



# ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY

(SERVING ALBEMARLE, CHARLOTTESVILLE, NELSON)

160 Peregory Lane

Charlottesville, Virginia 22902

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

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

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

## Board Business Meeting

Thursday, November 8, 2018 (12:30 – 2 p.m.)

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

### AGENDA

(Action/Information)

#### I. ACRJ Board Meeting – Call to Order

Adopt Meeting Agenda

Action Item

Recognition of Kathy Johnson Harris

Informational

Introduction of New Member – Kristin Clarens

Informational

#### II. Consent Agenda

For Approval:

- 1) Draft Summary Minutes Sept. 13, 2018 ACRJA Board Bi-Monthly Business Meeting

Action Item

Informational

- 1) Administrative Reports

a) Personnel Report – thru November 2018

b) Out of Compliance Report - Unavailable

c) Census Report – September 2018

d) Work Force Report / VDOT Report / Litter Control Report – October 2018

- 2) Final Summary Minutes July 12, 2018 ACRJA Board Bi-Monthly Business Meeting

- 3) Final Summary Minutes August 23, 2018 ACRJA Board Work Session

#### III. Matters from the Public (Time Limit: 3 Minutes)

#### IV. Matters from the ACRJA Attorney – Brendan Hefty

#### V. Matters from ACRJA Board Members

#### VI. Matters from Business Manager – Jeff Brill

- 1) June FY I8 Financials - Audited

Action Item

#### VII. Matter from Superintendent – Colonel Martin Kumer

- 1) VINE Status Update

Informational

- 2) VINE Presentation-

Informational

Lynda O'Connell /Amy Sheets

#### VIII. New Business –

- 1) Website Update – Colonel Martin Kumer

Informational

#### IX. Closed Session - Personnel

Informational

#### XI. Adjournment

Action Item

**NEXT MEETING: January 10, 2018**

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

#### Authority Board

Doug Walker (Albemarle)

Sheriff J.E. "Chip" Harding (Albemarle)

Cyndra Van Clef (Albemarle)

Diantha McKeel (Albemarle) - Chair

Sheriff James E. Brown, III (Charlottesville)  
Kristin Clarens (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  
September 13, 2018**

**Jail Board Members Present:**

Mrs. Diantha McKeel  
Mrs. Cyndra Van Clief  
Sheriff James Brown  
Mr. Mike Murphy  
Mr. W. Lawton Tufts  
Sheriff “Chip” Harding  
Mr. Steve Carter  
Mr. Doug Walker  
Mrs. Kathy Johnson Harris  
Dr. Wes Bellamy  
Deputy Jeremy Tabler - (Proxy for Sheriff David Hill)

**Jail Board Members Absent:**

**Others Present:**

Colonel Martin Kumer  
Lt. Colonel Todd Rowland  
Mrs. Gequette Murray-Key  
Mrs. Marce B. Anderson  
Ms. Felicia Morris  
Mr. Brendan Hefty  
Mr. Robert Barnabei

The meeting was called to order at 12:00 p.m. by Mrs. McKeel. Ms. McKeel asked if the agenda was acceptable to everyone. Mr. Tufts made a motion to adopt

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the agenda as presented. Mr. Walker seconded the motion. The motion carried unanimously.

Mr. Murphy made a motion that the Authority Board convene in closed session pursuant to Virginia Code Section 2.2-3711 (A)(1) for discussion of the annual evaluation of the Superintendent. Mr. Walker seconded the motion.

Roll Call was as follows:

Sheriff Harding – Aye

Sheriff Brown – Aye

Mr. Tufts – Aye

Mr. Walker – Aye

Mrs. McKeel – Aye

Mr. Murphy – Aye

Mrs. Van Clief – Aye

Mr. Tabler – Aye

Mr. Carter – Aye

The motion carried and the board went into closed session.

Mr. Murphy made a motion that the Authority Board return to open session and certify by roll call vote that in the closed session that just concluded, nothing was discussed except the matter identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Walker seconded the motion. The motion carried unanimously.

Mr. Murphy made a motion that the board authorized a 5% salary increase for Superintendent Kumer, bringing his salary to \$115,000 annually. Mr. Walker seconded the motion. The motion carried unanimously.

Dr. Bellamy made a motion to adopt the minutes of the July 12, 2018 meeting. Mr. Tufts seconded the motion. Dr. Bellamy abstained from the vote due to not being present at the July meeting. The motion carried.

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Dr. Bellamy made a motion to adopt the minutes of the August 23, 2018 work session. Mr. Tufts seconded the motion. The motion carried unanimously.

Ms. McKeel advised that based on the number of people signed up to speak, she was going directly into “matters from the public”. Mr. Brill would present information on the financial audit at the next meeting.

### **Matters from the Public:**

#### **Michael Del Rosso:**

I am the chairman of the Charlottesville Republican Committee, and I'm very concerned that the Nation's classes of political people that are elected to enforce law, seem to selectively ignore it. This is a nation built on consent and the rule of law. For better or for worse, federal legislation has a detainer notification system, where even without a warrant, they can detain certain illegal aliens, generally for very serious crimes. What's proposed here is to not detain anyone a minute longer than they're supposed to be in this facility. We just want you to notify the federal agencies for a matter of sheer public safety, and to get them off the street. These are illegal aliens. They had no business to be here to begin with. I'm a first-generation American. It took my mother four years of legal process to get into this country. And you have the four main law ... of the seven law enforcement officers involved in this panel, six of them, Thomas Cullen, the U.S. attorney, Robert Tracii from Albemarle, Daniel Rutherford, the Nelson County attorney, and Sheriffs Chip Harding, James Brown and David Hill, all are in favor of continuing ICE notification. And the Charlottesville attorney, Joe Platania, who is, I understand, is not for it, he actually wrote in his letter to this board. He says, "As a threshold matter, the enforcement of federal immigration law falls well outside of the purview of state prosecutors in the Commonwealth of Virginia." In other words, federal law is privacy. And so, I'd ask us to all obey the laws, not just our local ones, and to not just take it on our hands as a board to start going in defiance of what the U.S. Congress, by the consent of both parties in this nation consented

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to, which is that we actually keep ourselves safe and address illegal aliens, especially those convicted of or wanted for felonies, and we keep the city streets safe. Thank you so much.

### **Nancy Redland:**

My name is Nancy Redland. First, thank you for your service on the ACRJ board. I'm a new resident of the City of Charlottesville, the jurisdiction served by ACRJ. Having worked in Greene County for the past 24 years, most of my Greene County neighbors frequently traveled to Albemarle and Charlottesville to work, shop, attend school, and enjoy various social activities. Therefore, we all have a vested interest in the decisions made by the board on which you sit.

I understand that you and your fellow board members are being pressured by well-organized groups to stop cooperating with ICE regarding the release of illegal immigrants, who have been charged guilty of lawful crimes, into our community. Above all, you need to remember that you represent the interests of the citizens of Central Virginia, not people and groups from other places who have ulterior motives. Please do not allow your vote to be challenged and manipulated at the expense of good people of surrounding counties. Greene, Nelson, Albemarle, and beyond. All of whom have entrusted their safety and other best interests to you on their behalf. Do what is in the best interest of the people in our community. Vote for ACRJ's continued cooperation with ICE. Thank you.

### **Lynn Simpson:**

Lynn Simpson from Nelson County. I am not a public speaker, but I have 2 words, please, please do this.

### **George Urban:**

George Urban, resident of Albemarle County, and chairman of the Albemarle County Republican Committee. I want to give voice today to some people who

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may not be here who didn't feel comfortable stepping up to voice their opinions, or are a part of the marginalized communities that we're talking about being affected so deeply today.

I think particularly for a largely unelected board, most participants are appointed, we need significantly more public input and public awareness about the issue that's being voted upon today. That's not to accuse you of not being forthcoming with it. But as I speak to neighbors, friends, and others in the community, I've found people are not aware of this. When they're educated about it, they are alarmed and dismayed to learn that we may be the first jail in Virginia to stop cooperation with federal authorities. This is a critical public safety issue.

No matter what you decide today, public awareness is only going to increase. And it may take until the next election, but the elected officials who are part of this board, and those of you who are appointed by elected officials, those will be held accountable by the voters. I understand this is an emotional issue. I understand that this can be a tough decision for you all to make with competing values tugging in different directions. But public safety must be a paramount issue. Without that, we're no longer a community that is able to function properly. I ask you the next time that a DWI third offender, who was one of the folks who was taken by ICE last year ... isn't that situation ... Do you want to be complicit in releasing them into the community and risk that they're going to kill a family driving in their car?

### **Gregory Quinn:**

I want to say to all you all, God loves each and every one of you, and I love you. But that doesn't mean that we're not a nation of laws. I have personal standing in this issue. I'm a stonemason, and I am having to compete with people here illegally, who run businesses, who compete against me for less price. I love those individuals. One of my best friends is from El Salvador. He might not claim me, but he's my best friend. And I want to know why, if I have to have a contractor's license, a driver's license, or various and sundry other legal things to operate my

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business, pay my quarterly taxes, why are there people out there who are illegal immigrants working and competing against me, who are not here legally, who compete against me personally? I love those people. I'm not a hater. I love these people. But if they're not legal, they need to go home and go through the process to be legal. And I'm the taxpayer. You represent me. You don't represent illegal immigrants. Now that is with love, I say that with love. Thank you.

### **Sarah Hay:**

Sarah Haye. I'm from Greene County. And I really want you really to notify ICE. and that's all I have to say.

### **Diane Johnson:**

I'm Diane Johnson. I live in Albemarle County. I'm not a paid professional activist. I am representative of this community. Please continue notifying ICE. This is about public safety. We rely on you to keep our families safe. We want to be able to go about our daily business safely, and without fear. Imagine a child playing in Moore's Creek, and finding pieces of a dead body. This horrific scene in our community was the work of four MS-13 gang members living and working here illegally. Their victim, also illegal, was a member of a rival gang. The sociopaths who committed this savage murder entered this country illegally to carry on the drug trade and poison our children. Do you really want to return these monsters into our community to inflict further harm on our families?

There is something worse than being separated from your family by distance. And that is being separated by death. Two days before Christmas in 2014, six year old Corey Long was killed by an illegal alien who was driving illegally with a suspended license. Corey can never return to her family. The families of deported jail detainees can always follow their loved ones back to the mother country. I am sure that Corey's mother would move a long distance to be with her daughter again. Tragically, she doesn't have that option.

I spoke to many people who feel as I do, but they were afraid to come here and

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speak. They were intimidated. They were afraid of being targeted and harassed. And yes, they were accused of being called a racist. Our community lives under a reign of terror. We have brawls in the city council meetings, we have riots outside county school board meetings, and we have blood in our streets. I am sorry that some of you are under this intent and ugly pressure. But we are asking you to stand up to it. Please continue the ICE notifications. It is the right thing to do for everyone, and it will keep our community safe. Thank you.

### **Audrey Welburn:**

My name is Audrey Welburn. I live in Albemarle County. We've lived here for 48 years. So, we have been very involved in the community as our kids were growing up. We have grandchildren that live in this county. So, we have been very involved citizens for a very long time.

My husband and I, who is with me here today, firmly believe that ICE should be notified any time a person who is in our country illegally. ICE may be the only organization that knows and has any background to this person who's in our country illegally, any outstanding warrants, or any reason why that person should not be allowed to be released into the community. It's a safety issue. Our grandchildren are out and about. They go to school here, as well. And I worry about their safety as well, and also just all of the kids of Albemarle County.

We ask this board to continue to notify ICE when there is somebody in this country illegally. And we feel like it's your first obligation to look after the citizens of Albemarle and Charlottesville. Being a resident of this area for such a long time, we've seen a big transition in our area. And I am really just heartened in not a good way as to what's happened in our community in the last year or two. I've always been proud to be from this area. I still am. But I am concerned about the safety and just for our day-to-day lives here if the board should decide not to continue this. And like other people have said, I've talked to so many people who

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were also concerned, but are not comfortable speaking out, and are concerned about their safety to speak out. So, thank you very much for this opportunity.

### **David Karon:**

Hi. I'm David Karon. I am a volunteer team leader with Corey Stewart for Senate. I'm a small business owner in Charlottesville. I am a father to three daughters. This issue is really concerning to us because if we don't notify ICE when these folks are going to be coming back into our community, it just leaves the door open for many other things. And I know that you all don't want to be complicit if something were to happen. My business is located in Belmont, not very far away from where the murder happened that the woman previously had mentioned. And it was a very tragic thing, no doubt about it. And if something like that happens again, it would just be awful. And I've been throughout the state talking to people all over about it and they're very concerned. And I appreciate your time. Thank you.

### **Helen Marmoreno:**

My name is Helen Marmorino. I came here today to voice my concerns about this board voting to change the current policy regarding notification to ICE when illegal immigrants are about to be released from jail. I am at a loss to understand why this policy is up for a vote again because eight months ago it was voted to keep the policy in place and that was a good decision. Our lives and well-being are in your hands today if you vote again and should vote to continue the present policy of notification to ICE. Only ICE can determine the past criminality of each illegal immigrant about to be released back into the community. You do not know the past history of each illegal immigrant. But you will be responsible for the future acts of violence if you change policy today and allow their release back into our community.

It's illegal to enter this country by skirting the legal process. It's a federal crime that illegal immigrants have already committed. Do you really believe it's okay to

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release an illegal immigrant back into the same community, where they can continue to harm others? Do you know what other crimes they may have committed unbeknownst to the local jail authorities? Do not look upon changing the laws that already give us additional protection from those who may harm us, disobey laws, and endanger our lives.

The votes you take today should be based on how it will further protect us, the citizens, the people you represent. Protect us with a sound policy. This is not about protecting illegal immigrants with more ways they can slip through the cracks and harm others. It's about protecting the people who abide by the law. This is where ICE comes in to help protect us, the law-abiding citizen. Let them do their job.

They don't make the law, they enforce the laws written. If you love our country, this great United States of America, you must respect its laws and uphold laws that keep us citizens safe. Thank you.

### **Donnie Long:**

Thank you. Sorry for the illegible handwriting. My name is Donnie Long. I'm a 20 year resident of Albemarle County, a 35-year resident of Virginia. I am solidly, solidly behind the current policy of ICE being notified when a suspected illegal immigrant is about to be released. As ICE's reasons for existence is the enforcement of federal law regarding immigration issues and the investigation of criminal and terrorist activity by foreigners present in the U.S., I feel as a matter of public safety - simply public safety - the Albemarle-Charlottesville Jail should continue the policy of notifying ICE of the date and approximate time when a suspected illegal immigrant is expected to be released.

ICE is designed to protect all communities from those showing a disregard for the law of the United States. And we and you, as members of the jail board, should be doing everything possible to facilitate their efforts to keep us safe, and to keep those who are illegal among us from having any, any opportunity to walk out the jail doors and into obscurity.

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One last comment before I leave. I don't see the American flag in this room. If this is a room for the public to gather, I would think the flag of the United States would be here. And I don't understand why, before you all left, we didn't begin this meeting with the Pledge of Allegiance. Thank you.

### **Vera Mason:**

I'm Vera Mason from Charlottesville. I would just like to say that I'm in favor of ICE being notified when dangerous criminals are being released. Thank you.

### **Dennis Mason:**

My name is Dennis Mason, and I live in Charlottesville. This is a public safety issue. You read in newspapers daily about lots of crimes committed by illegals, and there doesn't seem to be any recourse. There are legal ways to come into this country. You don't have to be illegal. My wife went through the process 50 years ago. And we are proud to be American. Thank you.

### **John Miskoff:**

Ladies and gentlemen of the board, my name is John Miska. I live here in Albemarle County. This is my home. I am the son, on one side of my family, of immigrants. My mother came to this country as a babe in arms. On the other side of the family, I had friends both on the boats, and on the shore welcoming me. Ancestors of mine mistakenly sold Manhattan Island for \$24 in glass beads. I question you all today, and I say this. Who are you here to represent? Are you here to represent us as Americans, as citizens of this country? Or are you here to represent those who have flaunted our laws, who have come here illegally, illegitimately? Now, yes, I'm sorry that they've come from some hell hole of a country. I'm sorry that they have problems there. But for the most part, a lot of them have passed five U.S. consulates. Some nine different embassies on their way

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from Central America, to the southern border to illegally come to this country. And I say that we must protect Americans. We must protect our borders. We must protect our citizens. And a failure today to notify ICE of those people who have flaunted our laws and come here illegally, is a failure to protect us as citizens. It is a failure on your part as our representatives here to protect us citizens. I thank you for the time.

### **Deena Sharuk:**

Good afternoon. My name is Deena Sharuk. I'm a staff attorney at the Legal Aid Justice Center, a lecturer for the University of Virginia School of Law, and I'm a constituent of Albemarle. Despite many efforts by certain elected officials and residents to cloud the purpose of today's vote, it's important that we're clear about why we're all here today. Today's vote is not about politics. Today's vote is about our values.

So, let's clear up some of the misconceptions and misinformation spread with the intention of clouding those values. Let's talk about the voluntariness of this policy as we discuss the jail already complies with mandated notification to ICE of foreign-born or noncitizen inmates through the jail management system. We already do that. That's not up for debate. We're discussing the voluntary policy of honoring ICE detainer requests to call ICE prior to the release of an inmate. This is a 100% voluntary policy. Congress has not legislated any affirmative duty for the jail to make these notifications of release date and time. If it wanted to do so, it could. It hasn't. Since Congress has not legislated any affirmative duty to additional ICE notifications, it has been left to the discretion of the jails. Any attorney who suggests otherwise is either incompetent, or they are lying to you. So, let's be clear about what our community is asking for. And don't forget those 2,300 signatures you have of residents of these communities who want you to stop this policy. Our community is asking ... we're simply asking that you require a criminal warrant before facilitating arrests by ICE. That's not a radical request.

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You demand warrants of other jurisdictions. You demand warrants of other law enforcement agencies. You demand warrants of the FBI. Not only can ICE get these warrants, it has. We hope that the end of this meeting, you will vote to stop facilitating warrantless arrests. At the end of the day, our community is here. Our community is watching. The electorate is watching. And history is watching. Thank you.

### **Priscilla Mendehal:**

I'm Priscilla Mendenhall and I'm ceding my time to Ed Garlotta.

### **Ed Garlotta:**

My name is Ed Garlotta. I'm a Marine Corps veteran and member of [Spanish 00:30:23]. I was also born to an undocumented mother, and grew up in a largely undocumented community. They are hardworking, family-oriented people that just want to be given a fair opportunity to live. I joined the Marines to serve my country and stand up for others. I continue to do that today by supporting the immigrant community, regardless of status. Every person should receive due process and equal protection under the law. But our system has a terrible double standard for this community. I'm going to read two brief statements of people that wanted to be here, but didn't feel safe.

"My brother served a short sentence in jail. His hearing was at 9:00 AM, and I went to pick him up, and they told me they still had not received the documents to release him. I was waiting for several hours without being told anything until after 4:00 PM, when they told me that he was already in immigration custody, and had been taken away. He is the father of two children, 10 and 8 years old, who are suffering for their father. It is unfair that, after having served his sentence, that immigration took him away."

Another community member wrote: "I believe that police should not call ICE after

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a person has served their time in jail. The damage is actually done to their children. In my case, my son was two years old when his father was deported. The child did not sleep well at night, and was up for hours, thinking his father would come home. He cries when he watches movies, especially the movie Finding Nemo. Especially during the scene in which baby Nemo's parents are captured and taken away by fishermen. One time, I asked why he cried when he watched this movie, he innocently replied, 'Mommy, that's how I am, alone without my papa because they took him away.'"

Our federal immigration system is broken. And the way we treat immigrants has lost its values and decency. This board can't fix federal laws, but it can fix this unjust policy. ICE notifications aren't about public safety. They're about enforcing unjust federal immigration laws.

### **Close of Public Comment:**

Mrs. McKeel ended the public comment portion of the meeting. Mrs. McKeel advised if anyone had written comments to give them to Mrs. Anderson. Mrs. McKeel also advised that there is an American Flag located in the back of the room. She stated that the Pledge of Allegiance was a good point to make.

### **New Business:**

Mr. Carter had previously requested discussion regarding Nelson County Jail Board Authority representation. Mr. Hefty advised that the issue of member jurisdiction representation on this board is a matter that is governed by the service agreement, which is a document that was approved by all three member jurisdictions. Any change to the current makeup would have to be approved by all three member jurisdictions individually. It is not a question for this board.

Mrs. McKeel moved on to the topic of voluntary ICE Notification discussion.

Mrs. McKeel went on to advise that it is important for the community to understand that there is no one on this board that does not view public safety in our community paramount. We all view public safety to be critical. Colonel

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Kumer began speaking about the VINE notification system, which stands for Victim Information Notification Everyday. It is a free service available to anyone in the public. It was originally established in 1994 to notify victims of crimes, when their offender was in a transfer from one institution to another or when they are about to be released, or up for parole, so they make an informed decision. Since that time, family members and friends can also sign up for the service to keep track of where their loved ones are, or when they are going to be released. It is free, and open to the public. You can sign up for as many people as you and you are notified by email, phone, or text. As updates are made to that person's file with release dates or locations you are automatically notified. We are now working more closely recently with VINE to ensure the information that they are receiving from us is accurate, up to date, and timely. It updates every 15 minutes. Sheriff Harding advised that he spoke with the Commonwealth's Attorney's administrative assistant, and she advised that she uses VINE all the time. She talked about the inaccuracies of VINE. Colonel Kumer stated that the information is not as accurate as he would like, however, he has been in contact with the techs and some senior people at VINE and Appriss who run the database for the state of Virginia and the Country. They have assured me that they have put in a work order to ensure that the mapping from VINE to our jail management system are communicating properly. They reassured me that if we work together they can identify the pathway and they can pull accurate information that they can guarantee to be accurate. Mr. Tracci stated that this solution has evaded this board for weeks and months, and from a process standpoint, if this solution were available, I respectfully ask this board, and you Madam Chair, why hadn't it been proposed a long time ago. I spoke with the administrative chief of staff in my office. She indicates that the VINE system is notoriously unreliable, that people often not notified until after someone is released. I think if this were the solution we had available, it should have been proposed a long time ago. I just heard someone speak about how easy it is. That is not correct. I also heard someone

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speak to how easy it would be for federal immigration authorities to access information. I do not see federal immigration in this room. I think it is necessary and respectful and absolutely essential to have this public safety issue given the public's consideration our community expects and demands. Mrs. McKeel stated that it is new information that we have discovered, and they is why we are sharing it with everyone. Mr. Walker stated that he had heard some conversations since he became aware of the system. Understanding from a timing standpoint how the information is acquired, when the information is introduced into the jail management system, and how that relates to the timing of the individual being released from the system. It is on average about 30 minutes that it may take for information and paperwork to be processed? Colonel Kumer advised that was accurate. Mr. Walker confirmed that in many cases, that is the same time frame to complete the paperwork before a phone call would be made to ICE or anyone else because of the calculation that has to occur. Mr. Walker further confirmed that when the jail management system is updated, there is an automatic update every 15 minutes on the quarter hour and that the information is available to the general public. Anyone can identify any individual that is in custody at this facility and when that individual is released from this facility, there is automatic notification through the VINE links system lets them know that they are being released. A voluntary phone call; assuming that it happens at the same time every time, it may save 15 minutes. You can argue whether that is reasonable or unreasonable. In addition, it takes the jail an hour or so to actually out process an individual after the calculation has been completed. This could give ICE officials an opportunity to get as much as a 15 minute advance for the voluntary notification, or a family member, or anybody else. Everything is predicated on the information being accurate. I accept that this may be unknown or questionable. A lot of this conversation has been around the timing of the notification, and I am not sure how consistent that is. We do know that VINE updates every quarter hour.

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We know there is a process for updating the jail management system with information for release. We also know that when an individual is released from the jail they are no longer in the jail's custody. Colonel Kumer advised that the information given by Mr. Walker was correct. Mr. Carter stated that more information is certainly helpful, but giving the 48 hour notification of someone's release date is certainly more affirmative information. I don't see why we shouldn't do that. Mrs. McKeel asked if we were giving 48 hours notice. Colonel Kumer advised that we can give more notice than. We call when the calculation is made. It could be a year or hours. It depends on when the calculation is made. Dr. Bellamy confirmed that this is the current policy. Mrs. McKeel stated that's the issue. It is not always 48 hours. It can sometimes be very quick. Mr. Carter advised that he thought we were giving notice 48 hours ahead of someone's release day. Colonel Kumer advised that we give as much notice as we possibly can. They like at least 48 but if someone goes to court and they are given a bond or 5 days which they have already served we give as much notice as we can. Mr. Carter said there is a subset of individuals who are released pursuant to what has been characterized as a spontaneous release. Colonel Kumer confirmed. It could be time served, or not guilty. Dr. Bellamy asked how often that occurs. Colonel Kumer stated that he couldn't say exactly, but in general, the majority of our releases tend to be spontaneous rather than scheduled. Colonel Kumer stated that 50-60% of our population is pending at any one time. Their cases can be resolved

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at any time. Many people sit here pretrial. When they go to court, they have banked a lot of time. If you have been here 4 months and you received a 3 month sentence, you are leaving today, or if you go to court and you get bonded out. That is a significant amount of our releases, people being released on bond. It is actually a misnomer to think that most people have these long scheduled releases ahead of time. The vast majority are released spontaneously. Mrs. McKeel advised that one of the problems the authority is having is that we are a regional jail and we have 3 Commonwealth's Attorneys that don't agree on this situation. It seems like the most efficient way and the best guarantee is to have the Commonwealth's Attorney or someone from his office to make the call to ICE to understand so they can be appraised pretty quickly. We have here the letter from Joe in the city and he says "I would also like to note that every prosecutor in the Charlottesville office has the ability to reach out to ICE and request assistance in cases where we feel removal is in the best interest of the victim and the community. We have done that in the past and we will continue to do so if that promotes and furthers public safety." Mrs. McKeel told Mr. Carter that his Commonwealth's attorney stated that they get notified routinely and they work with ICE routinely; we have an open door, we call them all the time. We have the City's Commonwealth's Attorney who feels comfortable calling ICE and your Commonwealth's attorney as well. Mr. Carter stated that his Commonwealth's Attorney is on record stating that he wants the policy continued. Mrs. McKeel

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asked how this board felt about that. Mr. Carter stated that they have voted 3 or 4 times. Mrs. McKeel stated that they have not voted on it 3 or 4 times, but we have voted on it. Mrs. McKeel stated that her concern is that we have Commonwealth's Attorneys that don't necessarily even agree about this. That makes our job a lot tougher. Sheriff Harding asked if the VINE notification would be faster than it is now by phone. Colonel Kumer advised that it would be 15 minutes slower. Sheriff Harding stated if ICE was interested in 44 people in the 550, they would immediately get a text message or a phone call, any time the release date went in, or any time there was a change in release date. Basically, we would be reaffirming what we are currently doing. We are just doing it through a process versus a phone call. Colonel Kumer advised that was correct. Sheriff Harding stated that he would like to have a chance to talk to the immigration officers. Let them look at it and say, is there a down side to this. Because, the way you are explaining it, I don't see a downside. It's just a different way of notification. Mrs. McKeel stated that it's more consistent. It is a process that is established, and because it is electronic, it's a guarantee. Mrs. Van Cleif asked why we wouldn't just do what everyone else is doing, and go to ICE and say; What do you want? How can we help? That's what I want the other jurisdictions to do if it's the Albemarle County Police, and there is a chase into the City of Charlottesville. I don't want Charlottesville to say, don't take their phone call, don't listen to them, or did you check your text? It's community safety, it's our country's laws. It's our

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responsibility to the community. ICE, how can we help you? I would like for ICE to say, how can we help you? We are a jail board that oversee a lot of correctional officers. I want them to be supported and reciprocity for everyone to work together for the common good. Mrs. McKeel stated that we have had ICE here. They have been at the table twice. I am interested in everybody knowing what their job is, and being willing to do their job, being responsible for their job and getting a consistent process in place so our community feels comfortable that we are providing safety for them. Mrs. Harris stated, we voted. We had a work session. Many came and spoke on the topic. I have been on this board for a while and I have never had so many nice emails, threatening emails, uncomfortable emails. I read all of them. I am wondering do we vote until we make this group happy? Or do we let what we have voted from the understanding we have, stand? I think at some point, as the Sheriff said, we need to take it to Congress. We need to take it to our law enforcement. How much more do we need to know to make a decision? Mrs. McKeel stated that the discussion in January, March, and May was about new information. Based on what we are talking about today, there was new information, which is why we are having it again today. Mrs. McKeel asked how long it is going to take to address the issues with the VINE system. Colonel Kumer advised that in order for their system to speak to our system, they need to know where that release date is. When we switched over to New World Systems back in December, that confused their system. We are now in connection with them and their IT teams are in connection with ours. This will address some of the concerns that Mr. Tracci is speaking about. My recommendation to the board would be, until that is fixed, if they decide to go that way, we don't until it has been tested and verified to be accurate. They have assured me that this is something they can do. I do not know how long this will take but stated that it

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would be a priority. Sheriff Harding made a motion that we continue the current practice as is, as you move forward in perfecting the VINE system. Dr. Bellamy stated that we have had to discuss this topic for some time because there has not only been new information, but this is a topic that is nuanced and layered in several different facets. Because we haven't had the information, it is something that we have had to continuously discuss. We are hearing from different populations, who we may not have heard from about how this issue pertains to them in ways in which we haven't had that engagement. Before Sheriff Harding presents his motion, I would like to present or request of the board listening to something for a few moments. I spoke with Sheriff Brown this morning as well as other members of this board about a potential solution. This is a very passionate topic on both sides. A lot of people feel a lot of different ways. I think there is a way in which we can try to find a compromise of sorts. Our current practice and policy is for us to notify ICE. I would like to request that we can notify them with 4 specific exceptions; public intoxication, driving with a suspended license, loitering, civil matters revolving around child support would also be grounds for non-notification. Here are the reasons why; when we look at suspension of driver's license, there are a variety of reasons why people are pulled over. We have heard from several people saying that they are not able to get their license many different reasons. You are then pulled over and subjected to being put in jail for simply trying to get to work. That is something we can look at and provide leniency. There are several different instances where people will go to the extreme, in which there have been murders and so forth. But driving on a suspended license is one in which I think we can provide some grace. Public intoxication; I don't think that is something in which someone should be sent to ICE because we literally see that happen all the with individuals who are not illegal immigrants. These consequences in which we may be imputing on these individuals who may be here illegally, as some have

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described them is a lot different. I am asking grace in that regard. Loitering; that is another one in which we see that happens with young folks and older folks. It happens all the time. Child support is a civil issue. If we detain an individual and they are incarcerated for child support and sent to the custody of ICE and then sent to their country, the mother who is here illegal or not, will never receive the benefit. Those are the 4 that I would like for us to have feedback on. I think it is a healthy compromise. I have spoken with Superintendent Kumer and he said it is doable. Mrs. McKeel stated that certainly someone who is in trouble because of a lack of paying child support would not normally be considered a danger to our community. Mrs. McKeel asked Dr. Bellamy if with the charges he detailed, was he referring to first offences. Dr. Bellamy confirmed. Colonel Kumer advised that in the conversation with Dr. Bellamy, he asked if it was logistically feasible, and the answer is yes. What we would do is put something in the individuals file that if they are convicted of these offences, do not call. To be clear, we would still be putting the information into VINE regardless. So they would still be notified. But everyone else, we would continue to pick up the phone and actually make the phone call to ICE. Mr. Carter stated that he appreciated Dr. Bellamy's efforts at a compromise but he does not agree. Mr. Carter stated that if there is an individual in the country illegally, they committed a crime, and now we are going to release them back to continue potentially to work illegally. Their employer is committing a crime. Every employer is required to report whether or not that individual they have employed is legally here and able to be employed. We are still aiding and abetting violating the law. Mrs. Harris stated that we go to court for things that we do. The judge says ok Mrs. Harris, you did it, and you better not do it again. If you do, this is what is going to happen. It is on record that I did it. I don't think it needs to be swept under the rug and then I go out and do something worse. I have a problem with us putting extra work on the jail. I have a problem with us

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deciding ourselves what is a bad or good crime. ICE is not picking every person that comes through the jail. If it was 100 people that have been taken in 2 months from this jail, I would be the first one saying stop it. Mr. Murphy stated that it is difficult for both the board and the community to constrain themselves to just the issue of; what is jail policy, versus whatever people's thoughts are about immigration. I encourage us to really focus on that. Notification does occur lawfully as a matter of policy at the point of entry and as a part of intake. People are released from this jail every day with crimes that are misdemeanors and felonies. They have served the time that was determined appropriate by the judiciary. That is true based on their offense and their history, regardless of their immigration status. Public safety issues are continually raised by people, and public safety is undermined when people are removed from communities and families all the same, regardless of their immigration status. We have a system that can be monitored by the public and law enforcement agencies and updated every 15 minutes. Maybe it's not where it needs to be, and we need to know more before policy changes. But it seems like the methodology of how information is communicated to ICE is not relevant to me, whether it is a phone call or electronic. People want to talk about the relative danger of the person released. As someone who knows a lot about assessment, I was not convinced in any way in either presentation by ICE that they have a validated assessment or that they apply it consistently. It is clear that it is not about criminogenic risk or public safety. It is strictly about they are here illegally and whether they have time to get here and bed space to put them in. I don't think that is in the purview of the jail. I would remind people that this is a regulated body and many of you probably come from work that has regulations. I have worked at a log of organizations and city and board and commissions do that. This is voluntary notification. It is not law. It is not regulation. It isn't even guidance. People say that we should wait and vote in

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somebody who will change the immigration policy. Well I would say vote in somebody who is going to make it a mandate rather than just a voluntary request. I appreciate Dr. Bellamy's compromise. I have some concerns with it not being far reaching enough. At the very least, if it became a motion, you should consider a friendly amendment about suspended license. Because suspended license means to me that I was able to get one. Undocumented people cannot. And also, all the people in the jail that are here for unauthorized us, or driving without a motor vehicle license. I think we have identified the wrong code section. Dr. Bellamy stated that he would happily accept Mr. Murphy's friendly amendment. Mr. Walker stated that she wanted to acknowledge that she has a very keen interest in finding a process and a system that works effectively, reliably, consistently with respect to the court for whatever policy we end up with. I think that may rest in the VINE links, understanding right now that we do not have confidence that it is functioning appropriately. I appreciate the compromise from Dr. Bellamy. My concern with it is that it puts the jail in a position of making choices about particular individuals being released, and what they are in here for. My view may be more in the purview of law enforcement rather than corrections. But I do appreciate the interest in trying to find a compromise. I would also love to find a compromise. It is concerning that as a jail board and with our Commonwealth's Attorneys that we are so divided on this issue. I would very much like to continue to pursue improvements to the VINE links system, where there is notification in every case of the release dates of individuals. In some cases, it is far in advance because there aren't any changes. In other cases, it is much closer because there are changes. I think that we have determined that when it's working correctly, we are talking about a matter of minutes. The nature of this issue with individuals who have served their time and are released from this facility into the community allow then, that our role in the criminal justice system to collaborate more

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responsibly to others in the criminal just system in terms of federal law in the case of Ice as far as immigration status and others who may have an interest in these individuals. Dr. Bellamy stated that when we think about the fact that many of us are open to finding a compromise of some sort. Another reason why this conversation continues is because I don't think all of us want the policy to simply go on as is. We see that this creates a variety of different issues for a population of our community. We want to try to figure out how we can find some kind of solution or happy medium that is not cut and dry for many of us. It's just not something we should use a blanket policy one way or another. The decisions we make have consequences on people's lives. Trauma from a mental health perspective, a flawed criminal justice system which we know we already have. Those are real issues that have effects on people. This is something we have to get right. That is another reason why I believe it is a conversation that must continue. Mrs. McKeel advised that our Commonwealth's Attorneys are empowered to make a phone call to ICE. We have Commonwealth's Attorneys that are in court and they can help us with this. I prefer that the website provides an electronic option that is much more reliable. Sheriff Harding made a motion that we move forward on perfecting the VINE notification system while continuing our current practice until such time ICE agrees that the VINE system provides them with the timely data they need as effectively as our current system of making phone calls. Mr. Walker stated that his concern is that when we delegate to ICE the ability to decide whether it's satisfactory to them rather than holding ourselves and this board in a position where we think that it is satisfactory to us. That is the only part that I have issue with. Mr. Carter asked if we are simply asking for ICE's input on whether or not this system is going to be effective. Dr. Bellamy asked Sheriff Harding if he would be open to entertaining any of the items he brought up previously. Sheriff Harding stated that everything is going into the VINE system,

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so they would be notified anyway on all of those offenses. Colonel Kumer clarified that all offenses would be put into the VINE system. So it would still incorporate notification for even those charges. Sheriff Harding asked how much time would be needed on the VINE system. Colonel Kumer stated November, but worst case, he would be able to make an update at that point. Mr. Murphy stated that he had a point of further clarification for the discussion. If the question at hand is about the level of confidence from board members in VINE, then I don't understand what this motion does different than tabling the issue until you know what VINE has done, and Dr. Bellamy has a motion that is about certain crimes. If you had confidence in the VINE system, I think that it's an up and down matter about whether you make phone calls versus whether there is electronic notification. I don't see the reason to call a question on this matter because it is the same as saying as soon as we know whether the software system is sufficient in our view, then we will call the vote. Mr. Tufts stated that he has a proposed motion that he brought today that he thinks would be relevant. If we were to table the issue, to confirm whether VINE links is reliable enough and consult with officers. I would like to pass the motion around potentially for the next meeting. Mrs. Van Clief asked if Sheriff Harding would rescind or withdraw his motion. Sheriff Harding withdrew his motion. Mrs. Van Clief made a motion to adjourn. Dr. Bellamy seconded the motion. The meeting adjourned at 2:03 pm.

**DRAFT**

## **CONSENT/AGENDA**

### **PERSONNEL/NEW HIRES:**

Allison Ring	Corrections Officer	09/24/2018
Melanie Swain	Corrections Officer	09/24/2018
Brian Ellison	LPN	10/01/2018
Tawanda Hagar-Carter	LPN	10/01/2018
Alexander Wells	Corrections Officer	10/08/2018
Johanna Claasen	Physician Assistant	10/22/2018

Albemarle Charlottesville Regional Jail  
Census Report

<b>2017/2018</b>	<b>COA</b>	<b>City</b>	<b>Nelson</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>July 2017</b>	5,354	7,053	1,335	186	440	14,368
<b>Total FY 17/18</b>	5,354	7,053	1,335	186	440	14,368
<b>ADP</b>	<b>173</b>	<b>228</b>	<b>43</b>	<b>6</b>	<b>14</b>	<b>463</b>
<b>Percent</b>	37.26%	49.09%	9.29%	1.29%	3.06%	100.00%
<b>Local Share</b>	<b>38.96%</b>	<b>51.32%</b>	<b>9.71%</b>	N/A	N/A	100.00%

<b>2018/2019</b>	<b>COA</b>	<b>City</b>	<b>Nelson</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>July 2018</b>	6,860	5,635	1,769	282	190	14,736
<b>Total FY 18/19</b>	6,860	5,635	1,769	282	190	14,736
<b>ADP</b>	<b>221</b>	<b>182</b>	<b>57</b>	<b>9</b>	<b>6</b>	<b>475</b>
<b>Percent</b>	46.55%	38.24%	12.00%	1.91%	1.29%	100.00%
<b>Local Share</b>	<b>48.09%</b>	<b>39.51%</b>	<b>12.40%</b>	N/A	N/A	100.00%

FY 2017	5,354	7,053	1,335	186	440	14,368
FY 2018	6,860	5,635	1,769	282	190	14,736
Variance	<b>1,506</b>	<b>(1,418)</b>	<b>434</b>	<b>96</b>	<b>(250)</b>	<b>368</b>
Percent Change	28.1%	-20.1%	32.5%	51.6%	-56.8%	2.6%

# 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	168	112	128			1304
City Sheriff	148	110.5	70.5		100	147	166.5	129.5	132.5	141			1145.5
Department of Forestry				81.75		149.75	208.25	246.75	259	105			1050.5
ACRJ Road Crew	47	52	68	39			18		26				250
Albemarle County Parks	93	205.5	312	114	264	198	150	192	204	209			1941.5
<b>ICWFP</b>	<b>723</b>	<b>933</b>	<b>1223</b>	<b>1197.5</b>	<b>1456.5</b>	<b>1472.5</b>	<b>1530.5</b>	<b>1478</b>	<b>1149</b>	<b>1687</b>			<b>12850</b>
Albemarle County Transportation										175			175
<b>PROGRAM TOTALS</b>	<b>1211</b>	<b>1373</b>	<b>1705.5</b>	<b>1584.25</b>	<b>1972.5</b>	<b>2071.25</b>	<b>2257.25</b>	<b>2214.25</b>	<b>1882.5</b>	<b>2445</b>			<b>18716.5</b>
<b>DOLLAR CREDITS</b>	<b>\$8,779.75</b>	<b>\$9,954.25</b>	<b>\$12,364.88</b>	<b>\$11,485.81</b>	<b>\$14,300.63</b>	<b>\$15,016.56</b>	<b>\$16,365.06</b>	<b>\$16,053.31</b>	<b>\$13,648.13</b>	<b>\$17,726.25</b>			<b>\$135,694.63</b>

# 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	107	101	133			1765.5
PROGRAM TOTALS	115.5	29	152.75	138.75	383.25	508.25	97	107	101	133			1765.5
DOLLAR CREDITS	\$837.38	\$210.25	\$1,107.44	\$1,005.94	\$2,778.56	\$3,684.81	\$703.25	\$775.75	\$732.25	\$964.25			\$12,799.88

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**FINAL**

**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. Gequette 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 stated 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 of 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 Dembing** 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 1<sup>st</sup> 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 at 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 Superintendent 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.

**FINAL**

Work Session August 23, 2018

**FINAL**

**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 14<sup>th</sup> 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 5<sup>th</sup> and 14<sup>th</sup> 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 5<sup>th</sup> 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 14<sup>th</sup> 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 5<sup>th</sup> amendment applies not. Obviously, there are portions of the Constitution that reference citizens, but I would note that sections of both the 5<sup>th</sup> and 14<sup>th</sup> 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 logically. 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 4<sup>th</sup> 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 away 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 Clierf** – 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 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 detainees 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 detainees 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 logically 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 Cleaf** - 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 finger printing 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.

## Work Session August 23, 2018

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.

**FINAL**

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

<b><u>AGENDA TITLE:</u></b> <b>June 30, 2018 YTD audited Financial Report</b>	<b><u>AGENDA DATE:</u></b> <b>November 8, 2018</b>	<b><u>ITEM NUMBER:</u></b>
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Matters from Business Manager	<b><u>FORMAL AGENDA:</u></b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACTS:</u></b> Sup. & Mess: Kumer & Brill	<b><u>ACTION:</u></b>	<b><u>INFORMATION:</u></b>
	<b><u>CONSENT AGENDA:</u></b>	
	<b><u>ACTION:</u></b> Yes	<b><u>INFORMATION:</u></b>
		<b><u>ATTACHMENTS:</u></b> Yes

Compensation and benefits is estimate to come in under budget (\$542,979) 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.
- Accrued leave came in at \$44,212.
- 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 \$285,832 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 (\$110,360).

Operating income came in over budget \$52,935.

- 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 **\$163,295**.

#### **Recommendations:**

Adoption of FY 18 year end financials as follows:

Locality Distribution of the FY 18 net income of \$219,743 is as follows:

Locality	Percentage	Amount
City of Charlottesville	52.5%	\$ 85,730
County of Albemarle	40.4%	\$ 65,971
Nelson County	7.1%	\$ 11,594
Total	100.0%	\$163,295

- 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
1	OBJECT DESCRIPTION:	FY 2018 Budget	MAY	JUNE	YTD	Percent of Budget =100.0%	Variance
2	<u>Total Combined Oper. Exp.:</u>						
3	<u>Total Combined Compensation:</u>						
4	Salaries - regular	8,141,946	654,714	652,510	7,872,672	96.69%	(269,274)
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	44,212	44,212	#DIV/0!	44,212
12	FICA	646,428	53,925	50,780	620,542	96.00%	(25,886)
13	VRS @ 11.54%	939,581	74,021	72,703	877,679	93.41%	(61,902)
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 = \$7,7	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	<b>Subtotal Comp. &amp; Benefits</b>	<b>\$11,971,450</b>	<b>967,610</b>	<b>982,796</b>	<b>11,428,471</b>	<b>95.46%</b>	<b>(\$542,979)</b>
27			967,610	982,796	11,428,471		
28	<b>Total Combined Operating Expenditures:</b>						
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	4,788	14,236	316.36%	9,736
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	142,841	791,625	110.72%	76,625
80	ACRJ Employees	80,000	1,659	8,996	82,640	103.30%	2,640
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	654	6,076	151.90%	2,076
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	3,250	22,334	171.80%	9,334
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	1,044	14,122	128.38%	3,122
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	<b>Subtotal Operating Exp.</b>	<b>\$3,273,896</b>	<b>\$231,498</b>	<b>\$550,826</b>	<b>3,559,728</b>	<b>108.73%</b>	<b>\$285,832</b>
104							
105	<b>Total Combined Operating Capital:</b>						
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	<b>Subtotal Operating Capital</b>	<b>\$100,000</b>	<b>7,085</b>	<b>\$57,825</b>	<b>246,787</b>	<b>246.79%</b>	<b>146,787</b>
122							
123	<b>Subtotal Expenditures</b>	<b>\$15,345,346</b>	<b>1,206,193</b>	<b>\$1,591,447</b>	<b>15,234,986</b>	<b>99.28%</b>	<b>(110,360)</b>

**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	<b>Operating Revenues:</b>						
125	Interest	10,002	4,060	14,214	56,544	565.33%	46,542
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	<b>Subtotal Operating Revenues</b>	<b>\$15,345,346</b>	<b>\$1,312,049</b>	<b>\$1,471,064</b>	<b>15,398,281</b>	<b>100.34%</b>	<b>52,935</b>
175							
176		\$0	105,856	(120,383)	163,295		163,295

**Albemarle Charlottesville Regional Jail**  
**Operating Reserve Cash Balance**

Year	Date	Operating	Operating	Reserve	Over/Under	Reserve	Over/Under	
		Cash		Budget Total	20% of Operating	20% of Operating	25% of Operating	
FY 15	6/30/2015	2,939,439		13,777,483	2,755,497	183,942	3,444,371	(504,932)
FY 16	6/30/2016	2,939,439		14,214,508	2,842,902	96,537	3,553,627	(614,188)
FY 17	6/30/2017	2,987,208		14,877,195	2,975,439	11,769	3,719,299	(732,091)
FY 18	6/30/2018	3,128,607		15,345,346	3,069,069	59,538	3,836,337	(707,730)
FY 19	10/30/2018	3,138,156		15,758,964	3,151,793	(13,637)	3,939,741	(801,585)

\*\*\*\*\$13,636 is A/R not received yet

\*\*\*\*Operation Reserve account 4003 requires 20% Coverage for Operational expenses

Year	Date	Capital	Debt Service
		Cash	
FY 19	10/30/2018	786,784	196,439
	Earmarked	285,500	
		501,284	

**Albemarle Charlottesville Regional Jail  
Operating Reserve Cash Balance**

Year	Date	Reserve		Reserve	Over/Under	Reserve	Over/Under
		Cash	Operating	20% of	20% of	25% of	25% of
FY 15	6/30/2015	2,939,439	13,777,483	2,755,497	183,942	3,444,371	(504,932)
FY 16	6/30/2016	2,939,439	14,214,508	2,842,902	96,537	3,553,627	(614,188)
FY 17	6/30/2017	2,987,208	14,877,195	2,975,439	11,769	3,719,299	(732,091)
FY 18	6/30/2018	3,128,607	15,345,346	3,069,069	59,538	3,836,337	(707,730)
FY 19	10/30/2018	3,132,311	15,758,964	3,151,793	(19,482)	3,939,741	(807,430)

\*\*\*\*\$13,636 is A/R not received yet and \$5,845 is to be added to FY 20 Budget due to  
County of Albemarle cash correction from FY2014 and older

\*\*\*\*Operation Reserve account 4003 requires 20% Coverage for Operational expenses

Year	Date	Operating		Debt	Reserve	Total Cash
		Cash	Capital Cash	Service	Cash	
FY 19	10/30/2018	595,094	786,784	196,439	3,138,156	4,716,473
	Earmarked		285,500		501,284	

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

<b><u>AGENDA TITLE:</u></b> <b>September 30, 2018 YTD audited Financial Report</b>	<b><u>AGENDA DATE:</u></b> <b>October 11, 2018</b>	<b><u>ITEM NUMBER:</u></b>
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Matters from Business Manager	<b><u>FORMAL AGENDA:</u></b> <b>ACTION:</b>	<b><u>INFORMATION:</u></b>
<b><u>STAFF CONTACTS:</u></b> Superintendent: Kumer & Brill	<b><u>CONSENT AGENDA:</u></b> <b>ACTION:</b> No	<b><u>INFORMATION:</u></b>
	<b><u>ATTACHMENTS:</u></b> Yes	

Compensation and benefits is estimate to come in under budget (\$413,420) due to:

- Wages is estimated to come in under budget (\$395,093) due to the number of vacancies.
- Overtime Wages is estimated to come in over \$117,979 mostly due to hours related to a hospitalized inmate.
- Part-time wages is estimated to come in over \$40,472 due to increased hours for medical doctor and medical part-timers as a result of full time vacancies.

Operating expense is estimated to come in on target at this time.

Capital expense is estimate to come in on target

Total expenditures are estimated to come in under budget (\$413,672).

Operating income is estimated to come in over budget \$40,790.

- Interest income is estimated to come in over \$30,000.
- Pharmaceutical is estimate to come in over \$10,696 due to unbudgeted state reimbursement.

Net Income is estimated to come in **\$454,462** over budget.

**Recommendations:** None

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

	G	H	I	J	K	U	V	W	X
1	OBJECT DESCRIPTION:	FY 2019 Budget	Jul	Aug	Sept	YTD	Percent of Budget =25.0%	June 2019 Extrapolation	Variance
2	<u>Total Combined Oper. Exp.:</u>								
3	<u>Total Combined Compensation:</u>								
4	Salaries - regular	8,284,342	666,481	634,481	648,287	1,949,249	23.53%	7,889,249	(395,093)
6	Overtime wages	137,000	10,077	26,516	29,386	65,979	48.16%	254,979	117,979
8	Overtime - Reimbursable	7,000	4,402	688	237	5,327	76.10%	10,000	3,000
9	Part-time wages	319,528	27,079	34,956	32,083	94,118	29.46%	360,000	40,472
10	PT/wages - board member	2,100	0	0	-	-	0.00%	2,100	0
11	Shift Differential	50,000	4,125	4,005	4,490	12,620	25.24%	49,520	(480)
12	Accrued annual leave		0	0	-	-	#DIV/0!	0	0
13	FICA	673,037	54,129	51,981	52,860	158,970	23.62%	635,970	(37,067)
14	VRS @ 10.94%	899,777	69,130	67,184	69,173	205,487	22.84%	817,487	(82,290)
15	VLDP- disability	3,600	417	306	326	1,049	29.14%	3,983	383
16	Life Part Time	500	0	0	-	-	0.00%	0	(500)
17	VRS Hybrid	12,000	1,156	923	957	3,036	25.30%	12,036	36
18	Health insurance 8,280	1,334,480	116,816	107,768	102,028	326,612	24.47%	1,316,612	(17,868)
19	Dental insurance \$250	40,000	2,772	2,779	2,860	8,411	21.03%	33,611	(6,389)
20	HSA contribution	40,000	0	0	0	-	0.00%	40,000	0
21	VRS group life 1.31%	109,180	8,415	8,155	8,398	24,968	22.87%	99,668	(9,512)
22	Group life - part-time	500	0	0	0	-	0.00%	500	0
23	Line of Duty	26,265	28,427	0	0	28,427	108.23%	28,427	2,162
24	Unemployment insurance	10,000	0	0	-	-	0.00%	10,000	0
25	Workers' compensation	123,900	95,647	0	-	95,647	77.20%	95,647	(28,253)
27	<b>Subtotal Comp. &amp; Benefits</b>	<b>\$12,073,209</b>	<b>1,089,073</b>	<b>939,742</b>	<b>951,085</b>	<b>2,979,900</b>	<b>24.68%</b>	<b>\$11,659,789</b>	<b>(\$413,420)</b>
28		1,089,073	939,742	951,085	2,979,900				
29	<b>Total Combined Operating Expenditures:</b>								
30	Professional Services	13,760	400	235	115	750	5.45%	13,760	0
31	Contract services other	34,000	0	662	662	1,324	3.89%	34,000	0
32	Health services	573,700	442	8,587	13,094	22,123	3.86%	573,700	0
36	Prof services - legal	33,000	0	2,679	2,679	5,358	16.24%	33,000	0
38	Prof services - audit	11,500	0	0	-	-	0.00%	11,500	0
42	R&M - buildings	63,750	240	2,261	1,586	4,087	6.41%	63,750	0
43	R&M - vehicles	3,000	0	0	0	-	0.00%	3,000	0
44	Maint contract - equip	75,980	900	1,260	12,259	14,419	18.98%	75,980	0
45	Maint contract - buildings	15,935	360	0	1,335	1,695	10.64%	15,935	0
46	Printing & Binding	3,700	0	0	-	-	0.00%	3,700	0
47	Advertising	4,000	0	241	30	271	6.78%	4,000	0
49	Tuition assistance	2,000	0	0	0	-	0.00%	2,000	0
50	Employee physicals	4,500	0	0	788	788	17.51%	4,500	0
51	Other purchased services	1,000	430	54	10	494	49.40%	1,000	0
52	Contract - Disposal	24,520	0	5,805	750	6,555	26.73%	24,520	0
53	Contract - fiscal agent	156,029	39,007	0	-	39,007	25.00%	156,029	0
54	Data processing	56,400	4,255	14,256	5,087	23,598	41.84%	56,400	0
55	Electrical service	220,000	0	19,869	18,905	38,774	17.62%	220,000	0
56	Gas service	100,000	0	0	3,237	3,237	3.24%	100,000	0
57	Water & sewer	290,000	0	26,577	33,567	60,144	20.74%	290,000	0
58	Postal services	5,700	0	232	461	693	12.16%	5,700	0
59	Telecommunications	42,600	0	5,726	(164)	5,562	13.06%	42,600	0
60	Fire insurance	41,000	40,443	2,501	0	42,944	104.74%	42,944	1,944
63	Automotive insurance	6,500	5,382	0	-	5,382	82.80%	5,382	(1,118)
64	Lease Equipment	16,443	0	1,619	1,120	2,739	16.66%	16,443	0
65	Software Licensing		0	0	0	-		0	0
66	Travel - education	45,975	851	540	4,554	5,945	12.93%	45,975	0
67	Training - Academy	75,000	40	68,375	509	68,924	91.90%	75,000	0
69	Travel - subsistence	4,500	240	143	1,008	1,391	30.91%	4,500	0
70	Staff Support / Miscellaneous	750	0	0	-	-	0.00%	750	0
71	Sams Club vending wellness		0	0	-	-	#DIV/0!	0	0

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

	G	H	I	J	K	U	V	W	X
1	OBJECT DESCRIPTION:	FY 2019 Budget	Jul	Aug	Sept	YTD	Percent of Budget =25.0%	June 2019 Extrapolation	Variance
72	Donations		0	68	0	68	#DIV/0!	68	68
73	Human Resource Exp	4,000	0	0	701	701	17.53%	4,000	0
74	Inclement Weather Expense	1,000	0	0	0	-	0.00%	1,000	0
75	Wellness Fund Sams Club	2,000	0	0	0	-	0.00%	2,000	0
76	Wellness Fund Expense	2,000	0	223	320	543	27.15%	2,000	0
77	Inmate Fund Expense	4,500	290	2,258	1,188	3,736	83.02%	4,500	0
78	Dues & memberships	15,943	291	645	326	1,262	7.92%	15,943	0
79	Office supplies	47,750	0	4,040	3,041	7,081	14.83%	47,750	0
80	Food supplies	689,500	(412)	86,235	56,147	141,970	20.59%	689,500	0
81	ACRJ Employees	79,000	96	2,216	20,720	23,032	29.15%	79,000	0
82	BRDC food supplies	26,000	1,747	0	0	1,747	6.72%	26,000	0
83	SWVC	4,000	0	0	314	314	7.85%	4,000	0
84	Meals for meetings	6,400	72	271	530	873	13.64%	6,400	0
85	Medical Disposal					-	#DIV/0!	0	0
86	Pharmaceutical Drugs	380,000	(51,569)	81,370	1,470	31,271	8.23%	380,000	0
87	Laundry & janitorial supplies	61,400	0	9,177	-	9,177	14.95%	61,400	0
88	Kitchen & Maint. Cleaners	32,800	0	7,694	4,191	11,885	36.23%	32,800	0
89	Linen supplies	15,000	0	2,109	-	2,109	14.06%	15,000	0
90	Uniforms - inmate	23,000	0	0	2,502	2,502	10.88%	23,000	0
91	R&M supplies	62,049	282	6,567	4,889	11,738	18.92%	62,049	0
93	Vehicle & equip fuel & supplies	16,300	53	1,903	3,148	5,104	31.31%	16,300	0
94	Vehicle & equip supplies	13,300	0	1,168	2,565	3,733	28.07%	13,300	0
95	Security supplies	25,210	0	2,276	1,633	3,909	15.51%	25,210	0
96	Uniforms & apparel	41,200	1,206	4,108	2,188	7,502	18.21%	41,200	0
97	Books & subscriptions	3,600	0	180	-	180	5.00%	3,600	0
98	Inmate Education	27,865	0	407	1,134	1,541	5.53%	27,865	0
99	Other operating supplies	1,000	0	0	-	-	0.00%	1,000	0
100	Copy supplies	1,500	0	0	574	574	38.27%	1,500	0
101	Fund Balance ACRJ operating						#DIV/0!	0	0
104	<b>Subtotal Operating Exp.</b>	<b>\$3,511,559</b>	<b>45,046</b>	<b>374,537</b>	<b>209,173</b>	<b>628,756</b>	<b>17.91%</b>	<b>\$3,512,453</b>	<b>\$894</b>
105									
106	<b>Total Combined Operating Capital:</b>								
107	Machinery & equip		0	0	0	-	#DIV/0!	0	0
108	Machinery & Equipment Replace	110,000	0	0	-	-	0.00%	110,000	0
109	Kitchen Equipment - Replacement		0	0	-	-	#DIV/0!	0	0
110	Furniture & fixtures - new	21,150	0	0	-	-	0.00%	21,150	0
111	F&F - replacement	18,046	0	0	-	-	0.00%	18,046	0
112	Communications equip		0	0	-	-	#DIV/0!	0	0
113	Comm equip - replacement		0	0	-	-	#DIV/0!	0	0
114	Motor vehicles	25,000	0	0	23,854	23,854	95.42%	23,854	(1,146)
115	Parking Paving		0	0	-	-	#DIV/0!	0	0
116	ADP Equipment		0	0	0	-	#DIV/0!	0	0
117	ADP Equipment - Rep		0	0	0	-	#DIV/0!	0	0
118	Software Upgrade	0	0	0	-	-	#DIV/0!	0	0
122	<b>Subtotal Operating Capital</b>	<b>\$174,196</b>	<b>0</b>	<b>0</b>	<b>23,854</b>	<b>23,854</b>	<b>13.69%</b>	<b>173,050</b>	<b>(1,146)</b>
123									
124	<b>Subtotal Expenditures</b>	<b>\$15,758,964</b>	<b>1,134,119</b>	<b>1,314,279</b>	<b>1,184,112</b>	<b>3,632,510</b>	<b>23.05%</b>	<b>15,345,292</b>	<b>(413,672)</b>

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

	G	H	I	J	K	U	V	W	X
1	OBJECT DESCRIPTION:	FY 2019 Budget	Jul	Aug	Sept	YTD	Percent of Budget =25.0%	June 2019 Extrapolation	Variance
125	<b>Operating Revenues:</b>								
126	Interest	20,000	10,216			10,216	51.08%	50,000	30,000
127	Sale surplus vehicles					-	#DIV/0!	0	0
128	Sale salvage					-	#DIV/0!	0	0
129	Cellular Tower Lease	48,000	9,350	2,420	2,420	14,190	29.56%	48,000	0
130	Regional Jail Service Fees	10,000			1,103	1,103	11.03%	10,000	0
131	Other jurisdictions					-	#DIV/0!	0	
132	Charlottesville	4,657,784	388,149	388,149	388,149	1,164,447	25.00%	4,657,784	0
133	Albemarle	3,705,178	308,765	308,765	308,765	926,295	25.00%	3,705,178	0
134	Federal prisoners 50.63	130,000	14,560	17,096		31,656	24.35%	130,000	0
135	Nelson County	632,372	52,698	52,698	52,698	158,094	25.00%	632,372	0
136	Telephone system	214,000	124,269	218	285	124,772	58.30%	214,000	0
137	Dollar a day Inmate Charge	85,000		5,952	6,653	12,605	14.83%	85,000	0
138	Misc. Inmate reimbursements					-	#DIV/0!	0	0
139	Workers' comp. reimb.					-	#DIV/0!	0	0
140	Work release insurance					-	#DIV/0!	0	0
141	Womens program	37,000	1,541	2,925		4,466	12.07%	37,000	0
142	Work release	110,000	9,178	9,815		18,993	17.27%	110,000	0
143	Vdot	168,000		17,717	16,694	34,411	20.48%	168,000	0
144	Electronic Monitoring-other	10,000	917	872		1,789	17.89%	10,000	0
145	Subscription Revenues	3,000			305	305	10.17%	3,000	0
146	Region Ten	25,000				-	0.00%	25,000	0
147	Miscellaneous -misc jail revenues	2,500			30	30	1.20%	2,500	0
148	Wknd & Work Force Reim-misc	12,000	1,200	2,009		3,209	26.74%	12,000	0
152	Wellness Fund Sams	2,000				-	0.00%	2,000	0
153	Wellness Fund Other Rev	2,000				-	0.00%	2,000	0
154	Inmate Fund Revenue	2,500		579	2,281	2,860	114.40%	2,500	0
155	Shrd Svc: BRJDC Food & Mgmt.-misc	68,000			14,566	14,566	21.42%	68,000	0
156	Insurance Recoveries					-		0	0
157	Medical Copayment-misc	10,000		869	630	1,499	14.99%	10,000	0
158	Training Fees Recovered-misc	4,000			190	190	4.75%	4,000	0
159	Prior year recovery			94		94		94	94
160	Comp Board - salaries	4,819,629	375,197	368,169		743,366	15.42%	4,819,629	0
161	Pharmaceutical reimb		10,696			10,696	#DIV/0!	10,696	10,696
162	Comp Board - office State ATL Reductions					-		0	0
163	Jail Auto					-		0	0
164	State per diem	960,000				-	0.00%	960,000	0
168	SSA/SSI Recovery	1,000	600			600	60.00%	1,000	0
169	Justice Reinvestment					-	#DIV/0!	0	0
170	SCAPP Funds	20,000				-	0.00%	20,000	0
175	<b>Subtotal Operating Revenues</b>	<b>\$15,758,963</b>	<b>1,307,336</b>	<b>1,178,347</b>	<b>794,769</b>	<b>3,280,452</b>	<b>20.82%</b>	<b>15,799,753</b>	<b>40,790</b>
176									
177			( <b>\$1</b> )	173,217	(135,932)	(389,343)	(352,058)	454,461	454,462