



Criminal Justice Services Board (CJSB) Executive Committee

July 26, 2024, at 10:00 a.m.

*The meeting took place at DCJS, 1100 Bank Street, Richmond, Virginia
in the 12th floor Conference Room*

Members Present

Chief Craig Branch, Chair
Sheriff C. O. Balderson
Ms. Maria Jankowski
Mr. Jagdish Katyal, Jr.
LTC Kirk Marlowe, Proxy for COL Gary Settle
The Hon. Bryan Porter, Vice-Chair
Chief Ryan Zuidema

Members Absent

Chief Maggie DeBoard

I. Call to Order

Chairman Craig Branch called the meeting of the Executive Committee of the Criminal Justice Services Board (CJSB) to order at 10:16 a.m. A quorum was present.

II. Old Business

There was no old business to be discussed.

III. New Business

Decertification – Ms. Mary Smith, formerly with the Henry County Sheriff's Office

Chairman Branch called on Mr. Wittenbrook from the Office of the Attorney General (OAG) to give a summary of Ms. Smith's certification status and to present the facts resulting in her decertification as a law enforcement officer from the Henry County Sheriff's Office. Ms. Smith was decertified pursuant to clause (B)(iii) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Ms. Smith and representatives from the Henry County Sheriff's Office.

Mr. Bryan Porter made a motion, seconded by Sheriff C. O. Balderson, that the Executive Committee meet in closed session for the purpose of discussing the decertification of Ms. Smith with legal counsel. The motion passed unanimously.

Once the Executive Committee had concluded its closed session, Mr. Porter made a motion, seconded by Chief Ryan Zuidema, 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. Porter made the motion, seconded by Sheriff Balderson that the Executive Committee sustain the decertification of Ms. Smith as the appellant did not provide good cause to overturn the decertification. The motion passed unanimously.

Decertification – Mr. Jacob Unger, formerly with the Shenandoah County Sheriff’s Office

Chairman Branch called on Mr. Wittenbrook to give a summary of Mr. Unger’s certification status and to present the facts resulting in his decertification as a law enforcement officer from the Shenandoah County Sheriff’s Office. Mr. Unger was decertified pursuant to clause (B)(vi) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Mr. Unger’s counsel as well as representatives from the Shenandoah County Sheriff’s Office.

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

Once the Executive Committee had concluded its closed session, Mr. Porter made a motion, seconded by Chief Zuidema, 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.

Due to newly enacted legislation, Mr. Unger’s legal counsel requested a continuance of Mr. Unger’s appeal until the November meetings of the Executive Committee. Chief Branch granted the continuance.

Decertification – Mr. Cross Yates, formerly with the Petersburg Police Department

Chairman Branch called on Mr. Wittenbrook to give a summary of Mr. Yate’s certification status and to present the facts resulting in his decertification as a law enforcement officer from the Petersburg Police Department. Mr. Yates was decertified pursuant to clause (B)(vi) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Mr. Yates and representatives from the Petersburg Police Department.

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

Once the Executive Committee had concluded its closed session, Mr. Porter made a motion, seconded by Chief Zuidema, 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. Porter made the motion, seconded by Sheriff Balderson, that the Executive Committee vote to sustain the decertification of Mr. Yates as he did not provide good cause to overturn the decertification. The motion passed unanimously.

Decertification – Mr. Sherman Ferguson formerly with the Lynchburg Police Department

Chief Zuidema recused himself from this appeal and left the meeting.

The Department of Criminal Justice Services (DCJS) made multiple attempts (including certified mail notices, phone calls and emails) to contact Mr. Ferguson. Despite meeting information being provided, Mr. Ferguson did not attend the meeting, either in person or by ZOOM.

Chairman Branch called on Mr. Wittenbrook to give a summary of Mr. Ferguson's certification status and to present the facts resulting in his decertification as a law enforcement officer from the Lynchburg Police Department. Mr. Ferguson was decertified pursuant to clause (B)(iii) of § 15.2-1707 and (B)(vi) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from representatives from the Lynchburg Police Department.

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

Once the Executive Committee had concluded its closed session, Mr. Porter made a motion, seconded by LTC Kirk Marlowe, 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. Porter made the motion, seconded by Mr. Katyal that the Executive Committee sustain the decertification due to the preponderance of the evidence provided to call for this action. The motion passed unanimously.

Decertification – Mr. Lee Testerman, formerly with the Virginia State Police

LTC Marlowe recused himself from this appeal and left the meeting.

Chairman Branch called on Mr. Wittenbrook to give a summary of Mr. Testerman's certification status and to present the facts resulting in his decertification as a law enforcement officer from the Virginia State Police. Mr. Testerman was decertified pursuant to clause (B)(vi) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Mr. Testerman's counsel as well as representatives from the Virginia State Police.

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

Once the Executive Committee had concluded its closed session, Mr. Porter made a motion, seconded by Ms. Jankowski, 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. Porter made the motion, seconded by Chief Zuidema, that the Executive Committee vote to sustain the decertification of Mr. Testerman as he did not provide good cause to overturn the decertification. The motion passed unanimously.

Public Comment

There was no public comment.

IV. Adjournment

The meeting was adjourned at 2:33 p.m. The next meeting will take place on September 26-27, 2024.