8	
Contract Beds		
Page County Contract Beds	67	
Culpeper County	42	
Contract Beds		
Total Facility ADP	426	

### Vacancies

28 Officer Vacancies: This includes the eight positions held for vacancy savings.

2 Licensed Practical Nurse Vacancies

1 Nursing Director Vacancy

Mr. Stanley asked why the member jurisdiction average daily population added with the contract bed rental numbers equal more than 426. Ms. O'Connor answered that the numbers for the member jurisdictions are averages, while the numbers for the contract bed rentals are not. The average daily population is determined by the total number of inmate days for a specific month divided by the number of days in that month.

Mr. Curry stated that he had asked for a vacancy chart to be created plotting vacancies over time. Mr. Gilkison said the chart had been created and he apologized for not including it in the agenda.

### Recruitment and Retention

2 applicants currently in background.

### Inmate Programs and Services

On January 10<sup>th</sup> at 5:30 pm Mr. Gilkison attended the Rappahannock County Recreational Facilities Authority Board meeting to discuss the potential use of the RSW inmate Workforce to assist with the maintenance and special enhancement projects of the Rappahannock County Park located in Washington, VA. This was a very positive meeting and Mr. Gilkison has been invited to return for a site visit at the park on January 22<sup>nd</sup> for an evaluation of the work projects and to develop a schedule to complete this work.

On December 14, 2018 RSW hosted the McShin Foundation as well as distinguished guests Attorney General Mark Herring, Kate Obenshain, Delegate Todd Gilbert, as well as members of the RSW Regional Jail Authority Board for a community launch. The event was successful in showing the public the McShin program underway at RSW Regional Jail. The McShin substance abuse treatment program has successfully started and there are currently 44 males and 23 female participants.

Ms. Price asked if the program was meant to last a specific length of time with inmates rotating in and out of the program. Mr. Gilkison answered yes the program was meant to last 8-10 weeks, however if there was no waitlist, inmates could stay in the program longer as needed.

Mr. Curry asked if there was any way to measure effectiveness and Mr. Gilkison answered it could be measured by recidivism which was complicated as it would not be accurately tracked if an inmate reoffended in another jurisdiction. Ms. Price asked if measuring effectiveness was something the McShin foundation did; Mr. Gilkison stated that they did not, measuring effectiveness would have to be something that RSW did.

### **Financial Report**

Ms. Smith reported on the following items:

\$414,650.60 was received from the Compensation Board in December for the November 2018 salaries and benefits reimbursement, of which \$58,172.83 was for vacancy savings.

Contract bed rental billing for November 2018 was as follows:

	<b>November 2018</b>
<b>Culpeper County</b>	\$41,430.72
<b>Page County</b>	\$49,800.58
<b>Prince William County</b>	\$ 8,646.00

The total bed rental revenue year to date for FY19, including revenue from medical, housing, commissary, and telephone fees is \$567,495.78. Ms. Smith stated that since doing the December billing the total year to date bed rental revenue is \$675,528.08.

December marks 50% of the year. Expenditures are at 48.9% used and Revenue is at 56.6% realized. The revenue does not include the December billing.

### **Proposed FY20 Budget**

Ms. Smith stated that for the revenue side, the proposed budget included a 2% increase that was approved by the Compensation Board last year. Ms. Price asked when it would take effect; Ms. Smith answered it would take effect July 1, 2019.

Ms. Smith explained that the proposed budget did not include a 1% bonus funding that had been proposed by the Virginia Compensation Board, as it has not been approved yet. Mr. Gilkison stated that it was being proposed that the bonus would take effect in December 2019. Ms. Price asked if the raises were tied to any action as they have been in the past. Mr. Hefty stated that both the 2% raise and the 1% bonus are worded such that if they are not dispersed the funding will not be made available to the agency.

Mr. Gilkison mentioned that the 1% bonus and the 2% raise are based on the Virginia Compensation Board salary and do not include or affect local supplement to salary. Ms. Price asked how it would work since currently employees make above the compensation board funded salaries. Mr. Curry stated that they could give a 2% raise and a 1% bonus based on the current salaries including the local supplement which would meet the criteria set forth by the compensation board. Mr. Gilkison explained that the 1% was a one-time bonus and it did not affect VRS or following years' budgets or funding.

Mr. Hefty stated that they may have to supplement the bonus funding to meet 1% of the actual salaries people receive. Ms. Smith stated you could also just pass on the 1% directly from the compensation board. Mr. Stanley stated that the question has been raised before and since the bonus was slated for December 2019, if the funding was received in July it would have to be deferred to December.

Ms. Smith stated that for the expenditure side, she had not yet received the insurance costs for 2020, but due to the many claims that were filed this year when creating the budget a 15% increase was included as a placeholder. The true numbers for the insurance rates should be received by the end of January or beginning of February 2019.

In the capital outlay section there is \$95,000 for two additional transportation vans. Mr. Gilkison stated that RSW needed four transportation vans total. Buying two additional vans now would bring the total number of vans up to four, as well as offset the replacement schedule on the vans so that when it came time to replace the current two, not all would have to be replaced at once.

Mr. Gilkison explained that currently RSW has two transport vans and two vans designated for work force. The work force vans do not have proper cages for general population transports, although they have been used as such in the past when absolutely necessary.

Ms. Price asked what the \$20,000 slated for improvements other than building was designated for. Ms. Smith stated it was needed for resealing and striping the parking lot. Mr. Gilkison stated he came to that number based on estimates he had received.

Ms. Price asked why the uniform and wearing apparel budget doubled for Fiscal Year 2020. Mr. Gilkison stated that many staff member's uniforms were wearing out, especially those that had been with the agency since the beginning. Many pieces were having to be completely replaced. He also explained that if a uniform had been used for more than about four months the uniform was unable to be reused due to wear and tear and not being properly kept up. Mr. Gilkison explained that he was looking into a new Polo shirt instead of the current uniform shirt. He said it would cost about the same but there would be some cost saving measures since they would not have to purchase as many badges and pins.

Mr. Curry asked how the food cost was not increasing much even though the population had increased significantly. Mr. Gilkison stated the budget was based on the food service manager's proposal. He explained the cost was probably due to the bulk quantity discounts. Mr. Curry stated that many of the expenditure increases were due to the increase in population which is offset by the revenue of contract bed rentals. In terms of food cost, Ms. Price noted that expenditures were at 51% used and with December marking 50% of the year the budgeted food costs were on track. Mr. Gilkison explained that it would be unlikely that RSW would be able to accept too many more contractual bed rentals unless the numbers of staff increase so that another housing unit may be opened.

Ms. Price asked why the travel, food and lodging line item of the budget was more than double than it was the year before. Mr. Gilkison explained that the civilian employees such as medical, finance, and food service cannot receive training from the Skyline Regional Criminal Justice Academy, they have to participate in trainings elsewhere, sometimes requiring an overnight stay.

Ms. Price asked if the cost of advertising job opportunities could be scaled back. She suggested advertising once or twice a week in papers rather than every day. Mr. Gilkison explained that they ask on the employee application how people have heard about the position and it varies across the board. Mr. Gilkison stated that he wanted to keep as much advertising as possible to increase the numbers of applications and employees. Mr. Curry stated a study would be helpful to determine whether an investment in a specific advertisement would pay off in the long run. Mr. Stanley asked Ms. Price if she was in favor of cutting the budget in advertising back to \$15,000, keeping it at a 50% increase over the previous year's budget. Mr. Curry stated that

advertising efforts in 2018 and 2019 did not bring about the desired results in terms of employment which suggested an increase was necessary.

Ms. Price asked why the maintenance budget had increased significantly. She asked if something had broken or if it was a new trend that they would have to budget more for repairs. Mr. Gilkison stated it was a trend especially with the vacuum waste system as the parts are very expensive. He said staff knew how to fix it, but they did not have the time to do so while maintaining security.

Mr. Curry said overall, he was expecting the local contributions to increase more than they did due to the higher population. Mr. Curry said he was sure Mr. Gilkison cut costs where he could and squeezed the budget as much as possible. Mr. Gilkison said ideally the revenue would exceed the numbers in the budget, but he did not want to overestimate revenues and fall short, having to come back midyear to ask for more money. Mr. Curry asked how budgeting for revenue that was not guaranteed would best be handled; was it best to budget cautiously and end up with an overage at the end of the year or was it best to recognize the revenue into the budget but assign the funding to a non-operational item in case the revenues were not realized.

Mr. Gilkison stated that his fear was not that contractual counties would not need the beds, the fear was that there would not be enough staff to support additional inmates.

**FY 2018 True Up: Three Year Rolling Average (FY16, FY17, FY18)**

Ms. Smith explained the average was determined by the FY18 actual funds used by locality, bringing the percentages to 5.26% for Rappahannock County, 40.25% for Shenandoah County, and 54.49% for Warren County. These percentages were utilized in calculating each locality's contribution for the FY20 budget.

Ms. Smith stated that based on the FY18 Audit, there will be \$1,321,809 in additional revenue. Based on discussion over the Capital Improvement Plan Budget at the November 15, 2018 meeting of the RSW Regional Jail Finance and Personnel Committee meeting, 50% was allocated to the Capital Reserve Account and 50% was put in the form of a credit toward the fourth quarter payment. This put \$660,905 into the Capital Reserve Account and left \$660,904 to be disbursed back to the localities.

Ms. Smith explained that the balance of the Capital Reserve Account is currently \$408,000; adding 50% of the additional revenue would bring the balance to just over one million dollars.

Mr. Curry stated that the reason there is additional revenue is because the contract bed rental revenue was not appropriated in the FY19 budget, and asked if there would be less additional revenue in FY20 as it will be budgeted for. Mr. Stanley mentioned that a large portion of additional revenue was also due to vacancy savings.

Mr. Curry asked if in subsequent years there would be additional revenue to continue contributing 50%, or roughly \$500,000 to the Capital Reserve Account. Mr. Gilkison stated that he was hoping revenue would be higher than he budgeted at the end of the year.

Mr. Stanley stated that the fourth quarter payment credit was calculated, not by that year's contribution, but by the actual percentages based on the three year rolling average, which then becomes the percentages used in estimating the next fiscal year's contributions. Ms. Price stated that she thought the credit should be based on the 34.29%, the percent actually paid in 2018, rather than the 40.25%, the FY18 true-up percent based on the three year rolling average of FY16, FY17, and FY18.

Ms. Smith explained that the way the credit was calculated is the way it has traditionally been done, as the true-up percentages are what should have actually been paid by the localities. Ms. Smith stated that FY18 was budgeted using numbers from FY16, the same way FY20 is being calculated using numbers from FY18. The money is returned based on the true-up numbers because those numbers are what should have actually been paid.

On a motion by Mr. Stanley, seconded by Mr. Curry, and by the following vote, the RSW Regional Jail Finance and Personnel Committee recommended that 50% of the additional revenue for FY18 be placed in the Capital Reserve Account, and 50% be returned to localities in the form of a credit toward the fourth quarter payment:

Aye: Curry, Price, Stanley

Mr. Stanley asked Ms. Smith to send him the true-up sheet and he would run it by Davenport, the company that originally explained the true-up formula to ensure everything was still being calculated the correct way. Mr. Gilkison stated that they would have to send the language from the RSW Regional Jail Authority Service Agreement, along with the per diems to Davenport as well.

### **Board of Corrections Certification to Hold Adjudicated Juveniles**

Mr. Gilkison explained he wanted to broach the subject of RSW Regional Jail becoming certified to hold juveniles who have been adjudicated as adults.

A few weeks ago an offender was arrested by Shenandoah County Sheriff's Office who was a juvenile, but who had previously been adjudicated as an adult. The Code of Virginia states that once an offender has been adjudicated as an adult he or she is always adjudicated as an adult. Shenandoah County deputies tried to bring the offender to RSW however, regardless of previous adjudication, a juvenile offender still needs to be housed in a facility that has been certified with the Board of Corrections and Virginia Department of Criminal Justice Services as there are more restrictions to housing and caring for juveniles. RSW is not certified to hold juvenile offenders at all, regardless of him or her having been tried as an adult in a previous case. This put the Shenandoah County deputies in a tough spot of having an offender and being unable to find an agency able to detain him. In this particular case the offender was given a bond and released, however, this situation could arise again.

Mr. Gilkison asked the members of the Finance and Personnel Committee if RSW becoming certified to hold juvenile offenders adjudicated as adults was something they would like him to pursue. Mr. Gilkison stated that there are some pros and cons to becoming certified. The first pro would be that deputies would not be placed in a tough spot of having an arrestee and no place to

detain him or her. The cons for RSW are the extensive regulations and standards of care that have to be adhered to, such as sight and sound separation of all juvenile and adult offenders.

Ms. Price asked why the deputies could not take the offender to a juvenile facility. Mr. Weaver explained that the Chief Magistrate stated she could not commit a juvenile who had been adjudicated as an adult to a juvenile facility.

Mr. Curry asked if RSW became certified where they would hold juvenile offenders. Mr. Gilkison explained that the facility had three blocks designed for administrative segregation, each of which can hold up to nine people. Mr. Gilkison explained the use of administrative segregation as anything from protective custody, disciplinary segregation, to medical issues. Mr. Gilkison stated they may be able to house juvenile inmates there, although it is not optimal as they would be isolated for their entire incarceration.

Mr. Hefty explained there is a bill proposed that would eliminate the need for a facility to be certified prior to holding juveniles adjudicated as adults, only requiring facilities to be in accordance with state and federal laws. The Juvenile Delinquency Prevention Act, at the federal level, still requires sight and sound separation.

Mr. Gilkison said he felt that in other jurisdictions law enforcement was encountering much more violent juveniles and juvenile detention centers were not equipped to handle such offenders. Mr. Stanley asked if the committee wanted to defer a decision until after the General Assembly has processed the bill. Mr. Gilkison explained that he has contacted DOC asking what the necessary steps were in order to become a certified facility. He wanted to know what the committee and the board felt about becoming certified.

Ms. Price asked if this was the first time a situation like this had ever occurred. Mr. Gilkison and Mr. Weaver said a situation had arisen about a year ago where a juvenile was going to be adjudicated as an adult and RSW was going to take him. At the time they did not know they needed to be certified, and the offender was not committed to RSW while a juvenile. Mr. Weaver stated that the person he contacted explained the need for certification became effective July 1, 2018, and prior to then a facility did not need a separate certification to house juveniles adjudicated as adults.

Mr. Curry asked if RSW became certified would the agency then have to accept juveniles adjudicated as adults from other jurisdictions. Mr. Gilkison stated if the agency procured the certification he would only allow juveniles adjudicated as adults from Rappahannock, Shenandoah, or Warren Counties, and only in an effort to eliminate the confusion and frustration of a similar situation happening again. There are thirteen facilities certified in the state of Virginia to hold juveniles adjudicated as adults, but they are under no obligation, barring a court order, to accept inmates from another jurisdiction.

Mr. Gilkison said even with the pending legislation regarding the necessity of being certified, he would rather have a certification anyway, so that there is some oversight, inspection, and auditing so as to eliminate the potential for grievances and lawsuits.

Mr. Gilkison said he did not think this situation would happen very often as there was not a very large population of juvenile offenders. Ms. Price agreed that the number for juvenile offenders was down, around 13.

### **Support Letter for Virginia Senate Bill 1040**

Mr. Hefty explained SB1040 would change the reimbursements for state responsible inmates out of compliance, currently at \$12 a day, to fully cover the actual cost of holding inmates out of compliance as provided for by the Virginia Compensation Board. The \$12 per diem is currently set forth in the annual Appropriations Act of the General Assembly budget. Mr. Hefty explained that the bill has been amended since its introduction and has passed out of the senate. Now it has a provision that states the act does not become effective unless the funding has been appropriated in the General Assembly budget. Mr. Hefty said the amendment brings the bill back to where it started in that the per diem will have to be changed by the General Assembly through the Appropriations Act.

Mr. Stanley said it was a step in the right direction. Mr. Hefty said the Department of Planning and Budget has issued a fiscal impact statement using the numbers from the Virginia Compensation Board and found the impact could be anywhere between \$2 million and \$90 million.

Mr. Hefty stated that as it was introduced it would have been something the committee could have supported, but as it was amended if they were to support it they would also need to find a way to get the funding. Mr. Curry asked if it would be worth sending the letter at all. Mr. Stanley stated it would not hurt and asked to recommend it to the full authority board.

### **Other Outstanding Issues**

Ms. Price thanked Mr. Gilkison for providing a report to the Shenandoah County Board of Supervisors.

Mr. Stanley mentioned that the March 28, 2019 meetings of the Finance and Personnel Committee and the Authority Board will be Ms. Price's last meetings before retiring.

### **Meeting Schedule**

- February 28, 2019 at 1:00 pm
- March 28, 2019 at 1:00 pm
- April, 25, 2019 at 1:00 pm

### **Adjournment**

With no further business to discuss the regular meeting of the RSW Regional Jail Finance and Personnel Committee was adjourned at 1:50 pm.

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Mary Beth Price, Chairman  
RSW Regional Jail Finance and Personnel Committee

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Date Approved