



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

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Criminal Justice Services Board (CJSB) Executive Committee

July 23, 2021, at 10:30 a.m.

The meeting took place at DCJS, 1100 Bank Street, Richmond, Virginia in the 12th floor conference room and was also held via ZOOM.

Members Present

Chief Craig Branch
Mr. David Johnson
Mr. Jagdish Katyal
The Hon. Bryan Porter, Vice-Chair
LTC Matthew Hanley, Proxy for Colonel Gary Settle
Chief Kelvin Wright

Members Absent

Chief James Williams, Chair
Sheriff Vanessa Crawford

I. Call to Order

Chairman Bryan Porter called the meeting of the Executive Committee of the Criminal Justice Services Board to order at 10:30 a.m. A quorum was present.

II. Call to Order and Approval of Minutes

Mr. David Johnson made the motion, seconded by Chief Craig Branch, to accept the minutes of the June 8, 2021, meeting of the Executive Committee. The motion passed unanimously.

III. Decertification – Rodney Whited, II

The Chairman called on Ms. Cathie Hutchins from the Office of the Attorney General, to give a summary of Rodney Whited's certification status.

The Chairman called on Ms. Cathie Hutchins, Senior Assistant Attorney General, to present the facts resulting in Mr. Whited's decertification as a law-enforcement officer from the Tazewell County Sheriff's Office.

Ms. Hutchins explained that Mr. Whited was terminated from the Sheriff's Office after an internal investigation, as he was charged with a DUI under *Virginia Code §18.2-266* and his alcohol level

was over .20. Once DCJS was notified of his termination by the Tazewell County Sheriff's Office he was decertified by DCJS per *Virginia Code §15.2-1707 B (iii)*. The trial is set for October 27, 2021. DCJS asked the Executive Committee to uphold the decertification of Mr. Whited.

Mr. Robert Galumbeck (Mr. Whited's legal counsel) stated that the letter DCJS sent to Mr. Whited, dated April 28, 2021, states he is being decertified as he was **charged** with a DUI. Under *Virginia Code §15.2-1707*, it states that the person has to be **convicted** to receive the decertification. Even if he was convicted in district court and appealed to the circuit court, he does not have to be decertified as there has not been a final hearing and he has not been found guilty. On the bottom of the form received by DCJS, there is wording that says "for criminal cases a copy of the judgement of the conviction must be attached".

Ms. Hutchins explained that under *Code §15.2-1707 B (iii)*, the sheriff shall give notice to DCJS if an employee is terminated or resigns for any violation of state law. Mr. Whited was terminated for violation of state law. Under Section d, as soon as DCJS receives decertification notice from the employ, DCJS shall decertify the officer. There is no requirement for conviction to decertify.

Major Heatley, the Chief Deputy of the Tazewell County Sheriff's Office explained that the office, per the change in statute that came into effect March 1st, contacted DCJS and they were advised to report this within 48 hours.

Mr. Porter made a motion, seconded by Mr. Johnson, that the Executive Committee meet in closed session for the purpose of discussing the decertification of Mr. Whited with legal counsel. The motion passed unanimously.

Once the Executive Committee had concluded its closed session, Mr. Johnson made a motion, seconded by Chief Wright, that the Executive Committee re-open the meeting to the public. The motion passed unanimously. All members of the Executive Committee certified that only matters involving legal advice from counsel were discussed during the closed session.

Mr. Johnson made the motion, seconded by Chief Branch, pursuant to *§15.2-1707 E*. that the Executive Committee approve to exercise its discretion to decline to decertify Mr. Whited at this time, as the conviction of this case is not final. The motion passed unanimously.

Mr. Porter indicated to Mr. Whited that his eligibility as a law enforcement officer had been reinstated.

IV. Decertification – Brent Stokes

Mr. Stokes' decertification appeal was cancelled.

V. Public Comment

There was no public comment.

VI. Adjournment

The meeting adjourned at 11:23 a.m.