





COMMONWEALTH OF VIRGINIA

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INTRODUCTION

Virginia's Secretary of Public Safety and Homeland Security oversees eleven public safety agencies whose combined goal is to maintain the safety and security of Virginia's citizens. The criminal justice duties and activities of these agencies encompass law enforcement, adult and juvenile corrections, prosecution, forensic sciences, victims' services and private security regulatory services. In addition to managing the work of these agencies, the Secretary's office works closely with the Governor and the General Assembly to develop and implement statewide public safety policies.

Understanding and overseeing these many aspects of public safety and criminal justice is complex. Policymakers must continuously monitor and respond to both ongoing and emerging public safety demands, which may come from the Governor, the legislature, the courts, local government officials, and the public. They often require balancing the competing priorities and resources of the many agencies tasked with responding to these demands.

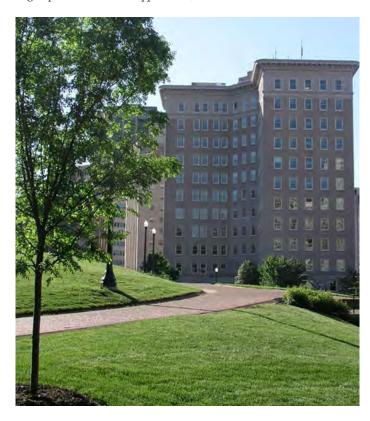
As complex as these duties are, they are especially challenging today. Daily media accounts – nationally and in Virginia – highlight how the integrity and effectiveness of the criminal justice system are being scrutinized as never before. Citizens, the media, elected officials and the criminal justice system itself are reexamining and rethinking basic criminal justice issues such as:

- When is it justifiable for police to use lethal force, and when
 is it not? How can law enforcement agencies strike the right
 balance between protecting communities from 'active shooters'
 and potential terrorists, while also respecting the rights of
 citizens and maintaining the trust of the communities they
 serve?
- How can corrections agencies safely confine and supervise dangerous offenders, while also releasing into the community those who have served their sentences in a way that encourages them to rejoin and contribute to society rather than return to prison?
- How can courts sanction offenders and hold them accountable for the crimes they have committed, but at the same time not impose sanctions that may permanently restrict their ability to successfully reenter society?
- Can the juvenile justice system transform itself to focus more on keeping young people out of the justice system, rather than reacting after they enter the system?
- Can school security and discipline practices that may inadvertently force students out of the classroom and into the courtroom be reformed? Can campus law enforcement and

- administrators improve their response to sexual violence on college and university campuses?
- Can laws regulating firearms be better constructed to keep guns away from individuals who threaten public safety, while also respecting the rights of law-abiding gun owners?

The Virginia Department of Criminal Justice Services (DCJS) is the state criminal justice agency that works at the intersection of all of these and other system issues. Many Virginia criminal justice agencies and entities have a relatively specific focus such as law enforcement and criminal investigations, prosecution, adjudication or corrections. DCJS, headed by a Director appointed by the Governor, supports the Governor's work in all of these areas and more.

The breadth of DCJS's work is highlighted by the composition of the 28-member Criminal Justice Services Board (CJSB) which serves as the policy board for the agency (see members list on page 2). The CJSB members, appointed by the Governor, include representatives from law enforcement, prosecution, the courts, indigent defense, institutional and community corrections, private security services, as well as the Office of the Attorney General, the General Assembly, and local government executives. Additionally, DCJS and the CJSB are advised by numerous other boards and groups with expertise in areas such as juvenile justice, services to crime victims, school and campus safety and court procedures (A list of the members of these advisory groups is contained in Appendix B).



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By drawing on this range of expertise, DCJS has expanded Virginia's perspective to approaching problems that have traditionally been considered "criminal justice" issues. For example, reducing substance abuse is not approached as solely law enforcement or corrections issues - the approach now encompasses health policy and treatment, treating overdoses as emergency medical issues, and finding ways to divert drug offenders from the justice system. Similarly, individuals with mental health problems are being diverted from jails by training law enforcement officers to recognize when errant behavior is due to mental illness and not criminal intent. Individuals who are sentenced to jail or prison are being approached – when appropriate – as individuals who eventually will have to successfully rejoin society. Victims of sexual assault and other crimes are receiving "trauma-informed" services that recognize them as not just crime victims, but as persons whose recovery can be lengthy and complex.

DCJS recognizes that bringing together these multi-disciplinary approaches to improving public safety requires more than just

collaboration among different fields. It also requires identifying and applying scientific, evidence-based practices to improve public safety. Complex public safety problems cannot be solved by solutions based on anecdotes or reactions to high-profile media events. DCJS is working closely with the Secretary of Public Safety and Homeland Security to expand the use of evidence based practices and data-driven decision making to state and local criminal justice agencies throughout Virginia. DCJS is doing this by building these approaches into its development of model practices and policies, by providing training and technical assistance to agencies on how to adopt and apply these approaches, and by requiring that these practices be incorporated into state and local criminal justice programs that are funded by DCJS grants.

This report summarizes some of the major initiatives that illustrate how Virginia is using multidisciplinary, data-driven approaches to improve public safety, and provides recommendations for maintaining these efforts in the future.



Members of the Virginia Criminal Justice Services Board (CJSB)*

Hon. Michael R. Doucette (Chairman) Commonwealth Attorney, City of Lynchburg

Andy Block
Director, Department of Juvenile Justice

John A. Boneta

John A. Boneta and Associates

Chief Jeffrey Brown Richard Bland College of William and Mary Police Department

Adrianne Bennett

Chair, Virginia Parole Board

Sheriff Vanessa Crawford Petersburg City Sheriff's Office

Hon. Sarah Deneke Fifteenth Judicial Circuit Court

Col. W. Steven Flaherty
Superintendent, Department of State Police

David J. Johnson Director of Training and Attorney Certification, Virginia Indigent Defense Fund Edward M. Macon Assistant Executive Secretary, Supreme Court of Virginia

Hon. Mary B. Malveaux Virginia Court of Appeals

Hon. Michelle Mosby

Councilwoman, South Central Richmond City

Council 9th Voter District

Kevin Pittman

Deputy Sheriff, Fairfax County Sheriff's Office

Sheriff Anthony W. Roper Clarke County Sheriff's Office

Col. Bobby D. Russell (Vice-Chair) Superintendent, Western Virginia Regional Jail

N. H. Cookie Scott Deputy Director for Administration, Department of Corrections

Debbie Smith
Founder, Hope Exists After Rape Trauma
(H.E.A.R.T.)

Gilbert Smith
Vice-Chair, Charles City County
Board of Supervisors

Robert D. Soles
Personal Protection Specialist,
The Osen-Hunter Group

Chief James E. Williams

City of Staunton Police Department

Chief Scott S. Williams

Hampden—Sydney College Police Department

Chief Kelvin Wright Chesapeake Police Department

Stephanie Wright, MSW Co-founder, Together We Bake

Richard C. Vorhis Senior Assistant Attorney General, Office of the Attorney General

Hon. Charles W. Carrico Sr. Senate of Virginia, District 40

Hon. Thomas A. Garrett Jr. Senate of Virginia, District 22

Hon. Jackson H. Miller Virginia House of Delegates, 50th District

Hon. Christopher K. Peace Virginia House of Delegates, 97th District

ENHANCING LAW ENFORCEMENT PROFESSIONALISM

The Secretary of Public Safety and Homeland Security, the Criminal Justice Services Board and DCJS have an ongoing duty to "strengthen and improve law enforcement and the administration of criminal justice throughout the Commonwealth" (*Code of Virginia* § 9.1-102). One major way this duty is met is by continuously enhancing professionalism within Virginia's law enforcement agencies and the nearly 22,000 officers in these agencies. DCJS works to enhance professionalism by:

- · Establishing statewide law enforcement training standards and programs
- · Creating and publishing model policies for law enforcement agencies
- · Providing and sponsoring training for law enforcement
- · Providing funding for programs to improve law enforcement professionalism
- · Promoting research and other activities to improve policing

The following details the Virginia Department of Criminal Justice Services' activities to fulfill these goals and include major initiatives.

Model Policies for Law Enforcement

DCJS establishes and periodically updates model policies to help law enforcement agencies create their own policies to comply with Virginia law and DCJS requirements. These model policies cover a wide range of issues encountered by law enforcement. As changing and emerging issues affecting law enforcement arise, DCJS continuously works to provide model policies. Examples of model policies include:

Body Worn Camera Model Policies (2015). This policy identifies best practices for using the cameras, and covers the general use of cameras; camera equipment; responsibilities of officers and supervisors using cameras; privacy issues; access to video recordings; and recordings retention. The policy was developed with input from the International Association of Chiefs of Police and Virginia law enforcement agencies.

Eyewitness/Line-Up Model Policies (2014). This updated policy helps to improve the reliability of identifications, minimize unjust accusations of innocent persons and establish reliable evidence that conforms to established legal procedure. It incorporates scientific findings on line-ups from the National Institute of Justice, International Association of Chiefs of Police, Commission on Accreditation of Law Enforcement Agencies, Police Executive Research Forum, and American Bar Association.

Human Trafficking Model Policies (2014). These policies help law enforcement agencies report and investigate human trafficking, including sex and labor trafficking. The policies assist these agencies in identifying indicators of human trafficking; in identifying, apprehending, and prosecuting persons engaged in human trafficking; and in providing assistance to victims of human trafficking.

Law Enforcement Training

DCJS continuously develops and updates training standards, and provides training to law enforcement. This training is delivered through large state and regional training conferences, more limited and focused training on specific topics, and by providing training materials via the DCJS website. Examples of trainings include:

Fair and Impartial Policing Training of Trainers (2016).

These regional trainings addressed implicit bias – which can affect what law enforcement officers perceive and do, even those who consciously hold non-prejudiced attitudes. The training showed other law enforcement trainers how to understand and explain the science of implicit bias, and teach law enforcement academy recruits, patrol officers, and first-line supervisors to recognize implicit biases and exercise fair and impartial policing in their daily work.

Basic Active Shooter Level I Training (2016). This course enhanced law enforcement officers' ability to safely and effectively respond to and neutralize active shooters and save lives.

Virginia Regional Crime Prevention Training Forum (2016).

This training highlighted Virginia's focus on crime prevention and what it takes to sustain crime prevention methods. The training will address tools that are needed for developing partnerships, developing modern prevention practices, and developing skills to make regional efforts interdependent of one another.

Building Trust and Legitimacy in Police-Community Forum (July 2015). This DCJS-sponsored forum focused on ways to strengthen and build sustainable police-community relations, and was attended by law enforcement officials, prosecutors, local government officials and representatives of community organizations.

Campus and Community Sexual Assault Response Team Training (2014). This training covered best practices for community and campus settings and assessing readiness for SART expansion. Participants were campus and local law enforcement, campus security officers, prosecutors, forensic/sexual assault nurse examiners, victim advocates, and others wanting to learn about SARTs and how to enhance response to sexual assault victims.

Law Enforcement Funding

Strengthening Law Enforcement Relationships with Local Communities. In October 2015, DCJS made available \$750,000 in Justice Assistance Grant Program (JAG) funds to support Governor McAuliffe's "21st Century Policing" initiative. The funds can be used for training and equipment that will help law enforcement agencies strengthen their relationships with their local communities, by addressing issues like cultural diversity, de-escalation techniques, and community relations and communications.

Crisis Intervention Teams

DCJS provides grants to law enforcement agencies to establish and enhance crisis intervention teams (CITs) to improve their responses to situations involving persons who are mentally ill or under the influence of drugs and must be taken into custody under Emergency Custody Orders, Temporary Detention Orders, or arrest. DCJS, with the Department of Behavioral Health and Development Services and the VA CIT Coalition,

has provided technical assistance to localities for planning and developing CIT programs, and for advanced CIT learning opportunities.

Law Enforcement Agency Accreditation

DCJS manages the operations of the Virginia Law Enforcement Professional Standards Commission (VLEPSC), which establishes professional standards and measures, evaluates, and updates law enforcement agencies for accreditation. Accreditation increases an agency's ability to provide law enforcement services to the community it serves. It also commits the agency to programs to control and prevent crime, help citizens understand the challenges confronting the agency, and provides the agency with input on community expectations.



Recommendations for Enhancing Law Enforcement Professionalism in Virginia

- 1. Update and disseminate current training and model policies as needed to keep law enforcement abreast of changes in practices, law and technology.
- 2. Identify, develop and disseminate new training and model policies to keep law enforcement abreast of changes in practices, law and technology.
- 3. Continue providing state and federal funding to law enforcement agencies to help them keep up with emerging issues and build their professionalism.



FUNDING FOR LAW ENFORCEMENT TRAINING ACADEMIES

Virginia has 11 regional law enforcement training academies which provide the mandated entry-level training that an individual must have to become a certified law enforcement officer. These academies are funded primarily through fees paid for officer training by the academies' member criminal justice agencies. They are also funded by the Commonwealth; by funds from other tuition or fees; and by other revenues such as reimbursements, grants, or interest on accounts. Academies also may receive In-kind contributions from academy member agencies and hosting localities.

Historically, there have been questions about the fiscal stability of the regional academies. An academy's training fee revenue and in-kind contributions can decline when member agencies

withdraw from an academy to form an independent academy or join another regional academy. In recent years, several regional academies have had large member agencies withdraw from their academy. Regional academies have also seen reductions in funding from the Commonwealth, particularly in general funds.

Because of these questions, the General Assembly directed DCJS, along with the Department of Planning and Budget and the Auditor of Public Account, to examine and report on the current and projected financial operations and financial outlook for the academies. To accomplish this, DCJS surveyed each regional academy and gathered information about the fiscal condition of the academy, the academy facilities and operations, the financial operations of the academy (including budgets and audits), and any future circumstances that might affect the academies financial condition.



DCJS provided its findings to the General Assembly with the report Analysis of the Current and Projected Financial Operations and the Financial Outlook for the Regional Law Enforcement Training Academies (Research Document 187, September 2011). The major findings of the report were that:

- Despite fluctuations in revenues from academy membership changes and declines in funds from the Commonwealth, most of the law enforcement academies were meeting their training mission by being aggressive and creative in finding new partnerships and sources of revenue to replace lost income.
- There do appear to be limits to how much revenue the
 academies will be able to replace using the current strategies.
 Local governments and agencies which provide some academy
 funding are also under fiscal strain which places these kinds of
 arrangements in jeopardy. At some point the core mission of
 the academies, to offer entry level law enforcement training,
 may be diminished.
- This is most apparent in the move of agencies to leave regional academies and establish new independent academies. Their agencies are typically the ones who have the financial ability to establish their own academies. However, in doing so they put additional pressure on the agencies remaining in the academy to provide the revenue to maintain the academy as a viable training entity. This trend will require attention to ensure that an entire regional academy is not inadvertently harmed by having one or more of its larger member agencies withdraw from the academy.

 The move to form independent agencies may eventually jeopardize the sustainability of some regional academies.
 Continued state budget cuts put additional pressure on academy budgets, and academies are anticipating increases in rental fees when current leases expire, or increased costs due to the need for additional or more up-to-date facilities.

Legislation to Stabilize Regional Law Enforcement Funding

Based on the findings of the DCJS report and subsequent review, the 2014 General Assembly (via HB 1049/SB597) amended § 9.1-106 to create a special fund, administered by DCJS, to provide financial support for regional criminal justice training academies. The special fund receives monies from fees levied by the courts in felony and misdemeanor convictions. The legislative amendment also gave DCJS the duty to distribute the special fund monies to the regional academies.



Recommendations for Funding Virginia's Regional Law Enforcement Academies

- Track and monitor the fiscal health of Virginia's regional law enforcement academies to determine if efforts such as the special fund created by § 9.1-106 have the desired effect of maintaining stable funding for the academies.
- If it appears that funding for the academies becomes unsustainable, DCJS will again work with the academies, the Secretary of Public Safety and Homeland Security, and the General Assembly to examine additional funding methods.

UPDATING AND IMPROVING PRIVATE SECURITY SERVICES

The DCJS Division of Licensure and Regulatory Services is responsible for the oversight and enforcement of regulatory programs covering Private Security Services; Bail Bondsmen; Bail Enforcement Agents; and Special Conservators of the Peace. In Virginia nearly 50,000 individuals are engaged in these activities. By comparison, there are about 22,000 certified law enforcement officers in Virginia.

DCJS continuously reviews and updates the laws and regulations related to its regulatory functions, and its procedures for serving the individuals and business that provide various private security services.

Updating Special Conservators of the Peace (SCOPs)

In 2013, DCJS convened a Special Conservator of the Peace Task Force which conducted an extensive review and update of the laws and regulations governing SCOPs. SCOPs are individuals appointed by the circuit court and granted the same arrest powers as municipal law enforcement officers. SCOPs are typically employed by corporations, sheriffs, police chiefs, and custodians of property owned by the Commonwealth. Major topics examined by the Task Force included:

- Consistency in Appointment Process and Court Orders: Is the administrative/judicial process for appointing and overseeing SCOPs uniform and sufficient throughout Virginia?
- *Jurisdiction and Appearance*: Are the geographic areas in which SCOPs are now appointed appropriate? Should SCOPs be permitted to wear the traditional indicators of certified law enforcement officers working for a local or state government?
- Registration and Regulation: Should prior or current law enforcement status exempt SCOPs from state registration, and should private businesses providing SCOP services for hire be regulated?
- *Training:* Are the current training requirements for SCOPs adequate?

Based on its review, the Task Force recommended legislation to amend the SCOP program which was considered during the 2015 and 2016 sessions of the General Assembly. The legislation enacted produced various changes to the SCOP registration process and other regulatory aspects of the program. Some of these changes are already effective, while other changes will go into effect later. DCJS, in conjunction with the Private Security Services Advisory Board, is working to ensure that compliance with the following new SCOP laws is seamless and accurate.

The following changes were enacted in 2015:

- § 19.2-13 was amended to require that any person appointed by the court as an SCOP shall remain under the jurisdiction of the court during the appointment. A judge may revoke the appointment order for good cause.
- §§ 9.1-150.2, 15.2-1748 and 19.2-13 were amended to require DCJS to adopt regulations establishing compulsory

minimum, entry-level, in-service, and advanced training standards for SCOPs. The regulations adopted require a minimum of 98 hours training for unarmed SCOPs and a minimum of 130 hours training for armed SCOPs.

The following changes were enacted in 2016:

- § 19.2-13 was amended to require that a criminal history record check be part of the background investigation required for appointment as an SCOP. The check may also include a review of the applicant's school records, employment records, or interviews with persons regarding the applicant's character and fitness.
- § 19.2-13.1 was amended to require that an application to the court for an SCOP appointment must include a written assessment from the chief law enforcement officer of the locality stating the need for the appointment and recommending any limitations that should be included in the order of appointment.

Additional changes to the SCOP program included:

- SCOP appointments now require the use of standardized Application Forms to the circuit court, and a standardized Appointment Order signed by the judge.
- SCOP appointments with circuit courts or renewal registrations with DCJS must show proof of general liability insurance of \$10,000. Cash and surety bonds are no longer acceptable to courts or DCJS.
- All SCOPs must be registered with DCJS. There are no exemptions based on previous or current law enforcement status.

Improving Private Security Customer Service

In addition to reviewing and updating laws and regulations for private security services, DCJS continuously works to update and improve its systems and processes for serving companies and individuals that provide private security services. The goal is to make it as easy as possible for businesses and individuals to understand and comply with the laws and regulations that govern the private security industry, and to make registration, certification and licensure services more effective.

To achieve this, DCJS is now performing a major upgrade to its regulatory management system. DCJS completed an extensive management study which examined its regulatory organization, processes and automated systems. A significant part of this is an effort to move away from paper-based services to services that are available on-line, so that customers can more easily submit applications and transactions, and update records.

DCJS's online system also provides the following services:

Private Security Training Schools Search: Allows users to search for a Private Security training school that meets their needs.

Training Management System: Allows Private Security schools to electronically submit their class rosters and session notifications.

Topical Outlines for Private Security Services: Allows schools to view the topical outlines for the various training courses they provide.



Recommendations for Continued Updating and Improving of Virginia's Private Security Services

- 1. Continue to make changes needed in the SCOP regulatory system to ensure the smooth implementation of the 2015 and 2016 legislation concerning SCOPs.
- 2. Monitor, evaluate and upgrade DCJS's manual and automated systems for serving companies and individuals that provide private security services.
- 3. Work with the Private Security Services Advisory Board to identify and respond to new and emerging regulatory issues in the private security services field.



PREVENTING WRONGFUL CONVICTIONS

Advances in forensic science, investigative methods and other fields have uncovered cases across the U.S. in which individuals have been exonerated after being wrongfully convicted of crimes. The National Registry of Exonerations cites more than 1,300 exonerations that have occurred throughout the U.S. since 1989. Thirty-five of these exonerations occurred in Virginia. In 2013, Virginia was among ten states with the highest number of exonerations for wrongful convictions.

Wrongfully convicting innocent citizens is one of the gravest mistakes that the criminal justice system can make. Not only is a grave injustice committed against the innocent person wrongfully convicted, it is a disservice to the victim of the crime and endangers communities. It allows the guilty to go free and potentially continue victimizing others. Erroneous convictions occur disproportionally among poor and minority populations, which undermines the public trust our criminal justice system must maintain to function effectively.

Numerous studies have shown that a prosecutor's failure to disclose exculpatory evidence in a criminal case is a major factor contributing to wrongful convictions. Failures to disclose exculpatory evidence also occur among other parties including law enforcement investigators, forensics analysts, victim/witness programs, and government agencies.

In 2015, DCJS convened a *Blueprints for Change* session which examined how Virginia could reduce the likelihood of such errors occurring in the future. Commonwealth's Attorneys, judges, defense attorneys, law enforcement, public defenders, and others from the criminal justice system discussed current Virginia practices for divulging exculpatory evidence, and reviewed efforts made by other states to improve their practices. Results of these discussions were published in the report, *Preventing Wrongful Convictions in Virginia: Improving the Disclosure of Evidence Held by Third Parties*, by DCJS in July 2015.

Findings from Preventing Wrongful Convictions in Virginia: Improving the Disclosure of Evidence Held by Third Parties

Attitude and Ethics

First and foremost, the 'win-at-any-cost' attitude of some participants in the trial court system must be changed. The goal of the system must be finding the truth in a case rather than which side wins or loses. Trials must be viewed by law enforcement, defense attorneys, prosecutors and others within the system as fact-finding endeavors rather than win-or-lose contests.

Similarly, improving the disclosure of evidence and avoiding disclosure errors must be viewed as a way to improve the judicial system as a whole; not as a way of blaming any single person in the system, such as law enforcement, prosecutors or defense attorneys. Wrongful convictions usually are not due to a single mistake; rather, they result from wrongful actions throughout the system.

Education and Training

Changes in ethics and attitude – as well as practices concerning the disclosure of exculpatory evidence will require education and training. This education should begin early in the training of law enforcement, prosecutors, defense attorneys and others involved in investigations and trials. It should be consistently updated and revisited throughout these participants' careers. The session included Commonwealth's Attorneys, judges, defense attorneys, law enforcement, public defenders, and others.

Elected officials should also be educated on the importance of full disclosure and 'getting it right the first time.' These officials often set the tone for others working in Virginia's justice system, and they need to be educated about why it is more important to work toward a system that is 'right on crime' rather than one that is 'tough on crime.'

Improving Investigatory and Trial Processes Related to Evidence

An 'open records' approach offers promise for reducing errors due to a failure to disclose exculpatory evidence. An open records policy avoids errors made when law enforcement or prosecutors attempt to limit disclosure to evidence that is deemed "material" to the case, since it eliminates the error-prone process of deciding what evidence is considered material and not material. Furthermore, an open records policy should be applied to all cases, not just cases involving serious crimes.

An open records policy requires trust between all parties involved. Opening evidence files will only be successful if all parties involved believe that all relevant evidence is in the files. Under the current pervasive 'win at any cost' practices, there is pressure on parties in the case to omit from the actual file evidence they feel may cast doubt on their case.

One way to reduce the pressure to withhold evidence in cases is to eliminate the practice of individuals "owning" cases. Participants noted that when an investigator or a prosecutor assumes ownership of a case, pride and ego can limit their ability to see the case objectively. The philosophy and practice should

be that the case belongs to the Commonwealth, not to the investigator or prosecutor assigned to the case.

If practices and procedures for dealing with exculpatory evidence are improved, these should not only be used in training and education, but they also should be documented as model or best practices and made available throughout Virginia's justice system.

Encouraging the use of audio and/or video recording of interrogations, confessions, etc. was also suggested as a way to help improve the gathering of information and assessing both the validity of interrogation methods and the credibility of persons being interrogated. Provide information to these officials on the careful work needed when asking questions of, or interpreting answers from, person of different ethnicities, minors and those with mental disabilities. Similarly, it may be useful to provide information and guidance on exculpatory information issues raised when dealing with informants, jailhouse "snitches," and with law enforcement and other criminal justice personnel who may have histories that would cast doubt on the credibility of information they provide.

Providing Resources

A lack of resources for Commonwealth's Attorneys' offices, indigent defense and other parts of the justice system

contributes to many kinds of case errors, including failure to disclose exculpatory evidence. Errors are more frequent when people do not have enough time to adequately gather, review and assess the materials and evidence involved in a case. An open records policy, which would make more evidence available, may not help if there are not adequate personnel and time to properly review the evidence. Wrongful convictions are too great a risk in an underfunded system.



Recommendations for Helping to Prevent Wrongful Convictions in Virginia

- Monitor ongoing research and work in Virginia and the U.S. aimed at identifying instances of wrongful convictions and promising practices, policies and laws to help avoid wrongful convictions.
- Continue to work with law enforcement, Commonwealth's
 Attorneys, the courts and others in the criminal justice system to bring additional practices, policies and laws to help avoid wrongful convictions to Virginia.



REVISITING VIRGINIA'S FELONY/LARCENY THRESHOLD

Every state classifies crimes of theft as either misdemeanors or felonies based on the dollar value of what was stolen – the "felony threshold." A misdemeanor conviction is usually punishable by at most one year in jail, and sometimes by only a fine and/or community supervision. However, a felony conviction is punishable by one or more years in state prison, and can create life-long barriers to employment, education, housing and other opportunities.

Felony thresholds vary from state to state. Wisconsin's \$2,500 threshold is the highest in the nation, and most states' thresholds range from \$1,000 to \$2,000. Virginia, along with New Jersey, has the lowest felony threshold in the nation, at \$200. Virginia's threshold was last changed in 1980, when it was raised from \$100 to \$200. According to the Bureau of Labor Statistics, \$200 in 1980 is the equivalent of \$579 in 2015.

In November 2015, DCJS convened a *Blueprints for Change* session to examine whether Virginia should consider raising its felony threshold. The session included legislators, prosecutors, defense attorneys, judges, indigent defense attorneys, law enforcement and representatives of retail merchants. The participants reviewed previous studies examining Virginia's threshold, and heard presentations on the potential impacts that raising the threshold could have on Virginia's sentencing and correctional systems. The discussion that followed focused on several broad issues regarding the felony threshold:

What are the short-term vs. long term costs of maintaining the current threshold?

Some proponents of raising the felony threshold claim that raising it would provide short and long-term correctional savings by reducing the numbers of felons sentenced to the state prison system. However, the panel concluded that raising the threshold would have only a minimal correctional impact and little cost savings, and this was not deemed to be a particularly significant benefit of raising the threshold.

The potential advantages of raising the felony threshold lie more in the long-term benefits of not making more citizens felons for relatively low-level offenses. Convicted felons face life-long barriers to employment, education, housing and other opportunities. These barriers increase the risk that the person will revert back to criminal activity, with even greater future costs to society. Turning low-level offenders into felons greatly reduces the chances that offenders have the chance to "earn their way back into society" and become productive citizens.

What are the major objections to raising the felony threshold?

Representatives of Virginia's retail merchants stated that their organizations oppose raising the felony threshold. They maintain that retail businesses cannot afford the losses caused by petty shoplifting and other theft, and that the low felony threshold deters such theft. The merchants acknowledged that there is no

hard data to show such a deterrent effect, but they feel that legal deterrence is one of the few tools smaller businesses have to help deter and reduce theft. The retail merchants' representatives also noted that some thefts are carried out by organized interstate groups rather than individuals, and contended that these groups avoid states with lower thresholds.

Does the low threshold actually act as a deterrent to theft?

Some panelists maintained that the lower threshold is a poor deterrent because people who commit retail theft, especially lower-level theft, do not rationally weight the legal penalties when deciding to commit a crime. Several attorneys and judges on the panel stated that they have never had a defendant say that he or she made a decision to steal or not steal merchandise based on the legal threshold for a felony. They stated that most low-level shoplifting offenders probably do not even know the legal threshold for a felony; much less make a decision based on the threshold.

How often are \$200 larceny-theft offenses actually prosecuted as felonies?

Several panel members said that individuals, especially those with no prior criminal record, are rarely prosecuted and convicted for a felony for theft amounts valued near \$200. They contended that felony charges are usually pursued against low-level offenders who already have a prior record of criminal activity, or in cases involving "trust violations" such as an employee stealing from an employer, or a caregiver stealing from a patient. Although this may not represent practices statewide, it was clear that there is great variability and inconsistency across the Commonwealth as to what is treated as a misdemeanor and what is treated as a felony.

Although these different viewpoints provided more information, they did not lead to an agreement on whether the current threshold should be changed. There did seem to be a consensus among the panel members concerning the following points:

- When considering both the short-term and the long-term societal effects of Virginia's felony-larceny threshold, there is a strong case for raising the threshold above its current \$200 level to reduce the number of people convicted of felonies.
- If the felony larceny threshold is raised, it might be prudent to simultaneously raise the penalty for misdemeanor larcenies to include mandatory jail time. Special enhanced provisions could be included for certain retail offenses, offenses involving "trust violations," and offenses committed by organized theft organizations. This is similar to the recommendation made in the Virginia State Crime Commission's 2008 report on the grand larceny threshold.
- The Virginia Retail Merchants Association and the Virginia Retail Federation should be included in discussions about changes to the felony larceny threshold and penalties for retail crimes, to address their members' concerns about combating retail theft.
- Prior to making any specific recommendations for changes to the felony larceny threshold, it would be helpful to provide the involved stakeholder with more information about the following:
 - The experience of other states that have raised their felony larceny thresholds.

The extent to which first-time, low-level offenders in Virginia are charged and convicted of felony larceny; what factors influence decisions to charge these offenses as felonies or misdemeanors; and the extent to which a low felony larceny threshold actually acts as a deterrent against theft.

Following the 2015 *Blueprints* session, legislation was introduced in the 2016 General Assembly to raise the felony/larceny threshold from \$200 to \$1,000. However, the bill was not passed by the General Assembly.



Recommendations Concerning Virginia's Felony/Larceny Threshold

- Monitor ongoing research and work in Virginia and the U.S. examining the effects of different felony larceny thresholds to determine whether Virginia should reconsider its current felony larceny threshold.
- If it appears that the felony threshold should be reconsidered, work with law enforcement, Commonwealth's Attorneys, the courts and others in the criminal justice system to recommend meaningful changes.



EVIDENCE BASED DECISION MAKING FOR MORE EFFECTIVE CRIMINAL JUSTICE POLICIES AND PRACTICES

Evidence Based Decision Making (EBDM) applies empirical knowledge and research-based principles to making decisions in the justice system. It is based on four principles: 1) decision-making is enhanced by evidence-based knowledge; 2) every action in the criminal justice system presents opportunities to reduce harm; 3) systems achieve better outcomes when they operate collaboratively; and 4) the criminal justice system learns and improves when decisions are based on collecting, analyzing and using data and information.

Since 2011, when Charlottesville/Albemarle, Virginia began building an EBDM framework to guide criminal justice decision-making under the National Institute of Corrections' (NIC) national EBDM initiative, EBDM has expanded in Virginia and is now a state-wide initiative.

Virginia's ongoing EBDM work is guided by two interconnected policy teams. Local EBDM Policy Teams manage, coordinate and build EBDM capacity in the participating EBDM localities (now Chesterfield/Colonial Heights, Prince William/Manassas/Manassas Park, Staunton/Augusta/Waynesboro, Norfolk, Petersburg, and Richmond). The state EBDM Team, chaired by the Deputy Secretary of Public Safety and Homeland Security, coordinates state-level activities. The state Policy Team includes the Department of Corrections and other state criminal justice agencies and commissions, the Supreme Court, Secretary of Technology, law enforcement agencies, Commonwealths Attorneys, and jails associations. The major achievements of Virginia's just-completed EBDM work, and the upcoming work anticipated in Virginia are featured below.

Accomplishments

Established an EBDM Policy Team

 Enhanced trust and communication among EBDM agencies, and identified need for legislative input.

Developed Mission, Values and Goals

- Recognized the need for patience in developing a high functioning EBDM team.
- Developed a consensus on vision, mission, and goals; built team unity and clarity.

System Mapping and Understanding of Policies and Practices

- Team members learned how Virginia's criminal justice system operates beyond their own disciplines.
- Dispelled misconceptions about what happens at key decisions points (especially arrest and diversion), which enhanced meaningful team discussion and problem solving.
- Exposed data gaps at key decision points, and how these limit ability to perform critical analyses.
- Learned that some key decision points were not aligned with evidence-based research.

Understanding/Developing Capacity to Collect and Analyze Data

- Virginia has rich data at key decision points, but the ability to analyze that data has challenges.
- Challenges are less about technology and more about developing processes for data sharing.

Expanding the Knowledge, Skills, and Engagement of Colleagues/Agency Staff

- State team members exposed to EBDM tools such as roadmaps, work plans, and logic models.
- Increased awareness of the importance of data-driven decision making and need to better align research evidence with action.

Identified Benefits of Work Completed

- Deeper conversations leading to meaningful reform of policies and practices.
- Stronger partnerships among state agencies, state branches of government and localities.
- Secretary of Technology commitment led to focus on criminal justice data sharing and additional resources to advance data sharing in future work.
- General Assembly provided funds for six cognitive treatment professionals in state probation offices within EBDM localities.

- EBDM partnership between the Virginia Department of Corrections and DCJS led to willingness to partner together outside of EBDM on opportunity for a federal SMART Probation Grant.
- Virginia State Policy Team and Chief Justice of Supreme Court collaborated on request for judicial guidance regarding judges participating on EBDM Policy Teams and other criminal justice boards.



Recommendations for Increasing EBDM in Virginia's Criminal Justice System

- 1. Support efforts to improve data sharing and analysis between regional jails and the Virginia Department of Corrections.
- 2. Support efforts to implement a validated, actuarial risk assessment tool at every decision point in the criminal justice system to better inform decision making processes.

- 3. Support solidified communication between localities and state-level administrators, to reduce bureaucratic stalling and promote real problem-solving.
- Support improvements in the consistent use of data to inform decisions about new projects and initiatives, and develop performance and outcome measures to increase fiscal responsibility.
- 5. Create effective, cost-saving approaches to probation violations by expanding the Administrative Response Matrix, reviewing efficacy of Immediate Sanctioning Program, and examining efficiencies around the use of probation violation warrants and standard conditions of probation.
- Expand methods to foster EBDM knowledge across decision points and for growing and developing seed sites and EBDM-related projects across Virginia.



IMPROVING ADULT COMMUNITY CORRECTIONS USING EVIDENCE BASED PRACTICES

Evidence Based Practices (EBPs) are approaches and interventions that have been scientifically tested and proven effective. EBPs have definable outcomes, are measurable, and are defined according to practical realities. Virginia uses an "Integrated Model" for implementing EBPs in criminal justice, and is a national leader in integrating EBPs into its adult community corrections system. DCJS has guided this implementation in three major areas: local probation, pretrial services, and pre-release and post-incarceration services. The overall goal of using the EBP approach is to help these agencies provide these services in ways that are consistent with research on effectively reducing recidivism and reoffending rates among probationers.

Local Probation Services

In 2005, DCJS and the Virginia Community Criminal Justice Association (VCCJA) began exploring the use of EBPs for Community-Based Local Probation agencies, beginning with ten pilot sites and later adding ten additional agencies. In 2014, DCJS and the VCCJA formed a Joint Implementation Team (JIT) to guide EBP implementation in the remaining 17 local probation agencies across Virginia. Building on work by the EBP pilot agencies, the JIT formed a statewide implementation plan which included organizational assessments, planning and coordinating training, implementing a validated risk and needs assessment, and a risk-informed probation case supervision plan.

In 2015, the JIT began assessing the readiness of agencies still needing to implement EBP, and established two major goals to move these agencies toward full integration of evidence-based probation supervision: 1) Establishing timelines for implementation and training, and 2) Monitoring timelines and implementation progress. To date, these agencies are increasingly focused on providing data-driven quality programming and supervision to probationers.

Pretrial Services

Many lower risk defendants remain in jail for long periods of time in Virginia because they cannot post a secured bond. This contributes to jail crowding, which is costly and makes it harder to provide jail programs aimed at reducing recidivism following release. Research shows that requiring low risk defendants to spend just two to three days in jail can disrupt stability factors and increase the likelihood they will fail to appear and commit new crimes.

There are currently 32 pretrial services agencies in Virginia serving 99 of 133 localities. Increasing the use of pretrial services to assist the courts in making risk-based pretrial release or detention decisions early on could significantly reduce jail populations while preserving public safety and the integrity of the judicial process.

Pretrial services agencies provide judicial officers with alternatives to detention by identifying detained defendants that can be safely released to the community. They do this by completing a validated, research-based pretrial risk assessment, the Virginia Pretrial Risk Assessment Instrument (VPRAI). The VPRAI, known nationally as the "Virginia Model," was the first research-based statewide pretrial risk assessment instrument in the nation.

DCJS is working to establish a "New Norm" in Virginia, shifting practice away from a presumption of secured bond and toward a presumption favoring release on the least restrictive terms and conditions based on the individual risk factors posed by the defendant. By expanding the use of evidence-based pretrial risk assessment as the main factor in determining release, rather than using a defendant's ability to pay a secured bond, Virginia can recognize the presumption of innocence and an accused's right to bail that is not excessive, while balancing these with the need to protect the community, maintain the integrity of the judicial process, and assure court appearance.

Pre-release and Post-incarceration Services (PAPIS)

PAPIS programs provide services to adult offenders who are or were incarcerated in state prisons, local jails, and work release centers. These services prepare incarcerated individuals for transition to life in the community. Jail pre-release services include assessment, reentry and transition planning, training, counseling, mentoring, tutoring, information and referral. Training programs focus on job readiness and employment skills, budgeting, consumer skills, family relationships, transition expectations, and related areas. Pre-release services in state correctional institutions include collaboration with prison staff in developing reentry and transition plans for difficult placement cases, and connection with community services soon after release.

Post-Incarceration services address the needs of individuals after release from prisons or jails to support successful reintegration into the community and avoid reoffending. Risk and recidivism reduction services include assessment, training, counseling, mentoring, tutoring, information and referral, job readiness and employment services. Post-incarceration services also help clients obtain stabilization and emergency services such as locating food, clothing, transportation, and shelter assistance.

DCJS and the PAPIS grantees have participated in program development activities to incorporate evidence-based practices (EBP) into the services delivered. DCJS provides guidance and technical assistance on evidence based practices to PAPIS and other programs.



Recommendations for Improving Adult Community Corrections Using EBP in Virginia

Local Probation

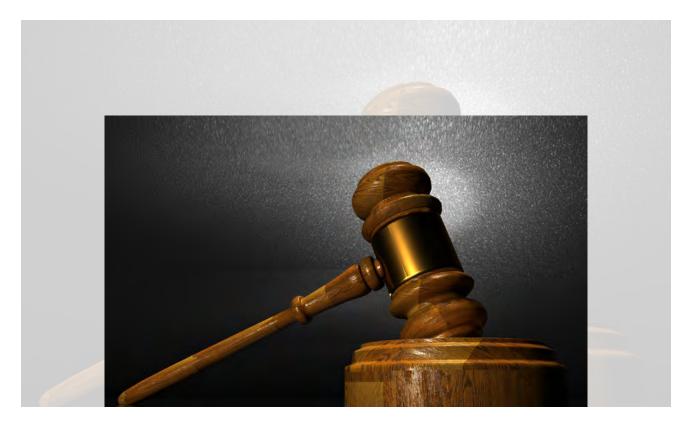
- Continue working with VCCJA and local agencies to achieve statewide adoption of EBP among local probation agencies, and to ensure a clear understanding of the "Big Picture" outcomes expected from EBP activities.
- 2. Support future activities identified by the Joint Implementation Team to sustain EBP among local probation agencies, including: written policies, updating standards, best practices, training on managing specialized caseloads, risk assessment refresher training, incorporating EBP in employee performance measures, and enhanced training and development for managers.

Pretrial Services

- 1. To support the "New Norm" in Virginia, expand pretrial services into areas of Virginia that do not have pretrial services programs.
- 2. Support meaningful first appearances by increasing the availability of defense counsel, especially for indigent defendants, at arraignment.
- 3. Continue to purse funding to expand pretrial services and local probation to unserved localities.

PAPIS programs

- The PAPIS programs should continue to identify areas where practices align with research evidence, researchbased practices that are missing, and practices that are out of alignment, based on their program assessments using the Council for State Government's Recidivism Reduction Checklist.
- Using the results of these assessments, the PAPIS programs should continue to improve and adjust their EBP implementation.



THE DEPARTMENT OF JUVENILE JUSTICE TRANSFORMATION PLAN

Virginia's Department of Juvenile Justice (DJJ) is transforming its approach to juvenile offenders by incorporating research and evidence-based practices to reduce juvenile recidivism. DJJ's transformation plan is based on three core principles: (1) Safely reducing the use of large and aging juvenile correctional facilities; (2) Effectively reforming supervision, rehabilitation, and treatment practices; and (3) Efficiently replacing DJJ's two large, outdated Juvenile Correctional Centers (JCCs) with smaller, regional, rehabilitative treatment facilities, and a statewide continuum of local alternative placements and evidence-based services.

Reducing

Court Service Unit Initiatives

Diversion: DJJ is encouraging Court Service Units (CSUs) to divert eligible juveniles to community programs and services without decreasing accountability and public safety for young offenders.

Probation Services: DJJ launched the Justice Transformation Institute (JTI) to prepare supervisors in intake, probation, parole, and JCCs to implement and sustain effective organizational change. This will include training on Effective Practices in Community Supervision (EPICS) evidence-based counseling and skill-building, and developing a standardized recommendation matrix for uniform, objective juvenile disposition recommendations.

Reforming

Division of Community Programs Initiatives

Family Engagement: DJJ is strengthening family engagement and support by encouraging family visitation in the JCCs and juvenile detention centers through increased use of video conferencing between families and juveniles in the JCCs; by partnering with transportation providers to allow family members to visit with committed juveniles; and by revising JCC visitation procedures to make it easier for individuals to visit JCC residents.

Reentry Advocates: DJJ has reentry advocates who coordinate reentry for committed juveniles and their families with community supports, focusing on education and career readiness.

Community Partnerships: DJJ is working with the Department of Social Services (DSS) to better coordinate services for committed juveniles, and to replicate DSS's family partnership meetings model to increase family engagement. DJJ is working with other state agencies to allow committed juveniles to apply for Medicaid insurance upon release; to provide juveniles with career exploration, job search help, financial literacy, and workforce development skills; and to allow committed juveniles to take learner's permit and driver's license tests at JCCs.

Direct Care Initiatives

DJJ is reforming practices in JCCs to produce better outcomes for juveniles who are committed to the JCCs.

Division of Residential Services Initiatives

Community Treatment Model: DJJ is training JCC staff on Virginia's Community Treatment Model (CTM), based on the successful "Missouri model", and is converting JCC housing units to the CTM. By January 2017, DJJ anticipates 17 CTM-converted units, and is planning an evaluation of the effectiveness of CTM.

Division of Education Initiatives

Program Design: Education programs have been redesigned to provide better educational outcomes for juveniles and align with the CTM. Division staff is training on Responsibility Centered Discipline (RCD) to help juveniles redirect their behavior and take responsibility for their actions and academic success.

Partnerships and Post-Secondary Programs: Community partnerships include vendors offering programs to incorporate hands-on classroom teaching. DJJ is also working to ensure that JCC juveniles in the Yvonne B. Miller high school can transfer their skills and knowledge to programs offered in the Post-Secondary Academy.

Replacing

DJJ's direct care population is forecast to decline through FY2019. Therefore, DJJ will close the Beaumont JCC in June 2017, and transition its residents and staff to the Bon Air JCC. The 2016 General Assembly authorized (i) DJJ to reinvest JCC savings into community-based services/alternative placements, (ii) bond funding for a new, smaller, regionally-based, treatment-oriented facility, and (iii) funding to plan for DJJ's other capital needs.

New Facilities: The General Assembly also directed DJJ to examine the possibility of renovating or constructing a second JCC. A Task Force examining the feasibility of these options will provide a recommendation by July 1, 2017.

Alternative Placements: The Division of Residential Services has contracted additional community placement options to increase Community Placement Programs (CPPs) and other alternative placements across Virginia as location and capacity indicate.

Statewide Continuum and Regional Service Coordinators: DJJ is building a continuum of care and services network to improve services, programs, and treatment to divert juveniles from the justice system; provide better dispositional alternatives; and improve community reentry. In October 2016, DJJ engaged two direct service provider agencies to help coordinate these services, with service delivery slated to begin in January 2017.

Transformation Plan Savings

DJJ is reinvesting JCC savings to fund a continuum of community-based programs and services for treatment, services, and alternative placements. In FY 2016, DJJ closed the Reception and Diagnostic Center, saving \$3.6 million the first year and \$4.5 million in later years. DJJ is revamping programming and reallocating resources to less expensive alternative placements in the juveniles' communities. DJJ will summarize its savings in their November 1, 2017 report.



Recommendations for Next Steps in The Department of Juvenile Justice Transformation Plan

- 1. Train all state-operated CSUs on Effective Practices in Community Supervision (EPICS) in the next two years.
- 2. Develop and implement a standardized dispositional recommendation matrix in each CSU in 2017.
- 3. Convert 17 units at Juvenile Correctional Centers to CTM by January 2017, and begin an evaluation of CTM.
- 4. Provide a summary of the savings from the use of less expensive alternative placements in juveniles' home communities and improve post-release outcomes in DJJ's November 1, 2017 report.
- DJJ will track juvenile recidivism rates to help determine the
 effectiveness of the changes made under its Transformation
 Plan. Updated recidivism data will be presented in DJJ's
 November 1, 2017 report.



SUPPORTING AND IMPROVING THE JUVENILE JUSTICE SYSTEM

DCJS administers the federal Juvenile Justice and Delinquency Prevention Act (JJDP) grant program. JJDP funded programs help state and local governments in their efforts to prevent and control juvenile delinquency and improve the juvenile justice system. Priority goals for Virginia's JJDP funding activities are developed by the Virginia Advisory Committee on Juvenile Justice and Prevention, and are periodically updated in a three-year planning report. The following is a summary of the 2015–2017 Three-Year Plan goals.

Virginia's 2015–2017 Three-Year Plan for Juvenile Justice and Delinquency Prevention (Updated July 2016)

Compliance Monitoring

 Maintain compliance with the core requirements of the JJDP Act: deinstitutionalization of status offenders, sight and sound separation of juveniles from adult inmates, removal of juveniles from adult jails and lock-ups.

Reducing Behavioral Health Issues for At-Risk and System-Involved Youth

 Provide funding for behavioral health programs for at-risk youth and those involved in the juvenile justice system addressing one or more of the following: mental health; substance abuse; co-occurring disorders; trauma; and exposure to violence.

Reducing Disproportionality in the Juvenile Justice System

- Continue funding and supporting statewide DMC juvenile justice assessments and recommendations from the assessments, and continue to provide training and information on DMC.
- Fund alternatives to school disciplinary and zero-tolerance policies causing suspension or expulsion.
- Continue funding programs which demonstrate compliance and progress with their grant objectives.

Serving At-Risk and System-Involved Youth in Their Home Communities

- Fund community-based programs that divert youth from
 the juvenile justice system; intermediate sanctioning options
 for probationers and parolees supervised by Court Service
 Units; and community-based agencies providing reentry
 support services for youth returning from a state direct care or
 detention facility.
- Continue funding programs which demonstrate compliance and progress with their grant objectives.

Increasing Family Engagement

- Fund projects which increase and strengthen family engagement and community involvement for youth who are in custody, on probation/parole, or in a diversion program.
- Continue funding programs which demonstrate compliance and progress with their grant objectives.

Advisory Committee on Juvenile Justice and Prevention

- Support and promote youth development, the prevention of juvenile delinquency, and the needs of juveniles involved in the criminal justice system.
- Provide information for Advisory Committee members on juvenile justice and delinquency prevention topics.
- Sponsor trainings and conferences.
- Monitor juvenile waivers/transfers to adult court; underage drinking; and gang prevention/intervention.
- Identify ways to encourage a stronger "voice" from youth.
- Ensure the development of new projects across the Commonwealth that address priority areas.
- Ensure that juveniles in the juvenile justice system are safe and treated in accordance with the JJDP Act.
- Support expanded services and alternatives for status offenders to reduce confinement in secure facilities.

DCJS Administration

- Ensure that Virginia complies with all JJDP Act and federal administrative mandates and requirements.
- Identify/promote effective programs and services; ensure programs are accountable and evidence-based.
- Maintain a financial management process for managing JJDP Act funds responsibly.
- Provide input and support to the Secretary of Public Safety and Homeland Security, as well as other state agencies, legislative groups, and the judiciary, on efforts to improve the juvenile justice system in Virginia.

- Support child-serving professionals on issues related to juvenile justice and delinquency prevention.
- Sustain a state advisory group (Advisory Committee on Juvenile Justice and Prevention).
- Identify and implement processes which ease the burden of the traditional grants process where allowable.

Grant Funding

In 2016, DCJS made available approximately \$500,000 in JJDP funding for local units of government to support evidence-based programs tied to the following priorities:

- Reducing disproportionality in the juvenile justice system using alternatives to school discipline and zero-tolerance policies which result in school suspension or expulsion;
- Reducing disproportionality in the juvenile justice system by using projects and/or programs recommended in formal DMC assessments conducted in the jurisdiction;
- Reducing behavioral health issues of at-risk youth and youth in the juvenile justice system by addressing one or more of the following: mental health; substance abuse; co-occurring disorders; trauma; exposure to violence;
- Diverting juveniles from the juvenile justice system through community-based programs;
- Serving system-involved youth in their home communities by piloting intermediate sanctioning options for juvenile probationers and parolees;

- Serving at-risk and system-involved youth in their home communities by implementing community-based prevention programs that emphasize one or more of the following: truancy prevention; school engagement; conflict resolution;
- Serving system-involved youth in their home communities by providing local, community-based reentry support services for youth returning from a JCC or detention center; and
- Increasing family engagement and/or community involvement for youth who are in custody, on probation/parole, or in a diversion program.



Recommendations for Future Efforts to Support and Improve Virginia's Juvenile Justice System

- 1. DCJS funding priorities for future years should support the goals and objectives specified in the Advisory Committee's JJDP Three-Year Plan.
- 2. DCJS training, technical assistance and other activities for future years should support the goals and objectives specified in the Advisory Committee's JJDP Three-Year Plan.
- 3. DCJS should monitor the performance of the state, local and non-profit organizations being funded to ensure that they are meeting their objectives to improve and transform the juvenile justice system.
- 4. DCJS should continue to work with the Advisory Committee to periodically update the JJDP Three-Year Plan.



ENHANCING SERVICES FOR CHILD VICTIMS

DCJS also supports Virginia's juvenile justice system by administering the federal Children's Justice Act (CJA) and Court Appointed Special Advocate (CASA) grant programs. Programs funded through the CJA focus on improving administrative and legal proceedings in the investigation and prosecution of child maltreatment cases, and emphasize reducing trauma for child victims. The CASA programs recruit, screen and train citizen volunteers who are appointed by juvenile court judges to cases involving child victims of abuse and neglect. The Advisory Committee to the Court Appointed Special Advocate and Children's Justice Act Programs serves as the State Task Force on Children's Justice.

Priority goals for Virginia's CJA funding activities are defined and periodically updated in a three-year planning report. The report reflects the Task Force's efforts to identify issues in the system's response to child maltreatment and its recommendations to improve the initial report of abuse or neglect through prosecution and case resolution. The following is a summary of the Three-Year Plan goals for the program.

Recommendations of the Advisory Committee to the Court Appointed Special Advocate and Children's Justice Act Programs for the Three-Year Plan (April 2016 update)

- Virginia should have child abuse Multidisciplinary Teams (MDTs) established in each locality to respond to child abuse cases.
- 2. Discipline-specific and multidisciplinary training seminars should be available for Virginia professionals involved in the investigation, prosecution, and judicial handling of child maltreatment, particularly child sexual abuse/exploitation, child maltreatment-related fatalities, and abuse and neglect of children with disabilities.
- 3. DCJS staff and the Advisory Committee should continue to collaborate with and/or advise other system partners regarding issues that impact the child protection system in the Commonwealth.
- Virginia should develop a model policy for law enforcement on the thorough investigation of unexpected infant deaths, emphasizing the need for a multidisciplinary investigation.
- DCJS staff should track and analyze policies, procedures, and legislation that may have an impact on the criminal justice and child protective systems.
- 6. DCJS staff should encourage the implementation, development, and growth of certified CASA programs throughout the Commonwealth.

DCJS and other state and local agencies and organizations help Virginia achieve the goals set out in the Three-Year Plan by providing training, funding, technical assistance and services.

Trainings

DCJS provides multidisciplinary trainings and conferences to help localities improve skills and procedures for handling child abuse cases. Target audience for training includes Commonwealth's Attorneys, law enforcement investigators, child protective service workers, medical, mental health and school professionals and other allied professionals. Trainings supported with CJA funding include the following:

- ChildFirst™ Virginia This forensic interviewing training, coordinated and presented by the Children's Advocacy Centers of Virginia, is partly supported by the CJA grant. The five-day course is for those who conduct forensic interviews in child abuse cases and defend the forensic interview in court.
- Improving Investigation and Prosecution of Child Abuse –
 This CJA-sponsored conference typically is held annually to support training in current issues involving child maltreatment. The audience is law enforcement, child protective service workers, prosecutors, forensic interviewers, child advocates and other multidisciplinary team professionals responding to child abuse and neglect.
- Trial Advocacy Program CJA has supported the Commonwealth's Attorneys' Services Council's annual, five-day Trial Advocacy Program to newer prosecutors.
 Participants focus on the dynamics of prosecuting an abusive head trauma case.
- Abuse and Neglect of Children with Disabilities DCJS, with
 the Department of Social Services and the Department
 of Education, has supported the Partnership for People
 with Disabilities in developing and piloting a webinar
 series entitled Tipping the Scales in Their Favor: Your Role in
 Recognizing and Responding to Abuse and Neglect of Children
 with Disabilities.

Regional Child Fatality Review Teams in Virginia – CJA, in
partnership with the Department of Social Services, Office of
the Chief Medical Examiner, and State Child Fatality Review
Team, offers technical assistance to Virginia's five regional
child fatality review teams.

Grant Funding

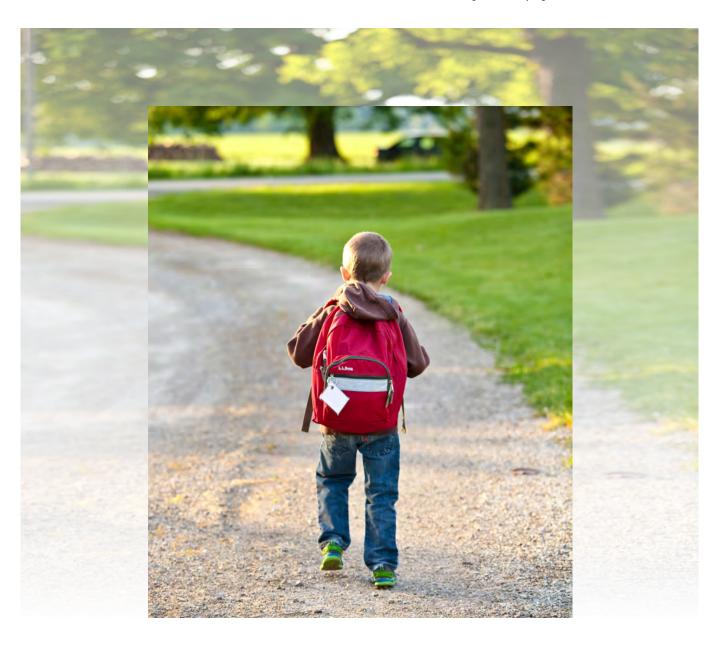
DCJS administers grant funds to support Virginia's CASA programs. Grants to non-profit organizations and local government are used for continuing, improving, and/or expanding agencies and services to provide court appointed volunteer advocates to child victims of abuse/neglect.

In June 2016, the Criminal Justice Services Board approved CASA program grants totaling \$3,539,123.



Recommendations for Enhancing Services for Child Victims in Virginia

- 1. DCJS funding priorities for future years should support the goals and objectives specified in the Advisory Committee's CJA Three-Year Plan.
- 2. DCJS training, technical assistance and other activities for future years should support the goals and objectives specified in the Advisory Committee's CJA Three-Year Plan.
- 3. DCJS should monitor the performance of the state, local and non-profit organizations being funded to ensure that they are meeting their objectives to improve the investigation and prosecution of child maltreatment cases.
- 4. DCJS should continue to work with the Advisory Committees to periodically update the CJA Three-Year Plan.



ENHANCING SERVICES FOR VICTIMS OF CRIME

The rights of crime victims in Virginia and the services available to them have expanded significantly over the past 20 years. In April 2015, Virginia celebrated the 20th anniversary of the Virginia Crime Victims' Bill of Rights, and in 2017 Virginia will celebrate the 20th anniversary of the 1997 amendment to the Virginia Constitution defining the rights of crime victims.

DCJS provides state and federal funds to support victims' services programs throughout Virginia, including victim/witness programs, hotlines, crisis intervention, emergency shelters, legal advocacy, sexual assault crisis centers, domestic violence programs, and child abuse treatment programs. DCJS also provides training and technical assistance for victims' service providers, law enforcement officers and prosecutors.

In August 2015, Governor McAuliffe announced that Virginia was awarded more than \$50 million in federal Victims of Crime Act (VOCA) funds. This award was more than four times the amount Virginia received in 2014, and resulted from a significant increase in federal VOCA funding available to the states. Concurrent with this funding increase, DCJS began working with state and local agencies and victim advocacy groups to enhance funding, standards and training for these programs. For example, in late 2015 DCJS conducted a series of four regional "Listening Sessions" to gather constituent's input on how these additional funds could be effectively used to provide services to victims.

Grants for Victims Services Programs

In June 2016, the Criminal Justice Services Board approved the following grants/recommendations:

Victim of Crime Act (VOCA) Funding

Sexual and Domestic Violence Grant Program. DCJS consolidated VOCA-funded sexual assault and domestic violence programs, which were previously funded by a DCJS VOCA grant to the Department of Social Services. Twenty-two new applications and 36 continuation applications were funding for a total of \$21,518,403.

Victim/Witness Program. A total of 112 Victim/Witness program applications (which include four new programs) were funded for \$17,815,346.

Violence Against Women: Virginia Services, Training, Officers, Prosecution (V-STOP) Grant Program. In July 2016, DCJS announced grants for activities to increase the apprehension, prosecution and adjudication of persons committing violent crimes against women. DCJS also announced the New Initiative VOCA Grant Program to fund projects providing direct services to crime victims, emphasizing assisting victims who have difficulty accessing services or may not know about their rights and/or available services and how to access them.

Victims Services Action Plan

To reaffirm the agency's commitment to victims' services in 2014, DCJS held forums to hear from stakeholders about the strengths and weaknesses of DCJS processes. DCJS worked with victims' advocates, local agencies and state partners to identify ways DCJS could improve its administration of

programs serving victims and its responses to stakeholders. Based on findings from regional meetings conducted in 2014, DCJS produced the Victims Services Action Plan to guide these improvements. The plan includes six areas identified for improvement: Grant Monitoring, Grant Applications/ Administrations, Communication, Data Collection and Reporting, Training, and Research/Evaluation.

Training, Information and other Collaborative Efforts

Law Enforcement Adult Sexual Assault Initial Response Checklist and Law Enforcement Domestic Violence Investigative Checklist: In April 2015, DCJS released these checklists to provide guidance to law enforcement officers on increasing victim safety; identifying and preserving evidence; and connecting victims with other support services. The checklist was developed from a recommendation by the Domestic Violence Prevention and Response Advisory Board.

Domestic Violence Homicide Reduction Conference: In September 2014, DCJS sponsored this conference for local teams that included community-based domestic violence advocates, law enforcement officers, prosecutors, probation/pre-trial officers, magistrates, victim/witness advocates, DSS workers, and judges.

Expanding Lethality Assessment: In October 2014, DCJS convened a workgroup on expanding Lethality Assessment Programs in Virginia. The group included representatives from state and local agencies. The group discussed lethality assessment tools, lethality assessment models, resources for program implementation, and developing a lethality assessment tool.

Enhancing the Campus and Community Response to Adult Sexual Assault: A Team Approach: In 2015, DCJS sponsored training in collaboration with the Sexual Violence Justice Institute on using Sexual Assault Response Teams (SARTs), which are an effective way to address sexual assault, to hold perpetrators accountable, and to support victims.

Virginia Basic Victim Assistance Academy (VBVAA) and Virginia Advanced Victim Assistance Academy (VAVAA): In July 2016, DCJS, the University of Richmond, the Criminal Injuries Compensation Fund and Virginia Victim Assistance Network sponsored the Eighth VBVAA, a 40-hour comprehensive, academically-based, interdisciplinary and interactive educational program for crime victim service providers, advocates, and allied professionals. Additionally, in October 2015, DCJS sponsored its second VAVAA, a 2.5 day professional training on best practices and trauma-informed approach to enhancing services to victims.

Virginia Enhancing the Criminal Justice Response to Sexual Assault, Domestic Violence, and Stalking: In May 2016, DCJS and the Grants To Encourage Arrest Polices and Enforcement of Protective Order (GEAP) Partnership sponsored a weeklong training for law enforcement and advocates on advanced skills in domestic violence, sexual assault, and stalking response. The training integrated key principles from the U.S. DOJ's Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence.

Responding to Adult and Adolescent Sexual Assault: In June 2016, DCJS sponsored training on the law enforcement response to sexual assault on victims, which included debunking myths, exploring the impact of trauma, understanding the forensic evaluation and Physical Evidence Recovery Kit (PERK), including the Forensic Experiential Trauma Interview (FETI).



Recommendations for Enhancing Services to Victims of Crime in Virginia

- DCJS will work with the created Advisory Committee on Sexual and Domestic Violence to promote the efficient use of grant funds to state and local programs providing services to victims of crime.
- 2. DCJS will work with the Advisory Committee on Sexual and Domestic Violence to advise and assist DCJS, the Criminal Justice Services Board, and other governmental entities on matters related to preventing and reducing sexual and domestic violence in Virginia.
- DCJS will provide administrative support to the Virginia Sexual and Domestic Violence Program Professional Standards Committee to establish voluntary accreditation standards and procedures for local sexual and domestic violence programs.



PREVENTING AND RESPONDING TO SEXUAL VIOLENCE ON COLLEGE AND UNIVERSITY CAMPUSES

Regardless of when and where it happens, sexual assault is a serious crime, a public health issue, and a violation of civil rights. As the highly publicized controversy surrounding the discredited 2014 Rolling Stone article "A Rape on Campus" illustrated, responding to sexual violence on college campuses can be especially complex. Although campus violence is a nationwide problem, the "A Rape on Campus" article involved one of Virginia's flagship state universities and focused particular attention on this issue in Virginia.

In August 2014, Governor McAuliffe established the *Governor's Task Force on Combating Campus Sexual Violence*. Chaired by the Attorney General, the Task Force spent eight months developing recommendations to reduce campus violence in Virginia, and the Task Force's final report was delivered to the Governor in May 2015. Recommendations from the Task Force's report and other activities aimed at reducing campus sexual violence are as follows:

Major Recommendations of the Governor's Task Force on Combating Campus Sexual Violence

Engaging Our Campuses and Communities in Comprehensive Prevention: To fully address the underlying causes of campus sexual violence, there must be a strong prevention effort that focuses on changing societal norms, increasing awareness, and modifying risk behaviors. These recommendations encouraged ongoing education and primary prevention.

Minimizing Barriers to Reporting: Many complex factors determine whether a victim/survivor of sexual violence will come forward and seek help. These recommendations sought to eliminate barriers to reporting and provide innovative, accessible reporting options.

Cultivating a Coordinated and Trauma-Informed Response:

With federal, state, local, and institutional response policies and procedures intersecting, it is critical to coordinate among multiple stakeholders to ensure the most effective response. This response must be survivor-sensitive and trauma-informed to minimize additional harm to the victim. These recommendations aimed to establish partnerships for an effective and integrated response.

Sustaining and Improving Campus Policies and Ensuring Compliance: Clear, transparent and consistent policies are critical to securing equitable outcomes for victims. These recommendations focused on how institutions can ensure a survivor-centered response.

Institutionalizing the Work of the Task Force and Fostering Ongoing Collaborations: The work of the Task Force is a first step in implementing effective changes to eliminate sexual violence on campuses. These recommendations included measures to solidify partnerships and collaborations to fulfill the goals outlined in the report.

In response to these recommendations and other initiatives aimed at reducing campus sexual assault, staff from the DCJS

Virginia Center for School and Campus Safety (VCSCS) and Victims Services, along with other organizations, develop training, technical assistance, and legislative proposals. The following are examples of these proposals.

Training on Preventing and Responding to Campus Sexual Violence

Investigating Campus Sexual Assault, Dating and Domestic Violence, and Stalking: In 2015, DCJS and the Attorney General's Office provided training to college and university personnel on investigating campus sexual assault, dating violence, domestic violence and stalking. The trainings addressed civil investigations required by Title IX coordinators and the criminal investigation by law enforcement, and identified best practices for accomplishing both types of investigations in ways that reduce victim re-traumatization.

Campus Safety and Violence Prevention Forum: In 2015, DCJS hosted the Campus Safety and Violence Prevention Forum in Portsmouth. The Forum drew more than 230 participants to hear nationally recognized experts provide information on campus safety and violence prevention.

Enhancing the Campus and Community Response to Adult Sexual Assault: A Team Approach: In 2015, DCJS sponsored training from the Sexual Violence Justice Institute on using Sexual Assault Response Teams (SARTs).

Trauma-Informed Sexual Assault Response: The VCSCS is building a curriculum for campus police and security on a Trauma Informed Sexual Assault Response. It will include an overview of sexual assault, stranger vs. non-stranger sexual violence, rape culture, victim trauma, and interviewing victims and suspects.

Campus Safety Legislation

2015 Legislation

§ 23-9.2:15 (renumbered as § 23.1-806) was added to require campus employees aware of sexual violence against a student to report it to the campus Title IX coordinator, who then must promptly report it to a review committee established to review such cases. If the committee determines that further action is needed to protect the student's safety, it must report this to a local law enforcement agency. If the committee determines that the sexual violence constitutes a felony, it must also notify the local Commonwealth's Attorney.

§ 23.234 (renumbered as § 23.1-815) was amended to require all public or private institutions of higher education having campus police forces to establish a mutual aid agreement with an adjacent local law enforcement agency or the Virginia State Police for use when needed to investigate any felony criminal sexual assault. These institutions are also required to notify the local Commonwealth's Attorney of such investigations.

2016 Legislation

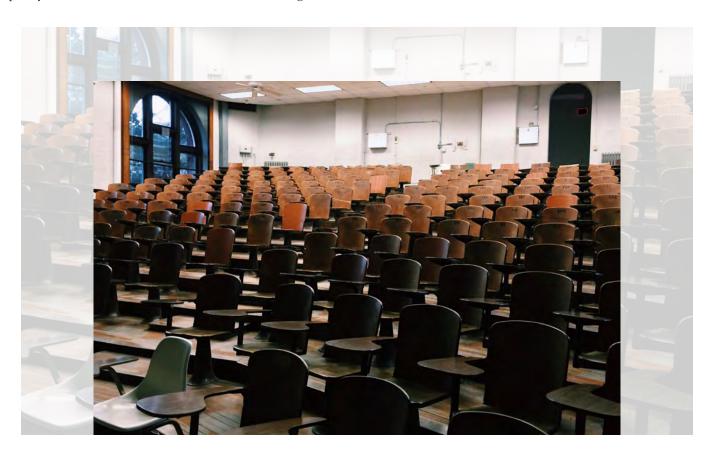
§ 9.1-102 was amended to require DCJS, with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, to develop multidisciplinary curricula on trauma-informed sexual assault investigation.

§ 9.1-102 was amended to allow each public or nonprofit private institution of higher education to request the cooperation of the primary law enforcement agency of the locality to establish a written memorandum of understanding with the agency to assist with preventing and responding to criminal sexual assault.



Recommendations for Reducing Sexual Violence on Virginia's College and University Campuses

- Recognize that reducing campus sexual violence is an ongoing effort. Virginia's Attorney General said of the recommendations of the *Governor's Task Force on Combating Campus Sexual Violence:* "These recommendations are a beginning to the critical work needed to ensure that our institutions of higher learning are safe living and learning environments... We recognize that the issue demands our attention, our creativity, and our continued diligence."
- Continue to offer training and other assistance to reduce campus sexual violence, including the annual School and Campus Safety Training Forum.



KEEPING K-12 SCHOOLS SAFE

Virginia's public schools are exceptionally safe places. Nonetheless, crime and violence can threaten schools, as was seen in the tragic 2012 Sandy Hook Elementary School shootings. The DCJS Virginia Center for School and Campus Safety (VCSCS) is Virginia's primary resource for school and campus safety information. It provides standards, training, and technical assistance for school safety personnel; guides best practices; develops and reviews legislation related to school and campus safety; and conducts ongoing research and training to improve school and campus safety in Virginia. Activities the VCSCS has guided include:

Training on School Safety

The DCJS Virginia Center for School and Campus Safety and other state agencies hosted the 16th *Virginia School and Campus Safety Training Forum* in August 2016. Over 900 people attended 30 workshops on topics such as discipline disparity, resiliency, juvenile justice reform, school climate, legal considerations in schools, adolescent development, and more. Attendees came from law enforcement, K-12 schools, non-profits, mental health, and higher education.

In December 2015, DCJS collaborated with other agencies to host the second annual *Strengthening Connections: Fostering a Positive School Climate* conference. Attended by more than 300 school administrators, school resource and security officers, and prevention specialists, the summit addressed the three components of the U.S. Department of Education's Safe and Supportive Schools model of school climate – Student Engagement, Safety, and the School Environment. VCSCS held a third annual climate conference in November 2016.

Threat Assessment Teams

Virginia is the only state in the U.S. that mandates every public school to have a threat assessment team. To support these teams VCSCS published *Threat Assessment in Virginia Public Schools: Model Policies, Procedures and Guidelines*, to provide schools with a model policy for establishing threat assessment teams. Additionally, in August 2016, VCSCS released a threat assessment video for school staff, parents, students, and community members: *K-12 Threat Assessment in Virginia: A Prevention Overview* which covers threat assessment policies and procedures in Virginia K-12 schools.

Threat Assessment Conferences

In November 2015, VCSCS hosted its second annual *Statewide Threat Assessment Conference*, which drew over 200 law enforcement officers, school administrators, school and campus counselors, campus police and others. The conference highlighted best practices and research on threat assessment team operations and procedures.

Threat Assessment Training and Reports

VCSCS routinely provides trainings such as its K-12 Threat Assessment: One Day Course and Addressing Legal Concerns and Issues in K-12 Threat Assessment throughout Virginia. These courses provide training to schools on topics including how to conduct threat assessments, how to form threat assessment teams, legal issues and confidentiality, and implementing threat assessment in schools.

School and Law Enforcement Partnership

The VCSCS and other agencies update the Virginia's School Resource Officer (SRO) program guide and training curriculum. In late 2016, VCSCS released the School–Law Enforcement Implementation Guide which includes training for SROs, School Administrators, and School Security. The guide is accompanied by a Model MOU for building a school–law enforcement partnership. The training has been incorporated into the current School Resource Officer, School Security Officer, and School Administrator Training: Building a Team to Support Students While Ensuring School Safety. During FY2016, the VCSCS hosted four sessions across Virginia with over 300 participants attending.

Annual School Safety Audit

§ 9.1-184 requires all Virginia public schools to conduct an annual school safety audit to assess school safety conditions. The VCSCS, assisted by the DCJS Research Center, collects, analyzes, and disseminates school safety audits and other school safety-related information. There are five components for the school safety audit program:

- · Virginia School Safety Survey (annually)
- The Division Level Survey (annually, or as needed)
- Virginia School Crisis Management Plan Review and Certification (annually)
- Virginia Secondary School Climate Survey (administered in the Spring)
- The School Safety Inspection Checklist (due every three years)

The annual school safety audit informs the VCSCS, the General Assembly, school divisions, and other state agencies on school safety trends throughout Virginia and directs best practices in school safety.

School Safety Research

The DCJS Virginia Center for School and Campus Safety promotes and sponsors research to provide current information on school safety trends and issues to support best practices, update training curricula, and guide model policies. The following are examples.

Comprehensive School Safety Initiative

In May 2016, VCSCS partnered with Virginia Tech on a \$700,000 Comprehensive School Safety Initiative grant from the National Institute of Justice to study the school-to-prison pipeline issue and how to reduce it.

School Climate Transformation

Virginia was awarded a five-year \$3.5 million federal "School Climate Transformation" grant to expand the "Positive Behavioral Intervention and Supports" (PBIS) program. PBIS fosters improved behavior and safety using consistent school-wide rules, consequences and reinforcements for appropriate conduct, and intensive support services for disruptive students. Also, the federal "Project Aware" grant provided \$9.7 million for

statewide training for teachers and school employees to respond to mental health issues in children and youth.



Recommendations for Keeping Virginia's K-12 Schools Safe

The DCJS Virginia Center for School and Campus Safety and other organizations should continue to develop and disseminate new information on school safety by:

- 1. Conducting the *Executive Leadership Forum on School-Law Enforcement Partnerships* to provide sheriffs, police chiefs, and school superintendents with the latest data on school climate, disparities in student discipline, and the role of school-law enforcement partnerships in combating disparities.
- 2. Providing schools and law enforcement partners with new resources and tools such as *The School-Law Enforcement Partnership Implementation Guide and Model MOU*.
- 3. Providing schools with threat assessment tools such as *Virginia C.A.R.E.S. (Caring, Awareness, Recognition, Engagement, and Support)*, a multi-pronged approach to engagement and awareness in schools and include videos and resources on threat assessment.
- 4. Working to support the recommendations of the Children's Cabinet Classrooms, Not Courtrooms Initiative.



CLASSROOMS, NOT COURTROOMS

In May 2015, Governor McAuliffe directed Virginia's Children's Cabinet to recommend policy changes to increase the likelihood that youth would remain in schools, rather than enter the juvenile or criminal justice systems, for school-related behavioral issues. The Children's Cabinet then asked the Departments of Criminal Justice Services (DCJS), Education (DOE) and Juvenile Justice (DJJ) to study this issue and provide recommendations for how schools could respond to misconduct while safely keeping youth in classrooms – not courtrooms.

Between May and October 2015, DCJS, DOE and DJJ gathered and analyzed data on this issue for the Children's Cabinet. In October 2015, the Children's Cabinet adopted nine recommendations in the Commonwealth's Classrooms, Not Courtrooms initiative to reduce student referrals to law enforcement and the juvenile justice system. These nine recommendations will guide current and future work by these and other state agencies to reduce what is sometimes referred to as the "school-to-prison pipeline."

Recommendations of the Children's Cabinet

Data Quality Improvement and Cross-Agency Data Sharing

To more accurately evaluate and analyze data needed to assess student referrals, DCJS, DJJ, and DOE will (i) conduct a comprehensive review of schools' reporting of school-based incidents and school and law enforcement data collection, (ii) identify any gaps or inconsistencies in reporting, and (iii) attempt to expand cross-agency information sharing. The Classrooms, Not Courtrooms Workgroup established a Data Quality Improvement and Cross-Agency Data Subcommittee consisting of representatives from DCJS, DOE, and DJJ. The group is working on revising the DOE's Discipline, Crime and Violence (DCV) reporting system to improve the data needed to understand student conduct and discipline issues in the schools.

Develop Joint Training Curricula

A Training Advisory Committee was created and given the task to develop joint training curricula and new training opportunities for school personnel, school resource officers, law enforcement, partners, and members of the community for the 2016–2017 school year.

Expand Positive Behavioral Intervention and Supports (PBIS) in the Virginia Tiered Systems of Supports (VTSS)

The VTSS integrates academics, behavior and mental health into a singular framework that provides resources and support to help every student's success. PBIS is a nationally-recognized approach to support positive behavioral outcomes for all students. In Virginia schools, PBIS is the behavioral component of the VTSS. When implemented properly, PBIS-VTSS can be successful in reducing suspensions and expulsions.

Eliminate the Valid Court Order Exception

The Children's Cabinet supports DCJS's legislative proposal to amend the *Code of Virginia* to prohibit the use of detention for a violation of a valid court order (VCO) when the underlying offense is a Child in Need of Supervision.

Enhance Funding for Student Services Personnel

The Children's Cabinet agreed that student services positions, including assistant principals, counselors, school social workers, school psychologists, and nurses, are essential for students needing intensive wrap-around services.

Revise the Model School Resource Officer (SRO) Memorandum of Understanding and Program Guide

Update the SRO Program Guide to address best practices and model program elements based on national studies on the impact and effectiveness of other SRO programs. Also, in the absence of an evaluation of the Virginia SRO Program, the SRO Program Guide will incorporate relevant research on threat assessment teams, school climate surveys, and the "school to prison pipeline" being conducted under the National Institute of Justice grant awards.

Expand Eligibility for Services through the Children's Services Act

The Children's Cabinet supports legislation for the Office of Children's Services to amend the *Code of Virginia* to redefine the populations eligible to be served under the Children's Service's Act. The expanded eligibility would include youth who have experienced or are at risk of expulsion or suspension from school, or of referral to a juvenile court services unit. The Children's Cabinet also supports a budget proposal to eliminate the responsibility for a local match for non-mandated services under certain conditions.

Inter-Agency Monitoring of Implementation

The implementation developed for this recommendation focuses on the on-going collaboration and communication of DCJS, DOE, DJJ and other agencies. The Classrooms, Not Courtrooms Workgroup meets once a month and each subcommittee group meets twice a month or as needed. The collaboration and communication amongst DCJS, DOE, and DJJ has strengthened with the development of this Initiative. The Work Group anticipates continuing their partnership and on-going relationship, while developing new relationships with other essential agencies as the recommendations are implemented.

Use of Pilot Programs

The Classrooms, Not Courtrooms Workgroup and agency directors currently have no plans to develop a pilot program, but in the future as work progresses it may consider identifying potential pilot programs.



Recommendations for Keeping Virginia Kids in Classrooms, Not Courtrooms

- DCJS should continue working with the Virginia Tech School of Education on the School's \$900,000 NIJ Comprehensive School Safety Initiative grant to examine patterns of referrals to the juvenile justice system to determine how to keep schools safe while reducing the number of children referred to law enforcement and the courts.
- 2. DCJS should continue to support the *Executive Leadership Forum on School-Law Enforcement Partnerships* to strengthen the school-police partnership by examining the roles of both educators and law enforcement, with an emphasis of increasing student achievement and reducing student entry into the juvenile justice system.
- 3. DCJS should incorporate recommendations from the Children's Cabinet in updates to the JJDP Three-Year Plan, including recommendations to eliminate the Violation of Court Order exception that permits the detention of status offenders for a violation of a valid court order.
- 4. DCJS should support the Advisory Committee on Juvenile Justice and Prevention's authorized solicitation of Title II funds that would fund alternatives to detention for status offenses.



REDUCING FIREARMS VIOLENCE

Although crimes involving firearms have declined in Virginia and nationally over the last decade, firearms violence remains a major concern in the Commonwealth. About 16,000 serious violent crimes are reported to Virginia law enforcement annually. Of these, firearms were used in 70% of homicides, more than 50% of robberies, and 20% of aggravated assaults. Firearms were involved in three-quarters of the weapons law violations in Virginia. Additionally, firearms are used in more than half of the suicides annually in Virginia.

In late 2014, DCJS convened two leading-edge *Blueprints for Change* policy sessions to identify laws, policies and practices to help reduce firearms violence in Virginia. Each session contained a multi-disciplinary group of executive-level participants selected because of their knowledge of the issues and their ability to advance the discussion of public safety policy related to these issues. Participants included representatives from Virginia State Police, the Virginia House of Delegates, the Supreme Court of Virginia, Commonwealth Attorneys, advocacy groups and gun violence researchers. Results of the first session were published in the January 2015 DCJS report *Firearms in Virginia 1: Addressing Their Sale and Transfer.* Results of the second session were published in the January 2015 DCJS report *Firearms in Virginia 2: Qualifications to Possess and Purchase.*

Blueprints Session 1 – Firearms in Virginia: Addressing Their Sale and Transfer

The session participants concluded that Virginia should expand background checks on persons who purchase or otherwise receive firearms. They also recognized the need to do this in a way that balances the rights of persons to obtain and possess firearms with the need to keep them out of the hands of persons who present a public safety risk. Participants also recognized that some approaches to doing this are more feasible than others, given fiscal, legislative and constitutional constraints. The group produced the following conclusions and recommendations:

- Evidence shows that certain prohibited persons are, in some circumstances, at an increased risk of committing violent acts.
 Virginia's current firearms background check process contains "loopholes" that allow these persons to purchase firearms.
- Virginia should take steps to ensure that background checks are performed for at least some private firearms transfers.
 Ideally, Virginia should require (with a few limited exceptions) universal background checks for the purchase or transfer of firearms.
- If a universal background check policy is not adopted, an incremental approach should be pursued and may be more readily accepted. Incremental steps could include:
 - Voluntary, rather than mandatory, background checks for private purchases and transfers
 - Requiring a background check for handguns
 - Requiring background checks for private transactions at gun shows only
- If a universal background check system is considered, Virginia must examine the logistical and financial impact of increased numbers of background checks on the Virginia State Police Firearms Transaction Program.

- If some type of voluntary background check is implemented, it would be useful to accompany it with a "know your buyer" public awareness campaign to encourage firearms sellers to use the system.
- Improvement in background check requirements would be more effective if the quality and completeness of the records themselves were improved, particularly regarding information related to prohibitions based on mental health issues.

Blueprints Session 2 – Firearms in Virginia: Qualifications to Possess and Purchase

This session focused on the issue of potentially dangerous persons purchasing and possessing firearms. The session participants produced the following conclusions and recommendations:

- Although there are federal and state laws prohibiting potentially dangerous persons from purchasing and/or possessing firearms, evidence suggests that additional risk factors should be considered in the list of prohibitions.
- These risk factors include convictions for violent misdemeanors, especially those involving domestic violence, as well as persons subject to any protective order. Persons with serious mental illness and/or substance abuse problems, including alcohol, should also be considered as meriting firearms prohibitions.
- Virginia should further research and explore evidence around gun violence restraining orders, similar to those adopted by California, Connecticut, Indiana and Texas.
- When evidence shows that a person may be at increased risk of firearms violence, a prohibition should prevent the acquisition of new firearms, and a process established for existing firearms to be surrendered. Mechanisms for removing firearms and for restoring firearms rights, when appropriate, need further research and exploration.

Legislation and Other Activities to Reduce Firearms Violence

The recommendations produced by these two sessions was the impetus for landmark 2016 legislation which gave Virginia one of the strongest laws in the nation for taking guns away from domestic abusers.

In 2016, §§ 18.2-308.09, 18.2-308.1:4 and 18.2-308.2:3 were amended to make it a Class 6 felony for a person subject to a permanent protective order for family abuse to possess a firearm while the order is in effect. A person may possess a firearm for 24 hours after being served with the order to sell or transfer the firearm to another person. Under previous law, it was a Class 1 misdemeanor for a person subject to a protective order to purchase or transport a firearm. Additionally, § 54.1-4201.2 was amended to require the Virginia State Police be available to perform voluntary background checks for non-dealer sales at firearms shows.

In October 2015, Governor McAuliffe signed Executive Order 50 which created a Joint Task Force to prosecute gun crimes; authorized the Attorney General to coordinate and bring criminal cases against gun law violators; created a tip line for illegal gun activity; increased tracing on guns used in crimes;

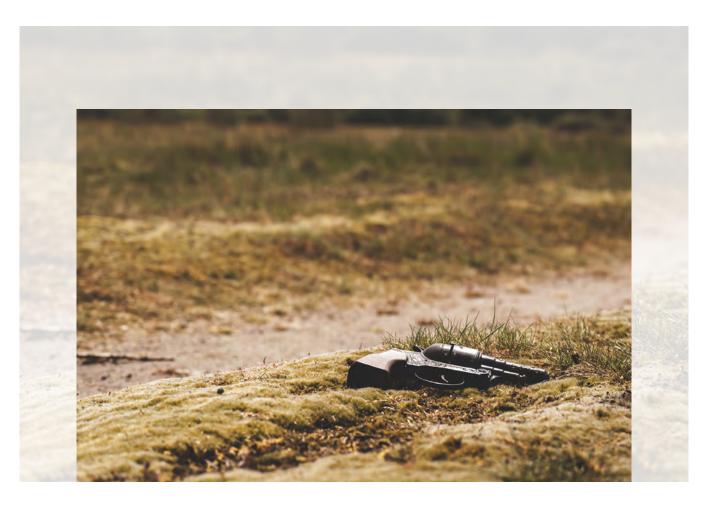
encouraged judges and prosecutors to seek gun forfeiture in felony and other cases; and banned guns in state government buildings.



Recommendations for Reducing Firearms Violence in Virginia

DCJS and other state agencies should continue work to implement the provisions of the 2016 legislation prohibiting firearms possession by person subject to a permanent protective order by:

- Creating and distributing information on the roles and responsibilities of those affected by the new laws and developing model protocols for law enforcement agencies on accepting and storing relinquished firearms.
- Provide grant funding to localities to assist with implementing the new laws, including funding to law enforcement to allow them to accept firearms relinquished under the law.
- 3. Monitor relinquishments of firearms, arrests, court cases and other indicators of activity based on the new firearms laws.



RESPONDING TO THE PRESCRIPTION DRUG AND HEROIN EPIDEMIC

In September 2014, Governor McAuliffe signed Executive Order 29 establishing the *Governor's Task Force on Prescription Drug and Heroin Abuse*. The 32-member group of multi-disciplinary, bipartisan leaders and its accompanying workgroups were directed to address five areas for reducing the toll of prescription drug and heroin abuse in Virginia: education, treatment, data and monitoring, storage and disposal, and enforcement.

The Task Force met for nearly a year, and held its final meeting in September 2015. In October 2015, the Task Force issued its report Recommendations of the Governor's Task Force on Prescription Drug and Heroin Abuse Implementation Plan Update – Fall 2015.

The Task Force's system-wide approach reflected the complex nature of the opioid epidemic; no single solution can reduce the alarming rise of deaths attributable to opioids. The recommendations contained in this Implementation Plan reflected the widely varying experiences and perspectives found among members of the Task Force. Multiple lenses came together to develop focused solutions to save lives.

Recommendations of the Governor's Task Force on Prescription Drug and Heroin Abuse Implementation Plan Update

Education

The Implementation Plan produced by the Task Force details steps to:

- Raise public awareness about the dangers of misuse and abuse of prescription drugs.
- Distribute information about appropriate use, secure storage, and disposal of prescription drugs.
- Train health care providers regarding best practices for opioid prescribing, pain management, the use of the Prescription Monitoring Program (PMP), and identification and treatment of individuals at risk of substance abuse through screening, intervention, and referral tools.
- Train first responders to more effectively respond to calls involving overdose, and use evidence-based interventions to reduce overdose deaths.

Treatment

- · Improve access to and availability of treatment services.
- Foster best practices and adherence to standards for treatment of individuals addicted to opioids.
- Strengthen and expand the capacity of Virginia's health
 workforce to respond to substance abuse treatment needs
 including encouraging health professions, schools and
 continuing education programs to provide more education
 about how to identify and treat substance abuse.

Data and Monitoring

The importance of accurate and timely data cannot be understated as the Commonwealth develops strategies to decrease opioid overdose deaths. Specifically, the PMP is a key tool for both policymakers and practitioners in understanding the nature of prescribing practices in Virginia.

 Share and integrate data among relevant licensing boards, state and local agencies, law enforcement, courts, health care providers and organizations, and programs such as the PMP to clarify and address public safety and public health concerns, understand emerging trends, and use data-driven decisionmaking to mitigate harm.

Storage and Disposal

Per the 2013 National Survey on Drug Use and Health, "Rates averaged across 2012 and 2013 show that more than half of the nonmedical users of pain relievers, tranquilizers, stimulants, and sedatives aged 12 or older got the prescription drugs they used from a friend or relative for free." Storing prescription drugs in a secure manner and disposing of them properly when no longer medically needed will reduce the opportunity for abuse or misuse of prescription drugs and the potentially harmful effects on the environment.

 Advance effective solutions that lead to safe storage and proper disposal of potentially dangerous prescription drugs.

Enforcement

Law enforcement officers are often first on the scene of an overdose. Giving law enforcement and first responders the support and resources that they need to help Virginians experiencing overdose and addiction is imperative in reducing

overdose deaths. The justice system must be properly prepared to handle the nuanced and complex issues surrounding addiction.

Identify and promote evidence-based practices and strategies
across the criminal justice system to address public safety risks
and treatment needs of individuals with opioid addiction,
training in the use of life saving interventions, expanded
alternatives to incarceration, including drug courts, and crosssystem collaboration to improve access and the availability of
treatment.

Legislative Actions

Added § 54-1-2522.2 requiring, among other things, that every dispenser licensed by the Board of Pharmacy be registered with the Commonwealth's Prescription Monitoring Program. This will reduce the likelihood of individuals "doctor-shopping" to obtain drugs.

Amended §§ 8.01-115 and 54.1-3408 to allow a pharmacist to dispense naloxone or similar drug used to reverse opioid overdoses based on an authorized prescription; to allow a person to possess and administer naloxone or similar drug used to reverse an opioid overdose reversal to a person experiencing a life-threatening opiate overdose; and allowing properly trained firefighters and law enforcement officers to possess and administer naloxone. A person who in good faith prescribes, dispenses, or administers naloxone or similar drug to reverse an opioid overdose to an individual experiencing a

life-threatening opioid overdose is not liable for civil damages for ordinary negligence while rendering such treatment if acting in accordance with the law.



Recommendations for Combating Prescription Drug and Heroin Abuse in Virginia

DCJS should support implementation of the recommendations from the *Governor's Task Force on Prescription Drug and Heroin Abuse Implementation Plan* by:

- 1. Developing a law enforcement training program on naloxone administration.
- 2. Developing opioid education training for law enforcement, corrections, probation and parole, EMTs, Crisis Intervention Team officers, and school resource officers.
- 3. Identifying ways for law enforcement to become more involved in drug take-back events.
- 4. Providing the criminal justice system with evidence-based practices on alternatives to incarceration for drug abusers.
- 5. Continuing the work of the Health and Criminal Justice Data Committee to improve drug-related data sharing between agencies in the Public Safety and Homeland Security and the Health and Human Resources secretariats.



THE CENTER FOR BEHAVIORAL HEALTH AND JUSTICE

Research shows that individuals with a serious mental illness (or a co-occurring disorder) are at high risk for being incarcerated, often for longer periods of time than their counterparts in the general population. These frequent and extended periods of incarceration often result in further psychological deterioration, and can increase an individual's risk of re-offending. Intervening early in an individual's interaction with the criminal justice system and linking them to behavioral health treatment services can improve an individual's future mental health recovery and reduce involvement in the criminal justice system.

To address this problem, in 2015 Governor McAuliffe issued Executive Directive 4, which directed the Secretaries of Public Safety and Homeland Security and Health and Human Resources to develop the Center for Behavioral Health and Justice (CBHJ). Modeled on the "center of excellence" concept, the CBHJ will help Virginia meet the evolving challenges in coordinating and collaborating policies, practices and services across the behavioral health and criminal justice systems.

The Center for Behavioral Health and Justice will improve Virginia's multi-system response to individuals with behavioral health needs who are involved in, or at risk of becoming involved in, the criminal justice system. The CBHJ supports the development and implementation of state, regional and local systems response that prevent or reduce involvement in the criminal justice system for people with behavioral health needs. When diversion is not feasible or appropriate, the CBHJ will support collaboration to enhance the availability and delivery of evidence-based behavioral health services in jails and prisons.

Structure of the Center for Behavioral Health and Justice

The CBHJ operates under the leadership of an Executive Committee, which includes the Secretary of Health and Human Resources, the Secretary of Public Safety and Homeland Security, the Lieutenant Governor, the Commissioner of the Department of Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice Services. The Executive Committee receives subject matter expertise through the Center Advisory Group, which includes a diverse group of behavioral health, criminal justice, and other stakeholders from across Virginia.

The work of the Center takes place through three Action Committees and ad-hoc workgroups. The three Action Committees of the Center focus on the following priority areas:

- Criminal Justice and Behavioral Health Facilities
- · Diversion and Reentry, and
- Data, Technology, and Information Sharing

Key Roles of the Center for Behavioral Health and Justice

The CBHJ plays a unique role not currently being filled in Virginia by serving in the following capacities:

- Facilitating coordination between state and local entities.
- Leading coordinated efforts to educate stakeholders and the public on pressing issues.
- Conducting a comprehensive assessment and identified gaps in the system.

- Drawing on best practices, Virginia data, and research, to develop a cross-secretariat strategic plan.
- Providing research and guidance to the field regarding the implementation of new policies and initiatives.
- Serving as a conduit to help inform agency policy decisions.
- Sharing best practices and recommendations with the field, state agencies, and other interested stakeholders.
- Identifying new resources and assistance in the coordination of relevant grant applications.
- Partnering with research and higher education institutions to increase the Center's capacity for research and special projects, and adding credibility to its efforts with national, politically neutral data driven perspectives on policy and best practices.

During the 2017 General Assembly session, CBHJ staff monitored introduced legislative bills which were related to these activities and initiatives, including bills involving:

- Providing alternative transportation for individuals involved in the emergency custody or involuntary admissions process, to avoid transportation by law enforcement.
- Developing mental health first aid training standards for local deputy sheriffs and jail officers.
- Removing the prohibition on inpatient psychiatric hospital admission for defendants who have already been ordered to receive treatment to restore their competency to stand trial.
- Developing forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illness and who are to be released from these facilities.
- Reviewing the circumstances of inmate deaths in local correctional facilities.

- Having certain community services boards provide preadmission screening services to inmates in regional jails.
- Allowing health care practitioners to use telehealth-based examinations to prescribe Schedule II through VI controlled substances to a patient.



Recommendations for Future CBHJ Work

The CBHJ's action committees have developed the following recommendations for future CBHJ work.

Criminal Justice and Behavioral Health Facilities Action Committee:

- 1. Address inequalities in jail and mental health services develop a minimum standard of care for services in jail.
- 2. Link veterans to services when appropriate as a means to decrease involvement in the criminal justice system.
- 3. Improve access to Medicaid, Social Security, the Governor's Access Plan and other available benefits.

Diversion and Reentry Action Committee:

- 1. Expand Intercept 2 diversion options to divert individuals from the criminal justice system and into treatment programs.
- 2. Support/facilitate judicial involvement in ongoing diversion efforts.
- 3. Improve access to Medicaid, Social Security, the Governor's Access Plan, and other available benefits for persons released from jail and prison.

Data, Technology and Information Sharing Action Committee:

- 1. Expand use of technology.
- 2. Use information exchange across the criminal justice and behavioral health system.
- 3. Develop recommendations for data sharing across contact points within the criminal justice system.



IMPROVING DATA SHARING IN THE CRIMINAL JUSTICE SYSTEM

Every day, information about thousands of crimes, cases, defendants and inmates flows between agencies throughout Virginia's criminal justice system. Many routine decisions and actions that make the system work depend on the timely movement and sharing of accurate information. Despite this fact, information sharing remains a major challenge for criminal justice agencies.

Poor information hampers criminal investigations and crime solving, delays the identification and apprehension of offenders, slows court case processing, and contributes to jail and prison overcrowding. All of this leads to costly delays, duplication and wasted resources in carrying out routine, every day public safety operations, which in turn compromises public safety. It also reduces the amount of information that state and local officials have available to make sound, cost-effective public safety policy and spending decisions.

The 2015 General Assembly directed DCJS to "review the feasibility of implementing an integrated criminal justice system web portal for the purpose of securely disseminating information to federal, state, and local criminal justice agencies." The portal would be intended to "provide real-time access to information residing in the data systems of the respective agencies participating in the web portal, through a single secure point of entry."

In December 2015, DCJS provided the General Assembly with the *Interim Report on the Feasibility of Implementing an Integrated Criminal Justice System Web Portal (RD443)*. Based on an extensive review of previous Virginia criminal justice data sharing efforts, similar data sharing efforts in other states, and current Virginia data systems and data sharing initiatives, the report contained the following findings and recommendations.

Findings of "Interim Report on the Feasibility of Implementing an Integrated Criminal Justice System Web Portal"

- Over the past 30 years, multiple studies conducted by Virginia's Executive, Legislative and Judicial branches have cited the inefficiencies in criminal justice data sharing, and recommended improvements.
- Virginia has made incremental improvements in data sharing between criminal justice and public safety agencies. However, these improvements have been limited to improving data sharing between a few agencies for limited purposes. They were not focused on an effective, integrated criminal justice data system.
- Virginia's public safety and judicial agencies maintain a sophisticated information system which collects and stores criminal justice information. However, these systems are not designed to easily exchange information in a way that would support an integrated criminal justice information system.
- The information systems maintained by Virginia's public safety and criminal justice agencies and organizations can serve as a starting point for developing an integrated criminal justice information system.
- Other states have made significant progress in developing systems to share and integrate public safety and criminal justice information. Their experience can help guide Virginia's similar effort.

 Virginia already has several initiatives underway to improve the sharing and use of data between different secretariats and agencies which can be leveraged to help guide efforts to better share criminal justice data.



Recommendations for Improving Criminal Justice Data Sharing in Virginia

The *Interim Report* to the General Assembly provided six longterm recommendations for guiding development of a Virginia Integrated Criminal Justice System Web Portal:

- Recognize that sharing and integrating data in Virginia's current criminal justice information systems is a long-term project. It cannot be accomplished quickly. Furthermore, if the system is to be maintained, a long-term funding mechanism must be established.
- 2. Development of an integrated criminal justice information system should not be viewed or managed as a *technology* project. It should be viewed and managed as a project to improve the *business processes* of the Commonwealth's public safety and criminal justice system.
- 3. Developing an integrated criminal justice information system will require the cooperative efforts of all branches and all levels of government. Local, regional, state and federal agencies will provide data that feeds the system, and be the users of the data provided by the system. Representatives

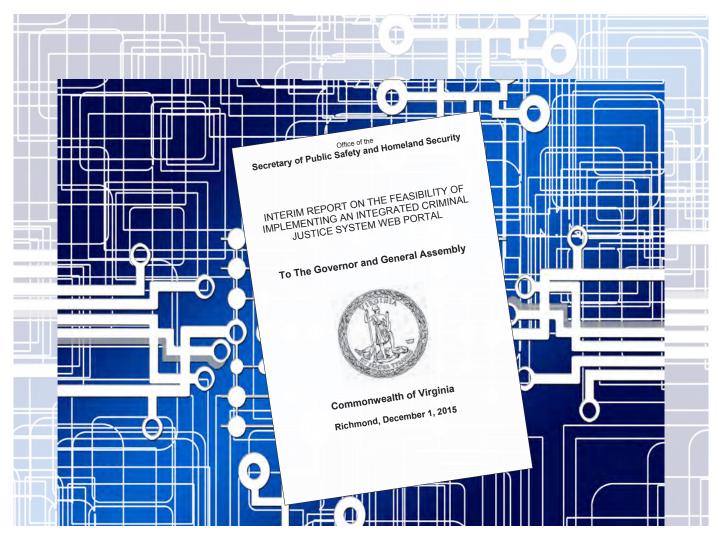
of all of these agencies should be included (at appropriate points) in planning for such a system.

- 4. Develop a data governance structure to ensure that information provided by an integrated criminal justice information system is useable and reliable, and that relevant privacy and security issues are addressed. Leverage work being done in these areas by initiatives such as the Commonwealth Data Steward's Group, the Center for Behavioral Health and Justice, the Virginia Longitudinal Data System, and the Health and Criminal Justice Data Committee.
- 5. Build upon Virginia's current public safety and criminal justice data systems and infrastructure, to leverage the investments Virginia has already made in these systems. Avoid unnecessary duplication or "reinventing the wheel."
- 6. To the greatest extent possible, the integrated criminal justice information system should be developed to provide data not

just for the daily operations of public safety and criminal justice agencies, but also to provide data for state and local officials using "data-driven" approaches to develop missions, policies, and budgets for these agencies.

Specific short-term activities by DCJS to help guide and implement the long-term recommendations include:

- 7. Continue to support the Health and Criminal Justice Data Committee established by the Secretary of Public Safety and Homeland Security and the Secretary of Health and Human Resources to "glean the most complete picture of the public safety and public health issues confronting the Commonwealth."
- 8. Continue to support the Center for Behavioral Health and Justice created by Executive Order #4 (2015) as an "interagency collaborative to better coordinate behavioral health and justice services."



APPENDIX A: REFERENCES

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