



ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY

(SERVING ALBEMARLE, CHARLOTTESVILLE, NELSON)

160 Peregory Lane

Charlottesville, Virginia 22902

Phone: (434) 977-6981 Fax: (434) 951-1339 Col. Martin Kumer, Superintendent (ext. 230)

Web: <http://www.acrj.org>

Mrs. Marce B. Anderson, Clerk (ext. 229)

Board Business Meeting

September 8, 2022 (12:00 p.m. – 2 p.m.)

Albemarle-Charlottesville Regional Jail, 160 Peregory Lane, Charlottesville, VA

AGENDA

(Action/Information)

I. ACRJ Board Meeting – Call to Order

Adopt Meeting Agenda

Action Item

II. Consent Agenda

For Approval:

- 1) Draft Summary Minutes August 11, 2022 ACRJA Board Bi-Monthly Business Meeting

Action Item

Informational

1) Administrative Reports

- a) Personnel Report – August 2022
- b) Out of Compliance Report - July 2022
- c) Census Report – July 2022
- d) Work Force Report / VDOT Report / Litter Control Report –August 2022
- e) Special Management Report – August 2022
- f) Home Electronic Incarceration Report – thru August 2022
- g) COVID Update

III. Matters from the Public – (Time Limit: 3 Minutes / 2 Minutes if more than 9 speakers – no longer than 30 minutes)

IV. Matters from ACRJA Attorney – Brendan Hefty

V. Matters from ACRJA Board Members

VI. Matters from Business Manager – Ann Shawver / Martin Kumer

- 1) Financial Services Contract Award
- 2) 2021 Year End Budget Variance

Informational Item
Action Item

VII. Matters from the Superintendent – Colonel Martin Kumer

- 1) Neal Goodloe – Jail Utilization Trends

Informational Item

VIII. New Business –

IX. Closed Session – If Needed

Action Item

X. Adjourn to October 13, 2022 – 12:00 pm – 2:00 pm

Action Item

Authority Board

Doug Walker (Albemarle)

Sheriff Chan Bryant (Albemarle)

Jay James (Citizen Rep) (Albemarle) – Vice Chair

Diantha McKeel (Albemarle) - Chair

Sheriff James E. Brown, III (Charlottesville)

Lisa Draine (Charlottesville)

Sena Magill (Charlottesville)

Ashley Reynolds Marshall (Charlottesville)

Robert Barton (Nelson)

Sheriff David Hill (Nelson)

Candice McGarry (Nelson)

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DRAFT

Summary Minutes of the Albemarle Charlottesville Regional Jail Authority Board Meeting August 11, 2022

Jail Board Members Present:

Ms. Diantha McKeel
Mr. Jay James
Mr. Doug Walker
Mrs. Ashley Reynolds Marshall
Ms. Lisa Draine
Sheriff David Hill
Mr. Robert Barton

Jail Board Members Absent:

Sheriff Chan Bryant
Ms. Sena Magill
Ms. Candice McGarry
Sheriff James Brown

Others Present:

Colonel Martin Kumer
Mrs. Marce Anderson
Mr. Brendan Hefty

The meeting was called to order at 12:02 pm by Chairperson Diantha McKeel.

Ms. McKeel acknowledged Mr. Robert Barton, the new Nelson County Representative. Mr. Barton introduced himself.

Ms. McKeel then asked everyone else present to introduce themselves.

Sheriff David Hill – Nelson County Sheriff
Lisa Draine – Charlottesville Citizen Representative
Ashley Reynolds Marshall – Deputy City Manager of Racial Equality Diversity and Inclusion for the City of Charlottesville
Kevin Frith – IT
Marce Anderson – Clerk
Diantha McKeel – Albemarle County
Martin Kumer – Superintendent
Brendan Hefty – General Counsel for Albemarle-Charlottesville Regional Jail Authority
Doug Walker – Deputy County Executive for Albemarle County
Jay James – Albemarle County Citizen Representative
Jean Knorr

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Kay Robertson

Captain Aaron Carver - Chief of Security

1st Lt. Virginia Schmittinger – Security

Captain William Thomas – Chief of Facilities

Gequette "G" Murray-Key - Chief of Operations

Felicia Morris - Human Resources

Rob Barnabei – Deputy Superintendent

Ms. McKeel asked for a motion to adopt the meeting agenda. Mr. Walker made a motion to adopt the meeting agenda. Sheriff Hill seconded the motion. The motion carried.

Prior to the adoption of the consent agenda, Colonel Kumer advised the board that the “out of compliance report” is the lowest it has been in the 25 years he has been at ACRJ. In previous years it has been over 20%. The current percentage is below 5%. This is due to the Department of Corrections now accepting more of their state responsible inmates. This could have an impact on the budget but Colonel Kumer advised the board that he did take that into account when constructing the budget.

Ms. McKeel asked for a motion to adopt the consent agenda. Mrs. Marshall made a motion to adopt the consent agenda. Mr. James seconded the motion. The motion carried.

Matters from the Public:

Kate Fraleigh – I'm a member of the people's coalition, and my focus this morning is money from each of the municipalities, so all of you represent local municipalities who we will be asking taxpayers to spend money on the 40 new treatment beds envisioned in the square foot expansion of the jail. In our community's history, mental health treatment beds were available at Western State and they still are, and I don't have the exact numbers.

There was a charter hospital that had 36 beds and it closed in 2000. Martha Jefferson-- actually, UVA had space at Martha Jefferson for 20 beds in 2009. We as a community failed to maintain the treatment possibilities in those years for people to have community service-based mental health. As a result, we're asking places of incarceration to do that, and I don't think it's appropriate.

The cost of the square foot expansion is only the tip of the iceberg. You all, or people who replace you, will actually, in Nelson or Charlottesville taxpayers, will have to pay for the operating expenses of those additional spaces for those additional treatment beds. We have an opportunity now to focus the taxpayer dollar on prevention treatment and follow up services, full service wrap around to prevent people from becoming incarcerated, number one, from people having their mental health illness exacerbated by incarceration, by having treatment accessible quickly and services continuity.

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There isn't, as far as I know, any place in Virginia, but I could be wrong, that has a place of incarceration, a jail, with mental health beds. There's an article in *Truth Out* entitled, "Mental health units in prison are solitary confinement by another name, activists say." I'm going to send this to Ms. Anderson the details of the article, or the listing of the article, if you would pass it on to the board members, please. In summary, or one quote is, it says, "The report concludes that the approach to imprisoned people with mental health needs, even in units designated for these more vulnerable populations, their report indicates that the prison is not an appropriate environment.

Gloria Beard – Ms. Beard advised the board that she is a member of the people's coalition. She stated that we have tried guns and badges, and we know you can't get well in a cell. Has anyone in government thought about housing for the mentally ill instead of a cell.

Teresa Hepler – Ms. Hepler is a community advocate and attorney with the Legal Aid Justice Center and a member of the People's Coalition. Ms. Hepler shared some mental health information from Cornell University Department of Medicine. They say that the National Alliance on Mental Illness estimates that between 25% and 40% of all mentally ill Americans will be jailed or incarcerated at some point in their lives. By contrast, only 6.6% of the general population will experience this. However, mental illness is not associated with an elevated rate of violence or violent crime. Only 4% of violence in the United States can be attributed to people diagnosed with mental illness, and between 3% and 5% of US crimes involve people with mental illness. The existence of a criminal record may influence subsequent interactions with the police, reinforcing a tendency to choose the criminal justice system over the mental health system. A criminal record may also weigh negatively in court where a long history of minor violations is likely to influence and increase further jail sentencing, even when directly related to poorly controlled mental illness. Arrests of those who are mentally ill commonly involve minor crimes such as trespassing, loitering and public rudeness. There is a program called the Denver Star Program that was studied by Stanford University, where 911 dispatches a mental health specialist and a paramedic instead of the police in emergencies involving low risk infractions such as public intoxication, etc. That study showed that there is a 34% drop in reported crimes which Stanford attributed to repeat offenders getting the help that they needed, the mental health treatment that they needed outside of the jail setting. The Star Program also saved money. The direct cost of responding to each of these offenses came to \$151 on average as opposed to \$646 on average. This contains the cost of the police responding as well as housing people with mental illnesses in the jail. Charlottesville and Albemarle could be the model for the rest of Virginia on how to treat people like human beings and get them the support they need rather than spending a huge amount of money to put them in jail because you cannot get well in a cell.

Jeff Fogel – Mr. Fogel stated that he is an attorney in Charlottesville who specializes in civil rights litigation. He has paid close attention to criminal justice issues for the past 55 years. It's a matter of great concern to me what I have seen over those 55 years and its impact not only on the individual incarcerated but their families as well. What happens in each element of the criminal system is that it has an impact on other elements of the system as well. You are seeing the impact of having what the Superintendent says is 60% of your population with serious mental health issues. You can see the impact on them. You can see the impact on the institution and you can also see that it's not having a positive impact on the community as well. We don't expect members of the jail board to be experts in the area of mental health treatment,

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but they do have expertise in what you're seeing. It is your obligation as one element of the criminal legal system to inform the other elements about what you see as a result of what's happening in the other systems. Something else is going wrong in the system in other aspects of it, but it is your responsibility as it is the responsibility of everybody within their aspect of the criminal legal system to inform the other aspects of what they are seeing and to work together with them in ameliorating those. Yes, there are things that need to be fixed in the facility, but money needs to be placed into mental health treatment because it is not appropriate in a jail setting to be trying to treat people, and it may be a question as to why so many people with mental health issues are being incarcerated. We need to look at those things, but I urge you not to ignore it. You have an obligation to talk to other members of the system including the courts, the prosecutor, the Commonwealth Attorney's office, the mental health resources in the community to broaden this discussion and make sure that we reduce the number of people with serious mental illnesses in the jail by reducing what you want to spend instead put up a large section of that into treating people before they get to you and hopefully without ever getting to you.

Harold Foley – Mr. Foley stated that he is with the People's Coalition. You can't get well in a cell. Mr. Foley proceeded to read the mission statement of The People's Coalition. The People's Coalition organized in Charlottesville and Albemarle area to oppose the unjust and racist criminal justice system. We raise our voices in the community to combat offensive criminal justice practice through public education, public pressure and public action. The People's Coalition works towards this mission in a number of ways. One, we advocate for community driven policies change at the city, county and state level. We put pressure on government bodies to address oppressive practices in their criminal justice process. We push for transparency and accountability for all local bodies working in criminal justice.

Matters from Brendan Hefty, ACRJA Attorney:

There were no matters from Mr. Hefty.

Matters from the ACRJA Board Members:

Mr. James inquired about the number of individuals on HEI. Colonel Kumer advised that the number listed is the total number since March 2020 when COVID began. Mr. James asked that the number of active participants be reported at the next meeting and going forward. Colonel Kumer advised the board that the jail has had the program for 25 years but it was rarely used.

Ms. Draine asked about a board retreat. Ms. McKeel asked what the intent or the purpose of the retreat would be. Ms. Draine stated that it would be a time for board members to get to know each other in addition to discussing common goals, the board's mission and values which will drive our decisions. We are looking at a huge renovation. We could figure out why we need the renovation. What are people thinking about the renovation? Have things changed in the community? What are our values as a board and what are the values of the community that will help us make decisions about this renovation? Ms. McKeel stated that she believes the

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board will have an opportunity to accomplish some of what you are suggesting as we go through the process after the first of the year. We may need a work session which is something very similar but structured differently than a retreat. We would look at holding a work session after the first of the year. Ms. Draine stated that we probably need those discussions before that time. Ms. McKeel advised Ms. Draine that we don't know if the localities are going to support the renovation. Ms. Draine stated that before you go to the localities, don't we want to be in agreement as a board regarding what we are asking the localities to support. Ms. McKeel advised that we have already done that. It has been taken to the three localities and they have supported it. Ms. Draine said that many of the current members of the board were not on the board during that time. Ms. McKeel stated that those discussions about the renovation would take place after the first of the year.

Ms. Draine wanted to ensure that board members were aware of the Restorative Justice Program that the Albemarle and Charlottesville Commonwealth's Attorney's offices are working on. We are now funding for a second year of the pilot project and they are working with Eastern Mennonite University and the two Commonwealth Attorneys are going forward with the Restorative Justice Program that they hope will divert at least in the first year or 2, 20 cases from people being jailed. Sheriff Hill asked if that included Nelson County. Ms. Draine advised that she did not know.

Matters from the Business Manager:

Colonel Kumer introduced Business Manager; Ann Shawver. He stated that she is still a part-time employee at this point but we are working to procure business management services. We posted it since we are doing a small purchase procurement of less than \$80,000 for the term of 12 months. We have reached out to Ann to invite her to participate. We reached out to at least 3 other qualified vendors who will submit bids. Hopefully by the September meeting, we will have the answer to who will be filling in to consult over the next 12 months. At the end of that 12 months, I will come back to the board to determine if we want to continue with the consultant or if we want to hire a full time business manager. We will make a decision at that time. If we choose to go the consultant route, we will issue a full RFP for up to a 3 year term with a 1 year extension.

Colonel Kumer asked Mrs. Shawver to discuss where we are with the external audit. Mrs. Shawver advised the board that the auditor spent time in mid-July assessing internal controls and doing detailed tests of the 3 major fiscal cycles ant all entities undergo, which are receipts of money that comes in, disbursements to vendors and the disbursements to employees. Mrs. Shawver advised that she touched base with the auditor and they had no findings or issues so far on the work that has been done. Mrs. Shawver advised that she and Colonel Kumer plan to report unaudited financial statements for fiscal year 2022 that hopefully will not change.

Matters from Colonel Martin Kumer, Superintendent:

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FY 22 Year to Date Financials – Colonel Kumer reviewed the YTD financials for the Board. (Document can be found in the August 2022 Board Packet). After presenting the information, Colonel Kumer asked if there were any questions he could answer. Mr. James asked if the inmates pay for the use of tablets. Colonel Kumer advised that it is not a cost to the facility. There is a cost to individuals in the community to pay for the service. Ms. Draine inquired about negotiating a new phone contract. Colonel Kumer advised that there is another year or two left on the current contract but when it has ended there will be negotiations. Mr. Barton inquired about the cost of HEI. Colonel Kumer advised that at the start of the pandemic with the high unemployment rate, we waived the HEI fee. We have started charging inmates the bare minimum to cover the costs. We do not make money off of the program. If someone is working, and they are able to afford the cost of the program, they are charged. If they are working and cannot afford the cost, they are not charged. Ms. Draine inquired about the net income in the amount of approximately \$350,000 and what would be done with those funds. Colonel Kumer stated that in most years the board has allowed the jail to keep those funds if needed. Mrs. Shawver stated that if the member jurisdictions elect that it is appropriate for the organization to retain any surplus, we would recommend it be used on something one-time in nature, such as a capital item. With the potential for a large project upcoming, something like that could be appropriate for a cost related to that project as needed.

Employee Health Insurance – Albemarle County allowed us to stay on their health insurance plan until December 31, 2022. We will need to be on our own health insurance plan by January 1, 2023. We are in the process of working with Anthem who is also Albemarle County's benefits provider. The program we are looking at is called Local Choice. Many smaller jurisdictions, smaller entities choose to go through them. Our employees will have the same providers they have now.

Command Staff Introductions – Colonel Kumer asked each Command Staff member to introduce themselves to the board. (Bio's for each member are located in the August Board Packet)

Robert Barnabei – Deputy Superintendent

Gequette "G" Murray-Key – Associate Superintendent

Aaron Carver – Chief of Security

William Thomas – Chief of Facilities

Virginia Schmittinger – Chief of Inmate Services

Tablet Education – Mrs. Murray-Key advised the board that as of June 10, 2022 the jail introduced Edovo (a learning site) to the tablet system. It is free to all inmates and allows access to education for every inmate within the facility. They are able to learn at their leisure. When the program went live on June 10th, there were 137.3 hours of learning, 102 active learns and 91 courses completed. As of today, there have been over 11,000 hours of learning, 281

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active learners and 3,079 courses completed. Mrs. Murray-Key reviewed some of the courses offered for the board. Mrs. Murray-Key advised the board that the tablet cannot replace people. We are fortunate, unlike most facilities to have a medical depart as well as a mental health department that address the physical body and the mental health of the body.

COVID 19 Update – Colonel Kumer advised the board that the jail experienced an outbreak beginning July 2022. We had a total of 20 individuals test positive at that time. As of today, we have not positive cases in the jail.

Renovation and Expansion Update – Colonel Kumer advised the board that we presented to the Board of Local and regional jails in May, requesting 25% reimbursement of the project's overall cost. That board was supposed to meet in June or possibly July to approve that. However, the board did not have quorum at either of those meetings and they were not able to take any action. We hope to get on the August agenda but that did not happen. At this point, we do not know where we will fall on the board's agenda. That is completely out of our control. We did receive positive feedback when we presented to the Board of Local and Regional Jails. We will be presenting to all 3 member jurisdictions requesting a resolution seeking the 25% reimbursement. Ms. McKeel advised that the presentations to the member jurisdictions is a good opportunity for board members to listen to that presentation.

Ms. McKeel advised Ms. Draine that we had significant community outreach regarding the renovation in 2021. We hired a Community Engagement Specialist. We had different types of events for the community. We had a work session in June of 2021. Two of our citizen representatives presented to us and they came back with a mission statement around the renovation project that was presented and approved. We also had a list of 13 items that came from this board that we wanted addressed in the renovation. We had 5 key areas that Superintendent Kumer wanted to address. That is all in one document on our website. This is a very simple sheet that updates you on all of the work that was done in 2021.

Colonel Kumer took a moment to address Mr. Fogel when he stated that 60% of our inmate population has serious mental illness. That is inaccurate. They do not have serious mental illness. We have studies that show 60% of the population has mental illness but not serious mental illness.

Ms. Draine asked Colonel Kumer what he would be asking for from City Council and the 2 Boards of Supervisors. Colonel Kumer advised that he would be asking for a resolution stating that they are in favor of the jail expansion/renovation as presented and are in favor of going to the next step. The three member jurisdictions resolution is not required but it is an extra step that we are taking. Ms. McKeel stated that we will be going back to the 3 jurisdictions. What we are currently doing is continuing to move the renovation project forward but the 3 jurisdictions have not agreed yet to pay for it.

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Ms. McKeel adjourned the meeting to September 8, 2022

The meeting was adjourned at 2:04 pm.

DRAFT

CONSENT/AGENDA

PERSONNEL/NEW HIRES:

Jonas Fitzgerald	Food Services Supervisor	08/04/2022
William Raper	Corrections Officer	08/29/2022
Honora Schwartz	Corrections Officer	08/29/2022
Rebekah Hellinger	Corrections Officer	08/29/2022

Lids Reconciliation (State Bonus Payment Breakdown) and Final Out of Compliance Figures

	8/29/2022	8/8/2022	6/3/2022	5/2/2022
Total number of inmates the jail received a \$8.00 bonus payment	47	49	76	76
The number of inmates who have been released or transferred	28	30	53	47
The number of inmates participating in jail sponsored programs*	1	1	1	0
The number of inmates with less than 60 days until their scheduled release**	0	0	0	0
The number of inmates who are being held as courtesies for other jurisdictions.	0	0	0	0
Total number of state sentenced ACRJ inmates who are eligible for intake	19	18	22	29
Percentage of State Responsible inmates compared to jail's total inmate population	6.07	5.65	7.09	8.73

*These are state sentenced inmates who are not transferred to DOC because they are participating in jail sponsored programs.

**The DOC will not accept inmates with less than 60 days to serve.

- (1) This number represents 6.07% of the jail's population (313) as of 7:36 am on Mon, Aug 29, 2022
- (2) This number represents 5.65% of the jail's population (320) as of 10:27 am on Mon, Aug 8, 2022
- (3) This number represents 7.09% of the jail's population (310) as of 10:16 am on Fri., June 3, 2022
- (4) This number represents 8.73% of the jail's population (332) as of 10:56 am on Mon., May 2, 2022

The primary driver for the sharp increase in the State Responsible population is the closure of DOC facilities around the state. This greatly reduced the number of beds available for the intake of state responsible inmates from local jails. In addition there has been an ever increasing backlog of state responsible inmates in local jails all across the state. Last year the DOC instituted a policy to focus on receiving inmates with more than two years to serve as opposed to one year.

CENSUS REPORT

2022-2023	COA	City	Nelson	Federal	Other	Total	Daily Avg.
July 2022	3,946	3,983	1,636	417	255	10,237	330
August							0
September							0
October							0
November							0
December							0
January-23							0
February							0
March							0
April							0
May							0
June 2023							0
Total FY 22/23	3,946	3,983	1,636	417	255	10,237	28
ADP	11	11	4	1	1	28	
Percent	3.04%	3.06%	1.26%	0.32%	0.20%	7.87%	
Local Share	41.25%	41.64%	17.10%	6.91%	11.05%	117.96%	

ICWFP STATS 2022

Departments	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Hours
ALBEMARLE COUNTY	0	0	15	40	23	21	0	0					
VDOT	0	0	0	0	0	0	0	0					
PROGRAM TOTALS			15	40	23	21							
DOLLAR CREDITS			\$108.75	\$290.00	\$166.75	\$152.25							

Special Management Housing at ACRJ

During the month of August 2022, special management housing stats are as follows:

- 27 inmates were assigned to Administrative Segregation
- 0 inmates assigned to General Detention
- 38 inmates were assigned to Medical Segregation
- 13 inmates were assigned to Pre-Hearing or Disciplinary Detention

**Albemarle-Charlottesville Regional Jail Authority Board
Executive Summary**

Subject: **HEI Update**

Current Active on HEI: 43

Total number of inmates placed on HEI: **634**

7 were removed from the program after being charged with a criminal offense while on HEI.

Violation of protective order, guilty-	1
Simple assault / strangulation-	1
Simple assault, damage / prevent phone line-	1
Possession of a firearm, marijuana PWI sell-	1
Domestic assault 3 rd offense-	1
Actual or simulated masturbation in public-	1

103 participants have been removed from HEI for violations including the 7 above.

HEI Participants by Court

Albemarle County Circuit Court-	116	Charlottesville City Circuit-	126
Nelson County Circuit Court-	31	Nelson General District-	5
Albemarle General District-	147	Charlottesville General District-	75
Albemarle J&DR-	3	Charlottesville J&DR-	23
Nelson J&DR-	1	Department of Corrections-	4
Combined Courts-	29		

Total- **560**

Other Cities/Counties

Waynesboro-	2	Staunton City-	1
Cumberland-	1	Fluvanna-	7
Orange-	2	Buckingham-	5
Greene-	8	Louisa-	6
Sussex-	1		

Total- **32**

Misc. (Hospital, etc.)- **42 Active HEI Participants**

ALBEMARLE CHARLOTTESVILLE REGIONAL JAIL AUTHORITY

EXECUTIVE SUMMARY

Agenda Date: September 8, 2022

Agenda Item: COVID Update

Information only

Staff Contact(s): Martin Kumer, Superintendent and Thedra Nichols, FNP, Medical Director

As of today, August 31, 2022 there are two active inmate cases of COVID in the facility. Both are doing well and are housed in our medical department.

Recommendation: None

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EXECUTIVE SUMMARY

Agenda Date: September 8, 2022

Agenda Item: Financial Services Contract Award

Information only

Staff Contact(s): Martin Kumer, Superintendent and Lyn Wrigley, Purchasing Agent

On August 10, 2022, the Jail issued a Request for Quote for a Financial Services Consultant.

The contract has been awarded to Ann Shawver, CPA.

Recommendation: None

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EXECUTIVE SUMMARY

Agenda Date: September 8, 2022

Agenda Item: Jail Utilization Report

Information only

Staff Contact(s): Martin Kumer, Superintendent and Neal Goodloe, Community Criminal Justice Planner.

Neal Goodloe, Community Criminal Justice Planner will present the 3rd Annual Jail Utilization Report.

The report is attached to the Jail Board Email

Recommendation: None