



# COMMONWEALTH of VIRGINIA

## Department of Criminal Justice Services

Shannon Dion  
Director

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**DRAFT**

### **Criminal Justice Services Board**

December 6, 2018

#### ***Members Present***

Ms. Diane Abato  
Ms. Mary Biggs  
Mr. Patrick Bridges for Mr.  
Andy Block  
Chief Craig Branch  
Chief James Cervera  
Chief Tonya Chapman,  
Sheriff Vanessa Crawford,  
Chair  
The Hon. Sarah Deneke  
Ms. Francine Horne

#### ***Members Present (Cont'd)***

Mr. Michael HuYoung  
Mr. David Johnson  
Mr. Edward M. Macon  
Sheriff Anthony Roper  
Colonel Gary Settle  
Ms. Pat Smith  
Superintendent William  
Smith  
Mr. Robert Soles  
Mr. Joseph Walters  
Chief James Williams  
Chief Kelvin Wright

#### ***Members Absent***

Ms. Adrienne Bennett  
Ms. Angie Carrera  
Senator Charles Carrico, Sr.  
The Hon. Carolyn Dull  
Delegate C. Todd Gilbert  
The Hon. Mary Malveaux  
Delegate Chris Peace  
Senator Mark Peake  
The Hon. Bryan Porter

## **I. Call to Order and Approval of Minutes**

Chairman Tonya Chapman called the meeting of the Criminal Justice Services Board (Board) to order at 11:50 a.m. A quorum of the Board was present.

Chairman Chapman noted that she, Mayor Carolyn Dull, and Chief Kelvin Wright had been reappointed to the Board and that Mr. Michael HuYoung, Ms. Pat Smith, Superintendent William Smith, and Mr. Joseph Walters had been appointed to the Board.

Ms. Diane Abato made the motion, seconded by Chief Wright, to accept the minutes of the June 14, 2018, meeting of the Board. The motion passed unanimously, subject to the following recusals: *the new members, Mr. HuYoung, Ms. Smith, Superintendent Smith, and Mr. Walters.*

## **II. Director's Report**

Director Dion highlighted the accomplishments of the Department of Criminal Justice Services (Department) for the year:

- This year, the Board will have approved 495 grants, totaling \$66 million. This funding supports local law enforcement, prosecutors, victims, non-profit service providers, state agencies, and regional training academies.
- A project has been initiated to explore the development of a new Grants Management System in 2019 which will provide staff and sub-grantees with access to real-time data, better fiscal and programmatic reporting, and streamlined award processes.
- The Department and the Virginia State Crime Commission (Commission) reviewed how the pretrial services program is administered and looked for ways to improve the delivery of pretrial services. The Commission is continuing its study into 2019.
- The process for licensing individuals by the Department has been fully transformed into an online system, which has dramatically reduced the time it takes to provide its constituents with their business credentials.
- The Department has successfully completed the first job task analysis for law enforcement since 1998. The Law Enforcement Curriculum Review Committee of the Committee on Training (COT) is currently evaluating the results and developing updated training standards for the COT's consideration.

#### **IV. Committee Reports**

- **Advisory Committee on Juvenile Justice and Prevention (ACJJP)**  
Mr. David Johnson gave a report from the ACJJP's meeting of November 14, 2018. The ACJJP reviewed four continuation grants for Juvenile Justice and Delinquency Prevention (JJDP) Title II funding and recommended approving them for funding. The four grantees are all applying for their fourth year of funding and were eligible to apply for 25% of their original award.  
Mr. Johnson made a motion, seconded by Chief Craig Branch, to approve the four continuation grants for federal JJDP Title II funding in the amount of \$51,026, as recommended by the ACJJP.
- **Executive Committee**  
Chairman Chapman gave a report from the Executive Committee regarding the two meetings held since the last meeting of the Board.

##### **Aug. 6, 2018 Meeting**

The Executive Committee conducted an appeal of the decertification of a law-enforcement officer in accordance with the provisions of Va. Code § 15.2-1707. The officer had pleaded guilty to falsifying public records in violation of § 18.2-472, which is a misdemeanor crime of moral turpitude. After hearing from the officer and the Attorney General's Office, a motion was passed to deny the appeal and sustain the officer's decertification.

The Executive Committee also considered two matters related to grants. A motion was passed to approve grant awards totaling \$2,375,000 to six local and regional jails in continuation funding for the Jail Mental Health Pilot Programs as provided in the Appropriations Act.

A motion was also passed to amend the criteria for making grants from the School Resource Officer Incentive Grants Fund to (i) allow localities to satisfy the local match requirement with in-kind contributions (e.g., equipment) and (ii) increase the maximum funding for school resource officer positions from \$50,000 to \$70,000 and for school security officer positions from \$22,000 to \$35,000.

### **Sept. 25, 2018 Meeting**

The Executive Committee was provided with a report from the Grants Committee and acted on each of the Grants Committee's three recommendations.

A motion was passed to approve 22 awards totaling \$448,139 in Byrne-JAG funds to support programs in the Department's Law Enforcement Division and the Juvenile Services, Adult Services, and Victim Services Division.

A motion was passed to approve three awards totaling \$147,378 in Court Appointed Special Advocate funds to support expansion projects.

A motion was passed to approve 33 awards totaling \$1,224,893 in School Resource Officer/School Security Officer funding for 30 school resource officer positions and three school security officer positions.

The Executive Committee also approved two final stage exempt regulatory actions for (i) Regulations Relating to Private Security Services and Private Security Training Schools and Businesses and (ii) Regulations Relating to Special Conservators of the Peace. The regulatory changes were necessary to conform to changes in statutory law that took effect on July 1, 2018, (Chapters 214 and 792 of the 2018 Acts of Assembly) and were exempt from the provisions of the Administrative Process Act.

- **Grants Committee**

Chief James Williams gave a report of the Grants Committee's meeting of December 4, 2018. At the meeting, Chief Williams was elected Chairman and Chief Branch was elected as Vice-Chairman. The Grants Committee presented the following grants for approval by the Board:

#### **Law-Enforcement Grants**

##### ***Edward Byrne Justice Assistance Grant (JAG) (FY16)***

Chief Williams made a motion, seconded by Ms. Abato, to approve a total of 22 awards in the amount of \$1,012,332 in Edward Byrne Assistant Grant funds. The motion passed unanimously subject to the following recusals: *Ms. Abato for the Attorney General's Office, Chief Branch for Culpeper Sheriff's Office and Police Department, Colonel Settle, Chief Williams for Staunton Police Department.*

##### ***Critical Incident Stress Management Funding***

Chief Williams made a motion, seconded by Sheriff Vanessa Crawford, to approve one award in the amount of \$72,207 in Law Enforcement Assistance Program funds. The motion passed unanimously.

## **Juvenile Services Grants**

### ***Victims of Crime Act (VOCA) Child Court Appointed Special Advocates Expansion Funding***

Chief Williams made a motion, seconded by Mr. Johnson, to approve a total of one award in the amount of \$136,661 in VOCA Court Appointed Special Advocate funds. The motion passed unanimously subject to the following recusal: *Chief Branch for Culpeper County*.

## **Adult Services Grants**

### ***Technology Innovation for Public Safety Funding***

Chief Williams made a motion, seconded by Ms. Abato, to approve one award in the amount of \$102,240 in Technology Innovation for Public Safety funds. The motion: passed unanimously subject to the following recusal: *Mr. Johnson*.

## **Victim Services Grants**

### ***Violence Against Women (V-STOP) Funding***

Chief Williams made a motion, seconded by Ms. Mary Biggs, to approve a total of 88 award in the amount of \$4,059,922 in Violence Against Women Act funding. The motion: passed unanimously subject to the following recusals: *Ms. Abato for the Attorney General's Office, Chief Branch for Caroline County, Culpeper, Empowerhouse, Rappahannock CASA and Services to Abused Families, Judge Sarah Deneke for Caroline County, Empowerhouse, Legal Aid Works, and Rappahannock Council Against Sexual Assault, Mr. Edward Macon for the Supreme Court*.

### ***Underserved Populations Learning Collaborative - V-STOP Special Program Initiative Funding***

Chief Williams made a motion, seconded by Ms. Francine Horne, to approve one award in the amount of \$335,635 in V-STOP Special Program Initiative Funding. The motion passed unanimously.

### ***Sexual Assault Services Program One-Time Grant Funds***

Chief Williams made a motion, seconded by Sheriff Crawford, to approve one award in the amount of \$63,107 in Sexual Assault Services Program one-time grant funding. The motion passed unanimously.

Additionally, Chief Williams noted that there are times when a grant award is made to a recipient and that recipient, for whatever the reason, does not accept the award. In such cases, those funds then become non-allocated and would be returned.

To address this issue, Chief Williams made a motion, seconded by Sheriff Tony Roper, that the Grants Committee approve other potential grant recipients from those applications the Department approves but does not have funding for and such other grant recipients may be awarded funding up to the dollar amount allocated for the grant in the event the original recipient does not accept an award. The motion passed unanimously.

- **Committee on Training (COT)**

Chief Kelvin Wright gave a report of the COT's two meetings held since the last meeting of the Board.

**Oct. 25, 2018 Meeting**

**Proposed Regulatory Changes**

The COT conducted its final review of a package of regulatory changes.

The specific regulations effected are:

- 6VAC20-20 Rules Relating to Compulsory Minimum Training Standards for Law-Enforcement Officers
- 6VAC20-50 Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers
- 6VAC20-60 Rules Relating to Compulsory Minimum Training Standards for Dispatchers
- 6VAC20-70 Rules Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections
- 6VAC20-90 Rules Relating to Regional Criminal Justice Training Academies
- 6VAC20-100 Rules Relating to Compulsory Minimum Training Standards for Correctional Officers of the Department of Corrections, Division of Adult Institutions

Chief Wright made a motion, seconded by Superintendent Smith, to approve the submission of these regulatory changes to the final stage of the regulatory process. The motion passed unanimously.

**Dec. 6, 2018 Meeting**

**Recertification as a Certified Crime Prevention Campus – Christopher Newport University**

The COT heard from Mr. Rick Arrington, Crime Prevention Program Manager, who provided a review of the application for Certified Crime Prevention Campus recertification for Christopher Newport University.

Chief Wright made a motion, seconded by Ms. Biggs, that Christopher Newport University be recertified as a Certified Crime Prevention Campus. The motion passed unanimously.

**Recertification as a Certified Crime Prevention Community – City of Galax**

The COT heard from Mr. Rick Arrington, who provided a review of the application for Certified Crime Prevention Community recertification for the City of Galax.

Chief Wright made a motion, seconded by Ms. Biggs, that the City of Galax be recertified as a Certified Crime Prevention Community. The motion passed unanimously.

**Law-Enforcement Field Training**

The COT received an overview of law-enforcement field training and the definitions of calls for law-enforcement service from Mr. David Cotter, Director of Policy and

Legislative Affairs, and received public comment on this issue from law-enforcement officials and other stakeholders.

The COT voted to designate a small work group to further discuss this issue and make recommendations. Chief Wright noted that, as Chair of the COT, he will create the workgroup and will schedule future meetings.

## **V. Old Business**

There was no old business to be discussed.

## **VI. New Business**

Chief James Cervera spoke about Virginia Code § 23.1-62, Payments to Institutions to Higher Education for Certain Courses Taken by Law Enforcement.

He stated that this code section allowing tuition reimbursement was enacted in 1966 and that such reimbursement has only been funded once. Chief Cervera contacted several senators and delegates about this and was told that this is not the year that the General Assembly will vote on a budget. Chief Cervera requested the support of the Board in seeking that funding for tuition reimbursement be provided.

Chief Williams made a motion, seconded by Mr. HuYoung, to support Va. Code § 23.1-62. The motion passed unanimously.

### **Decertification Appeal Hearing: Tenee Williams**

Ms. Cathie Hutchins, Senior Assistant Attorney General with the Office of the Attorney General and counsel to the Department, presented the facts resulting in Ms. Williams's decertification as a jail officer and noted that the burden is on Ms. Williams to demonstrate why she should not be decertified.

On August 15, 2018, Ms. Williams took a drug screening test and tested positive for marijuana, which is grounds for decertification pursuant to Virginia Code § 15.2-1707. On September 5, 2018, the Department decertified Ms. Williams.

Ms. Williams had been a jail officer since 2015. She acknowledged the results of the drug screening and explained that while she was on vacation, at a party, and was given a brownie that had a substance in it.

After questioning of Ms. Williams by members of the Board, Chief Branch made the motion, seconded by Chief Williams, to sustain the decertification of Ms. Williams. The motion was approved by a vote of 17-3 with the following members voting in opposition: *Mr. HuYoung, Mr. Robert Soles, Chief Cervera.*

Ms. Williams was reminded that she can petition the Board for reinstatement after five years.

### **Decertification Appeal Hearing: Kevin Santiago**

Ms. Cathie Hutchins presented the facts resulting in Mr. Santiago's decertification as a law-enforcement officer and noted that the burden is on Mr. Santiago to demonstrate why she should not be decertified.

On May 23, 2018, Mr. Santiago pleaded no contest in Richmond Juvenile and Domestic Relations Court to a charge of domestic assault in violation of Virginia Code § 18.2-57.2, which is grounds for decertification pursuant to Virginia Code § 15.2-1707. The criminal proceedings against Mr. Santiago were deferred until June 2, 2020, and will be dismissed at that time provided Mr. Santiago complies with all terms and conditions imposed by the court. On September 13, 2018, the Department decertified Mr. Santiago.

Mr. Santiago was represented before the Board by counsel, D. Scott Gordon. Mr. Santiago has been employed by the City of Richmond since January 13, 2014, and was appointed as a police officer on August 23, 2014. Mr. Santiago's attorney, D. Scott Gordon, noted that Mr. Santiago has been reassigned to desk duty and is not currently allowed to carry a weapon. Mr. Santiago noted that did not have an attorney representing him when he pleaded no contest to domestic assault and agreed to the plea without knowing the consequences of entering a no contest plea.

After questioning of Mr. Santiago by members of the Board, Ms. Abato made the motion, seconded by Chief Wright, to sustain the decertification of Mr. Santiago.

After discussion among the board members, Mr. HuYoung made a suggestion that the motion be amended to continue this matter until after the June 21, 2020, deferral date for Mr. Santiago's criminal case.

Ms. Abato made an amended motion, seconded by Mr. Johnson, to defer action on Mr. Santiago's decertification until after June 21, 2020. The motion was approved by a vote of 10-9, with one abstention (Mr. Bridges for Mr. Block). The following members voted in opposition: Chief Chapman, Chief Branch, Chief Cervera, Mr. Walters, Colonel Settle, Ms. Smith, Superintendent Smith, Chief Williams, Chief Wright.

Ms. Abato made a motion to have representatives from the City of Richmond present at the next meeting to discuss the incident involving Officer Santiago. The motion was seconded by Mr. Johnson and unanimously approved.

### **Meeting Dates for 2019**

Ms. Biggs made a motion, seconded by Chief Williams, to accept the following dates for the Board to meet in 2019: May 9, 2019, August 15, 2019, October 10, 2019, and December 12, 2019. The motion passed unanimously.

## **VII. Public Comment**

Mr. Carlton Webb spoke to the Board about the need for mandated de-escalation training for Virginia for police officers and requested that such training for law-enforcement officers be considered by the COT.

Ms. Chelsea Higgs Wise that she had recently provided trust building work with the City of Richmond Police Department and spoke to the Board about the need for de-escalation training as well as the need for crisis intervention training.

Mr. Muhammed Abdhul spoke about the need for access by the public for policing data and his difficulty in obtaining such data from the City of Richmond. Mr. Abdhul stated that accountability and transparency by police departments is good governance.

**VII. Adjournment**

Chief Williams made a motion, seconded by Mr. HuYoung, to adjourn at 1:50 p.m. The motion was passed unanimously.