

*In accordance with Virginia Code § 2.2-3708.2, Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on September 15, 2020, and Chapter 1289 of the 2020 Acts of Assembly as amended, I hereby call for a **MEETING BY ELECTRONIC COMMUNICATION MEANS** of the Human Rights Commission. This meeting was held by electronic means using the Webex videoconferencing platform because of the COVID-19 Pandemic emergency.*

October 8, 2020

4pm

The purpose of the meeting is to discuss and transact the business of the Commission.

Members Present: Sylvia Nery-Strickland (Chairwoman), Dr. Virginia Jenkot (Vice Chairwoman), Beatriz Amberman, Zakkiyya Anderson, Joe Burnsworth, David Calliott, Thomasine Cubine, Jamal Gunn, Carla Hesseltine, Frances Knight Thompson, Emiliano "Jo Jo" Orencia, Luis Rivera, Teresa Stanley, Mark Stevens, Ron Taylor, Allison White, Rabbi Israel Zoberman

Staff Present: Stacy Hawks (Human Resources), Regina Hilliard (Human Resources), Dominique McKinnon (HRC Liaison)

Liaisons Present: Interim Chief Tony Zucaro, Lieutenant Scott Wichtendahl, Captain Henri Norris, Lieutenant Lois Thompson, Chief Deputy Victoria Thomson, Rod Ingram (Deputy City Attorney), Dr. LaQuiche Parrott

I. Call to Order/Roll Call

The meeting was called to order by Chairwoman Nery-Strickland at 4:03 p.m.

Roll Call of the Commissioners was taken. Commissioner Burnsworth, Gunn, and Orencia connected to the meeting after Roll Call was taken.

II. Minutes Approval

Vice Chair Jenkot made a motion to approve the minutes. Commissioner Rivera seconded the motion. By a vote of 14-0, the minutes from the September 10th meeting were approved.

III. Presentation from the Sheriff's Office

Captain Henri Norris was joined by Lieutenant Lois Thompson and Chief Deputy Victoria Thomson in presenting the Commission with an overview of the operations of the Sheriff's Office including the demographics of the workforce and the recruitment process. The recruitment standards for the applicants are:

- Must be a U.S. Citizen
- At least 20 years of age
- High School diploma or GED
- Required to take a physical ability test – a new standard that will be included in the next round of the hiring process

Once an applicant has been accepted, they must submit to the following:

- Fingerprinting
- Background Investigation – including driving record and credit check
- A written test
- A panel interview

Captain Norris reported on the new contract the Sheriff's Office has with Mediko Correctional Health Care. The contract started in August 2020 and provides the jail with a doctor and physician assistant on-site, a Health Services Administrator and RNS and LPNs. There are also sworn medical liaisons who interact as advocates between the courts, and family and medical services.

Lieutenant Thompson reported on mental health treatment within the Virginia Beach Correctional Center. She highlighted the new in-house mental health facility and the funding that the Sheriff's Office received from the Virginia General Assembly in 2019, for a new comprehensive improvement program for mental health. With this new program, the Virginia Beach Department of Human Services staff members were integrated into the Virginia Beach Correctional Center and there are 12 DHS staff positions at the VBCC. Inmates in the facility are offered on-site and virtual care, the staff makes sure that their medication is in order and the inmates are given care plans upon release from the facility. In November 2020, the program will be a year old and of the 58 discharges, there have been promising results with successful housing placement, engagement in outpatient treatment, access to benefits such as Medicaid, Social Security and food stamps, and 97% have not returned to jail since reentering the community.

Lieutenant Thompson reported that there are currently 1,069 inmates in the VBCC. Inmates have access to services such as:

- Mail service
- Law library
- Medical treatment
- Laundry
- Canteen
- Fresh Food Favorites – Care Mart
- Recreation – at least once a week

The VBCC is also in its second year of providing inmates access to tablets so they can now FaceTime with family and friends in case they cannot come to the facility to visit. They can also download movies, books and games to these tablets. Captain Norris added that amid COVID-19, inmates are allowed a 5-minute phone call once a week for free.

Lieutenant Thompson reviewed the FY20 Inmate programs that assist with rehabilitating inmates so they can reenter society:

- Alcohol Substance Abuse Program
- GED Program – they are currently learning virtually
- Religious Block – The VBCC has Chaplains on staff
- Veterans Block – staff puts inmates in touch with the VA to help them get the benefits that they need

The VBCC also has Alternative Sentencing Programs such as Electric Home Incarceration Program (EHIP), Re-entry Program and Weekenders Program. The Re-entry Program teaches inmates life learning skills like balancing a checkbook, how to deescalate situations, or how to take care of their children. The program is designed to motivate inmates not to return and as a result, for the fiscal year 2020, they have only had one graduate of the program return.

Captain Norris reported on the Criminal Intelligence Unit (CIU) and the K-9 Unit within the Sheriff's Office. The CIU investigates and prosecutes criminal misconduct or rule violations committed by VBCC inmates. The K-9 unit currently has two dogs – K9 Candy and K9 Gaston who perform operational searches for drugs and explosives.

Captain Norris gave an update on COVID-19 in the VBCC and reported that currently, they do not have any cases of COVID-19 in the facility. Since March, they have had 5 inmates and 7 deputies test positive. He commended Sheriff Stolle and the Chief Deputies for being proactive in keeping the count of COVID-19 cases low.

Commissioner Amberman asked what type of crimes immigrant inmates are convicted of and at what point are Immigration and Customs Enforcement called. Lieutenant Thompson stated that immigrant inmates are normally brought in on misdemeanor charges such as DUI and assault. Immigration and Customs Enforcement are notified when the intake process starts and will contact the VBCC within the hour to let them know if they want to speak with the individual. Due to COVID-19, Immigration and Customs Enforcement have been conducting phone interviews. If the individual makes bond and ICE does not issue a warrant to pick them up, the individual is released.

Vice Chair Jenkot asked what procedures are in place for LGBTQ individuals. Lieutenant Thompson stated that during intake there is a questionnaire that an individual completes, and it asks about the individual's gender identity. Dependent on their response, a classification officer will determine the right area for the individual to be housed in the facility.

Commissioner Taylor asked if the VBCC connects individuals with mental diagnoses, that have been released, with resources outside of the facility to help keep them stable. Captain Norris and Lieutenant Thompson both reported that the VBCC works closely with social services, the Community Service Board, Pre-Trial and the medical liaisons to make sure the individual has assistance. Commissioner Taylor asked about the minority demographics for the command staff. Captain Norris and Lieutenant Thompson reported that command staff consists of the County Sheriff, the Chief Deputies, the Captains and Lieutenants. Currently, they have one African American captain, 1 African American lieutenant, 1 Latino captain and 1 Latino lieutenant. Out of the 12 lieutenants and 8 captains, 9 are women.

Commissioner Rivera asked about the department's recruitment efforts to increase the number of Hispanics in their workforce. Captain Norris stated that they hold recruitment events and reach out to colleges, but COVID-19 has hindered their efforts to resolve their shortage of personnel. Lieutenant Thompson reported that the Sheriff's Office partnered with VBPD on the Hispanic Citizens Academy as a part of their recruitment efforts.

Commissioner Anderson asked how long the department will follow up with offenders after their release from the mental health program. Captain Norris stated that they would have to speak with the other agencies such as CSB to get those statistics on those individuals. Commissioner Anderson also asked about pre-trial diversion programs for severely mentally ill offenders, so they don't lose their services for non-violent petty offenses. Chief Deputy Thomson stated that their hope is that mental health screening prior to incarceration to keep severely mentally ill individuals out of the VBCC.

When individuals don't qualify for services, the VBCC does everything they can to accommodate them and works to get them back into court to try to get them committed to a facility for treatment. Commissioner Anderson asked if there is a process for the offenders to vote in the upcoming election. Lieutenant Thompson report that for the inmates that are not convicted felons, they can vote by absentee ballot. The inmate or one of their family members can request the ballot, the ballot can be mailed or brought to the VBCC. A mail clerk will be assigned to the ballot and will take it to the individual. They will wait for the inmate to complete the ballot and the mail clerk will take the ballot to the post office.

Commissioner Stanley asked about the pre-trial population and what percentage can make bail because it's a concern when it comes to economic access.

Commissioner Stanley asked if the one free phone call a week includes the video chat. Chief Deputy Thomson stated that the 5-minute free phone call is just a phone call, there is no video component. She also asked about the percentage of inmates that are allowed into the Re-entry program. Lieutenant Thompson stated that inmates have to submit an application and are then interviewed by staff members to make sure they are willing to do the work in the program. Chief Deputy Thomson reported that 10% of the VBCC population are incarcerated for misdemeanor charges and 90% of the population are incarcerated for felony offenses. A lot of the population is not going to qualify for the Re-entry program based on the amount of time they are expected to serve and once they are sentenced, they become Department of Corrections inmates. Lieutenant Thompson stated that the Department of Corrections has a Re-entry program and she works with them if one of her program participants receives felony charges. She will contact the DOC to let them know the inmate is in VBCC's program in hope that they get accepted to the DOC's program. Commissioner Stanley inquired if there is implicit bias training for sworn officers and Lieutenant Thompson confirmed that implicit bias training is required by the department of criminal justice services. She also asked about the COVID-19 testing protocol within the VBCC and Chief Deputy Thomson stated that they tested all of the inmate population as well as staff when they had an outbreak of two or more cases. They have not done mass testing since that outbreak, but anytime there is an outbreak, they conduct testing.

Commissioner Stevens stated that the young man he was assisting who suffers from mental illness, was called into Norfolk Police department as a suicide, but was transferred to Virginia Beach because of an open warrant and was brought to VBCC. Commissioner Stevens asked if the information about the mental health of a transferred inmate is passed on to the VBCC. Lieutenant Thompson reported that when a person comes from another jurisdiction, medical forms are transferred with them. The VBCC medial staff will review those records and contact the other jurisdiction if they have any questions. Commissioner Steven also asked if there was a point where a mental health cases gets too difficult and the inmate is transferred to a hospital to get the proper care. Chief Deputy Thomson reported that a court order is required to transfer an inmate to a hospital for care. Captain Norris added that when they have an inmate who is considered severely suicidal, they go on direct occupancy where deputies are assigned to watch that individual 24 hours.

Commissioner Hesseltine asked who the contact is for the CSB and Lieutenant Thompson responded that Dr. Cuffee is the contact. She also asked if the new physical ability test will be required for current deputies and Chief Deputy Thomson stated that at this time, the physical ability test is for new hires.

Commissioner Cubine asked when re-entry services are set up for inmates and Chief Deputy Thomson reported that they start setting up re-entry services for inmates when they step foot into the facility.

Chair Nery-Strickland asked what happens in the time between a person's arrest and their arrival at the jail. Chief Zucaro reported that the officer will take background information on the individual, paperwork will be prepared and sent to the Magistrate Office to secure the arrest warrant, there will be a bond hearing and then the Magistrate will determine if the individual is released on bond or placed in custody with the Sheriff's Office. Chair Nery-Strickland asked about the process of arresting a person in crisis and Chief Zucaro stated that depending on the circumstances, a certified CIT officer will make an assessment on-site. Depending on the results of that evaluation, the individual will either be transferred for mental health evaluation and services or to the Magistrate for criminal processing if the offense is a severe criminal act. Chief Zucaro reported that the department started a mobile co-responder program where Human Services clinicians ride with CIT trained officers and they work certain hours based on statistical data on high calls for service. Chief Zucaro offered to update the Commission on the Crisis Intervention Team and the initiative on the mobile co-responder. Chair Nery-Strickland accepted the offer to have that presentation at the next meeting in November. Commissioner Cubine asked if Mental Health Emergency Services can be included in the CIT presentation and Chief Zucaro stated that he would invite Sarah Cornet from Human Services to participate in the presentation.

Commissioner Stanley asked what percentage of individuals eligible for bond or bail, cannot get bond or bail because they do not have the economic access. Chief Zucaro stated that it would be difficult to obtain information on individuals' ability to secure financial backing to make bond. Chief Zucaro and Chief Deputy Thomson stated that they do have access to data on the name of offenders, their charges and their bonds.

IV. Chairman's Report

Chair Nery-Strickland reported that there was an Executive VAHR meeting on September 28th and they discussed that the Annual meeting in June will be rescheduled for October. The Annual meeting will be focused on reorganizing considering how many new members have joined.

V. Committee/Liaison Reports

Regina Hilliard stated that during the Mayor's African American Roundtable, the recommendations for the IRP from the City Manager, Patrick Duhaney, were reported out to the group. There was discussion surrounding information that Delegate Guy provided on changes to citizen review panels that are being considered on the state and federal level. It was being communicated that localities were going to be give certain powers such as subpoena powers, but in actuality, that has not been concluded. Dr. Parrott reported that she was present for the meeting to get feedback on how VBCPS can show respect and awareness for Juneteenth in 2021 during graduations.

Chair Nery-Strickland reported that Vice Chair Jenkot continues to share the COVID-19 stats every Friday.

Commissioner Hesseltine reported that the presentation this evening from the Sherriff's Office answered some of her questions so she will be adding them to her Law Enforcement Oversight Committee report and sending out to the Commission. She added that she spoke to Councilman Berlucchi regarding the expansion of the membership of the IRP and that decision is on hold.

Commissioner Gunn stated that the only updates he has on recent legislative actions were reported out during the Mayor's African American Roundtable update.

Commissioner Thompson reported on the possibility of the Racial Tension Task force working with the Forums Committee on rescheduling the forum on race that was supposed to happen in March.

Commissioner Hesseltine reported that the 2021 legislative package for the Council of Aging is to restore Medicaid dental benefits for seniors, mandates sick leave for direct care workers in nursing homes, restore the funds for dementia specific case management, and require training for on LGBTQ cultural competency for staff in nursing homes, assisted living and long term care facilities.

Commissioner Cubine asked if the Commission would consider having an overview of the mental health services in Virginia Beach, including NAMI and the mental health division of the Human Services department. She will send out some information regarding some legislative information on STEP-VA.

Chief Zucaro reported that the City Manager selected Paul Neudigate as the new Chief of Police for the Virginia Beach Police Department, effective Wednesday, October 14th. Chief Neudigate comes from the Cincinnati Police Department as an assistant Chief with 30 years of experience. He will start his training on Monday morning, including an extensive transition and welcoming packet. He was present at the Mayor's African American Roundtable offered some brief remarks on his vision with the department. Chief Zucaro stated that he will be working with the new Chief to ensure a smooth and successful transition, including introducing him to the Human Rights Commission. He will also be working with the new Chief to determine who will assume his role as the HRC liaison for the VBPD. Chief Zucaro stated that he will officially be leaving the organization at the end of the year.

Commissioner Rivera asked Chief Zucaro about the kind of diversity and cultural awareness training that is being provided to new recruits coming into the Academy. Chief Zucaro reported that they hold a block of cultural diversity and bias training for recruits, as well as in-service and regular training for incumbents. Commissioner Rivera asked how many trainers in the Academy are considered minorities or persons of color. Chief Zucaro stated that of the four squad leaders in the Academy one is Asian, one is female and the other two are white males, and the sergeant for the Academy is an Asian male. He stated that the bulk of the instructors are drawn from throughout the department. Their African American population in the department is about 8-9% and their Asian and Latino population is about 17%. Total percentage of diversity in the department is about 13-14%. Commissioner Rivera asked if there have been any issues with candidates in the Academy that come from the military distinguishing between responding to civilians versus their former training of dealing with enemy combatants. Chief Zucaro stated that they try to vet those candidates out in the selection and recruiting process. There are candidates, with or without military training, who successfully complete the Academy and training and do not assimilate to the policies and practices that the VBPD mandate. They have a very stringent workforce accountability model and they identify employees, with or without military background, who fit the personality of someone not suited for community engagement. The department will take corrective action, use coaching and mentoring, but at some point, they make the decision to separate employment. When that happens, the department complies with the statutory authority to notify the Department of Criminal Justice Services regarding their certification. He stated that these practices are part of the proposed reform bill that the General Assembly is considering and that VBPD is already engaged in these.

Commissioner Stanley asked if Chief Zucaro can connect the new Chief with the stakeholder commitments that the department has made with community groups so that their work can continue. Chief Zucaro stated that he and the City leadership are committed to ensuring the new Chief's

success and he has prepared information on pending projects, programs and initiatives for Chief Nuedigate.

Vice Chair Jenkot reported on an update on the Marriage Equality Act considering talk from a couple of Supreme Court justices about rolling back on the decision. The Marshall Newman Amendment still has the language that marriage is between a man and a woman. That needs to be changed in the Virginia Constitution and Equality Virginia is working on that, but it is a two-year process. Vice Chair Jenkot asked that the Commission keep this on its radar. Rod Ingram stated that with this change to the Virginia Constitution, if the Supreme Court were to roll back on marriage equality on a federal level, marriage equality would still exist in Virginia.

STiR Liaison Walker reported that the HRC Retreat was successful and the revisions to the Work Plan are under review. The second half of the Work Plan need to be revised and a “mini” Retreat needs to be scheduled to finish that work.

Dr. Parrott reported that they welcomed freshmen back to school at campuses and 6th graders to middle school. The VBCPS is using the Cohort model to bring students back to school. She stated that the VBCPS has been examining their School Resource Officer Program. They have been working with Chief Deputy Dean with the VBPD on reviewing the memorandum of understanding. The VBCPS will be hosting webinars in the coming weeks to reintroduce parents and the community to the School Resource Officers. She will send the schedule to Liaison McKinnon to share with the Commission. It is a great opportunity for people to get to know the SROs and learn what they do in the schools.

Commissioner Stanley reported that more than 150 people attended the Social Justice University event hosted by the Legislative Collaborative Table. Twenty-seven non-partisan groups come together to agree on an agenda slate about equity and justice. The Legislative Collaborative Table was heavily active in getting the Virginia Values Act passed. They plan more than 30 visits with all the delegates and senators in the region. Commissioner Cubine is the head of the disparities in health issues with the STEP-VA program. They will be discussing other issues in their meetings such as cash bail, systemic racism, the death penalty, voting access, environmental justice and housing. Commissioner Stanley added that the next Pastors/Leaders Police Relations meeting will be November 12th and she will send the minutes from the last meeting to Liaison McKinnon to be shared with the Commission.

Vice Chair Jenkot asked about the sign-up list to meet with the delegates and senators. Commissioner Stanley said that if you notify her that you would like to meet with your delegate and senator, she will let the event coordinator know so they can let you know when the visit will occur via Zoom.

VI. Staff Report

Liaison McKinnon reported that the final deadline for submitting your recordings for the Human Rights Day celebration video is Monday, the 12th. She will send out a reminder email to the commissioners.

VII. Old and New Business

Commissioner Gunn stated that the 20-year anniversary of the attack on the USS Cole will be on October 12th. He asked that everyone consider the heavy responsibility that is upon us in the up and coming election.

Commissioner Anderson asked about the City's lawsuit with Holloway and asked if the Commission will offer any comments about its opinion on this lawsuit. Rod Ingram stated now is not the best time as the lawsuit is underway.

VIV. Adjournment

Chair Nery-Strickland adjourned the meeting at 6:05pm.

Next Meeting:
Thursday, November 12, 2020 @ 4:00 p.m.
Virtual Meeting