



**Human Rights Commission  
Meeting Minutes  
Regular Meeting  
February 17, 2022  
Virtual/Electronic Meeting  
6:30 pm**

Public link to meeting rebroadcasts on Boxcast: <https://boxcast.tv/channel/vabajtzeuyv3iclqx1a>

Public link to HRC documents on Box: <https://app.box.com/s/xy3wnn2s1tj8h7trkknvd79bipyxezy>

**1. WELCOME**

- a. CALL TO ORDER
  - i. Chair, Jessica Harris, called the meeting to order at 6:31 pm
- b. ROLL CALL
  - i. Jessica Harris
  - ii. Ernest Chambers
  - iii. Mary Bauer
  - iv. Jeanette Abi-Nader
  - v. Wolfgang Keppley
  - vi. Andrew Orban
  - vii. Lyndele Von Schill
  - viii. Guest panelists Councilor Sena Magill and Col. Martin Kumer
  - ix. Kathryn Laughon (arrived 6:48pm)
- c. MISSION (recited by all): *Act as a strong advocate to justice and equal opportunity by providing citywide leadership and guidance in the area of civil rights.*

**2. MATTERS BY THE PUBLIC**

- a. PUBLIC COMMENT
  - i. Richard Feero
    1. Works at a non-profit in the Prospect community
    2. Has been trying to communicate with former employees who have been incarcerated, but it has been difficult; has also found that the individuals are being given very little time outside of their cells every day
      - a. Very little human contact; no extracurriculars or religious activities
    3. Would like HRC to do something to loosen restrictions, as Richard is worried about these individuals' mental health
- b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC
  - i. Commissioner asks where these individuals are incarcerated
    1. Albemarle-Charlottesville Regional Jail (ACRJ)
  - ii. Since the Commission is under the purview of the city, Chair is unsure if it will have jurisdiction in this issue; however, the HRC has written a letter to the ACRJ that will be addressed later in this meeting

**3. MINUTES**

a. Review of minutes from 1/20/2022

i. Vote

1. In favor: 6
2. Opposed: 0
3. Abstained: 1

**4. BUSINESS MATTERS**

a. Chair update

i. Councilor Payne will be meeting with Jessica and Ernest regarding the upcoming panel discussion; would like to talk with the Commission later during this meeting to discuss the Councilor meeting

ii. Mark dates for upcoming HRC events (housing panel discussion, town hall, and annual retreat)

1. Annual retreat is later this year (4/23) to allow for a smoother transition of a new Commission (new term will begin 3/1)
2. New Commissioner will be Erika Robinson
3. Applications are now closed; there will be a Commission of 9

b. Updates regarding letter to Council about COVID-19 conditions at ACRJ

i. Letter was sent to ACRJ and City Council on 1/31 regarding concerns raised at the last HRC meeting

1. Concerned about inadequate distribution of cleaning supplies, low staff and inmate vaccination rates, poor facility ventilation, lack of transparency regarding ACRJ staff use of preventative controls, and lack of mask use within the facility
2. Asked City to review this and made request for someone to view conditions

ii. Councilor Magill (who is on the ACRJ Board) and Col. Kumer are present today to respond to the letter

iii. Councilor Magill says she has only been on the Board for two meetings; she brought up the HRC's concerns to Col. Kumer, who then volunteered to speak here today

1. Will allow Col. Kumer to respond

iv. Commissioner asks Councilor Magill to explain her role on the Board

1. She responds she is still in the process of determining her role
2. The Board is an oversight board
3. The two meetings so far have been about accessibility of medical care; has asked for explanations of the system and care provided to individuals there
4. Is planning to visit the jail soon to view conditions, but current COVID conditions are preventing her from doing so

v. Commissioner asks who has the authority to mandate changes

1. Col. Kumer does not know who can mandate his staff to have vaccines; however, to make changes, this conversation is part of the process
2. There is not any one person with all of the power; Col. Kumer's boss is the ACRJ Board Authority, which is made of all three sheriffs of Nelson County, Albemarle County, and City of Charlottesville; three executive representatives from each jurisdiction (Steve Carter, Doug Walker, and Ashley Marshall); one at-large and one citizen representative of the City and

- County; and a member of each City Council or Board
- 3. There are other regulatory agencies like the Dept of Corrections and Dept of Criminal Justice Services that also make sure Col. Kumer's actions comply with the law
- 4. The Board has the authority to mandate changes, even if Col. Kumer disagrees
- vi. Commissioner asks about the current COVID status at the ACRJ, and what has been the response to the policies the HRC has either recommended or inquired about
  - 1. 17 active COVID cases; had not had a positive case in the last three days, but there was a positive this evening
  - 2. Peak was 3.5 weeks ago, and cases have declined ever since
  - 3. Cases reflect that of the surrounding area; when there are higher cases in the community, there will be higher cases in the jail
  - 4. Believes cases are on the decline, but still intends to keep restrictions in place
- vii. Regarding cleaning supplies
  - 1. Cleaning supplies are issued 2x per day (in the morning and evening)
  - 2. The jail uses the chemical Lemonex to kill the COVID virus, mold, etc. (recommended by the EPA and CDC)
    - a. There are certain chemicals you cannot use in an occupied area
    - b. Lemonex is blue, so many people think it is Windex that is being used
  - 3. Jail does not provide hand sanitizer to anyone except staff
    - a. Because CDC recommends that soap and water is the best way to prevent COVID, which is always available
    - b. Because hand sanitizer must be 60% or greater alcoholic content, and about 70% of the jail population has substance abuse issues (there is a possibility of someone abusing the sanitizer and becoming very ill)
  - 4. Dept of Corrections Standards says jail cannot leave cleaning supplies inside a housing unit because of potential for being misused, and if there are too many, there can be noxious fumes
    - a. Also, the living area itself is small with many people, and since the virus is spread by air, the cleaning supplies are not as effective
- viii. Regarding masks and vaccine mandates
  - 1. All inmates are given two masks, but because of the large number of people in a small space, masks are not as effective in the housing units
  - 2. However, masks are required in the hallways as inmates move throughout the facility
  - 3. Staff are required to wear an N95 mask when 6ft or less from an inmate or when entering a housing unit
    - a. Are requested to wear an N95 at all times, but there are long shifts

4. Inmate vaccine rate is 64%; the population is always changing (new unvaccinated people are often coming in), so this 64% rate is the maintained figure
5. Staff vaccine rate is 63%; there is a \$150 incentive after a second dose and another \$150 incentive to get a booster
6. Inmates are immediately asked when they come in whether they are vaccinated, and if they are not, they are offered the vaccine then and there (vaccinations are checked)
  - a. Are offered a canteen bag of snacks for every dose they get
  - b. Some individuals refuse to get vaccinated, and sometimes, the virus spreads despite vaccinations
- ix. Commissioner asks about preventative protocols; asks why Col. Kumer cannot mandate staff to get the vaccine and what other factors are preventing the 64% figure from being higher
  1. Supply is not an issue; jail gets vaccines directly from the state
  2. There is a vaccine clinic every Thursday, and if someone wants a vaccine before leaving, they can get one
  3. Cannot force inmates to take the vaccine or withhold their rights until they take the vaccine
- x. Commissioner asks what preventative procedures are in place
  1. New inmates get a health screening, including a temperature check, symptoms check, and COVID test; then, if negative, they will go to a quarantine unit with anyone else who came in the same day for 14 days
    - a. If they test positive in that time, they will immediately go into quarantine with individuals who are also positive
  2. Then, they will be placed in general population
- xi. Commissioner asks what the jail has done in terms of home electronic incarceration
  1. Home incarceration is usually the most efficient way to get inmates out of the jail
  2. Expanded the program greatly for COVID; turned it into the largest program in the state in terms of percentage of population and numbers (at one point there were 85 people in the program out of a jail population of ~360)
  3. Now, there are 59 people in home electronic incarceration and 294 people in the facility
  4. Constantly screening people in the population to ensure that everyone who is eligible to be in the program is given the opportunity
  5. Also use home electronic incarceration pre-trial for those not allowed out on bond
    - a. Those at greater risk for COVID are especially put in home incarceration
  6. Sometimes, the crimes that people have committed prevent them from entering the program (murder, rape, robbery, domestic violence, malicious wounding, etc.)
- xii. Commissioner asks if the rates are different for women vs men

1. Not a huge difference in infection rates, though rates will change if one gender's bloc has an outbreak and the other doesn't
  - a. Would assume men's rates may be higher because men's housing areas are larger
2. Facility is currently about 90% men and 10% women
- xiii. Commissioner asks about the possibility of using filtration units
  1. The building is old and does not have duct work; however, they are looking into this for the expansion
- xiv. Commissioner asks if unvaccinated individuals receive regular testing or testing when showing symptoms
  1. If they have been exposed or are symptomatic, they get tested; are asked to screen for symptoms
    - a. No weekly testing; Commissioner notes that non-regular testing allows for more spreading when cases are non-symptomatic
  2. Staff are provided 10 days' leave when sick
  3. Operate under the idea that every person one comes into contact with is positive
  4. Tests given to new inmates are rapid tests; PCR tests are also available, but Col. Kumer is not sure when they are used
- xv. Commissioner asks about Mr. Feero's comment about inmates being denied access to religious services
  1. Churches are not being brought into the facility at this time, but the jail's non-denominational chaplain and his assistant chaplain and volunteers work every day; religious access has never stopped
  2. Commissioner asks why individuals may feel their religious needs are not being met
    - a. Church services used to be brought inside the jail which people could sign up for; this is no longer happening, but there are two paid staff and five volunteers who can provide cell-side services
  3. Col. Kumer offers Mr. Feero his cellphone number if he wants to discuss his concerns in greater detail
  4. Commissioner asks about the mental health of inmates
    - a. Jail stays are difficult for mental health; average length of stay for men is 60 days and average length of stay for women is 34 days
    - b. Jail tries to combat loneliness through tablet system (available 8am-11pm) through which inmates can access virtual visits, a phone books, movies, games, etc.; some services cost money while others are free
    - c. There is a full mental health team that can provide services to inmates when they need it
    - d. Commissioner asks for Col. Kumer to summarize these points and send it to the Commission
  5. Commissioner asks if there may be a difference between what is available to inmates and what they are aware is available to

them

- a. Inmates are handed the tablet upon arrival, the chaplain travels throughout the facility, the handbook given to all inmates has information, and staff members are available for questions
  - b. Not every inmate may be aware of this information, though there are plenty of ways to find it
- xvi. Commissioner asks if those in the home electronic incarceration program are being charged
1. Individuals who determine themselves able to pay can pay, though the vast majority of people do not pay
  2. \$4 per day for inmates by jail; \$3.50 per day for jail by monitoring company (extra 50 cents for inmates is for drug/alcohol test)
  3. Before the pandemic, it was \$13 per day, and the state of VA required jails to charge a fee for home electronic incarceration services; jail immediately waived all fees when the pandemic began
  4. Commissioner asks if the \$13 per day will come back
    - a. Before, the state had required jails to charge, but Col. Kumer worked with Delegate Sally Hudson to get the law changed, so no inmates will be charged for services now unless they are able to pay the \$4
- xvii. Commissioner asks if Col. Kumer is not allowed to require staff vaccinations, or if he does not want to require them
1. Col. Kumer is unsure with recent changes if he is allowed to require vaccinations (UVA has ended mandatory vaccinations)
  2. Would require vaccinations if he had to, but would be reluctant to, as this would make the jail lose staff members
    - a. Commissioner says the jail has the responsibility to prioritize individuals' health
    - b. Col. Kumer says he has considered implementing a mandate, but his view is similar to other sheriffs and superintendents around the state that jail needs to keep its staff
      - i. Is already down 30 officers; needs to prioritize safety of inmates for not just COVID
  3. Supports vaccinations, but needs to weigh the pros and cons of requiring them
  4. Commissioner asks whether individuals who do not want contact with non-vaccinated individuals have the choice to avoid them
    - a. Vaccinated and unvaccinated staff and inmates must all interact with each other
  5. Commissioners express dissatisfaction with the inaction
- xviii. Commissioner asks if lack in staff is since COVID
1. Yes; individuals with significant medical concerns have retired early or reached breaking point; there have also been less applications, and law enforcement is no longer as valued in the

- community
  - xix. Chair offers to exchange contact information and come to the facility once it is safe to do so
    1. Councilor Magill is available for questions in her new position
    2. Also points out that after the jail received questions in January, it has posted a running count of new COVID cases, current COVID cases, and cleared COVID cases on its website
- c. OHR Staff report
  - i. Report is attached in agenda packet
  - ii. Has been doing follow-up with Mary at Midway Manor regarding resident concerns
    1. Door-to-door outreach with people present at the meeting or who had signed the petition to management; 26 doors over two days
    2. Writing another sign-on letter to request a meeting with ownership; there are currently nine signatures
  - iii. Hiring: currently in process of doing interviews; decision should come early March
  - iv. Going to fully switch to .gov emails beginning 3/1 for FOIA purposes; let Todd know if there are any questions
    1. May shift all collaborative documents to OneDrive as well
    2. May request for some OneDrive orientation at the retreat

## 5. WORK SESSION

- a. No ad-hoc committee updates
- b. Discussing the HRC Rules and Procedures amendments
  - i. Has all changes to consider (Martha's Rules, getting rid of standing committees in favor of ad-hoc committees, etc.)
  - ii. Commissioner says Commission does not always abide by Martha's Rules 1a) "Proposal should always be in writing" (pg. 10 of Rules and Procedures), so maybe this should be changed
  - iii. Commissioners should look at Martha's Rules to ensure they align with the Commission's actual procedures, so voting on them will be tabled for now
- c. Public and Subsidized Housing Panel Discussion (02/22/2022, 6:00pm)
  - i. Will be via Zoom
  - ii. Encourages the public to share
  - iii. Requested the Mayor and City Council to be present, but they are unable to attend because of the holiday
  - iv. HRC Chair and Vice-Chair will be meeting with Councilor Payne prior to the panel discussion
  - v. Mary adds that many Midway Manor residents said they do not have access to a computer or are unsure how to access the Zoom link, so they are working on getting volunteers to be present at Midway Manor to help residents access the panel
    1. Especially want to hear from residents of public and subsidized housing about their concerns
    2. Commissioner asks if there is common room where the panel can be projected
    3. OHR staff says there is a TV where residents could access the

channel on which the panel will be aired; also, maybe residents could be provided a phone number to call in

4. Will talk to LAJC for volunteers
- vi. Commissioner asks if there will be issues with getting broadcasted since this meeting will be occurring at the same time as City Council
  1. This is a concern, though the projector should work if the meeting does not get broadcasted on TV (Todd can coordinate with whoever is going to be at Midway Manor during that time to get them a projector)
  2. Should not move the panel
- d. Town Hall Meeting (03/24/2022, 6:30pm)
  - i. Polls went out and respondents have until the end of the month to complete it
  - ii. There is an opportunity to be on TV next Thursday 2/24 to be on TV to talk about the Town Hall meeting (can reschedule if needed)
  - iii. Speakers will be determined based on the poll results
  - iv. Commissioner asks if there will be a comment and response time limit
    1. Maybe there could be breakout rooms to foster open communication; will have to think about what to do if breakout rooms are not possible
    2. OHR staff says breakout rooms may not be possible because this would remove the public access to the discussion
    3. If there are any ideas, talk to Todd, and he can ask Communications
  - v. Currently, there are 124 responses to the survey
    1. Emergency housing access is primary topic with 49 responses; second is quality of affordable public and subsidized housing
  - vi. Commissioner asks OHR staff if there is any plan of moving meetings to be in person anytime soon
    1. There was some talk of moving meetings to be in person in March, but this was about a month ago; there have been no updates since then
    2. Todd will ask and update Commissioners
    3. In-person meetings will be in CitySpace; hybrid meetings may also be an option
  - vii. Commissioner says the Dialogue on Race initiatives that created the HRC often happened in small breakout groups that were not recorded or captured in minutes; asks why this is not possible for the Town Hall
    1. DoR was a long series of meetings over multiple years that got broken into task forces; these were not publicly-appointed bodies
    2. Commission is publicly-appointed body, so when there is a meeting attended by more than two Commissioners, it must be publicly available and publicly noticed in advanced (otherwise, it would have to be marked as a closed session)
    3. If the panel were in person, then people would be able to access more
    4. Another Commissioner would like to know what exactly the limitations are regarding breakout rooms



- e. HRC Annual Retreat (04/23/2022, 10:00am)
  - i. Chair will begin drafting the agenda to present at the next meeting
    - 1. Would like to talk about procedures, onboarding, deciding what to focus on in the Commission, training (maybe Hollaback! bystander training)
  - ii. Email Jessica if there are any questions/requests
  - iii. Commissioner suggests waiting until after the Town Hall to decide on which initiatives to push for in the next year

## 6. MATTERS BY THE PUBLIC

### a. PUBLIC COMMENT

#### i. Ang Conn

##### 1. ACRJ questions

- a. Asks for number of people who qualify for HEI but have not been released
- b. Asks for breakdown of charges by percentage of those currently detained at ACRJ
- c. Asks for number of female-identifying women and number of them who have tested positive for COVID

##### 2. Midway Manor elevator concern—estimated maintenance date is in March, which is problematic

#### ii. Richard Feero

- 1. Clarifies that he has heard that chaplains are stretched thin because of the lack of group meeting, not that inmates are altogether being denied religious services
  - a. Inmates he knows are not getting much human contact
- 2. Tablets are appreciated and wants those to continue, but believes human contact is important (with family, with each other, etc.)
- 3. Says it is necessary to learn how to live in a world where not everyone is vaccinated

### b. COMMISSION RESPONSE TO MATTERS BY THE PUBLIC

#### i. Col. Kumer

- 1. Cellphone number is (434) 962-3015; encourages community members with concerns to reach out and have a conversation
- 2. To Mr. Feero
  - a. Agrees that COVID has slowed many programs down, but they are looking into starting them back up again
- 3. To Ms. Conn
  - a. Number of people in ACRJ who could be on HEI but are not is 0 as of today
    - i. Jail reviews population frequently to reevaluate who is eligible
    - ii. Reviews by the courts also occur at sentencing and at bond hearings
    - iii. Joe Platania and Jim Hingeley, City and Commonwealth's Attorneys, have been instrumental in safely getting people out of jail
  - b. Percentage of charged types (those charged with DUIs, drug distribution, etc.) is not handy at the moment, but

- Col. Kumer can send this information to the Chair
      - c. Does not currently have information on number of women who have contracted COVID in jail, but he can work on getting this information to the Commission
        - i. Can get statistics broken down by sex, race, etc. if the data is readily available
        - ii. There are about 30 women in the jail at the moment
      - d. COVID statistics given during the discussion today did apply to both men and women
    - 4. Expresses desire to develop a working relationship with the Commission as the person in charge of the jail; Chair agrees and emphasizes the Commission's desire to take concrete action
  - ii. Mary
    - 1. Regarding Ms. Conn's elevator concerns: Midway Manor building was created for elderly and disabled people, so people cannot physically leave their homes when the elevator is not working
    - 2. Agrees it is a profound matter of community concern
    - 3. Commissioner asks if one or both elevators are not working
      - a. Just one at the moment, but there have been times when both were out for extended periods of time

**7. COMMISSIONER UPDATES**

- a. None

**8. NEXT STEPS**

- a. Upcoming events
  - i. Public and Subsidized Housing Panel Discussion: 02/22/2022, 6:00pm
  - ii. Town Hall Meeting: 03/24/2022, 6:30pm
  - iii. HRC Annual Retreat: 04/23/2022, 10:00am
- b. Let Todd and/or Jessica know if there are any questions/concerns regarding anything discussed during this meeting (especially regarding meetings listed above)

**9. ADJOURN**

- a. Meeting adjourned at 8:14 pm