COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

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Criminal Justice Services Board
December 11, 2014

DRAFT

Members Present
Ms. Karen Brown
Mr. Charles Ciccotti
Sheriff Vanessa Crawford
Judge Sarah Deneke
The Hon. Michael Doucette
Senator Thomas Garrett, Jr.
Sheriff Charles Jett, Chairman
Mr. Edward M. Macon
Judge Mary Malveaux
Delegate Jackson Miller
The Hon. Michelle Mosby
Colonel Bobby Russell
Ms. Cookie Scott
Mr. Gilbert Smith
Ms. Linda Bryant for Mr. Richard Vorhis
Chief James Williams
Lt. Scott Williams
Chief Kelvin Wright
Ms. Stephanie Wright

Members Absent
Mr. Andy Block
Mr. John Boneta
Chief Jeff Brown
Colonel Steve Flaherty
Mr. David Johnson
Delegate Chris Peace
Deputy Sheriff Kevin Pittman
Ms. Debbie Smith

DCJS Staff Present
Kenny Adcock
Rick Arrington
Kassandra Bullock
Tommy Clarke
John Colligan
Bruce Cruser
Shannon Dion
Lisa Duguay
Fran Ecker
Kate Foray
Julia Fuller-Wilson
Teresa Gooch
Sharon Gray
Paula Harpster
Sam Hoffman
Ed Holmes
Laureen Hyman
Tracey Jenkins
Laurel Marks
Joe Marshall
Jim McDonough
Lisa McGee
Rebecca McNees
Michelle Miles
Neadie Moore
Ken Rose
Donna Shiflett
Albert Stokes
Kristina Vadas
Janice Waddy

Others Present
Michael Bailey, VSP
Mark Baldino
Dorothy Bernstein, VSP
Patrick Bridge, DJJ
Barbara Bulton, VSP
Corrine Geller, VSP
J. Hamilton, Stafford County Sheriff's Office
Greg Hopkins, VSP
Dan Schmitt, PSSAB
Ron Watkins, VSP
Barry Wilson
Sam Wilson

I. Call to Order

Chairman Charles Jett called the meeting to order at 11:00 a.m., welcomed everyone to the meeting and thanked them for their commitment to the Criminal Justice Services Board (CJSB).

Chairman Jett reminded guests to please sign the attendance sheet for the purpose of the minutes and asked the Board members to state their name when making a motion or seconding, to speak clearly for the purpose of the minutes and to check that their microphone was turned on at their seating area. He further reminded staff/persons speaking from the floor to step up to the podium and speak into the microphone for the purpose of the minutes.

Chairman Jett then asked Ms. Laureen Hyman to take the roll call. Ms. Hyman stated that there was a quorum with 19 members present.

II. Approval of Minutes from Last Meeting

Chairman Jett then called for a motion to approve the minutes of the September 18, 2014, meeting. Mr. Gilbert Smith made the motion, Chief James Williams seconded the motion, which was unanimously approved.

III. Director's Report

Director Ecker gave an overview of events occurring at DCJS since the last CJSB meeting in September. She noted that Virginia is participating in an Evidence-Based Decision Making (EBDM) initiative sponsored by the National Institute of Corrections (NIC), designed to build capacity among Virginia localities to implement EBDM. This will enhance the effectiveness of local criminal justice systems and improve public safety. In October, Secretary Moran brought together criminal justice leaders from throughout Virginia for an EBDM summit to discuss the concept and enlist their participation. Virginia is now in the running for an implementation grant from the NIC that would provide technical assistance to those localities seeking to implement EBDM.

DCJS convened a workgroup of victim/witness program directors to receive suggestions on improvements and changes that could be made in the victim/witness world. One suggestion is underway now – DCJS is adjusting the grant cycles for most of the funding distributed for victims' services to coincide with the fiscal year.

IV. Grants

Mr. Michael Doucette presented to the Board that when the Grants Subcommittee met there was not a quorum. Staff presented their recommendations for grant awards, and those committee members present had no concerns with their recommendations.

CY2015 Sexual Assault Services Program (SASP) Grants:

The Sexual Assault Services Program (SASP) was created by the federal Violence Against Women Act and is designed to supplement other funding sources directed at serving sexual assault victims. To accomplish this, and to meet Violence Against Women Act requirements, DCJS has traditionally made modest formula awards to eligible Sexual Assault Crisis Centers that submit applications and demonstrate adequate performance.

Mr. Doucette made the motion to move that the Board approve awards totaling $361,258 divided among 33 applicants as detailed in the Board's materials. Lt. Scott Williams seconded the motion. ***Recusals:*** Judge Malveaux, Mr. Doucette for the YWCA grant, Judge Deneke and Sheriff Jett for the Rappahannock CASA grant, Ms. Cookie Scott for the DOC grant, and Mr. Richard Vorhis for the AG's Office grant. The motion was unanimously approved.

Virginia Sexual and Domestic Violence Victim Fund (VSDVVF) Programs are supported by state special funds generated from court fees and designated for services to victims of and/or children affected by sexual violence, domestic violence, stalking, and family abuse. 50% of funds go to prosecutor offices and 50% go to non-profits, with the local units of government and state agencies providing services to victims of sexual/domestic violence.

In an effort to streamline victim grant funding, this funding stream is being moved from a calendar year to a state fiscal year (July 1-June 30). To achieve this goal, current programs were eligible to receive six-months of "continuation-funding" based on continued compliance with grant conditions. The grants are for the period January 1 to June 30, 2015 and awards may not exceed ½ of the 2014 grant award level.

28 applications were received from "Prosecution Continuation Programs" totaling $573,041, and 36 applications were received from the "Discretionary Continuation Programs" totaling $673,856 for the first half of calendar year 2015. The grant review team recommended funding all of these 6-month continuation grants for a total amount of $1,246,897.

Mr. Doucette made a motion that the Board approve the award of a total of $1,246,897 for CY2015 (January 1 through June 30, 2015) to support these 65 continuation programs. Ms. Cookie Scott seconded the motion. ***Recusals:*** Judge Deneke for the Empowerhouse grant, the Rappahannock Council against Domestic Violence grant, the Rappahannock Legal Services grant and the Spotsylvania Commonwealth Attorney's Office grant. Ms. Linda Bryant recused from all, Judge Malveaux from the Henrico County grant, Mr. Doucette from the Lynchburg Commonwealth Attorney's office grant. Sheriff Jett from the Rappahannock Council against Domestic Violence Grant, and the Rappahannock Legal Services grant. The motion was unanimously approved.

CY2015 Violence Against Women Act Grant (VSTOP) Application:
The federally funded V-STOP program promotes a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women. 25% of the VSTOP funds are required to be allocated to prosecution. Due to the Loudoun County Prosecutor's Office declining VSTOP funding this past year, additional funding is available through the prosecution category.

The Lynchburg Commonwealth's Attorney's Office had a different federal grant that expired in September 2014, and contacted DCJS requesting VSTOP funds of $45,460 for six months to temporarily fill that gap. They are the central coordinating agency for the project and will work with other criminal justice and non-profit agencies. They are requesting $45,460 to support the project for this time period. With in-kind match, the total award will be $56,825.

DCJS staff recommended awarding $56,825 for six months to support this project through V-STOP funding.

Mr. Doucette abstained from voting on this award due to a conflict of interest, and deferred to Sheriff Jett for any action taken.

A motion was made by Sheriff Vanessa Crawford, seconded by Mr. Smith, and it was unanimously approved to award $56,825 for six months to the Lynchburg Commonwealth Attorney's Office project through V-STOP funding. ***Recusals:*** Ms. Bryant and Mr. Doucette.

VI. Committee Reports

Committee on Training

Mr. Sam Hoffman, Standards, Policy and Homeland Security Manager of DCJS, provided recommendations for the creation of minimum entry-level training standards for juvenile corrections officers employed by the Department of Juvenile Justice (DJJ) and the revision of the minimum entry-level training standards for basic corrections officers of the Department of Corrections (DOC). The Committee approved both sets of training standards.

Mr. Hoffman also requested the Committee's concurrence in requesting the Board's approval to promulgate regulations in the Virginia Administrative Code relating to minimum training standards for DOC personnel and DJJ juvenile corrections officers.

A motion was made by Chief Williams to accept the training standards for DJJ Juvenile Justice personnel as well as the DOC personnel. The motion was seconded by Mr. Ciccotti and was unanimously approved.

A motion was then made by Mr. Russell to approve the promulgation of regulations in the Virginia Administrative Code relating to the minimum training standards for DOC personnel and DJJ juvenile corrections officers. The motion was seconded by Chief Williams and was unanimously approved.

Private Security Services Advisory Board (PSSAB) Report
Mr. Ciccotti reported from the PSSAB and made note that individuals requesting renewal applications need to be submitted early to avoid a lapse in credentials. The new database system is expected to be rolled out in early 2015.

Nominations and Appointments Subcommittee
Mr. Ciccotti reported from the Nominations and Appointments Subcommittee which met to review applications for two positions on the PSSAB representing private security service businesses. The committee received ten applications. The subcommittee recommends that the Chairman appoint Ann Trinca and Eric Pohland to the PSSAB based on their qualifications and suitability, with their terms ending on June 30, 2016.

Mr. Ciccotti made the motion to accept the nominations of these two individuals. The motion was seconded by Sheriff Crawford and was unanimously approved.

VI. Certified Crime Prevention Specialist Presentation

Virginia's Crime Prevention Specialist certification program is one of the premier such programs in the nation, having continuously operated through *Code of Virginia* authority since 1994. Four crime prevention specialists recently achieved a historic benchmark, joining in receiving a sixth certification. The following individuals were congratulated for their achievement:

- First Sergeant Michael Bailey, Virginia Department of State Police
- Deputy Sheriff James L. Hamilton, Jr., Stafford County Sheriff's Office
- Special Agent Greg Hopkins, Virginia Department of State Police
- Master Trooper Gene Ayers, Virginia Department of State Police

VII. Old Business

Approval of Minimum Standards for Local Community-Based Probation and Pretrial Services.
The Board delayed making a motion on this agenda item at the last meeting so Delegate Miller and Senator Garrett could be present as they previously had questions about these standards. There was much discussion regarding these standards. Senator Garrett expressed concern about low risk probationers having less contact with probation officers.

Ms. Paula Harpster from DCJS responded to his concern and pointed out that low risk offenders will have intake and collateral contacts with service providers and community service sites. Once the standards go into place, the once a month requirement to meet with a probation officer will change and the placements will be screened to determine if they are low risk and then a risk needs assessment will be done to determine what risk based interventions will be applied to them. By changing the minimum monthly requirement, probation officers will be able to put more focus on the medium and high risk offenders. Local agencies can elect to see them more often if they so choose, but research (done on both felons and misdemeanants) indicates that there is no additional positive reinforcement to be had from seeing the low risk low needs offenders.

Delegate Miller remarked that there is a huge budget shortfall coming before the General Assembly this year, and if there is a burden taken off of probation and parole, the legislature will look for budget cuts in that area.

Judge Deneke remarked that the Board would be voting on changing the minimum meeting requirement of a monthly meeting. This may change the level of interventions, but not the amount of the workload. The risk assessment will be allowed to make the decision of how much interaction with the probation officer is necessary.

Mr. Ed Macon asked if Virginia is using the risk assessment tool now - it is currently being used in 20 sites and has been since 2006.

Delegate Miller informed those present that since this topic was first introduced he has reached out to five probation and parole officers, of which one is a supervisor. Two of them didn't know what he was talking about. The other three said it would reduce their workload. Delegate Miller asked them if this would free up more time to work with more serious offenders, and was told they didn't need more time. He suggested everyone go back to their local probation officers and ask about this.

Director Fran Ecker noted that the conversation regarding these standards has been going on for several months, beginning with the meeting in June. Open dialogue was encouraged and appreciated. Director Ecker explained that there were no legal requirements to pass the standards at the meeting, but the board needs to take action as the *Code of Virginia* requires the CJSB to approve these standards. Director Ecker explained that this was an extensive process that included probation staff and directors, as well as the VCCJA president who is in support of these standards. Staff talked with people in the field to see if there were any issues that were missed and there was only one director that had concerns about this. What comes before the board is the consensus of the local community corrections program directors in Virginia.

Mr. Russell suggested the Board consider approving the standards without the language regarding the minimum monthly probation. Current practices are being followed in local probation agencies and are covered in the minimum standards. Additionally, the differential supervision model is already being used by DOC.

Chief Wright made a motion to approve the revisions to the standards. The motion was seconded by Ms. Scott. ***Recusals/discussion***: Ms. Linda Bryant is concerned about the fiscal impact, but believes it is sound in theory.

Mr. Russell recommended a substitute motion to delay the vote in order for DCJS staff to give the Board information relative to the visits associated with the low risk and the impact if the

standards were approved less the requirement to change the monthly meetings. The motion was seconded by Mr. Ciccotti and was unanimously approved.

Judge Deneke is in support of the motion to consider deferring the vote today to give board members an opportunity to talk to local probation officers.

CJSB Grant Review Process
John Colligan spoke about this previous agenda item to combine four CJSB subcommittees that have grant responsibilities: Law Enforcement, Victim Witness, Corrections and Grant Appeals, into one larger subcommittee that will review all grants (with the exception of the juvenile justice grants). This new committee will:

- Review/recommend grants to CJSB
- Approve new/continuing Certified Crime Prevention Communities/Campuses
- Consist of 14 members, representing interest areas of current grant committees
- Meet twice a year at the end of the calendar year and the end of the fiscal year
- Have a quorum with 8 members present
- The CJSB Chair will assign committee members per CJSB bylaws
- Grant Committee assignments should be limited to 24 months
- Membership could rotate to expand participation

A motion was made by Chief Williams to accept the recommendation to combine the four subcommittees into one Grant Review Committee. Superintendent Bobby Russell seconded the motion which was unanimously approved.

VIII. New Business

CJSB Bylaws
Ms. Shannon Dion of DCJS spoke to those present about proposed changes to be made to the CJSB Bylaws. This item will be on the agenda for the next meeting, and a vote from members will be requested. There are five requested changes.

Notifications of Locksmith Advertising by Unlicensed People
Teresa Gooch, Division Director of Law Enforcement and Security Services at DCJS spoke regarding *Code section 9.1-149.1: Unlawful advertisement for regulated services; notice; penalty*. She pointed out that the CJSB is assigned with the task to provide notice whenever the Board receives information that an advertisement for an unlicensed locksmith has been placed in violation of the *Code* section. The Board shall provide notice to the entity publishing the advertisement to the public, notifying them of the unlawful advertisement. The Board needs to review and make action. It was recommended that the Board consider sending a letter to the advertising mediums, cautioning them about advertising unlicensed locksmiths, advising them of this *Code* section and including a list of all currently licensed locksmiths in Virginia.

Superintendent Russell made the motion to accept the recommendation made by staff to send a letter to the advertising mediums. The motion was seconded by Mr. Ciccotti and was unanimously approved.

IX. Public Comment

Mr. Baldino, as a licensed locksmith of Virginia from Baldino Locksmith and Key, spoke regarding this issue, and expressed his concern about how many unlicensed locksmiths who are listed in these publications. He had numerous advertisements with him from various advertising mediums that were in violation of the *Code*.

X. Next Meeting

Chairman Jett thanked Board members and guests for attending the meeting and stated that the next meeting was scheduled for December 11, 2014, at 11:00 a.m. in House Room D of the General Assembly building. Chief Williams made the motion to accept the dates, seconded by Lt. Williams and was unanimously approved.

It was decided that the Committee on Training (COT) will now be held at 10:00 a.m., right before the CJSB, to be more efficient.

XI. Adjournment

Sheriff Crawford made the motion to adjourn the meeting, the motion was seconded by Mr. Doucette and was unanimously approved. The meeting was adjourned at 12:52 p.m.

Approved:

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Sheriff Charles Jett, Chairman