



# COMMONWEALTH of VIRGINIA

## *Department of Criminal Justice Services*

Garth L. Wheeler  
Director

1100 Bank Street  
Richmond, Virginia 23219  
(804) 786-4000  
TDD (804) 786-8732

### **Criminal Justice Services Board**

June 7, 2012

#### ***Members Present***

Hon. Robert Bushnell  
Mr. Ted Byrd  
Mr. Charles Ciccotti  
Chief Rick Clark  
LTC Bob Northern, Proxy for  
Col. Steve Flaherty  
Mr. Mark Gooch  
Hon. Clarence Jenkins  
Sheriff Charles Jett  
Mr. David Johnson  
Mr. Alan Katz  
Mr. Edward M. Macon  
Hon. Jackson Miller  
Mr. William Muse  
Col. David Rohrer  
Mr. Bobby Russell  
Ms. Debbie Smith  
Hon. Sherman Vaughn, Sr.  
Hon. Marcus Williams  
Ms. Jacqueline Nelson, Proxy for Mr.  
Patrick Wilson

#### ***Members Absent***

Sgt. Carol Adams  
Chief Jeffrey Brown  
Sgt. Charles Condon  
Hon. Thomas Garrett, Jr.  
Hon. Yvonne Miller  
Ms. Cookie Scott  
Hon. Beverly Sherwood  
Pastor Aaron Wheeler

#### ***DCJS Staff Present***

Kenny Adcock

Shelia Anderson  
Stephanie Arnold  
Eleanore Ashman  
Leon Baker  
Brenda Cardoza  
Bruce Cruser  
John Colligan  
Bill Dodd  
Lenora Jones Elliott  
Demian Futterman  
Teresa Gooch  
Paula Harpster  
Sam Hoffman  
Laureen Hyman  
Tracey Jenkins  
Kathi Lee  
Laurel Marks  
Joe Marshall  
Lisa McGee  
Drew Molloy  
Stephanie Morton  
Carol-Lee Raimo  
Ken Rose  
Julia Fuller-Wilson  
Mary Wilson

#### ***Others Present***

Nicole Bocra  
Robert Clark  
Paul Ellis  
George Goodwin  
Stokes McCune  
Frank Phillips  
Antonio Sutton  
Mary Kay Wakefield

## **I. Call to Order**

Chairman Charles Jett called the meeting to order at 11:15 a.m., welcomed everyone to the meeting and thanked them for their commitment to the Criminal Justice Services Board.

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.

Sheriff Jett took a moment to acknowledge there are two new legislative members joining the Board: Senator Thomas Garrett, representing the Courts of Justice Committee (replacing Senator Reynolds), and Senator Yvonne Miller, who will represent the Finance Committee and replaces Senator Howell. Mr. George Goodwin is present today who is Senator Garrett's Legislative Advisor.

Chairman Jett then asked Ms. Morton to take the roll call. Ms. Morton stated that there was a quorum with 18 members present.

## **II. Approval of Minutes from Last Meeting**

Chairman Jett then called for a motion to approve the minutes of the May 10, 2012, meeting. Mr. Vaughn made the motion, Mr. Ciccotti seconded the motion. Chairman Jett stated that it had been motioned and seconded that the Board approve the minutes of the May 10, 2012, meeting with no corrections, additions, or deletions.

## **III. Director's Report**

Director Wheeler thanked everyone who recently attended subcommittee meetings to help DCJS staff work through the many grant applications received. He noted there are over 200 grant applications on the meeting agenda.

Director Wheeler pointed out that changes are being proposed to the Board's Bylaws to make sure they reflect and conform to recent changes in the *Code of Virginia*.

Director Wheeler also commented on upcoming events for the agency to include:

- June 17-22, 2012, DCJS will host the annual Victim/Witness Academy at the University of Richmond; the University and the Criminal Injuries Compensation Fund are co-sponsors this year. There were 51 applicants, and 35 of them received invitations to attend.
- June 27-28, 2012, the Secretary of Public Safety's two-day executive level gang summit for chief law enforcement officials, school superintendents, and community leaders. Approximately 200 people expected to attend.
- June 20, 2012, DCJS is co-hosting, with the Department of Education, the Department of Health, and the Youth Violence Project at the University of Virginia, a one-day Bullying Prevention Conference in Charlottesville. Currently, 450 individuals registered for the conference.

- June 26-27, 2012, DCJS is hosting the annual "Making a Difference in Juvenile Justice" conference in Newport News. Over 200 professionals have registered for this training from across the Commonwealth, including juvenile probation officers, detention center officials and staff, jail officers, police officers, judges, prosecutors, non-profit service providers, researchers, and others working with youth.

Those present were reminded to sign up for e-mail notifications when new information is posted on the DCJS website to keep up with changes and updates or customize the updates to focus on particular subject areas for information. At the DCJS homepage, [www.dcjs.virginia.gov](http://www.dcjs.virginia.gov), there is a "DCJS Updates" link; click on link to register.

On behalf of everyone at DCJS, Director Wheeler asked all to have a good summer and reminded everyone the next meeting would not take place until September.

#### **IV. Bylaw Change Recommendation**

There are changes required to make the CJSB Bylaws consistent with the *Code of Virginia*. The two recommendations are:

- Under Section 2, subsection b, take out the Superintendent of the Department of Correctional Education.
- Under Section 7, subsection b, there should be fifteen members, not thirteen, two shall also be representative of locksmith businesses and detector canine handlers should also be added.

Chief Clark made the motion to accept these changes, the motion was seconded by Mr. Gooch. It was approved unanimously.

Chairman Jett rescinded the motion to approve these Bylaw changes as Mr. Baker noted that the procedure is to introduce changes to the CJSB Bylaws at one meeting and then vote on these changes at the next meeting. The board will vote on this motion at the September 13, 2012, meeting.

Mr. Bushnell commented that he was pleased that his former colleague, former Louisa Commonwealth's Attorney, Senator Garrett was appointed to the Board. He then asked if, in section 2 of the bylaws, the wording should be changed to include legislators as being able to have proxies at these meetings.

Sheriff Jett remarked that the changes being requested to the Bylaws are to reflect a *Code* change for the Department of Correctional Education and changing the Bylaws to include proxies for Legislators is not a *Code* change.

#### **V. Update from the Private Security Services Advisory Board (PSSAB)**

Sheriff Jett noted that the advisory boards do great work behind the scenes with DCJS staff and those that serve on the CJSB do not always know about the great work going on. In the future, these advisory boards will periodically be presenting to the full board.

The Chairman of the Private Security Services Advisory Board (PSSAB), Mr. Paul Ellis, gave the Board an update on the PSSAB. He introduced a few members of the PSSAB: Nicole Bocra, Private Investigator Representative, Frank Phillips, Personal Protection Specialist Representative, John Hall, Private Security Services Business Representative, Mary Kay

Wakefield, Electronic Security Business Representative, Stokes McCune, Bail Bond Industry, Charles Ciccotti, Private Investigator Representative and CJSB Board Member.

Mr. Ellis commented on the great partnership between the PSSAB and DCJS. The Board members serving on the PSSAB are qualified and eager to do the job. Director Wheeler, Leon Baker and Lisa McGee met with the PSSAB last week to discuss ways to overcome some of the challenges we are facing.

The PSSAB consists of 15 members comprised of Private Investigators, Electronic Security businesses, Locksmith businesses, Security officers, Armed Couriers, Detector Canine Businesses, Armored Car personnel, Personal Protection specialists, Private Security instructors, Bail Bondsmen, Law Enforcement and Special Conservators of the Peace.

The mission of the PSSAB is to provide the CJSB with input and feedback on the status of the industry. The PSSAB works closely with DCJS to overcome challenges as they occur and in developing new regulations or revising existing regulations. Committee meetings occur several times a quarter.

*Included in the challenges currently being faced are:*

- Streamlining how officers are processed in Virginia.
- DCJS has introduced a new system (Regulatory On-Line Credentialing System [ROCS]) and the PSSAB has been working with DCJS to overcome the obstacles with this system. As such, manuals on how to work with this software have been developed and modifications are being made as needed based on error feedback received from users. Long term consists of analyzing the actual needs of the system. Such as, "What can be done to reduce the manpower requirements on DCJS' side and on that of the security businesses"?
- The Special Conservator of the Peace Working Group is looking at opening up their regulations. Short term, the duties of the special conservators are being considered to see if they are overstepping their bounds in other jurisdictions. There have been some issues where they are trying to get recognized as law enforcement officers, possibly without meeting the initial requirements or the idea of scope that the Special Conservators of the Peace require. The PSSAB is working closely with DCJS to give them the right tools to realize the limitations of the Special Conservator's of the Peace.
- Electronic security is a huge issue. Individuals are knocking on doors of residents to sell security systems, and not all individuals are ethical. In Virginia, there is a 90 day window where individuals can work at selling security systems while they are receiving this training. Some companies are sending students out to sell systems within this 90 day window, having no intention of completing the training. PSSAB and DCJS are working with the Virginia Crime Prevention Association (VCPA) and others to offer training to local public safety officers on what to look for in these situations. Long term, there is not enough enforcement available to catch all of these companies. We are looking at *Code* changes that might be made, or regulations that might be updated.
- Private Security Industry regulations have been in place since 2003 and longer and are very outdated. Training requirements and business requirements don't always meet up with the requirements of the industry. Each of these categories might not be included in the regulations as so many have been added over the years. Need to work with DCJS and committees and work groups to determine what training is really needed that won't provide a burden to these companies.

- Locksmith regulations are also in need of update. The locksmith industry just became regulated approximately 2 years ago, and current regulations were adapted to accommodate the industry. The public believes that these individuals (bearing a DCJS ID that says Locksmith on it) know what they are doing and that they have training in this area. The industry is getting hammered by illegal activity and scammers. If you look in the Yellow pages for a Locksmith, most of the businesses listed are not licensed or doing business legally in Virginia.

Mr. Wheeler thanked Mr. Ellis, Ms. Wakefield and Mr. Ciccotti for all that they are doing and for agreeing to give a presentation to the CJSB. The PSSAB is a valuable tool that is available to this board and to the agency with a wealth of knowledge to be shared. Thanked Mr. Stokes McCune, PSSAB Bail Bondsmen representative. We have had bail bondsmen issues and he, as the representative, we asked him to put together a group of bail bondsmen from throughout the Commonwealth and we met with reps from Supreme Court and Magistrate to discuss how we can collaborate and build relationships to improve conditions throughout the Commonwealth.

Colonel Rohr mentioned that it might be helpful to have a go to list of approved people or companies that are regulated. Mr. Ellis volunteered his services to assist in the development of this list if so desired by the board.

#### **VI. Nominations and Appointments Subcommittee**

Mr. Charles Ciccotti presented the CJSB with recommendations from the Nominations and Appointments subcommittee based on the applications received.

##### ***CASA/CJA Advisory Committee***

The CASA/CJA Advisory Committee has two vacancies that need to be filled and received two applications for these vacancies. It was recommended that Captain Kirk Marlowe (a representative from the law enforcement community), and Julia Fuller-Wilson (Parent/representative of a parent group) fill these two vacancies to serve a 4 year term.

Mr. Macon, who served on the Nominations Subcommittee, explained to the Board that Ms. Julia Fuller-Wilson is also a DCJS employee. After discussing this at the subcommittee meeting, it was felt that there would be no conflict in having Ms. Fuller-Wilson serve on the committee.

A motion was made by Mr. Ciccotti to approve the subcommittee recommendation. Mr. Macon seconded the motion. It was approved unanimously.

##### ***Private Security Services Advisory Board (PSSAB) Committee***

The PSSAB Committee has six vacancies that need to be filled and received six applications for these vacancies. It was recommended that John "Stoke" McCune (a Bail Bondsmen representative), Craig Branch (a Law Enforcement Representative), Gary Ford and James D. "Danny" Washburn, Jr., (Locksmith Representatives) Thomas E. Springs, II, (a Private Investigator Representative) and Robert L. Clark (a Private Security Services Business Representative) fill these six vacancies to serve a 4 year term.

A motion was made by Mr. Ciccotti to approve the subcommittee recommendation. Mr. Vaughn seconded the motion. It was approved unanimously.

## VII. Consideration of Grant Applications

The Grants Subcommittee of the Advisory Committee on Juvenile Justice met on May 23, 2012.

The subcommittee reviewed 16 continuation applications for juvenile justice funding under Title II, Title V, and Juvenile Accountability Block Grant programs. Additionally, two new applications were reviewed. The Subcommittee recommends funding all 16 continuation applications and the two new applications as requested.

**Recommendation:** The ACJJ Grant Review Subcommittee recommends that the Criminal Justice Services Board approves the following:

- \$585,078 in federal Title II funds;
- \$162,209 in local match to the Title II funds;
- \$63,613 in federal Title V funds;
- \$32,313 in local match to the Title V funds;
- \$133,817 in federal JABG funds;
- \$14,868 in local match to the JABG funds;
- For a total of \$991,898 for juvenile programs

A motion was made by Chief Clark to approve the subcommittee recommendation. Mr. Russell seconded the motion. **Recusals:** Mr. Alan Katz, Mark Gooch, Judge Jenkins.

### **Corrections Subcommittee**

Mr. Russell spoke for the Corrections subcommittee. The Corrections subcommittee met on May 31, 2012, to review staff recommendations for five Byrne/JAG Grants, 9 VA Prisoner Reentry PAPIS grants, 37 Comprehensive Community Corrections Act (CCCA) and Pretrial Service Act grants. The subcommittee included Ms. Smith, Sgt. Adams, Mr. Vaughn and Mr. Wilson. They approved funding as recommended by DCJS staff:

- \$335,782 in federal Byrne/JAG Grants
- \$2,100,782 in PAPIS state funds
- \$22,661,837 in CCCA/PSA Grants state funds

A motion was made by Mr. Russell to approve these recommendations. Mr. Vaughn seconded the motion.

**Recusals:** Judge Williams, Fairfax County and OAR of Fairfax, Judge Jenkins, Grant for Criminal Justice Planner for City of Richmond, Mr. Clark, Pulaski Grant, #13P6378CC13, Chief Rohrer, CCCA Fairfax County, Pretrial Services/PAPIS Fairfax County OAR, Ted Byrd, Rockingham County Pretrial Services.

### **Victim Witness Grant Subcommittee**

Mr. Muse spoke for the Victim Witness Grant Subcommittee which met on June 1, 2012, to review FY2013 Sexual Assault grants, FY2013-2014 victim witness program grants, and FY2013 Sexual Assault Grant awards approved last June. The subcommittee included Sgt. Adams, Ms. Smith, and Pastor Wheeler. Mr. Bushnell was unable to attend.

Mr. Muse made the motion that the Board approve the recommendation of the Victim Witness Grants Subcommittee and award the FY2013 Sexual Assault grants in the amount of \$204,523, to the 30 applicants detailed in the grant summaries provided. LTC Bob Northern seconded the motion.

***Recusals:***

Chip Condon, Virginia Beach grant, Marcus Williams, Sergeant Adams, and Mr. Byrd, Harrisonburg grant.

DCJS staff recommendations awarding \$3,428,324 in FY2013 to support 37 applicant programs were discussed. (This award was approved by the Board in June 2011, pending the availability of adequate funds and satisfactory program performance). This award amount includes awards to two programs meriting special discussion.

***Safehome Systems***

All grant funds awarded by DCJS to Safehome Systems are currently frozen. This action was taken because DCJS became aware of a criminal investigation involving allegations of embezzlement against the former Executive Director. DCJS staff recommend continuation funding for the program, with all funds withheld unless and until the criminal investigation is concluded and the program can satisfactorily document adequate financial controls and implementation of appropriate corrective actions. (Note: This recommendation will be discussed in detail at the 6/1/12 subcommittee meeting).

***Crisis Line of Central Virginia/Lynchburg YWCA***

Crisis Line of Central Virginia has ceased operation. DCJS staff have been working with former Crisis Line staff and staff of the Lynchburg YWCA to determine whether the YWCA can administer the grant and provide services to victims of sexual violence in the region. DCJS recommends awarding grant funds to the Lynchburg YWCA for this purpose.

Mr. Muse made the motion that the Board approve the DCJS staff recommendations awarding \$3,428,324 in FY2013 to support 37 applicant programs. The motion was seconded by Mr. Mark Gooch.

***Recusals:***

Judge Jenkins, YWCA of Richmond

Overall, Victim/Witness Programs statewide continue to meet the needs of crime victims, address the statutory requirements of the Victims' Bill of Rights, and meet DCJS grant requirements. A few programs have performance or reporting issues which can be adequately addressed through grant award special conditions and/or on-site monitoring.

The only program with major performance issues is the Surry County Victim/Witness Program. This program has a history of poor performance and staff have made multiple site visits in order to work with the Commonwealth's Attorney, Program Director, and the County Administrator to address program deficiencies. Most recently, staff recommended that a written corrective action plan be submitted with the grant application for consideration by staff and the Victims Services Subcommittee. Two plans have been submitted and staff recommended continuation funding contingent upon relocation of the program as outlined in the corrective action plan submitted by the County Administrator.

Mr. Muse made the motion that the Board approve the staff recommendation of funding for FY2013 and FY2014 in the award amount of \$9,407,834 each year to provide continuation grant funding to 104 local Victim/Witness Programs and four statewide victim assistance programs, with the FY2013 and FY2014 awards contingent upon the availability of adequate funding and satisfactory program performance. The motion was seconded by Mr. Macon.

***Recusals:***

Judge Jenkins, City of Richmond Victim/Witness Grant, Mr. Katz, grant to the Attorney General's Office, Mr. Muse, grant to Parole Board, Marcus Williams, grant to Fairfax County, Chief Clark, Mr. Byrd, Rockingham County, Col Rohrer, Fairfax County Police Department grant, Mr. Bushnell, from Henry County Commonwealth Attorney's Office grant.

**VIII. Old/New Business**

Mr. Bushnell Learned from Kevin Patrick, Director of the Western Regional laboratory run by the Department of Forensic Science that the lab is going to be getting out of the business of blood spatter analysis. To a trained eye, blood spatter at a crime scene can be very important to solving a crime. The one person at the lab doing this work will soon retire, and there is no plan to replace him. Fairfax County PD has expertise on this, but Henry County and some of the smaller localities, do not have this ability.

Mr. Bushnell then made a motion that DCJS staff reach out to DFS to explore possible means where police officers in local police departments could be trained in the science of blood spatter analysis. The motion was seconded by Mr. Vaughn. It was approved unanimously.

Mr. Russell asked Garth Wheeler to speak on this issue. Mr. Wheeler indicated that DCJS has no issue contacting DFS, but he is currently aware of what is going on at DFS as far as funding, training and resources. It was requested that Director Wheeler bring back something for our next meeting.

Chairman Jett asked the Board if any Old/New business needed to be discussed or added to the agenda. There was no old or new business to report.

Chairman Jett asked for any questions or comments on any matters. There were none from the board members.

Chairman Jett asked for any questions or comments from the audience, and there were none.

**IX. Next Meeting**

Chairman Jett thanked Board members and guests for attending the meeting and stated that the next meeting was scheduled for September 13, 2012, at 11:00 a.m. in House Room D of the General Assembly building.

Chief Clark made the motion to adjourn the meeting, Mr. Ciccotti seconded that motion. The meeting was adjourned at 12:37.

Approved:



Sheriff Charles Jett, Chairman