

Criminal Justice Services Board
March 12, 2009

Members Present

Sheriff Beth Arthur
Ms. Nancy St. Clair Finch
The Honorable Robert L. Bushnell
Mr. Jeffrey Dion
Ms. Carol Sievers (Proxy for Ms. Helen Fahey)
The Honorable Sherman Carl Vaughn, Sr.
Chief James R. Lavinder
Ms. Cookie Scott
Mr. Barry Green
Dr. Jay Malcan
Mr. Jonathan McGrady
Lt. Col. Robert Northern (Proxy for Col. W. Steve Flaherty)
Ms. Danielle Ferguson
Sgt. Charles J. Condon
Mr. Walter A. McFarlane
Chief A.M. "Jake" Jacocks
Sheriff Charles W. Phelps
The Honorable Marlene Randall
Mr. Alan Katz (Proxy for Ms. Marla Decker)
Mr. Kevin S. Hodges
The Honorable Marcus D. Williams
The Honorable Jackson H. Miller

Members Absent

Lt. Jerri Smith
Mr. Edward M. Macon
Mr. Christopher R. Webb
The Honorable Beverly Sherwood
The Honorable Kenneth W. Stolle
The Honorable Janet D. Howell

Guests

Rick Clark
Wayne Thomas

DCJS Staff Present

Leonard G. Cooke
B.J. Northington
Priscilla Bowers
Loretta Lynch
John Colligan
Leon Baker
Fran Ecker
Gayle Turner
Laurel Marks
Ashaki McNeil
Dan Catley
Demian Futterman
Mandie Patterson
Jim McDonough
Sam Hoffman
Rick Arrington
Janice Waddy
Eileen Guertler
Lisa McGee
Tim Paul
Joe Marshall

Grant Warren
Erin Bryant

Call to Order

Chairwoman Arthur called the meeting to order at 11:00 a.m. and welcomed everyone. She also acknowledged and welcomed staff from the office of the Secretary of Public Safety, Erin Bryant. She then reminded guests that a sign-in sheet was located at the front entrance and asked individuals to sign in for the purpose of the minutes, including DCJS staff.

Chairwoman Arthur also reminded Board members to please state their name when making a motion and when seconding, and to please speak clearly for the purpose of the minutes. She also asked that members check to ensure that your microphone was turned on at their seating area. She further reminded staff/persons speaking from the floor, to step up to the podium when speaking so that the microphone would pick up their voices for the purpose of the minutes.

Chairwoman Arthur then asked Priscilla Bowers to take the roll. Ms. Bowers proceeded with the roll call and stated that there was a quorum with 22 members present. Chairwoman Arthur thanked Board members for attending the meeting today and also thanked those individuals who were sitting in as proxies for representatives of the Board: Mr. Alan Katz (proxy for Marla Decker), Ms. Carol Sievers (proxy for Helen Fahey), and Lt. Colonel Robert Northern (proxy for Colonel Steve Flaherty).

Chairwoman Arthur mentioned that several (6) Board Member terms would expire on June 30, 2009. Those members are: Sheriff Phelps, Chief Jacocks, Sgt. Condon, Nancy St. Clair Finch, Sherman Vaughn and Bob Bushnell. She stated that all of the members have served one term, are eligible to serve a second; and have expressed an interest in being reappointed. Letters of interest have been submitted to the Secretary of the Commonwealth (SOC) advising them of members' continued interest and the Department's support of their re-appointment. She said we will await word from the SOC with regard to these re-appointments and will keep members of the Board informed.

Chairwoman Arthur stated that we are also still awaiting word from the Office of the SOC on the appointment of the vacant position of "At Large Member" (Representative from the Judiciary). This seat was vacated by Judge Yeatt's in November, 2008.

Chairwoman Arthur mentioned that in the area of retirement, Mr. Christopher Webb retired effective February 1, 2009 from the Blue Ridge Regional Jail. She said he would however; continue to serve on the COT and the CJSB for the duration of his term which ends June 2010.

Also, Ms. Roz Trent, DCJS, who staffed the Board in the area of Board Profiles, Orientation for New Members, and Conflict of Interest Act Filings and Training has retired effective March 1, 2009. Ms. Bowers will now perform these board related duties.

Approval of Minutes

Chairwoman Arthur called for the approval of the minutes of the December 11, 2008 meeting of the Criminal Justice Services Board. There were no corrections, deletions or additions to the minutes. Chairwoman Arthur then called for a motion to approve the minutes of the December 11th meeting. Mr. Vaughn made the motion to approve the minutes and Mr. Hodges seconded the motion.

Director's Report

Chairwoman Arthur called on Leonard Cooke to give a brief Director's Report.

Director Cooke thanked Chairwoman Arthur, members of the Board, guests and staff for taking the time to be present at the meeting. He stated that this is a busy time for DCJS. He then proceeded with some quick highlights of what was going on in the agency.

Budget

Director Cooke stated in October, the Governor took steps to adjust the budget for fiscal year 2009 in light of the revenue shortfall. For DCJS, that meant a reduction in the amount of the "599" appropriation, as well as a "hold" on filling any fulltime positions and reductions in the hours of part-time employees. Additionally, to cope with further cutbacks for FY'10, DCJS had to eliminate 6 currently filled, fulltime positions, effective February 1, 2009.

The budget amendments for FY10 that the Governor submitted to the legislature in December included a further cut of \$6.6 million in "599" funds, and reductions in funding for regional criminal justice training academies, and Court Appointed Special Advocates. At the same time, the Governor also proposed a \$3 million increase for Pre-Trial Release programs in order to expand their capacity and thus reduce the number of people held in jail while awaiting trial.

Director Cooke stated that the legislature concurred with the Governor's recommendations, with two exceptions: the proposed cut in "599" funds was restored, so recipients would receive the same amount in FY10 as they received in FY09; and the proposed increase in funds for pre-trial programs was lowered from \$3 million to \$1.5 million. He further stated that with the economy still in decline, the state could face more difficult choices down the road. He said; we are hopeful that the federal stimulus funds that are beginning to flow now will enable the state to avoid further cutbacks. Director Cooke mentioned that the Board would hear some details on stimulus funding in the criminal justice area a little later on in today's meeting.

Federal FY09 Appropriations

Director Cooke reported that Board members may have read or heard that Congress finally completed work on the federal FY 2009 appropriations. Since the start of the FY, last October, most of the government has been operating on a Continuing Resolution. He stated that for the Justice Assistance Grant Program (JAG), the amount to be distributed to states and localities is \$512 million, a substantial increase over the FFY'08 appropriation of \$170 million.

Director Cooke further stated that some of our other federally funded grant programs, in juvenile justice and violence against women, received slight increases or were level-funded for FFY'09.

Move & Reorganization

Director Cooke stated that the budget crisis has added impetus to DCJS' efforts to take a hard look at the agency and its overarching functions, and try to determine ways the agency could continue to deliver quality service while improving efficiency and coping with cutbacks. He stated that he wrote to Board members and many other stakeholders earlier this year outlining where the agency was headed in this effort.

Director Cooke mentioned that the agency was focusing on, and organizing around, what was considered to be DCJS' core functions: grants, training and program assistance, regulatory services, and planning and research.

Director Cooke further mentioned that management created a structure that better supports the functions and programmatic operations. The enhanced structure better prepares DCJS to meet current and future challenges, facilitate succession planning, and cross transference of programmatic knowledge of staff. He reported that in concert with the agency's move to the Washington building in the next couple of weeks, the agency would also be transitioning into the new structure.

Director Cooke reported that the agency was moving to the recently refurbished Washington Building at the bottom of Capitol Square; effective March 23, and that the agency's new address would be 1100 Bank Street, Richmond 23219. Phone numbers and e-mail addresses will not change. He further mentioned that as the department moves into the new location and implement internal changes, he wanted Board members and constituents to know that their staff contacts would remain available for the same information and services that the agency has always provided; and he wanted this transition to be as seamless as possible.

Housekeeping Matters

Director Cooke also mentioned that with the end of the fiscal year not far off, Board member terms would expire on June 30. The department has been in touch with those Board members and that everyone had expressed an interest in being reappointed. We

have conveyed this information to the SOC and we are expecting to hear from the SOC in the coming weeks.

Director Cooke stated that later in the meeting, Board members would hear about the agency's activities during the recent legislative session from Gayle Turner and, more on regional information sharing. He reminded Board members that they heard a presentation on regional information sharing networks at a meeting last year. Sam Hoffman of our staff will be reporting on recent developments in our effort to expand regional crime information networks.

Finally, Director Cooke reported that Public Service Week was scheduled for May 4th through the 8th, and that the agency was looking forward to holding the agency's Annual Employee Recognition Awards event during that time. He stated that he would advise the Board of the details once they were worked out; and he hoped they would be able to join us as the agency honored the good work of the staff. This concluded Director Cooke's report. Chairwoman Arthur thanked Director Cooke for his report and called for comments or questions. There were none.

Committee Reports

Committee on Training

Chairwoman Arthur called upon Sheriff Phelps to give a brief report on the Committee On Training (COT). Sheriff Phelps reported that the COT met this morning prior to the full board. He stated that there were a number of public hearings held at that meeting.

Regulations Related to Bail Enforcement Officers: Lisa McGee presented a brief overview of the regulations and discuss specific points. There were no public comments. Sheriff Phelps reported that the COT approved the regulations and recommended that these regulations be brought to the CJSB for approval. Sheriff Phelps made a motion for the Board to approve the regulations and Mr. Green seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the regulations related to Bail Enforcement Officers as approved by the COT.

Changes to the Minimum Training Standards for Entry-Level Law Enforcement Officers: Judy Kirkendall presented to the COT the changes to various sections of the Virginia Administrative Code relating to the Minimum Training Standards for Entry-Level Law Enforcement Officers. There were suggested changes and comments made during the discussion of which some of the proposed changes were approved. Most of the changes were referred back to the Curriculum Review Committee (CRC) for further review and discussion. Sheriff Phelps made a motion to accept the recommendations of the COT regarding the Changes to the Minimum Training Standards for Entry-Level Law Enforcement Officers and Chief Jacocks seconded the motion. Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations

of the COT on the Minimum Training Standards. For further clarification on this item, please refer to the COT meeting minutes of 3/12/09.

Changes to the Minimum Training Standards for Entry-Level Jail/Courtroom Security/Civil Process Service Officers: Sheriff Phelps reported that Judy Kirkendall suggested that this item be postponed due to the high volume of comments received during the public comment period which ended on the previous day (March 11). It was recommended that the CRC meet to review these comments and come up with a resolution before making the recommended changes for adoption. This concluded Sheriff Phelps report.

Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. There were none.

Certified Crime Prevention Community Program (Handout)

Chairwoman Arthur called upon Mr. Walter McFarlane to give a brief report on the Certified Crime Prevention Community Program - Re-certification for the City of Galax.

Mr. Walter McFarlane reported that the subcommittee met on March 4 with Sheriff Phelps, Chief Lavinder, Sherman Vaughn, Walter McFarlane and himself to review the application of the City of Galax for recertification as a Certified Crime Prevention Community (CCPC). Rick Arrington, DCJS was also present and gave a thorough report on the city's application.

Mr. McFarlane mentioned that each CCPC must present twelve core programs that emphasize and promote crime prevention and must have at least seven optional programs that do the same. The City of Galax met these requirements. He further stated that the city is located in far Southwest Virginia and serves an estimated population of 6,655 citizens within the city limits of approximately 8 square miles. The city is served by a police contingency of 38 employees, 24 of which are sworn officers and the remainder is support staff. He mentioned that the Galax community has done an outstanding job in recognizing and using their strengths to maintain a successful crime prevention program.

Mr. McFarlane stated that most significant, due to the troubling economy, is how they have drawn on community partnerships, collaboration and empowerment to maintain and enhance their prevention efforts. In short, they have empowered and stimulated their community to be actively involved in crime prevention.

Mr. McFarlane reported that the subcommittee recognizes the hard work of Rick Arrington in helping to assure that the Galax application was thorough and fully met the criteria of a CCPC. The subcommittee also acknowledged and commended Mr. Arrington for his clear and meticulous preparation of the briefing material presented to the subcommittee. Mr. McFarlane then reported that the subcommittee recommends that the application of the City of Galax for recertification as a Certified Crime Prevention

Community be approved by the Board. Mr. McFarlane pointed out that Chief Rick Clark was present on behalf of the City of Galax and then congratulated him for their continuous efforts in promoting crime prevention. Chairwoman Arthur thanked Mr. McFarlane for his report. She then congratulated Chief Clark and asked the Board if they had any comments or questions. There were none.

Chairwoman Arthur then called for a motion for the Board to accept the recommendations of the Law Enforcement Subcommittee to accept the application of the City of Galax for re-certification. Mr. McFarlane made the motion and Mr. McGrady seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the City of Galax be recertified as a Crime Prevention Community.

Chairwoman Arthur then called upon Chief Clark for comments. Chief Clark spoke and gave recognition to Chief Lavinder, Chief Bennett, and Chief Gaskins for their efforts in making this program a success. He praised the program and also commended Rick Arrington for his hard work and assistance.

Chief Jacocks stated that he served on the subcommittee and commented on this successful project. Dr. Jay Malcan congratulated the City of Galax and commented on the overall Crime Prevention Program. He stated that this is a nationally accredited, high standard program. Mr. McGrady also congratulated and recognized the work of Chief Clark. Lastly, Director Cooke commented on the progress and accomplishments of the department and congratulated Chief Clark on his recertification.

Presentations

Legislative Update (Handout)

Chairwoman Arthur called upon Ms. Gayle Turner to give a brief Legislative update. Ms. Turner gave a brief update on Legislation to include a summary of the 2009 General Assembly session which began on January 12, 2009. She stated that agency staff actively tracked 56 pieces of legislation relating to public safety and the Department of Criminal Justice Services' (DCJS) constituency. She further stated that at crossover, on February 11, a total of 29 pieces remained. Staff continued to monitor these bills and by the end of the session 24 bills passed both Chambers. Ms. Turner gave a brief summary of each of the bills that passed. This concluded Ms. Turner's report.

Chairwoman Arthur thanked Ms. Turner for her update and called for comments or questions. Mr. Bushnell inquired about the bill that would have expanded the size of this board. Ms. Turner commented that the bill died on the Senate floor and failed to pass.

Regional Information Sharing Networks Update (Handout)

Chairwoman Arthur called upon Mr. Sam Hoffman to give a brief update on the Regional Information Sharing Networks. Mr. Hoffman gave a brief update and shared information on the progress and expansion of the information sharing network. He mentioned that there were several jurisdictions that have not made the commitment to join the network (white areas on the map); however, efforts were being made to convince agencies to join the network to decrease crime and officer safety. He further stated that there is intent to connect with the FBI National Data Exchange Network. This concluded Mr. Hoffman's report.

Chairwoman Arthur thanked Mr. Hoffman for his presentation and called for comments or questions. There were none.

Stimulus Package Update

Chairwoman Arthur called upon Mr. John Colligan to give a brief update on the Stimulus Package. Mr. Colligan gave a brief update on the Stimulus Package. He stated that the agency had been given direction; however, clarity of information was changing daily. He briefed the Board on the following areas of the American Recovery and Reinvestment Act (ARRA):

- Recovery Act Guidelines
 - Job Creation and Retention
 - One Time Funding
 - Quarterly Reporting
- Byrne/Justice Assistance Grant Funding
 - Formula Funding - \$39.8M Virginia Share
 - Competitive Funding - \$225M Nationally
- Crime Victims Funding
 - Victim of Crime Act (VOCA) - \$700K DCJS
 - Violence Against Women Act (VAWA) - \$3.3M DCJS
- Law Enforcement Funding
 - Community Oriented Police (COPS) - \$1.0B Nationally
 - Internet Crime Against Children (ICAC) - \$1.9M Virginia Share

This concluded Mr. Colligan's report. Chairwoman Arthur thanked Mr. Colligan for his report and called for comments or questions. Mr. Bushnell inquired about notification to localities. Mr. Colligan stated that we have provided information to the Va. Association of Counties (VACo), the Virginia Municipal League (VML) and have posted information on our website. Sheriff Arthur further mentioned that the Sheriff's Association and the Chiefs Association had also put out information relating to same.

Dr. Malcan also made a comment regarding VOCA and VAWA and stated that we have to get this money out into the field as soon as possible for these programs. Mr. Colligan

stated that the agency has a process in place to get these funds out as soon as possible and that these grants would be brought before the Board in either May or June.

Consideration of Grant Applications

Advisory Committee on Juvenile Justice

Byrne/Justice Assistance Grants

Chairwoman Arthur called upon Mr. Wayne Thomas to give a brief report on the Byrne/Justice Assistance Grants (Byrne/JAG). Mr. Thomas reported that the Advisory Committee on Juvenile Justice (ACJJ) met to review the recommendations of the Grants Subcommittee and makes the following recommendations. He stated that both of these grants are to DCJS for the specific purposes outlined in the summaries.

The Grants Subcommittee and the full ACJJ reviewed an application to support the continuation of the Governor's Office for Substance Abuse Prevention (GoSAP) mini-grant program through Byrne funding and recommended funding the grant as requested.

Chairwoman Arthur called for comments or questions. There were none. Chairwoman Arthur then called for a motion to accept the recommendation of the Advisory Committee to fund the Byrne/JAG. Chief Jacocks made the motion and Mr. Vaughn seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Advisory Committee to fund the Byrne/JAG as outlined in the grant summary.

Juvenile Accountability Block Grants (JABG)

Chairwoman Arthur asked Mr. Thomas to give a brief report on the Juvenile Accountability Block Grants. Mr. Thomas reported that the Grants Subcommittee and the full ACJJ reviewed an application to DCJS to support one-time funds to localities and state agencies, and recommended funding the grant as requested.

Chairwoman Arthur thanked Mr. Thomas for his report and called for comments or questions. There were none. Chairwoman Arthur then called for a motion to accept the recommendation of the Advisory Committee to fund the JABG. Ms. Ferguson made the motion and Chief Jacocks seconded the motion.

Recusals: None

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendation of the Advisory Committee to fund the grant as outlined in the grant summary.

Old/New Business

Chairwoman Arthur inquired of the Board if there were any old or new business to be discussed.

Old Business

Mr. Dion posed a question to Director Cooke regarding the agency re-organization relating to grant monitors, and their experience. Director Cooke responded satisfactorily and stated that with the re-organization we have put more emphasis on grant monitors. Mr. Dion then asked; what areas did the agency have duplication of services? Ms. B.J. Northington responded that there was duplication of services in training areas. She further stated that expertise would now be dispersed throughout the agency and not in one particular area.

Ms. Randall made a general comment regarding the re-organization. Mr. Bushnell also made an inquiry, of which Ms. Northington responded satisfactorily. Ms. Ferguson inquired as to how many people made up the Training and Programs Division. Ms. Northington responded 20. Ms. Ferguson then inquired about Regulatory Services staff. Ms. Northington responded 30. Sheriff Arthur made a general comment about the re-organization and shared her support for the Director's decision to restructure the agency given the recent budget cuts and the state of the economy.

Director Cooke encouraged Board members to please contact his office directly if there were any further questions, concerns, or comments. Mr. Bushnell then stated that the re-organization looked like a very good re-structure, and that he looks forward to the projected outcome.

New Business

Administrative Hearing: Sheriff Arthur mentioned that on February 5, the department received a letter of revocation based on the findings of the hearing officer to revoke the Bail bond license of Ms. Millie S. Sparks. On February 25, Director Cooke received a letter from Galumbeck, Dennis and Kegley (Attorney's at Law) regarding the Department of Criminal Justice Services vs. Millie S. Sparks, requesting an appeal hearing before the Criminal Justice Services Board on behalf of their client, Millie S. Sparks.

Chairwoman Arthur stated that based on new legislation, the appeal hearing does not need to be brought before the full Board, but could be heard by the Executive Committee of the CJSB. She stated that the agency is in the process of notifying the law office of a date to schedule this appeal hearing and that the Board would be informed.

Ethics Training: Chairwoman Arthur mentioned that the agency is looking to provide Ethics Training to the Board at a future meeting and that the department would inform the board of this training as soon as a date was set. Ms. Ferguson inquired about training credits. Director Cooke stated that we would look into this and would advise the Board as soon as possible.

Chairwoman Arthur then called for public comments. There were none.

Next Meeting Date

Chairwoman Arthur reminded the Board that the next meeting of the Criminal Justice Services Board is scheduled for **May 14, 2009** at 11:00 a.m. in House Room “D” of the General Assembly building. She thanked Board members and guests for attending the meeting today.

Adjournment

There being no further business, Chairwoman Arthur adjourned the meeting at approximately 12:00 p.m. The Board unanimously agreed that the meeting be adjourned.

Respectfully Submitted by:

*Priscilla Bowers
CJSB Secretary*

Approved by:

*Sheriff Beth Arthur
Chairwoman*