

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

**Monday, January 9, 2023 at 4:00 p.m.**

**Rockingham County Administration Building  
Community Development Conference Room  
20 East Gay Street, Harrisonburg, Virginia 22802**

## **Agenda**

- I. CCJB Meeting Called to Order
  - II. Roll Call
  - III. CCJB Chairperson / Vice Chairperson Transition
  - IV. Approval of Minutes, dated October 3, 2022
  - V. Operational Updates - *Included in Read-Ahead Material*
    - A. Jail Report
    - B. Harrisonburg Rockingham Community Services Board (CSB)
    - C. District 39 Probation & Parole
    - D. Court Services
    - E. Reentry Coordinator Update
    - F. Criminal Justice Planner Report
  - VI. Old Business
    - A. CCJB Committee on Public Defense Survey Results
  - VII. New Business
    - A. Discussion - 2023 Calendar Quarterly CCJB Meetings
      - Monday, January 9, 2023
      - Monday, April 3, 2023
      - Monday, July 10, 2023
      - Monday, October 2, 2023
  - VIII. Public Comment

*State your name and local address after being recognized to comment.*
  - IX. Adjournment
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# Rockingham - Harrisonburg Community Criminal Justice Board (CCJB)

## Minutes

In-Person Meeting – 20 East Gay Street, Harrisonburg, VA 22802  
Monday, October 3, 2022 - 4:00 p.m.

### **Board Members –**

Rick Chandler – Rockingham County Board Member / CCJB Chairperson  
Laura Dent - City of Harrisonburg Council Member / CCJB Vice-Chairperson - Absent  
Marsha Garst – Commonwealth’s Attorney  
Ande Banks – City Manager (Acting)\*  
Kelley Warner– Chief, Harrisonburg Police Department - Absent  
Chaz Haywood – Clerk of Circuit Court - Absent  
Bryan Hutcheson – Sheriff, Rockingham County & City of Harrisonburg  
Rebekah Brubaker – Rockingham Harrisonburg Community Services Board  
Richard Jackson, Rockingham-Harrisonburg-Page Reentry Council  
Stephen King – County Administrator  
Celest Williams – Director, Department of Social Services  
Oskar Scheikl – Rockingham County School Superintendent  
Judge Bruce Albertson  
Michael Richards – Harrisonburg City School Superintendent – *Absent*  
Agent Cross for Joshua Lutz - Chief, Probation & Parole District 39  
Judge John Hart – *Absent*  
Judge Anthony Bailey– *Absent*  
Gene Hart – Defense Attorney  
Monica Martin – Chief Magistrate – *Absent*  
Ann Marie Ritchie, Director, Court Services

### **Non-Board Attendees**

S. Frank Sottaceti - Harrisonburg / Rockingham Criminal Justice Planner

\* Ande Banks is City Manager as of October, 25, 2022

- I. Welcome and Introduction by Chairperson Chandler
- II. Chairperson Chandler moved for Approval of the July 11, 2022 CCJB Minutes. Mr... King moved for Approval, CA Garst Seconded. Chairperson Chandler Abstained as he had not been Present for that Meeting. Minutes were Approved by verbal poll. None Opposed.
- III. Informational/Operational Updates
  - A. Rockingham Harrisonburg Regional & Middle River Regional Jail Statistics Report was posted and disseminated prior to the Meeting. No questions or comments were raised.

Mr. King stated that the Commonwealth is doing a much better job of taking State Responsible Inmates from the Middle River Regional Jail and hopes that this trend continues.

**The Guest Speaker, Mr... Timothy Coyne, Deputy Assistant Director of The Virginia Indigent Defense Commission (VIDC), joined the Meeting virtually at 4:05 p.m. and Item III "Informational/Operational Updates" was paused.**

Sottaceti introduced Mr. Coyne. Mr. Coyne asked who was on the Rockingham – Harrisonburg CCJB and Sottaceti verbally ran through the roster of Members.

In Virginia in the mid-1970s, the first Public Defenders (PD) Office was created in Staunton and it's about to celebrate its 50th anniversary next month. Virginia Beach was the second PD Office established in the 1970s. Over the course of the 1980s and 1990s, other offices came into existence, all created by Acts of the General Assembly. And along with the creation comes staffing and funding for the PD Office.

Mr. Coyne was the PD for the Winchester Office which was established in 1989 and is comprised all jurisdictions in the 26<sup>th</sup> Circuit except the City of Harrisonburg and Rockingham County. It covers, Clarke, Frederick, Page, Shenandoah, Winchester, and Warren Counties. The Office is budgeted to be staffed with 13 Attorneys, including the Public Defender. But in the current job environment it has been difficult to reach full staffing. The Office is staffed with two (2) Investigators, a Mitigation Specialist, four (4) Legal Assistants, and a Paralegal. The Office at full staffing is 21 people. The main office is in Winchester and there is a satellite office in Front Royal. The satellite office serves Shenandoah, Page, and Warren Counties. He stated that the main benefit of a public defenders office is that they are specialized in that that is all they do. Every new attorney that comes on board in a PD Office must do a two-week boot camp for defense work. Any private attorney that wants to take court-appointed cases must take training for a day and one-half at the VIDC to get certified to handle misdemeanor cases. And they must serve as Co-counsel for four (4) felony cases and four (4) juvenile cases to be certified to represent that level of cases. The VIDC is funded by the State and there is a provision where localities can supplement that funding. Mr. Coyne said there is a misperception. That a public defenders office comes in and supplants Private attorneys. But that is not the case. In fact, they coexist quite well. The PD office also serves as a resource for private attorneys with questions. For example, providing sample Motions. Because the office must be created by an act of the General Assembly it requires buy in from all of the entities in the criminal justice system within a jurisdiction. Mr. Coyne did some research, and it looks like in 2021 there were over 2,000 felony cases brought and over 600 misdemeanor cases in our jurisdiction. The number of cases in the Rockingham Harrisonburg area exceed any one jurisdiction within the Winchester Public Defenders Office. A public defenders office is also able to staff specialized dockets like drug court or behavioral health dockets.

Marsha Garst asked how the initial PD office in Winchester was received by private attorneys whose main source of income was made by being court-appointed. Mr. Coyne said that it was well received and a public defenders office is not designed to supplant private attorneys or court-appointed attorneys; it is designed to work in harmony.

There have been issues where PD offices were formed without community or professional buy in and they have had conflict. Garst asked what is the genesis for localities requesting a PD office? Is it the quality of representation of private court-appointed attorneys or is it that there are lower numbers of people that can be appointed attorneys. Mr. Coyne said that the latest numbers from the VIDC are that the available pool of private attorneys for court-appointed assignment is down 11% from 2021 to 2022.

Gene Hart stated that while the numbers are diminishing, it is compounded because the ones that come off of the list that no longer take court-appointed cases are usually the more experienced senior attorneys. Mr. Hart asked if the VIDC tracks the reasons that people come off of the list. Mr. Coyne stated that they do not. The only way people come off of the list at the VIDC is that they don't recertify. Mr... Hart asked how long it takes after the General Assembly approves an office creation does it get created and operational in a jurisdiction? Mr. Coyne said that the last two offices created were Chesterfield County and Prince William County. Chesterfield County office was authorized in 2020 and was operational in July of 2021.

Judge Albertson the size of a public defenders office is determined. Mr. Coyne said that many factors come in, such as caseload number of court-appointed attorneys available number of cases assigned to private attorneys versus court-appointed attorneys and also demographics of a community.

Gene Hart asked if PD offices would or should pursue more serious cases because they have mitigation specialists and investigators on staff where a court-appointed attorney may not be able to hire an investigator. Mr. Coyne said that yes, the PD Office pursues being assigned to more serious cases.

Ande Banks asked about the structure of a PD's office as far as Local government goes. Mr. Coyne stated that all PD office employees are VA State Employees. The Public Defender themselves are hired by the VIDC and then the Public Defender themselves has the authority to independently staff that office. The Public Defenders Office will not be under the city or County government structure.

Mr. King asked if an existing public defenders office can be expanded to cover other areas. Mr. Coyne said that yes, public defenders offices can be expanded. Winchester covers an expanded area and Staunton covers an expanded area. There is however a difficulty with travel and logistics. For the Winchester office to expand to cover Harrisonburg and Rockingham County, it would require a satellite office be established within this jurisdiction.

Judge Albertson made the point that each jurisdiction, meaning the court, decides whether to appoint a Public Defender or court-appointed counsel. Mr. Coyne agreed. It is up to the local court to decide how to assign council for Defense. While there are cap waivers that can be filed, private attorneys are still generally not making what they would make if they were retained counsel.

Mr. King raised the issue of the compensation amount for court-appointed attorneys compensation. Mr. Coyne deferred to Gene Hart, who said that it's been about 15 years since that amount has been adjusted. Mr. Coyne said that Virginia ranks 48th or 49th in the Nation in compensation for court-appointed attorneys.

Sottaceti asked if there was any cost at all to the localities, meaning Harrisonburg and Rockingham, if this were to be established. Mr. Coyne stated there is no cost to the localities. Unless they were to voluntarily contribute an amount to raise the salaries of the public defenders office staff. This is called a Supplement.

Chairperson Chandler thanked Mr. Coyne for the information that he provided and that we would recontact him with any future information needs.

**The Guest Speaker, Mr... Timothy Coyne, Deputy Assistant Director of The Virginia Indigent Defense Commission (VIDC), left the Meeting at 4:35 p.m. and Item III "Informational/Operational Updates" was resumed.**

- B. Harrisonburg Rockingham Community Services Board (CSB)  
Report was posted and disseminated prior to the Meeting. No questions or comments were raised.
- C. District 39 Probation and Parole  
Report was posted and disseminated prior to the Meeting. No questions or comments were raised.
- D. Court Services  
Report was posted and disseminated prior to the Meeting. No questions or comments were raised.
- E. Reentry Coordinator  
Report was posted and disseminated prior to the Meeting. No questions or comments were raised.
- F. Criminal Justice Planner Report  
Report was posted and disseminated prior to the Meeting.

Sottaceti highlighted that misinformation continues to be pushed by community advocates and activists that Harrisonburg/Rockingham are driving the incarceration rates at the Middle River Regional Jail (MRRJ). Sottaceti provided the latest incarceration figures which do not align with the information in various Editorials and mass media news stories that have been published.

#### IV. Old Business

Sheriff Hutcheson asked what the next steps are for the CCJB Committee that is exploring a Public Defenders Office. Sottaceti listed the Committee Members: Ande Banks, Stephen King, Gene Hart, Richard Jackson (Committee Chair), Christopher Bean.

Mr. Jackson stated that the next step was going to be determined from this meeting with Mr. Coyne and that the Committee would be meeting at a future date. Committee updates would take place at the Monday, January 9, 2023 CCJB Meeting.

Marsha Garst brought up that since the Court-appointed compensation has not been changed in 15 years that possibly trying to raise the compensation is another avenue to alleviate future private attorney shortages for Court Appointment.

#### VI. New Business

Rebekah Brubaker was recognized by the CCJB as representing the CSB until a permanent CSB Director is appointed.

#### VI. Public Comment

None

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4:49 pm - Meeting Adjourned

# Community Criminal Justice Board Meeting Handout

RHRJ / MRRJ Numbers: *January 3, 2023*

## RHRJ:

Total Population = 310 (Bond eligible = 27)

Males 262

Females 48

White 222 (72%)

Black 66 ( 21%)

Hispanic 20 (6%)

Asian/Pacific Islander 2 (1%)

## Additional RHRJ Numbers:

Federal Inmates 9

Sentenced Inmates 46

↳ (\*W/Probation Violations 21)

Pretrial/Charges Pending 142

Probation Violations 113

Possession of Marijuana 0

## Pretrial/Charges Pending:

Misdemeanor 32

Felony 223

## Sentenced:

Misdemeanor 6

Felony 40

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**MRRJ:**    Total Population = 127

(Bond eligible = 1 )

**Pretrial:**

Misdemeanor 4

Felony        46

***TOTAL    50***

**Sentenced:**

Misdemeanor 9

Felony        68

***TOTAL        77***

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Sentenced Probation        38

Un-sentenced Probation    23

***\*TOTAL Probation Violations\* 61***

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# Rockingham-Harrisonburg Regional Jail Mental Health Services Provided by Harrisonburg-Rockingham CSB Quarterly Update

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HRCBSB has been providing a full-time case management position to support incarcerated individuals who are experiencing mental health distress since January 2017. The Jail Services Case Manager is located at the Rockingham-Harrisonburg Regional Jail (RHRJ) and conducts assessments, screenings for psychiatric services, completes safety contacts, coordinates release planning, and facilitates educational groups in the designated mental health pod.

During the time of October 1, 2022 through December 31, 2022, our Jail Services Case Manager provided 339 contacts to 167 individuals; of the 167 individuals, 49 were female and 118 were male. The primary services rendered was related to assessment and follow up contact with 53% of the total contacts, second was safety and crisis contact, which comprised 31% of all contacts.

<b>Services Rendered By Jail Services Case Manager</b>	
<b>Services Provided</b>	<b>Percent to total</b>
Assessment/Follow-up	53%
Release Planning	7%
Safety/Crisis	31%
Screening for Psychiatric Services	8%

For 2022, our Jail Services Case Manager has provided 1298 contacts to a total of 529 individuals. This is a 35% increase in total contacts from 2021. The primary services rendered in 2022, was related to assessment and follow up contact with 54% of the total contacts, second to safety and crisis contact with 33% of the contacts.

There are several ways individuals can be identified as needing mental health services from the Jail Services Case Manager. The primary referral source during the last three months was self-referrals, which comprised of 55% of all referrals. Self-referrals continue to be the primary referral source for case management contact. The primary behavioral health related concern identified continues to be substance use representing 37% of total contacts, followed by anxiety related concerns representing 33.5% of total contacts.

<b>Primary Issue</b>	<b>Percent to total</b>
Mood Disorder	7%
Adjustment Disorder	3.5%
Drug / Alcohol Abuse	37%
Thought Disorder	15%
Bipolar	4%
Anxiety	33.5%



A primary function of the case manager has been to help individuals identify and develop coping skills for dealing with behavioral health symptoms and overall life circumstances. Our Jail Services Case Manager is able to meet with individuals one-on-one and this quarter have started providing group sessions as well. The group sessions primarily focus on psychoeducation and skill development to help individuals manage their thoughts and feelings while incarcerated, as well as, help to develop the skills necessary to re-enter the community.

HRCSB's Psychiatric Nurse Practitioner continues to provide psychiatric evaluations and medication management services 3.5 hours per week for individuals with mental health issues. During the following timeframe October 1, 2022 through December 31, 2022, 118 medication related services were provided to 83 individuals. Of the 118 services provided, 34 were initial psychiatric evaluations and 84 were medication management follow-up appointments.



# COMMONWEALTH OF VIRGINIA

JOSHUA C. LUTZ, CHIEF  
JOSEPH R. SMITH, DEPUTY CHIEF

*Department of Corrections*  
*Division of Community Corrections*  
*Adult Probation and Parole*  
**DISTRICT 39**

30-A WEST WATER STREET  
HARRISONBURG, VA 22801  
PHONE: (540) 214-3100  
FAX: (540) 433-3315

January 4, 2023

Total Number of Cases: 1684 (392 Page) (1,292 Rockingham/Harrisonburg)  
+ 298 (OLU – Voice Monitor System used for low level cases)

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1,982 Page/Rockingham/OLU

Over the past 30 days (12/1/2022 to 1/1/2023), District 39 has taken in 84 supervisees (from the Courts/Jails/Prisons/Other Districts & States) and transferred out 77 supervisees.

Since January 1, 2022, District 39 has taken in 1188 supervisees and transferred out 1022 supervisees. The number of intakes has significantly increased over that last year which is likely due to the Earned Sentence Credit Law Change as well as the change in Probation Violation Laws regarding New Law Violations and Technical Violations.

Some other information of interest would be:

- Presentence Reports Completed 2022: 56
- Major Violation Reports Submitted 2022: 822 (this does not include other letters to the Courts for Reviews/Case Handling/Etc.).
- Supervision Contacts: 9,555
- Drug Screens: 3,967 (not including instant tests)

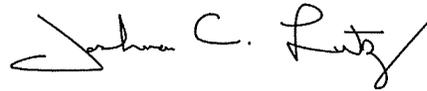
District 39 is currently down three (3) Probation Officers, one (1) Cognitive Counselor, and one (1) Surveillance Officer. We are continuing to try to recruit qualified Officers to fill our vacant positions.

Special Programs Being Utilized by District 39:

1. Community Corrections Alternative Program (VADOC)
2. Harrisonburg/Rockingham County CSB (Substance Abuse/Mental Health)
3. Gemeinschaft CRP (VADOC)
4. Gemeinschaft Day Reporting/Gemeinschaft Women's Home
5. Harrisonburg/Rockingham County Drug Court
6. Page County Drug Court
7. Page County Counseling (at District 39 Substance Abuse Treatment)
8. Sex Offender Treatment (at District 39 Subsidized by the VADOC)

9. Strength in Peers
10. Private Counselors
11. Bright View Treatment Center
12. Harrisonburg Methadone Clinic
13. Social Services and various other state agencies
14. VA Medical Center/Hospitals (Winchester and Roanoke)
15. VASAP
16. BrightView Treatment Center
17. Multiple Other Agencies

Please note that this is a small number of the community resources we use most commonly in supervision. Also, during the pandemic, we have had to move to virtual means of running groups and other activities.

A handwritten signature in black ink, reading "Joshua C. Lutz". The signature is written in a cursive style with a large, stylized initial 'J'.

Joshua C. Lutz, Chief P&P Officer  
District 39 Probation and Parole

## Court Services Unit Update

### Probation

Total number of placements as of December 31, 2022, for FY23 - 85 placements

Closed Cases FY23 – 48 successful, 38 unsuccessful

Number of Offenders - 177

Probation supervision provides sentencing alternatives to the judiciary and supervise offenders through intermediate sanctions consistent with the community's views. The Program will hold the offender accountable to the community for his/her criminal behavior through payment of restitution, fines and court costs, performance of community service work, and completion of treatment or any other special condition as ordered by the court.

### Pretrial

Total number of placements as of December 31, 2022, for FY23 – 194 placements

Total number of screenings – 854 defendants

Closed Cases – 105 successful 39 unsuccessful

Number of Defendants - 245

Pretrial services agencies provide information and investigative services to judicial officers to help them decide whether persons charged with certain offenses and awaiting trial need to be held in jail or can be released to their communities subject to supervision. Pretrial is an alternative to incarceration. Virginia pretrial agencies currently use an objective and research-based risk assessment to assess risk of flight and danger to the community posed by pretrial defendants. This assessment is known as the VPRAI.

### Electronic Monitoring FY23 as of December 31, 2022

GPS – 15 participants, TAD/Sober Link – 3 participants

### Day Reporting Program – Total Participants as of December 31, 2022– 12

### Rockingham-Harrisonburg Adult Drug Court Participants as of December 31, 2022– 33 participants

**Rockingham-Harrisonburg CRT Mobile Crisis Team** as of December 31, 2022, there have been 139 new consumer contacts in our community.

### Work Program – Litter Control Program

As of December 31, 2022, for FY23, a total of 336 bags of trash collected. In addition to keeping the roads clean in Rockingham County, the work program also performs various jobs at county locations to include County Administration Building, Social Services, Landfill, Bluehole, Central School Office, Plains Community Center, Rockingham Regional Jail, Shooting Range, Bergson Community Center, and various other facilities tasks to include – vehicle washing, grass cutting, weed pulling, tree trimming, general

### Crisis Intervention Team

Total number of trained personnel from Rockingham County Sheriff's Office - 131 (4), Harrisonburg Police Department- 104 (3), James Madison University Police Department – 36 (3), Timberville Police Department - 5, Broadway Police Department - 8, Bridgewater Police Department – 9, Dayton – 4, Elkton Police Department – 2 (3), Grottoes Police Department – 3, Virginia State Police - 15, EMU Public Safety – 1, Bridgewater College PD – 2, Norfolk Police Department- 3, Rockingham Harrisonburg Regional Jail – 32 (2), Magistrates 3 (1), Community Services Board – 11 (1), Rockingham-Harrisonburg Court Services Unit – 4 (1), Emergency Communications Center – 61 (2), Rockingham County Fire & Rescue 3, Harrisonburg Fire Department – 10, State Probation and Parole – 18(3) Federal Probation –1, Sentara RMH – 1, USDA Forest Service – 2, VDOC Augusta Correctional Center – 2,SS-2 , National Park Service-Shenandoah- 7

# HRSSD Re-Entry Update Quarterly Report 2022

Number of Ongoing Participants	1st	2nd	3rd	4th	Total
City	10	4	2	5	21
County	7	1	2	2	12
Other locality					
Non-participant			4		4
<b>Total</b>	<b>17</b>	<b>9</b>	<b>4</b>	<b>7</b>	<b>37</b>

Number of New Participants	1st	2nd	3rd	4th	Total
City	5	9	11	12	37
County	3	1	4	1	9
Other locality					
Non-participant			8		8
<b>Total</b>	<b>8</b>	<b>18</b>	<b>15</b>	<b>13</b>	<b>54</b>

Referral Source / Number of Referrals	1st	2nd	3rd	4th	Total
Community Service Board	1	2		1	4
District 39 Probation and Parole			2	1	3
Court Services	2			1	3
HRDSS BPS/SSW employee	1		1		2
Rockingham County Jail Staff	1				1
Brochure/Flyer/ Self Referral	1	10	6	5	22
Middle River Regional Jail ReEntry Class	1	1			2
Community Corrections Alt Program	1				1
Women's Geminschaft Home			1	2	5
Resource Fair				4	5
Strength in Peers				1	2
Other			2		2
DARS				1	1
Men's Geminschaft Home				1	1
<b>Total</b>	<b>8</b>	<b>18</b>	<b>15</b>	<b>13</b>	<b>54</b>

Gender	1st	2nd	3rd	4th	Total
Male	5	11	6	8	30
Female	3	7	9	5	24
<b>Total</b>	<b>8</b>	<b>18</b>	<b>15</b>	<b>13</b>	<b>54</b>

Returned to Incarceration	1st	2nd	3rd	4th	Total
<i>Total</i>	0	0	0	1*	1

Employment Obtained	1st	2nd	3rd	4th	Total
Employment Obtained	1	3	5	4	13
Receiving Social Security Income	1			1	2
Applied for Social Security Income, awaiting disability determination	2	1	2		5

Service Provided	1st	2nd	3rd	4th	Total
Phone Card	2	4	2	3	11
Gas Card	7	3	2	2	14
Shoes/ Clothing/Haircut/Hygiene	2	8	10	7	27
SNAP	3	3			6
Medicaid	1	3			4
Emergency Housing					
Housing/Pay Rent	1	2	3	1	7
Assist / w Disability App	3	1	1	1	6
Gift Cards	2		1		3
Birth Certificate	1	2	3		6
Mental Health	4	1	2	2	9
Transportation/Bike/Bike items			2	3	5
Addiction Recovery	4	11	7	3	25
Legal Services			1		1
Medical Equipment	1				1
Car Insurance		1			1
Utility Bills					
Oxford House Application	1	1		1	3
DCSE	1		1		2
DMV/Way to Go	3	4	2	3	12
Budgeting	2				2
Phone	2			1	3
ASAP	1			1	2
DARS Referral	3	1	1		5
Family Reunification		3	1		4
Help finding employment		2			2
DCSE/Way to Go	1				1
Household Items			1		1
Laptop/Work Items				2	2
Food Service Assistance				1	1
Employment Help			1		1
	45	50*	41	31	167

Released From	1st	2nd	3rd	4th	Total
Rockingham County Jail	3	6	5	6	20
Middle River Regional Jail	1	2		2	5
Still Incarcerated		4			4
Indian Creek Prison				1	1
Gemeinschaft Home		2	4		6
Coffeewood	1		1		2
No Release/ but referred to program for a	2		1		3
Other/ or Federal Prison	1	4	5	4	14
<b>Total</b>	8	18	16*	13	55



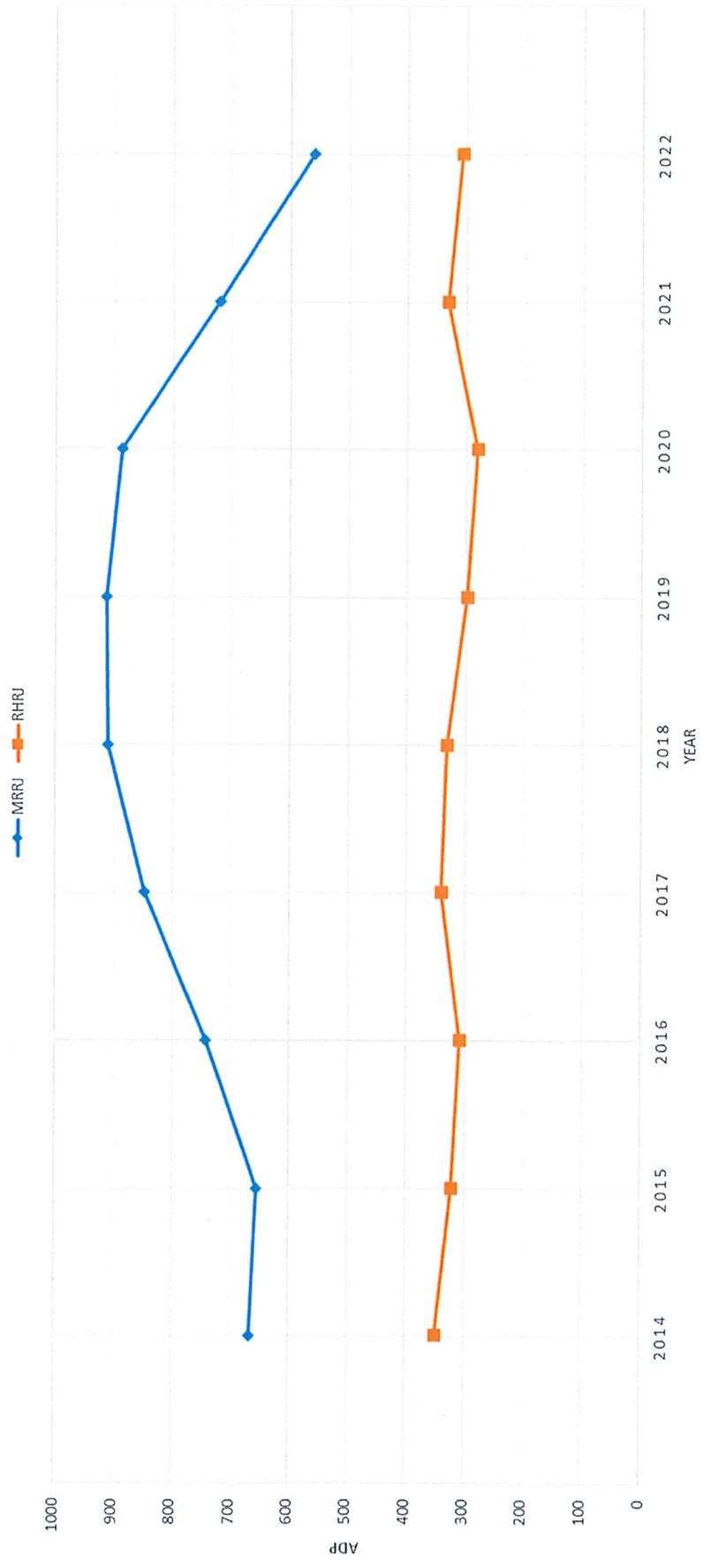
# Report from the Criminal Justice Planner

Prepared for and presented to  
**Rockingham – Harrisonburg  
Community Criminal Justice Board (CCJB)**

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**Monday, January 9, 2023**

MIDDLE RIVER REGIONAL JAIL  
HARRISONBURG ROCKINGHAM REGIONAL JAIL



Product of Criminal Justice Planner

### Incarceration Rates – Partner Localities Middle River Regional Jail

Locality	Census Population	Avg. Daily Population (ADP)			Incarceration Rate per 1,000
Augusta County	77,563	205			2.64
Harrisonburg	51,430	MRRJ	RHRJ	Total	3.18
Rockingham County	84,394	118	314	432	
Staunton	25,661	146			5.68
Waynesboro	22,550	80			3.54