**Prince William County**

**Community Criminal Justice Board**

**July 27, 2021**

**PRESENT:** Brad Marshall, Peter Meletis, Samuel Flournoy (Designee for Amy Ashworth), Peggy Anthony, Tara Petty, Antonio Bryer, Captain Tom Garrity, Elijah Johnson, Robert Keller, Major Terry Fearnley, Leviticus Bass, Tracey Lenox, Jeffrey Homan, Jonathan Heath (Designee for Chief Magistrate), Karie Johnson (Designee for Dan Manza)

**ABSENT:** Kerry Davis, Jacqueline Stott, Jennifer Braswell, Carl Dorr, Keith Nguyen, Robert Gudz, Judge Robert Coleman, Judge Kimberly Irving, Judge Lisa Baird, Anthony Kostelecky

**STAFF:**  Steve Austin, Tomaudrie Thomas, Cassandra Wright, Joanna Campos, Natalie Benitez

**CITIZENS:**  None

**GUESTS:**  None

**CALL TO ORDER:**  The meeting was called to order at 5:00 pm

**CHAIRPERSON’S COMMENTS (Item 1)**

Chairman Marshall welcomed everyone to the meeting and thanked all members present for attending in person.

**APPROVAL OF AGENDA (Item 2)**

Chairman Brad Marshall asked for a motion to approve the agenda. **The motion was made by** **Jeffrey Homan and seconded by Peggy Anthony. The motion was passed unanimously.**

**APPROVAL OF MINUTES (Item 3)**

Chairman Brad Marshall asked for a motion to approve the April 27, 2021, meeting minutes. **The motion was made by Jeffrey Homan and seconded by Peter Meletis. The motion was passed unanimously.**

**CITIZENS TIME (ITEM 4)**

Chairman Brad Marshall asked if there were any citizens present. There were no citizens present.

**2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, U.S. Department of Justice (ITEM 5)**

Captain Tom Garrity announced that the County has been awarded an Edward Byrne Memorial Justice Assistance Grant. Under the program Prince William County Police will receive $107,915. The funds will be used to upgrade the agency’s vessel to transport gear and equipment for the Underwater Search and Recovery Team. It will allow divers to recover evidence in dark water.

**CJS annual recidivism data and performance outcome (ITEM 6)**

Cassandra Wright presented the Criminal Justice Services FY2021 Performance Measures. She presented a graph of the average daily caseloads over the past four fiscal years and announced that there has been a decrease in probation cases from 2020 to this year 2021. This is likely due to the pandemic as not many people attended court for their final court case, therefore were not referred to local probation. Pretrial has been steadily increasing. There was an 11 % increase in pretrial from 2019 to 2020 and a 2 % increase from 2020 to 2021. Ms. Wright announced that the average Pretrial caseload is of 814. The second graph presented was the successful closure rates for Pretrial, Probation, and the Intensive Community Supervision Program and announced that they have been doing well. Ms. Wright also noted that the successful rate for Intensive Community Supervision is calculated by using the individuals who have finished their entire pretrial sentence on Intensive or those individuals who have stepped down to regular pretrial. The third graph presented the rate of Successful Court Appearance and the Public Safety Rate. She noted that the Public Safety Rate are defendants whose bonds have not been revoked due to getting new arrests/convictions while on pretrial supervision. She announced that both rates have been steady. The fourth graph presented Probation Recidivism Rates over the past four years. The rates show offenders that were closed in March of 2018 to 2021 and who have committed a new offense within the last two years. The recidivism rate for 2021 is 18 % which is equivalent to 82 % who did not receive a new conviction since their closure date of probation.

**Code of Virginia Changes impacting Community Corrections and Pretrial Services (ITEM 7)**

Steve Austin announced changes impacting Community Corrections and Pretrial Services:

HB2038: Probation, revocation, and suspension of sentence; limitations.

* Maximum time of probation supervision cannot exceed the statutory maximum sentence unless additional time is required to complete a court-ordered program or pay restitution.
* Probation begins from the date of the entry of the original sentencing order (Removing “Pending” status).

Code section 19.2-303.1:

* They fixed the period of suspended sentence. The supervised probation period may not exceed 5 years from the time of any active incarceration. There two exceptions:
1. If additional time is necessary for participation in a court ordered program or
2. If the individual owes restitution and is still subject to restitution compliance hearings pursuant to 19.2-305.1.

Code section 19.2-306:

* The revocation of suspension of sentence and probation. The court must notify an individual within 90 days of getting notice of the alleged violation or within one year after the expiration of the period of probation or the period of suspension (whichever is sooner) to be able to conduct a hearing to revoke a suspended sentence or probation.

Code section 19.2-306.1

* Limits the revocation of a sentence and probation for technical violations.
* 1st technical violation: The court shall not impose term of active incarceration.
* 2nd technical violation: There is a presumption against imposing any active incarceration. If the court finds by a preponderance of the evidence that the individual “cannot be safely diverted from active incarceration through less restrictive means,” the court may impose up to 14 days of active incarceration.
* 3rd or subsequent technical violation: The court may impose the original sentence.

HB2312: Possession and consumption of marijuana; penalty.

* This legislation legalizes possession of 1 once or less of marijuana by an adult 21 or older effective July 1, 2021.
* Possession of more than 1 once but less than 1 pound on person or in public place is punishable as a civil offense with a civil penalty of $25.
* Possession of marijuana by persons under the age of 21 is a civil penalty of $25.

HB2110: Criminal Sentencing Commission; Pretrial data

* Local pretrial services agencies may be required to provide data.

HB 2290: Repeals enhanced punishment for a conviction of a second or subsequent misdemeanor larceny offense (less than $1,000).

SB1266: Admission to bail; eliminates presumptions against bail.

Code section 19.2-120

* Eliminates the presumption against bail for all enumerated offenses, including murder and other serious offenses listed in subsection B. and for arrest of illegal aliens under subsection C.

Code section Repeals 19.2-120.1

* Presumption of no bail for illegal aliens charged with certain crimes.

**EVIDENCE BASED DECISION MAKING UPDATED (EBDM) (ITEM 8)**

Steve Austin announced the EBDM Policy committee was primarily focused on the sequential intercept mapping exercise that took place in June. After two days of working together it was decided as a group that there are 5 priority areas that mostly focus on mental health. He announced that an action focus is currently on a draft form. The five priority areas are: (1) Develop a Crisis Receiving Center program that co-locates the CIT assessment site, crisis stabilization, medical and psychiatric screenings, onsite prescribing, onsite medical clearance, and other crisis onsite services (2) Coordinate better exchange of information between agencies and providers; Reduce barriers to treatment in the jail and communication about specific cases by clarifying HIPAA and 42 CFR regulations, and the limits of information exchange. (3) Advocate at the state level for legislative and licensing changes that would reduce barriers to effective service delivery in the jail and in the community for individuals with behavioral health needs. (4) Educate the community and providers about existing crisis and non-crisis services, diversion options, procedures for accessing services; clarify definitions and distinctions between existing and newly forming services, including eligibility criteria, who to call, how to access services. (5) Create more opportunities to involve peer’s pre-crisis, in jail, and in the community following jail release.

Mr. Austin announced that the next steps are meeting with the committees and assigning champions.

**DCJS QUARTERLY REPORT (ITEM 9)**

Tomaudrie Thomas reviewed the DCJS Quarterly Report for the 4th quarter FY21 (April 2021- June 2021). She stated that the total number of pretrial investigations were 2,497 and 81 % of the pretrial placements were either placed on recognizance bond or unsecure bond.

Data for Local Offenders Probation shows that 86% of the placements on probation are misdemeanors and 72% placed on probation are of low risk.

**ROUND TABLE TOPICS (ITEM 10)**

Steve Austin mentioned that a group of local stakeholders (to include Judge Irving, Assistant CA’s, CJS, Chief Public Defender, Community Services, etc.) attended a three-day Drug Court Implementation Training led by Circuit Court Chief Judge Irving. He stated that there is a lot of work to be done to be able to make the fall application deadline.

Tomaudrie Thomas announced that National Night out will be held August 3rd at the Manassas Museum from 5-8pm. Criminal Justice Services will have some staff participating in the event and answering questions about the agency.

Peter Meletis gave an update on COVID-19 and announced that 85 ADC staff and 126 inmates tested positive so far during COVID-19, there are currently no COVID-19 positive employees or inmates. The Adult Detention Center staff continue to follow the CDC guidelines related to COVID-19. Peter Meletis announced that Major Osbourne and Captain Taylor have retired. George Hurlock has been promoted to Major, Allen West was promoted to Captain, and Robert Powell was promoted to Director of Security.

Antonio Bryer announced that Prince William County Public schools will be returning to school full time in August. There is still the option of in school or virtual learning for students. Mr. Bryer stated that on the criminal side they saw about 20 more community-based incidents school reportable that had to be reassigned. The Juvenile task force has started meeting regularly and they will be restarting the Restorative Justice Program to try to help students that become court involved. They meet every last Thursday of the month. Mr. Bryer suggested if anyone has ideas for the Restorative Justice Program to contact him.

Magistrate Jonathan Heath announced that the Magistrate who was completing the certification school has completed it and is currently finishing his on-the-job training. They are currently fully staffed.

Tracey Lenox stated that they have three attorneys starting late summer which will make the Public Defender’s office fully staffed. The Public Defenders curated a yearlong series on black history and experience in Prince William County and the City of Manassas. It will start by looking at enslavement through current experiences and see how the history affects the criminal justice system today. Anyone interested in participating is welcomed and can contact her for the link to join via zoom.

Elijah Johnson announced that the Board of County Supervisors issued a directive for them to look at a Crisis Receiving Center/ Stabilization Unit. They are looking for a 16-bed crisis stabilization facility unit and 16 reclining units for adults (short term care). They are looking for something similar on the youth side as well with 8-beds and 8 reclining units. They have been working on it for seven months and have recently updated the Board of County Supervisors who gave the County Executive directions on how to find the funds to make it happen. He stated they are currently in the process of looking for funding.

Jeffrey Homan announced the Juvenile Court Service units are doing well. They are currently fully staffed with two positions on hold in Richmond. Mr. Homan announced he is retiring effective September 1st and his last day in office will be August 6. He wishes everyone the best.

Major Terry Fearnley stated there have been some upgrades on security at the courthouse. The front door has been reconfigured and there is more space to do social distancing. A major change is the allowance of cell phones in the courthouse which they think will continue post COVID. They have enacted a 100 % screening day that affects attorneys and employees entering the courthouse. There will be construction in the Judge’s lot to enclose the Judge’s lot to secure the actual parking lot. The emergency call boxes around the complex are not all active yet and have caution tape wrapped around them. Once the emergency call boxes are activated it will allow the phone center to see the parking area for security purposes and emergency help can be summoned from the parking lot.

Peggy Anthony stated that District 35 is fully staffed and still have staff teleworking occasionally. They are running Cognitive groups, Decision Points, Anger Management, and a Family parenting skills class that has been very helpful.

Captain Tom Garrity stated that you need to contact specific Jurisdictions to get the correct statistics on traffic stops.

**Adjournment (Item 11)**

Chairperson Brad Marshall asked for a motion to adjourn the meeting. **The motion was made by Captain Tom Garrity and seconded by Peggy Anthony. The motion was passed unanimously, and the meeting was adjourned at 5:49 p.m.**

**Next Meeting: October 26, 2021**

**Location: TBD**

**5:00 p.m.**