

WVDCR JAIL BOARD MEETING

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SPECIAL MEETING

Wednesday – August 4, 2021 – 1:00 p.m.

Meeting held at WVDCR Central Office 1409 Greenbrier St. Charleston, WV 25311

The meeting was called to order at 1pm by Chairman Couch.

Betsy Jividen performed a roll call of members.

Members Present:

1. David B. Couch, Chairman
2. Jeff Sandy, WVDHS Cabinet Secretary
3. Allan McVey, WVDOA Cabinet Secretary (telephone)
4. Betsy Jividen, WVDCR Commissioner of Corrections
5. Charles Zerkle, Sheriff (telephone)
6. George Cozens, Law (telephone)

Member Absent:

1. David Hinkle, County Commissioner
2. Matthew Arvon, Doctor
3. Bill Marshall, Assistant Commissioner, Juvenile Services

Others Present:

Brad Douglas, DCR Chief of Staff
Stacey Nowicki-Eldridge, WVDHS General Counsel
Michael Cutlip, DAS Deputy Director
Sheila Daves, Executive Assistant/Minutes

Motion to approve the previous meeting minutes: Allan McVey

Second: Jeff Sandy

None Opposed

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Financial Briefing, Per Diem and Savings: Bryan Arthur provided a packet to the board that contained the following information.

1. Historical per-diem rates
2. What the per diem pays for
3. Jail per-diem revenue
4. Bond debt payments and court fee collections chart along with the difference
5. Revenue used for payment of the bonds
6. A jail expenditure chart
7. Per diem freeze impact
8. Aging report

Mr. Arthur explained to the board what operational costs that the per diem pays for and how the per-diem doesn't have anything to do with the bonds. The collection of court fees, commission from inmate phone revenue and commissary, as well as inmate social security offset the bond payment. Mr. Arthur advised the board that bond payments are no longer needed as the bond debt has been paid in full as of June 30th, 2021.

Mr. Arthur said the state appropriated monies to offset the jail per-diem difference from what prisons are paying, freezing the jail per-diem rate at \$48.25 for another year.

The change of conviction and sentencing date saved the counties 12 million from fiscal year 2019 to fiscal year 2021.

Ms. Jividen mentioned how DCR received an increase in per diem after renegotiating the federal contracts with FBP, ICE, US Marshals.

Chairman Couch asked the board to review the documents Mr. Arthur provided and send any questions to Secretary Sandy and Commissioner Jividen in an email.

Work that needs to be performed at jails and bond reserve overview:

Mr. Sandy said the facilities went over a decade without significant repairs before the current administration took office. The average age of jail facilities in WV is around 23 years with Eastern Regional Jail being the oldest. Permission was obtained from Governor's office to explore ways to fix 80 million dollars worth of repairs needed in the jail system. Brad Douglas said the needs of each facility are prioritized and gave examples of what repairs are needed.

Ms. Nowicki explained current reserve and where it currently sits. Ms. Nowicki said in a previous meeting that was held in the house judiciary committee with county representatives and some legislative members to discuss the reserve fund and how it should be utilized once the bonds are paid off. All agreed that the Board would vote on how the reserve fund should be utilized. Ms. Nowicki said with permission from the Governors office, DCR reached out to WVDOA secretary and his counsel to start discussing concerns that were had of the unfunded maintenance liability that exist in the jails. She said PRAAG, a state bonding entity, looked at the issue and determined with the funding stream that a certain amount of money could be financed through bonding with the current revenue of court costs.

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PRAAG expressed concerns with the reserve funds of current bonds being used for anything. PRAAG is worried about what the funding mechanism was for the reserve fund. Ms. Nowicki said no one has been able to produce any type of document of where the money came from, and they are assuming it was money on hand came from general revenue. The suggestion is to utilize the reserve fund in any future bond endeavor involving the state. The board does not have authority to pursue bonds. All would be handled through the Department of Administration.

Chairman Couch asked if court cost would still be accruing as the bonds have been paid. Ms. Nowicki said it will unless there is a statutory change.

Mr. Sandy said if the state done things differently back in 2015, the Anthony Correctional Center (ACC) that closed due to mold would still be open today. If the facilities do not get the needed repairs, it will cost in the long run.

A board member asked what type of motion should be projected. Mr. Sandy suggested with chairman's approval, a vote of support. Ms. Nowicki said the board can vote to support the exploration of bonding to fix the jails. The second option would be to decide how to use the reserve funds. If the board supports the exploration of future bonding, it would be appropriate for the board to vote to either hold in abeyance a vote on the reserve fund, or vote to permit the discussions of using the reserve fund to fund the reserve of future bonds.

Mr. McVey will reach out to PRAAG

Ms. Nowicki phrased the motion on Mr. McVeys behalf –

Allen McVey: Motion to approve going forward with a new bond issue with the use of the current reserve funds as long as final authority was brought back to the board for another vote when the bonds are issued.

Second: Chuck Zerkle

None Opposed

GOALS Overview: The Goals program began in January of 2019. Since it began, it has saved the counties over 2 million, and the state, at least 1 million. An inmate will need to be sentenced to the GOALS program by the judge. If an inmate successfully completes the program, they can go before the judge for a sentence adjustment.

Medical Contract: The consolidated medical contract is out to bid; Mr. Douglas explained the bidding phase. The average national cost for inmate medical treatment is around \$6,000 a year. Dr. Arvon previously mentioned health insurance for inmates, but the board must realize that DCR cannot do that due to Corrections being required to have a certain standard of urgent care. Ms. Nowicki said it is more cost affective to have the medical care within the facilities.

Employment Issues/Eastern panhandle: Mr. Douglas said employers are having a hard time hiring staff everywhere and corrections is not any different. The correctional officer vacancy rate is 29 percent with Eastern Regional Jail being at 53 percent and Potomac Highlands Regional Jail at 49 percent. DCR is taking steps to hire correctional officers and exploring possible legislative action and working with the Division of Personnel. Maryland is hiring any Correctional Officer from any state at \$50,000 to start making it more challenging.

Motion to Adjourn: Chuck Zerkle

3:13pm