



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcs.virginia.gov

DRAFT

Criminal Justice Services Board

June 16, 2022

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

Members Present

Sheriff C. O. Balderson
Ms. Mary Biggs
Chief Craig Branch, Chair
Ms. Angie Carrera (Zoom)
Chief Maggie DeBoard
The Hon. Karrie Delaney
The Hon. Sarah Deneke
The Hon. Chadwick
Dotson
Ms. Carolyn Dull
Officer Bennie Evans, Jr.
Ms. Lisa Hernandez for
Mr. Harold Clarke
Mr. Michael HuYoung
Ms. Maria Jankowski for
Mr. David Johnson
Mr. Jagdish Katyal

Members Present (Cont'd)

Mr. Edward M. Macon
Dr. Sessa Joi Moon (Zoom)
Ms. Abbey Philips
The Hon. Bryan Porter
LTC Tracy Russillo for
Colonel Gary Settle
Ms. Pat Smith
Superintendent William Smith
Mr. James Towey for
Ms. Amy Floriano
Ms. Nicole Wittman for
The Hon. Jason Miyares
Chief Kelvin Wright

Members Absent

Ms. Ebony Clark
Judge Joseph Lindsey
Senator Jennifer McClellan
Senator Joe Morrissey
Mr. Paul Taylor
Ms. Ashley Waddell

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 11:00 a.m. A quorum of the Board was present.

Dr. Sessa Joi Moon participated through electronic communication pursuant to *Virginia Code* § 2.2-3708.2(A)(1)(b) due to health concerns as caregiver to a senior from Springfield, Virginia.

Chief Kelvin Wright made the motion, seconded by Mr. Bryan Porter, to accept the minutes of the March 17, 2022, meeting of the CJSB. The motion passed unanimously.

II. Nomination of Vice-Chair

Chief Branch asked if there were any nominations for Vice-Chair for the Criminal Justice Services Board (CJSB). Chief Wright nominated Mr. Porter to serve as Vice-Chair.

Chief Wright made the motion, seconded by Mr. Ed Macon, to accept the nomination of Mr. Porter as the Vice-Chair of the CJSB. The motion passed unanimously.

III. Approval of Minutes

Chief Wright made the motion, seconded by Ms. Biggs, to accept the minutes of the March 17, 2022, meeting of the CJSB. The motion passed unanimously.

IV. Director's Report

- Mr. Jackson Miller, Director of the Virginia Department of Criminal Justice Services (DCJS), introduced himself to the CJSB.
- Director Miller introduced his Chief Deputy Director, Ms. Tracy Louise Winn Banks.
- Director Miller identified some changes within DCJS.
 - David Cotter, Director of Policy and Legislative Affairs has moved to the Virginia Retirement System and Maria Garnett, Policy Advisor at DCJS, will be working in that capacity for the time being.
 - John Colligan, Division Director of Finance and Administration, has returned to DCJS.
 - Albert Stokes, Grants Manager at DCJS, has returned to his former employer, the City of Richmond Police Department. Ms. DeAndrea Williams will be the Acting Manager.
- DCJS, in compliance with Statutory mandates, will be discussing the draft Standards of Conduct for Virginia law enforcement and jail officers. This draft was authored by a panel featuring both law enforcement and non-law enforcement perspectives and received unanimous approval earlier this month.

V. Committee Reports

■ **Committee on Training**

Chief Wright updated the CJSB on the Committee on Training (COT) meeting which took place earlier that morning. Mr. Harvey Powers, Division Director of Law Enforcement of DCJS, provided an update on recent activity within the Law Enforcement Division, and Ms. Carolyn Naoroz, DCJS Uniform Lesson Plan Coordinator, presented proposed member replacements to the Uniform Curriculum and Lesson Plan Curriculum Review Committee (CRC). Mr. Erik Smith, DCJS Manager of Law Enforcement Policy and Standards, also provided an update on the state-mandated Standards of Conduct for Law Enforcement and Jail Officers.

■ **Executive Committee**

Chief Branch gave an update from the CJSB Executive Committee, which met on May 12, 2022. The Executive Committee approved the continuation of the appeal of Mr. Omar Higazi.

The Executive Committee heard the decertification appeal of Mr. Daniel Smith and upheld the decertification of Mr. Smith as a law enforcement officer.

The Executive Committee heard the decertification appeal of Mr. Kenneth Werts. Mr. Werts' certification as a law enforcement officer was reinstated.

■ **Grants Committee**

Chief Branch gave an update from the Grants Committee, which met on June 2, 2022 and made the following recommendations:

- **Child Advocacy Center - Virginia Department of Social Services (CAC-DSS)** in the amount of **\$4,430,582** in federal funding for **one** award.
- **Community Based Gun Violence and Intervention Program (CBGVIP)** in the amount of **\$2,494,296** in federal funding for **22** awards.
- **Peer Supported Critical Incident Stress Management (CISM)** Grant funding in the amount of **\$300,000** in state funds for **two** awards.
- **Hate Crimes Grant Program (HCGP) funding** in the amount of **\$44,500** in state funds for **one** award.
- **Juvenile Justice and Delinquency Prevention (JJDP Title II)** Grant funding in the amount of **\$1,352,546** in federal funds for **12** awards.
- **Residential Substance Abuse Treatment (RSAT)** Grant funding in the amount of **\$670,146** in federal funds for **seven** awards.
- **School Resource Officers (SRO)** Grant funding in the amount of **\$4,444,510** in state funds for **65** awards.

- **School Security Officers (SSO)** grant funding in the amount of **\$392,715** in state funds for **11** awards.
- **Victims Services Grant Program - Hospital Based Violence Intervention Program** grant funding in the amount of **\$1,705,657** in federal funds for **one** award.
- **Victim Witness Grant Program Year 2 (VWGP-VICT)** Grant funding in the amount of **\$15,350,682** in federal and state funds for **102** awards.
- **Victim Witness Grant Program Year 2 (VWGP-VWGF)** Grant funding in the amount of **\$3,906,554** in federal and state funds for **11** awards.

Chief Wright made the motion, seconded by Mr. Macon, to approve the grant funding recommended by the Grants Committee in one block.

Recusals:

Chief Branch for the SRO Grant for Caroline County, Fredericksburg, and Spotsylvania, the VWGP (VICT) Grant for Caroline County, Culpeper, Fredericksburg, Orange County, Spotsylvania and Stafford.

Ms. Mary Biggs for the RSAT Grant for the Western Virginia Regional Jail, and the VWGP (VICT) Grant for Montgomery County.

Sheriff Balderson for the SRO Grant for Westmoreland and the VWGP (VICT) Grant for Westmoreland.

Chief DeBoard for the VWGP (VWGF) Grant for Fairfax County.

Judge Sarah Deneke for the SRO Grant for Caroline County and the City of Fredericksburg, and the VWGP (VICT) Grant for Caroline County and the City of Fredericksburg and Spotsylvania County.

Ms. Carolyn Dull for the VWGP (VICT) Grant for Staunton.

Chief Kelvin Wright for the VWGP (VICT) Grant for the City of Chesapeake.

The motion passed.

Other

Arlington Restorative Justice Program Discussion

- The Grants Committee is also recommending approval of a request made by the **County of Arlington regarding their Victims Services Grant Program and American Rescue Plan Act grant awards**. After the first year of this project, the County has decided to transition the County unit implementing this grant into a legally separate non-profit entity, Restorative Arlington. The County will remain the primary subgrantee,

but is requesting to initiate a new second-tier subgrantee relationship with the nonprofit entity. The nonprofit has a designated 501(c)(3) status from the IRS.

- The Grants Committee recommends that this change be approved.
- A motion was made by Ms. Biggs. After some discussion, Mr. Michael HuYoung made a motion, seconded by Ms. Nicole Wittmann, to table this motion until further information could be provided.

Southside Center for Violence Prevention

- The Grants Committee also recommended termination of funding for Southside Center for Violence Prevention (SCVP) due to significant concerns with the ability of the subgrantee to meet the conditions of an existing Victim Services Grant Award that they currently receive.
- After some discussion, Chief Wright made a motion, seconded by Superintendent William Smith, to approve of this termination. The motion passed. *Recusals: Dr. Sessa Joi Moon.*

Project Safe Neighborhoods

- Project Safe Neighborhoods was presented to the committee for information purposes only. Grant funding would be in the amount of \$244,440 in federal funds for two awards.

School Resource Officer (SRO) Incentive Grant

The state budget includes an additional \$22.5M for FY23 and FY24 to be deposited into the SRO Incentive Grant Fund. In order to expedite making these new funds available to local law enforcement agencies it was requested that the CJSB allow Director Miller the authority to solicit grant proposals under the SRO Grant Program, make awards from this new funding to eligible applicants, and report these new grants to the CJSB at the next meeting on October 13, 2022.

Any new grant awards from the SRO Incentive Grant Fund will be contingent on the availability of the additional funding as proposed in the budget amendment, and no grants will be awarded until the funding is available to DCJS. This request is limited to the FY23 appropriation.

Chief Wright made a motion to approve, seconded by Ms. Mary Biggs. The motion passed. *Recusals: Ms. Abbey Phillips.*

VI. Nominations Committee Report

Call on Mr. Ed Macon to give a report from the Nominations Committee.

The Nominations and Appointments Subcommittee of the CJSB met that morning to consider two vacancies on the Court Appointed Special Advocate (CASA)/Children's Justice Act

(CJA) Advisory Committee and three appointments and one reappointment to the Private Security Services Advisory Board (PSSAB).

CASA/CJA

Requesting the appointment of Eugene Butler, J.D., Guardian ad Litem, to fill the vacancy for the Attorney for Children representative and Shamika Byars, MSN, to fill the vacancy for the Health Professional representative.

Information was received about the candidates in advance and they are all qualified to serve on this Board.

PSSAB

It was requested that the CJSB approve the appointments of Mr. Stephen Shiflett, Mr. Chris Stuart, and Mr. Jason Tassinari as Private Security Services Business Representatives (providing security officers, armed couriers, detector canine handlers or security canine handlers) beginning July 1, 2022 and ending June 30, 2023. It was also requested that the CJSB approve the reappointment of Mr. Jeffrey P. Dodson, Jr., Law Enforcement Representative, beginning July 1, 2022 and ending June 30, 2026.

In addition, the CJSB was asked to approve the appointments of James Reynolds as the Institutional Representative and Mr. David Gambale as the Bail Bondsmen representative.

Information was received about the candidates in advance and they are all qualified to serve on this Board.

Chairman Macon made a motion, seconded by Mr. Jagdish Katyal, that the CJSB vote to approve these recommendations to the CASA/CJA Advisory Committee and to the PSSAB. The motion passed unanimously.

VII. Old Business

There was no old business to be discussed.

VIII. New Business

Criminal Justice Services Board (CJSB) Bylaws Changes

Ms. Maria Garnett, Policy Advisor, Division of Policy, Research and Legislative Affairs of DCJS, gave an update on the proposed changes to the CJSB Bylaws.

Ms. Biggs made a motion, seconded by Chief Wright, to approve the changes to the CJSB Bylaws. The motion passed unanimously.

Updated FOIA Policy

Ms. Garnett gave an update on the FOIA Policy of the CJSB, amended to align with statutory changes made by HB 444 (2022) effective September 1, 2022.

Chief Wright made a motion, seconded by Superintendent Smith, to approve the updates to the FOIA Policy.

Draft Statewide Standards of Conduct for Law Enforcement and Jail Officers

Mr. Erik Smith, Manager, Law Enforcement Division of DCJS, gave a report on the Statewide Standards of Conduct for Law Enforcement and Jail Officers, and recommended approval of the new language.

Colonel Gary Settle made a motion, seconded by Sheriff Balderson, to approve the new language. The motion was approved unanimously after hearing from Major Heatley, Chief Deputy of the Tazewell County Sheriff's Office, who served on the Standards of Conduct workgroup.

Regulations for Standards of Conduct for Law Enforcement and Jail Officers

Ms. Kristi Shalton, Regulatory Coordinator of the Law Enforcement Division of DCJS, requested the CJSB approve the regulatory language and DC-1 form for the Statewide Standards of Conduct for Law Enforcement and Jail Officers, to be located within a newly created section of the Virginia Administrative Code (6VAC20-65).

Colonel Gary Settle made a motion, seconded by Sheriff Balderson, to approve the language. The motion passed unanimously.

IX. Public Comment

There was no public comment.

X. Adjournment

The meeting adjourned at 12:38 p.m. The next meeting is scheduled for October 13, 2022, at 11:00 a.m.