Board Business Meeting
March 12, 2020 (12:30 – 2 p.m.)
Muster Room • Albemarle-Charlottesville Regional Jail, 160 Peregory Lane, Charlottesville, VA

AGENDA

I. ACRJ Board Meeting – Call to Order
   Adopt Meeting Agenda

II. Consent Agenda
   For Approval:
   1) Draft Summary Minutes January 9, 2019 ACRJA Board Bi-Monthly Business Meeting
   2) January 2020 YTD Financials
   Informational
   1) Administrative Reports
      a) Personnel Report – thru February 2020
      b) Out of Compliance Report - December 2020
      c) Census Report –YTD January 2020
      e) Special Management Report – February 2020
   2) Final Summary Minutes November 14, 2019 ACRJA Board Bi-Monthly Business Meeting

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

IV. Matters from ACRJA Attorney – Brendan Hefty

V. Matters from ACRJA Board Members

VI. Matters from Business Manager – Jeff Brill
   1) FY 21 Budget Change

VII. Matters from Superintendent – Colonel Martin Kumer
   1) FCA RFP / Jail Tours
   2) Flex RN Update
   3) Compensation
   4) ICE Media Response

VIII. New Business –

IX. Closed Session – if needed

X. Adjournment

NEXT MEETING: May 14, 2020

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

Authority Board
Doug Walker (Albemarle)          Sheriff James E. Brown, III (Charlottesville)          Jay James (Joint Representative)
Sheriff Chan Bryant (Albemarle)    Kristin Clarens (Charlottesville)          Sheriff David Hill (Nelson)
Cyndra Van Clef (Albemarle)       Nikuya Walker (Charlottesville)          Stephen Carter (Nelson)
Diantha McKeel (Albemarle) - Chair  Dr. Tarron Richardson (Charlottesville) – Vice Chair
Summary Minutes of the
Albemarle Charlottesville Regional Jail Authority Board Meeting
January 9, 2020

Jail Board Members Present:
Ms. Diantha McKeel
Mr. Jay James
Mrs. Kristin Clarens
Mrs. Cyndra Van Clief
Sheriff Chan Bryant
Mr. Doug Walker
Sheriff James Brown
Dr. Tarron Richardson
Mayor Nikuya Walker
Mr. Steve Carter
Sheriff David Hill

Others Present:
Colonel Martin Kumer
Lt. Colonel Todd Rowland
Captain Aaron Carver
1st Lieutenant Virginia Schmittinger
Mrs. Marce Anderson
Ms. Felicia Morris
Mrs. Gequetta Murray-Key
Mr. Robert Barnabei
Mr. Jeff Brill
Mr. Brendan Hefty
Captain William Thomas
Bi Monthly Board January 9, 2020

The meeting was called to order at 12:31 pm by Chairperson Diantha McKeel. Ms. McKeel asked everyone to introduce themselves. Mr. Walker made a motion to adopt the agenda with the following changes: Matters from the Superintendent; the nursing update is information, not action and the addition of the Generator Executive Summary. Mrs. Van Clief seconded the motion. The motion carried. Ms. McKeel asked if there were any corrections that needed to be made to the minutes. Dr. Richardson made a motion to adopt the consent agenda as presented. Mr. Walker seconded the motion. The motion carried.

**Matters from the Public:**

Ben Doernberg – Mr. Doernberg read selections of an article “I Lost Hope” A look inside the ICE detention center in Farmville. (Attached to the end of the minutes)

**Matters from Brendan Hefty, ACRJA Attorney:**

Mr. Hefty stated that there are a couple of bills that relate to jails and jail operations. There is a bill being introduced to decriminalize marijuana. Mr. Hefty stated that it does not appear that marijuana possession is being prosecuted alone in this jurisdiction. It may be a secondary charge. Colonel Kumer stated that he does not believe that this bill if passed will have an impact on this jail’s population. The next is House Bill 244 which would remove the requirement of any jail officer to ascertain the citizenship of any inmate taken into custody. Currently, the jail is required to ask about citizenship during the intake process. This would remove that requirement. Finally, there is a bill that requires the board of corrections to publish the investigations into deaths in jails and provide a summary to be added to their website.

**Matters from the ACRJA Board Members:**

Board Elections: Ms. McKeel was nominated by Mr. Steve Carter to remain the Chairperson for an additional year. Ms. McKeel accepted the nomination. Sheriff Hill seconded the motion. The motion carried. Ms. McKeel will serve as the Chairperson for the Albemarle-Charlottesville Regional Jail Authority Board.
Mayor Nikuya Walker nominated Dr. Tarron Richardson for the position of Vice Chair. Dr. Richardson accepted the nomination. Mrs. Clarens seconded the motion. The motion carried. Dr. Richardson will serve as the Vice Chairperson for the Albemarle-Charlottesville Regional Jail Authority Board. Mr. Walker nominated and made a motion to elect Mrs. Marce Anderson for the position of Clerk for the Albemarle-Charlottesville Regional Jail Authority Board. Ms. Clarens seconded the nomination and motion. The motion carried. Mrs. Anderson will serve as the Clerk for the Albemarle-Charlottesville Regional Jail Authority Board. These positions will be held until December, 2020.

**Matters from Jeff Brill, Business Manager:**
Mr. Brill went over the November 2019 YTD financials (located in the January board packet). Based on compensation and benefits; operating expense; capital expense; total expenditures; and operating income, Mr. Brill expects net income to come in at $277,349. Mr. Brill also went over the FY 21 Draft Budget (located in the January board packet). Mrs. Van Clief asked who determines the rules and regulations regarding work release. Colonel Kumer advised that it is based on the Code of Virginia in addition to the court system as well as the Superintendent.

**Matters from Colonel Martin Kumer, Superintendent:**
**Nursing Status Update** – Colonel Kumer presented a cost analysis to the board (located in the January board packet). We are currently down 4 nursing positions. 2 of the 4 are out on medical leave. We may have two nurses starting next week; however, we may also have two leaving as well. We are still having a difficult time recruiting. We are working with the County on procurement for part-time nursing contracts to get away from this FlexRN contract. However, we do not know if that cost will be any lower than what we are currently paying.

**Flooring** - Colonel Kumer advised that he and Mr. Brill would like to use the positive variance in order to install the flooring system needed for the facility. This is something that can be done now, and completed by the end of this fiscal year. After much discussion regarding all of the projects needed within the facility, it was determined that the best solution would be to wait until the Facility Condition Assessment has been completed. There could be issues that come out of the FCA
Bi Monthly Board January 9, 2020

that require immediate attention. The discussion was put on hold until the March meeting when more information can be provided.

SCAAP – at the previous meeting we stated that the vendor that processes this grant for us, and stated that their fee is 20%. Their fee is 12%. We wanted to make that correction. Mrs. Clarens asked for some additional information regarding SCAAP. Colonel Kumer advised that he would send out the SCAAP website to all board members.

Lab Corp. – We had previously reported that we needed executive approval in order to pay an invoice that was over the original amount that was budgeted for. Since that time, we have entered into a contract.

Generator – One of the generators installed in 1999 that runs the entire facility in the event of a power outage. It blew a head gasket and is currently not functioning. We are currently running an emergency generator. The cost is approximately $70,000 - $75,000 to repair, and approximately $100,000 to replace. We will be looking into the life expectancy of a generator, and whether it is better to repair or replace the existing generator.

Ms. McKeel stressed the importance of board members scheduling a tour of the facility.

New Business: There was no new business.

The meeting was adjourned at 1:58 pm.
'I Lost Hope’ A Look Inside the ICE Detention Center in Farmville

By Mallory Noe-Payne • Jan 7, 2020

A man held for four months at the immigration detention facility in Farmville says he was sick multiple times and became suicidal.

In Farmville, there’s an immigration detention facility. It’s where officials hold men who they allege are in the country illegally. Earlier this summer RADIOIQ requested a tour of the privately-owned facility. It took months to arrange, but in November we were granted access.

The facility is a sprawling compound less than three miles from the small quaint downtown of Farmville. It’s surrounded by tall fences topped with barbed wire. On the day we visited more than 500 men were held inside, although those numbers fluctuate each week. At the height of border crossings earlier this Spring there were more than 800 men there.

Photos and audio weren’t allowed inside the facility,
nor was talking to detainees. The media tour consisted of one other reporter, several ICE officials, and the facility's director. He's employed by the private company that runs the facility.

Working through immigrant advocacy groups, we connected with a man recently released from the Farmville facility. In this story we call him Steve, although that's not his real name. He worried talking to a reporter could impact his still ongoing immigration case.

Steve has lived in the United States most of his life, and he was a kid when his visa expired. But he says those details didn't seem to matter much when he would tell the guards at the facility his story.

"There's some officers that would literally be like, 'Trump is right, you don't deserve to be here. You're not doing anything to help us, so you guys need to hurry up and get outta here.'," he recalled, adding that comments like that often messed with his head.

According to a spokeswoman for Immigration and Customs Enforcement, or ICE, officials prioritize
holding people who are a risk to public safety or a flight risk. Most have criminal charges beyond being in the country illegally, but there are some who don’t. Attorneys we spoke to also say they’ve noticed an uptick of immigrants being detained who may have criminal records, but not violent ones.

Everyone in Farmville is still waiting for their day in immigration court.

While he was there, Steve says he was constantly sick. He blames it on the living conditions.

“Let's just say this was my bunk, the bathroom is right there so you can smell the urine, you know, it wasn’t really that sanitized,” described Steve.

Most detainees are held in big open dorm rooms. There are showers and toilets blocked by a half wall. Some of the dorms hold up to 100 men and are monitored by a single guard.

“When there's so many people, it's not right that they only have one officer in there, you know, it's not even good for us, for our safety, but it's not even good for the officer's safety also because one guy
can't control a hundred men,” said Steve.

Steve described times he saw detainees assault one another, when and where a guard couldn’t see. He also saw guards pepper spray detainees for talking back, or for running towards an outside fence during recreation time. An ICE spokeswoman says she couldn’t respond to anonymous complaints, but officials at the facility did tell me they use pepper spray about 30-times a year.

"If they want me out, then I'd rather be free somewhere than be stuck in this room. It makes you feel powerless."

Steve would keep to himself in order to avoid conflict. He lay in bed for hours. Although visitation is allowed, he didn’t want his family to come see him there. Eventually, he thought about killing himself.

“I kind of lost hope, you know, because I never thought I would see my kid again, or my wife,” he said.
Steve submitted a medical complaint, he says he used the word suicidal and wrote that he had lost hope of everything. He says it took a week or two before officials responded and took him to the medical unit to see a psychiatrist.

Without knowing his name, an ICE spokeswoman couldn’t confirm whether it took that long to respond to his complaint. But officials at the facility say medical complaints are routinely responded to in 24 hours and threats of suicide are taken seriously.

The day we visited a detainee tried to kill himself. Officers used pepper spray to stop him.

There was another man on suicide watch. He was held alone behind glass walls, wearing nothing but a smock made of a special fabric that’s hard to bend. It’s so men can’t choke themselves with it. In the medical unit there was another enclosed room with padding. There was a man inside screaming. Officials said he had psychiatric issues.

For the hundreds of detainees, there’s one full time doctor and one part-time psychiatrist. With nurses
and dental assistants, there are 32 medical staff overall.

There were times, Steve said, when he came close to signing his own deportation papers.

"At the end, I'm just saying, I just want to give them what they want. If they want me out, then I'd rather be free somewhere than be stuck in this room," Steve said. "It makes you feel powerless."

After four months in the facility a judge intervened, ruling that Steve wasn't a flight risk or a threat. He was able to bail out and now he's back with his young son.

But his fight, to stay in the only country he's ever called home, isn't over. His immigration case is ongoing, as are the hundreds of others who still waiting in Farmville.

This report, provided by Virginia Public Radio, was made possible with support from the Virginia Education Association.
**AGENDA TITLE:**

**SUBJECT/PROPOSAL/REQUEST:**
Matters from Business Manager

**STAFF CONTACTS:**
Superintendent: Kumer & Brill

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Compensation and benefits is estimated to come in under budget ($325,803) due to:
- Wages is estimated to come in under budget ($228,852) due to the number of vacancies.
- Overtime Wages and overtime reimbursable is estimated to come in over $25,000 and $23,190 respectively.
- Health insurance is estimated to come in under budget $98,288.

Operating expense is estimated to come in over $88,274.
- Professional Services are estimated to come in over $196,568 due to utilization of outside nursing agency to come for nurses on medical leave and vacancies.
- Health Services is estimated to come in under $241,200 because ACRJ isn’t sending everyone out as did prior year and state contract pricing utilization as well.
- Water and Sewer is estimated to come in over $30,000 due to cost increase and water usage.
- Food supplies expense is estimated to come in over $30,163 due prices increases and population.

Capital expense is estimate to come in over budget $120,593 due to unbudgeted fence repair, skillet grazing pan, backup power unit, Johnson heat controls replacement.

Total expenditures are estimated to come in under budget ($116,936).

Operating income is estimated to come in over budget $167,555.
- Interest income is estimated to come in over budget $40,000.
- Other jurisdiction is estimated to come in over $120,000 due to the housing of contracted Rockbridge regional jail inmates.
- Telephone revenue is estimated to come in over $100,000 due to timing of budget versus contract agreement last year.
- Work release is estimated to come in under $65,000 due to the nonparticipation in the program.
- Electronic monitoring is estimated to come in under budget $9,500 because of the lack of people for the program.
- Pharmaceutical reimbursement is estimated to come in under $50,000 because ACRJ is receiving fewer funds from the state because they are moving state inmates out quicker and they only pay after their inmate is here 61 days or longer.

Net Income is estimated to come in $284,491 over budget.

**Recommendations:** None
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<th>V</th>
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<td>OBJECT DESCRIPTION:</td>
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<td>Nov</td>
<td>Dec</td>
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<td>YTD</td>
<td>Percent of Budget =58%</td>
<td>June 2020 Extrapolation</td>
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<td>114</td>
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<td>Lease Equipment</td>
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<td>122</td>
<td>Subtotal Operating Capital</td>
<td><strong>$158,628</strong></td>
<td><strong>78,608</strong></td>
<td><strong>33,306</strong></td>
<td><strong>17,792</strong></td>
<td><strong>195,362</strong></td>
<td>123.16%</td>
<td><strong>279,221</strong></td>
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**CONSENT/AGENDA**

**PERSONNEL/NEW HIRES:**

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<tr>
<th>Name</th>
<th>Occupation</th>
<th>Date</th>
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<td>Sarah Freeman</td>
<td>Corrections Officer</td>
<td>01/21/2020</td>
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<tr>
<td>Scott Harlowe</td>
<td>Corrections Officer</td>
<td>01/21/2020</td>
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<tr>
<td>Jesse Brochu</td>
<td>Corrections Officer</td>
<td>01/27/2020</td>
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<tr>
<td>Darius Nelson</td>
<td>Corrections Officer</td>
<td>01/27/2020</td>
</tr>
<tr>
<td>Daniel Hawkins</td>
<td>LPN</td>
<td>03/02/2020</td>
</tr>
<tr>
<td>Mahalia Thornton</td>
<td>LPN</td>
<td>03/02/2020</td>
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Lids Reconciliation (State Bonus Payment Breakdown) and Final Out of Compliance Figures

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<tr>
<th></th>
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<tbody>
<tr>
<td>Total number of inmates the jail received a $8.00 bonus payment from 12/1/18 through 2/15/19</td>
<td>115</td>
<td>135</td>
<td>144</td>
<td>136</td>
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<tr>
<td>The number of inmates who have been released or transferred since 12/1/18 through 2/15/19</td>
<td>-38</td>
<td>-63</td>
<td>-65</td>
<td>-41</td>
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<tr>
<td>The number of inmates participating in jail sponsored programs*</td>
<td>-24</td>
<td>-24</td>
<td>-24</td>
<td>-25</td>
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<tr>
<td>The number of inmates with less than 60 days until their scheduled release**</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>The number of inmates who are being held as courtesies for other jurisdictions.</td>
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<td>0</td>
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<tr>
<td>Total number of state sentenced ACRJ inmates who are eligible for intake as of 10/31/18</td>
<td>53</td>
<td>48</td>
<td>53</td>
<td>70 (1)</td>
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</table>

**Percentage of State Responsible inmates compared to jail’s total inmate population**

|                                   | 12.38    | 11.24    | 12.12    | 14.14    |

*These are state sentenced inmates who are not transferred to DOC because they are participating in jail sponsored programs such as Work Release, Home Electronic Monitoring, McGuffey Arts, Culinary Arts and the Road Crew.

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

(1) This number represents 12.38% of the jail's population (428) as of 10:53 am on Tuesday, March 3, 2020

(2) This number represents 11.24% of the jail's population (427) as of 10:14 am on Tuesday, Dec. 31, 2019

(3) This number represents 12.12% of the jail's population (437) as of 1:07 pm on Friday, Nov. 7, 2019

(4) This number represents 14.14% of the jail's population (495) as of 9:07 am on Friday, Sept. 6, 2019

The primary driver for the sharp increase in the State Responsible population is the closure of DOC facilities around the state. This greatly reduced the number of beds available for the intake of state responsible inmates from local jails. In addition there has been an ever increasing backlog of state responsible inmates in local jails all across the state. Last year the DOC instituted a policy to focus on receiving inmates with more than two years to serve as opposed to one year.
### 2018/2019 Census Report

<table>
<thead>
<tr>
<th>Month</th>
<th>COA</th>
<th>City</th>
<th>Nelson</th>
<th>Federal</th>
<th>Other</th>
<th>Total</th>
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<td>July 2018</td>
<td>6,860</td>
<td>5,635</td>
<td>1,769</td>
<td>282</td>
<td>190</td>
<td>14,736</td>
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<tr>
<td>August</td>
<td>6,806</td>
<td>5,560</td>
<td>2,034</td>
<td>339</td>
<td>202</td>
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<tr>
<td>September</td>
<td>6,763</td>
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<td>1,835</td>
<td>257</td>
<td>134</td>
<td>14,661</td>
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<td>October</td>
<td>6,959</td>
<td>5,957</td>
<td>1,862</td>
<td>345</td>
<td>198</td>
<td>15,321</td>
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<td>November</td>
<td>6,608</td>
<td>5,483</td>
<td>2,007</td>
<td>163</td>
<td>199</td>
<td>14,460</td>
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<td>December</td>
<td>7,129</td>
<td>5,357</td>
<td>2,019</td>
<td>162</td>
<td>185</td>
<td>14,852</td>
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<tr>
<td>January-19</td>
<td>7,439</td>
<td>5,401</td>
<td>2,150</td>
<td>126</td>
<td>208</td>
<td>15,324</td>
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<td><strong>Total FY 18/19</strong></td>
<td>48,564</td>
<td>39,065</td>
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<table>
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<th>64</th>
<th>8</th>
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<tbody>
<tr>
<td>Percent</td>
<td>46.56%</td>
<td>37.46%</td>
<td>13.11%</td>
<td>1.61%</td>
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<td>Local Share</td>
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### 2019/2020 Census Report

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<th>COA</th>
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<th>Federal</th>
<th>Other</th>
<th>Total</th>
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<td>4,554</td>
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<td>14,080</td>
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<td>August</td>
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<td>2,329</td>
<td>155</td>
<td>512</td>
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<td>September</td>
<td>6,804</td>
<td>4,653</td>
<td>2,413</td>
<td>146</td>
<td>498</td>
<td>14,514</td>
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<td>October</td>
<td>6,502</td>
<td>4,659</td>
<td>2,450</td>
<td>188</td>
<td>542</td>
<td>14,341</td>
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<td>November</td>
<td>5,907</td>
<td>4,528</td>
<td>2,354</td>
<td>218</td>
<td>486</td>
<td>13,493</td>
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<td>December</td>
<td>5,979</td>
<td>4,446</td>
<td>2,484</td>
<td>246</td>
<td>485</td>
<td>13,640</td>
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<td>January-20</td>
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<td>4,380</td>
<td>2,471</td>
<td>277</td>
<td>461</td>
<td>13,783</td>
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<td><strong>Total FY 19/20</strong></td>
<td>45,697</td>
<td>32,155</td>
<td>16,659</td>
<td>1,413</td>
<td>3,269</td>
<td>99,193</td>
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<td>Percent</td>
<td>46.07%</td>
<td>32.42%</td>
<td>16.79%</td>
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<td>Local Share</td>
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<td>34.02%</td>
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| FY 2019 | 48,564 | 39,065| 13,676| 1,674 | 1,316 | 104,295 |
| FY 2020 | 45,697 | 32,155| 16,659| 1,413 | 3,269 | 99,193 |

| Variance | (2,867) | (6,910) | 2,983 | (261) | 1,953 | (5,102) |
| Percent Change | -5.9% | -17.7% | 21.8% | -15.6% | 148.4% | -4.9% |
# ICWFP STATS 2020

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<th>Oct</th>
<th>Nov</th>
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<td>$22,732.38</td>
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Special Management Housing at ACRJ

During the month of February 2020, special management housing stats are as follows:

- 23 inmates were assigned to Administrative Segregation
- 4 inmates were assigned to General Detention
- 23 inmates were assigned to Medical Segregation
- 21 inmates were assigned to Pre-Hearing or Disciplinary Detention
Summary Minutes of the
Albemarle Charlottesville Regional Jail Authority Board Meeting
November 14, 2019

Jail Board Members Present:
Ms. Diantha McKeel
Mr. Jay James
Mrs. Kristin Clarens
Mrs. Cyndra Van Clief
Sheriff “Chip” Harding
Mr. Doug Walker
Sheriff James Brown

Jail Board Members Absent:
Sheriff David Hill
Mr. Steve Carter
Dr. Wes Bellamy
Mr. Mike Murphy

Others Present:
Colonel Martin Kumer
Captain Aaron Carver
1st Lieutenant Virginia Schmittinger
Mrs. Marce Anderson
Ms. Felicia Morris
Mrs. Gequetta Murray-Key
Mr. Robert Barnabei
Mr. Jeff Brill
Mr. Brendan Hefty
Captain William Thomas

The meeting was called to order at 12:30 pm by Chairperson Diantha McKeel. Ms. McKeel asked everyone to introduce themselves. Mr. Walker made a motion to adopt the agenda. Mrs. Clarens seconded the motion. The motion carried. Ms. McKeel asked if there were any corrections that needed to be made to the minutes. Mrs. Clarens made a motion to adopt the consent agenda as presented. Mr. Walker seconded the motion. The motion carried.
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**Matters from the Public:**

Ben Doernberg – Mr. Doernberg stated he wanted to ensure that someone was at every meeting to talk about the decision to continue collaborating with ICE. Mr. Doernberg finds it frustrating and depressing that members of this board are allowing ICE in the community.

**Matters from Brendan Hefty, ACRJA Attorney:**

There were no matters from Mr. Hefty.

**Matters from the ACRJA Board Members:**

There were no matters from members of the board.

**Matters from Jeff Brill, Business Manager:**

Mr. Brill presented the June 30, 2019 audited financial report. Mr. Brill advised that the board will need to decide what to do with the net income of $290,000 that was generated over the last year. If the board were to decide to return those funds to the localities, Nelson County would receive $20,000; City of Charlottesville would receive $150,000; Albemarle County would receive $119,000. Mr. Brill’s recommendations are to transfer the net income to capital projects fund to offset expense associated with two significant capital projects. 1) Repair/replacement of the Jail’s obsolete and inefficient HVAC system in the inmate housing areas in the old portion of the facility. The HVAC project is estimated to cost approximately $1,000,000. 2) The refurbishment of the facilities floor coverings in the inmate housing areas in the old section of the jail and all shower units throughout the facility with an industrial epoxy floor covering. This project has been estimated to cost $250,000. These projects could be split over one or more fiscal years to reduce the financial impact on the localities. Mr. Walker asked for the current balance of the Capital Projects fund. Mr. Brill stated that the current balance is $786,000. We had agreed to keep the balance at $500,000. However, $285,000
Bi Monthly Board November 14, 2019

has been set aside for the radio infrastructure. Mrs. Van Clief asked what portions of the jail would need new flooring. Colonel Kumer advised that the older portions of the jail would receive the new flooring; East Side, West Side, and the Ground Floor. Mr. Walker stated that it seems responsible to recognize the age of this facility and the need to reinvest in it. If we do not use this positive variance as a funding source, we will be going back to our jurisdictions requesting funding. Mr. Walker recommends reinvesting the positive variance into the Capital Projects Fund. Sheriff Harding asked if the board had the legal authority to retain that money, or is the board compelled to give it back to the localities. Mr. Hefty advised that those can be reinvested if a majority of the board wants to keep it in the capital reserve in lieu of returning it to the localities. Ms. McKeel stated that she is in agreement with Mr. Walker. This is an aging facility and those funds should be reinvested. Mr. Walker made a motion to retain the operating cash to be moved it to the capital cash fund account. Sheriff Harding seconded the motion.

Roll call:

Mrs. Van Clief yes
Mrs. Clarens yes
Ms. McKeel yes
Mr. Walker yes
Mr. James yes
Sheriff Brown yes
Sheriff Harding yes

The motion carried.

Ms. McKeel stated that this is the time for budget committee appointments. Colonel Kumer advised that typically, there has been a representative from each locality. In previous years, it has been Mr. Murphy, Mr. Walker, and Mr. Carter. Committee members meet once in December and once in January. The numbers are generally finalized in March. Mr. Walker stated that every line item is reviewed and we look for major changes and drivers. Mr. Brill advised that any board member interested in attending may do so.
Matters from Colonel Martin Kumer, Superintendent:

Facility Condition Assessment – Several months ago, the board expressed interest in a formal assessment to address the short term and long term needs of this facility. That is called a facility condition assessment. We spoke with Blue Ridge Juvenile Detention Center and the vendor who completed this type of assessment for them in 2013. We weren’t necessarily going to use that vendor, but they were able to give us a ball park figure with regard to cost. A facility condition assessment will cost approximately $35,000. It would take approximately 3 months to complete. We are asking the board for permission to begin the RFP process to procure a vendor to complete the facility condition assessment. Mrs. Clarens made a motion that Superintendent Kumer proceed with the RFP process for a Facility Condition Assessment. Sheriff Brown seconded the motion.

Roll call:

Mrs. Van Clief       yes
Mrs. Clarens         yes
Ms. McKeel          yes
Mr. Walker           yes
Mr. James            yes
Sheriff Brown        yes
Sheriff Harding      yes

The motion carried.

Fiscal Agent Analysis: We have previously discussed the cost associated with using Albemarle County as our fiscal agent. We have had someone come in and look at the cost for the jail. They will now be reaching out to the county to speak with their staff to determine the final cost associated with the jail being its own fiscal agent. The county is also doing their own analysis for all of the agencies that they act as the fiscal agent. We are hoping to have the final analysis completed and presented to the board by the January meeting.
Lab Corp Invoice: We are seeking the board’s executive approval to pay an invoice from Lab Corp. Lab Corp does medical testing. Previously, we were contracted with Anthem. Anthem uses Lab Corp for all of their testing. Lab Corp processes the results, and bills Anthem for the service. Anthem then charges the jail a 20% administrative fee. Mrs. Deutchman (Medical Office Manager) decided that it was a better idea to go through Lab Corp directly to process medical testing, not a 3rd party. We didn’t realize how much we were paying Lab Corp for their services. When an Anthem bill is received, it is not itemized to that degree. We were under the impression that the Lab Corp bill would be well under the $5,000 limit. Our first bill was $4,900. The county’s procurement policy states that anything over $5,000 in a 12 month period must be procured. We have now received an additional bill in the amount of $9,000. We will need executive approval in order to pay those two invoices, and any future invoices that my come in prior to the contract being signed with Lab Corp. There is a current state contract that we are able to ride. Once we have everything set up, we will be able to pay immediately. Mr. Walker made a motion to pay invoices for September, October, November and December, recognizing that there is no additional money being requested as the funds are already in the medical budget. This would be a reallocation of funds. Sheriff Brown seconded the motion. The motion carried.

Nursing Contract Update: We are still under the emergency contract for the temp nursing agency. We have increased our recruiting efforts. We’ve offered a $1,000 referral incentive for current staff. We are currently working with a recruiting agency that we pay a flat fee for nurses we are able to hire. The county is also working on an RFP for temporary staff. We have hired some nurses through the recruiting agency. We are down 2 nurses and we have 3 contract nurses currently. Mr. Brill stated that he didn’t know if the additional $50,000 was going to be enough to cover the invoices for the contract nursing company, Flex RN. It was decided by the board to come back in January and handle any additional invoices at that time.

Food Vendor Update: The issues have been worked out and we are under the new contract.
SCAAP Grant: State Criminal Alien Assistance Program is a federal program that provides money to states in order to offset the cost of housing aliens. This is a grant that must be applied for by the individual jurisdictions. The data is sent to a 3rd party. Once the 3rd party has compiled the information they send it in with the application at a cost of 22%. Colonel Kumer reached out to other jails to see if any others were processing their own SCAAP Grant applications. There was 1 jail that advised they were doing their own SCAAP. Mr. Brill and our Records Supervisor visited that jail to see if this was something we would be able to do. Unfortunately, with our current Jail Management System, we would not be able to process our own SCAAP. Even if we did have the JMS that would allow us to retrieve the data for the application, do we have the staffing to be able to complete the application? We are also looking to see if there is another vendor that will complete the application at a lower cost.

New Business: Ms. McKeel advised that board elections will be held in January. Ms. McKeel stated that all board members should tour the facility in preparation around the discussion of the facility condition assessment. Each member should reach out to either Colonel Kumer or Mrs. Anderson to schedule a tour in the coming weeks.

The meeting was adjourned at 1:41 pm.
**AGENDA TITLE:**
Facility Condition Assessment update

**SUBJECT/PROPOSAL/REQUEST:**

**STAFF CONTACTS:**
Martin Kumer, Superintendent  
Captain Thomas, Chief of Facilities

**AGENDA DATE:**
March 12, 2020

**ITEM NUMBER:**

**FORMAL AGENDA:**

**ACTION:**

**INFORMATION:** Yes

**CONSENT AGENDA:**

**ACTION:**

**INFORMATION:**

**ATTACHMENTS:**

**REVIEWED BY:**
Martin Kumer, Superintendent

**BACKGROUND:**

The Jail has selected a vendor to conduct a Facility Condition Assessment, FCA, at the cost of $28,000. This cost will be absorbed in this year's budget.

We are currently working with the vendor to finalize the contract. Once approved the work should take approximately 60 days to complete. Although it is possible the assessment will be done in time to be presented at the May 14 board meeting, it will more likely be the July 9 meeting when it will be presented.

Included below are recent pictures taken of the oldest sections of the jail. The photos represent the most dire and urgent areas of concern for both safety and security reasons. The FCA will focus on these issues as well as mechanical and HVAC systems etc..

**RECOMMENDATION:**

Information only.
BACKGROUND:

As of today, March 6, 2020, the Jail’s medical department is still relying on contract nursing to fill two (2) vacant positions.

Since the last jail board meeting, January 9, 2020, two nurses have been terminated and we have hired two nurses.

Of the 14 LPN positions, we currently have one nurse out on medical leave and one vacant position.

We are still focusing on recruiting and have two well qualified prospects we are hoping to hire in the next few weeks.

The additional cost of the contract nurses will absorbed in this year’s budget

RECOMMENDATION:

Information only.
BACKGROUND:

The facility as seen a decrease in the number of applicants for vacant security positions over the last few months. In addition, we have lost seven (7) certified and seasoned officers to local law enforcement agencies and local facilities.

Those former staff and current staff have recently informed us that one of the compelling reasons for the reductions in applications and loss of certified staff are due to our lower starting salaries compared to other criminal agencies in central Virginia.

We have conducted a survey of those agencies and discovered that for the first time, this facility has the lowest starting salary for correctional staff. Over the last year those facilities have had to raise their starting salaries to compete with this organization. It should be noted that not only do we now have the lowest starting salary in Central Virginia, we also have the highest cost of living compared to our partner agencies. This is making it increasingly more difficult to recruit and retain qualified staff.

Our starting salary is $34,009 and after one year is $35,539.
Middle River Regional Jail’s starting salary is $35,088 and after one year is $38,354
Central Virginia Regional Jail's starting salary is $39,259 and after one year is $41,221
The University of Virginia Security Officer’s starting salary is $35,000.
Augusta County Department of Corrections starting salary is $36,069.
Fluvanna County Department of Corrections starting salary is $33,394, plus a $4,500 sign on bonus.
RECOMMENDATION:

I am seeking the board’s permission to propose a budget neutral plan in the May board meeting to raise the Officer starting salary by $4,500 from $34,009 to $38,509 in fiscal year 21 beginning July 1, 2020. The plan will include vacancy savings from the elimination of two positions through attrition, reallocating the flooring budget to salaries and additional Compensation Board funding.

Included in the plan, I will also propose to apply the same amount, $4,500, to all certified staff who are working in a certified officer position. This will eliminate compression that would otherwise be created by raising the starting salary. This will account for 91 employees out of the current 162 staff members. The Superintendent and other non-security members of the Command Staff are not included in the above 91 employees.

Civilian staffs’ salaries, administrative support, case managers and nurses, remain highly competitive with similar positions in other central Virginia criminal justice agencies and local medical facilities.

The total estimated cost is $475,000.
BACKGROUND:

The following is a copy of an Immigration and Customs Enforcement media release published by the Daily Progress. The letter following is my response to their statement.

ICE arrests illegal alien charged with indecent liberties with a child after detainers ignored by Albemarle-Charlottesville Regional Jail

U.S. Immigration and Customs Enforcement (ICE) sent this bulletin at 02/05/2020 12:57 PM EST
ICE arrests illegal alien charged with indecent liberties with a child after
detainers ignored by Albemarle-Charlottesville Regional Jail

WASHINGTON – On Feb. 3, U.S. Immigration and Customs Enforcement’s (ICE) Enforcement and Removal Operations (ERO) arrested Marissa Martinez, 29, also known as Wilson Yovani Martinez or Maritza Martinez, an unlawfully present Guatemalan national after she was released by Albemarle-Charlottesville Regional Jail despite a lawful immigration detainer. Martinez had pending charges for sexual assault of a child and assault when she was released from the Albemarle-Charlottesville Regional Jail and has since been re-arrested charged with felony indecent liberties with a child. After the second arrest, she was again released from the Albemarle-Charlottesville Regional Jail a second time, despite an active detainer. Martinez was released back into the community instead of being turned over to ICE.

On May 9, 2018, Martinez entered the U.S. and was arrested by U.S. Customs and Border Protection at the San Ysidro Port of Entry in San Ysidro, Ca. She was transferred to ICE custody and released on an ankle monitor on July 27, 2018. She complied with the monitoring terms and was removed from the monitoring program on Mar. 3, 2019, while pending her immigration proceedings.

On Nov. 30, 2019, the Charlottesville, Va., Police Department arrested Martinez for misdemeanor sexual assault of a child and assault, and ICE lodged a detainer with the Albemarle-Charlottesville Regional Jail on the same day. However, despite the detainer, the facility released Martinez on bond, providing only one-hour notice to ICE officers before she was released back into the community.

On Jan.3, the Albemarle County Police Department arrested the Martinez for felony indecent liberties with a child. ICE lodged a second detainer the same day. On Jan. 21, again, the Albemarle-Charlottesville Regional Jail released Martinez and again did not provide enough time for ICE officers to assume custody. As a result, Martinez was released back into the community for the second time.

On Feb. 3, ICE officers arrested Martinez in Charlottesville, Va. She is currently detained at
the Caroline Detention Facility and will remain in ICE custody pending the result of her immigration proceedings.

“When detainers are ignored, and criminal aliens are released back in the community, our greatest fear is that they will reoffend. That is precisely what is alleged to have happened here. The Albemarle-Charlottesville Regional Jail chose to ignore a lawful detainer which would have kept this individual off the street and instead made a bad-faith attempt with one-hour notice, not just once, but twice.” said Russell Hott, the ERO Washington, D.C. field office director. “When we’re talking about the safety of a child, there’s no room to play political games.”

About Detainers

Under federal law, ICE has the authority to lodge immigration detainers with law enforcement partners who have custody of individuals arrested on criminal charges and who ICE has probable cause to believe are removable aliens. The detainer form asks the other law enforcement agency to notify ICE in advance of release and to maintain custody of the alien for a brief period of time so that ICE can take custody of that person in a safe and secure setting upon release from that agency’s custody. Yet, across the United States, several jurisdictions refuse to honor detainers and instead choose to willingly release criminal offenders back into their local communities where they are free to offend.

Congress has established no process, requirement, or expectation directing ICE to seek a judicial warrant from already overburdened federal courts before taking custody of an alien on civil immigration violations. This idea is simply a figment created by those who wish to undermine immigration enforcement and excuse the ill-conceived practices of sanctuary jurisdictions that put politics before public safety.

Sanctuary Policies Put Public Safety at Risk

When law enforcement agencies fail to honor immigration detainers and release a criminal alien onto the streets, it negatively impacts public safety. Any local jurisdiction thinking that refusing to cooperate with ICE will result in a decrease in local immigration enforcement is mistaken. Local jurisdictions that choose to not cooperate with ICE are likely to see an increase in ICE enforcement activity, as the agency has no choice but to conduct more at-large arrest operations. A consequence of ICE being forced to make more arrests on the streets, the agency is likely to encounter other unlawfully present foreign nationals who would not have been encountered had we been allowed to take custody of a criminal target within the confines of a local jail. Additionally, once these criminals are out on the street, confirming their whereabouts is often time consuming and resource intensive. Many of our
Superintendent’s Response

It is unfortunate that the Office of Immigration and Customs Enforcement (ICE) and Mr. Hott would blame a fellow partner criminal justice agency for ICE’s inability to perform their duty. It is even more disturbing that they would do so without even a courtesy call to discuss the concern. This facility does not treat its criminal justice partners in this manner.

On both occasions, the individual in question was bonded on all of their local charges. This facility followed to the letter the well-established and understood policy and procedure between ICE and this facility that has been in place for well over three years. The procedure is to contact the ICE Deportation Officer immediately after receiving the final paperwork from the courts that authorizes a person’s release. In both instances with this individual, ICE was notified within minutes of receiving the final paperwork.

The first incident in which the person was released on January 3, 2020, ICE was notified immediately at 11:21am of their pending release. We stated due to the individuals being processed ahead of her that it would be approximately 1:00pm before she would physically be released. At 11:34am, the ICE agent responded by email stating “I ran back to the office to check on this guy. We will not be picking him up. He is already in proceedings on our non-detained docket. Thanks.” ICE made no attempt to take custody of this individual and the person was promptly released.

The second incident occurred on January 21, 2020, ICE was again immediately notified within minutes of receiving the final court ordered release. ICE responded by saying “We will not pick-up, busy in Culpepper with other business.” Again, ICE made no attempt to take custody of this individual. The individual was promptly released one hour later.

As proven above, it is disingenuous at best, for ICE to say that the detainers were ignored when by their own admission we complied with them to the best of our ability as per established policy and procedure. This is the same policy that is followed by almost every single jail in Virginia.

For ICE to say that our “one hour” notification was in “bad faith” is also disingenuous since they are fully aware that we and all jails in Virginia operate under the former and current Office Attorney General Opinions most recently dated April 12, 2019, which states, “It is my opinion that the conclusion reached in the 2015 Opinion remains valid. The issuance of an I-247A Immigration Detainer, whether or not accompanied by and I-200 Warrant for Arrest of Alien, does not obligate or authorize local Law Enforcement Agencies to detain or arrest individuals for civil violations of immigration laws.” In other words, no jail may hold any person past their scheduled release date. Therefore, we are required to release individuals if ICE cannot or will not take custody of them prior to their release.

In both cases, Ice was notified as soon as possible and ICE declined to take custody of the individual. Therefore, the individual was released as scheduled per established policy and procedure with ICE and in compliance with the Office of Attorney General’s Opinion.

I appreciate the hard work of our team of professionals do every day to help protect our community and I am proud of how they handled this situation.
It is unfortunate that Mr. Hott chose to ignore the facts in this situation and blame a partner agency for ICE’s lack of resources and inability to perform their duty. This facility will not compromise its integrity and professional standards in order to compensate for another agency’s deficiencies. Mr. Hott should be ashamed of himself for implying that a fellow criminal justice agency would do that.