



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

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DRAFT

Criminal Justice Services Board

October 13, 2022

Pocahontas Building
900 E. Main Street
Richmond, VA 23219
Senate Room A

Members Present

Sheriff C. O. Balderson
Ms. Mary Biggs
Chief Craig Branch, Chair
Sheriff Michael Chapman
(Virtual)
Ms. Ebony Clark (Virtual)
Mr. Timothy Coyne for
Ms. Maria Jankowski
Chief Maggie DeBoard
The Hon. Sarah Deneke
The Hon. Chadwick Dotson
Officer Bennie Evans, Jr.
Mr. Michael Favale for
Ms. Amy Floriano
Ms. Lisa Hernandez for
Mr. Harold Clarke
Sheriff Brian Hieatt
Mr. Michael HuYoung

Members Present (Cont'd)

Mr. Jagdish Katyal
Chief Jeffrey Katz
Judge Joseph Lindsey
Mr. Edward M. Macon
Ms. Renee Maxey
Senator Jennifer McClellan
Dr. Sessa Joi Moon
Ms. Abbey Philips
The Hon. Bryan Porter
Superintendent William Smith
Ms. Ashley Waddell
Mr. Anthony Williams
Delegate Wren Williams
(Virtual)
Ms. Nicole Wittman for
The Hon. Jason Miyares
Delegate Scott Wyatt

Members Absent

Ms. Angie Carrera
Senator Joe Morrissey
Colonel Gary Settle

I. Call to Order and Approval of Minutes

Chairman Chief Craig Branch called the meeting of the Criminal Justice Services Board (CJSB) to order at 11:20 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 being on maternity leave from Henrico County, Virginia.

Sheriff Michael Chapman participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to medical reasons from Leesburg, Virginia.

II. Approval of Minutes

Mr. Bryan Porter made the motion, seconded by Ms. Mary Biggs, to accept the minutes of the June 16, 2022, 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 his report to the Board.

- Director Miller introduced two new employees to DCJS: Tracey Jenkins, who was hired as DCJS' new Division Director of Programs and Services, and Kay Bullock, who is DCJS' new Manager of Grants Administration.
- Director Miller thanked the Board members and the CJSB Executive Committee for their continued commitment to serving on the committee. Their hard work was recognized and is appreciated.
- Director Miller has been traveling around Virginia introducing himself and learning how best DCJS can serve localities. Recent travels included:
 - DCJS' National Threat Assessment Conference for Educational Institutions in Virginia Beach, October 11-13, 2022.
 - Virginia Law Enforcement Professional Standards Commission (VLEPSC) Conference in Virginia Beach, September 26, 2022.
 - Virginia Association of Directors of Criminal Justice Training (VADCJT) Fall Meeting at the Central Shenandoah Criminal Justice Training Academy, September 28, 2022.
 - George Mason University regarding a Crime Scene House.

IV. Committee Reports

■ Committee on Training

Chief Branch called on Superintendent Smith to give a report from the Committee on Training (COT), which met that morning. Due to the retirement of Chief Kelvin Wright, Superintendent William Smith was nominated and voted in as the new COT Chairman. Chief Jeffrey Katz was nominated and voted in as the new COT Vice-Chair. Ms. Donna Michaelis, Division Director, Public Safety Training and the Virginia Center for School and Campus Safety of DCJS provided an update on legislative changes for campus safety and school safety officers as well as an overview on proposed training standards for SROs. Ms. Lois Kinch, Training Standards Coordinator of DCJS, provided information on training standards for the 2022 passage of SB593 for a legislatively mandated addition to auxiliary officers. The COT voted and approved the standards. There will be a special COT meeting to discuss jail officer training standards revisions which will be held on October 27, 2022.

- **Executive Committee**

Chief Branch gave an update from the CJSB Executive Committee, which met on September 22, 2022. The Executive Committee heard the following decertification appeals:

- **Mr. Gregory Gullace**, formerly with the Rappahannock Regional Jail. They upheld the decertification of Mr. Gullace as a law enforcement officer.
- **Mr. Jason Helmlinger**, formerly with the Ashland Police Department. They deferred making a decision on his appeal until they could meet with legal counsel which was not available on September 22.
- **Mr. Omar Higazi**, formerly with the Chesapeake Police Department. They deferred making a decision on his appeal until they could meet with legal counsel.
- **Mr. Matthew Riley**, formerly with the Virginia State Police. They voted to reinstate Mr. Riley's certification as a law enforcement officer.

On September 23, 2022, the Executive Committee heard the decertification appeals of:

- **Mr. Stephan'o Blakely**, formerly with the Hampton Roads Regional Jail. They upheld the decertification of Mr. Blakely as a law enforcement officer.
- **Ms. Alexis Douglas**, formerly with the Arlington Police Department. They voted to reinstate Ms. Douglas' certification as a law enforcement officer.
- **Mr. Sean Maddox**, formerly with the Chesapeake Police Department. They upheld the decertification of Mr. Maddox as a law enforcement officer.
- **Mr. Claudio Saa**, formerly with the Herndon Police Department. They deferred making a decision on his appeal until the next meeting of the Executive Committee.

- **Grants Committee**

The Grants Committee met on September 29, 2022, and made the following recommendations:

- **Antiterrorism and Emergency Assistance Program (AEAP)** in the amount of **\$1,400,000** in federal funding for **one** award.
- **Community Corrections and Pretrial Services (CCCA/PSA)** in the amount of **\$227,574** in state funding for **one** award for a new officer position, **six** awards to cover operational costs for new positions in six agencies, and **37** awards for salary increases for all agencies.
- **Operation Ceasefire Fund** in the amount of **\$1.3 million each year for the next two years** in state funds for **one** award to the Office of the Attorney General.

Chief Branch made a motion that the Board accept the recommendations of the Grants Committee and approve of this funding. There was no second to this motion. The motion died.

Senator McClellan noted that Chief Branch mentioned the Operation Ceasefire Grant but not the Gun Violence Intervention Grant which is what was listed on the agenda and remarked that they are two separate grants.

Judge Deneke asked about the Operation Ceasefire fund, and asked about the \$1.3 million each year (for two years) going to the Office of the Attorney General (OAG) to fund federal prosecutors who will be cross designated to serve as special assistants to the U.S. Attorneys Office. Ms. Whitman answered that the OAG will be hiring seven prosecutors across seven jurisdictions and they will be considered Office of the Attorney General employees. The cross designation will allow them to serve as prosecutors for state cases as well as federal cases.

There were questions about the Operation Ceasefire Fund grant going to the OAG and questions about the selection criteria involved. Senator McClellan remarked that the General Assembly appropriated 2.5 million dollars for Operation Ceasefire for the purpose of crime reduction strategies intended to address investigation, prosecution, prevention and intervention. She voiced her displeasure that half of the money appropriated by the General Assembly was going solely to federal prosecutors to broadly prosecute violent crime not just gun violence.

Additionally, Senator McClellan noted that it would be helpful to have more information on the type of intervention services used to prosecute violent crime.

Judge Sarah Deneke made a motion to approve the request for operation ceasefire funds as indicated. There was no second to this motion. The motion died.

Ms. Nicole Wittman made a motion to approve these grants. After further discussion, she recalled the motion.

Mr. Katyal asked about diversity hiring and noted that he would like to see Asian and Latino communities represented.

Mr. Porter made a motion to remove the Operation Ceasefire Fund grant (Listed as Gun Violence Intervention Program on the agenda) from the block of grants to be voted on and consider it separately from others in the block. Superintendent Smith seconded the motion. Mr. Porter recalled his motion.

There was concern that the agenda for the meeting listed the Gun Violence Intervention Program grant as a grant to be approved when it should have been listed as the Operation Ceasefire Fund grant. Due to this typo, it was felt that the public would interpret this as not being transparent.

Chief Maggie DeBoard made a motion, seconded by Chief Katz, to approve the Antiterrorism and Emergency Assistance Program grant (AEAP) and the Community Corrections and Pretrial Services grants (CCCA/PSA) as recommended by the Grants Committee. The motion passed.

Mr. Jagdish Katyal made a motion to approve the Grants Committee recommendation for the Operation Ceasefire grant funds. There was no second to this motion. The motion died.

Judge Joseph Lindsey made a motion, seconded by Ms. Biggs, to table the discussion on the Ceasefire funding until the next CJSB meeting in December. The motion passed. *No: 7, Yes: 16, Abstentions: 2.*

Recusals:

Sheriff C. O. Balderson from Westmoreland CCCA/PSA grant and the Westmoreland SRO grant.

Judge Deneke from Fredericksburg CCCA/PSA grant.

Sheriff Brian Heatt from the Tazewell County CCCA/PSA grant.

Mr. Porter from the Alexandria CCCA/PSA grant.

Judge Williams from the Petersburg CCCA/PSA grant, and the Petersburg SRO grant

VII. Old Business

Arlington Restorative Justice Program Discussion

A request was previously made by the Arlington Restorative Justice Program regarding their Victims Services Grant Program and American Rescue Plan Act grant awards. This item was tabled at the last meeting after some discussion.

Ms. Tracey Jenkins, Division Director of Programs and Services, DCJS, explained to the Board that the locality wanted to make some changes to their program which may cause it to no longer fall under the guidelines of the VOCA grant that it was approved under months ago. There was further discussion about this program and whether or not it was still eligible to be funded under these grants.

Parisa Dehghani-Tafti, the Commonwealth Attorney from Arlington, spoke on behalf of the program.

Chief DeBoard made the motion, seconded by Chief Katz, to move this item back to the Grants Committee for further review. The motion passed. *Opposed: Ms. Biggs, Mr. HuYoung, and Mr. Porter.*

VIII. New Business

Compulsory Minimum Training Standards for Auxiliary Police Officers Called into Service to Transport

Ms. Lois Kinch, DCJS, gave a report on the Compulsory Minimum Training Standards for Auxiliary Police Officers Called into Service to Transport.

During the 2022 Session of the General Assembly SB593 was passed, which updated the language to § 15.2-1731. This revision essentially creates a new category/level of auxiliary officers, strictly for the transportation of individuals in custody on an ECO or a TDO. This legislative mandate requires DCJS to establish compulsory minimum training standards for auxiliary police officers called into service solely to transport persons subject to an emergency custody order or temporary detention order.

This information was presented to the Committee on Training (COT) this morning and they voted to approve these training standards.

Mr. Katyal made a motion, seconded by Chief DeBoard, to approve the new category/level of auxiliary officers for transporting individuals in custody on an emergency custody order or temporary detention order. The motion passed. *Opposed: Dr. Moon.*

Fast Track Regulatory Actions for School Security Officers and Campus Security Officers Certification

Ms. Michaelis, DCJS, gave an update on the required regulatory actions and requested that the Board approve to move forward with the opening of two Fast-Track regulatory actions, to repeal 6VAC20-240 and 6VAC20-270 in their entirety.

These two regulations deal with the rules and requirements related to school security officer and campus security officer certification. The repeal of these two regulations is non-controversial, allowing DCJS to move forward with the Fast-Track process. These actions will also align with Governor Youngkin's plan to reduce the regulatory burden for all state agencies.

A motion was made by Chief DeBoard, seconded by Mr. HuYoung, to approve of these fast-track regulatory actions. The motion passed unanimously.

Additionally, the Division of Public Safety Training and the Virginia Center for School and Campus Safety has drafted new training certification standards for School Resource Officers, mirrored by the same *Code of Virginia* requirements, as these training requirements best fit as a guidance document for stakeholder consumption, rather than in regulation.

In 2020 the Virginia General Assembly enacted legislation requiring law enforcement officers assigned as School Resource Officers (SROs) in Virginia Public Schools to meet training standards for certification. In 2022, the Secretary of Public Safety and Homeland Security approved draft standards developed by the Department for consideration by the COT and CJSB. The draft standards identify the training requirements, eligibility for certification, process for certification in TRACER, and the process for waiver of initial requirements for those serving as an SRO before July 1, 2020.

The Board was asked to approve these training certification standards.

Sheriff Hieatt made a motion, seconded by Mr. Michael HuYoung, to approve the new training certification standards for School Resource Officers. The motion passed unanimously.

Director Miller reminded the board that during the June meeting, the Criminal Justice Services Board (CJSB) approved a motion to allow DCJS the authority to solicit grant proposals and make awards from the new funding and report these new grants to the Board at this meeting. The Board was informed of the revised totals which are:

School Resource Officers (SRO) & School Security Officers (SSO) Program Round 2 totals \$8,656,008 in state funds with \$7,312,857 for SROs and \$1,343,151 for SSOs.

School Resource Officers (SRO) & School Security Officers (SSO) Program Round 3 totals \$7,292,591 in state funds with \$5,014,591 for SROs and \$2,277,514 for SSOs.

IX. Public Comment

There was no public comment.

X. Adjournment

The meeting adjourned at 12:38 p.m. The next meeting is scheduled for December 8, 2022, at 11:00 a.m.