



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Shannon Dion
Director

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Criminal Justice Services Board Executive Committee

April 4, 2018

Members Present

Chief Tonya Chapman
Mr. David Johnson
Superintendent Bobby Russell
Mr. Robert Soles
Chief Kelvin Wright
Mr. Bryan Porter (arrived during
the Regulatory Update)

Members Absent

Sheriff Crawford
Ms. Cookie Scott

DCJS Staff Present

Shannon Dion, Director
John Colligan
Teresa Gooch
Barbara Peterson
Erik Smith
Albert Stokes

Others Present

Eric Albert, Colonial Heights Fire & EMS
Dispatch
Jeff Flournoy, ESVA 9-1-1
Commission
Jon Cliborne, Crater CJTA
Martin R. Alford, New River CJTA
Jerry J. Gentile, DPB

I. Call to Order

Chairman Tonya Chapman called the meeting to order at 1:05 p.m. Chairman Chapman asked Ms. Barbara Peterson-Wilson to call the role. Ms. Peterson-Wilson stated there was a quorum with five members present.

II. Grant Committee Report

Superintendent Bobby Russell provided the Executive Committee with the following Grant Committee report.

The grants committee met on Tuesday, March 13, 2018, to review and recommend grants to the Criminal Justice Services Board (CJSB) for the Byrne/Justice Assistance Grant Program. There was a quorum of committee members present at the meeting. DCJS staff provided an overview of the grant process and gave the following information:

- 249 grant applications were received and reviewed
- 182 agencies and organizations submitted applications
- \$8,278,590 in total requests were received

The grant committee made several recommendations and the Executive Committee acted on each.

Recommendation One:

Approve a total of 41 external grant awards totaling \$1,321,320. Local agencies and organizations received funding in the following categories:

1. General Law Enforcement Equipment
2. Crime Analysis Technology and Equipment
3. Law Enforcement Specialty Training and Certification
4. General Law Enforcement Training
5. Officer Wellness
6. Law Enforcement Staff Recruitment and Retention
7. Opioid Crisis – Naloxone Treatment Kits

NOTE: Category for Community Safety in High Risk Neighborhoods: Public Housing and Section Communities UNFUNDED – 1 application reviewed. See attachment.

A motion was made by Chief Wright and seconded by Mr. Johnson to accept Recommendation One. The motion passed unanimously.

Recommendation Two:

Approve one internal grant to the agency’s Public Safety Training Unit and the Center for School and Campus Safety award totaling \$233,900 to assist with:

- K-12 and Higher Education Threat Assessment training
- Civil Unrest training for law enforcement agencies (collaborative effort with State Police)

A motion was made by Chief Wright and seconded by Mr. Johnson to accept Recommendation Two. The motion passed unanimously.

Recommendation Three:

Approve a recommendation: To ensure that all available funds are used to support criminal justice agencies in Virginia, the Director of DCJS is requesting that the Criminal Justice Services Board authorize the use of any remaining Byrne/JAG funding that would otherwise expire by 9/30/2018 to make available to fund projects previously unfunded in the current solicitation. Applicants would receive consideration for funding based the current ranking of application scores.

A motion was made by Chief Wright and seconded by Mr. Johnson to accept Recommendation Three. The motion passed unanimously.

Recommendation 4:

Approve restoring funding for Grant #18-A4221AD11 that was approved at the December 2017 Board Meeting. DCJS originally funded the Hampton Roads Regional Criminal Justice Academy \$30,099 for technology upgrades. DCJS mistakenly understood a cost of \$11,699 to be an extended warranty contract, which is unallowable; the cost was in fact for IT support and is allowable. DCJS wishes to restore the \$11,699 and fund the grant for a total of \$41,798.

A motion was made by Chief Wright and seconded by Mr. Johnson. The following committee members voted in favor of the motion Mr. Johnson, Superintendent Russell, Mr. Sole, and Chief Wright. Recusals: Chief Chapman, as she is a member of the Hampton Roads Regional Criminal Justice Academy. The motion passed.

III. Regulatory Update

Erik Smith, Standards and Policy Manager for the Law Enforcement Division provided an update on several DCJS regulations that have been pending, with no movement, for quite some time. The specific regulations in question are, as noted on the agenda:

- 6VAC20-20 Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers
- 6VAC20-50 Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers
- 6VAC20-60 Rules Relating to Compulsory Minimum Training Standards for Dispatchers
- 6VAC20-70 Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections
- 6VAC20-100 Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions

Representatives from our agency met with the prior administration's policy office in December to discuss the current status of the pending regulations. The administration had questions regarding the composition of the regulations and the oversight authority provided by the regulations.

To address these issues, several pending regulations (6VAC20-20, 6VAC20-60, 6VAC20-70, and 6VAC20-100) will be withdrawn. 6VAC20-50 has already been withdrawn. DCJS will be proposing a series of revisions to the existing regulations to address the concerns of the administration. This will include cleaning up each discipline's regulation to separate agency responsibility and academy responsibility. In short, academy responsibilities will be removed from the agency regulation and placed in the academy regulation. DCJS will open an action on 6VAC20-90 Rules Relating to Regional Criminal Justice Training Academies. The academy regulation will be clarified to make it clear that it governs both regional and independent academies.

Some of the revisions will be a codification of current policies and practices but, there will be some new concepts placed into regulation. The academy regulation will include requirements for the creation of both regional and independent academies, certification and recertification of academies, enforcement actions and the range of potential non-compliance sanctions. Additionally, there will be requirements regarding testing, grading, and reporting of basic and in-service training.

In December 2017, Governor McAuliffe granted a public safety exemption for the regulatory updates, for these regulations. The standard regulatory process has three stages and can take two years or more to complete. Exempt actions have a reduced time of approximately six months. There will still be an opportunity for public comment.

We are currently drafting the proposed changes for 6VAC20-20, 6VAC20-50, 6VAC20-60, 6VAC20-70, 6VAC20-90, and 6VAC20-100. Once completed, the drafts will be submitted to the registrar for publication, published, available for public comment, and then ready to be finalized.

6VAC20-130 related to background checks for firearms purchases, has not been identified as having any issues and is currently being reviewed by the Governor's office. DCJS does not anticipate any problems moving forward.

New Concepts:

- Modifying the law enforcement certification exam to require a passing score (85%) in each category rather than overall.

- Officers will now be required to complete field training AFTER the academy.
- Field training will be defined to clarify the requirement of responding to law enforcement calls for service as the primary responding unit.
- There will be no training extensions for failure.
- The director is also the arbiter for academy recertification or revocation decisions, with an appeal available to the Executive Board.
- Member agencies of certified training academies will be required provide certified instructors.
- Satellite facilities will be limited to one per academy and must have the same capability as the primary academy. This change is needed due to the over-proliferation of satellites and the inability of the primary academy and DCJS to properly monitor these sites which include public libraries, guns, etc.

DCJS will give a presentation to the Committee on Training and the Board at the May meetings.

Executive Committee members asked several questions regarding the proposed revisions.

How will DCJS address field training for those smaller jurisdictions that get fewer calls? DCJS is open to working with those jurisdictions.

Will exemptions be granted for medical reasons? Current draft language addresses and allows for medical and FMLA exemptions.

Will existing satellite facilities be grandfathered? This has not been discussed but the proposed language is still being drafted. DCJS is concerned about the oversight and quality of instruction provided by satellites.

How is an academy and satellite facility defined? The following definitions were provided:

Certified training academy means a training facility in compliance with academy certification and recertification standards operated by the state or local unit or units of government for the purpose of training criminal justice professionals regulated by the department and board.

Satellite Facility means a temporary facility, located away from the certified academy facility, which the certified academy uses to conduct mandated training.

Why is the term temporary used in the satellite facility definition? DCJS will review the status of satellite facilities every three year during an academies recertification. Academies will have to show a documented need for the satellite.

IV. Adjournment

Chief Chapman congratulated Shannon Dion on being appointed director.

Director Dion thanked everyone for coming and accommodating their schedules to allow the Executive Committee to meet and stated she looks forward to working with everyone to improve public safety.

Chief Chapman adjourned the meeting.