Jefferson Area

# **Community Criminal Justice Board**

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Albemarle ● Charlottesville ● Fluvanna ● Goochland ● Greene ● Louisa ● Madison ● Nelson ● Orange

**CCJB Meeting Notes**

**1/12/2022**

**Members present:** Hosea Mitchell, Sena Magill, Theodore Voorhees, Sherri Stader, Amy Morris, Hon. Richard Moore, Tripp Martin, Martin Kumer, Jim Hall, Avnel Coates, Ross Carew, Clarissa Berry, Tommy Barlow, Neal Goodloe

**New Grants**

**Grant #1:**  $500,000 (over three years) from the U.S. Department of Justice, to support the operation, and potential expansion, of the Albemarle-Charlottesville Therapeutic Docket. The Docket diverts misdemeanor and low-level felony defendants with behavioral health disorders from the traditional court process and ensures that they receive an appropriate level of treatment and case management.

[Mental Health Courts Program | Overview | Bureau of Justice Assistance (ojp.gov)](https://bja.ojp.gov/program/mental-health-courts-program/overview#:~:text=The%20goal%20of%20BJA%27s%20Mental%20Health%20Court%20grant,and%20support%20services.%20BJA%20funds%20projects%20that%20emphasize%3A)

**Grant #2:**  A technical assistance grant from the SAMSHA GAINS Center to help the Albemarle-Charlottesville community update its Sequential Intercept Model (SIM).  Technical assistance will be provided to plan for and hold a two-day workshop for 30-50 criminal justice and behavioral health professionals to create an action plan for improving services to criminal justice clients with behavioral health disorders, at each of six different intercept points in the criminal justice continuum.

[Intercept 0: Community Services | SAMHSA](https://www.samhsa.gov/criminal-juvenile-justice/sim-overview/intercept-0)

**Grant #3:**  A technical assistance grant from the National Association of Counties (NACo), which will provide consulting services to the Albemarle-Charlottesville EBDM Policy Team.  The EBDM team, which includes the leadership of all local criminal justice agencies and most behavioral health agencies, is seeking to create a new strategic plan, which will be facilitated through this technical assistance grant.  Albemarle-Charlottesville was one of only five sites selected in the first round of grant awards.

[NACo Launches Convening County, Court and Justice Leaders Initiative with Five Sites](https://www.naco.org/blog/naco-launches-convening-county-court-and-justice-leaders-initiative-five-sites)

**CCJB Strategic Plan**

The CCJB Strategic Plan, adopted in January 2019, has reached its original expiration date. The CCJB spent some time during the meeting discussing progress toward achieving the board’s objectives established three years ago, in preparation for updating and revising the strategic plan later this year.

Five of nine objectives were deemed to have been either completely or mostly accomplished, while three more were deemed partially accomplished. One objective (to form an ad hoc committee to develop a communication strategy) was not accomplished.

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| **GOAL 1:** | Recommend policies and practices in each member jurisdiction that builds on their strengths and addresses their unique criminal justice gaps and challenges. |
| **GOAL 2:** | Enhance CCJB members’ knowledge and understanding of evidence-based practices and strategies proven to reduce recidivism. Focus CCJB meetings on information sharing, knowledge building, and measuring progress to achieve strategic goals. |
| **GOAL 3:** | Increase the visibility of the CCJB within the Central Virginia region. |

**Green = Mostly Accomplished**

**Yellow = Partially Accomplished**

**Red = Not Accomplished**

**Objective 1-1: Provide CCJB members with jurisdiction-specific data and information that can inform local criminal justice decision-making. (Each meeting)**

**Objective 1-2: Meet with key stakeholders in each member jurisdiction to present and discuss jurisdiction-specific criminal justice data and their implications. (Yearly public presentation to each member jurisdiction)**

**Objective 1-3: With CCJB and key local stakeholders, develop and implement a plan of action to address jurisdiction-specific priorities. (Establishment of Drug courts in Fluvanna, Orange and Madison, Therapeutic Docket in Albemarle-Charlottesville, work with Reentry Councils in Albemarle-Charlottesville, Louisa and Orange, EBDM Policy Team in Albemarle-Charlottesville, Reentry Program at CVRJ)**

**Objective 2-1: Make CCJB members aware of available training opportunities, and relevant research and information. (Restricted by COVID. CCJB advised of available webinars)**

**Objective 2-2: Dedicate time at quarterly CCJB meetings to become more knowledgeable about evidence-based practices and strategies that work to reduce recidivism. (Presentations by UVa Capstone Teams, Pretrial studies, specialty dockets, etc.)**

**Objective 2-3: Utilize CCJB meetings to share information that may be relevant to the entire group. Highlight activities and progress made by member jurisdictions in addressing local criminal justice issues. Consider opportunities to share information and educate local stakeholders in CCJB member jurisdictions about evidence-based practices and strategies that work to reduce recidivism. (Every meeting)**

**Objective 3-1: Form an ad hoc committee to develop these ideas further and/or determine communications strategies that the CCJB may consider.**

**Objective 3-2: Identify opportunities to highlight the work of the CCJB. (Yearly annual presentations, presentations to reentry councils, presentations to EBDM, League of Women Voters, ACRJ and CVRJ Boards, etc)**

**Objective 3-3: Disseminate an annual “state of the region” report. (Completed in 2020 and 2021 for all member jurisdictions, both jail boards and the CCJB as a whole)**

**Open Meeting Laws**

The Criminal Justice Planner inquired as to whether the CCJB was in compliance with Virginia’s open meeting laws during the pandemic era. The Board agreed that Zoom links to meetings, and an agenda, shall be posted at least 3 days in advance of each meeting. Written minutes from the meeting and copies of any PowerPoint presentations shall also be posted.

**ACRJ and CVRJ Average Daily Populations**

* Each month, the Virginia Compensation Board prepares a spreadsheet documenting the Average Daily Population (ADP) for every Virginia jail for the preceding month.
* This spreadsheet offers the freshest view possible of emerging trends in the ADP, and enables comparisons between jails on a number of key metrics.
* The Virginia Compensation Board created the current data format for the ADP Report in June 2016. Since then, the data has included a breakdown of ADP by pretrial holds vs. sentenced inmates, local-responsible vs. state-responsible inmates, Federal inmates, HEM/HEI utilization and ADP by gender.
* Spreadsheets for each month, from June 2016 to November 2021 were downloaded by the Planner and compiled into a master database.
* From June 2016 through November 2021, ACRJ’s ADP decreased 17%. The highest ADP (496) was recorded in August 2019, while the lowest (306) was recorded in April 2020 (the first month of the COVID-19 lockdown). The most recent ADP recorded in November 2021 was 390 inmates (with ~65 HEI inmates included in this tally but not physically in jail).
* From 6/16 through 11/21, CVRJ’s ADP increased 10%. The highest ADP (444) was recorded in September 2019, while the lowest (362) was recorded in June 2020. The most recent ADP in November 2021 was 375 (with no HEI inmates recorded).
* Statewide, the total ADP for all of Virginia’s 65 jails declined 21% from 6/16 to 11/21. The highest ADP (29,803) was recorded in November 2017, while the lowest (22,080) was recorded in May 2020. The most recent ADP in November 2021 was 22,737.
* During the pandemic era, ACRJ and CVRJ both experienced the same “drop-rise-drop” pattern observed in the statewide ADP data for 2020 and 2021.
* From June 2016 through November 2021, ACRJ’s local-responsible population dropped 28%, while the state-responsible population fell a comparable 21%. Federal inmate ADP increased 150%, but the total number of Federal inmates remained a small percentage of the overall ADP (4.3% of all inmates in 11/21).
* From 6/16 through 11/21, CVRJ’s local-responsible population dropped a modest 2%, while the state-responsible population fell 21%. The Federal inmate ADP increased 325%. This increase had a significant upward impact on CVRJ’s total ADP, given that Federal inmates represent a far greater percentage of the overall ADP than at ACRJ (16.3% in 11/21).
* Statewide, local-responsible ADP dropped 21%, while state-responsible ADP decreased 20% from 6/16 to 11/21. The number of Federal inmates rose a modest 4% during that time frame, representing 7.4% of the total statewide ADP in November 2021.
* HEM/HEI is a form of confinement in which inmates are permitted to leave the jail and serve their sentence at home, under close electronic monitoring.
* ACRJ jurisdictions began using HEI extensively at the onset of the pandemic, and as of November 2021, ACRJ was the most significant per-capita utilizer of electronic monitoring in the state, with 35 sentenced HEI inmates recorded in LIDS and ~30 additional inmates released pretrial on HEI.
* By comparison, CVRJ jurisdictions, for the most part, did not utilize HEM/HEI during the pandemic. The highest HEM/HEI utilization recorded during the pandemic was two inmates in April 2021.
* ACRJ’s pretrial ADP fell 19% from November 2016 to November 2021, with all of that drop occurring after the onset of the pandemic. However, the drop was restricted to holds that did not involve a probation violation (down 32%). Holds that included a probation violation increased 122%.
* Conversely, CVRJ’s pretrial ADP rose 17% from November 2016 to November 2021, with all of that increase occurring after the onset of the pandemic. Nearly all of the increase was associated with holds that included a probation violation (up 71%).
* Meanwhile, the statewide jail pretrial ADP fell a modest 3% during the study period.
* The percentage of the ACRJ average daily population with holds that included a probation violation increased 170% from November 2016 to November 2021. In 11/21, pretrial holds that included a probation violation represented 7.5% of the jail’s total ADP.
* The percentage of the CVRJ average daily population with holds that included a probation violation increased 45% from November 2016 to November 2021. In 11/21, pretrial holds that included a probation violation represented 10.6% of the jail’s total ADP.
* During November 2019 (pre-COVID) and November 2021 (COVID-era) both ACRJ and CVRJ ranked below the average ADP per 1,000 residents, compared to ten other regional jails serving a geographical footprint of comparable population size (100,000 to 300,000 residents).
* Federal and state-responsible inmates were the removed from the calculation, leaving only local-responsible inmates (over which jurisdictions have the most discretion). Again, in both November 2019 and November 2021, ACRJ and CVRJ both ranked well below the average ADP rate per 1,000 for peer regional jails.
* This suggests that ACRJ and CVRJ had lower ADP per capita than most peer jails prior to the onset of COVID-19, and maintained their below-average ADP ranking during the pandemic.
* The data also shows that, once Federal and state-responsible inmates were removed, ACRJ and CVRJ had nearly identical ADP rates per 1000 residents (1.92 and 1.87 respectively in 11/19, and 1.46 and 1.56 respectively in November 2021).

Conclusions:

* ACRJ’s ADP was more significantly suppressed by the pandemic than was CVRJ’s. However, once Federal inmates were removed from the ADP, the differences in pandemic-era ADP trends were less significant.
* CVRJ’s local-responsible inmate population rebounded to a greater extend than at ACRJ following the initial “COVID dip” in April 2020. This was particularly true of the pretrial population.
* Pretrial holds that involved a probation violation increased strongly at both jails from November 2016 to November 2021, in both numbers and as a percentage of all hold categories recorded in the ADP.
* ACRJ member jurisdictions made far greater use of HEM/HEI during the pandemic than did CVRJ member jurisdictions, lowering the number of local-responsible inmates recorded in the ADP.
* Female inmates had greater drops in ADP than did male inmates, at both jails.
* Compared to other regional jails of comparable size, both ACRJ and CVRJ ranked below the average ADP per 1,000 residents for peer jails in November 2019 and November 2021.

**Underlying Contributors to the ADP at ACRJ and CVRJ**

The Board discussed the primary drivers of incarceration at both jails, specifically the number of probation violators and the bed days they expend. The Planner is keeping an eye on this population in the wake of new restrictions placed on sentencing of first- and second-time technical violations of probation in July 2021, which may serve to reduce the size of this cohort at both jails, and their average length of stay.

The Board also discussed the impasct of the growing number older inmates at both jails, but more significant at ACRJ than CVRJ. The aging of the inmate population is accentuated by a drop by nearly 50% in the number of young (age 18-24) inmates at both jails.

Additionally, there was a discussion regarding newly enacted (July 2021) legislation that “provides that in a criminal case the court shall ascertain the extent of the punishment unless the accused has requested that the jury ascertain punishment or was found guilty of capital murder.” There is concern among courts that this legislation will produce more jury trials in the future, and fewer guilty pleas, creating strain on court dockets.

**New CCJB Officers**

Kevin Mcghee, the CCJB Chair, has completed his term of office as a Supervisor in Madison County, and will no longer serve on the CCJB Board. Nominations for a new Chair will be elicited at the April, 2022 CCJB meeting.

**Next Meeting**

The next meeting of the CCJB will take place via Zoom from 6 to 7:30 pm on April 13, 2022. The link to the meeting and accompanying agenda will be posted on the Criminal Justice Planning page of OAR’s website at least three days in advance of the meeting.

<http://www.oar-jacc.org/>