



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

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Chief Deputy Director

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Criminal Justice Services Board

March 14, 2024

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

Members Present

Sheriff C. O. Balderson
Ms. Mary Biggs
Chief Craig Branch, Chair
Sheriff Michael Chapman (*Virtual*)
Ms. Ebony Clark (*Virtual*)
Mr. Tim Coyne for Ms.
Maria Jankowski
Senator R. Creigh Deeds (*Virtual*)
Ms. Robin Deiulio (*Virtual*)
The Hon. Sarah Deneke
Officer Bennie Evans, Jr.
Sheriff Brian Hieatt
Mr. Jagdish Katyal
Chief Jeffrey Katz
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. Bryan Porter
Mr. Dean Ricks for The Hon.
Chadwick Dotson
Superintendent William Smith
Ms. Theo Stamos for
The Hon. Jason Miyares (*Virtual*)
Mr. James Towey for
Ms. Amy Floriano
Ms. Ashley Waddell
The Hon. Patricia West
Mr. Anthony Williams
Delegate Wren Williams (*Virtual*)

Members Absent

Chief Maggie DeBoard
Judge Joseph Lindsey
The Hon. Russell McGuire
Dr. Sesha Joi Moon
Delegate Scott Wyatt

I. Call to Order

Chairman Chief Craig Branch called the meeting of the Criminal Justice Services Board (CJSB) to order at 11:00 a.m. A quorum of the Board was present.

Sheriff Michael Chapman participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to giving a presentation at the DEA Academy. He was calling from Quantico, Virginia.

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.

Senator Creigh Deeds 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 Hot Springs, Virginia.

Ms. Robin Deulio participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to having conflicting meetings and not being able to drive to Richmond in time for the Board meeting, from Radford, Virginia.

Mr. Bradley Marshall participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to having to attend a funeral, from Washington, D.C.

Ms. Theo Stamos participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to personnel matters, from Fairfax, Virginia.

Delegate Wren Williams participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to having court that morning and not being able to drive to Richmond in time for the meeting, from Stuart, Virginia.

II. Approval of Minutes

Ms. Mary Biggs made the motion, seconded by Superintendent William Smith, to accept the minutes of the December 7, 2023, meeting of the CJSB. Ms. Renee Maxey noted that at the last meeting, she had asked DCJS for community corrections information and wanted that reflected in the minutes. The motion passed with that correction.

III. Director's Report

Mr. Jackson Miller, Director of the Virginia Department of Criminal Justice Services (DCJS) recognized the attendance of Mr. Jon Schleffer, Deputy Secretary of Public Safety and Homeland Security, and Mr. Sonny Daniels, Assistant Secretary, before giving the following report to the Board:

- The General Assembly adjourned sine die and will be returning April 17th to vote on the Governor's amendments to the budget and legislation. Director Miller thanked Ms. Tracey Jenkins, the Division Director of Programs and Services, DCJS and Mr. Chad Felts, Capacity Building and Sustainability Coordinator, DCJS for their work tracking bills, attending legislative meetings and assisting staff with legislative action summaries.
- Mr. Terry Montgomery, DCJS' field representative from the Southwest Region of Virginia has retired after 22 years. Mr. Doug Scales was introduced, who will be the new field rep for that area. Mr. Scales comes to DCJS with more than 14 years of training experience and leadership with the Southwest Virginia Criminal Justice Academy. He is an active and certified Driving, Firearms, Defensive Tactics and General instructor and has served as a police officer for Lebanon and Richlands Police Departments as well as deputy sheriff for the Russell County Sheriff's Office. He has a Bachelor' Degree in Criminal Justice from Bluefield College.

- DCJS is quickly moving forward on two significant technology enhancement projects that will provide a more stable and modern system for constituents and agency program staff. The projects are a **new regulatory management system for the regulatory and licensing division** and a **new case management system for the pre-trial and community corrections programs**. Those currently in place are not meeting our customer's needs. Local stakeholder users will be part of the effort to design an updated system that satisfies their daily case management needs and meets current reporting requirements.
- The CJSB meetings in May and June will have many grants to act on. Director Miller noted that it is essential that there is a quorum physically in place at the meeting in order to ensure the work of the Board can be done.
- The Governor has issued a Proclamation recognizing the week of March 25-29, 2024, as First Responder Wellness Week in Virginia. A public service announcement campaign aimed at First Responder Suicide Prevention and encouraging help seeking behavior is forthcoming, along with a dedicated Office of First Responder Wellness website. The website will be the central hub of wellness information to include resources, training announcements, eLearning modules, wellness articles and publications, and more.
- Our Active Attack Program (AAP) has conducted 56 courses, training 1,651 participants, reaching 108 agency/organizations in FY24 to date. This includes 40 citizen focused trainings for school/campus locations and 16 multiday first responder trainings for 55 law enforcement agencies in 24 cities/counties around the Commonwealth. Currently, more than 40+ courses are planned for the remainder of 2024.
- Staff recently concluded the **Strengthening Connections Power of Prevention Climate Summit** held February 21-22, 2024, at the Crossings, Richmond, VA. Nearly 160 participants attended, representing 52 different agencies from across Virginia, California, Oklahoma, and South Carolina. The overarching theme of relationship building was supported through presentations on the use of climate data, cultural intelligence, bullying prevention, de-escalation, toxic relationships, and suicide prevention.
- The **2024 Virginia Campus Safety and Violence Prevention Forum** was held this week in Norfolk with 200 participants in attendance representing virtually all colleges and universities in Virginia.
- After meeting with representatives from all relevant stakeholders outlined in the Code, staff prepared a solicitation for the new Witness Protection Grant Fund Program. The solicitation closes on March 28th for the initial round of applications; however, the process is expected to continue throughout the year as funds allow.
- Two Justice Assistance Grant (JAG) funding opportunities were released on January 29, 2024, and applications will go before the CJSB on May 9, 2024. Funding opportunities under the School Resource Officer Incentive Grant Fund for FY2025 were also released in January and closed on February 29, 2024.
- In December, the CJSB approved School Resource Officer (SRO) Training and Certification standards in compliance with Code of Virginia § 9.1-114.1. However, since that time, the Office of Regulatory Management recommended that DCJS promulgate regulations to establish training standards and certification process criteria for SROs. As a result, the amended standards and certification process document approved by the CJSB on December 12, 2023, is no longer a requirement. DCJS has

notified all chiefs and sheriffs of this change and will continue to communicate changes to the field as appropriate. DCJS will be convening an advisory committee followed by curriculum review committee, and approval by the Committee on Training (COT) and the CJSB of the proposed emergency regulations. Following such approvals, DCJS will proceed with the publication of appropriate notices of intended regulatory activity and emergency regulations. All criteria and requirements contained in the SRO Incentive Grant will remain in effect.

IV. Committee Reports

Prior to reporting from these committees, Chief Branch turned over the Chair duties to the Vice-Chair of the Criminal Justice Services Board, Mr. Bryan Porter.

Executive Committee

The Executive Committee met on January 18, 2024.

- The Executive Committee approved four awards through the Combatting Hate Crimes Grant Program in the amount of \$547,907.

The CJSB Executive Committee also heard the decertification appeals of:

- **Mr. Bailey Coats**, formerly with the Emporia Police Department, and voted to sustain the decertification of Mr. Coats as a law enforcement officer due to testing positive for THC and not being able to explain the positive result to the agency administrator's satisfaction.
- **Mr. Nuno Cunha**, formerly with the Alexandria Police Department, and reinstated Mr. Cunha as he was successful in his grievance against his termination with the City of Alexandria and was reinstated there as a law enforcement officer.
- **Ms. Bethany Finch**, formerly with the Virginia State Police, and voted to uphold the decertification of Ms. Finch as a law enforcement officer due to not being able to provide good cause to overrule the decertification.
- **Mr. Kenneth Terry**, formerly with the Virginia State Police, and voted to continue Mr. Terry's appeal until after his case has been adjudicated on March 21, 2024, in the Culpeper General District Court.

The Executive Committee met again on January 19, 2024.

- The Executive Committee also heard a circuit court follow-up to Mr. Omar Higazi's ongoing Decertification appeal which was remanded back to the Executive Committee by the Virginia Beach Circuit Court to make specific findings regarding their decision. The Executive Committee voted to uphold the original decision to sustain the decertification of Mr. Higazi and the requested findings information was returned to the court.

The CJSB Executive Committee also heard the decertification appeals of:

- **Mr. Dennis Reynolds**, formerly with the Augusta County Sheriff's Office, and voted to reinstate Mr. Reynolds as a law enforcement officer.
- **Mr. Victor Perry**, formerly with the Prince William County Police Department, and voted to uphold the decertification of Mr. Perry as a law enforcement officer based on evidence provided, that he falsified a criminal complaint under oath.
- **Mr. Troy Hinchey**, formerly with the Washington County Sheriff's Office, and voted to reinstate Mr. Hinchey as a law enforcement officer for providing good cause to overrule the decertification.

Mr. Bradley Marshall noted for the record that he is Mr. Victor Perry's attorney. He remarked that he had no role in Mr. Perry's decertification process.

Grants Committee Report

The Grants Committee met on February 22, 2024, at 11am, and recommended approval of the following grants:

- **Byrne/Justice Assistance Option 5 Out-of-State Lateral Grant Program for Independent Criminal Justice Training Academies.** The Grants Committee recommended funding in the amount of **\$129,524 for 1** award.
- **Byrne/Justice Assistance Regional CJTA Equipment and Training Grant Funding.** The Grants Committee recommended funding in the amount of **\$1,139,885 for 10** awards.
- **Byrne/Justice Assistance VSP Violent Crime Strategy Grant Program Funding.** The Grants Committee recommended funding in the amount of **\$2,000,000 for 1** award.

A motion was made by Ms. Biggs and seconded by Superintendent Smith to approve these grants as recommended by the Grants Committee. The motion passed unanimously.

Recusals: Sheriff Balderson for the Rappahannock Regional CJA grant, Officer Bennie Evans for the Northern Virginia CJA grant, Ms. Biggs for the Cardinal CJA grant, Judge Sarah Deneke for the Rappahannock Regional CJA grant, LTC Kirk Marlowe for the Department of State Police grant, and Mr. Dean Ricks for the Crater CJA grant.

After completing these reports, Vice-Chair Porter turned the meeting back over to the Chairman, Chief Branch.

Private Security Services Advisory Board (PSSAB)

Mr. Jagdish Katyal gave the report from the PSSAB, which met at 10:00am on March 6, 2024.

Ms. Aubrey Granderson, Division Director, Licensure and Regulatory Services, DCJS provided updates on 2024 legislation as well as the following:

There was a system outage in February which caused the private security online licensing system to be down, impacting many constituents. The PSSAB members discussed the impact to their businesses and employees. DCJS has been working with the vendor to resolve the problems. The Division of Licensure and Regulatory Services is in the process of replacing the existing online licensing system and plans to have a new system by the end of the calendar year.

Three current PSSAB members will reach term limits this summer. Six other positions are eligible for reappointment. One locksmith position remains vacant. DCJS will begin the process of soliciting applications to fill those vacancies in April.

V. Legislative/Budget Update

Ms. Tracey Jenkins, Division Director, Programs and Services of DCJS gave an overview of this year's General Assembly session. Mr. John Colligan, Division Director of Administration and Finance gave an overview of the budget.

VI. Old Business

Director Miller noted that the Standards of Conduct for Law Enforcement/Jailors is being reviewed by Terrance C. Cole, Secretary of Public Safety and Homeland Security. This item may come back to the CJSB for future consideration, after he has completed his review.

Ms. Renee Maxey inquired about the status of her previous request looking into supervision fee issues and case file compliance audits of community corrections local probation agencies. Director Miller responded that he would look into and get back with her.

VII. New Business

Chief Jeffrey Katz is retiring from the Chesterfield Police Department and was recognized for his work on the CJSB. He was awarded a Certificate of Appreciation from Chairman Branch and Director Miller.

VIII. Public Comment

There was no public comment.

IX. Next Meeting

The next Criminal Justice Services Board (CJSB) Meeting will take place on May 9, 2024, at 11:00 a.m.

X. Adjournment

The meeting adjourned at 11:49am.