

*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.*

November 12, 2020
4 p.m.

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, Morgan Ellis, Jamal Gunn, Carla Hesseltine, Frances Knight Thompson, Hannah Mancoll, Emiliano "Jo Jo" Orenca, Luis Rivera, Teresa Stanley, Mark Stevens, Ron Taylor, Allison White, Rabbi Israel Zoberman

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

Liaisons Present: Interim Chief Tony Zucaro, Captain Bill Zelms, Sergeant James Gordon, Cheryl St. John, Councilman Berlucchi, Rod Ingram (Deputy City Attorney), Dr. LaQuiche Parrott, Dorothy Holtz

I. Call to Order/Roll Call

The meeting was called to order by Chairwoman Nery-Strickland at 4:04 p.m.

Roll Call of the Commissioners was taken. Commissioner Orenca connected to the meeting after Roll Call was taken.

II. Minutes Approval

Commissioner Amberman asked the Deputy City Attorney Rod Ingram about the accuracy of stating in the minutes that commissioners arrived at the meeting late. Rod Ingram proposed that the sentence be changed to read that the three commissioners connected to the meeting after Roll Call was taken. Commissioner Amberman made a motion to approve the minutes with the correction. Commissioner Rivera seconded the motion. By a vote of 18-0, the minutes from the October 8th meeting with one correction were approved.

III. Legal Presentation

Deputy City Attorney Rod Ingram gave an overview of the legalities that the Human Rights Commission is required to follow. He reviewed the following topics:

City Code – Chapter 2, article 26 addresses the Human Rights Commission. It outlines the duties and function of the Human Rights Commission, the number of members and how they are appointed, and the term limit of no more than 3 consecutive 3-year terms. There is a

provision whereby a member could be appointed to additional terms under certain circumstances.

The City Code also addressed attendance requirements. A member may accumulate no more than 3 unexcused absences in a calendar year. Absences will be excused for personal illness, death or unusual circumstances. For in-person meetings, if you know in advance that you are unable to attend, you may contact the Chair and Staff Liaison to make arrangements to participate via electronic means. Participating remotely will not count as an absence, but you are limited to 2 remote participations per calendar year unless you have a medical reason.

HRC By-laws address the election of officers, their duties, the frequency of HRC meetings and the number of members needed to constitute a quorum, which is a majority of the current membership. The by-laws also specify that a majority vote of all members of the HRC, not just the majority of those present at the meeting, is necessary for any official action by the Commission.

Virginia Freedom of Information Act (FOIA) governs citizens' access to public records and meetings of public bodies. Minutes, emails, text messages, handwritten notes and recordings are public records and subject to disclosure. The City is required to respond to any FOIA request within 5 business days and because of this tight timeline, Rod Ingram suggested that the Commissioners forward any emails or communication regarding HRC business to the Staff Liaison. If a citizen or member of the press makes a request to you for HRC records and you do not have access to those records, contact the Human Resources staff as soon as possible.

The Freedom of Information Act defines public meetings as the gathering of 3 or more members of a public body (which includes the HRC as well as subcommittees) or a majority of any subcommittee that only has two or three members. Public notices are required for all meetings of the Human Rights Commission and its subcommittees. All meetings of the HRC are public, and the HRC or a subcommittee may only convene a closed session under very limited circumstances, such as the discussion of the Human Rights Award nominees.

The State and Local Government Conflict of Interest Act – Rod Ingram reported that as an advisory board, it is unlikely that the Human Rights Commission would have a legal conflict of interest. The act concerns a public employee's or official's financial interest in business or land that is subject to a government contract or transaction. The HRC typically does not enter into contracts or purchasing decisions; that is done by staff. If for example, the HRC was to vote on a catering company for an event, and your spouse works for a catering company, you should abstain from a vote on whether your spouse's employer should receive the catering contract. Rod suggested that if you ever think you have a conflict regarding an HRC vote, you can abstain or ask him if there is a conflict.

Press Relations, Sponsorship procedures and the reporting of volunteer hours – Rod advised that if a member is contacted by the media, the best practice is to refer the person to the Chair who serves as the spokesperson for the HRC. If the media contacts you and you want to share your own perspective on the matter, you are free to do so, just be sure to clarify that you are speaking for yourself and not on behalf of the Human Rights Commission. There is a written sponsorship procedure that the HRC must follow if they choose to solicit donations or sponsorships. Volunteer hours must be reported on the volunteer hours form provided by staff. The hours are tracked to inform City Council, City leaders and the citizens of the value of the work that the volunteers are doing.

Commissioner Rivera asked for clarification on a meeting that involves two commissioners. Rod stated that in the rare cases that a subcommittee has only 3 members, if 2 members are present, then it is considered a meeting that requires public notice.

Commissioner Stevens asked about volunteer hours that may cross over into work for the other organizations he is involved in. Rod stated that if during a meeting he is representing one organization, but then states that he is speaking on behalf of the HRC, regarding HRC business, then that counts as volunteer hours for the Human Rights Commission. He suggested using your best judgement and if in doubt, don't count the hours.

Chair Nery-Strickland asked about two or more members attending the South Hampton Roads Legislative Collaborative Table. Rod clarified that if two or more HRC members are attending meetings for this group and discussing HRC business, a public notice must go out. He asked that the Staff Liaison be contacted not later than 4 days before the event so the public notice can go out by the requirement of 3 days in advance. Vice Chair Jenkot reported that the HRC members who attended the South Hampton Roads Legislative Collaborative Table are not there representing the HRC, but their own areas of interest. Rod stated that it is acceptable as long as the members present don't discuss HRC business with each other during those meetings.

IV. CIT Presentation by the VBPD

Deputy Chief Zucaro introduced Captain Billy Zelms, the interim VBPD liaison for the Human Rights Commission, Sergeant James Gordon, the point person for the CIT program and Cheryl St. John, a clinician with Human Services.

Sergeant Gordon started the presentation with a timeline of the CIT program, demonstrating its growth and development since 2008. He reported that the VBPD conducts four 40-hour CIT classes a year and all 782 officers have been trained in some form of CIT awareness and recognition. The creator of the CIT program offered advanced training to the department and the law enforcement training academy. Units such as SWAT, Hostage Negotiators, SRO's, Warrant and OCOP (Oceanfront Community Policing) are mandated to receive an extended CIT training called CIT 40. These units were selected because of their high propensity to interact with individuals that are in crisis.

Sergeant Gordon reviewed the statistics of the CIT calls that the department received from October 2019 to October 2020. The data presented the amount of time spent on those calls, which does take up a bit of time and the department encourages the officers to take as much time as they need to respond to these cases appropriately. CIT received 3200 calls for service and spent over 1100 hours on those cases last year.

In 2017, the CIT Supplemental Unit was implemented, and this unit focuses solely on CIT calls which helps to improve the response to people dealing with mental illness. This also frees up officers who are not CIT certified and allows them to answer calls that are not crisis related. In 2018, the Mobile Co-Responder Team was implemented to provide an expedited response to individuals in crisis with CIT officers riding to the scene of a call with Emergency Services. Emergency Services provides on-scene medical assessments and can determine the appropriate treatment. The unit has been very successful with 72% success rate with the reduction of recidivism. The unit received over 1110 calls for service since its implementation. The data also showed the number of calls that were referred to services that

the unit was able to provide, and this helped free up the bed load of mental health facilities. In 2019, the unit was able to expand their hours to meet the needs based on the success of the program.

In 2020, a Mobile Crisis Stabilization program, a partnership between Human Services and the Police Department, was created to provide follow-up to individuals in need. Emergency Services will go out to these individuals to make sure that they are aware of all the services available and help them get access to these services to prevent them from going back into crisis.

Cheryl St. John reported on the Emergency Services role in the CIT program. Emergency Services is part of Virginia Beach Department of Human Services Behavioral Health and Developmental Services, and they provide 24 hours per day assessment and intervention for citizens in crisis. They have a 24-hour crisis line where people can call for themselves, or friends and family can call for a person in crisis to speak with a clinician. They have on-site location, provide mobile assessments at schools and hospitals and they are part of the Mobile Co-Responder Team. With COVID-19, they are now providing care through telehealth means. During the assessment, they check to see if the individual meets the criteria for involuntary hospitalization and if they don't meet that criteria, Emergency Services will make sure that the individual gets the services that they need. The assessment may even extend to family members and other medical providers to make sure they know the context of the crisis to ensure the individual receives the appropriate level of care. Cheryl reported that from 2019-2020, out of the 2,535 assessments completed, 1,265 were supported for temporary detention orders (TDO) and the remaining half were followed up with from community services. Individuals who are determined to need TDO are referred to a local or state psychiatric hospital. If individuals disagree with the TDO, they have the right to appeal to the Magistrate to overturn that emergency services disposition as the Magistrate is responsible for issuing emergency custody orders. Emergency Services works to look for the least restrictive alternative to get an individual in crisis the services that they need.

Emergency Services also acts as a civil commitment hearing court liaison, representing the pre-admission screening. They also provide training for Human Services staff, such as crisis intervention and de-escalation training. Emergency Services also provide community-based crisis stabilization and residential crisis stabilization to avert hospitalization for individuals in crisis and keep them in the community. Cheryl added that with the Mobile Co-Responder Team, they have peer recovery specialists riding with police officers, someone individuals in crisis may be more likely to interact with and receive the message that help is available.

Sergeant Gordon reported that the goal of the CIT program in the future is single point access. One location where everything can take place – the evaluation, medical clearance, and medical screening.

Commissioner Rivera asked if a CIT certified officer has to be called when there is a situation where an individual is in crisis and how long does that response take. Sergeant Gordon reported that there is a high likelihood that at least one CIT certified officer is working a particular zone or shift that can respond to a call. CIT calls are broadcasted through all precincts and they also have a policy that states that any officer that is CIT certified can respond to a call anywhere in the entire city if they are needed. Commissioner Rivera asked how situations are handled with those that do not speak English. Sergeant Gordon reported that they use the language line through dispatch with a translator or they can call on a language specialist officer to the scene.

Commissioner Amberman asked if a copy of the presentation could be provided to the Commission and Deputy Chief Zucaro offered to send a copy to Liaison McKinnon for distribution. Commissioner Amberman also asked about the calls where individuals refuse service and if these cases develop into arrests. Sergeant Gordon reported that a person has to meet 1 of 3 criteria before they can be forcefully taken into services – the individual has to be homicidal, suicidal or unable to care for themselves. If they don't meet any of those criteria, that's when emergency services would be called in to speak with the individual about the services available to them. Ultimately, it is up to the individual if they want to access services and the post crisis follow up team can reach out to them the next day to see if they are more receptive. Commissioner Amberman asked about the funding that was allocated by the General Assembly for law enforcement education and if it would be a benefit for the Virginia Beach Police Department. Sergeant Gordon reported it would be useful with the training that they provide not only for the department, but also to other agencies within the region. The funds may be allocated to other cities that don't have as much funding and could benefit more. Deputy Chief Zucaro added that the VBPD has been successful in the past in receiving grant money for training.

Commissioner Stevens stated that he had to place a CIT call for an individual and the fire department was the first responder. He asked if there were any plans for the fire department to be CIT certified. Sergeant Gordon reported that they just trained their first EMS class and they have been contacted by the fire department about sending some of their officers through the program.

Commissioner Stanley asked if dispatchers are trained to identify a crisis call and how they handle those calls. Sergeant Gordon reported that Emergency Communications and Citizen Services (ECCS) is trained and ask key questions to recognize a CIT call. If it's even remotely possible that it is a CIT call, they will send out a tone to the entire precinct and that gets broadcasted over the radio for response.

Commissioner Stanley also asked if there has been an increase in CIT service calls with the COVID-19 pandemic. Sergeant Gordon reported that the number are only slightly higher. The increase that they have seen is in the wait times at the hospital for medical clearance. Individuals are waiting for test results and admissions into hospitals. Sergeant Gordon reported that they have had situations where the CIT program is contacting multiple hospitals for placement of individuals in crisis and hospitals are turning them down even when they have the capacity. They had a case where officers were waiting in emergency rooms with individuals up to 3-4 days. The TDO is only valid for 72 hours for an adults and 96 hours for juveniles. So, during most of the time of their TDO, they are not receiving the mental health treatment that they need. The department would like to see some accountability for these receiving hospitals to accept these patients when they have the capacity. It would take the strain off of state hospitals that are the bed of last resort and only have so many beds. Cheryl reported that they are looking into solutions for this problem.

Councilman Berluca reported that the Mobile Co-Responder Team was scheduled to be expanded in the 2021 budget, but the funding was reduced due to the COVID-19 pandemic. He asked what the capacity of the Mobile Co-Responder Team and the necessity is of moving forward with the expansion as they are considering formulating the budget. Sergeant Gordon reported that they are set up Monday through Friday from 12-10pm with one clinician and one officer, and they are also running their supplemental officers that are

trained as well. The expansion would allow for the team to expand their hours, clinicians and their availability throughout the day and into the weekend. Currently, they target the group based on the data of the highest call volume and where they can make the most impact with limited resources. The expansion would allow them to see more people in the field and expand their coverage. Councilman Berlucchi asked about the data on the gap in coverage and how much of the call volume are they meeting with the current size of the Mobile Co-Responder Team. Sergeant Gordon reported that they are meeting about a third of the calls that they receive. Councilman Berlucchi stated that he will be supporting the expansion of the funding for the Mobile Co-Responder Team and hopes that the members of the Human Rights Commission will join him in voicing their support to City Council.

Commissioner Cubine reported that part of the proposed funding for Step-VA would include mobile crisis intervention. During the special session of General Assembly, they reinstated that funding into the budget of 32 million dollars, but it will not be in effect until 2022. She stated that Virginia is 41st in access to treatment so a lot of strong advocating is needed for the funding of mental health.

Chair Nery-Strickland asked about the wait time in the ER and if it is in the waiting room, or if the individuals are assigned to a bed. Sergeant Gordon said that they were assigned to beds, but they were not receiving the mental health treatment that they need.

V. Committee Reports

Vice Chair Jenkot reported on the latest COVID-19 statistics of 45% of the cases in Virginia Beach are the age range of 20-39 and 51% of the cases in Virginia Beach are minorities.

Chair Nery-Strickland reported that the Pastors/Leaders Police Relations Roundtable is at 7pm.

Commissioner Amberman asked that the email regarding the IRP be a topic of discussion at the next Law Enforcement Oversight Committee meeting. Commissioner Taylor clarified that, that group is not connected to the African American Roundtable. He stated that from the African American Roundtable there is a resolution that will be put forward to City Council regarding changing the name of the IRP to the Citizens Review Panel and changing the composition of the board. Rod Ingram stated that as soon as he is notified by the Mayor to draft the resolution, he will do so.

VI. Adjournment

Chair Nery-Strickland adjourned the meeting at 6:02pm.

Next Meeting:
Thursday, December 10, 2020 @ 4:00 p.m.
Virtual Meeting