



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

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

Criminal Justice Services Board

June 12, 2014

Members Present

Sgt. Carol Adams
Mr. Peter Baruch
Ms. Karen Brown
Mr. Charles Ciccotti
Chief Rick Clark
Judge Sarah Deneke
The Hon. Michael Doucette
Hon. Thomas Garrett, Jr.
Sheriff Charles Jett, Chairman
Mr. Alan Katz
Mr. Edward M. Macon
Judge Mary Malveaux
Senator Henry L. Marsh, III
Delegate Jackson Miller
Ms. Catherine Mullins for Mr. David Johnson
LTC Northern for Colonel W. Steve Flaherty
Ms. Cookie Scott
Ms. Debbie Smith
Mr. Gilbert Smith
Pastor Aaron Wheeler
Chief James Williams
Lt. Scott Williams

Members Absent

Mr. Andy Block
Chief Jeffrey Brown
Mr. Ted Byrd
Sheriff Dennis Proffitt
Mr. Bobby Russell

DCJS Staff Present

Kenny Adcock
Stephanie Arnold
Rick Arrington
Travis Bice
Kassandra Bullock
John Colligan
Bruce Crusier
Shannon Dion
Fran Ecker
Demian Futterman
Teresa Gooch
Paula Harpster
Dave Hewes
Sam Hoffman
Laureen Hyman
Tracey Jenkins
Kathi Lee
Laurel Marks

Joe Marshall
Lisa McGee
Jim McDonough
Drew Molloy
Neadie Moore
Donna Shiflett
Albert Stokes
Janice Waddy
Tayler Williams

Others Present

Tom Chester, VSCC
Stanley Corn, Alarms, Inc.
Paula Kenner, APT
Erik Johnston, VACo
Renee Maxey, Director,
Piedmont Court Services
Dan Schmitt, PSSAB
James St. John, GSE
Chief Garth Wheeler, Buena Vista PD

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. Lauren Hyman to take the roll call. Ms. Hyman stated that there was a quorum with 22 members present.

II. Approval of Minutes from Last Meeting

Chairman Jett then called for a motion to approve the minutes of the May 8, 2014, meeting. Lt. Scott Williams made the motion, and Mr. Gilbert Smith seconded the motion. Chairman Jett stated that it had been motioned and seconded that the Board approve the minutes of the May 8, 2014, meeting with no corrections, additions, or deletions.

III. Director's Report

Over 200 grants, worth close to \$40 million dollars in both state and federal funds, (to include funding for community corrections and pretrial services, offender re-entry programs, victim/witness assistance programs, sexual assault services programs and juvenile justice programs) were scheduled to be reviewed at the meeting.

A significant number of the grants being acted on by the CJSB will involve state general funds, and the amounts recommended for these grants assume the appropriation amounts for the grant programs that are contained in the most recent versions of the budget. If those amounts end up being different in the final budget, individual grant amounts will need to be adjusted. If this should occur, DCJS will communicate with the grantees and give them as much flexibility as possible in making adjustments. Additionally, DCJS will be reviewing grant processes to see if there are ways they can be streamlined to try to reduce the burden, on board members, staff and grantees, while still assuring proper oversight and fiscal accountability.

DCJS will be looking at how internal processes are managed and at how the Board members, are involved in the review process. Beyond the grant process itself, DCJS will focus on grant funding, wherever possible, on projects and initiatives that incorporate data driven decision making and evidence-based practices.

Virginia has been selected to participate in an evidence-based decision-making initiative of the National Institute of Corrections. Its goal is to build capacity among Virginia localities to implement EBDM and, in doing so, enhance the effectiveness of local criminal justice systems and improve public safety. The Secretary is assembling a team representing state agencies and policy makers, statewide membership groups and local governments that will help guide the effort.

DCJS will also be working on the development of a statewide criminal justice plan as required by the *Code of Virginia*. The planning process will involve getting input from our stakeholders and will be data driven in the analysis of issues and problems and in the recommendations that are proposed in response. It is expected that the process will begin over the summer and that a plan will be finalized next spring.

Special Conservators of the Peace (SCOPs) are required by *Code* to be registered with DCJS and meet certain minimum qualifications and training standards. A workgroup last year looked at the SCOP program and produced recommendations that were ultimately embodied in

Senator Norment's Senate Bill 495, introduced in the 2014 Session. That bill passed the Senate but was carried over until next year in the House Committee on Militia, Police and Public Safety; Committee Chairman, Del. Scott Lingamfelter, asked Secretary Moran to convene a workgroup to try to clarify issues that arose during the Session. DCJS will be staffing that group as it meets over the summer.

DCJS has also convened a workgroup to help review our victims' services funding programs. It includes representatives of local programs and advocacy organizations who will provide input on ways DCJS can better manage our programs. This workgroup is not to be confused with the Crime Commission's broader study of victims' services funding that encompasses all the agencies that play a role in supporting these services. DCJS is involved in the Commission's study as well and are sharing information with them and assisting them as they proceed.

At the request of the Department of Forensic Science, DCJS is also reviewing law enforcement training curricula and lesson plans to make sure they are consistent with one another and up-to-date.

Some upcoming events were mentioned and Board members were reminded that they are always welcome at agency events.

- Trends in Human Trafficking Conference, June 16-20, 2014, a collaborative effort between DCJS and the Office of the Attorney General aimed at law enforcement, victims' services providers, prosecutors and others who respond to this problem.
- The seventh annual Victim Witness Assistance Academy at the University of Richmond, July 21-25, 2014. Virginia is one of only 11 states that offer this type of intensive training to Sexual Assault Advocates, Domestic Violence Advocates, Victim/Witness Advocates, Victim Services Providers, Law Enforcement Officers, Prosecutors, Probation and Parole Officers and other allied professionals who work with or are interested in the field of victim services.
- August 4-6, 2014. DCJS, the Office of the AG, Department of Education, State Police and other agencies will be holding the School and Campus Safety Training Forum. It is anticipated that there will be more than 700 attendees—law enforcement, school security, counselors, school administrators.

IV. Committee Reports

Advisory Committee on Juvenile Justice

The Advisory Committee on Juvenile Justice's Subcommittee met on May 28, 2014. The subcommittee reviewed new and continuation applications for funding under Byrne/JAG, Title II, and Juvenile Accountability Block Grant programs. One application for the Juvenile Accountability Block Grant was determined ineligible for funding and therefore, not considered for funding (Dumfries).

Recommendation 1: The subcommittee recommends that the CJSB approve funding for the eight Byrne/JAG continuation grants submitted at the levels requested of \$220,304 in federal funds and \$157,497 in local match for a total of \$377,801.

Recommendation 2: The subcommittee recommends that the CJSB approve funding for the three Title II continuation grants submitted at the levels requested of \$91,871 in federal funds.

Recommendation 3: The subcommittee recommends that the CJSB approve funding for 14 new and one continuation Juvenile Accountability Block grant of \$388,497 in federal funds and \$43,246 in match for a total of \$431,743. All but one of the grants is recommended for funding at the level requested. Funds for one of the grants to the Department of Juvenile Justice have been increased due to funding availability and the identified need and prioritization for juvenile re-entry services.

Sergeant Adams made the motion that the Board accept the recommendations of the Advisory Committee on Juvenile Justice provide funding as defined above. Chief Clark seconded the motion. **Recusals:** Mr. Alan Katz for the AG's Office.

Corrections Subcommittee

Ms. Cookie Scott reported from the Corrections subcommittee which met with DCJS staff on June 4th to review staff recommendations of 12 Byrne continuation grants, nine Virginia Prisoner Reentry (PAPIS) grants, and 37 Comprehensive Community Corrections grants. Additionally, there were two separate grants to community corrections and pretrial services agencies that received a separate allocation in the budget as part of jail expansion projects. The Byrne grants represent a variety of projects, as described in your packets.

Ms. Scott made the motion that the Board accept the recommendations of the Corrections subcommittee and provide 12 Byrne continuation funding grants in the amount of \$482,306 in federal funds. Mr. Gilbert Smith seconded the motion.

The PAPIS grants are ongoing grants for reentry services to nine local programs, including job training, housing, cognitive behavioral skills, substance abuse treatment, and other related services. The Comprehensive Community Corrections grants represent the annual allocation to the local probation and pretrial agencies across the Commonwealth.

Ms. Scott made the motion that the Board accept the recommendations of the Corrections subcommittee and provide PAPIS grant funding for the nine grants in the amount of \$2,247,546 in state funds. Chief Williams seconded the motion.

Ms. Scott made the motion that the Board accept the recommendations of the Corrections subcommittee and approve funding as recommended by staff for all 37 Comprehensive Community Correction grants and the two pretrial expansion grants associated with the jail expansion of the Central Virginia Regional Jail and the Southwest Regional Jail in the amounts of \$23,233,730 and \$825,000 in state general funds respectively. LTC Northern seconded the motion.

In addition to the grants, the subcommittee reviewed the revised "Minimum Standards for Local Community-Based Probation and Pretrial Services". Pursuant to the Virginia Code, these Standards must be approved by the CJSB.

DCJS provides state funding to local governments for local probation and pretrial services, and the localities may structure and operate the services with some degree of flexibility to most effectively address the needs of the local criminal justice system. These statewide standards ensure that local agencies meet minimum core requirements and consistency in operation to comply with state code and professional best practices.

All CJSB members were provided with a history of the process used to undertake the revisions, and also a summary of the major changes made. Those agencies directly affected by these

standards have had opportunity to participate in their drafting, and the changes have been fully vetted with them. Ms. Renee Maxey, Director of Piedmont Court Services was also present and provided her support to the regulations.

Ms. Scott made the motion that the Board accept the recommendations of the Corrections Subcommittee and provide approval to these revisions of the Minimum Standards for Local Community Based Probation and Pretrial Services. Chief Clark seconded the motion.

Victim/Witness Grant Subcommittee

The Victims Services subcommittee met on June 4, 2014, to review FY2015-2016 Victim/Witness Program Grant Awards; FY2015 Sexual Assault Grant Program Awards; CY2014 Sexual Assault Services Program Awards; and FY2015 Byrne Justice Assistance Grant Continuation Awards.

FY2015-2016 Victim/Witness Program Grants:

Victim/Witness Programs are supported by The "Virginia Victim/Witness Fund"; Federal Victims of Crime Act (VOCA) funds, and; state general funds. Victim/Witness Programs statewide are designed to meet the needs of crime victims, address the statutory requirements of the Victims' Bill of Rights, and meet DCJS grant requirements.

The subcommittee concurred with the staff recommendation to award funding in the amount of \$9,731,400 to provide continuation grant funding to 105 local Victim/Witness Programs and four statewide victim assistance programs pending receipt of the FY 2014 VOCA federal award. If approved, these applicants will be required to submit revised budgets equal to the amounts awarded for review and approval by DCJS prior to disbursement of funds.

Sergeant Adams made the motion that the Board accept the recommendations of the Corrections Subcommittee and approve a total award of \$9,731,400 to 109 applicants. Pastor Wheeler seconded the motion. ***Recusals:*** Ms. Scott for DOC, Mr. Alan Katz for the AG's Office, Judge Deneke for Stafford County, Ms. Karen Brown, for the Parole Board, Judge Malveaux for Henrico, Mr. Doucette for Lynchburg, and Chief Clark for Grayson County and Carroll County.

FY2015 Sexual Assault Grant Program Awards:

The Sexual Assault Grant Program (SAGP), currently provides funding to sexual assault crisis centers, statewide. FY 2015 will be the second year of funding in a two-year cycle.

During the March 2014 CJSB meeting, one of the local sexual assault crisis centers, the Laurel Center in Winchester, was awarded an additional \$17,280 for the 4th quarter of FY 2014, in order to add sexual assault services for Warren County since the closure of Harmony Place last fall.

The Laurel Center again submitted a supplemental grant application to DCJS for FY2015. They are requesting \$60,884 in additional funds to continue to support the full-time sexual assault advocate providing services in Warren County. This will increase the Laurel Center's FY 2015 award from \$113,122 to a total of \$174,006.

Sergeant Adams made the motion that the Board accept the recommendations of the Corrections Subcommittee and approve increasing the Laurel Center's FY 2015 award to \$174,006, to continue to support a full-time sexual assault victim advocate for Warren County. The adjusted total FY 2015 SAGP award amount is \$3,402,485 to 36 programs. Ms. Scott seconded the motion.

CY2014 Sexual Assault Services Program Awards:

The Sexual Assault Services Program (SASP), was created by the federal Violence Against Women Act. SASP 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 non-profit sexual assault crisis centers, statewide, that submit applications and demonstrate adequate performance.

During the December 2013 CJSB meeting, the Board approved awards of a total of \$273,964 to 30 applicants for CY 2014. As a result of changes to the Violence Against Women Act, a balance of approximately \$52,140 in federal SASP funds remained available for use by local programs in Virginia. With this funding balance, DCJS can award an additional \$1,738 to each of the 30 SASP-funded programs, for their use during the second half of CY 2014.

Sergeant Adams made the motion that the Board accept the recommendations of the Victim/Witness Grant subcommittee and approve the supplemental awards of \$1,738 each to 30 programs, for a total SASP CY 2014 award of \$326,104. Gilbert Smith seconded the motion.

FY2015 Byrne Justice Assistance Grant Continuation Awards.

Within the Byrne Justice Assistance Grant Program, one of the seven purpose areas is Crime Victim and Witness Programs. Funding under this purpose area is open to organizations proposing specified regional or statewide crime victim assistance projects.

One program, the Collins Center, applied for continuation funding under this purpose area for Fiscal Year 2015. The proposed continuation project requests support for Sexual Assault Response Team mini-trainings and for one larger, statewide, multidisciplinary sexual assault response conference.

Sergeant Adams made the motion that the Board accept the recommendations of the Victim/Witness Grant subcommittee and approve an award of \$74,122 to the Collins Center. This total amount represents \$55,591 of Byrne JAG funds and \$18,531 of local match funds. Lt Scott Williams seconded the motion.

Delegate Miller asked the Chairman to go back to the agenda item to discuss the Minimum Standards. Some serious issues have been brought to his attention and to Senator Garrett's attention as well regarding probation and parole that falls under the Corrections Subcommittee.

Delegate Miller expressed concern about the amount of times there would be visitation from people on probation to their parole officer. Previously on low risk misdemeanor cases, they would still meet with their probation officer once a month. It was noted by staff that these individuals will still have initial intakes and will have a validated risk assessment done to determine what their risk and needs are. Additionally, they will have to comply with all of the conditions of the courts set for them.

Lt. Williams made the motion to defer action on these corrections standards which were previously voted on, to provide the opportunity for DCJS staff to present more detailed information on the standards at the next CJSB meeting. Chief Williams seconded the motion.

There was much discussion about this change and the research behind the decision to make this change. Delegate Miller and Senator Garrett asked DCJS to provide more information on who conducted the research, and showed an interest in seeing the data behind the data driven information. There will be a presentation on this at the next Board meeting in September.

Committee on Training

The Committee on Training met this morning at 9:00 a.m.

Regulatory Actions:

The committee heard a presentation from Lisa McGee, who on behalf of the Department, requested the Board adopt the following proposed amendments to the Regulations Relating to Private Security Services:

- *Conform to Statutory Amendments*
During the General Assembly, the language regarding training exemptions under §9.1-141 was amended to provide the Board with the authority to adopt regulations providing full training exemptions for individuals with previous training that meets or exceeds the required standards. The current *Code* and regulations allow for partial exemptions. This amendment goes into effect July 1, 2014. In order to conform to the new language in the *Code*, the Department wishes to amend the applicable regulations by removing the word “partial” from Chapter 6VAC20-171.
- According to the Administrative Process Act, § 2.2-4006 (4)(A), regulations that are necessary to conform to changes in Virginia statutory law are exempt from the full regulatory process. The Department is requesting the approval of the Board to amend the regulations utilizing this exemption. If approved, the amendments will be effective 30 days after publication with the Virginia Registrar.
- *Change to Style and Form of Regulations.* The Department is also requesting the Board's approval to repeal the current chapter of the Private Security Services Regulations and replace it with three individual chapters. This action was reported by Charles Ciccotti during his Private Security Services Advisory Board Report at the March meeting. Separating the private security services regulations is consistent with the regulatory reform initiative and recommendations received from the prior administration's policy office.

The separation into three chapters is the only significant change; hardly any text of the regulations is impacted by the separation. The three chapters are (1) Businesses, (2) Training Schools and (3) Registered Personnel. This action is also exempt from the APA because it consists only of changes in style or form. If approved, the amendments will be effective 30 days after publication with the Virginia Registrar. The Committee on Training voted to recommend that the Board approve these changes as presented.

Chief Clark made the motion that the Board authorize DCJS to amend the style and form of the Regulations Relating to Private Security Services by separating them into three individual chapters relating to Businesses, Training Schools and Registered Personnel and to proceed with an exempt action pursuant to VA Code § 2.2-4006 (A)(3). Mr. Charles Ciccotti seconded the motion.

Nominations and Appointments Subcommittee

Mr. Ciccotti gave the report from the Nominations and Appointments subcommittee which met earlier, giving recommendations for the CASA/CJA Advisory Board and the Private Security Services Board.

A motion was made that the Board approve the recommendations of the Nominations and Appointments subcommittee to appoint the following individuals to the CASA/CJA Advisory Board for a four year term beginning July 1, 2014: Dr. Robin Foster, Ms. Nancy Oglesby and Ms. Alicia Lenahan. Chief Clark seconded the motion.

Mr. Ciccotti made the motion to appoint the following to serve on the PSSAB for a one year term beginning July 1, 2014: Stanley Corn, Robert Soles, and Thomas Kaschak. The motion was seconded by Sergeant Adams.

Private Security Services Advisory Board (PSSAB)

Mr. Charles Ciccotti reported from the Private Security Services Advisory Board (PSSAB), which met on Wednesday, June 4, 2014, at the Glen Allen Library in Henrico.

The Department advised the Board that in addition to the proposed regulatory action to separate the Private Security Services regulations into smaller chapters, the Department would also be seeking to amend the regulations to conform to a statutory amendment regarding training waivers.

Effective July 1, 2014, the CJSB will have the authority to allow for full training waivers versus partial training waivers for previous training that meets or exceeds the mandatory training standards. This regulatory action proposed by the Department will ensure the regulations reflect this change. There was no opposition to this action from the Advisory Board.

Special Conservator of the Peace (SCOP) – Bond Requirements

The PSSAB discussed the bond requirements for registered SCOP's in order to make a recommendation to the CJSB. The discussion included issues of liability, variances between armed and unarmed special conservators, current liability requirements for private security services businesses, and possible fiscal impacts to the SCOP industry. It was acknowledged that changes needed to be made, and that the current requirement of \$10,000 was not adequate. After much discussion, the members of the PSSAB, by a majority vote, recommended that the CJSB raise the liability requirements for SCOPs to a minimum amount of \$100,000 for a surety bond and a minimum amount of \$500,000 for liability insurance.

CJSB Bylaws

At our last meeting, the CJSB approved the request that the PSSAB have the opportunity to recommend an individual for designation as the PSSAB Chairman. By a unanimous vote, the PSSAB requests that Mr. Dan Schmitt, our current acting Chairman, be considered for that designation.

The next scheduled meeting for PSSAB is September 30, 2014, in conjunction with the DCJS/ Crime Clinic Conference in Virginia Beach.

Freedom of Information Act (FOIA) Presentation

Maria Everett, Executive Director of the FOIA Council

Ms. Everett gave a presentation on the Freedom of Information Act (FOIA). Opportunity to ask questions was given to the Board members. Key points discussed included:

- public records are owned by the government if they relate to transactions in business.

- A meeting is when individuals are physically located together doing business in a group of three or more. Even if it is an informal assembly, if there are three or more individuals from the same body and public business is being discussed, it is considered a meeting that should be open to the public with notice provided. Minutes would also need to be taken. Two people can talk about public business all they want, without the public being there. If there is a larger group, they will have to wait for an open forum to have discussion.
- E-mails can rise to the level where they constitute a meeting under the law, but e-mail meetings are not open to the public.
- Anytime you have a discussion of the public business, with three or more people involved in real-time using electronic means, (texting, Twitter, e-mail, etc.), it is a meeting under FOIA and you are in violation.
- If you send an article as an FYI and someone in the group replies to all and then someone else replies, you are now having a closed meeting that is in violation under FOIA.

Old Business

Special Conservator of the Peace (SCOP) – Bond Requirements

Ms. Shannon Dion gave a brief presentation on the bond and insurance requirements for SCOP applicants. The Board is responsible for setting an amount of a cash and surety bond and an amount and type of insurance for the SCOP program. The bond amounts are irrelevant to law enforcement activity as they do not protect the SCOP or the public. If the SCOP were to steal from his employer, the bond would then cover the theft. More research has been done since the last board meeting and examples of rates were given for \$1 million of professional law enforcement liability insurance.

The differences between a “professional” insurance policy and a “general” insurance policy were explained. Professional law enforcement liability insurance is the best choice for law enforcement as it covers errors of judgment, excessive use of force, racial profiling, mental anguish, etc. Claims based on these errors are not covered by general insurance policies. The Board members previously heard from the Department of Risk Management (DRM) and the Virginia Municipal League (VML) which explained that one million dollar professional law enforcement liability insurance policy is reasonable and the industry standard for individuals with arrest powers. As far as bonds are concerned, all state employees are covered by a \$500,000 fidelity bond, including sheriffs.

The cost for professional law enforcement insurance policies is variable and can depend upon the annual payroll of a company and the type of operation the company is engaging in. Insurance companies look at the risk levels of company operations: low risk (such as providing security at airports, banks, office buildings, etc), medium risk (such as providing security at casinos and schools) and high risk (providing security for events with large crowds or where alcohol is served, bars, concerts, armored calls, bail bonding). There is not a significant cost increase for professional law enforcement liability insurance policies providing \$500,000 in coverage or \$1 million in coverage.

DCJS recommends a \$100,000 cash/surety bond minimum and a \$500,000 minimum professional law enforcement liability insurance plan for individuals engaging in SCOP duties.

Mr. Macon asked if DCJS was recommending the bond or liability insurance coverage or both?

Ms. Shannon Dion answered that the law currently allows the SCOP to show proof of one or the other. The CJSB is statutorily authorized to set the amounts of both.

Mr. Ciccotti moved to accept DCJS' recommendation that the Board adopt a requirement that SCOP applicants provide proof of either a \$100,000 cash or surety bond or \$500,000 professional law enforcement liability insurance. The motion was seconded by Chief Williams. The Board voted unanimously to approve the motion.

Public Comment

During the public comment period, James St. John (with Golden Seal Enterprises and is an SCOP), spoke briefly and noted that his company intends to ask the General Assembly to consider changing the bond requirement and liability insurance requirement as well in the Code during the next General Assembly session. The bond amount of \$100,000 should be considered a "maximum" amount not the mandatory minimum. Mr. St. John remarked that Virginia State Police has a bond amount of \$75,000 and that SCOPs shouldn't have a higher level of bond than State Police.

Mr. Ciccotti made the motion to accept DCJS' recommendation that there should be a \$100,000 cash surety bond amount minimum, and rather than a general liability policy, there should be a \$500,000 minimum type professional law enforcement liability insurance plan for anyone related in SCOP duties. The motion was seconded by Chief Williams.

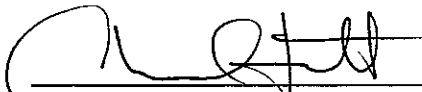
Former DCJS Director, Garth L. Wheeler was recognized for his service to the CJSB. In addition, board members whose terms are expiring June 30, 2014, were also recognized for their support of the CJSB.

X. Next Meeting

Chairman Jett thanked Board members and guests for attending the meeting and stated that the next meeting was scheduled for September 18, 2014, at 11:00 a.m. in House Room D of the General Assembly building.

Chief Clark made the motion to adjourn the meeting, the motion was seconded by Chief Williams. The meeting was adjourned at 1:00 p.m.

Approved:



Sheriff Charles Jett, Chairman