



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

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Criminal Justice Services Board Executive Committee Meeting

August 6, 2018

Members Present

Mr. David Johnson
Mr. Bryan Porter
Ms. Cookie Scott
Mr. Robert Soles
Chief Kelvin Wright

Members Absent

Chief Tonya Chapman
(Chair)
Sheriff Vanessa Crawford

DCJS Staff Present

Kenny Adcock
David Cotter
Sharon Gray
Erik Smith
Andy Warriner
Karen Sullivan

I. Call to Order

The meeting was called to order at 2:31PM. In Chief Tonya Chapman's absence, a motion was made by Mr. David Johnson and seconded by Mr. Bryan Porter that Chief Kelvin Wright serve as Chair pro tempore. Chief Wright accepted and the motion passed unanimously.

II. Officer Decertification Hearing – Anthony Aldhizer

Ms. Catherina Hutchins, the Senior Assistant Attorney General representing the Department of Criminal Justice Services (DCJS), explained that Anthony Aldhizer, a former sworn employee with the Virginia State Police (VSP), pled guilty in York County General District Court on May 8, 2018 to falsifying state public records in violation of Va. Code § 18.2-472, which is a Class 1 misdemeanor. Mr. Aldhizer retired from VSP effective May 1, 2018. In a letter dated June 4, 2018, Col. Gary Settle, Superintendent of VSP, notified DCJS of the guilty plea and conviction. In a letter dated June 13, 2018, DCJS notified Mr. Aldhizer that he had been decertified as a law enforcement officer in the Commonwealth of Virginia, and that he had the right to an appeal hearing before the Board. In a letter to DCJS dated June 18, 2018, Mr. Aldhizer requested a hearing.

Mr. Aldhizer then addressed the Committee, thanking them for allowing him to explain his actions. He confirmed that he pled guilty to the Class 1 misdemeanor, and that he was, in fact, guilty. The false entry was on the FR300 vehicle crash report that was submitted to his supervisor and the Virginia Department of Motor Vehicles. The single-vehicle crash involved a driver that ran off the road and the vehicle overturned in a residential yard. Upon Mr. Aldhizer's investigation of the crash, he determined, in his discretion, that no reckless driving charge was

necessary. He then, however, indicated on the crash report that he did charge the driver. He explained that he made the false entry to avoid being questioned by his supervisor as to why no charges were filed. He acknowledged his error in judgement. Mr. Aldhizer noted that he did accurately note on the FR300 that the driver failed to maintain control of vehicle.

Mr. Aldhizer went on to explain that he was a retired U.S. Marine who has worked in hostile and non-hostile environments. He added that he is a man of integrity and honesty and that he enjoys helping his fellow man. He served with VSP for 15 years. His favorite part of the job was serving and protecting. He is currently employed as a non-sworn employee with the Williamsburg Landing retirement community.

Mr. Aldhizer explained that the false report entry was discovered when the driver involved in the crash made a complaint after being notified by his insurance company that the crash report indicated that the driver had been charged with reckless driving. Mr. Aldhizer admitted falsifying the report to his supervisor. He noted that he did not know the driver and was not aware of the full consequences of his actions. In closing, Mr. Aldhizer mentioned that he hoped the same discretion he showed to the driver would be shown to him by the Committee.

Ms. Hutchins then addressed the Committee again, noting that this incident was not the only indiscretion on Mr. Aldhizer's record – he had falsified records on three separate occasions over a six-month period, but two of the charges were dropped. She then passed around a sample FR300 form to the Committee members.

Prior to the Committee making a decision on Mr. Aldhizer's appeal, the members discussed having a closed meeting to review the legalities of the situation with Ms. Hutchins. A motion was made by Chief Wright and seconded by Ms. Scott that the Committee close the meeting for the purpose of consultation with legal counsel and the provision of legal advice by such counsel. The motion passed unanimously.

Once the Committee had concluded their closed discussion, a motion was made by Mr. Johnson and seconded by Ms. Cookie Scott that the Committee re-open the meeting to the public. The motion passed unanimously. All members certified that only matters involving legal advice from counsel were discussed during closed session.

A motion was made by Mr. Porter and seconded by Mr. Johnson that the Committee vote to deny Mr. Aldhizer's appeal.

Mr. Porter explained his reason for the motion was that it is the appellant's burden to provide information by a preponderance of the evidence as to why his appeal should be approved and he did not think Mr. Aldhizer had carried that burden. Ms. Scott concurred, adding that Mr. Aldhizer's explanation did not justify the falsifying of the records.

Mr. Soles questioned the definition of moral turpitude and if what Mr. Aldhizer did justified his decertification as a law enforcement officer.

Mr. Porter, Mr. Johnson, Ms. Scott, and Chief Wright voted in favor of the decision to deny the appeal; Mr. Soles was opposed.

III. Grant Review - Jail Mental Health Pilot Programs

Mr. Andy Warriner, DCJS's Adult Services Manager, explained that DCJS received six applications, totaling \$2,375,000, in requested continuation funding from Jail Mental Health Pilot Programs. This total reflected the amount of grant funds appropriated in the 2018-2020 budget less the 4.8% administrative fee. Following review of the applications, all were recommended for the full amount of funding requested. The 18-month programs received initial funding in 2016. The Governor's 2018-2020 budget included appropriated funds for the projects; however, as the budget had not yet been approved, the grants could not be brought before the full Criminal Justice Services Board for consideration at their June meeting.

A motion was made by Chief Wright and seconded by Mr. Soles that the Committee vote to approve of the six applications totaling \$2,375,000. The motion passed unanimously; the only recusal was from Chief Wright – Hampton Roads Regional Jail.

IV. Grant Criteria for School Resource Officer Incentive Grants Fund

Mr. David Cotter, DCJS's Director of Policy and Legislative Affairs, explained that the Criminal Justice Services Board (Board) has the responsibility to establish criteria for making grants from the School Resource Officer Incentive Grants Fund. The current criteria adopted by the Board requires that a locality receiving a grant match the amount received with local funds. The match provided would be based on the composite index of local ability to pay.

Before the Committee for consideration was the change to allow localities to meet the local match requirement with in-kind contributions (i.e., equipment, vehicles, supplies, training). This change would make grant funds more accessible to localities that would otherwise struggle to come up with the matching funds.

Also before the Committee for consideration was the change to the maximum amount of funding for SRO positions, which is currently \$50,000, and the maximum amount of funding for SSO positions, which is \$22,000. These amounts have not been changed since 2000. The proposed increases are to \$70,000 for SRO positions and to \$35,000 for SSO positions.

A motion was made by Mr. Johnson and seconded by Mr. Porter that the Committee vote to approve enabling localities to meet the local match requirement with in-kind contributions and to increase the maximum funding for SRO and SSO positions. The motion passed unanimously.

V. Other Business

There was no Other Business.

VI. Public Comment

There was no Public Comment.

VII. Adjournment

The meeting adjourned at 3:02 PM.