**Prince William County**

**Community Criminal Justice Board**

**July 28, 2020**

**PRESENT:** Jeff Hoffman, Jason Ankeny is substitute for Tara Petty, Keith Nguyen, Devan Kirk, Antonio Bryer, Carl Dorr, Colonel Peter Meletis, Peggy Anthony, D. Brad Marshall, Leviticus Bass, Major Terry Fearnley, Amy Ashworth, Captain Tom Garrity, Judge Robert Coleman, Kerry Davis, Tracey Lenox,

**ABSENT:** Judge Lisa Baird, Sarah Wheeler, Robert Gudz, Judge Carroll Weimer, Jacqueline Sott, Jennifer Braswell-Geller, Judge Tracy Hudson, Judge Robert Coleman

**STAFF:**  Steve Austin, Tomaudrie Thomas, Natalie Benitez, LaToya Morton, Cassie Wright

**CITIZENS:**  None

**GUESTS:**  None

**CALL TO ORDER:**  5:01 pm

**CHAIRPERSON’S COMMENTS (Item 1)**

Vice Chairperson Peggy Anthony welcomed everyone to the meeting and notified everyone that it was her second time leading this meeting. She also wanted to mention that she hopes that everyone is doing well during this time. If anyone has any motions or statements, then please state your name first so that we can capture it for the record. She then asked Steve to introduce our new Criminal Justice Analyst Cassie Wright.

**Introduction to new members (Item 2)**

Vice Chairperson Peggy Anthony thanked all the new members for attending. She announced that Tara Petty, Antonio Bryer, Carl Dorr, Keith Nguyen, Tracy Lenox, Devan Kirk and Tom Garrity were all new members and she welcomed them to the Community Criminal Justice Board.

**APPROVAL OF AGENDA (Item 3)**

Vice Chairperson Peggy Anthony asked for a motion to approve the agenda. **The motion was made by** **Jeff Homan and seconded by D. Brad Marshall. The motion was passed unanimously.**

**APPROVAL OF MINUTES (October 22, 2019 Item 4)**

Vice Chairperson Peggy Anthony asked for a motion to approve the October 22, 2019 meeting minutes. **The motion was made by D. Brad Marshall and seconded by Kerry Davis. The motion passed unanimously.**

**CITIZEN’S TIME (Item 5)**

Vice Chairperson Peggy Anthony asked if there were any citizens present. There were no citizens present.

**Appointment of nominating committee to select Chair/Vice Chairperson (Item 6)**

Vice Chairperson Peggy Anthony notified the board that she would like to discuss an appointment of a nominating committee in order to elect a chair and a vice chair. It has been a few years since this has been done. Since both positions are up this will need to be done on a regular basis every 2 years. We will need a nominating committee with someone to take lead on this and that will be helpful. There was no response so she told the members that it would be easy, and everything could be done by email. The chair and two members are what is currently needed. Peggy Anthony thanked Tracey Lenox for announcing that she would take lead.

**Covid- 19 Impacts Update (Item 7)**

Tomaudrie Thomas announced the update about the processes that Criminal Justice Services are maintaining through Covid-19. The lobbies are currently closed but continue to maintain public safety and provide information to the courts regarding making bond recommendations and supervising cases on probation and pretrial supervision. We were not seeing clients in the office from March thru June, we were able to convert most of their forms to pdf documents to allow them to be digitally signed and appointments were done by phone or virtually. We are still accepting Pretrial and local Probation cases to their agency by the courts.

Since there were many new faces, she wanted to give a brief description about the agency. Criminal Justice Services supervise local offenders’ probation and pretrial cases. They also assist the courts and judges with making bail recommendations. The individuals that are on supervision, now have meetings with their officers that are conducted by phone, Skype, WebEx and Zoom. Home visits were suspended with our Intensive Community Supervision Program and that’s the program where clients are on GPS monitoring 24 hours a day 7 days a week. The overnight pretrial investigators have provided pretrial reports to the judges consistently and they were the only team in the agency that were not able to telework. They did however maintain social distancing guidelines while interviewing inmates, they were in non-contact rooms and video visitation rooms to conduct the interviews.

In-office staff have been working in the office on a rotating basis and teleworking as much as possible. As of the beginning of June, the agency had a soft opening. They are now seeing clients on a limited basis (by appointment only) for those that absolutely need to be seen such as those that are homeless and have no phone or computer access. Individuals who need to be seen in office are only being seen in the conference rooms in order to maintain good social distancing per guidance received from the PWC Risk and Wellness Department. Social distancing markers have been placed on the floor in the outer lobby in case individuals report directly from court to sign up for supervision; However, CJS has asked the courts to advise those placed on their programs to call for an intake appointment instead of reporting into the office directly from court. CJS has installed plexiglass barriers in their conference rooms so when they are meeting with clients, there is an additional barrier between them. Virtual contact still remains in effect at this time and is the primary way we are seeing clients. Staff are coming in more frequently but are still rotating with telework. Home visits have resumed with our Intensive Community Supervision Officers. When the Officers go out into the field, they are prompted to ask screening questions first before they meet with their clients.

Drug testing is now contracted out through LabCorp and they are hoping that this will be done longer, although it costs more than conducting in-office substance abuse testing.

Steve Austin gave current information on the data. He announced that pretrial has been increasing in case numbers for the past few years. A great deal of that has come from the work of Evidence Based Decision Making with more emphasis on alternative to incarceration and the best use of the ADC. The ADC population has dropped significantly from 1100 to about 800 inmates because of the system work being done. In the months of March thru June more inmates were being let out of the ADC due to precautions being taken due to COVID-19. Criminal Justice Services completed Pretrial court reports for 171 bond motions in March, the numbers dropped lower in April and have normalized ever since. Steve also mentioned that the average pretrial caseload has increased about 40% in the past three years, 22% in the last year alone and over 100% in the past five years. In 2015 CJS only had 352 individuals on pretrial supervision in Prince William County, Manassas and Manassas Park. CJS now has almost 1600 individuals on pretrial supervision. CJS was able to secure 3 more positions during FY20, due to the Adult Detention Center generously transferring some funding to Criminal Justice Services.

Brad Marshall- asked if the numbers would include Magistrate referrals.

Steve Austin- responded saying that it would include Magistrate referrals.

**Evidence Based Decision Making Update (EBDM) (Item 8)**

Steve Austin reported that the Evidence Based Decision Making Initiative has been around since 2015 and CJS will do a greater presentation at a future meeting for those that are new to explain the process and what is involved. During the initial stages of the implementation of EBDM, the team received technical assistance from the National Institute of Corrections with one of the first projects being mapping the local criminal justice system and finding where the gaps were and where resources could be utilized. During EBDM implementation, a great deal of work has been done around reentry, mental health, addressing the opioid issue and pretrial. However, the team has not been as successful with court case processing issues as they would have liked. The biggest issue that the EBDM team has been currently working on is getting those who are opioid addicted linked to services as early as possible once they enter into the criminal justice system. Additionally, there is work going on in the ADC to assist with providing medication assisted treatment. Peer Navigators are also playing a huge role in assisting this population while these individuals are still incarcerated as well as once, they are in the community. Evidence Based Decision Making is letting the research drive the best practices. EBDM committees working on other various initiatives, however, they have been on hold due to the Covid-19 pandemic. Major Mandy Lambert and Steve Austin will be getting the EBDM Policy Team back together soon virtually in order to begin its efforts to continue working towards the goals of the team~~.~~

**DCJS Quarterly Reports (Item 9)**

Tomaudrie Thomas reported out on the DCJS quarterly progress report, for April thru June 2020:

Total Pretrial Investigations - the total number completed for the year was 3122 and that was an increase in the last quarter of 582 investigations.

Pretrial Investigation Rate – pretrial interviewers captured 88% of individuals that were eligible for pretrial interviews. Pretrial Interviewers try to make sure that all eligible court defendants have a chance to be interviewed prior to their arraignment hearings in order to give the judges background information, to include risk assessment outcomes so that judges are making informed bail decisions.

Court Decisions Consistent with Staff Recommendations - the judges agreed with 57% of the recommendations that were made by pretrial interviewers, just a few years ago that percentage was 38%. CJS attributes the increase of judicial agreement with pretrial recommendations directly to the constant communication and collaboration during EBDM meetings. Additionally, in 2017, the Virginia Pretrial Risk Assessment Instrument (VPRAI) was revalidated to include, release decision matrix to capture the current charge as an added risk factor whether the individual would appear to court or receive new charges while pending trial. This proved to be a positive change in lending more credibility to the pretrial recommendations.

Defendants Placed on Pretrial Supervision - 34% of those placed have a secured bond. This number has gone down quite a bit in the last few years due to the changes in bail philosophy state-wide. Therefore, more people are getting released on an unsecured or personal recognizance bond with supervision.

Appearance Rate- Pretrial court defendants placed on supervision made it to court 92% of the time.

Public Safety Rate- Pretrial court defendants did not receive new charges while out of jail on bond 94% of the time.

Probation Outcomes- Probationers placed on supervision with a misdemeanor charge had a 75% success rate. Probationers placed on supervision with a felony charge had a 78% success rate.

Steve Austin wanted to point out there is a significant decline in secured bond and pretrial release. At one point, the majority of defendants that were on pretrial supervision, also had a secured bond. The success in FTA and public safety rates are steady despite the increased number of release rates and less reliance on secured bonds.

A suggestion was made by Commonwealth’s Attorney, Amy Ashworth, that it would be helpful to educate some of the Judges on this process. She stated that she is hearing from the prosecutors is that even though CJS is not asking for a cash bond the Judges are setting them anyway. She also asked if the numbers were broken down by cash bonds that the Magistrates set when  defendants are initially held as opposed to the bonds Judges are setting during the initial appearance.

Steve Austin stated that CJS does not currently have the data broken down and normally don’t get that many Magistrate referrals, so the majority of the data presented today is after the judges have made bail determinations.

Amy Ashworth asked whether the pretrial risk assessment makes cash bond recommendations and whether the Magistrates have access to the recommendations prior to making their bail determinations.

Steve Austin responded that the Magistrates have different information available to them such as the Magistrate checklist. At this time, Pretrial services does not have the resources to provide investigation services to the Magistrates, but stated that if this was possible Criminal Justice Services would be working with the Magistrate’s office in providing risk assessments in some instances, possibly in the future. The Magistrate does occasionally make pretrial supervision referrals.

Chief Magistrate, Devan Kirk stated that they have been using the bail checklist consistently for the past 2 years and this is their unofficial risk assessment. She stated that the magistrates have worked together to streamline the referral process and remove any potential barriers. She also stated that it’s a constantly evolving process.

**Proposed ByLaws Changes (Item 10)**

Peggy Anthony announced that the proposal for the Bylaws that we believe is important is to add a member to represent the Public Defender’s Office and have a slot for that on our board. We believe that it’s important and that it’s needed for the system at this point and that we can benefit from it. **The motion was made by D. Brad Marshall and seconded by Peter Meletis. The motion was passed unanimously by the entire board.**

**Round Table Topics (Item 11)**

Captain Tom Garrity stated that The Police Department went to a more hands-off approach except when there were serious violations during the COVID-19 pandemic. He also stated that the Police and CSB are going to be working together to go out on calls where there is a potentially mentally ill individual involved. He stated that this should be in effect around October/November.

The new Chief Public Defender, Tracey Lenox, announced that Manassas City appointed her as a representative to the CCJB. She also mentioned that the new Public Defender’s Office should be up and running by September. She stated that they have a location and getting it set up and she is hiring her staff.

Antonio Bryer stated that he is on the CCJB as the Prince William County School’s Criminal Reassignment Specialist. They are conducting business as best as they can virtually, and they are dealing with children that get in trouble through the court system. They are going to still handle those cases as if the kids were going to school.

T.P. Fearnley with the Sheriff’s office noted that the Courthouse has a lot of safety protocols dealing with social distancing. The deputies are asking screening questions, taking temperatures and handing out masks prior to people entering the courthouse. There are a few attorneys that don’t mind coming to this courthouse in person because of the restrictions in place. This week a 360 machine will be delivered to decontaminate so courtrooms, holding areas and halls are being cleaned before and after shifts.

Kerry Davis announced that he is a citizen who was interested in attending the meeting. He stated he is a 21-year veteran of the FBI and he has spent a lot of time with Federal Attorneys, Prosecutors and pretrial services. He is just here to move the program forward and work inside the board.

Jeff Homan, Director of Juvenile Court Services Unit stated that the Juvenile Court Services Unit has been open the whole time during the COVID-19 pandemic in order to process emergency protective orders and walk-ins. The process has been similar to CJS with using conference rooms and Intensive Officers would visit the youth and see the clients visually through the door with no contact. The employees have been using facetime and have state issued cell phones.

Peter Meletis has stated that the Adult Detention Center had 65 inmates that were tested positive for Covid-19 and 16 staff have been positive. Today they have no inmates or staff that are positive. The key initiatives are temperature checks everyday for anyone that comes into the facility. There is a quarantine pod that is set up to keep individuals who come into the jail separated for 14 days prior to going into the general population. The State Department of Corrections had 1140 inmates test positive.

Amy Ashworth announced the courthouse is trying to get back on track, so they are hearing some cases. They are still working on a plan as to how to do jury trials.

Devan Kirk stated that the Magistrates Office has implemented procedures where they can do video hearings. They’ve also put an additional computer in for staff to work with as well as work with stakeholder to implement other policies.

Keith Nguyen Manassas Park Government Representative announced that City Hall has been reopen for about a month and a half with protective measures in place. A few larger facilities will reopen this week and that is the Community Center as well as the Library. He also stated that the schools will be virtual the first quarter.

Carl Dorr announced City of Manassas Police Department is slowly getting things back on track.

Levi Bass stated that the Department of Social Services never closed down and the population remained high or at normal capacity. They supervised individuals through GPS and Skype. As relating to Juvenile Detention and the Juvenile Shelter, the Juvenile Court Services detaining has helped the population in those areas stay low.

Peggy Anthony stated that State Probation and Parole received state issued cell phones and made contact with their clients through virtual meetings, cell phones and facetime throughout the pandemic. They’ve been discussing using a room at the lower level of the building so that employees can bring their kids in to reduce the stress of school and daycare. The Department of Corrections has been doing a phenomenal job with early releases.

**Adjournment (Item 12)**

Vice Chairperson Peggy Anthony asked for a motion to adjourn the meeting. **The motion was made by D. Brad Marshall and seconded by Jeffrey Homan. The motion was passed unanimously, and the meeting was adjourned at 6:02 p.m.**

**Next Meeting: Tuesday October 27, 2020**

**Location: TBD**

**5:00 p.m.**