



## **Criminal Justice Services Board (CJSB) Executive Committee**

*January 18, 2024, at 10:00 a.m.*

*The meeting took place at DCJS, 1100 Bank Street, Richmond, Virginia  
in the 12th floor Conference Room*

### **Members Present**

Chief Craig Branch, Chair  
Sheriff C. O. Balderson  
Ms. Maria Jankowski  
Mr. Jagdish Katyal, Jr.  
Chief Jeffrey Katz  
LTC Kirk Marlowe, Proxy for COL Gary Settle  
The Hon. Bryan Porter, Vice-Chair

### **Members Absent**

Chief Maggie DeBoard

### **I. Call to Order**

Chairman Craig Branch called the meeting of the Executive Committee of the Criminal Justice Services Board (CJSB) to order at 10:00 a.m. A quorum was present.

### **II. Approval of Minutes**

Ms. Maria Jankowski made the motion, seconded by Sheriff C. O. Balderson, to accept the minutes of the November 3, 2023, meeting of the Executive Committee with a minor edit. The motion passed unanimously.

### **III. Old Business**

#### ***Combatting Hate Crimes Grant Program***

The Combatting Hate Crimes Grant Program makes \$1.5 million available for competitive grants to localities to combat hate crimes, including but not limited to target hardening activities, contractual security services, critical technology infrastructure, cybersecurity resilience activates, monitoring, inspection and screening systems; security-related training for employed or volunteer security staff; and terrorism awareness training for employees. The funds are distributed to localities that have established a partnership program with institutions or nonprofit organizations that have been targets of or are at risk of being targeted for hate crimes.

Grants went before the full Criminal Justice Services Board (CJSB) meeting on December 7, 2023, for final approval. However, the deadline was extended to ensure all funds were able to be distributed.

Chief Jeffrey Katz made a motion, seconded by LTC Kirk Marlowe, to approve four awards through the Combatting Hate Crimes Grant Program in the amount of \$547,907. The motion passed unanimously.

#### **IV. Old Business**

There was no old business to be discussed.

#### **V. New Business**

##### **Decertification – Mr. Bailey Coats, formerly with the Emporia Police Department**

Chairman Branch called on Ms. Cathie Hutchins from the Office of the Attorney General (OAG) to give a summary of Mr. Bailey Coats' certification status and to present the facts resulting in his decertification as a law enforcement officer from the Emporia Police Department. Mr. Coats was decertified pursuant to clause (B)(vi) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Mr. Coats' counsel as well as representatives from the Emporia Police Department.

Vice-Chair Bryan Porter made a motion, seconded by Sheriff Balderson, that the Executive Committee meet in closed session for the purpose of discussing the decertification of Mr. Coats with legal counsel. The motion passed unanimously.

Once the Executive Committee had concluded its closed session, Vice-Chair Porter made a motion, seconded by Sheriff Balderson, that the Executive Committee re-open the meeting to the public. The motion passed unanimously. All members of the Executive Committee certified that only matters involving legal advice from counsel were discussed during the closed session.

Vice-Chair Porter made the motion, seconded by LTC Kirk Marlowe that the Executive Committee 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. Good cause was not provided to be reinstated. The motion passed unanimously.

##### **Decertification – Mr. Nuno Cunha, formerly with the Alexandria Police Department**

Mr. Bryan Porter recused himself from this decertification appeal.

Chairman Branch called on Ms. Hutchins (OAG) to give a summary of Mr. Nuno Cunha's certification status. Ms. Hutchins explained that Mr. Cunha's appeal had been continued several times, pending the outcome of his grievance with the City of Alexandria. DCJS was notified by the City of Alexandria that Mr. Cunha was successful in the grievance against his termination and has been reinstated with the Alexandria Police Department.

Ms. Jankowski made a motion, seconded by Sheriff Balderson that the Executive Committee meet in closed session for the purpose of discussing the decertification of Mr. Cunha with legal counsel. The motion passed unanimously.

Once the Executive Committee had concluded its closed session, Ms. Jankowski made a motion, seconded by Sheriff Balderson, that the Executive Committee re-open the meeting to the public. The motion passed unanimously. All members of the Executive Committee certified that only matters involving legal advice from counsel were discussed during the closed session.

Sheriff Balderson made the motion, seconded by Chief Katz that the Executive Committee reinstate Mr. Cunha's certification as a law enforcement officer due to the City of Alexandria overturning Mr. Cunha's termination from the Alexandria Police Department. Chief Branch asked that it be noted for the record that the Executive Committee reluctantly made this motion. The motion passed. *Opposed: Ms. Jankowski.*

**Chief Branch was unable to return to the meeting due to another commitment, so Vice-Chair Porter assumed the role of Chair. In addition, LTC Kirk Marlowe recused himself from the remainder of the decertification hearings scheduled for the afternoon of January 18, 2024.**

**Decertification – Ms. Bethany Finch, formerly with the Virginia State Police**

Vice-Chair Porter called on Ms. Hutchins (OAG) to give a summary of Ms. Finch's certification status and to present the facts resulting in her decertification as a law enforcement officer from the Virginia State Police. Ms. Finch was decertified pursuant to clause (B)(vi) of § 15.2-1707 of the *Code of Virginia*.

The Executive Committee also heard from Ms. Finch's counsel as well as representatives from the Virginia State Police.

Ms. Jankowski made a motion, seconded by Mr. Jagdish Katyal, that the Executive Committee meet in closed session for the purpose of discussing the decertification of Ms. Finch with legal counsel. The motion passed unanimously.

Once the Executive Committee had concluded its closed session, Ms. Jankowski made a motion, seconded by Sheriff Balderson, that the Executive Committee re-open the meeting to the public. The motion passed unanimously. All members of the Executive Committee certified that only matters involving legal advice from counsel were discussed during the closed session.

Sheriff Balderson made the motion, seconded by Ms. Jankowski, that the Executive Committee sustain the decertification of Ms. Finch as a law enforcement officer for not providing good cause to overrule the decertification. The motion passed. *Opposed: Chief Katz.*

**Decertification – Mr. Kenneth Terry, formerly with Virginia State Police**

Vice-Chair Porter called on Ms. Hutchins (OAG) to give a summary of Mr. Kenneth Terry's certification status and to present the facts resulting in his decertification as a law enforcement officer from Virginia State Police. Mr. Terry was decertified pursuant to clause (B)(vi) of § 15.2-1707 of the *Code of Virginia*. Mr. Terry went before the Culpeper General District Court who deferred a disposition on this matter until March 21, 2024.

The Executive Committee also heard from Mr. Terry's counsel.

Ms. Jankowski made the motion, seconded by Sheriff Balderson, that the Executive Committee continue Mr. Terry's appeal until after his case has been adjudicated on March 21, 2024, in Culpeper General District Court. The motion passed unanimously.

**VI. Public Comment**

There was no public comment.

**VII. Adjournment**

The meeting was adjourned at 2:30 p.m. The next meeting will take place on January 19, 2024.