

June 9, 2020

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Commonwealth of Virginia  
State Human Rights Committee  
Department of Behavioral Health and Developmental Services  
PO Box 1797  
Richmond, Virginia 23218-1797

Attn:

Commissioner Alison Land, Department of Behavioral Health and Developmental Services  
Chairperson John Barrett, Virginia State Human Rights Committee  
Director Deb Lochart, Office of Human Rights  
Governor Ralph Northam  
Lieutenant Governor Justin Fairfax  
State Inspector General, Michael Westfall, Office of the State Inspector General  
Executive Director Claire Gastanaga, ACLUVA  
Chairperson Margaret Breslau, Coalition for Justice  
Rabbi Charles M. Feinberg, Interfaith Action for Human Rights

Just Future Project would like to address the variances to the [rights](#) of individuals receiving services at DBHDS facilities, specifically the Virginia Center for Behavioral Rehabilitation. On July 3, 2019, Jason Wilson, Facility Director, sent the requested [exemptions](#) for 2019 — 2020 to the then DBHDS commissioner, S. Hughes Melton. According to Virginia [code](#), proposed variances to these rights require the Human Rights Committee to invite and provide ample time to receive oral or written statements from individuals affected by the variances and other interested persons. Therefore, the persons residing at VCBR should *all* receive a copy of the variances/exemptions proposed for fiscal year 2020 — 2021 immediately, considering they are the most affected by these exemptions. These persons must be given an opportunity to express their opinions, anonymously if desired, to the Human Rights Committee with a verified copy being given to the independent ACLUVA. Just Future Project, as an interested advocacy organization, is also requesting a copy of the variances/exemptions in time to prepare a statement of our position. Just Future Project requests a copy be provided to the ACLUVA, Coalition for Justice, and the Interfaith Action for Human Rights, and every Virginia State senator and delegate, as the citizens they advocate for and directly represent are those whose civil and human rights

are being adversely affected by any variance to these constitutionally given rights of the Commonwealth of Virginia.

Just Future Project has reviewed the variances (hyperlinked above) submitted on July 3, 2019 by Jason Wilson, VCBR Facility Director, as well as a list of variances in a [report](#) by the Virginia Office of the Inspector General in 2016. Just Future Project has grave concerns about the necessity and applicability of these variances. In a written statement at the beginning of Mr. Wilson's document requesting variances, descriptions of those men deemed Sexually Violent Predators are inflammatory, derogatory, and not based on research or data. No author is assigned to these statements and no references are provided. The necessity of an extremely long list of exemptions to human rights is based solely on the opinion of Mr. Jason Wilson who is listed in the 2018 Virginia Department of Behavioral Health and Rehabilitative Services searchable database as the General Admission Manager III. Recently in a [memo posted](#) in the VCBR facility he has now been titled as Hospital Director/CEO.

According to Virginia [code](#), as well as the need for proof of the necessity of exemptions to human rights in DBHDS facilities, all human rights variances in DBHDS facilities are to be time limited, and services shall not be compromised. Our research indicates that no efforts have been made at VCBR to implement the relevant requirement without a variance, and no objective, documented information that continued operation without a variance is not feasible has been provided, as required by [law](#). Exemptions have been added continually with no oversight and no attempt has been made to align the practices at VCBR with the human rights of individuals receiving services at DBHDS facilities.

Outside of the currently approved variances, Just Future Project would like to address concerns about other violations to human rights at VCBR. Everyone imprisoned at VCBR has served their time in prison, yet they are subjected to continued costs for using the telephone at an even greater rate than for those currently in prison. The families of most of these persons live at or below poverty level and have already supported loved ones during long prison sentences. The cost of phone calls at VCBR is too prohibitive to allow for necessary and meaningful contact with family and support systems. Although an exemption is approved for phone monitoring and recording, no variance exists to employ a paid *prison* phone system within the facility which is what VCBR currently utilizes. In addition, treatment progress is aligned with the amount of funds the residents use for telephone calls which often results in delayed conditional release from the facility into the community. They are punished and reprimanded for spending their own monies to have communication with the outside community; which in other prison environments is a key factor to re-integration. No other DBHDS facility employs a prison phone system at a cost to the residents. ***Therefore, any costs for use, recording and monitoring of phone calls at VCBR should be covered by the facility or department and ample phones should be provided so access is not limited.***

Next, those men confined at VCBR are forced to save a percentage of any earned funds or funds sent from outside sources in order to progress in treatment. They are paid slave wages for any job held (JFP is aware that some jobs pay .50 cents an hour and we are unaware that any pay more) within the

facility which violates the [13th Amendment](#) to the United States Constitution. These men are not at VCBR for a crime, and must be paid minimum wage for any job performed within the institution.

In direct violation of Virginia [code](#), those imprisoned at VCBR are consistently and regularly within sight and sound of prison and jail inmates. When transported to court hearings, they often are held in cells or local jails and transported to hearings with prison and jail inmates. Also, when transported to hospitals and other medical facilities, they use the same entrances and even share elevators and waiting areas with those in the prison system. These practices pose undue and unlawful risks to these men.

Finally, those persons imprisoned at VCBR when purchasing allowed items they may own for personal use such as certain food items, clothing (they may no longer order books or CDs or DVDs) or items needed for personal hygiene are regulated as to the type of items, amount purchased and source available to purchase from, which is not true at the other DBHDS facilities. There is an exemption which partially allows for this practice. However, many of those same items are allowed to be purchased from prison supply companies such as Keefe (including the Market Store within the facility), Walkenhorst, and Access Secure-Pak with very few limits. The facility directly profits from items purchased from these sources. All contracts with these companies, [Keefe](#) and [Global-Tel Link](#) included, are supposed to be entered into by the DBHDS commissioner, not by VCBR employees as is the current practice, as codified in Virginia [law](#). At this time, the contract with Global-Tel Link is currently on a month to month basis and can be cancelled at any time and should not be renewed. (contract linked above)

Just Future Project has numerous additional concerns regarding the basic human rights of those imprisoned at VCBR which we will share once we receive a copy of the proposed variances for 2020-2021. Just Future Project is requesting immediate action to the above mentioned items in an expedient manner. We await a response.

Respectfully,

*Garnett Robins-Baughman*

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Cc: Virginia State Senator Joseph Morrissey