



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

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MINUTES

Criminal Justice Services Board

October 10, 2024

Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219
East Reading Room

Members Present

Senator Lamont Bagby
Sheriff C. O. Balderson
Mr. Lloyd Banks for The Hon.
Patricia West
Ms. Mary Biggs
Chief Craig Branch, Chair
Sheriff Michael Chapman
Ms. Ebony Clark *(Virtual)*
Chief Maggie DeBoard
The Hon. Sarah Deneke
Mr. Dean Ricks for The Hon.
Chadwick Dotson
Officer Bennie Evans, Jr. *(Virtual)*
Delegate Phil Hernandez
Sheriff Brian Hieatt
Ms. Maria Jankowski
Mr. Jagdish Katyal
Mr. Edward M. Macon
LTC Kirk Marlowe for Colonel
Gary Settle
D. Bradley Marshall, Esq. *(Virtual)*
Ms. Renee Maxey

Members Present (Cont'd)

The Hon. Russell McGuire *(Virtual)*
Dr. Sessa Joi Moon *(Virtual)*
The Hon. Bryan Porter, Vice-Chair
Delegate Briana Sewell *(Virtual)*
Superintendent William Smith
Ms. Theo Stamos
Mr. James Towey for
Ms. Amy Floriano
Ms. Ashley Waddell
Mr. Anthony Williams
Chief Ryan Zuidema

Members Absent

Ms. Robin Deulio
Judge Joseph Lindsey
Senator Mark Peake

I. Call to Order

Chairman Craig Branch called the meeting of the Criminal Justice Services Board (CJSB) to order at 11:10 a.m. A quorum of the Board was present.

Ms. Ebony Clark participated through electronic communication pursuant to *Virginia Code § 2.2-3708.2(A)(1)(b)* due to a personal matter – no childcare, from Morrisville, NC, and due to her principal residence location being further than 60 miles from the meeting location.

Officer Bennie Evans participated through electronic communication pursuant to *Virginia Code § 2.2-3708.2(A)(1)(b)* due to his principal residence location being further than 60 miles from the meeting location.

Mr. Bradley Marshall participated through electronic communication pursuant to *Virginia Code § 2.2-3708.2(A)(1)(b)* due to having court and not being able to drive to Richmond in time for the Board meeting, from Leesburg, Virginia.

Dr. Sesha Joi Moon participated through electronic communication pursuant to *Virginia Code § 2.2-3708.2(A)(1)(b)* due to her principal residence location being further than 60 miles from the meeting location.

Delegate Briana Sewell participated through electronic communication pursuant to *Virginia Code § 2.2-3708.2(A)(1)(b)* due to her principal residence location being further than 60 miles from the meeting location.

II. Approval of Minutes

Mr. Rusty McGuire made the motion, seconded by Ms. Mary Biggs, to accept the minutes of the June 13, 2024, meeting of the CJSB. The motion passed unanimously.

III. Director's Report

Mr. Jackson Miller, Director of the Virginia Department of Criminal Justice Services (DCJS) gave an overview of items of interest from the agency:

Division of Programs and Services

- The Division of Programs and Services held a conference focusing on various aspects of domestic violence October 7-9, 2024, in Hampton. Presentations focused on practical guidance, best practices, and evidence-based, trauma-informed approaches to prevent domestic violence, support survivors, and hold individuals accountable. Judge Nancie Williams, from the 26th Judicial District, shared her own story of growing up in the shadow of domestic violence. The third day of the conference transitioned to focus on human trafficking.
- Two new solicitations for grant funding have been issued, including continuation funding under the Sexual Assault Services Program and new funding for jail-based substance use disorder treatment programs. Grants will be presented for CJSB approval in December. Additional solicitations for continuation and new programs under the Firearm Violence Intervention and Prevention Grant Program and Operation Ceasefire Grant Program will soon be issued. Grants under these solicitations will be presented in December and March.

Division of Licensure and Regulatory Services

- The replacement of DCJS' private security credential management system continues. The new system, named Lotus, is being built on the Microsoft Power Platform. We are currently testing Lotus and working through the massive task of data conversion. We have notified the previous vendor of our intent to terminate and are working through the end-of-contract steps with them.

Division of Public Safety Training and the Virginia Center for School and Campus Safety

Office of First Responder Wellness

- DCJS launched its inaugural "First Responder Wellness Conference" in September, attracting 350 first responders from law enforcement, fire and EMS, and emergency dispatchers. The conference highlighted the six pillars of wellness and received exceedingly high evaluations.

School and Campus Safety Conferences

- **The 2024 Executive Forum** for school board members, superintendents, police chiefs, and sheriffs occurred in July, with more than 100 participants across the Commonwealth. The **24th Annual School Safety Training Forum** in Hampton, VA exceeded expectations with nearly 1000 participants.

Active Attack Program

- The Active Attack team concluded FY24 by conducting 97 courses and training over 2,600 law enforcement officers and citizens. Over 156 organizations in 39 cities and counties participated in training of which 79 were law enforcement agencies, 12 Fire/EMS, and 15 school/campus.
- In FY25 to date they have conducted 25 courses, training over 500 participants, and have 80+ courses scheduled for the remainder of 2025. In October 2024 they will deliver four Solo Officer Rapid Deployment courses as part of **VSP's annual Drug Task Force Conference**, training officers from 90+ law enforcement agencies.

American Rescue Plan Act (ARPA) Funds

- The Law Enforcement Grants Program has successfully distributed \$75 million in ARPA funding within the required timeframe and to all law enforcement agencies, campus police departments, regional jails, and regional criminal justice training academies. No funds will be returned to the federal government but all will be used for the training and equipment purchases directed by the General Assembly.

IV. Committee Reports

Committee on Training (COT)

The COT met at 10:00 a.m., on October 10, 2024. COT Chair, Superintendent William Smith gave a report, which included the recommendation to recertify the Town of Smithfield as a Certified Crime Prevention Community.

The motion was made and seconded by Superintendent Smith to approve the Town of Smithfield as a Certified Crime Prevention Community. The motion passed unanimously.

Chairman Branch turned the meeting over to Vice-Chair Bryan Porter while he gave committee updates.

Executive Committee

Chairman Branch gave an update on the Executive Committee which met on July 25-26, 2024, and approved of the following grant funding:

- Sexual Assault Services Program (SASP) – Competitive Applications for Fall 2024-2025: The Executive Committee approved funding in the amount of \$80,858, in federal SASP funds, for one award.

The Executive Committee also met to hear decertification appeals of:

- **Mr. Malik Brown**, formerly with the Rappahannock Regional Jail, and voted to reinstate the eligibility for certification of Mr. Brown as a jail officer.
- **Mr. William Campbell**, formerly with the Spotsylvania Sheriff's Office, and voted to sustain the decertification of Mr. Campbell as the appellant violated state law.
- **Mr. Matthew Guzzetta**, formerly with the Fairfax County Police Department, and voted to reinstate the eligibility for certification of Mr. Guzzetta as a law enforcement officer.
- **Mr. Dakota Hunter**, formerly with the Wythe County Sheriff's Office, and voted to reinstate the eligibility for certification of Mr. Hunter as a law enforcement officer.
- **Ms. Mary Smith**, formerly with the Henry County Sheriff's Office, and voted to sustain the decertification of Ms. Smith.
- **Mr. Jacob Unger**, formerly with the Shenandoah County Sheriff's Office. Legal counsel requested this case be continued to November.
- **Mr. Cross Yates**, formerly with the Petersburg Police Department, and voted to sustain the decertification of Mr. Yates.
- **Mr. Sherman Ferguson**, formerly with the Lynchburg Police Department, and voted to sustain the decertification of Mr. Ferguson.
- **Mr. Lee Testerman**, formerly with the Virginia State Police. The Executive Committee voted to deny Mr. Testerman's five (5) year reinstatement petition and sustain the decertification of Mr. Testerman.

The Executive Committee also met on September 26-27, 2024, to hear decertification appeals of:

- **Mr. Matthew Porpilia**, formerly with the Frederick County Sheriff's Office, and voted to reinstate the eligibility for certification of Mr. Porpilia as a law enforcement officer.
- **Mr. Abdulrahman Aboutabl**, formerly with the Virginia State Police, and voted to and voted to reinstate the eligibility for certification of Mr. Aboutabl as a law enforcement officer.
- **Mr. Von Gaines**, formerly with the Virginia State Police, and voted to and voted to reinstate the eligibility for certification of Mr. Gaines as a law enforcement officer.
- **Mr. Joseph House**, formerly with the Fauquier County Sheriff's Office, and voted to sustain the decertification of Mr. House.
- **Mr. Skyler Johnson**, formerly with the Alexandria Sheriff's Office, and voted to reinstate the eligibility for certification of Mr. Johnson as a law enforcement officer.

- **Mr. Nicholas Nemard**, formerly with the Alexandria Sheriff's Office and voted to sustain the decertification.

Mr. Bradley Marshall noted that, although he represents Mr. William Campbell, he did not take part in any part of the decertification process, so there is no conflict of interest.

Grants Committee Report

The Grants Committee met on September 19, 2024, at 11am, and made the following recommendations:

- **American Rescue Plan Act (ARPA) – Regional Criminal Justice Training Academies Grant Program:** The Grants Committee approved funding in the amount of **\$1,990,200** in federal ARPA funds, for **11** awards.

Chairman Branch made the motion, seconded by Ms. Theo Stamos to approve the ARPA Regional Criminal Justice Training Academies grants as recommended. The motion passed.

Recusals:

Sheriff C. O. Balderson for Rappahannock CJA, Ms. Mary Biggs for Cardinal CJA, Chief Branch for Rappahannock CJA, Judge Sarah Deneke for Rappahannock CJA, Mr. Dean Ricks for Crater CJA, and Chief Ryan Zuidema for Central Virginia CJA.

- **American Rescue Plan Act (ARPA) – Crisis Intervention Team (CIT) Funding:** The Grants Committee approved funding in the amount of **\$1,300,000**, in federal ARPA funds, for **one** award.

Ms. Renee Maxey had a question regarding the breakdown of this funding which was answered by DCJS staff.

Chief Maggie DeBoard made the motion, seconded by Superintendent Smith to approve the ARPA CIT grant as recommended. The motion passed unanimously.

Private Security Services Advisory Board (PSSAB)

Mr. Jagdish Katyal gave the report from the PSSAB which met October 2, 2024, at 11:00 a.m.

Nominations and Appointments Subcommittee

Mr. Ed Macon gave the report from the Nominations and Appointments subcommittee, which met on June 13, 2024, to consider nominations for appointment to fill one vacancy on the PSSAB for a Law Enforcement Representative, and to consider 4 candidates for appointment to the CASA/CJA Advisory Committee (two new members and two re-appointments).

Mr. Macon made the motion, seconded by Ms. Biggs to accept these nominations to the PSSAB and CASA/CJA Committees as recommended. The motion passed unanimously.

VI. Old Business

There was no old business to discuss.

VII. New Business

Ms. Tracey Jenkins, Division Director, Programs and Services, DCJS, gave a summary on the Byrne/State Crisis Intervention Formula Program.

Mr. Macon made a motion, seconded by Mr. Marshall, to approve the proposed program and budget plan for the FFY 2022-2023 Byrne State Crisis Intervention Formula Program. The motion passed unanimously.

Dr. Kristi Shalton, Regulatory Coordinator, DCJS, provided regulatory updates on the following:

- Approval of opening of emergency action regulatory text for 6 VAC20-174 Regulations Relating to Private Security Services Registered Personnel.
- Approval of regulatory text for 6 VAC 20-65 Rules Relating to Professional Standards of Conduct and Procedures for Decertification.
- Approval of regulatory text for 6 VAC20-30 Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers, Dispatchers, and Officers of the Department of Corrections, Division of Operations.
- Approval of the opening of a Notice of Intended Regulatory Action (NOIRA) for 6 VAC20-120 Regulations Relating to Criminal History Record Information Use and Security.
- Approval of the opening of emergency action and regulatory text for 6 VAC20-240 Regulations Relating to School Security Officers.
- Approval of the opening of emergency action and regulatory text for 6 VAC20-270 Regulations Relating to Campus Security Officers.

Sheriff Hieatt made a motion, seconded by Chief DeBoard, to approve of this block of regulatory actions. The motion passed unanimously.

Request for approval of the opening of emergency action and regulatory text for new regulation 6 VAC20-55 Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers Serving as School Resource Officers

There was much discussion relating to this regulatory action. This regulation was pulled out of the block to be voted on separately from the others.

The Board previously voted to approve these standards and focus groups were in place to hear the suggested changes. Discussion was had about further changing the requirements. The action being requested by the CJSB was to move the regulations to the next step of the regulatory process. The regulations would then be available for public comment and review by the Governor's office. These regulations will be put into town hall to create a new regulation. This will be complete when the Governor signs off at the end of the process.

Mr. Porter made a motion, seconded by Chief DeBoard, to approve of the opening of emergency action and regulatory text for new regulation 6 VAC20-55 Rules Relating to Compulsory Minimum Training Standards for Law Enforcement Officers Serving as School Resource Officers. The motion passed.

Opposed: Mr. Rusty McGuire, Sheriff Balderson, Sheriff Hieatt, Sheriff Chapman

VIII. Public Comment

Prior to Public Comment, a certificate was presented to recognize Judge Sarah Deneke for her service on the CJSB. She is retiring this fall and will be coming off the board.

There was no public comment.

IX. Proposed Meeting Dates for 2025

Ms. Maxey made a motion, seconded by Ms. Stamos, to approve of the following meeting dates for the CJSB for 2025: March 13th, May 8th, June 12th, October 9th, and December 4th.

X. Next Meeting

The next Criminal Justice Services Board (CJSB) Meeting will take place in the East Reading Room of the Patrick Henry Building on December 5, 2024, at 11:00 a.m.

XI. Adjournment

The meeting adjourned at 12:30 p.m.