

## **Rockingham/Harrisonburg Community Criminal Justice Board (CCJB)**

County Administration Center, Fire & Rescue Classroom  
February 23, 2015 @ 4:00p.m. Call to Order

### **Meeting Minutes**

Board members present –

Marsha Garst – Commonwealth Attorney  
Sheriff Bryan Hutcheson – Rockingham County and City of Harrisonburg  
Judge Bruce D. Albertson – Circuit Court  
Judge Richard Claybrook – General District Court  
Pablo Cuevas – Rockingham County Board of Supervisor  
Kai Degner – City of Harrisonburg Council Member  
Joseph Paxton – County Administrator  
Kurt Hodgen – City Manager  
Louis Nagy – Defense Attorney  
Don Driver - Department of Social Services  
Lacy Whitmore – Community Services Board  
Dr. Scott Kizner – Harrisonburg City School Superintendent  
Lt. Sites for Chief Stephen Monticelli – Harrisonburg Police Department

Board Members Absent – Monica Martin – Chief Magistrate

Chief Lee Shifflett – James Madison University Public Safety  
Chaz Evans-Haywood – Clerk of Circuit Court  
Judge David O'Donnell – Juvenile & Domestic Relations  
Dr. Carol Fenn – Rockingham County School Superintendent

Staff present - Ann Marie Freeman, Director Court Services Unit

Chairman Cuevas welcomed the Board members and community citizens to the informational meeting. He explained that the purpose of the meeting was to update the Board and public on what has transpired and where the process stands. He informed the group that there is no public hearing scheduled. Chairman Cuevas hopes citizens will continue to be interested in the jail alternatives and indicated a meeting will be scheduled later to receive public input.

Chairman Cuevas indicated some governmental jurisdictions have not officially approved the Resolutions to join the reconstituted Middle River Regional Jail Authority. He explained it will be important to allow the other member jurisdictions and the administration of the Middle River Regional Jail to participate in developing alternative programs on a regional basis, rather than just in Harrisonburg and Rockingham County.

Chairman Cuevas said the Honorable Judge John Paul, Chairman of the Task Force on Alternative Programming, that is gathering information and receiving input regarding alternative ways of dealing with incarceration, will provide an update to the Board. The Board will also hear from Faye McCauley

from Middle River Regional Jail. County Administrator Paxton and City Manager Hodgen will outline the negotiations that have occurred. Chairman Cuevas explained that the CCJB is technically an advisory board, not a board that makes laws, decisions, rules or regulations. The Board tries to provide input to the City and County on items dealing with courts and public safety in our communities.

Stan Macklin, a community member in the audience, indicated he wanted to appeal the decision not to permit public comment according to the proper rules of order. Another man in the audience seconded the appeal request.

Chairman Cuevas said the CCJB was structured to operate in this manner. Chairman Cuevas assumed the two men wanting to appeal were City residents and explained the proper procedure would be for them to attend the City Council Meeting and provide their recommendations to the Council. The City Council could then inform the CCJB of recommendations received from citizens. The Board can consider the recommendations and vote on them, if they so choose. Chairman Cuevas said it is not within his jurisdiction to change the manner in which the Board was established and the way it has functioned over the years.

In response to a comment from Mr. Macklin, Chairman Cuevas stated the committee is called the "Community" Criminal Justice Board because it was established by both local governments to run in a certain manner, and he does not have the authority to change the procedures. Mr. Macklin asked if, according to Roberts Rules of Order, the Board could make a decision regarding a public comment period since the Board has a quorum. Chairman Cuevas stated that could be done at the proper time and in the proper manner; the proper time would be after City Council and the Board of Supervisors take action and make suggestions regarding how the CCJB conducts meetings. Then it would be up to the Community Criminal Justice Board to consider that recommendation.

Mr. Macklin questioned whether taxpayers have a say regarding the CCJB agenda. Chairman Cuevas responded they would not today, because the items on the agenda had been established and there was no public comment or input on the agenda.

Mr. Macklin indicated that, according to Roberts Rules of Order, if there is an appeal and it has been seconded, a decision could be made by the body concerning the opportunity for input. Chairman Cuevas indicated the CCJB is an advisory board that works under the jurisdiction of the City Council and Board of Supervisors, who are the bodies that make the rules, regulations and suggestions as to how the meeting should proceed. He did not think the advisory board had the authority to make that type of change.

Mr. Macklin stated the advisory board is spending millions of dollars, which seems a little bit more than advisory to him.

Chairman Cuevas indicated the CCJB does not make decisions on millions of dollars. The Board listens and is a sounding board for the two governments. The Board of Supervisors and City Council have the sole decision making authority on the expenditure of local funds.

Mr. Macklin said he heard what Chairman Cuevas was saying but felt he had no voice and there was no sense in him attending the meeting.

Chairman Cuevas indicated he was sorry Mr. Macklin felt that way and reiterated citizens have an opportunity to provide input and suggestions to the City and County government.

A number of people in the audience left the meeting and placed a sign on their chair. Judge Paul offers to speak with the group in the hallway.

On motion by Mrs. Garst, seconded by Dr. Kizner, the December 8, 2015 minutes were approved. The motion passed unanimously.

City Councilman Kai Degner was welcomed as a new Community Criminal Justice Board member.

On motion by Mr. Paxton, seconded by Mr. Hodgen, Kai Degner was appointed as Vice Chairman of the Community Criminal Justice Board. The motion passed unanimously.

Messrs. Hodgen and Paxton provided an update on the Middle River Regional Jail - Refer to press release dated February 4, 2015.

Mr. Degner noted the Board endorsed documents requesting a jail construction project to the state at the February 23, 2015 meeting. He asked if the Board would vote to ask the City and County to rescind that request at this time. Mr. Paxton indicated if the City and County approve the agreement and all five jurisdictions approve the agreement, a decision will be made then to send a letter to the state that the City and County no longer are applying for stat funding and to discontinue that part of the Community-Based Corrections Plan; the facility component of that would already be addressed.

Mr. Degner asked if the Board needed to vote on this item and Mr. Paxton indicated the Board could recommend that, but it did not seem necessary because the facility will not be needed. Mr. Hodgen said the Board would not want to do that until all parties have signed the agreement.

Faye McCauley (Policy Development and Research) and Amber Woodson (Programs) from Middle River Regional Jail (MRRJ) provided an overview of their job duties and role at MRRJ. They indicated they are looking forward to the partnership with the jurisdictions.

Judge Paul provided an overview of work accomplished by the Task Force on Alternative Programming that studies and designs alternative jail programs. Even though the task force has only met once, they have addressed several issues.

He said the Task Force on Alternative Programming is seriously hampered by the lack of data regarding who is in jail, how and why they are incarcerated. Deputy County Administrator Stephen King is working with staff to identify software that can be utilized to provide this information in the future. There have been discussions with the Commonwealth's Attorney regarding rewording some of the plea agreements to make certain alternatives more favorable. Judge Paul's goal is to develop alternative programs that will reduce the jail population, reduce the number of people needing incarceration and help inmates to be responsible citizens when they are released. Judge Paul indicated citizens who have suggestions for alternatives may contact him at 879-3747.

Chairman Cuevas said he hopes Judge Paul is willing to lead a public meeting to give citizens an opportunity to provide input.

Mr. Degner said it is commendable to involve the Task Force on Alternative Programming and indicated he would be happy to make a motion to establish and empower the task force, if one is needed.

Chairman Cuevas explained he established the Task Force on Alternative Programming and appointed Judge Paul as chair at the December 8, 2014 CCJB meeting, with no objection from the Board.

Chairman Cuevas confirmed for Mr. Degner that the Task Force on Alternative Programming was formed to explore alternatives to incarceration, and provide budgeting and program recommendations to both governments. The task force will present suggestions from citizens and information obtained from facility visits to the Board.

On motion by Mr. Degner, seconded by Dr. Kizner, the Task Force on Alternative Programming will explore alternatives to incarceration and report back to the CCJB. The motion passed unanimously.

Dr. Kizner raised concerns regarding the education piece in the process. He noted the Moseley report provided the percentage of incarcerated individuals without a high school diploma. Dr. Kizner said the school system plays an important role and would be willing to participate.

Mr. Paxton said his recollection during discussions was that different members of the Task Force on Alternative Programming were encouraged to reach out to others such as Schools or the Commonwealth's Attorney as suggestions surfaced that involved that entity. The desire was to have a small working group to function efficiently. He explained that there may not be a school issue each time the group met. The thought was to have representatives from the community as well as elected officials. Following that rationale, Mr. Paxton indicated the Task Force on Alternative Programming did not need to have members from the Community Services Board or Social Services either. Otherwise, the committee would have considerable members. The Task Force on Alternative Programming consists of the City Manager, City Representative, County Administrator, County Representative, Ruth Stoltzfus and Judge Paul. Resources to the Task Force include Sheriff Hutcheson, Commonwealth's Attorney Garst, Deputy County Administrator King, and Director of Court Services Freeman.

Mr. Degner indicated the CCJB has so many different perspectives because there are many pieces to the criminal justice system. He noted that other communities have many working groups that deal with various detailed aspects affecting the system. He said he was asking for clarification to confirm the Task Force on Alternative Programming is not overburdened. He said the concept of working groups is good because there could be a prevention workgroup with experts trained in prevention or people focused on data sets that could help with collecting the data we do not have. He noted the Task Force on Alternative Programming is set up to look at alternatives to incarceration, not necessarily prevention, which is an important role that could be the focus of a workgroup with that expertise.

Chairman Cuevas indicated he has a great deal of trust that Judge Paul will make sure the Task Force on Alternative Programming involves resources such as Social Services or the Community Services Board to provide information without violating the confidentiality of the people they serve. The school system has the same situation because disciplinary action is confidential. He said the input the Task Force receives has to be useful but respectful of the rights of individuals.

Chairman Cuevas indicated some CCJB members did not attend the CCJB meeting today. They are a large part of our community and are essential to these meetings, he said.

A man in the audience said he had a quick yes or no question.

Chairman Cuevas said he explained at the beginning of the meeting that he or Judge Paul would be glad to meet with people after the meeting to hear their individual comments.

The man in the audience said he thought Chairman Cuevas' answer was no.

Mr. Driver commended the Board, Task Force on Alternative Programming and community. He said the City and County have known for a long time that they had a jail issue. The study provided emphasis and a catalyst for positive discussion. Middle River Regional Jail provides many opportunities and programs that have been discussed for some time. He indicated that, as the group talks about structure and committees, they need to be careful that the driving force does not subside. Mr. Driver said there may be opportunities to keep moving forward and do some things differently; it is not going to be business as usual. He believes this opportunity for change is very positive. After hearing people talk, he thinks the consensus is to continue moving forward and look at doing business differently.

Chairman Cuevas adjourned the meeting at 4:52.