



ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY

(SERVING ALBEMARLE, CHARLOTTESVILLE, NELSON)

160 Peregrory Lane

Charlottesville, Virginia 22902

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Col. Martin Kumer, Superintendent (ext. 230)

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

Board Business Meeting

Thursday, September 13, 2018 (12:00 – 2 p.m.)

Muster Room • Albemarle-Charlottesville Regional Jail, 160 Peregrory Lane, Charlottesville, VA

AGENDA

(Action/Information)

I. ACRJ Board Meeting – Call to Order

Adopt Meeting Agenda

Action Item

II. Closed Session –

- 1) Evaluation of Superintendent

Action Item

III. Consent Agenda

For Approval:

- 1) Draft Summary Minutes July 12, 2018 ACRJA Board Bi-Monthly Business Meeting
- 2) Draft Summary Minutes August 23, 2018 ACRJA Board Work Session

Action Item

Action Item

Informational

- 1) Administrative Reports
 - a) Personnel Report – thru August 2018
 - b) Out of Compliance Report
 - c) Census Report – June 2018
 - d) Work Force Report / VDOT Report / Litter Control Report – August 2018
- 2) Final Summary Minutes of May 2018 ACRJ Authority Board Bi-Monthly Business Meeting
- 3) Service Agreement
- 4) Clean Version of Bylaws
- 5) Letter from Sheriff Harding
- 6) Letter from CIRAC

IV. Matters from the Public (Time Limits: 3 Minutes)

V. Matters from the ACRJA Attorney – Brendan Hefty

VI. Matters from ACRJA Board Members

VII. Matters from Business Manager – Jeff Brill

- 1) June FY 18 Financials-Unaudited

Action Item

VIII. Matter from Superintendent – Colonel Martin Kumer

Informational

IX. New Business -

- 1) Nelson County Jail Board Authority Representation
- 2) Voluntary ICE Notification

Informational

Action Item

X. Closed Session – if needed

XI. Adjournment

Action Item

NEXT MEETING: November 8, 2018

Agenda Items for upcoming ACRJA Board Bi-Monthly Business Meetings:

Authority Board

Doug Walker (Albemarle)
Sheriff J.E. “Chip” Harding (Albemarle)
Cyndra Van Clief (Albemarle)
Diantha McKeel (Albemarle) - Chair

Sheriff James E. Brown, III (Charlottesville)
Kathy Johnson Harris (Charlottesville)
Wes Bellamy (Charlottesville)
Michael Murphy (Charlottesville) – Vice Chair

W. Lawton Tufts (Joint)
Sheriff David Hill (Nelson)
Stephen Carter (Nelson)

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DRAFT

Summary Minutes of the Albemarle Charlottesville Regional Jail Authority Board Meeting July 12, 2018

Jail Board Members Present:

Mrs. Cyndra Van Clief
Sheriff David Hill
Mr. Mike Murphy
Mr. W. Lawton Tufts
Sheriff “Chip” Harding
Mr. Steve Carter
Mr. Doug Walker

Jail Board Members Absent:

Ms. Diantha McKeel
Sheriff James Brown
Dr. Wes Bellamy
Mrs. Kathy Johnson Harris

Others Present:

Colonel Martin Kumer
Lt. Colonel Todd Rowland
Mrs. Gequetta Murray-Key
Mrs. Marce B. Anderson
Ms. Felicia Morris
Mr. Jeff Gore

The meeting was called to order at 12:34 pm by Vice-Chair Mike Murphy. Mr. Murphy asked if the board if they were prepared to adopt the agenda or if there were any additions or changes. Mr. Tufts made a motion to adopt the agenda as presented. Sheriff Harding seconded the motion. The motion carried unanimously. Mr. Murphy asked if everyone had a chance to review the consent agenda and was acceptable to everyone. Mr. Walker made a motion to adopt the consent agenda as presented. Sheriff Harding seconded the motion. The motion carried unanimously.

Matters from the public:

Matthew Christiansen stated that he was a former corrections officer at a regional jail and is currently a social worker. Mr. Christiansen stated that he is aware that ICE pays more than most agencies to house inmates and that can be a money maker. He believes that voluntary ICE notification needs to end, and that it should be put back on the agenda. Mr. Christiansen stated that ICE commits a number of human rights violations. The job of the board is to represent the community not a federal agency. The systematic oppression of people of color should not be continuing by this agency. The community has stated that this practice needs to end and you should listen to the community and follow the will of the people and end it.

Kat Maybury represents Indivisible Charlottesville. Ms. Maybury would like this board to consider voting on the issue of voluntary ICE notifications again in September. Ms. Maybury spoke about lobbying for undocumented individuals to be able to get drivers licenses. She met a man who was undocumented and stated that he did drive on occasion even though he didn't have a driver's license. He did so occasionally because he worked on one side of town as a day laborer, and his son was accepted into an advanced placement program that was on the other side of town. His son wanted to grow up to be an astrophysicist. He state that if he got caught driving without a license, he could be one of the individuals in jail and taken into the custody of ICE. Most people in this community do not want you referring these non-violent offenders to this organization that has gone rogue. Please consider bringing this up in September.

Jillian Dankel would like voluntary notification of ICE to be placed back on the agenda in September to get ICE out of the jail. ICE tears families and puts people in danger. ICE also deports individuals to violent areas that they are fleeing from. Most individuals that are undocumented, are here for non-violent offences and there is no need to put them in the hands of ICE. Please put this issue back on the agenda for the September meeting.

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Donna Shaunesey is here to echo the statements of the previous speakers. It is critical to put this issue back on the agenda for the September meeting. Ms. Shaunesey stated that the majority of the individuals are in the jail for non-violent offences, and there is no need to contact ICE. We as a community should shelter these individuals rather than sending them somewhere that they may lose their lives. I would urge you to consider weighing the gravity of someone driving without a license or sending them to a country where they may be killed. Please put this issue back on the agenda for the September meeting.

David Silver is an Albemarle County resident and a retired psychiatrist. He stated that he is simply here for the same reason as all the other speakers have been here. He does not think that the current policy is consistent with the values of this community. Mr. Silver asked that all the individuals think back to their ancestors and he is reasonably confident that none of our ancestors were here forever. Some were forced here but the vast majority came here to make a better life. I would ask the jail board to change the policy and bring it up in the September meeting.

Marion Dembling a City of Charlottesville resident. Ms. Dembling stated that she is here to represent 6 generations in her family who in one way or another based on religion, race, politics, gender, have been members of oppressed and vulnerable populations. There are organizations in this community that are working to help undocumented individuals become more stable and valuable, and productive members of the community. Ms. Dembling would like this issue of ICE notification to be on the agenda for the September meeting.

Andrea Negrete a Charlottesville resident. She entered into the record the petition and signatures of over 2800 individuals against the current ICE policy. Ms. Negrete read the petition – **Attachment B**.

Mark Heisey is a resident of Albemarle County. Mr. Heisey demanded that the board put the issue of ICE notifications on the agenda for September and vote to end the policy of voluntary ICE notifications. Mr. Heisey began reading a letter addressed to Ms. McKeel and Colonel Kumer – **Attachment A**.

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Claire Konizeski a Charlottesville resident finished the letter started by Mr. Heisey – **Attachment A**.

Samyuktha Mahadevan is an Albemarle County resident and a student at William and Mary. Ms. Mahadevan said that in the January meeting ICE agent Hott stated that the ACRJ Boards decision to notify ICE is in the interest of public safety. Ms. Mahadevan stated when local law enforcement engages with ICE to enforce federal immigration laws, public safety and community trust decrease significantly. Studies show that when undocumented Mexican immigrants were informed that local law enforcement was working with ICE, they were 61% less likely to report crimes they witnessed and 43% less like to report being victims of a crime. This policy was originally designed to target undocumented immigrants that were accused of violent crimes such as human smuggling, gang crimes, and sexual offences, but the majority of criminals who are put in this jail and ICE is notified are accused of minor offenses that are not worthy of being sent to ICE. Ms. Mahadevan requested that voluntary ICE notifications be placed on the agenda for the September board meeting.

Sally Thomas thanked the board for allowing her to speak today. Ms. Thomas wanted to ensure that she was able to convey to the board that she would like to see the issue of voluntary ICE notification on the agenda for the September meeting and a vote to end the current policy. When you have a petition that 2800 people have signed, the issue is not likely to go away. Ms. Thomas stated that if someone as moderate as she is, has been motivated to attend and speak at a jail board meeting, it is a small indication of a much larger issue that is going to become larger and larger. This is a policy that is within your control. I urge you to be leaders in Virginia. This is a proud community and I encourage you to be leaders.

Eric Martin stated that in high school he wanted to be an officer. His father was a police officer and he talked Mr. Martin out of being an officer, telling him that he would have to be cruel and evil to people. He instead became a 1st grade teacher. He worked in a migrant community and had many students with parents in jail and family members that had been deported and the suffering they go through. If you send people to ICE, people will be killed. Mr. Martin stated that he is no longer a

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teacher. He is now a theologian. The most consistent command in the Bible is to welcome the stranger, welcome the alien, and welcome the foreigner.

Mr. Murphy asked that Colonel Kumer address one particular comment from a member of the public regarding payments being received from ICE. Mr. Murphy stated that he had never heard that before and wanted to ensure that it was addressed. Colonel Kumer stated that he would address it.

Matters from Jeff Gore, ACRJA Board Attorney:

There were no matters from the attorney.

Matters from the ACRJA Board Members:

Mr. Tufts advised the board that he noticed a few individuals seated outside and there were seats available inside if they wanted to come in. Colonel Kumer stated that he asked those individuals if they wanted to come inside and they declined.

Matters from Business Manager, Jeff Brill:

There were no matters.

Matters from Colonel Martin Kumer, Superintendent:

Colonel Kumer advised the board that the jail is not paid by ICE. There is no contract with ICE, and we receive no money whatsoever from ICE. There is a program that facilities can sign up for and can house ICE inmates beyond their release date. We are not one of those facilities, and we do not hold past an inmates release date. If ICE is not here by the time an inmate is released, they are released to the community.

There was a statement made that we are legally required to participate in the voluntary notification of ICE. Colonel Kumer stated that is inaccurate and he does not believe that has ever been expressed by this board or its representation. We are

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aware that we are not legally required to notify ICE of release dates. Mr. Walker stated that we are required to document undocumented individuals coming into the facility, so ICE is notified that they are here. Colonel Kumer said yes, but we are not required to do the voluntary notification. We are required by the State of Virginia if someone is foreign born.

Mr. Murphy was advised that there was another individual outside that wanted to speak. **Barbara Mallie** came forward to speak. She stated that September seems too long to vote on this issue. She serves on a board, and advised when there is an urgent matter, they schedule an urgent meeting. She urges the board not to wait until September, maybe schedule a meeting in August.

Colonel Kumer directed everyone's attention to the board packet. Within it are the statistics for all individuals picked up by ICE over the last 12 months that we made voluntary notification of. ICE can pick up individuals once they leave here on these detainers. There may be others picked up by ICE in this area, but not from this facility. The information presented only captures the individuals picked up from this jail. The list includes country of origin, their charges, whether or not they were bonded on those charges, what their final convictions were, and the time they were released from this facility which also coincides with the time they were taken into ICE custody. We did this in order to be as transparent as possible with the public so everyone can see exactly what the charges are of the people who left here. Colonel Kumer advised that ICE has made it clear that they place no relevance on the local charges. Their policy now is a zero tolerance policy. If the person is in the country illegally, they want to take custody of that individual regardless of their local charges. There are people here who may have been charged with drunk in public and ICE may have been at the facility to pick up someone else, when they are notified through the fingerprint process at headquarters that there is another individual here that they may have interest in and they take custody of that individual because they are here. There are times that individuals are bonded and not fully sentenced, and ICE will take custody of those individuals as well. When we get the bond information and paperwork from the courts, we notify ICE that this person has received a bond and they will be released shortly. We will not hold them for ICE, and we do not drag our feet on the paperwork. We process the paperwork as quickly as we would with anyone else.

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There are felony charges, violent felony charges, come civil offenses and everything in between. We do not make the decision on when to call ICE based on the charge. We notify ICE of release dates when they have interest in someone that is in our facility. Mr. Murphy stated that he notices 5 individuals that had not gone through the entire court process. Colonel Kumer advised that it may have been a situation that the individual received a bond, the paperwork came back from court, and we notified ICE that the individual will be released shortly. It is possible that they were in the area, or were dispatched quickly and were able to get here before the paperwork was completed for release. Sheriff Harding asked Colonel Kumer if ICE was going to make an attempt to pick up everyone that is here undocumented. Colonel Kumer advised that if it is logistically possible, they will. Mr. Walker asked Colonel Kumer if the list of individuals on the document were all transferred to ICE custody. Colonel Kumer advised that they were all picked up. Mr. Walker asked for clarification on the second list. Colonel Kumer advised that it contained individuals that ICE stated that they wanted to take custody of, placed a detainer on them, but for whatever reason, they did not pick them up, and they were released to the community. If ICE picked them up at a later time in the community, or were arrested in another jurisdiction, we would have no knowledge of that. Some of these individuals may have gone to the department of corrections, and the detainer will follow them. They may have charges in other states, we transferred them to the other state, and ICE picked them up there. There are many reasons ICE may not take custody of someone. Mr. Murphy asked for the larger number beyond the 25 or 44 on the lists presented of people who were undocumented and released whether ICE was there or not, or whether ICE requested a detainer or not. Colonel Kumer advised that the board that we do not keep readily available stats on that information. Because we don't hold for ICE, we don't keep stats saying we called ICE and they never showed up. Mr. Murphy requested the full pool of people for the same timeframe who identified as a different country of origin and were undocumented and in the facility. Mr. Tufts stated that the zero tolerance policy is a substantive change from the previous information given by ICE stating that they are basing their decision on the level of danger to the community. Mr. Walker stated that he doesn't believe that is a new policy. Mr. Tufts advised that he agrees that it is not new, but ICE made it seem as though they were making decision based on information we didn't know. Mr. Tufts stated that both Commonwealth's

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Attorneys arguments were that we don't have all of the information ICE has to make these decisions but that is irrelevant at this point if they are picking up everyone. Mr. Walker asked Colonel Kumer to clarify the process by which the detainer is issued. He stated that his understanding that those undocumented individuals are interviewed by ICE. Does that happen in all cases or most cases? Colonel Kumer advised that it does happen in most cases but not all. The process is that a person is brought in and fingerprinted. If their fingerprints are in ICE's database that says that they are wanted for being in the country illegally or some other reason and ICE has interest in them, they will notify us that they have an interest in them. They will come to the facility, interview that individual, and if they decide to do so, they will issue a detainer at that time. There are times that after the interview process, they leave and say they do not have an interest in the individual for whatever reason. Mr. Tufts stated that this is still a change since the last vote. At the previous meeting, the debate was whether or not we should be making a decision on the level of danger to the community that ICE has and others do not. But now they want everyone regardless of the level of danger to the community only if they are here illegally. That is a substantive change since the last vote. The community has a right, especially with elected officials, if they are still voting to notify ICE despite knowing that this has nothing to do with the safety of the community that is a substantive difference. Mr. Carter stated that there are only 2 elected officials on the board. Mr. Murphy stated that there are 5 elected officials on the board. Mr. Walker stated that there was a representation at the board meeting with ICE that there was information that ICE had that we would not have on the local level, and the commonwealth's attorneys gave that reason for concern. Reconciling that concern with what their clear message is what would be important in understanding whether something has changed or not. Colonel Kumer advised that with some of these individuals, ICE does have information that we do not have that is paramount to community safety. Mr. Murphy stated that the federal government has committed \$60,000,000 over 5 years in Caroline county to detain up to 224 people a day. Mr. Murphy questioned if the policy is a "have to", or a "like to". It is a request. If the board were to decide to revisit this policy September or otherwise, those issues are of substance. Mr. Murphy stated that the executive committee met to discuss this agenda and felt there would be members of the public here on this matter. They were inclined to discuss with the board whether this issue should be revisited and if so, sooner than September

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would be better in special meeting or work session type of meeting rather than a regular business meeting. Mr. Murphy asked for the boards thoughts on this issue. Mr. Carter asked for the basis of the executive committee. Mr. Carter stated that he was unaware of any Nelson County representative on the executive committee and no mention of an executive committee in the bylaws. Mr. Murphy changed the language to the agenda creating committee, who projects what should be on the agenda. Mr. Walker stated that we are missing quite a few members of the board. Mr. Walker stated that there should be others present at the work session such as ICE as well as the Commonwealth's Attorneys. Mr. Walker stated that he has no problem with meeting sooner than September. Mr. Murphy asked Mr. Gore what needs to be done in order to call a special meeting. Mr. Gore stated that several members of the board can request a special meeting as long as the 3 day notice has been given to the public. Mr. Murphy stated that he will communicate with Ms. McKeel and we will get availability dates from the members.

Mr. Carter stated that he believes evaluation of Colonel Kumer should wait until more of the board members are present. Mr. Murphy stated that evaluation of the Superintende would be deferred until September.

Sheriff Harding made a motion to adjourn. Mr. Tufts seconded the motion. The motion carried unanimously. The meeting adjourned at 1:40 pm.

DRAFT

Work Session August 23, 2018

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Summary Minutes of the Albemarle Charlottesville Regional Jail Authority Board Work Session August 23, 2018

Jail Board Members Present:

Mrs. Diantha McKeel
Mr. Mike Murphy
Sheriff Chip Harding
Sheriff James Brown
Sheriff David Hill
Mr. Steve Carter
Mr. Lawton Tufts
Mrs. Kathy Johnson Harris
Mrs. Cyndra Van Clief
Dr. Wes Bellamy
Mr. Doug Walker

Jail Board Members Absent:

Others Present:

Colonel Martin Kumer
Mrs. Marce B. Anderson
Mr. Brendan Hefty
Ms. Danielle Powell
Ms. Deena Sharuk (Legal Aid Representative)
Ms. Tanishka Cruz (Legal Aid Representative)
Mr. Russell Hott (ICE Representative)
Mr. Matthew Gordon (ICE Representative)
Mr. Daniel Rutherford (Nelson County Commonwealth's Attorney)

The work session was called to order at 12:30 pm by Mrs. McKeel. Mrs. McKeel asked for a motion to adopt the agenda. Mr. Walker made a motion to adopt the agenda. Mrs. Johnson Harris seconded the motion. The motion carried unanimously.

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Mrs. McKeel stated that several board members were unable to attend the July 12, 2018 board meeting for various reasons. A discussion took place regarding ACRJ's practice of voluntarily notifying ICE in advance of the release of undocumented individuals. This board had a discussion in January of this year and supported voluntary notification.

Mrs. McKeel directed everyone's attention to the documents in the packet, including questions from Steve Carter, questions that everyone contributed to, documents from Legal Aid, CIRAC, and a letter from the City of Charlottesville's Commonwealth's Attorney.

Mrs. McKeel asked everyone to introduce themselves.

Diantha McKeel – Albemarle County Board of Supervisor's Chair

Martin Kumer – Superintendent of the Albemarle-Charlottesville Regional Jail

Brendan Hefty – General Counsel to the Jail Board

Danielle Powell – General Counsel to the Jail Board

Doug Walker – Deputy County Executive

Dr. Wes Bellamy – City Councilman, City of Charlottesville

Lawton Tufts – Director of Public Service at the Law School

James Brown – Charlottesville City Sheriff

Chip Harding – Sheriff of Albemarle County

Deena Sharuk – Legal Aid Justice Center

Tanishka Cruz – Cruz Law and the Legal Aid Justice Center

Matt Gordon – ICE Deputy Chief Counsel

Russell Hott – ICE Field Office Director, Virginia and D.C.

Daniel Rutherford – Nelson County Commonwealth's Attorney

Steve Carter – Nelson County Administrator

David Hill – Nelson County Sheriff

Cyndra Van Clief – Albemarle County Citizen Representative

Kathy Johnson Harris – Charlottesville Representative

Mike Murphy – Interim City Manager, Charlottesville

Marce Anderson – Board Clerk

Mrs. McKeel advised that because this is a work session format, she is hoping to have questions and answers to get started.

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Mrs. McKeel – Does the 14th amendment of the Constitution apply to immigrants? Why or why not? How is due process applied if it does? Who would like to take that?

Mr. Gordon – I would be happy to take that question. We are happy to be here, but it is also regretful of some of these questions I've seen. It is clear that there is misunderstanding as far as how the immigration system works. So hopefully, we can have the discussion about some of those things. I would note that both the 5th and 14th each contain a due process clause and the Supreme Court's long held that both amendments apply to all persons in the United States. We are a nation of immigrants obviously, if we are dealing with the Federal Government, we are looking largely at the 5th amendment and with due process; immigrants are entitled to a fundamentally fair hearing. That is the cornerstone of the entire immigration system. As far as the question on the 14th amendment and whether it applies, as I mentioned, the Supreme Court acknowledged that in the affirmative, yes it does, and that was back in 1886. There have been various Supreme Court decisions confirming also that the 5th amendment applies not. Obviously, there are portions of the Constitution that reference citizens, but I would note that sections of both the 5th and 14th amendments talks to all persons entitled to due process. Another aspect of the immigration system that I would note as the supervising attorney for those who prosecute those cases, it is different than a criminal proceeding. What I view as a cornerstone case is a matter of SMJ which was a board of immigration appeals decision in 1997 and it acknowledges our role, which are immigration enforcement obligations to not consist only of initiating and conducting proper proceedings that reach removal at any cost. Rather it has been said that the government wins when justice is done. Any immigrant is entitled to due process. I would answer yes in the affirmative. If there are any follow up questions, I'd be happy to elaborate.

Ms. Cruz - I would say that it all rests on the word person. So the fact that it says nor shall any state deprive any person of life, liberty or property without due process of law nor deny any person within jurisdiction the equal protection of law is the key term here is person and *Pilar vs Doe*, which is a supreme court case from 1982 states, Whatever his status under immigration laws, an alien is a person in any sense of the word.

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Ms. Sharuk – I think it is also worth noting just for court reference, that these are civil matters and civil matters are not necessarily afforded the same kinds of protections that criminal matters are, which include things like the right to an attorney that is paid for by the government if somebody can't afford it for example, or Miranda warnings for example.

Ms. McKeel - We try to use evidence based decision making locally for our criminal justice matters. How does evidence based decision making support your position?

Mr. Hott – So from the ICE standpoint we take a very holistic approach to everybody that we encounter. So we look at a multitude of factors both mitigating and aggravating that lead into that and some of what we find from the EBDM is utilized at that thought process moving in. Not every encounter results in an arrest, not every arrest results in a detention. Not every arrest or detention results in a deportation? This goes back to question one. There is due process? We employ a kind of reason policy that is consistent with the Immigration and Nationality Act and the agencies regulations essentially to assess the action we are going to take on an individual basis. Every individual gets that same kind of opportunity to be evaluated on a myriad of factors.

Mr. Gordon – Reading Mr. Platania's letter, much of this evidence based process talking about it in the criminal context that the court would be looking at the danger and flight risk. Similar analysis is done when the individual is encountered with the immigration system. The immigration officer will make an assessment on danger and flight risk. Once that happens, the officer determines that individual does pose a danger to persons and property and needs to be detained in immigration custody, then the individual has a right to seek a hearing before an immigration judge, and then an immigration judge does a review of that immigration officer's determination. If the immigration judge determines that the individual poses a danger and needs to remain in custody, there is a process to appeal that to the board of immigration appeals. They can then render a decision on the same issue. Beyond that there is also recourse before the federal district courts through a habeas petition to seek review of custody. That encapsulates the

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due process in the review of the evidence based decision on whether an individual is a danger or flight risk.

Ms. Cruz – Regarding the EBDM team that I am aware of, this was an innovative pilot program brought to Charlottesville/Albemarle, because we are leaders. My understanding of the mission of the group is to work closely together and apply the best known research principles to these decision making processes. The key thing there is collaboration. What I've heard in the past meetings is that there is information that is being withheld from local authorities here. I think that is troubling and concerning to me. One of the harm reduction goals of the mission of the EBDM team is to increase the community's trust and competence in the justice system by changing policies and practices that undermine the credibility of the justice system from the perspective of victims, offenders, and the public. Complying with ICE notification undermines public safety. It shows mistrust among community members, and devastates local families. I don't see it aligning very well with their goals.

Ms. Sharuk – The last time Mr. Hott was here, he talked about the fact that these are dangerous persons with which they have very sensitive information. He is also here today to say that people are being pulled out of the criminal justice system when they are pulled out of our jail and being pulled into a civil matter and that just doesn't add up. So they have two choices. ICE has opportunity to prosecute people criminally and if somebody is as dangerous as ICE has been suggesting in previous meetings, then they have the opportunity to seek a criminal warrant, just like any other law enforcement agency. They go before a judge, present their evidence, and a judge makes an assessment of probable cause and decides whether to give that warrant. What we have been seeing here, when ICE talks about taking people from our jail and asking for the notification, what we are seeing is people are being pulled whether pre conviction or post-conviction out of this jail to be put into a civil proceeding where again, those due process protections that are in our criminal justice system are not available.

Ms. McKeel – I think the board heard very clearly the last time you all were here that you (ICE) had information that we would not have access to, that our

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Commonwealth's Attorney's would not have access to that background of the individuals and I think that is what they are referencing.

Mr. Gordon – I think that there were a lot of issues that I saw in some of the questions that I kind of touched on several of the questions that hopefully we will get to. As far as the information in the State Court System, they may not have access to. I would note that we are dealing with state and federal jurisdictions, so there might be different interests in the individual, as far as sensitive information that ICE may have in their possession. There is a variety of different aspects to unwind. One would be that in some cases there may be an interest from the federal government, a national security interest, or concerns regarding human rights violations. That information may be derived from certain prior statements by that individual. I could be within an asylum application. Any information that is within an asylum application, while it may be shared with federal partners on a need to know basis, that information cannot be shared with our state partners. So that is something that we have hammered into the heads of our officers and agents, and it is something very important the United States International obligations to protect refugees.

Mrs. McKeel – If a warrant was required, could the information be shared with a judge?

Mr. Gordon – We are conflating to the criminal justice system and the civil system. Congress has designed that the immigration system that you're talking about is a civil process. There are immigration violations that are also criminal in nature. I don't think there is a suggestion that this board and the community is looking for ICE to leverage every criminal enforcement and turn these higher immigration system cases into criminal. There is no judge for ICE officers/agents to seek a judicial warrant in a civil context. This is the system that Congress designed. There is absolutely no process for an immigration officer to obtain a warrant from a federal judge or magistrate to affect the civil immigration arrests.

Ms. Sharuk – Mr. Gordon is saying that we are conflating two systems, and if I understand him right, they want to pull people with national security issues from our jail to charge them civilly. That doesn't add up logistically. If we are talking

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about somebody who is so dangerous to our community that there is sensitive information, then I should be able to pursue a warrant just like every other law enforcement agency that wants to take somebody from this jail and arrest them gets a warrant. They go before a judge, they put forward the evidence, and the judge assesses it for probable cause. You can't have it both ways. You can't flout the criminal justice system that we have set up to charge somebody civilly if there is so much sensitive information. The FBI also has sensitive information about people that they can't necessarily share. They go before a judge, and they bring the warrant and the complaint and information in that complaint that is deemed sensitive can remain under seal and the judge makes an assessment and grants a warrant. That warrant comes to this jail and that person is released to the FBI. We are not asking for this. We are not asking this jail to make an exception to a rule. We are actually asking the jail to not make an exception for ICE when we don't do it for the FBI.

Mr. Gordon – Congress established this system, civil immigration enforcement. There is no court to go and get the warrant from. Congress entrusted through the immigration nationality act, the decision of probable cause determination issuance of warrants by an immigration officer. The courts upheld that system. The first decision from the federal circuit court. That confirmed that is a system that Congress set up and does not raise 4th amendment concerns. If you are talking about civil immigration enforcement in the issuance of a warrant, it must be by an immigration officer. That is the only individual that can issue an immigration warrant. If you want to talk about the criminal context, yes, ICE has criminal, also criminal enforcement authorities and there are a lot of factors that go into that. I don't think this board and the community has called us here to turn the entire immigration system into a criminal system and pursue criminal charges against every immigrant that is in this country.

Dr. Bellamy – Your initial statement broke down the series of individuals or a process in which the persons who are detained. Did I hear that the first step was that this person would come in contact with an officer? A local police officer, or is that an ICE officer?

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Mr. Gordon – It could be a variety of factors of how an individual is initially identified but the first step in the process would be by an ICE officer agent, an immigration officer has to determine that an individual has established their alien status. That they are not a United States National, and then the second aspect would also be their removal from this country. So just because an individual is here in the United States from another country does not mean that they are subject to removal.

Dr. Bellamy – Is that objective? How does the ICE officer determine just by seeing someone, whether or not they may be they're doing something that would determine or warrant them not being in our community. I'm not even talking about the country but in our community?

Mr. Gordon – Just like any officer, they have to establish probable cause. So whether it is prior interaction with the immigration system, so we know this individual is from this country and maybe we have a basis for how they arrived. Maybe they arrive in the United States through order of entry, did not get inspected and admitted. So, it's the interaction with the immigration system. The individual could have a passport from another country and it does not have any status in the United States. So that could help the officer determine that there is probable cause that they are not a United States National and subject to removal.

Dr. Bellamy – To a certain extent, one could look at someone and say, well I don't think that person may be from here for whatever reason and I want to ask them questions. Then essentially that is putting that person into the process. I think that is part of what a lot of our community members are really concerned about is that there is no set form or set guidelines in which could cause specifically as it pertains to these individuals because it's profiling to a certain extent.

Mr. Gordon – Absolutely not. As for purposes of this meeting. We're talking about individuals that had an encounter with the criminal justice system. And I'll turn it over to Mr. Hott who can speak to how the information is shared that is reported once an individual was fingerprinted into local criminal custody and how that bounces off of the federal systems in order to help determine and make those

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determinations on whether ICE would issue, for instance, uh, an immigration detainer along with the warrant, whether it's a warrant of arrest, which would mean that the individual is subject to removal from the country, but they had not gone through the entire process and have an active order for their removal or deportation or another warrant for removal. Which would mean that individual has been encountered, has been part of their due process, gone through the system. Now they have a, a final removal order, so it'd be a warrant of removal, so those would be the two types of warrants that ICE issues in addition to the immigration detainer, that supplies the probable cause determination that shows that this is the evidence based decision is objective and it's based on available information and evidence. Much of this can also be done by the fingerprint matches, but there are a lot of other factors that go into it.

Mr. Carter – Is the jail authority going to assume responsibility to make individual determinations? Are we going to maintain a policy of cooperation and let the appropriate officials make those determinations? It's just a matter of are we going to cooperate and let them do their job.

Mr. Murphy - So what I think I heard from Mr. Hott is that you've got a, a holistic review of every individual. So I'd like to start by understanding what the components of the holistic review that there's some person centered review. And then both of you talked about these evaluative measures that happen on every case uh, and since the question was about evidence based decision making. I'd like to know, are we talking about a tool? Is this an assessment made by each individual officer? Is it consistent from every officer? Has it been validated in any way? What is involved in this evaluation or assessment?

Mr. Tufts - Mr. Murphy do you mind if I limit the scope? I think part of the scope of what we're talking about in the evidence based decision making question. You talked a lot about the appellate options that someone might have after the fact. Can we limit the scope to talk about the tools that you're using to determine who you're picking up from this jail and not the process after? That's really the issue.

Mr. Murphy - I'm fine with that Lawton, because the foundation of my question is who gets picked up and what the underlying charges are. It seems to bear out some inconsistency, so it's hard to imagine what's in your evaluation.

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Mrs. McKeel - And we were told in January specific things that you all look for, if I remember correctly.

Mr. Hott - Some of the things we take a look at, specifically in a jail when individuals are processed; they're fingerprinted. The homeland security act in 2002 mandated that fingerprints that were submitted now get vetted through another set of systems that go into a greater database. When we have a biometric hit that essentially confirms that we have identified this individual as being foreign born and we do an investigation to determine whether or not that person has a lawful presence in the United States. Many of those factors come into play if they entered on a visa, the validity of that visa, if it's still valid, is it not valid. That sort of thing. So the biometric piece that we identify from the jail is a big portion of that. If we've had somebody that's gone through the removal process and has since subsequently been removed to their country of origin and reentered. Those kinds of data will pop up in our systems as well. That biometric hit will trigger that identification of that individual and that establishes some of that probable cause determination that goes into it. Another factor is self-admission statements. Just like any other law enforcement agency who interviewed somebody and they confess to violating a law that is evidence that's used against the individual during some of that process. We may identify providence of foreign birth and the individual was not able to establish any lawful means to be here in the United States. Whether it's the birth certificate, a naturalization certificate, a passport, or something of that nature. When our folks are taking sworn statements, they do read out a series of rights afforded to them. It is again reiterated if we issue a charging document for that individual. It's clearly stated on the charging document, their rights to representation and a hearing, their rights to contact foreign nationals, their rights to contact family and friends, things of that nature. The scrutiny from an ICE standpoint is not just here within the United States, it also funnels to international treaties that provide an international spotlight on the kind of work that our folks are doing. So when we're looking at that and making some of those evidence based decisions one of the tools that we have available, is something that we call the risk classification assessment tool. There was actually a 2012 privacy impact assessment that was put out for public comment and what that outlines. There's a lot of the decision making that goes into the process on whether or not to detain somebody, whether or not they're eligible for a bond. As my

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colleague mentioned, part two of that is that any determination that we make has the opportunity to be reviewed at many different levels within the federal system.

Mr. Murphy – So I just want to be clear since almost all of what I just heard was about, if somebody lawfully here is the determining factor? What I didn't hear is that there was any emphasis on a criminal genic risk or safety to the community or other factors driving who got picked up? Is that correct?

Mr. Hott - I would say all that plays into the greater scheme. We look at all the aggravating factors and all the mitigating factors.

Mr. Murphy – In every case?

Mr. Hott – Yes. It is on an individual basis.

Mr. Gordon - Just to clarify; just because the individual could be processed it doesn't mean that they're going to be detained as determinations made. The notification from ICE is done as quickly as it can be conducted, especially using the international partners. So that information there is a period of time for those records checks to be conducted as well.

Mr. Tufts - What I'm hearing at least, is it sounds like you're saying that every individual is looked at for their risk to the community their criminogenic risk. But it sounds like at today's meeting that decision is being looked at, at a later time. Once they've already been picked up from the jail. At our last meeting it sounded like the implication was that you all were determining or doing some sort of risk assessment analysis prior to coming to the jail. Prior to picking up each individual person. I think at our last meeting we were informed by Colonel Kumer that he had heard from someone from ICE that that wasn't the case. That you're actually just picking up people based on whether you have the available staff to come pick someone up. And then all of that analysis is done once you've already picked them up.

Ms. Cruz - There's the report here from the ABA Journal that the ICE Risk Assessment tool that Mr. Hott references, only recommends detain. That's the result that that tool yields.

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Ms. Sharuk - The president released his own list of priorities for people for removal. We don't need to look too deeply into this kind of risk assessment because within it, it lists people who are priorities for removal including people who have been convicted of any criminal offense and people who have been charged with any criminal offense, where such charge has not been resolved. So the answer to the question Mr. Murphy is everybody in this jail is a priority for removal for ICE.

Ms. Cruz - From 2016 to 2017 the numbers of detainers issued by ERO officers have increased by 81 percent and that comes directly from ICE's report. That's a national statistic that I think is on par with what we've seen locally with the data.

Ms. Sharuk - Now and also on top of that, the year over year change in arrest of noncitizens without criminal convictions rose by 147 percent. That's also data that was recorded by ICE in their report.

Sheriff Harding - Before we get too far down the road can we get back to warrants. I want to be clear on warrants, because at first I didn't understand. I'm in law enforcement, so I don't know why you just didn't go get a warrant like I'd have to. But having dealt with the federal US attorney's office, I know they got a lot of big fish they're frying and they would probably turn down 99% of those requests, would be my guess. And so we don't have the time or manpower to deal with them. Is it also clear that Congress, you derive your power from Congress and Congress set it up to give you all this authority? Whether I agree with it or not, that's a congressional deal and if I don't like it the only way I know I can personally change it is elect someone that's going to vote to change that process? I mean I know that, we don't have authority to change the process. We might agree not to go on with it.

Mr. Gordon – It is Congressional delegation to immigration officers.

Sheriff Harding – So the Civil warrant is a warrant, and it's a legal warrant, not what I'm used to, just not a criminal warrant. The downside of that sounds like they don't get as much representation. They are not afforded a court appointed attorney.

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Ms. Cruz – it also doesn't give the jail the ability to hold the person past their release date which is the reason why...

Sheriff Harding – At the beginning of this months ago, it was represented like these warrants were a bunch of bull and that you all are trying to fake like they are real warrants, but it is my understanding now, they are real warrants, civil warrants and their power comes from congress. If I don't like it, I am going to try to find a way politically to change it.

Ms. Sharuk – There are court cases that say that these kinds of arrests are considered warrantless arrests for the purposes of criminal cases. So we would say that. I'm sorry to say it but these words don't mean much because when you go to get a warrant, you go before a judge. Earlier, Mr. Hott who said that, just like any other law enforcement we have to have probable cause, but not like any other law enforcement, they make their own decision as to whether or not they have probable cause.

Sheriff Harding - I fully understand that. But congress has given them that authority, whether I agree with that or not.

Ms. Sharuk - I realized that, but nobody here is suggesting that ICE cannot arrest people for immigration violations. What we're talking about today is whether or not this jail is going to facilitate those arrests and potentially take people out of the criminal justice system. People who haven't been tried yet, and put them into a civil process. Nobody's trying to limit ICE's ability to operate. We're saying, we're asking them to do their job like any other law enforcement agency.

Mr. Gordon – There is no federal judge or magistrate to issue a civil immigration warrant.

Ms. Cruz - But that's not what's before the board today, before the board is this idea of notification and whether that is a practice and a policy that the implication or direct statement back in January where the purpose of these notifications is for public safety. We need these notifications in order to help us prioritize who we come to pick up. Unfortunately, we've seen the data and the data shows that it is arbitrary in practice. They're not making a holistic kind of determination. They are

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driven, if we're going to talk about congress, there is a detention bed mandate and that is a number of detention beds that must be satisfied for undocumented immigrant detainees. Congress sets that number every year through its appropriation process, no other law enforcement agencies are required to maintain a specified number of detention beds. In March of 2017, the White House asked to up that number to 45,000 so that they can enhance their interior enforcement efforts. Which is that everyone is a target priority list. And that mandate is typically referred to as a quota because ICE is under enormous pressure not just to maintain the beds, but to fill them. Because Congress needs to show, they need to be able to see that the funding, that they deserve that funding and they need to keep that funding going in the future. So there's an incentive, there's a big incentive here.

Ms. Sharuk – With regard to public safety, I want to tell the members of the board that I represent many people in this community and many of my immigrant clients call me instead of the police when something bad happens to them or when they witness a crime. The reason they call me before they call the police is because they are associating our local law enforcement with ICE. They believe they can't trust our local law enforcement even when they are victims of crime. We are hurting our public safety by implementing this policy.

Colonel Kumer – There are two steps in your process. First process who are we going to take and then, who are we later going to release or detain further. Detain as in take custody of from the jail.

Mr. Hott – I would say back that up even further, it is who are we going to arrest and then who we would detain.

Colonel Kumer - So if someone comes in drunk in public and he's here illegally, you all would take custody of him, take him to an immigration holding facility and there is where you would do a risk assessment and that's what would determine bond.

Mr. Hott - I would say the risk assessment is being done as we're making that arrest in most cases. From a detention setting, when we know who's coming out, that's being done on the front end.

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Colonel Kumer - So when you take somebody from here, you've already done a risk assessment to determine if they are a risk or a flight risk or otherwise to the community, is that correct?

Mr. Hott - Generally, yes. We are making those determinations as we are evaluating.

Colonel Kumer - It's my understanding that when someone is taken from here, it's not so much their local charges that matter. It's whether or not they are here illegally. What matters later if they are released from ICE custody and put on bond to come back for an immigration hearing is their risk assessment and their charges and their criminal history and all the other stuff. My perception is that the only thing that's worried about at this point at this door, are they here illegally or not? And if they are, if you can and you have bed space available, you will take custody of them, then they will be given a full risk assessment and if they're not a danger to community they will be given bond and returned back to the community. We've had several individuals who were taken from here and returned back to this community. So it's clear that the risk assessment, my perception is, wasn't done here because they were later released and came back here. So it's as though they were taken from here because they're illegal, which again, it's your, it's what you do. And then they were taken somewhere, a full risk assessments done. They're determined not to be a risk to themselves, property or society given a bond and released and came back to this facility. Is that correct?

Mrs. McKeel – Pretty simple answer I would appreciate.

Mr. Hott - So what I would say is at the front end when we're looking at cases coming out the jail where you're looking to determine whether or not we're going to arrest somebody. And there are a myriad of factors that go into that; Criminal history, length of time in the United States the manner of entry that that comes into play, was it a lawful entry, was it an unlawful entry. All those factors are being evaluated on the front end. Prosecutorial discretion is something that our folks exercise daily. Not every encounter results in an arrest, not every arrest, results in a detention. I know you're looking for a much shorter answer. At the end of the day at any point in this process prosecutorial discretion can be exercised from start to finish. And that happens in a myriad of facets. We may go back and reevaluate

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if there was new evidence on the risk classification that would render somebody eligible for a bond. They may present a passport, they may have letters that are presented from the family attesting to their character things of that nature that go into that.

Dr. Bellamy – Mr. Hott, you just said generally speaking, when Mr. Kumer asked you, is the assessment done before the individual is removed? You said generally, yes, but now I'm hearing you say that there's a myriad other factors that may come into play after the person has been taken to the ICE facility and what I believe several members of the community as well as myself have issue with, is that the devastation or the impact that's already been done after you remove this individual from the community. Sometimes they can't come back from that. So I don't understand. Why don't you all do the due diligence on the front end before you even come and pick the individual up?

Mr. Hott - I recognize this is a very passionate topic for folks.

Dr. Bellamy - I just want to know why don't you do the stuff before you come pick them up?

Mr. Hott - That probable cause determination is being done before we issued the detainer on somebody.

Mr. Tufts - To be clear, the probable cause is whether they're here legally or whether they're undocumented, correct? For every case that comes in front of you, before you pick someone up here, do you use a validated risk assessment tool to determine whether they are a danger to the community or a flight risk for every case? I feel like that's an easier yes or no.

Mr. Hott - Well, yes. I mean at the end of the day, like I mentioned, right where we're weighing the aggravating and mitigating factors for every individual. It's an individual assessment.

Mr. Tufts - There's a difference between generally you do that and every time you do that. And that risk assessment tool, is that something that we can see? I mean,

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do you use that before you pick someone up from the jail? Do you run the risk classification assessment tool for each person?

Mr. Hott - So that more directly applies to whether or not we're going to detain somebody, whether a bond is recommended, things of that nature. Like I mentioned, there's a finite amount of resources. There's an estimated 200,000, 300,000 illegal aliens in the state of Virginia. Who we put into our custody is based on all those aggravating factors. The mitigating factors would be who essentially we're looking to release.

Dr. Bellamy – So the answer is No?

Mr. Hott – I don't think that's what I said sir. It's not a yes or a no answer.

Ms. Cruz - How does the notification system help keep us safer in practice? I mean there's no inherent danger, I mean that's very clearly stated in the letter that you all prepared as well as then Mr. Platania's letter. There is no inherent danger solely upon citizenship status. The reason that this board was asked to maintain the notification policy was to further public safety. What I'm not hearing is how this is really impacting and benefiting our local public safety. It's not an effective public safety mechanism.

Ms. Sharuk - There's also something to be said for the fact that this system, that this notification policy is flouting our criminal justice system. When somebody is arrested, they go before a judge here, it doesn't matter if they're a citizen, it doesn't matter if they're a noncitizen, they go before a judge. A judge does an assessment of probable cause, but they also do an assessment when it comes to bond as to whether they're a flight risk and whether they're a danger to the community and when they're given bond, it's because a judge has determined that they are not a danger to the community. So when people are getting picked up from this jail ahead of time, you know ahead of any kind of hearing, going out on bond, we're saying that for people who are not citizens of this country, our criminal justice system isn't strong enough to deal with you. We need something more powerful for people who aren't citizens.

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Ms. Cruz - Based on the numbers that we got from July, it seems like 25 percent of those picked up were picked up pretrial. And that's consistent with the national numbers which show that people with unresolved charges; the percentage was up by 62 percent, 62 percent higher. So this is something that started right after this administration took over and issued their executive order. This is a new initiative to detain everyone, including people who haven't been afforded the right to trial, who are going to get disconnected from their criminal defense attorney who are not going to get transported back from ICE to their criminal trial.

Mr. Carter - The input they're providing, at least from our perspective, speaks to the point sheriff made. If they want to change the federal law, federal regulation. There's a process for that. We're not going to change that today with this policy.

Mr. Gordon - Citizenship status does not address danger at all. No one I think would ever say that it does. One issue as far as how does it further public safety that I would at least like to put on the board's radar, an unintended consequence from not notifying federal authorities would be you have a situation where when an individual is encountered by ICE. We oftentimes work with our state and local partners. If there's an interest in that individual prosecuting that case, the criminal case locally. Individuals can be turned over pursuant to a writ to appear for their criminal cases. ICE can facilitate many things and unintended consequence that unfortunately as the attorney for Mr. Hott and his officers is that I would have to advise them not to honor that state writ because they would not be insured, that they would be notified once that individual was coming back out of state custody. So we have an individual that is in federal custody that we would be turning over to state. We would expect the reciprocation, that the reciprocity, that they would also notify us and if Mr. Hott is unsure that he can get that notification. As his attorney, I would have to counsel him against releasing that individual to state and local custody.

Ms. Cruz - But to be clear, the commonwealth attorneys are not getting notice that, that that person is being removed.

Mr. Rutherford - I apologize, but I'm not going to let them speak for Commonwealth Attorneys. We do get notified routinely. I worked with ICE routinely. The drunk in public you see that was taken and deported. It was

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because my office contacted ICE themselves. We work hand in hand with immigrations customs enforcement. We've worked on people getting prosecuted for coming here illegally. Nelson's inundated with a lot of things. I've had writs asking them to bring me victims who have picked up criminal charges who are also getting deported and they likewise responded and allowed me and my officers to go to Farmville to get the individual to bring them up to achieve justice, so I routinely have been notified. We have an open door with them. I've worked a lot with agents and I have no problem being notified by anyone at immigration and customs enforcement about what's going on. Sometimes things do fall through the cracks, which happen everywhere, that happens among us. I'm not going to say it's 100 percent, but it's a blip in the radar compared to how I know my office works and we're a very rural office.

Ms. Sharuk - What I'm saying is that there are people who are picked up pretrial. I have client- I mean I represent people in this regularly. I have a client from Nelson County who was picked up in July, post notification after he got us to cure an unsecured bond from Nelson County. So that involved the local judge in Nelson County, and I imagine it also included the commonwealth attorney, a father of three US citizen children, significant ties in the community, has lived and worked here for over 16 years, no prior criminal history. I'm not disputing that the commonwealth's attorney are free to work with ICE regularly, that's fine. That's the collaboration that, that they're entitled to have with that agency. What we're speaking about here is the notification and the role that the jail plays in these matters. This person was at Farmville for a month. He wasn't offered a bond by the ICE officers that arrested him who may be gathered some of that holistic information about him. He had to wait a month for then an immigration judge to be the ones to look at the letters from the family, to look at the letters from everyone to make that holistic determination. And yes, that person was released on bond luckily before his criminal trial came around were his charges were then dismissed.

Mr. Rutherford - I know that case very well. That case started out as serious felonies into which he was picked up at our things. We then, after looking into things and looking at it and then having a victim starting to recant things, it, the system happened the way it was. So with that, the system as is every defendants

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rights without the proper testimony, without the proper things, the charges were reduced and dismissed, but at the same time with evidence that was first brought up to ICE. I believe it was very appropriate that the things that he was picked up given the charges he originally had.

Ms. Cruz - if the Commonwealth's Attorneys wants to make that call, they're free to. What we're talking about is the board role, the jail board's role in making that call. It's a matter of prioritization and they need to work with their state and local partners to make their job more efficient so that they're picking up who they need to pick up. But there's no need for this jail to proactively be involved in the undermining of people's constitutional rights.

Ms. Sharuk - I just wanted to address one of Mr. Carter's concerns. Nobody here today is talking about whether or not ICE can pick people up using you know, whatever system they are presently using. What we're talking about today is the jails decision to, on top of the automatic notification that goes to ICE. So we've fulfilled our role at the automatic notifications, the fingerprinting, through the jail management system. That information is sent over to ICE. They're notified whenever anybody who's not a citizen or foreign born comes through this jail. What we're talking about today is whether or not we're going to use our local resources to contact ICE on top of that and notify them when we're about to release somebody from this jail. What we're talking about today is to say that if we're going to, if we're going to facilitate arrests by ICE, they should be held to the same standard as every other law enforcement agency here, and there are reasons for that. We created those protections for people when they're arrested for a reason. We created the protection of having a judge evaluate evidence because we didn't want officers to be both the officers and the judge in a case.

Ms. McKeel - So what you're saying is requiring a warrant?

Ms. Sharuk – Yes. It makes sense for them to be required to get a criminal warrant to arrest somebody, to take custody from our jail. Then we wouldn't be having this discussion because if ICE had presented you with a warrant, you'd have to comply.

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Mrs. McKeel - Does the jail get a higher fee if we hold someone on the federal detainer instead of having to do local time and call you when they are about to be released? You want to take that one?

Colonel Kumer – The answer is No. We do not get paid by Immigrations and Customs Enforcement to hold anyone, and we don't hold anyone.

Mr. Murphy - I do think it's important to note that immigration facilities do get paid about three times the rate that the local jail does when they hold an undocumented person. Is that correct?

Mr. Hott –Generally, yes. I don't know what your reimbursement is from the local agencies here, but it is likely that we would follow the federal contract that you have in place with the Marshall, so whatever that would be. If we had a contract or an agreement in place where you were holding individuals for us I would say that it is at least possible that it would be more.

Colonel Kumer - I've got to clear up my last statement a little bit. There's a program called SCAAP where local jails get reimbursed for non US citizens who had been held in custody, but it's not that money does not come from ICE. It's a reimbursement for any costs we may occur, but it's not tied to ICE. And we don't hold them to past their normal release date. So these people are here solely on state and local charges, they are reimbursed for that time only.

Ms. Van Clief - So if ICE were to get detainers on everyone on the front end and if this were to be an ICE facility then we would be being paid and people would not be being transported out of this community during that holding or waiting time to Norfolk or Farmville.

Mr. Hott - With a contract in place it would be likely that folks would be held here. So essentially upon the termination of time for any local charges, they would roll over into ICE's custody from that standpoint and we would assume the liability for the holding, the legal responsibilities, the due process and everything would fall into ICE at that stage.

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Ms. Van Clief – Do you assume medical responsibility also?

Mr. Hott – With a contract, the facility would likely provide medical care but we would reimburse. It would be a contract negotiation.

Ms. McKeel – It is my understanding that there are facilities being built right now to do that very thing.

Mr. Tufts - Ms. Cruz will probably be able to respond to this better than I can. I believe that our attorney general released an opinion, an advisory opinion saying that holding people after their release date based on a civil warrant was a violation of the constitutional rights, which is why jails, like our jails stopped doing that. That would still apply in my opinion. I can have that advisory opinion sent to the board.

Mr. Gordon - I can speak very briefly to that. There was a January 2015 opinion and there were concerns regarding the liability from the state standpoint which was understandable at the time. There were prior attorney general opinions in 2007, 2010 by previous attorney generals who replied differently. I would note that at the time that that opinion was issued, ICE was not supplying the underlying arrest warrants which provided the probable cause determination. So that obviously would factor into whatever legal determination would have been made by the attorney general. There were not warrants issued with every immigration detainer at that time.

Ms. Sharuk - For clarification; are those actual warrants with a judge who does an assessment or are those ICE warrants?

Mr. Gordon - congressionally delegated warrants.

Ms. Sharuk - It's also a point of clarification that both the federal law and the law in the state of Virginia say that a warrant must be signed by a judge. I take issue with the fact that ICE continues to call this a warrant. It's under the law. Both the federal government passed by Congress and the state of Virginia.

Mr. Gordon - you're speaking to a criminal warrant versus a civil warrant which was congressionally delegated.

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Dr. Bellamy - How often do ICE agents to seek a criminal complaint from a federal judge as opposed to the agent signing their own administrative warrants?

Mr. Hott - It really comes down to the individual case whether or not we pursue criminal charges. If there's a criminal violation of law and it gets to that point where we feel it's egregious enough to pursue a criminal charge we will do that.

Dr. Bellamy - You would do ... Go to a judge? I just want clarification on that. You said we would do that.

Mr. Hott - So Congress has designed a system for the civil proceedings to remove. So even if I went and pursued a criminal conviction against an individual on the back end and I would still be pursuing the administrative removal through the civil process. I would say in all cases we would be looking to pursue the civil administrative side.

Dr. Bellamy - If you all feel that the crime is egregious enough just to use your wording, then you would proceed forth with getting an actual judge to create the warrant?

Mr. Hott - To clarify, I said if it was egregious enough and it was a crime, if it's a federal crime that's egregious enough, then yes.

Ms. Sharuk – Is Re-entry egregious enough?

Mr. Hott – Re-entry with other aggravating factors, it may be. It's a case by case determination.

Mr. Gordon – Entering the country illegally is a federal misdemeanor.

Ms. Cruz – you can charge people with that and get a criminal warrant.

Mr. Gordon - The failure to update the federal government with your address is a misdemeanor. Again, I don't think that we're here because the board wants us to criminalize every aspect of the immigration system.

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Ms. Sharuk - We're not asking ICE to criminalize every aspect. We're asking them to get a warrant like everybody else when they take people.

Ms. McKeel – we are trying to get clarity around that issue.

Dr. Bellamy - As Ms. Cruz has alluded to, if an individual entered or re-entered the country illegally, that would be a crime. Would that be something that you all went and got a federal warrant for?

Mr. Hott – It's a felony charge that re-entry falls into. But what I would say is that it would be based on a myriad of factors, aggravating underlying elements of the crime.

Mr. Gordon – Then if that person poses a public safety risk. There are timelines in place. If ICE has the lawful authority to take an individual into custody while they are also pursuing the criminal case then it's...

Dr. Bellamy – So there is discretion there? From the office?

Mr. Gordon – To not take a public safety threat into ICE custody?

Dr. Bellamy – No. Whether or not to pursue the warrant from the judge?

Mr. Gordon – To pursue a criminal case? Yes of course. Like any enforcement aspect there is discretion.

Dr. Bellamy - that's what I needed to hear because that essentially answers the question for me in regards to why wouldn't you, go and get a warrant under any of these other circumstances. It's like you pick and choose essentially. It's up to your discretion and that's where it's specifically talking about the policy. That essentially answers it for me.

Ms. McKeel - What role does limited resources and the availability of ICE agents play in who is, and who is not taken into federal custody or released on bond or at the end of their sentence?

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Mr. Hott - As a detention facility the scope, the capabilities, how many institutions there are around the state of Virginia? If we have five different institutions calling saying right now you've got to be here within 20 minutes to get this guy here, or he or she will be released. We're weighing who's going to be the greatest threat that we can take action on at that particular moment in time.

Dr. Bellamy – How often is it that you have multiple facilities calling you at the same time or simultaneously?

Mr. Hott – I would say daily.

Dr. Bellamy - Is it normally similar to how you presented in terms of you have to be here within 20 minutes or an hour?

Mr. Hott - We have some facilities that will hold on an ICE detainer and facilities that do not. It's the competition between those two or multiple facilities I think in the moment.

Mrs. Johnson Harris - How do you make that decision? Through the information that the jail is giving you or through an assessment that you've done prior to them releasing somebody in a hurry?

Mr. Hott -It's not an easy call to make. You're very quickly looking down through the criminal histories on each individual. I hate being put into that position. If you have somebody for rape and somebody for homicide. Which is the worst of the two? And it's unfortunate, but I mean that's the reality and the confines that we operate within. So we're making some of those determinations as it's coming in.

Dr. Bellamy - Mr. Murphy asked you earlier, do you all use the pre-assessment tool and Ms. Harris essentially followed up on that. But what I'm hearing you say is that you're not using the pre-assessment tool you just said we kind of have to look at the two and to use the example that you just used, which I honestly think is a bad one, rape and homicide. But for the sake of this conversation, I didn't hear you say that you are using the tool. What you said was you kind of just look at it and then you make a determination. So which one is it?

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Mr. Hott - Well, sir I think you're over simplifying all of my statement. Our folks go through 18 weeks of training. They authorize these authorities under law. There is a very aggressive set of standards, policies and procedures for all these things to go through. And when our folks are evaluating that they are taking into account all those different risk factors early on in the assessment.

Mr. Walker - So when you're faced with that circumstance where you have individuals being released from two different facilities at about the same time and you have one that has agreed to, hold them for you, and another like ours that doesn't, are you choosing more often to come here first?

Mr. Hott - I would say that plays into a lot of that decision making, as well.

Mr. Walker – Irrespective of the underlying factors?

Mr. Hott - If you have the time to evaluate things that makes it very easy. To your example, if this facility is not holding and another facility is, that allows us a little extra time to focus in on this facility. But if we have multiple facilities that are not honoring detainers and we're being pulled in multiple directions, which is often the case, daily is something that we're unfortunately encountering this with.

Mr. Murphy - You chose two very serious crimes. So I want to modify your example and say we don't hold people on detainers and somebody else who does has somebody on a serious sexual assault charge and what you've got is the opportunity when we don't have a detainer to pick up somebody who had a DIP, drunk in public. What I just heard you say is that you would prioritize picking up the drunk in public to detain them over somebody with a rape charge. Is that correct?

Mr. Hott - Well, what I said is if you had competing jurisdictions sir, that you're being pulled in multiple directions. The example I gave to Mr. Bellamy's disagreement that rape and murder I think are two very egregious and significant charges. But what I would say is, you know, those are the unfortunate decisions we have to make. Those are serious crimes and those are often some of the challenges we face. I mean, I looked down through the list of crimes of folks who've been charged here in this facility who are foreign born and it is significant.

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Again going back to my earlier conversation, we're not choosing. Every encounter is being evaluated individually. Not every encounter leads to an arrest. So if there is somebody who has a lawful permanent resident status and they have that drunk in public charge, they're not amenable to removal. So when we're looking at these things, we're looking at the alienage first. Are they foreign born? Do they have a lawful right to be here? And then whether or not they're removable. So the charge plays into that prioritization.

Ms. Sharuk - Mr. Murphy, I think also attachment D of this package shows all, a few of those times when people where they, profane swearing intoxication drive with a license revoked, driving without a license were the priorities for ICE.

Ms. Cruz - I think we can all agree that if they wanted to find out what a release date was, they could find that out. That's a pretty easy thing to do. I do that every single day. But what they're gaining from that notification is notice that someone who has been bonded out by a local judge with the agreement of the commonwealth attorney, somebody who's been granted that bond is being released. Without the notification they won't have notice of that. But the question is, should they be notified when our system at this point has already with everything that we've discussed, the EBDM evidence based tools that we use. Our criminal justice system is sufficient, so if we've decided as a community that that person should be released, why should ICE be allowed to come and overwrite that decision? And that's the biggest thing that they're gaining from that notification. The release dates are public. They can find that information out.

Mr. Tufts - I hope everybody will take the time to read Joe Platania's letter, which was attachment C. Because I think he addresses a lot of these issues from at least Charlottesville law enforcements perspective. I think it's important to talk to in reference to a public safety that we're notifying ICE that someone's about to get released on bond. It's extremely detrimental to public safety because as Mr. Platania mentions in his letter, whether it's a DUI or whether it's a rape or a murder or a strangulation, if that person is taken from the community before their trial is completed, then if they were to come back to the community or to go to a different community, they don't have that conviction on their record so that there are sentencing guidelines if they're back do not get increased or they're not charged

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with a second offense. And so there is from at least the Charlottesville commonwealth attorney's opinion, a danger to the community in that regard because we're taking them out before they're actually completing their, um, their case.

Mr. Rutherford - Release dates are next to impossible to figure out because the computer system here isn't generally open to the public when people are going to be released. It's not easy because there's good time and a host of other factors that come up that. I've been a defense attorney, I've been a prosecutor. I can pick the lottery better than I can when an inmate's true release date's going to be. I mean it just depends on a myriad of things. I said that last time, and I say it again this time, we have law enforcement officers who've asked for an accommodation. And I asked Mr. Kumer on the phone, I think on our last hearing when I was here, what outside, what extra resources would it take from this jail to do that? And I believe the answer was not much. It's not an undue burden on the jail to provide this accommodation to, brethren in badges. The next thing is going to be is that we have individuals who right now with this accommodation of, this is the release date. Individuals with immigration and customs enforcement can say, we know this person is going to be released; we're going to turn our attention to other areas to get the people we're going to double back around on this date to get these people. It helps them. It's again, part of that accommodation. If we start saying we're not going to notify you, I believe it's going to be worse public detriment to us because then more people would be picked up either while they're awaiting trial or other things, which then brings more paperwork to me to get writs, to send sheriff's deputies to go to Farmville and do these things. I think the accommodation helps us. That's what we're all here for. Once Congress has established it, they have the authority. We're not talking about doing illegal acts. It might not be our preference. It might not be what we want, but nothing here is unlawful. It helps us, it helps the continuation if law enforcement work with each other to accommodate for those lawful means and ends. So to do that will then be putting us at the risk where they might be saying, well, they're in jail. We know they're there in jail now we're just getting them. And so there are those long-term consequences. I believe a lot of people who aren't in the law enforcement realm aren't thinking about and dealing with when they start saying what the public detriment. Um, Mr. Platania and I have agreed to disagree. He's a very sharp man and I respect his opinion, but

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I take a different approach as to this and believe that this accommodation of notifying them when the release date is going to be helps us in the long run. So that will be Nelson's position.

Ms. Sharuk - just because this policy is not necessarily unlawful, it doesn't mean that it's not voluntary. This is a choice that this jail has made. The jail has made a choice to, to link arms with ICE regardless of whether or not the evidence on which we are releasing people into custody of ICE is based on probable cause that was assessed by a judge. That's a choice, that's a decision that this jail is making. And I, I find it surprising that Mr. Rutherford has come to the conclusion he has when dealing with victims of crime and dealing with witnesses to crime who will be less comfortable coming forward when they know that ICE is around the corner or when they believe that ICE is associated with our local law enforcement. It harms local law enforcement to operate in a community where they are not trusted.

Ms. Cruz - Just to add to that it's hard to overestimate the devastation that's felt by the families in our community with respect to these issues. US citizen children are included in that group. Um, it's financially devastating on these families after parents are detained by ICE. The family's income dropped by 70 percent. There's a lot to be said about the mental health impact of this action and the role that the jail plays. Maybe, although it's not a cost to the jail, it's the cost to the community. I work with clients that tell me that their children urinate themselves if they see a cop pass in their front yard, they see a police officer right around and they are paralyzed in fear and it's because of policies like this that lead the community's perception to believe that there is collaboration and that there is collaboration and being detained leads to ICE, of course which leads to deportation. You're actively participating in the detention and deportation pipeline. Over the holidays last year I had a mom come to my office sobbing with a crumpled piece of paper in her hand. She opened it up and what it was her child's letter to Santa Claus. And in that letter it stated that the only thing that child wanted was the father to come home. That person was detained here at this jail, and the father never came home. He was notified and was picked up right after that. These are just two examples of the harm and trauma that these policies inflict on local families and, and in practice. What I see based on the numbers and the data is that it is arbitrary and we've heard that from Colonel Kumer on multiple occasions that they could logistically pick

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everybody up, they would. This is not a public safety discussion as it was back in January. This has completely shifted to something else.

Mr. Rutherford - Just briefly in response to this, I've never seen and never had an impact where victims come to me and say we're too afraid to testify and in fact there are federal laws that protect them from being deported. And so with, and with that, that is my role and we've not had a problem with prosecuting those individuals.

Mr. Tufts - May I just very briefly say that Mr. Platania addresses that in his letter as well. He has experienced that and has 15 years of prosecuting crimes in Charlottesville.

Mrs. Van Clief - Don't be misled by the criminal charges that are in the packet. I'm not questioning them; I'm not saying it isn't true, but quite often when this case might be a petty larceny case in someone's record. There are a lot more serious charges they've been convicted of in the past. So that all goes into play when they're making these public safety determinations. It's not that you're letting someone out who was just drunk in public.

Ms. Sharuk - a judge makes a decision taking into account somebody's criminal history when they decide to give somebody bond. So I do believe that is taken into consideration when they go through our criminal justice system.

Ms. McKeel - So I noticed on here, and I think we hear a lot about zero tolerance, right now. And we have at least two questions that perhaps we can get to. And then we're going to have to figure out, we'll have to call it a day, but, um, there's some interest in understanding that comparison and the difference between what was happening in President Obama's administration and now with the Trump administration, we understand what president Trump, there's a zero tolerance. Could you just address that since I do have a couple of questions here from folks on it?

Mr. Hott - From our end there's always a prosecutorial discretion that's being exercised from start to finish. Not everybody we encounter results in arrests. The president's approach on this is more directly related to border security. It's on the

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southwest border where migrant populations where we're starting to increase along the way. This policy was utilized to pursue criminal prosecutions against folks on the southwest border and its actual application. It's prosecutorial discretion because we're looking at the folks who are the greatest threat to public safety. There are many instances where we find, a drunk in public arrests have more serious criminal charges or criminal convictions on the back end. We're addressing those cases one by one, every case is looked at.

Mrs. McKeel - Steve, you sent us a whole separate list. I was just going to try and get to a couple of your questions. Does ACRJA have information or access to information and criminal gang or organizational affiliation or membership pertinent to the individuals being reported to ICE? That was one of your questions and that I would hope could be answered pretty easily.

Colonel Kumer – Yes we do. We ask that question at book in regarding any gang affiliations.

Mrs. McKeel - Have any of the three local government members of ACRJA committed local funding to assist individuals who have entered United States illegally to obtain legal status in the United States?

Mr. Carter – No for Nelson

Mr. Walker – We do provide financial support to Legal Aid.

Mr. Murphy – Same for the city.

Ms. McKeel – So the City and the County both support with funding.

Ms. Cruz - I just want to mention, just a couple of things from the last meeting. There was a statement made about how getting the teams is a good thing and leads to people getting some kind of benefit. I just want to say that I have never seen that happen in my entire career. Where getting detained by ICE ends up being a good thing for that family or that ICE actually actively help somebody obtained DACA or you visa. That does not happen. I also want to point out that there was a claim made that ICE doesn't separate single parents from their children. I mean, I think the last few months have shown that that's abundantly clear. It's a falsehood. It's

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important to note that every single day ICE's created single parent households when they were moving people from the community.

Ms. McKeel - Our next meeting is September the 13th, 12:30 to 2:00 in this very room. My assumption is that at the next meeting we may have some representatives that will want to put a motion on the table and we'll deal with it at that meeting. This was a work session and there was no intent to take a vote today.

Dr. Bellamy - We talked about at the last meeting in regards to fingerprints. Is there any way you can just take a couple of minutes to expound on why the fingerprinting method is not sufficient or why you all need additional notification?

Colonel Kumer - If I can clarify. The question is why do you require jails or ask jails to call you before the person is released? Why isn't the front end notification sufficient?

Mr. Hott - I have no idea when every individual jail is releasing individuals along the way. That notification is simply to make sure that we can respond and be responsive to the needs of the community.

Colonel Kumer – Because they usually get bond. They may not have a specific release date. They may get bond at noon and then we notify, hey in about two hours, they'll be released from the facility. So that's why, they would not know that otherwise.

Dr. Bellamy - But just as a matter of process it may be a good idea if when they're brought in on the front end, if you all used your pre assessment tool, the risk classification assessment tool, and then you could potentially determine whether or not this individual is even needed to be picked up or not and that will probably save us a lot of time.

Ms. Sharuk - Dr. Bellamy I believe the President has spoken on that and has said that everybody in this jail is a priority. So it's largely irrelevant.

Mr. Carter - Well, as far as the vote, Nelson can't prevent that from happening, but I did submit it to Superintendent Kumer, our concern. Nelson's concerned that we don't have equal representation on the board and we want equal representation.

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We don't have a citizen representative. We don't have the ability to decide on a joint member, so we'd like that consideration.

Dr. Bellamy – Would that require a bylaw change?

Mrs. McKeel - I'm not sure why that is, other than it was historical.

Mr. Hefty - That will require a change to the service agreement which would have to be adopted by each locality.

Mr. Carter - We're on the same plane as the other two members. There should be no reason why Nelson can't have equal representation.

Dr. Bellamy – Did you have to agree to that before joining the board?

Mr. Carter - Well, we agreed to that, but it doesn't mean it can't be changed.

Ms. McKeel - Let's put that on the agenda for September. I'm happy to do that because I understand that concern completely. I mean we, we all are very interested in equal representation on any board that we serve on. We'll put that on for discussion as an agenda item.

Mr. Walker - We would benefit from some historical information to the extent it's available.

Mrs. McKeel - let's have it as part of the packet. So we will be back on September the 13th. I want to thank everybody for their respect today. Just to let you know, the board packets go out the Friday before the meeting electronically and they're loaded up onto the jail website so anyone in the public can see exactly what we see as we get them.

Meeting adjourned at 2:00 p.m.

DRAFT

CONSENT/AGENDA

PERSONNEL/NEW HIRES:

Joshua Wrigley	Corrections Officer	07/09/2018
Malachi Garr	Corrections Officer	08/27/2018
Richard Holmes	Corrections Officer	08/27/2018
Ryan Lowry	Corrections Officer	08/27/2018
Christopher Rivera	Corrections Officer	08/27/2018
John Scott	Corrections Officer	08/27/2018
Samuel Tarbert	Corrections Officer	08/27/2018

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

	11/5/2017	11/5/2017	9/9/2017	7/10/2017
Total number of inmates the jail received a \$8.00 bonus payment from 7/1/2018 through 7/31/2018	120	118	120	109
The number of inmates who have been released or transferred since 7/1/2017 through 7/31/2018	-39	-15	-24	-24
The number of inmates participating in jail sponsored programs*	-28	-40	-33	-33
The number of inmates with less than 60 days until their scheduled release**	-8	-9	-11	-7
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 as of 7/31/2018	45 (1)	54 (1)	52 (1)	45 (1)
Percentage of State Responsible inmates compared to jail's total inmate population	9.51	10.88	11.71	9.93

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

programs such as Work Release, Home Electronic Monitoring, McGuffey Arts, Culinary Arts and the Road Crew.

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

(1) This number represents 9.51% of the jail's population (473) as of 2:23 pm on Friday, September 7, 2018

(2) This number represents 10.88% of the jail's population (496) as of 3:58 pm on Sunday, Nov. 5 2017

(3) This number represents 11.71% of the jail's population (444) as of 7:10 am on Monday, Sept. 11, 2017

(4) This number represents 9.93% of the jail's population (453) as of 7:10 am on Monday, July 10, 2017

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.

Albemarle Charlottesville Regional Jail
Census Report

2016/2017	COA	City	Nelson	Federal	Other	Total
July 2016	5,933	6,795	780	186	273	13,967
August	6,274	6,821	828	217	323	14,463
September	6,195	6,742	919	219	229	14,304
October	6,451	6,894	926	334	223	14,828
November	6,111	6,544	960	335	153	14,103
December	5,896	6,701	895	333	130	13,955
January-17	5,944	7,189	851	269	141	14,394
February	5,665	6,438	751	203	142	13,199
March	5,973	7,274	1,102	147	254	14,750
April	5,761	6,969	1,308	116	259	14,413
May	5,989	6,725	1,311	129	343	14,497
June 2017	5,452	6,546	1,173	151	349	13,671
						0
Total FY 16/17	71,644	81,638	11,804	2,639	2,819	170,544
ADP	196	223	32	7	8	466
Percent	42.01%	47.87%	6.92%	1.55%	1.65%	100.00%
Local Share	43.40%	49.45%	7.15%	N/A	N/A	100.00%

2017/2018	COA	City	Nelson	Federal	Other	Total
July 2017	5,354	7,053	1,335	186	440	14,368
August	5,051	6,227	1,406	129	363	13,176
September	5,117	6,585	1,344	152	326	13,524
October	5,631	7,179	1,551	246	358	14,965
November	5,759	6,613	1,331	222	331	14,256
December	5,700	6,241	1,167	281	308	13,697
January-18	5,766	6,067	1,211	288	352	13,684
February	5,750	5,550	1,350	299	223	13,172
March	6,874	6,072	1,511	370	253	15,080
April	6,786	5,974	1,572	292	225	14,849
May	6,630	5,747	1,639	280	224	14,520
June 2018	6,744	5,864	1,619	234	191	14,652
						0
Total FY 17/18	71,162	75,172	17,036	2,979	3,594	169,943
ADP	195	206	47	8	10	466
Percent	41.87%	44.23%	10.02%	1.75%	2.11%	100.00%
Local Share	43.56%	46.01%	10.43%	N/A	N/A	100.00%

FY 2017	71,644	81,638	11,804	2,639	2,819	170,544
FY 2018	71,162	75,172	17,036	2,979	3,594	169,943
Variance	(482)	(6,466)	5,232	340	775	(601)
Percent Change	-0.7%	-7.9%	44.3%	12.9%	27.5%	-0.4%

ICWFP STATS 2018

Departments	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Hours
County Sheriff	200	72	32	152	152	104	184						896
City Sheriff	148	110.5	70.5		100	147	166.5						742.5
Department of Forestry				81.75		149.75	208.25						439.75
ACRJ Road Crew	47	52	68	39			18						224
Albemarle County Parks	93	205.5	312	114	264	198	150						1336.5
ICWFP	723	933	1223	1197.5	1456.5	1472.5	1530.5						8536
PROGRAM TOTALS	1211	1373	1705.5	1584.25	1972.5	2071.25	2257.25						12174.75
DOLLAR CREDITS	\$8,779.75	\$9,954.25	\$12,364.88	\$11,485.81	\$14,300.63	\$15,016.56	\$16,365.06						\$88,266.94

LITTER CREW STATS 2018

Departments	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Hours
VDOT Litter Crew			179.5	192	166	75							612.5
PROGRAM TOTALS			179.5	192	166	75							612.5
DOLLAR CREDITS			\$1,301.38	\$1,392.00	\$1,203.50	\$543.75							\$4,440.63

LITTER CREW STATS 2018

Departments	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Hours
COUNTY LITTER CREW	115.5	29	152.75	138.75	383.25	508.25	97						1424.5
PROGRAM TOTALS	115.5	29	152.75	138.75	383.25	508.25	97						1424.5
DOLLAR CREDITS	\$837.38	\$210.25	\$1,107.44	\$1,005.94	\$2,778.56	\$3,684.81	\$703.25						\$10,327.63

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FINAL

Summary Minutes of the Albemarle Charlottesville Regional Jail Authority Board Meeting May 10, 2018

Jail Board Members Present:

Sheriff James Brown
Mrs. Cyndra Van Clief
Ms. Diantha McKeel
Sheriff David Hill
Mr. Mike Murphy
Mr. W. Lawton Tufts
Sheriff “Chip” Harding
Mr. Steve Carter

Jail Board Members Absent:

Dr. Wes Bellamy
Mr. Doug Walker
Mrs. Kathy Johnson Harris

Others Present:

Colonel Martin Kumer
Lt. Colonel Todd Rowland
Mrs. Marce Anderson
Mrs. Felicia Morris
Mr. Brendan Hefty
Mr. Jeff Brill
Captain William Thomas
Major Charles Trader
Mr. G. Murray-Key
Mr. Robert Barnabei

The meeting was called to order at 12:31 pm by Chairman Sheriff Brown. Sheriff Brown asked if the agenda was acceptable to everyone. Mrs. McKeel made a motion to adopt the agenda as presented. Mr. Carter seconded the motion. The motion carried unanimously. Sheriff Brown asked if everyone had an opportunity to review the items on the consent agenda. Mr. Murphy asked if the general

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practice is to have the minutes reflect the outcome of the meetings or should it reflect the tenor of the meetings. Mrs. Anderson advised that the minutes normally reflect the tenor of the meeting, not just the outcome. However, there were technical issues with the recording from the January 25th meeting, and a summary of the meeting minutes were presented. Mrs. McKeel stated that it is not a problem as long as everyone understands that they are summary minutes. Mrs. McKeel would like to look into alternative recording equipment for future meetings. Mr. Murphy stated that he does not have a problem with approval of the minutes if there is a note made that they are summary minutes. Sheriff Harding made a motion to approve the consent agenda. Mrs. McKeel seconded the motion. The motion carried unanimously.

Matters from the Public:

Donna, a Charlottesville Community Member, stated that she was present at a prior Jail Board Meeting regarding the jail's relationship with ICE. She stated that the ICE agent presented information that undocumented immigrant communities present a threat to Charlottesville. Donna felt this is a false claim, and undocumented immigrant communities are amongst the safest in Charlottesville.

Donna is a part of the Southerners on the ground "Black Mama Bail Out" campaign, for Mother's Day 2018. This campaign seeks to end all forms of pretrial detention. Donna wants to inform the board there are biases against many individuals in the community, particularly black women. Richard Preston, who was convicted of firing a gun within 1200 feet of a school, was able to rest in the comfort of his own home while many other individuals are made to remain in jail. Colonel Kumer advised the board that he would be in contact with this community member to work with her organization and individuals that match the campaigns criteria.

Matters from Brendan Hefty, ACRJA Attorney:

Mr. Hefty advised the board that the General Assembly will be reconvening May 14, 2018. The budget has not been approved yet, and Medicaid expansion is one of the items to be reviewed.

Matters from the ACRJA Board Members:

Sheriff Brown advised the board that elections need to be discussed for a new Chair and Vice Chair. Mrs. McKeel was nominated by Mrs. Van Clief to hold the office of Chair. Mr. Steve Carter seconded the nomination. Mrs. McKeel accepted the nomination, and the election of Mrs. McKeel as Chair carried unanimously. Mr. Mike Murphy was nominated by Mr. Tufts for the office of Vice Chair. Mrs. McKeel seconded the nomination. Mr. Murphy accepted the nomination and the election of Mr. Murphy as Vice Chair carried unanimously. Mrs. Anderson was nominated as the Clerk for the Jail Board Authority by Mr. Carter. Mrs. McKeel seconded the nomination. Mrs. Anderson accepted the nomination and the election of Mrs. Anderson as Clerk carried unanimously. Mrs. McKeel, Mr. Murphy and Mrs. Anderson will hold their positions until the end of 2019. Sheriff Brown asked Mrs. McKeel if she would like to Chair the remainder of the meeting. Mrs. McKeel declined and advised that she would wait until the July Meeting.

Sheriff Brown requested suggestions for guidelines/criteria for public comments. Sheriff Brown stated that he had some ideas for criteria. Mrs. McKeel suggested that members should send suggestions to Colonel Kumer and at a later date, she and Mr. Murphy could get together with Colonel Kumer and present something to the board. Mrs. McKeel advised that the board could still discuss possible ideas. Sheriff Brown stated that the board meeting is set for 90 minutes. If there are many items to discuss, we get close to that time with no matters from the public. We could possibly limit the number of speakers to 6 in order to ensure that we don't go over time. Mr. Murphy stated the purpose of offering public meetings is to ensure that as many individuals as possible from the public are allowed to speak. Mrs. McKeel stated that she would like anyone from the public to have the opportunity to speak. She stated that the amount of time allotted for each speaker may change depending on how many individuals sign up to speak. Mr. Carter stated that he would not be in favor of limiting the number of individuals that can speak. Sheriff Brown stated that his concern is that this meeting is scheduled during the day, and there are times that board members have to leave. Mr. Tufts suggested that the time limit remain at 3 minutes for individuals or groups. Mrs. McKeel suggested that if a group was interested in speaking, they could contact

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Colonel Kumer and be placed on the agenda and have 10 minutes to speak. Mrs. McKeel advised the board members to send their suggestions to Colonel Kumer and they will be reviewed.

Matters from Jeff Brill, Business Manager:

Mr. Brill advised that there were 4 changes to the budget. Mr. Brill asked the board if they would like to hear the full budget again, or if they would like to hear a summary of the 4 changes and how it impacts the localities. The board requested a summary of the changes. One of the changes was the pay study line item. We conducted our own pay study and originally budgeted \$30,000. After meeting with the county, and to ensure our pay study parameters matched theirs, that amount increased to approximately \$60,000. There was a decrease in health insurance of \$171,000, the reserves decreased \$25,000 and the fiscal agent fee decreased as well. Mr. Brill asked Colonel Kumer to elaborate on the compression / pay study.

Colonel Kumer advised the board that we originally did a compression study on our own resulting in approximately \$30,000 needed to compensate those employees impacted by the study. Mr. Walker suggested that we do the study using the same criteria that Albemarle County used in order to get an apples to apples comparison. After doing so, the amount needed increased to \$65,000 impacting approximately 30 employees. Mrs. McKeel stated that it is very important that we take care of compression. Colonel Kumer stated that the starting salary for an officer is \$34,900, and we are one of the lowest starting salaries in the region. Mr. Murphy stated that the starting salary is something that we will need to address in the future. Mrs. McKeel suggested that someone from Albemarle County could come in the future and speak to the board about compression, and how we could possibly avoid these issues going forward.

Sheriff Brown asked for a motion to approve the budget as it stands with the ability to amend once a determination has been made by the state. Mrs. McKeel made the motion to approve the budget with the ability to amend once we have received further information from the state. Mr. Tufts seconded the motion. The motion carried unanimously.

Matters from Colonel Martin Kumer, Superintendent:

Colonel Kumer introduced Mr. Robert Barnabei, Chief of Inmate Services, to present on Women's Programming. Mr. Barnabei advised the board that a new Women's Program model was introduced in October, 2017. The new model was developed in order to target the following areas:

- Increase quality and quantity of women's programming
- Target their criminogenic needs
- Maximize the number of offenders served within their length of stay
- Coincide with treatment services that our community partners offer

The model being used is similar to a model being used for the men's programming that has been successful. The model will continue to treat women with Substance Abuse issues using the Matrix program and using evidence based programs such as:

- Anger management
- Financial literacy
- Parenting
- Education
- ESL
- Moral Recognition Therapy
- Family reunification

The model also includes:

- Case management
- Transitional services

A transition room was created for community partners to come to the jail in order to work with offenders transitioning back into the community. This includes everything from continuing their education, resumes, employment, treatment programs, etc. Mr. Barnabei proceeded to introduce his team.

Litter Control Update –

Colonel Kumer advised the board of the numerous emails he receives from members of the community expressing their appreciation for the crews picking up trash. We have picked up over 17.5 tons of trash since January, 2018. VDOT has asked for a 5th crew for litter control.

Bi Monthly Board May 10, 2018

Therapeutic Court Docket –

Colonel Kumer stated that ACRJ is participating in the therapeutic court docket. It has had a significant impact and has been very successful. Mrs. McKeel advised Colonel Kumer that the county would like some additional data at the end of the year to determine future funding. Colonel Kumer stated that he would provide the data requested.

Video Visitation –

We have 1 vendor and are currently working out the logistics. There would be no cost to localities for this service. We are looking at a tablet system for the inmates. This has been highly successful in other facilities.

ICE –

Colonel Kumer provided a snapshot of data from May 9, 2018, listing individuals that ICE may be interested in speaking with, their charges, place of birth, and which jurisdiction their charges are from. Colonel Kumer advised that for the next meeting he would provide more detailed information.

Superintendent's Review –

Colonel Kumer advised the board that his annual review is scheduled for July and if any board members had any questions, or anything that should be included in his review, please email him.

There was no need for a closed session.

Sheriff Brown asked for a motion to adjourn. Mr. Tufts made a motion to adjourn. Mr. Carter seconded the motion. The motion carried unanimously.

The meeting adjourned at 1:43 pm.

FINAL

**A RESOLUTION
TO AMEND SECTION 5.3 OF THE SERVICE AGREEMENT FOR
THE ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL**

WHEREAS, the City of Charlottesville and the Counties of Albemarle and Nelson (the "Member Jurisdictions") have previously established the Albemarle-Charlottesville Regional Jail Authority, and adopted an agreement (the "Service Agreement") that established their respective rights and obligations regarding the financing, construction and operation of the regional jail serving their jurisdictions; and

WHEREAS, since its initial adoption, Section 5.3 of the Service Agreement has included a provision, intended to provide assurance to the bank that provided the financing for construction of the jail, that the Jail Authority would maintain an Operating Reserve Fund equal to 90 days, or twenty-five percent, of its annual operating budget; and

WHEREAS, over the ensuing decade, the amount in the Operating Reserve Fund has increased, and the unpaid balance of the Jail Authority's indebtedness has decreased; and

WHEREAS, SunTrust Bank, the holder of the current revenue note representing that outstanding indebtedness, has advised the Jail Authority that the note does not require the maintenance of the Operating Reserve Fund, and that SunTrust does not object to a reduction of the balance in the Operating Reserve Fund; and

WHEREAS, the Jail Authority has determined that certain major security system components in the jail have reached the end of their useful life, and need to be replaced; and

WHEREAS, the Jail Authority and the Member Jurisdictions have determined that the most prudent and cost-effective way to pay for the security system replacement is to withdraw the required amount, not to exceed \$850,000.00, from the Operating Reserve Fund; and

WHEREAS, the Jail Authority and the Member Jurisdictions wish to amend the Service Agreement to allow that withdrawal, thereby reducing the Operating Reserve Fund to twenty percent of the current Annual Budget, and to provide a method for approval of future withdrawals; now therefore, be it

Resolved by the Boards of Supervisors of Albemarle, and Nelson Counties and the Council of the City of Charlottesville, with the concurrence of the Albemarle-Charlottesville Regional Jail Authority, that


1. Section 5.3 of the Service Agreement is amended and readopted as follows:

Section 5.3 Operating Reserve Fund. The Authority agrees to provide for an Operating Reserve Fund in each of its Annual Budgets in an amount equal to not less than ~~90 days~~ twenty percent of its projected Annual Budget for each year, less debt service. The Operating Reserve Fund will be established as a separate account and will be used to cover periods of revenue shortfall when the Authority's revenues are not sufficient to cover its Operating Expenses or Debt Service, or in such other instances as may be approved by the Authority and concurred in by the chief administrative officers of all member jurisdictions. If such withdrawals reduce the Operating Reserve Fund below twenty percent of the Annual Budget, the Authority shall adopt a plan to restore it to that level over a period not to exceed three fiscal years.

2. The chief administrative officers of the Member Jurisdictions and the Jail Authority are authorized to sign a conformed copy of the Service Agreement incorporating this amendment.

IN WITNESS WHEREOF, the governing bodies of the Counties of Albemarle and Nelson, and the City of Charlottesville have authorized and caused this Resolution to be approved and their respective seals to be affixed hereto and attested by their respective clerks.

COUNTY OF ALBEMARLE, VIRGINIA


Chairman, Board of Supervisors

1-4-11
Date

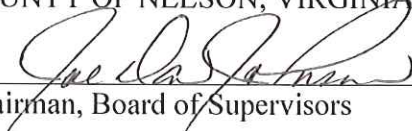
ATTEST:


Clerk to the Board

APPROVED AS TO FORM:



County Attorney

COUNTY OF NELSON, VIRGINIA


Chairman, Board of Supervisors

January 25, 2011
Date

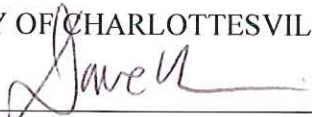
ATTEST:


Clerk to the Board

APPROVED AS TO FORM:


County Attorney

CITY OF CHARLOTTESVILLE, VIRGINIA


Mayor

1-6-2011
Date

ATTEST:


Clerk to the Council

APPROVED AS TO FORM:


City Attorney



ALBEMARLE-CHARLOTTESVILLE
REGIONAL JAIL AUTHORITY SERVICE AGREEMENT

By and Among

THE COUNTY OF ALBEMARLE,

THE COUNTY OF NELSON

and

THE CITY OF CHARLOTTESVILLE

and

THE ALBEMARLE-CHARLOTTESVILLE
REGIONAL JAIL AUTHORITY

Initially adopted November 15, 1995

Amended as of March 12, 1998

Further amended as of November 12, 1998

Further Amended as of January 25, 2011 (*not incorporated*)

AGREEMENT

THIS AGREEMENT (the "Agreement") is made by and among the COUNTY OF ALBEMARLE, the COUNTY OF NELSON and the CITY OF CHARLOTTESVILLE, all of which are political subdivisions of the Commonwealth of Virginia (collectively the "Member Jurisdictions"), and the ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY (the "Authority").

RECITALS

WHEREAS, the Member Jurisdictions are currently operating, through a Regional Jail Board, the Albemarle-Charlottesville Joint Security Complex (the "Security Complex"), which serves as the Jail for both Member Jurisdictions; and

WHEREAS, the Member Jurisdictions intend to authorize and create a regional jail authority, as provided in Chapter 3, Article 3.1 of Title 53.1 of the Code of Virginia, to replace the existing Regional Jail Board and assume its powers and responsibilities for the operation of the Jail; and to enhance public safety and welfare within the region, for the protection of its citizens, by the financing, construction, equipping, maintenance and operation of an addition and improvements for the Jail; and

WHEREAS, to pay the cost of operating the Jail and financing, constructing, equipping, maintaining and operating additions or improvements to the Jail, the Member Jurisdictions agree to pay certain amounts on certain terms as set forth herein;

NOW, THEREFORE, the parties agree as follows:

ARTICLE I

Definitions

The capitalized terms in this Agreement have the meanings set forth below unless the context otherwise requires.

"Annual Budget" has the meaning given to such term in Section 4.7.

"Applicable Laws" means all applicable laws, ordinances, judgments, decrees, injunctions, writs and orders of any court, arbitrator or governmental agency or authority and all rules, regulations, orders, interpretations, licenses and permits of any Federal, state, county, municipal, regional, foreign or other governmental body, instrumentality, agency or authority.

"Authority" means the Albemarle-Charlottesville Regional Jail Authority, as created in and by this Agreement.

"Authority Default" has the meaning given to such term in Section 9.1.

"Bonds" means revenue bonds issued by the Authority for the design, construction and other costs of the Jail and any additions or improvements thereto.

"Capital Expenses" means all costs, including but not limited to costs for architectural, engineering, planning, legal, financial or other professional services; land acquisition, labor, materials and equipment, contractors' fees, utility connection and building permit fees, capitalized interest, and other charges incurred for demolition, excavation, construction, equipping, paving, or landscaping, incurred or required for building and otherwise completing any addition to the existing Jail, or for building any future replacement for the Jail. Unless the context clearly indicates otherwise, "Capital Expenses" shall also include "Debt Service."

"Debt Service" means the amounts of principal and interest payable by the Authority to retire any bonds, notes or other obligations issued by the Authority. The Member Jurisdictions shall reimburse the Authority for its Debt Service attributable to Capital Expenses, partially through the per diem rate paid by the Member Jurisdictions for their prisoners, and partially through Additional Payments for Debt Service, in accordance with the provisions of Section 5.1 below.

"Expenses" means all expenses which may reasonably be determined by the Authority to be attributable directly or indirectly to the ownership or operation of the Jail and payable as operating expenses in accordance with generally accepted accounting principles and shall also include debt service payments and other capital expenses, required payments to the Operating Reserve Fund established in Section 5.3, required payments to any debt service reserve established in connection with any Bonds and other reasonable or necessary payments required to comply with debt service coverage requirements imposed in connection with any Bonds in Section 5.3.

"Fiscal Year" means the annual accounting period from July 1 of one year to June 30 of the following year.

"Jail" means the existing regional Joint Security Complex located at 1600 Avon Street Extended, Charlottesville, Virginia, together with any additions or improvements constructed and equipped by the Authority at that location or any future replacement for such facility at such other location as may be determined by the Authority in the future.

"Member Jurisdiction" means the County of Albemarle and the City of Charlottesville, each a political subdivision of the Commonwealth of Virginia, and any other political subdivision that may hereafter join the Authority, but excluding any political subdivision that may have withdrawn from the Authority, as provided in Section 6.7 and 6.8.

"Member Jurisdiction Default" has the meaning given to such term in Section 9.2.

"Net Debt Service" means the total annual Debt Service on obligations of the Authority, less any reimbursements for such Debt Service received from the Commonwealth of Virginia.

"Net Operating Expenses" means Operating Expenses reduced by an amount equal to revenue from (i) non-member jurisdictions (including the federal government), (ii) Operating Expenses of the Authority reimbursed by the Commonwealth of Virginia, and (iii) all other non-member revenue.

"Notes" means revenue anticipation notes issued by the Authority.

"Obligations" means the Notes or Bonds or other instruments of debt issued by the Authority.

"Operating Expenses" means all expenditures for salaries, goods, services, utilities, routine maintenance and other items incurred by the Authority in the daily ownership and operation of the jail, but excludes any Capital Expenses.

"Operating Reserve Fund" means the reserve fund established in Section 5.3.

"Placed in Service" means the first day on which the Jail or any addition thereto has been certified by the appropriate authority of the Commonwealth to accept Prisoners.

"Prisoner(s)" has the meaning given in such term in Section 4.1.

ARTICLE II

Creation of Authority

Section 2.1 Regional Jail Authority. By their approval and execution of this Agreement, the Member Jurisdictions hereby establish a regional jail authority pursuant to Chapter 3, Article 3.1 of Title 53.1 (Sections 53.1-95.2 et. seq.) of the Code of Virginia, as amended. The name of the Authority shall be the ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY (the "Authority"). The principal office of the Authority shall be located at the Office of the Superintendent of the Albemarle-Charlottesville Joint Security Complex, 1600 Avon Street Extended, Charlottesville, Virginia 22902.

Section 2.2 Board. The powers of the Authority shall be exercised by a Board (the "Board") consisting of four members from each of the Member Jurisdictions, as described below, and one member appointed jointly by the governing bodies of the Member Jurisdictions. The first member from each Member Jurisdiction shall be its duly elected sheriff. The second member from each Member Jurisdiction shall be a currently serving member of the Jurisdiction's governing body appointed by the government body. The third member from each Member Jurisdiction shall be its current county executive, city manager or

other chief executive officer, provided that such officers may designate other staff members to act as their alternates, who, if approved by their respective governing bodies, may attend and vote in place of the chief executives. The fourth member from each Member Jurisdiction shall be any other citizen of that Jurisdiction appointed by its governing body. The Sheriffs' service on the Authority shall be coterminous with their elected terms, and executive officers' terms shall be coterminous with their employment. Other members shall be appointed for three year terms. Members may be removed by their appointing authorities for failure to attend meetings or for other sufficient cause. The membership of the Authority may be increased or decreased by joint agreement of the governing bodies of the Member Jurisdictions, subject to the limits imposed by applicable state statutes.

Upon execution of the Agreement, the current appointees to the Regional Jail Board shall serve as the initial Board of the Authority, and shall continue in such office until their successors are appointed. Such Regional Jail Board members shall be eligible for appointment to full terms as members of the Authority, provided that no person's service (except that of the sheriffs or of any city manager or county executive or county administrator appointed by a Member Jurisdiction) as a member on the Board of the Authority, or combined service on the Authority's Board and the Regional Jail Board, shall exceed three full terms.

Any officer or employee of a Member Jurisdiction, appointed to the Board by that Member Jurisdiction, who ceases to hold office or be employed in the Member Jurisdiction shall likewise vacate his or her seat on the Board, unless reappointed by the governing body of the Member Jurisdiction.

The Board shall establish bylaws governing the election of officers, the conduct and scheduling of meetings and giving notice thereof, and other procedural matters.

Section 2.3 Purpose of Authority. The purpose of the Authority shall be to operate the Jail as set forth in paragraph 2.5 hereof and to finance, design, construct and operate additions to the existing jail facility, subject to all zoning and other legal requirements, as described in Article III of this Agreement. The general scope and nature of such improvements and additions and the estimated cost of designing, financing and constructing same are set forth in Section 3.1. It is anticipated that this Capital Expense will be financed through Notes and/or Bonds issued by the Authority, and that reimbursement of a portion of the annual Debt Service on these Obligations will be paid by the Commonwealth of Virginia.

Section 2.4 Powers of Authority. The Authority shall have all powers as set forth in Chapter 3, Article 3.1 of Title 53.1 (Sections 53.1-95.2 *et. seq.*) of the Code of Virginia, or its successor statutes, as amended from time to time, as well as all other powers conferred by state law upon regional jail authorities, and all powers necessarily and reasonably implied from such expressly granted powers.

Section 2.5 Operation of the Jail and Transfer of Property. Upon the approval of this Agreement, the Authority shall assume full management and control over the operation of

the Jail, and succeed to all rights, privileges and obligations of the Regional Jail Board. The Member Jurisdictions agree to transfer all real and personal property associated with the Jail, including title to any fund balances and accounts receivable, to the Authority at no cost to the Authority, and further agree to execute all necessary deeds or other documents to effect such transfer. Notwithstanding the foregoing, the County of Albemarle shall continue to serve as the fiscal agent for the jail until such time as the Authority acts as its own fiscal manager, either independently or by contract with the City or the County or a private entity, but in any event with the objective of securing these services for the Authority in a streamlined, cost-effective and professional manner. The Authority shall assume this responsibility on or before July 1, 1996, unless the County of Albemarle agrees to an extension of this deadline.

Section 2.5:1 Future disposition of Jail Property. In the event the Authority is to be dissolved or its powers and obligations are to be transferred by operation of law to some other public entity, the Authority shall, if consistent with outstanding bond indentures or other obligations, convey all its real and personal property to such other entity for a consideration of One Dollar. In the even the Authority determines that the real estate and improvements comprising present Jail property are no longer needed for jail purposes, the Authority shall reconvey the same to the County of Albemarle and the City of Charlottesville, or their successors and assigns, as tenants in common.

Section 2.6 Prior Agreement. This Agreement supersedes the regional jail agreement dated October 18, 1977, previously entered into by the Member Jurisdictions. Any provision of such earlier agreement inconsistent with this Agreement shall be of no further effect upon the adoption of this Agreement by all of the parties hereto. The Member Jurisdictions agree to consider amending their existing ordinances, and taking such other actions as may be necessary to reflect the transfer of ownership of and responsibility for the Jail from the Regional Jail Board to the Authority consistent with this Agreement.

Section 2.7. Addition of Nelson County as Member Jurisdiction.

Effective July 1, 1998, or as soon thereafter as the amended Service Agreement may be executed by all parties, the County of Nelson shall become a Member Jurisdiction, under the following terms and conditions.

(a) Notwithstanding the provisions of Section 2.2, Nelson shall be represented on the Authority's Board by its sheriff and one other person appointed by the governing body of the county. Alternates may be appointed as provided by state law.

(b) Within 30 days following its admission, Nelson shall pay the Authority the sum of Two Hundred Ninety-Two Thousand Dollars (\$292,000.00) as agreed compensation for its share of the equity value of the Authority's existing land and facilities. The Authority shall transfer this amount to Albemarle and Charlottesville in proportion to their respective original contributions to the cost of acquiring, constructing and equipping such land and existing facilities, as nearly as the same can

be determined. In the event of a dispute between Albemarle and Charlottesville about the appropriate distribution the decision of the Authority shall be final.

(c) Until such time as the Authority's expanded facility is Placed in Service, Nelson shall pay the Authority a rate of Fourteen Dollars (\$14.00) per diem to house its prisoners. After the expanded facility is Placed in Service, Nelson shall pay the same Prisoner Per Diem Payments as the other Member Jurisdictions, including both the Operating and Debt Service Components, calculated and paid as set forth in Section 5.1(a). In addition, after the expanded facility is Placed in Service, Nelson shall pay the Additional Payment for Debt Service as required by Section 5.1(b), calculated at the rate of four percent of the Authority's Net Debt Service not included in the Per Diem Charge.

(d) Nelson agrees to commit all of its jail prisoners to the Authority on the basis set forth in Section 4.2, and to be responsible for their transportation as set forth in Section 4.3.

(e) In the event the Authority is dissolved or its powers and obligations are transferred by operation of law, and the Authority's property is reconveyed to the Member Jurisdictions, as contemplated by Section 2.5:1, the Member Jurisdictions' shares of such reconveyed property shall be in direct proportion to their respective capital contributions to the Authority's facilities, including both their initial capital contributions to the existing facility (including Nelson's payment under Section 2.7(b) above), and the respective totals of their payments of the Debt Service Component and Additional Payments for Debt Service under Section 5.1, as nearly as all such amounts can reasonably be determined using available records.

(f) Except as provided in this Section, Nelson shall have the same rights and obligations under the Service Agreement as the other Member Jurisdictions.

ARTICLE III

New Construction

Section 3.1 Construction of Jail Improvements. The Member Jurisdictions hereby approve expansion of the Jail by construction of a 115-bed addition, together with an intake center, additional program space, updated HVAC system, and other related improvements, which will serve both the existing jail facility and the additional 115 beds. The Board of Corrections has approved a preliminary budget estimate for the entire improvement project of approximately \$13.75 million dollars. Upon approval of this Agreement, the Authority will proceed with the financing, design and construction of this project which shall constitute a Capital Expense as defined in this Agreement, subject to approval by the Member Jurisdictions, of the general construction contract following receipt of bids by the Authority. The Authority further agrees not to incur any other future Obligation to finance any other Capital Expense for any other improvement, expansion or replacement of the Jail without

similar prior approval from the Member Jurisdictions.

Section 3.2 Compliance. The Authority agrees to construct the addition and improvements to the Jail in accordance with the requirements of all Applicable Laws. The Member Jurisdictions agree to provide reasonable assistance to the Authority in complying with any such requirements, and will provide the Authority with any and all information that may be necessary in this regard.

Section 3.3 Agreement to Finance. The Authority agrees to finance the Capital Expenses for the approved addition and improvements, including expenses associated with the financing, through the issuance of revenue bonds. In addition, the Authority may issue revenue bond anticipation notes or other short-term obligations for this purpose.

One-half of eligible Capital Expenses for the approved addition and improvements, or of the Debt Service on such Capital Expenses, is expected to be funded by the Commonwealth of Virginia pursuant to Section 53.1-81 of the Code of Virginia. The Authority agrees to pursue this and any other state or federal reimbursements that may be available to it. In the event the Commonwealth does not agree to fund one-half of the eligible Capital Expenses or of the Debt Service thereon, the Authority shall not proceed to construct the addition or improvements unless further approval is received from each of the Member Jurisdictions.

ARTICLE IV

Provision of Services, Operation and Maintenance

Section 4.1 Acceptance of Prisoners. The Authority will accept Prisoners from each Member Jurisdiction (and to the extent space is available, from other jurisdictions, including the federal government and its agencies) who have been (i) duly arrested for committing a criminal offense and held over pending trial or (ii) duly convicted of committing a criminal offense and sentenced to a term of incarceration by a court having proper jurisdiction (the "Prisoners"). If the Jail is at capacity, as defined by the Authority, the Authority shall be responsible for securing alternative housing for all Prisoners from the Member Jurisdictions. The Authority shall first, however, have a duty to remove all Prisoners other than those from Member Jurisdictions from the Jail.

Section 4.2 Commitment of Prisoners. Each Member Jurisdiction agrees to offer to commit all of its Prisoners to the custody of the Authority. Each Member Jurisdiction's prisoners shall be defined as those persons being held for offenses committed in that jurisdiction. To encourage compliance with the provisions of this Section, each Member Jurisdiction hereby agrees that it will refuse to pay for the incarceration of any of its Prisoners committed to custody in any jail other than the Jail unless (i) the Jail is full, (ii) the Authority refuses to accept such Prisoner, (iii) commitment of such Prisoner to a correctional facility other than the Jail is ordered by a court of competent jurisdiction or (iv) a court of competent jurisdiction orders the Member Jurisdiction to make such payment.

Section 4.3 Transportation of Prisoners. Unless the Authority agrees otherwise, each Member Jurisdiction shall be responsible for the initial transportation of Prisoners from such Jurisdiction to the Jail for processing into the Jail population, and for transporting its prisoners from the Jail to court appearances and back. The Authority shall be responsible for transporting Prisoners for medical and dental care and other required purposes and for all costs, expenses and security relating to such Prisoners during transportation.

Section 4.4 Operation and Maintenance. The Authority will operate and maintain the Jail in accordance with all other Applicable Laws. The Authority shall be an equal opportunity employer.

Section 4.5 Insurance. The Authority will maintain hazard, liability or such other insurance as may be required by Applicable Law, or which the Authority may deem advisable.

Section 4.6 Annual Report. The Authority will provide to each Member Jurisdiction on or before each October 1 a report showing the activities of the Authority and its revenues, expenditures, and employee compensation schedules and other similar data for the preceding Fiscal Year.

Section 4.7 Annual Budget. The Authority will provide to each Member Jurisdiction on or before dates in the fiscal year specified by the Member Jurisdictions the Authority's preliminary Annual Budget for the next Fiscal Year and its final Annual Budget for the next Fiscal Year. For each Fiscal Year in which the Jail will be in operation, such Annual Budget shall set forth the per diem charge for each Prisoner committed to the Authority by the Member Jurisdictions, and the Additional Payment for Debt Service to be made by each Member Jurisdiction, as well as the projected number of Prisoners from each Member Jurisdiction, all for the next fiscal year. The Authority agrees to set, and revise at least quarterly if necessary, per diem charges and Additional Payments for Debt Service that are sufficient to generate revenue adequate to pay Net Operating Expenses and Net Debt Service, and to fund any required reserves. Within ten days of any such revision the Authority shall notify each member Jurisdiction of the revised charges and payments required. Any such revision will be based on factors affecting the Jail's revenues or expenditures, including but not limited to changes in assumed or actual occupancy levels, operating expenses, State operating or capital cost reimbursement, and any nonpayment by any Member Jurisdiction or other jurisdiction housing prisoners at the Jail. The Authority will promptly provide copies of any amendments to its Annual Budget to each Member Jurisdiction.

Section 4.8 Books and Records. The Authority will maintain proper books of record and account in which property entries shall be made in accordance with general accepted accounting principles for governmental bodies, consistently applied, of all of its business and affairs related to the Jail. As long as the County of Albemarle or some other governmental entity continues to serve as the fiscal agent for the Authority, however, as provided in Section 2.5, the Authority shall be obligated to maintain only those financial records prescribed by the chief financial officer of such fiscal agent, with the fiscal agent maintaining the remaining

necessary records. All books of record and account documents in the Authority's possession relating to the Jail shall at all reasonable times be open to inspection by such agents or employees of the Member Jurisdictions as they may designate. If and when the Authority assumes full responsibility for its own fiscal management, it shall have an annual audit conducted by an independent outside auditor, with copies being provided to the Member Jurisdictions.

Section 4.9 Majority Required for Authority Decisions. A majority of the members of the Board shall constitute a quorum for the transaction of its business. An affirmative vote of a majority of the full membership of the Board shall be required to adopt the Annual Budget, to amend the per diem charges as set forth in Section 4.7, or to approve the creation of any Obligation or any other contract obligating the Authority for longer than one year. All other decisions of the Board may be made by affirmative vote of a majority of the members present and voting.

ARTICLE V

Payments

Section 5.1 Payment from Member Jurisdictions.

(a) Per Diem Prisoner Payments.

(1) In preparing its Annual Budget, the Authority shall establish a per diem charge for the care, maintenance and subsistence of Prisoners from Member Jurisdictions during the next Fiscal Year. This per diem charge shall consist of two components, including an Operating Component, and a prisoner-based Debt Service Component. The Operating Component shall be calculated to produce revenues that equal the Authority's projected Net Operating Expenses for such Fiscal Year and the Debt Service Component shall be calculated to produce revenues equal to the portion of the Authority's Net Debt Service for such Fiscal Year includable in such per diem charge under the provisions of subsection (c) of this section. Such per diem charge will be adjusted by the Authority periodically as provided in Section 4.7.

(2) The Operating Component shall be invoiced by the Authority to the Member Jurisdictions not later than the 15th day of the month following the month in which the service was provided. The Member Jurisdictions shall pay the amount invoiced not later than the last day of the month in which billed.

(3) The Debt Service Component shall be invoiced quarterly by the Authority and shall be payable no later than the last day of the first month of each quarter beginning in July 1999 (or such earlier or later date as to which debt service on the Authority's Bonds and Notes has been capitalized). To facilitate the successful financing of the Jail, the Member Jurisdictions agree to advance their ratable shares of the Debt Service

Component as budgeted by the Authority in accordance with the percentages established annually as set forth in this Section, notwithstanding the actual number of Prisoners committed or expected to be committed to the Jail, subject to later adjustment to reflect actual use of the Jail as provided in paragraph (a)(3.1) of this section.

(3.1) The Debt Service Component percentages shall be adjusted each Fiscal Year to approximate the actual proportionate use of the Jail by the Member Jurisdictions as of the end of the immediately preceding calendar year; provided, however, the percentages to be paid by Albemarle County and the City of Charlottesville shall at no time equal in the aggregate less than one hundred percent (100%) of the Debt Service Component payment for the Fiscal Year in question, and provided further that the advance payment of the Debt Service component requested from Albemarle and Charlottesville for each quarter shall reflect a credit (applied in proportion to their respective usages) for the amounts actually received from other Member Jurisdictions, if any, during the preceding quarter.

(4) If not paid when due, the Per Diem Charge and Additional Payments for Debt Service provided in subsection (b) below shall bear interest at the rate established under Section 11-62.10 of the Code of Virginia until paid; provided, however, that this provision shall not apply in instances where applicable law prescribes some other due date or late payment charge.

(5) Within sixty (60) days of the end of the each Fiscal Year, the Authority shall adjust the Debt Service Component for each member Jurisdiction to reflect the amount each Member should have paid during such year based upon actual proportionate use of the Jail and compare it to the amount paid by each Member. Any Member Jurisdiction that has underpaid shall be billed by the Authority for the amount of the shortfall. Any Member Jurisdiction that has overpaid shall be entitled to a credit in the amount of such overpayment to be applied against the next Debt Service component payment due from such Member; provided, however, no Member shall be entitled to a full credit until such time as the Authority has received payment of all underpaid amounts. In the event the Authority receives a portion but not all of the payments due for underpaid bills, the Authority shall apply the amount received ratably as a partial credit to Members that overpaid.

b. Additional Payment for Debt Service.

In addition to the Per Diem Charges for their respective prisoners, Albemarle and Charlottesville each shall pay, in equal shares, an amount sufficient in the aggregate to fund 100% of that portion of the Authority's Net Debt Service not being included in the Authority's Per Diem Charge as provided in subsection (c) of this section. Any other Member Jurisdiction shall likewise pay a percentage of such portion of Net Debt Service not included in the Per Diem Charge, with such percentage being established at the time the additional Member Jurisdiction joins the Authority. These Additional Payments for Debt Service shall be paid by

the Member Jurisdictions quarterly on the same schedule as the Debt Service Component of the Per Diem Charge becomes due, provided that the Additional Payment for Debt Service requested from Albemarle and Charlottesville for each quarter shall reflect a credit (applied in equal shares) for the amounts of such Additional Payments for Debt Service actually received from other Member Jurisdictions, if any, during the preceding quarter.

(c) Method for Allocating Debt Service Costs.

The Authority's Net Debt Service costs shall be allocated between the Debt Service Component of the per diem rate charged to the Member Jurisdictions and the Additional Payments for Debt Service in the following manner:

(1) Upon the awarding of a contract or contracts for construction of any addition or improvements to the Jail or replacement for the Jail, the chief administrative officers of the Member Jurisdictions shall determine the relative proportions of the total projected Capital Expenses for such project that are attributable respectively to (i) the construction or improvement of cells or other prisoner housing areas and (ii) the construction or improvement of administrative, program and support areas. The relative proportions of Capital Expenses for these two categories shall be expressed as percentages. In the event the chief administrative officers are unable to agree on this allocation, the dispute shall be resolved by majority vote of all members of the Authority, whose determination shall be binding.

(2) Collection of the Authority's Net Debt Service for the project shall then be accomplished through the Debt Service Component of the Per Diem Charge and the Additional Payment for Debt Service in the same proportions, so that the Net Debt Service attributable to cells or prisoner housing space is collected through the Per Diem Charge, and the Net Debt Service for other parts of the project is collected from the Member Jurisdictions in equal shares. For example, if 65% of the total Capital Expense is determined to be attributable to the cells and prisoner housing areas, then the Per Diem Charge for Member Jurisdictions shall be calculated to include 65% of the annual Net Debt Service, with the remaining 35% of the Net Debt Service being collected equally from the Member Jurisdictions through the Additional Charges for Debt Service.

(d) Payment for Costs of Discontinued Capital Project.

If for any reason any capital project previously approved by the Member Jurisdictions is not constructed, the Member Jurisdictions shall reimburse the Authority, in shares determined as provided in paragraph (b) of this section, for any Capital Expenses the Authority has already incurred in connection with such discontinued project; provided, however, that the payment required by any Member Jurisdiction under this subsection will be subject to the appropriation of funds for such purpose of the governing body of the Member Jurisdiction.

(e) **Additional Payments to Cover Debt Service Shortfalls.**

After the issuance of the Bonds, if the Authority lacks sufficient funds to pay scheduled debt service on the Notes, the Authority will promptly notify the Member Jurisdictions of the amount of such insufficiency. Upon such notification, the Member Jurisdictions each agree to pay, subject to the conditions contained in this paragraph, a portion of such deficit equal to its Debt Service Component percentage then in effect pursuant to Section 5.1(a)(3). Any such payment under this paragraph will be subject to the appropriation of funds by the governing body of each Member Jurisdiction and shall constitute a moral, non-binding payment obligation. The obligations of the Members under this paragraph shall expire only upon the payment of the Notes. In no event shall the obligation of any Member Jurisdiction under this paragraph (e) or the immediately preceding paragraph (d) be deemed to constitute a debt within the meaning of the Constitution of Virginia.

Section 5.2 Payments from Other Jurisdictions. Within the limits allowed by law, the Authority shall establish a per diem charge or charges for the care, maintenance and subsistence of Prisoners from non-member jurisdictions, including from the state, federal government, and other states or localities; provided, however, that in no event shall such charge or charges be less than the per diem charge for Member Jurisdictions established by the Authority for the same period pursuant to Section 5.1 of this Agreement. Such non-member per diem Prisoner charges shall be due and payable to the Authority from non-member jurisdictions having Prisoners in the Jail no later than 30 days after receipt of the Authority's periodic billing for such charges and if not paid when due shall bear interest at such rate as the Authority shall establish until paid; provided, however, that this provision shall not apply in instances where applicable law prescribes some other due date or late payment charge.

Section 5.3 Operating Reserve Fund. The Authority agrees to provide for an Operating Reserve Fund in each of its Annual Budgets in an amount equal to not less than 90 days of its projected Annual Budget for each year, less debt service. The Operating Reserve Fund will be established as a separate account and will be used to cover periods of revenue shortfall when the Authority's revenues are not sufficient to cover its Operating Expenses or Debt Service.

Section 5.4 Commonwealth Reimbursement Grants. Any funds that the Authority receives from the Commonwealth of Virginia as reimbursement for Debt Service or other Capital Expenses incurred by the Authority for constructing additions or improvements to the Jail or any replacement Jail will be applied as required by the terms of the Indenture for any Obligations issued to fund such projects.

Section 5.5 Limitation of Liability. The only obligations of the Member Jurisdictions to pay for the establishment, operation or maintenance of the Jail arise out of this Agreement. No such payment responsibility shall constitute a debt of any Member Jurisdiction within the meaning of any constitutional or statutory limitation.

ARTICLE VI

Additional Agreements

Section 6.1 Sale or Other Conveyance. The Authority will not sell, lease, sublease, assign, convey or otherwise voluntarily dispose of the Jail unless all Notes, Bonds, and other Obligations incurred by the Authority have been or will be paid or deemed defeased in accordance with the agreements under which they were issued.

Section 6.2 Further Documents and Data. The parties to this Agreement will execute and deliver all documents and perform all further acts that may be reasonably necessary to perform the obligations and consummate the transactions contemplated by this Agreement.

Section 6.3 Right to Access. Each Member Jurisdiction will have reasonable access to the Jail and its records in order to monitor the Authority's compliance with the terms of this Agreement.

Section 6.4 Confidentiality. The Authority will maintain all records and files on the Prisoners on a confidential basis in accordance with all Applicable Laws. Each Member Jurisdiction will maintain the confidential nature of all records and files relating to the Prisoners of other Member Jurisdictions in accordance with all Applicable Laws.

Section 6.5 Notification. The Authority will promptly furnish to each Member Jurisdiction a copy of any notice or order of any governmental authority asserting that the Authority or the Jail is not in compliance in any material respect with any Applicable Law.

Section 6.6 Tax-Exemption Covenant.

(a) The Authority intends to issue its Notes and Bonds in a manner such that their interest is excludable from gross income for Federal income tax purposes under Section 103(a) and related provisions of the Internal Revenue Code of 1986, as amended, and applicable rules and regulations. The Authority and each Member Jurisdiction agree that after the Notes and Bonds have been issued they will not take any action or omit to take any action which would adversely affect such exclusion.

(b) Pursuant to Section 15c2-12(b) of regulations issued by the Securities and Exchange Commission, the Authority and the Member Jurisdictions will be required to agree with the owners of the Bonds, for as long as the bonds are outstanding, to supply certain national securities information repositories (1) annually certain financial and statistical information, and (2) periodically, notification of certain specified material events affecting the Authority, the Member Jurisdictions and the Bonds. The particulars of this ongoing disclosure requirement will be set forth in the Indenture and in a continuing disclosure agreement for the Bonds. Each Member Jurisdiction agrees to execute and deliver a continuing disclosure agreement and to cooperate with the

Authority in fulfilling this requirement, including providing the Authority with timely notice of the occurrence of any of the specified events which are material to its operations.

Section 6.7 Additional Members. Any city, county or town in Virginia may, with the approval of its governing body and with the consent of all of the Member Jurisdictions, join and participate in the Authority under such additional terms and conditions for membership as may be prescribed by the Member Jurisdictions.

Section 6.8 Withdrawal of Membership. Any Member Jurisdiction may withdraw from membership in the Authority by resolution or ordinance of its governing body; however, no Member Jurisdiction shall be permitted to withdraw from the Authority as long as any Obligations of the Authority are outstanding except by unanimous vote of all Member Jurisdictions. No Member Jurisdiction withdrawing without unanimous consent of the other Member Jurisdiction(s) shall be entitled to any reimbursement for its equity in the Jail.

Section 6.9 Change in Independent Status of City. The parties acknowledge that the obligations of the City of Charlottesville under this Agreement presume Charlottesville's continued existence as an independent city. If Charlottesville ceases to be an independent city and becomes a town or other governmental unit that is part of Albemarle County, Charlottesville's obligations under this agreement shall be subject to modification in one of three (3) ways: (a) as prescribed by then-applicable state statutes for such towns or the governmental unit; or (b) as ordered by a court of competent jurisdiction; or (c) as determined by agreement of the parties.

ARTICLE VII

Representations, Warranties and Covenants of Authority

In addition to the covenants in other Articles of this Agreement, the Authority represents, warrants and covenants as follows:

Section 7.1 Organization, Authorization and Validity. The Authority is a political subdivision of the Commonwealth duly organized and validly existing under the laws of the Commonwealth and has duly authorized and delivered this Agreement.

Section 7.2 Authority. The Authority has all requisite authority under the Act to execute and deliver and perform its obligations under this Agreement and is not a party of any indenture, contract or other agreement or arrangement, the performance of which by the Authority would prevent or materially and adversely affect the Authority's ability to perform the terms of this Agreement.

Section 7.3 Non-Contravention. The execution and delivery of this Agreement by the Authority and the consummation of the transactions contemplated in it will not conflict with or result in a breach of or constitute a default under or violate any of the terms, conditions or

provisions of the Act, the bylaws of the Authority or any material indenture, contract or other agreement or arrangement to which the Authority is a party or by which any of its properties are bound, or any Applicable Law by which the Authority or the Jail is bound.

Section 7.4 Litigation. The Authority is not a party to any legal, administrative, arbitration or other proceeding or controversy pending, or, to the best of the Authority's knowledge, threatened, which would materially adversely affect the Authority's ability to perform under this Agreement.

Section 7.5 Approvals. Except for approvals that may be expressly required by this Agreement, or by the Virginia Board of Corrections, the Authority does not require the consent or approval of any governmental body to carry out the terms of this Agreement.

ARTICLE VIII

Representations, Warranties and Covenants **of Member Jurisdictions**

Each Member Jurisdiction represents, warrants and covenants for itself as follows:

Section 8.1 Organization, Authorization and Validity. Each Member jurisdiction is a political subdivision of the Commonwealth duly organized and validly existing under the laws of the Commonwealth, and each has duly authorized, executed and delivered this Agreement.

Section 8.2 Authority. Each Member Jurisdiction has all requisite authority to execute and deliver and perform its obligations under this Agreement and is not a party to any indenture, contract or other agreement or arrangement, the performance of which by it would prevent or materially and adversely affect its individual performance under this Agreement.

Section 8.3 Non-Contravention. The execution and delivery of this Agreement by each Member Jurisdiction and the consummation of the transactions contemplated in it will not conflict with or result in a breach of or constitute a default under or violate any of the terms, conditions or provisions of any charter, resolution or ordinance, any material indenture, contract or agreement or arrangement to which it is a party or by which any of its properties are bound, or any Applicable Law by which it is bound.

Section 8.4 Litigation. No Member Jurisdiction is a party to any legal, administrative, arbitration, or other proceeding or controversy pending, or, to the best of its knowledge, threatened, which would materially and adversely affect its ability to perform under this Agreement.

ARTICLE IX
Defaults and Remedies

Section 9.1 Default by Authority. The occurrence of any one or more of the following events will constitute an "Event of Default" by the Authority ("Authority Default").

- (a) failure of the Authority to pay principal of or interest when due on any Notes, Bonds or other temporary or permanent financing for the Jail issued or obtained by the Authority pursuant to this Agreement;
- (b) if the Authority is for any reason rendered incapable of performing any of its material obligations under this Agreement;
- (c) if the Authority makes an assignment of all or a portion of its obligations under this Agreement without the prior consent of the Member Jurisdictions;
- (d) if the Authority defaults on any of its material obligations under any agreement pursuant to which any Note, Bonds or other temporary or permanent financing for the Jail is issued or obtained by the Authority pursuant to this Agreement and such default is not cured within the applicable cure period;
- (e) if any proceeding is instituted, with the consent or acquiescence of the Authority, for the purpose of effecting a composition between the Authority and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted, if the claims of such creditors are under any circumstances payable from the bonds of the Authority; or
- (f) if the Authority defaults in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in this Agreement, and the default continues for thirty days after written notice specifying the default and requiring it to be remedied has been given to the Authority by any Member Jurisdiction.

Section 9.2 Default by Member Jurisdictions. The occurrence of any one or more of the following events will constitute an "Event of Default" by any Member Jurisdiction ("Member Jurisdiction Default").

- (a) failure of any Member Jurisdiction to make payments of per diem Prisoner charges when due;

(b) if any Member Jurisdiction shall for any reason be rendered incapable of fulfilling its obligations under this Agreement; or

(c) if any proceeding is instituted, with the consent or acquiescence of any Member Jurisdiction, for the purpose of effecting a composition between such Member Jurisdiction and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted, if the claims of such creditors are under any circumstances payable from the funds of such Member Jurisdiction; or

(d) if any Member Jurisdiction defaults in the due and punctual performance of any of the other covenants, conditions, agreements and provisions contained in this Agreement, and the default continues for thirty days after written notice specifying the default and requiring it to be remedied has been given to such Member Jurisdiction by the Authority.

Section 9.3 Remedies of Member Jurisdictions. Upon the occurrence of an Authority Default, any Member Jurisdiction, after giving notice of such Authority Default to all parties, may bring suit by mandamus or other appropriate proceeding to require the Authority to perform its duties under the Act and this Agreement or to enjoin any acts in violation of the Act or this Agreement.

Section 9.4 Remedies of Authority. Upon the occurrence of a Member Jurisdiction Default, the Authority, after giving notice of such Member Jurisdiction Default to all parties, may bring suit by mandamus or other appropriate proceeding to require the Member Jurisdiction to perform its duties under the Act and this Agreement or to enjoin any acts in violation of the Act or this Agreement.

Section 9.5 Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved to the parties is intended to be exclusive of any other remedy, and each remedy is cumulative and in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute.

ARTICLE X

Miscellaneous

Section 10.1 Severability of Invalid Provisions. If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or

section has not been contained in it.

Section 10.2 Notices. Any notice or other communication under or in connection with this Agreement shall be in writing, and shall be effective when delivered in person or sent by first class United States mail to the following persons and addresses or to such other persons and addresses as any of such persons may from time to time specify in writing.

If to the Authority:

Chairman
Albemarle-Charlottesville Regional Jail Authority
1600 Avon Street Extended
Charlottesville, VA 22901

If to Albemarle County:

County Executive
Albemarle County Office Building
401 McIntire Road
Charlottesville, VA 22902-4596

If to City of Charlottesville:

City Manager
P.O. Box 911
Charlottesville, VA 22902

If to Nelson County:

County Administrator
P.O. Box 336
Lovingston, VA 22949

Section 10.3 Execution of Agreement. A sufficient number of copies for each party approving this Agreement, each of which shall be deemed to be an original having identical legal effect, shall be executed by the parties, this being copy number 3.

Section 10.4 Governing Law. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Virginia.

Section. 10.5 Amendments. This Agreement may be changed or amended only with

the consent of the Authority and each Member Jurisdiction. No such change or amendment may be made which will affect adversely the prompt payment when due of all monies required to be paid by the Member Jurisdictions under the terms of this Agreement, and no such change or amendment shall be effective which would cause a violation of any provision of any resolution, indenture or agreement pursuant to which any Notes, Bonds or other temporary or permanent financing for the Jail is issued or obtained by the Authority.

Section 10.6 Effective Date of Agreement. As to the creation of the Authority, this Agreement will be effective from the date of its approval by each of the Member Jurisdictions. As to all other matters, it shall be effective upon subsequent approval by the Board of the Authority. The financial provisions of this Agreement shall be implemented on a schedule agreed upon by the chief financial officers of the Member Jurisdictions, but in no event later than July 1, 1996.

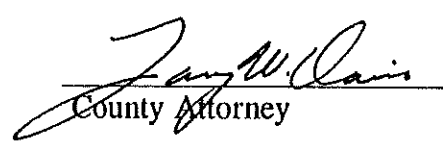
Section 10.7 Waiver. Any waiver by any party of its rights under this Agreement must be in writing, and will not be deemed a waiver with respect to any matter not specifically covered. Nothing in this Agreement authorizes the waiver of any Member Jurisdiction's obligation to make payments when due of all moneys required to be paid by the Member Jurisdictions under the terms of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the dates indicated.

COUNTY OF ALBEMARLE

APPROVED AS TO FORM:

By 
County Executive


County Attorney

Original Approval Date: November 1, 1995


Amendments Approved: February 12, 1998

Nelson Amendments Approved: November 4, 1998

CITY OF CHARLOTTESVILLE

APPROVED AS TO FORM:

By 
City Manager


City Attorney

Original Approval Date: November 6, 1995

Amendments Approved: March 2, 1998
Nelson Amendments Approved: October 19, 1998

COUNTY OF NELSON

APPROVED AS TO FORM:

By Stephen A. Post Margaret D. Monahan
County Administrator County Attorney

Approved as Amended to Include Nelson County: October 13, 1998

ALBEMARLE-CHARLOTTESVILLE REGIONAL
JAIL AUTHORITY

By Michael E. Summa

Original Approval Date: November 15, 1995
Amendments Approved: March 12, 1998
Nelson Amendments Approved: *NOVEMBER 12, 1998*

ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY

BYLAWS

ARTICLE I – THE BOARD

1.1 Description. The Albemarle-Charlottesville Regional Jail Authority (the “Authority”) was created by an Agreement dated November 15, 1995, by and between the County of Albemarle and the City of Charlottesville, to which the Authority itself also became a party (the “Service Agreement”). The County of Nelson became a member jurisdiction and party to the Service Agreement in [add date].

1.2 Membership. The powers of the Authority shall be exercised by a board as set forth in the Agreement.

ARTICLE II – OFFICERS

2.1 Chairman. The board of the Authority shall select a chair from among its membership. The chair shall preside at all meetings of the Authority, shall appoint from time to time such committees as he or she may deem appropriate, and shall have such other powers or duties as may be prescribed in these bylaws or by resolution of the Authority.

2.2 Vice chair. The board shall also elect a vice chair from among its membership. The vice chair shall preside at all meetings when the chair is not in attendance, shall become chair if the chair dies or resigns, and shall have any other powers or duties prescribed in these bylaws. The chair and the vice chair shall be representatives of different member jurisdictions, unless no member is willing to serve to make adherence to this rule possible.

2.3 Clerk. The board shall appoint a clerk, who may be an employee of the Authority or of any member jurisdiction, to keep the minutes of meetings and serve as custodian of other records of Authority actions.

2.4 Terms. Following the initial election of offices, officers shall be elected at the first regular meeting in each calendar year. Officers shall serve for a term of two years, or until their successors are elected.

ARTICLE III – MEETINGS

3.1 Quorum. A majority of the members of the Board shall constitute a quorum for the transaction of its business. An affirmative vote of a majority of the full membership of the Board shall be required to adopt the Annual Budget, to amend the per diem charges, or approve the creation of any Obligation or any other contract obligating the Authority for longer than one

year. All other decisions of the Board may be made by affirmative vote of a majority of the members present and voting.

3.2 Meetings. The usual order of business at a regular meeting shall be as follows:

- (I) Call to order.
- (II) Consent Agenda.
- (III) Matters from the Public
- (IV) Matters from ACRJA Attorney
- (V) Matters from ACRJA Board Members
- (VI) Matters from ACRJ Business Manager
- (VII) Matters from ACRJ Superintendent
- (VIII) New Business
- (IX) Closed Session (if needed)
- (X) Adjournment

3.3 Minutes. The clerk shall prepare summary minutes of each meeting, which shall be mailed or delivered to each member before the next regular meeting. The board shall approve the minutes of each meeting at a subsequent meeting. The chairman (or in the chairman's absence, the vice chairman) shall sign the minutes as approved.

3.4 Procedure. Meetings shall be conducted generally in accordance with Robert's Rules of Order (short form for small parliamentary bodies).

3.5. Remote Participation. If a quorum is physically present to conduct a meeting of the Authority's board of directors or one of its committees, other members may attend and participate in such meeting from a remote location by telephone or other audio or video means, provided such attendance complies with the provisions of the Virginia Freedom of Information Act, as amended from time to time. A member wishing to attend in this manner shall advise the clerk of the board a reasonable time before start of the meeting, so that the necessary equipment can be put in place.

3.6. Annual Performance Review of the Superintendent. Prior to July 1 each year, the Authority board of directors shall conduct a review of the performance of the ACRJ Superintendent. Such review shall include the consideration of progress or completion of specific goals established for the Superintendent by the Authority for the review period, overall performance of the Superintendent and jail operations during the review period and identification of goals for the next review period. The annual performance review shall serve as the basis for providing any merit-based salary adjustment.

ARTICLE IV – FINANCIAL

4.1 Fiscal Agent and Treasurer. The Authority may employ a qualified person to act as its treasurer and financial manager. Alternatively, the Authority may contract with either of the member jurisdictions to serve as fiscal agent, in which case the city treasurer or county director of finance (as the case may be) shall serve as treasurer of the Authority.

4.2 Fiscal Year. The fiscal year of the Authority shall begin each year on July 1 and shall end on June 30 of the following year.

4.3 Budget. As required by the Agreement, the board shall adopt an annual operating budget for each fiscal year and establish per diem charges based on such budget, which shall be submitted to the governing bodies of the member jurisdictions on a schedule that will permit the jurisdictions' own budgets to be based on those per diem charges.

4.4 Audit. The Authority shall obtain an independent audit of its finances to be made each year, to reflect the full revenues and expenditures of the Authority. If one of the member jurisdictions serves as the Authority's fiscal agent, the independent auditor for that jurisdiction may perform the Authority's annual audit.

4.5 Procurement. If one of the members jurisdictions is serving as the Authority's fiscal agent, the Authority shall adhere to that jurisdiction's established procurement and purchasing regulations and procedures, with the regional jail superintendent exercising the same purchasing and contracting authority as a department head in that jurisdiction, and the board of the Authority exercising the powers of the board of supervisors or city council. If no jurisdiction serves as fiscal agent, the Authority shall comply with the Virginia Public Procurement Act for all purchases, and may adopt an informational small purchase procedure for all purchases up to the limits permitted by that Act.

ARTICLE V – AMENDMENTS

5.1 Amendments. These bylaws may be amended in any manner consistent with the Agreement, by a majority vote of all members of the board.

These bylaws were adopted by the Board on January 18, 1996, and amended September 11, 2014.

Attested:

Clerk

July 4, 2018
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COUNTY OF ALBEMARLE
Office of the Sheriff

411 East High Street
Building B
Charlottesville, Virginia 22902

J.E. "Chip" Harding, Sheriff
Telephone: 434-972-4001
Fax: 434-972-4065

September 6, 2018

Dear Colonel Kumer and Jail Board Members,

I apologize in advance for not attending the meeting on September 13th. I will be with my wife on our only beach vacation of the summer down in Kitty Hawk. I will send an alternate from my office to vote in support of my position on pre-release notification of criminal aliens to Immigration and Customs Enforcement (ICE). I have tried to do my due diligence on this issue by having multiple meetings with attorneys that defend immigrants in the process and meetings with ICE supervisors at my office in addition to hearing the testimony and discussion at Jail Board Meetings.

Before I cast my vote I would like to say that, like most Americans, I am very disappointed in our Congressional representatives' failure to "take on" and establish a clear and fair immigration strategy that will protect our sovereign nation--a strategy that will continue letting us be a "melting pot" of various cultures while protecting the rights of American Citizens; a strategy that would not just mainly concentrate on deportation and building walls but address the primary reason people bypass the legal immigration procedure to enter our country-- to have the opportunity to make better wages and improve the quality of life for their families. Heck, if I were a citizen in a foreign country and could not feed and shelter my family on the dollar a day I was earning, I would enter the United States myself and try to gain employment. Historically, from a legal stand point, what has been the downside? America might actually start enforcing its own laws and I might be deported?

Our national strategy must also focus more on proper identification and a mandatory E-verify system. Those Americans that continue to get rich on the backs of illegal immigrants should be held accountable. If there are jobs that an employer cannot fill with American Citizens there should be a no hassle clear path to allow non-citizens in to perform the task at a decent wage and one that can be taxed. Currently, in my opinion, many Americans suffer from low wages because of the ability of employers to undercut normal market wages with an illegal workforce. I have had friends lose bids on contracts for painting, sheet rocking, road paving, and landscaping because they could not compete with companies that they knew were hiring illegals and paying a low wage. It is kind of like my take on illegal drugs markets. Dealers would not show up if no one wanted their drugs yet our emphasis continues to be on the endless supply of dealers that will always be there if the consumer has the money.

It bothers me greatly that the current ICE practice is to place detainees on almost everyone coming into our jail that is here illegally. Then take only a percentage of them into custody leaving the jail. Later, after ICE supervisory review, some of them are released back into the community (after further inquiry or

evidentiary support documents show them not to be a substantial risk). Reportedly/understandably, the time this practice requires has a detrimental impact on the family.

Regardless of my concerns, I took an oath of office and swore that "I would support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I would impartially discharge all the duties incumbent upon me as Sheriff according to the best of my ability, so help me God."

Our immigration laws are primarily set forth in the Immigration and Nationality Act passed by Congress. ICE is charged with enforcing 400 Federal Statutes. Their authority to do so comes from Congress.

ICE is required to be notified anytime someone enters our local jail that is suspected of being an illegal alien. ICE has requested that we voluntarily let them know when a person they have deemed to be detainable will be released from our facility. We have honored that request in the past, as have all of the jails in Virginia. In my opinion if we do not continue this practice, many illegal aliens, who committed criminal acts while in our country illegally, will be allowed right back in our community. Do I agree that this causes a hardship on some families where the "bread winner" is detained and later released ?, yes, of course. Some will argue that if ICE knows who is received in our jail on the "front end" they should totally evaluate their threat level at that time. If viewed as a serious threat then they should go to a federal magistrate and obtain a criminal warrant. That makes sense until you consider that is not the way Congress intended for these matters to be handled. Congress set up a civil process where ICE Agents could write civil warrants and bypass the criminal system. The US Attorney's Office would not have near the manpower to begin to handle all immigration detainees even if there was a desire, without sacrificing prosecuting more serious crime. If we do not notify ICE of the ever changing release dates many of the inmates will not be detained. Not all but many of them have committed serious criminal acts. If ICE is not notified they have indicated they will, in many cases, have to deploy ICE officers to go into the immigrant communities to locate and take the person of interest into custody. I feel sorry for ICE Agents that are being vilified in our country when all most of them are trying to do is enforce the very laws that were enacted by Congress.

I cast my vote to continue to cooperate with ICE and feel strongly that a failure to do so will be harmful to the public safety of our region, especially the communities in which some of these people will reside. I recommend that if people are concerned with the current ICE practices they should direct their efforts to their congressional representation. Those are the folks who have been failing this country for decades by refusing to come together and enact a commonsense and fair immigration strategy.

Sincerely,

A handwritten signature in black ink that reads "J.E. 'Chip' Harding". The signature is written in a cursive, slightly slanted style.

J.E. "Chip" Harding

Sheriff Albemarle County

CIRAC

CHARLOTTESVILLE-AREA IMMIGRANT RESOURCE & ADVOCACY COALITION

September 5, 2018

Dear Mrs. McKeel, Col. Kumer and members of the Board:

We want to thank you both for facilitating the special work session on August 23, and especially commend you, Mrs. McKeel, for leading the discussion on a complex, contentious issue in a decisive manner. As we move towards the Board re-vote on ICE notifications set for September 13th, CIRAC urges you to end ACRJ's *voluntary* collaboration with ICE.

The CIRAC Fact Sheet, included in Board packets for the August 23 meeting, makes amply clear that ICE functions outside constitutional bounds, is not fiscally accountable, abuses many in detention and enriches for-profit, private companies. ACRJ's continuing notifications, through "courtesy calls" to ICE, makes our local community jail complicit in this system, denies the right to due process and undermines public safety.

ICE increasingly relies on local law enforcement agencies like ACRJ even though immigration is a federal, civil matter. In doing so, ICE effectively overrides decisions made by our local prosecutors and judges, even though they are based on a "validated risk assessment tool", the Evidence Based Decision Making (EBDM), which is accepted as best practice by state prosecutors and court judges.

During the August 23rd meeting, ICE officials rationalized their practices in deceptive and inconsistent terms. They refused to acknowledge the multiple contradictions inherent in their detaining on civil warrants, asserting that those they detain are criminals, yet denying these same individuals the right to an attorney. As in previous meetings, ICE officials obfuscated and made vague and misleading statements; the following are a few examples:

- ***Re ICE "risk assessment." (RCA):*** Members of the board repeatedly asked ICE if it conducts evidence-based risk assessments *before* picking up immigrants from ACRJ. First, ICE evaded the question, describing their assessment as a "holistic approach" taking into account a "myriad of factors." Then they asserted that the Risk Assessment (RCA) is done *at the same time* as they take the immigrant into custody. Finally, they admitted that the RCA takes place only *after* they have taken the individual into custody.
- ***Re exaggerated crimes lists as generic examples:*** ICE again listed egregious crimes - rape and homicide - as generic examples, falsely implying that most immigrants they detain are violent offenders. In reality, most of the immigrant detainees at ACRJ are charged with low-level offenses like driving without a license, and have been determined by the local court system to not pose a risk to the community upon release. Such fear-baiting is standard practice for ICE's national propaganda of dishonesty and distortion.

- **Re ICE administrative warrants:** Despite having agreed that all persons residing in the U.S. are afforded constitutional due process, and despite being repeatedly asked by the LAJC attorneys, ICE officials refused to say why they will not seek judicial warrants for those they arrest at ACRJ. If the people they are detaining are as dangerous as ICE implies, then why not seek a judge signed a criminal warrant?
- **Re ICE criteria for picking up those released from ACRJ:** When asked, ICE officials repeatedly obfuscated and would not admit the truth. It became clear that there are only two criteria that ICE looks at when deciding if it will pick up someone from ACRJ: do they suspect the person is undocumented, and is there an empty bed in a nearby detention center to be filled. Neither of these objectives is relevant to local public safety.

As stated above, CIRAC asks the Board the following with regard to the September 13th meeting:

No ICE Presence: ICE officials have had ample opportunity to inform and influence the Board's decision and have chosen to do so in ways which were not truthful. In evaluating the notification policy, the Jail Board should also be examining ICE's conduct. ICE is a subject of the Board's deliberations, and just as a suspect in a criminal trial is not allowed to join the jury's deliberations, ICE should not be given a seat at the table.

Ample time for public comment. The decision to make voluntary "courtesy calls" notifying ICE is entirely a local decision. CIRAC was disappointed that the public was unable to comment at the August 23rd meeting, even as ICE was given multiple seats at the table. In light of recent tensions at public meetings in Albemarle County and Charlottesville, we are particularly hopeful that the Jail Board will provide all the time necessary for community contributions through public comment.

No Nelson consideration: We ask that the Board defer discussion of expanding Nelson County's membership on the board until a decision is made on ICE notifications. Nelson County representatives raised this issue for the first time *after* Chairwoman McKeel had already called an end to the meeting. As Chairwoman McKeel has indicated to one of our members, adjusting Nelson's representation on the board is a lengthy process and could not realistically be achieved before November. Given the demonstrated close ties between Nelson County representatives and ICE officials, we believe that they their motivation is to deliberately derail the discussion and the ICE notifications vote.

We hope board members will give your full consideration to our concerns and we urge you to end the ACRJ's ICE notifications.

Sincerely,

Priscilla Mendenhall, Henry Manning and Margot Morshuis Coleman for The CIRAC Planning Team

**ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY
EXECUTIVE SUMMARY**

<p><u>AGENDA TITLE:</u> June 30, 2018 YTD audited Financial Report</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Matters from Business Manager</p> <p><u>STAFF CONTACTS:</u> Sup. & Mess: Kumer & Brill</p>	<p><u>AGENDA DATE:</u> <u>ITEM NUMBER:</u> September 13, 2018</p> <p><u>FORMAL AGENDA:</u> <u>ACTION:</u> <u>INFORMATION:</u></p> <p><u>CONSENT AGENDA:</u> <u>ACTION:</u> Yes <u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> Yes</p>
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Compensation and benefits is estimate to come in under budget (\$620,768) due to:

- Vacancy savings and various other benefits came in under (\$269,268).
- Overtime came in over \$80,195 due to shortage of staff and vacancy positions.
- Part-time wages came in over \$69,372 due to medical staff part timers being used while vacancy in medical.
- Health Insurance came in under \$325,921 due to vacancies and insurance surplus funds reimbursement from insurance savings.
- Workers compensation came in under \$22,030 because it was put out to bid in FY18 and proposals came in lower than budget.

Operating expense is estimated to come in over budget \$285,850 due to:

- Maintenance contract buildings came in under budget \$23,979 due to less than budgeted repairs.
- Data Processing came in over budget \$5,724 due to the purchase of the women's classification program that was purchased and unbudgeted.
- Gas Service came in under budget \$25,008 due to the mild winter.
- Water and Sewer is estimated to come in over budget \$44,847 due to increased water usage and cost.
- Food supplies came in over budget \$76,624 due to cost.
- Pharmaceutical Drugs came in over \$134,564 due to the cost of medication and types of drugs that inmates require.
- Fire insurance is over \$15,482 due to which includes coverage from VML and isn't provided by Va Risk anymore.
- Travel Subsistence came in over \$8,363 due to the staff required at the hospital, which requires 24 hour service.
- Laundry and Janitorial came in over \$8,331 due to increased washes and supplies needed.
- Linen supplies and Inmate uniforms are over \$9,336 and \$10,188 respectively due to the replacement of old sheets and uniforms that were in much need.
- Security supplies are came in over \$14,823 due to the purchase of extra vest for roadside cleanup and programs.

Operating Capital came in over \$146,787 due to:

- Machinery and equipment used being over \$92,280 due to HVAC contract and the Board approval to budget \$100,000 and use remaining FY 18 net income from vacancy savings to offset the remaining balance and \$11,801 due to emergency repair of cell door.
- Kitchen replacement is over \$20,779 due to an unbudgeted steamer and repairs on kitchen floor to meet state code.
- Furniture and Fixtures is over \$6,094 to the installation of the front desk and admin office counter tops.

Total expenditures came in under in under (\$188,131).

Operating income came in over budget \$45,163.

- Interest income came in over budget \$38,770.
- Federal prisoner's revenue came in over budget \$28,054.
- Women's program is a new account that was unbudgeted and came in over budget \$19,305 from the County of Albemarle for road cleanup. Overtime expense is over as well due to this program.
- Comp Board salaries came in over budget \$45,871.
- Pharmaceutical reimbursement is a new account which recognizes the state prisoners reimbursement for drug cost which totaled \$25,380.
- State per diem came in under budget \$88,029 based on population and current payments.
- SCAPP funds were not allocated to the SCAPP program in FY 18 and may double up in FY 19; therefore SCAPP is under budget \$18,000.

Net Income came in over budget **\$233,294.**

Recommendations:

Adoption of FY 18 year end financials as follows:

Locality Distribution of the FY 17 net income of \$219,743 is as follows:

Locality	Percentage	Amount
City of Charlottesville	52.5%	\$122,479
County of Albemarle	40.4%	\$ 94,251
Nelson County	7.1%	\$ 16,564
Total	100.0%	\$233,294

- Unless the Board wants ACRJ to keep a portion towards future capital. Current capital cash balance less Earmarked items (Radio infrastructure/radios) is \$501,284.

**Albemarle-Charlottesville Regional Jail
Detailed Expenses and Revenues
June 30, 2018**

	G	H	S	T	U	V	X
						Percent of Budget =100.0%	
1	OBJECT DESCRIPTION:	FY 2018 Budget	MAY	JUNE	YTD		Variance
2	Total Combined Oper. Exp.:						
3	Total Combined Compensation:						
4	Salaries - regular	8,141,946	654,714	652,516	7,872,678	96.69%	(269,268)
6	Overtime wages	85,000	17,344	8,377	165,195	194.35%	80,195
8	Overtime - Reimbursable	7,000	3,566	1,122	10,531	150.44%	3,531
9	Part-time wages	216,088	35,043	26,622	285,460	132.10%	69,372
10	PT/wages - board member	2,100	0	800	1,700	80.95%	(400)
11	Accrued annual leave		0	(33,586)	(33,586)	#DIV/0!	(33,586)
12	FICA	646,428	53,925	50,781	620,543	96.00%	(25,885)
13	VRS @ 11.54%	939,581	74,021	72,705	877,681	93.41%	(61,900)
14	VLDP- disability	3,000	411	411	4,495	149.83%	1,495
15	Life Part Time	500	0	0	-	0.00%	(500)
16	VRS Hybrid	6,000	1,134	1,135	12,867	214.45%	6,867
17	Health insurance Fy 15 = \$7,75	1,583,148	115,980	112,876	1,257,227	79.41%	(325,921)
18	Dental insurance \$214 to \$238	40,000	2,940	2,860	34,820	87.05%	(5,180)
19	HSA contribution	40,000	0	0	16,184	40.46%	(23,816)
20	VRS group life 1.00% eff 7/1/06	106,659	8,532	8,388	101,095	94.78%	(5,564)
21	Group life - part-time	500	0	0	-	0.00%	(500)
22	Line of Duty	25,500			25,534	100.13%	34
23	Unemployment insurance	10,000	0	0	2,288	22.88%	(7,712)
24	Workers' compensation	118,000	0	0	95,970	81.33%	(22,030)
26	Subtotal Comp. & Benefits	\$11,971,450	967,610	905,007	11,350,682	94.81%	(\$620,768)
27			967,610	938,593	11,384,268		
28	Total Combined Operating Expenditures:						
29	Professional Services	7,000	174	349	6,772	96.74%	(228)
30	Contract services other	8,700	662	1,323	12,041	138.40%	3,341
31	Health services	394,650	9,464	39,196	407,872	103.35%	13,222
35	Prof services - legal	32,200	2,679	5,359	32,151	99.85%	(49)
37	Prof services - audit	11,250	0	0	10,925	97.11%	(325)
41	R&M - buildings	63,750	2,016	9,599	55,125	86.47%	(8,625)
42	R&M - vehicles	3,000	0	(1)	2,218	73.93%	(782)
43	Maint contract - equip	83,980	7,975	2,649	60,001	71.45%	(23,979)
44	Maint contract - buildings	15,935	7,059	3,563	21,247	133.34%	5,312
45	Printing & Binding	4,050	0	90	90	2.22%	(3,960)
46	Advertising	3,000	569	0	3,677	122.57%	677
48	Tuition assistance	3,000	0	0	-	0.00%	(3,000)
49	Employee physicals	2,000	510	462	4,613	230.65%	2,613
50	Other purchased services	2,000	313	292	3,538	176.90%	1,538
51	Contract - Disposal	22,520	3,977	208	24,065	106.86%	1,545
52	Contract - fiscal agent	152,425	0	0	152,424	100.00%	(1)
53	Data processing	46,900	1,843	389	52,624	112.20%	5,724
54	Electrical service	220,000	15,309	36,747	215,934	98.15%	(4,066)
55	Gas service	100,000	7,638	12,227	74,992	74.99%	(25,008)
56	Water & sewer	280,000	26,892	67,353	324,847	116.02%	44,847
57	Postal services	8,200	335	409	3,907	47.65%	(4,293)
58	Telecommunications	53,600	4,836	6,492	45,877	85.59%	(7,723)
59	Fire insurance	24,500	0	0	39,982	163.19%	15,482
62	Automotive insurance	6,500	0	0	4,773	73.43%	(1,727)
63	Lease Equipment	18,192	1,240	1,205	14,936	82.10%	(3,256)
64	Software Licensing		0	0	-		0
65	Travel - education	46,090	13,690	6,049	39,163	84.97%	(6,927)
66	Training - Academy	75,000	783	1,188	79,119	105.49%	4,119
68	Travel - subsistence	1,000	617	1,052	9,363	936.30%	8,363
69	Staff Support / Miscellaneous	750	0	0	222	29.60%	(528)
70	Sams Club vending wellness		0	362	362	#DIV/0!	362
71	Donations		516	84	915	#DIV/0!	915

**Albemarle-Charlottesville Regional Jail
Detailed Expenses and Revenues
June 30, 2018**

	G	H	S	T	U	V	X
1	OBJECT DESCRIPTION:	FY 2018 Budget	MAY	JUNE	YTD	Percent of Budget =100.0%	Variance
72	Human Resource Exp	3,000	828	8	2,360	78.67%	(640)
73	Inclement Weather Expense	2,000	876	0	876	43.80%	(1,124)
74	Wellness Fund Sams Club	2,000	245	173	1,711	85.55%	(289)
75	Wellness Fund Expense	2,000	108	0	1,856	92.80%	(144)
76	Inmate Fund Expense	4,500	599	4,921	14,369	319.31%	9,869
77	Dues & memberships	14,319	3,520	318	14,113	98.56%	(206)
78	Office supplies	41,250	2,046	11,970	56,564	137.12%	15,314
79	Food supplies	715,000	78,805	142,840	791,624	110.72%	76,624
80	ACRJ Employees	80,000	1,659	8,896	82,540	103.18%	2,540
81	BRDC food supplies	25,000	5,504	6,843	35,775	143.10%	10,775
82	SWVC	4,000	558	820	4,863	121.58%	863
83	Meals for meetings	4,000	345	664	6,086	152.15%	2,086
84	Medical Disposal				-	#DIV/0!	0
85	Pharmaceutical Drugs	381,700	785	140,046	516,264	135.25%	134,564
86	Laundry & janitorial supplies	60,200	5,431	3,147	68,531	113.84%	8,331
87	Kitchen & Maint. Cleaners	46,800	969	3,701	42,134	90.03%	(4,666)
88	Linen supplies	13,000	90	3,252	22,336	171.82%	9,336
89	Uniforms - inmate	16,500	3,092	270	26,688	161.75%	10,188
90	R&M supplies	62,255	7,907	9,772	56,279	90.40%	(5,976)
92	Vehicle & equip fuel & supplies	15,800	3,102	2,879	20,518	129.86%	4,718
93	Vehicle & equip supplies	11,000	1,063	1,018	14,096	128.15%	3,096
94	Security supplies	14,400	2,188	8,384	29,223	202.94%	14,823
95	Uniforms & apparel	36,800	2,610	913	36,829	100.08%	29
96	Books & subscriptions	3,600	0	0	192	5.33%	(3,408)
97	Inmate Education	20,580	71	2,863	9,275	45.07%	(11,305)
98	Other operating supplies	2,500	0	500	500	20.00%	(2,000)
99	Copy supplies	1,500	0	0	369	24.60%	(1,131)
100	Fund Balance ACRJ operating					#DIV/0!	0
103	Subtotal Operating Exp.	\$3,273,896	\$231,498	\$550,844	3,559,746	108.73%	\$285,850
104							
105	Total Combined Operating Capital:						
106	Machinery & equip		0	1,350	11,801	#DIV/0!	11,801
107	Machinery & Equipment Replace	100,000	-	44,484	192,280	192.28%	92,280
108	Kitchen Equipment - Replacement		0	7,085	20,779	#DIV/0!	20,779
109	Furniture & fixtures - new		0	0	6,094	#DIV/0!	6,094
110	F&F - replacement		0	0	1,670	#DIV/0!	1,670
111	Communications equip		7,085	(7,085)	-	#DIV/0!	0
112	Comm equip - replacement		0	0	-	#DIV/0!	0
113	Motor vehicles		0	0	-	#DIV/0!	0
114	Parking Paving		0	0	-	#DIV/0!	0
115	ADP Equipment		0	0	2,172	#DIV/0!	2,172
116	ADP Equipment - Rep		0	0	-	#DIV/0!	0
117	Software Upgrade	0	0	11,991	11,991	#DIV/0!	11,991
121	Subtotal Operating Capital	\$100,000	7,085	\$57,825	246,787	246.79%	146,787
122							
123	Subtotal Expenditures	\$15,345,346	1,206,193	\$1,513,676	15,157,215	98.77%	(188,131)

**Albemarle-Charlottesville Regional Jail
Detailed Expenses and Revenues
June 30, 2018**

	G	H	S	T	U	V	X
1	OBJECT DESCRIPTION:	FY 2018 Budget	MAY	JUNE	YTD	Percent of Budget =100.0%	Variance
124	Operating Revenues:						
125	Interest	10,002	4,060	6,442	48,772	487.62%	38,770
126	Sale surplus vehicles				-	#DIV/0!	0
127	Sale salvage				-	#DIV/0!	0
128	Cellular Tower Lease	47,000	2,420	4,841	50,682	107.83%	3,682
129	Regional Jail Service Fees	7,000	0		13,453	192.19%	6,453
130	Other jurisdictions				-	#DIV/0!	0
131	Charlottesville	4,591,150	382,596	382,594	4,591,150	100.00%	0
132	Albemarle	3,541,819	295,152	295,147	3,541,819	100.00%	0
133	Federal prisoners 50.63	125,000	14,609	26,459	153,054	122.44%	28,054
134	Nelson County	618,746	51,562	51,564	618,746	100.00%	0
135	Telephone system	213,000	177	394	214,774	100.83%	1,774
136	Dollar a day Inmate Charge	85,000	6,892	6,787	74,333	87.45%	(10,667)
137	Misc. Inmate reimbursements				-	#DIV/0!	0
138	Workers' comp. reimb.				-	#DIV/0!	0
139	Work release insurance				-	#DIV/0!	0
140	Womens program		6,007	3,431	19,305	#DIV/0!	19,305
141	Work release	96,000		10,907	90,290	94.05%	(5,710)
142	Vdot	168,000	17,946	17,488	168,430	100.26%	430
143	Electronic Monitoring-other	12,000		1,188	12,742	106.18%	742
144	Subscription Revenues	4,000	184	709	3,013	75.33%	(987)
145	Region Ten	25,000			25,000	100.00%	0
146	Miscellaneous -misc jail revenues	2,500	55	41	3,762	150.48%	1,262
147	Wkend & Work Force Reim-misc	12,000		1,952	10,217	85.14%	(1,783)
151	Wellness Fund Sams	2,000			-	0.00%	(2,000)
152	Wellness Fund Other Rev	2,000			-	0.00%	(2,000)
153	Inmate Fund Revenue	2,500	2,566	2,242	9,692	387.68%	7,192
154	Shrd Svc: BRJDC Food & Mgmt.-misc	68,000		6,131	65,465	96.27%	(2,535)
155	Insurance Recoveries				-		0
156	Medical Copayment-misc	10,000	1,061	1,669	7,846	78.46%	(2,154)
157	Training Fees Recovered-misc	4,000	190	2,196	5,113	127.83%	1,113
158	Prior year recovery				-		0
159	Comp Board - salaries	4,719,629	394,813	388,278	4,765,500	100.97%	45,871
160	Pharmaceutical reimb			25,380	25,380		25,380
161	Comp Board - office State ATL Reductions				-		0
162	Jail Auto				-		0
163	State per diem	960,000	131,759	227,452	871,971	90.83%	(88,029)
167	SSA/SSI Recovery	1,000			-	0.00%	(1,000)
168	Justice Reinvestment				-	#DIV/0!	0
169	SCAPP Funds	18,000			-	0.00%	(18,000)
174	Subtotal Operating Revenues	\$15,345,346	\$1,312,049	\$1,463,292	15,390,509	100.29%	45,163
175							
176		\$0	105,856	(50,384)	233,294		233,294

Cash Accounts

Funds	4000	4001	4002	4003	Total Cash
	Operating	Construction	Debt	Operation Reserve	
	Unrestricted	Unrestricted	Unrestricted	Restricted	
As of 6/30/15	(\$546,033.00)	\$793,207.35	\$446,817.02	\$2,939,439.32	3,633,430.69
as of 6/30/16	\$763,612.16	\$1,013,207.35	\$455,869.34	\$2,939,439.32	5,172,128.17
as of 6/30/17	\$1,070,335.73	\$786,784.40	(\$18,843.37)	\$2,987,208.32	4,825,485.08
as of 6/30/18	\$1,288,353.26	\$786,784.40	(\$25,158.00)	\$3,128,607.32	5,178,586.98
Radio Infrastructure + Radios		285,500.00			
	6/30/2018	\$501,284.40			

Surplus Account Bal

2,232,688.85

***FY 17 Board approved Radio infrastruaction to be paid out of capital
 November 2015 Board meeting
 Estimate \$188,000 25 frequencies
 January Board meeting 25 radios approved.

FY 16 moved Net income of \$220,000 from Revenue to Capital