COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

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DRAFT

Criminal Justice Services Board
December 10, 2015

Members Present
Ms. Angela Valentine for Mr. Andy Block
Ms. Karen Brown
Sheriff Vanessa Crawford
Ms. Jae Davenport for Mr. David Johnson
Judge Sarah Deneke
The Hon. Michael Doucette, Chairman
Sheriff Charles Jett
Mr. Edward M. Macon
Judge Mary Malveaux
Delegate Jackson Miller
The Hon. Michelle Mosby
LTC Robert Northern for Colonel Steve Flaherty
Mr. Kevin Reynolds for Senator Thomas Garrett, Jr.
Colonel Bobby Russell
Ms. Cookie Scott
Ms. Debbie Smith
Mr. Gilbert Smith
Mr. Robert Soles
Mr. Richard Vorhis
Chief James Williams
Lt. Scott Williams
Chief Kelvin Wright

Members Absent
Mr. John Boneta
Chief Jeff Brown
Senator Charles Carrico, Sr.
Delegate Chris Peace
Deputy Sheriff Kevin Pittman
Ms. Stephanie Wright

DCJS Staff Present
Kenny Adcock
Lauren Allen
Kassandra Bullock
John Colligan
Shannon Dion
Fran Ecker
Tom Fitzpatrick
Kate Foray
Julia Fuller-Wilson
Teresa Gooch
Sam Hoffman
Ed Holmes
Sharon Gray
Paula Harpster

DCJS Staff Present (Cnt'd)
Laureen Hyman
Tracey Jenkins
John Mahoney
Laurel Marks
Joe Marshall
Rebecca McNees
Melissa O'Neill
Donna Shiflett
Heather Smolka
Kristina Vadas
Janice Waddy
Barbara Peterson-Wilson

Others Present
Patrick Bridge, DJJ
Kristina Bryant
Debbie Clements, VCCJA
Victoria Cochran, Deputy Secretary of Public Safety and Homeland Security
Kristine Hall, VSDVAA
Brian Moran, Secretary of Public Safety and Homeland Security
Kyanna Perkins, VWAN
Joy Wade, VDSS
Amanda Wimberley, Portsmouth Community Corrections

I. Call to Order

Chairman Mike Doucette 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 Doucette 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 Doucette then asked Ms. Laureen Hyman to take the roll. Ms. Hyman stated that there was a quorum with 20 members present.

II. Approval of Minutes from Last Meeting

Chairman Doucette then called for a motion to approve the minutes of the September 17, 2015, meeting. Sheriff Jett made the motion, and Sheriff Crawford seconded the motion. Chairman Doucette stated that it had been motioned and seconded that the Board approve the minutes of the September 17, 2015, meeting.

Secretary of Public Safety and Homeland Security, Brian Moran, briefly spoke to the Board recognizing the efforts of DCJS and of the Board and thanking them for their service.

III. Director's Report

Director Fran Ecker gave her update to the Board which included:

VOCA

- Close to $47 million is available for victim assistance programs (four times the amount of the typical annual allocation). Congress and the Administration raised the "cap" on the amount of money in the Crime Victims Fund that can be distributed to the states each year for victim assistance and compensation. It is unknown if that cap will remain at its newly raised level in subsequent years.

- Four VOCA "listening sessions" were conducted in four different parts of the state where advocates, service providers, CASA programs, legal services providers and others expressed their needs and concerns about gaps in services.

- DCJS has also looked at how other states are responding to their increases in VOCA funds, and based on input, there is a plan to develop funding formulas that will be used to allocate most of the funds to the VOCA priority categories: victim assistance programs, domestic violence programs, sexual assault programs and CASA programs.

- A portion of the funds will be used for a competitive grant process to fund new programs aimed at previously underserved populations. Guidelines will be issued and invitations for applications will be sent out in the spring. More immediately, the Grants Subcommittee approved providing a 15% increase in funds for current fiscal year programs.

FOIA Case

- DCJS was involved in a Freedom of Information Act (FOIA) case with the Virginian Pilot newspaper in Norfolk Circuit Court. The Virginian Pilot newspaper requested certain statewide law enforcement records from our database. DCJS negotiated with the paper about what we could and could not disclose, and what the paper could do with the records. Ultimately, though, on the advice of the Attorney General's office, we decided not to provide the records on the grounds that they are personnel records and the FOIA allows us discretion to withhold them.

The Circuit Court ruled that the records are indeed personnel records that can be withheld at our discretion but, since we had already negotiated with the paper and reached agreement on what parts we'd disclose, we are obligated to disclose them. DCJS is consulting with the AG's office about any further steps that might be taken.

Events

- This fall was the 20th anniversary of the passage of the Comprehensive Community Corrections and Pretrial Services Acts and the 25th anniversary of legislation establishing Virginia's Court Appointed Special Advocate (CASA) Program, as well as the 30th anniversary of the start of the first local CASA program.

NGA/NCJA Institute

- Last week the National Governors' Association, the National Criminal Justice Association and the Justice Department's Bureau of Justice Assistance hosted a two-day "Institute for State Criminal Justice State Public Safety Executives" in Richmond, at the Patrick Henry Building.

NIJ/Virginia Tech Grant

- Virginia Tech has been awarded a $900,000, for a two year grant that will study school disciplinary policies and school climate data, and their influence on the "school to prison pipeline." In their proposal to NIJ, Tech noted that their researchers would partner with DCJS, as well as the state Department of Education and DJJ, in conducting the research. This research will likely prove invaluable for the Governor's "Classrooms Not Courtrooms" initiative.

Upcoming Events

- The General Assembly Session begins on January 13, 2016, and is scheduled to be a 60-day Session. Legislators will be working on a new budget for the biennium beginning next July 1.

- The Campus Safety and Violence Prevention Forum will take place in March.

Retirement of Sheriff Jett

Director Ecker noted that this meeting was Sheriff Jett's final Board meeting, as he is retiring at the end of December. DCJS staff and Board members have appreciated and valued his contributions to the work of the Board, as the Chairman and as a member.

IV. Committee Reports

Committee on Training

Superintendent Russell reported from the Committee on Training (COT).

- **Review and approval of new Curriculum Review Committee members**
  The COT met this morning and heard from Ms. Barbara Peterson-Wilson, Law Enforcement Program Coordinator of DCJS, who provided a review with regard to the approval of the new Curriculum Review Committee members. The Committee approved those new members selected.

- **Review and revision of training standards related to terrorism training.**
  Ms. Barbara Peterson-Wilson also provided revisions made to the training standards related to terrorism training. The Committee approved those revisions as provided.

Private Security Services Advisory Board (PSSAB)
Mr. Robert Soles reported from the PSSAB which met on December 1, 2015. There was discussion regarding the requirement that SCOPs have a background investigation conducted by a law enforcement agency. There is disparity among individual police jurisdictions regarding their willingness to conduct a background investigation for SCOP personnel; the cost of the background of investigation; and the time taken for the background investigation. The background investigation is necessary per the legislation enacted last year and this is a growing problem.

Also discussed was a law passed during the last General Assembly session, effective July 1, 2015, permitting personal protection specialists and private investigators to work as private contractors for licensed private security businesses, provided the private contractor carries comprehensive liability insurance. The level of insurance was not specified and requires regulatory action. The PSSAB convened a subcommittee to review and make recommendations to the CJSB regarding the amount of comprehensive liability insurance. The following were approved by the PSSAB as the recommendations to the CJSB:

1) Upon notification of the request from the Governor's Office to tie this regulation with a review of the liability requirements for private security companies, the PSSAB asked to be involved in those discussions. The PSSAB requested from DCJS available statistics on current company liability amounts and any other pertinent information.

2) That the Independent Contractor minimum liability amount be the same as required for companies. As of right now, that is $300K but if that amount is changed, the Independent Contractor amount should mirror that change.

3) Because regulations already exist regarding minimum liability amounts for private security companies, the PSSAB has asked DCJS to seek legal determination regarding the need for additional regulation and/or permission to apply this "reasonableness" standard while the Independent Contractor regulation processes through the bureaucracy.

V. Grants

Chief Brown gave an overview of the grants being considered for funding.

Byrne/Justice Assistance Grants (JAG)

The Byrne/JAG grant solicitation was issued for one-time training and equipment programs that were to address Policing in the 21st Century. Applicants were asked to submit proposals for a maximum of $10,000 to include a 5% match per agency. Five programs requested larger amounts. These five represent agencies that collaborated to submit one proposal. Each partner, in the collaboration, was allowed to request up to $10,000. 67 applications were received in total. 60 programs are recommended for funding in a total amount of $687,121.

Also, recommended for funding are three JAG applications in the amount of $420,922. This will fund data collection and research for the department's Research Center.

Sheriff Jett made a motion that the Grants Committee recommendations for Byrne/JAG funding be approved. The motion was seconded by Cookie Scott.

Recusals: Judge Malveaux for Henrico, LTC Northern for the State Police application under Byrne, Chief Wright for the City of Chesapeake, Sheriff Jett for Rappahannock Regional CJA and Stafford County, Judge Deneke for the Town of Ashland, Hanover County and Rappahannock Regional

CJA, Chief Williams for Central Shenandoah CJTA, Lt. Williams for City of Newport News, Councilwoman Mosby for the City of Richmond, and Sheriff Crawford for Crater CJA.

VOCA

DCJS Grant – Court Appointed Special Advocate Program (CASA)

The Grants Committee recommends a 15% increase, **$223,350,** to the FY16 VOCA funds awarded to the Court Appointed Special Advocate (CASA) programs (from $1,489,003 to $1,712,353).

Sheriff Crawford made a motion that the Grant Committee recommendations for the DCJS CASA grant funding be approved. The motion was seconded by Chief Wright.

Recusals: Judge Malveaux for Henrico CASA, Sheriff Jett for the Rappahannock Area CASA, Judge Deneke for Hanover County and the Rappahannock Area CASA, Lt Williams for Newport News CASA.

Domestic and Sexual Violence Program

VOCA funds are allocated to the Virginia Department of Social Services (DSS) to support Domestic Violence Shelters and Child Abuse Treatment Projects (two grants listed on the bottom of page 3 of the attachment).

The Grants Committee recommends an increase in the VOCA allocation to DSS sufficient to support the agency's existing FY16 VOCA grant awards, representing a 15% increase to 69 projects (50 DV and 19 child abuse treatment). For the domestic violence grants this represents an increase of **$423,647**. For the child abuse treatment grants this represents an increase of **$155,301**.

Superintendent Russell made a motion that the Grants Committee recommendations for Domestic and Sexual Violence Program funding be approved. The motion was seconded by Sheriff Jett.

Recusals: Mr. Vorhis, Office of the Attorney General.

Sexual Assault Services Program (SASP)

SASP is designed to supplement other funding sources directed at serving sexual assault victims. These funds are awarded to Sexual Assault Crisis Centers. The committee recommends awarding **$396,668** to 35 applicants, as detailed in the Board's materials.

Chief Williams made a motion that the Grants Committee recommendations for Sexual Assault Services Program (SASP) funding be approved. The motion was seconded by LTC Northern.

Recusals: Sheriff Jett for the Rappahannock Council Against Sexual Assault, Chief Williams for New Directions Center, Inc., Judge Deneke for Hanover Safe Place and Rappahannock Council Against Sexual Assault, Mr. Mike Doucette for the YWCA grants.

Sexual Assault Grant Program (SAGP)

The SAGP funded grants are also supported with VOCA funds. The committee recommends a15% increase, $509,528, to the FY16 VOCA allocation to Sexual Assault Crisis Centers (from $3,396,856 to $3,906,384).

Sheriff Crawford made a motion that the Grants Committee recommendations for Sexual Assault Grant Program (SAGP) funding be approved. The motion was seconded by Superintendent Russell.

Recusals: Mr. Vorhis for AG, DOC, Sheriff Jett for Rappahannock Council Against Sexual Assault, Chief Williams New Directions, Judge Deneke for the Hanover safe place Rappahannock Council Against Sexual Assault, Mr. Doucette for the YWCA grants.

Victim/Witness Grant Program
The committee recommends a 15% increase, $1,465,476, to the FY16 VOCA allocation supporting Victim/Witness Programs (from $9,769,843 to $11,235,319).

Sheriff Jett made a motion that the Grants Committee recommendations for Victim/Witness Grant Program funding be approved. The motion was seconded by Chief Williams.

Recusals: Mr. Vorhis for the Attorney General grant, DOC, and the Virginia Parole Board grants, Judge Malveaux for the County of Henrico, Chief Wright for the City of Chesapeake, Sheriff Jett for Stafford County, Cookie Scott for DOC, Karen Brown for the Virginia Parole Board, Judge Deneke for Hanover and Spotsylvania Counties, Councilwoman Mosby for the City of Richmond, Sheriff Crawford for the City of Petersburg, Chief Williams for the City of Staunton, Lt. Williams for the City of Newport News, and Mr. Doucette for the City of Lynchburg.

Violence Against Women's Act (V-STOP)
V-STOP Grants promotes a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women. They encourage the development and strengthening of effective law enforcement and prosecution strategies to address violent crimes against women, and support and strengthen victim services in cases involving violent crimes against women. 86 continuation grants totaling $3,695,097 are recommended for funding.

Included in this total are three new VSTOP grants to law enforcement agencies. Applications were received for 15 new law enforcement grants, but not all could be funded due to lack of funding.

Superintendent Russell made a motion that the Grants Committee recommendations for the Violence Against Women's Act (V-STOP) funding be approved. The motion was seconded by Lt. Williams.

Recusals: Mr. Vorhis from the Attorney General, DOC and DJJ grants, Sheriff Jett for the Rappahannock Council Against Sexual Assault and the Empowerhouse grant, Cookie Scott for DOC, Judge Deneke for the Empowerhouse grant and the Rappahannock Council Against Sexual Assault Grant, Rappahannock Legal Services, Ms. Valentine for DJJ, Councilwoman Mosby for the City of Richmond, Mr. Doucette for the Commonwealth Attorneys Services Council grants and the City of Lynchburg grant as well as YWCA grants.

Advisory Committee on Juvenile Justice and Prevention Grants
Ms. Smith spoke regarding the grants subcommittee of the ACJJP.

The ACJJP Grants Subcommittee met December 9, 2015, to consider 12 new applications for funding. Eight applications were for federal Title II formula funding and four were for federal JABG funding. The Subcommittee also reviewed and recommended for approval JABG pass-through funding distributed to 24 locally and regionally operated secure

centers. The subcommittee recommended denying Title II funding for the proposals submitted by the City of Petersburg and the Middle Peninsula Planning District. Both were offered the opportunity to appeal recommendations but did not respond.

The ACJJP Grants Subcommittee recommends that the CJSB approve funding for these applications in the amount of $286,916 in federal title II formula funds, and $502,475 in federal JABG funds and $55,213 in local match funds, for a total of $844,604 for juvenile programs.

Sheriff Jett made a motion that the ACJJP grants subcommittee recommendations for Title II and JABG funding be approved. The motion was seconded by Lt. Williams.

Recusals: Mr. Vorhis for DJJ, Ms. Valentine for DJJ, and Sheriff Crawford for the City of Petersburg.

VI. Old Business

Minimum Standards for Local Probation Programs.

Based on previous meetings where these standards were discussed, another draft version of these standards was prepared and sent to Board members prior to the meeting for their review. There was much discussion on the update of these standards.

Several individuals from localities spoke about the update. There was some discussion about deferring action on these standards until the March 10th meeting. It was decided that it should not be postponed.

Kristina Bryant, with the Chesterfield/Colonial Heights CC, and Standards Committee, spoke briefly. She has been at all three discussions about these standards. They have been worked on for eight years. The science regarding these standards was looked at each time the Standards Committee met.

Texas and Pennsylvania have introduced proposals similar to these standards.

No motion was made to accept the update of the Minimum Standards for Local Probation Programs. As such, the item died for a lack of motion.

VIII. New Business

There was no new business brought before the board for discussion at this meeting.

Kyanna Perkins, Director of Victim/Witness for the City of Richmond, on behalf of the Virginia Victim Assistance Network and local programs thanked the Board for their support in approving additional funding of 15% and for the continued support of victim/witness programs in the Commonwealth.

Kristine Hall, on behalf of the Virginia Sexual and Domestic Violence Action Alliance (VSDVAA) and Virginia domestic violence agencies across Virginia thanked DCJS staff for their conscientious and comprehensive approach to how the Commonwealth could best capitalize on the influx of VOCA funds.

Future meeting dates for 2016 were identified as:
March 10, 2016, May 12, 2016, June 9, 2016, September 15, 2016 and December 8, 2016 – all beginning at 11:00 a.m.

IX. Next Meeting

Chairman Doucette thanked Board members and guests for attending the meeting and stated that the next meeting was scheduled for March 10, 2016, at 11:00 a.m. in House Room D of the General Assembly building.

Sheriff Jett was recognized for the outstanding service he provided while serving on the Board as Chairman and was presented with a Certificate of Appreciation for his service from the Department of Criminal Justice Services.

XI. Adjournment

Chief Williams made the motion to adjourn the meeting, the motion was seconded by Chief Wright and was unanimously approved. The meeting was adjourned at 12:45 p.m.

Approved:

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Mr. Michael Doucette, Chairman