



## **Criminal Justice Services Board (CJSB) Executive Committee**

*May 12, 2022, 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  
Chief Maggie DeBoard  
Mr. David Johnson  
Mr. Jagdish Katyal  
The Hon. Bryan Porter, Vice-Chair  
Lt. Col. Tracy Russillo, Proxy for Colonel Gary Settle  
Chief Kelvin Wright

### **I. Call to Order**

Chairman Chief Craig Branch called the meeting of the Executive Committee of the Criminal Justice Services Board (CJSB) to order at 10:00 a.m. A quorum was present.

### **II. Approval of Minutes**

Mr. Jagdish Katyal made the motion, seconded by Chief Kelvin Wright, to accept the minutes of the March 17, 2022, meeting of the Executive Committee. The motion passed unanimously.

### **III. Old Business**

There was no old business to discuss.

### **IV. New Business**

#### **Decertification – Mr. Omar Higazi - Chesapeake Police Department**

Chief Wright asked to be recused from the decertification appeal for Mr. Higazi.

Mr. Higazi stated that he would need to request an extension for his decertification appeal as he no longer had legal representation. The Executive Committee acquiesced to Mr. Higazi's request.

**Decertification – Mr. Daniel Smith, Chesapeake Police Department**

Chief Branch called on Ms. Cathie Hutchins, Senior Assistant Attorney General, to give a summary of Mr. Smith’s certification status and to present the facts resulting in his decertification as a law-enforcement officer from the Chesapeake Police Department. Mr. Smith was decertified pursuant to clause (B)(iv) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Mr. Smith and his counsel and representatives of his former agency.

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

Once the Executive Committee had concluded its closed session, Mr. Johnson made a motion, seconded by Sheriff C. O. Balderson, 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. Bryan Porter made the motion, seconded by Lt. Col. Tracy Russillo, that the Executive Committee uphold the decertification of Mr. Smith as a law-enforcement officer. The motion passed unanimously.

**Decertification – Mr. Kenneth Werts, Hanover County Sheriff’s Office**

Chief Branch called on Ms. Cathie Hutchins, Senior Assistant Attorney General, to give a summary of Mr. Wert’s certification status and to present the facts resulting in his decertification as a law-enforcement officer from the Hanover County Sheriff’s Office. Mr. Werts was decertified pursuant to clause (B)(iii) and (iv) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Mr. Werts and his counsel and representatives of his former agency.

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

Once the Executive Committee had concluded its closed session, Mr. Johnson made a motion, seconded by Sheriff Balderson, 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 Wright, that the Executive Committee overturn the decertification of Mr. Smith as a law-enforcement officer. The motion passed unanimously. Mr. Werts eligibility for certification as a law-enforcement officer was reinstated.

**V. Public Comment**

There was no public comment.

**VI. Next Meetings**

The next meeting date of the Executive Committee is scheduled for July 21, 2022.

**VII. Adjournment**

The meeting adjourned at 1:37 p.m.