

**CITIZENS ADVISORY COMMITTEE FOR THE
CHARLOTTESVILLE-ALBEMARLE
PUBLIC DEFENDER OFFICE**

Rauzelle J. Smith, Chair
434 985-3395 (Home)
Neal Goodloe
434 296-2441 (Work)

Sheriff Chip Harding
434 972-4001 (Work)

Robert Gest, III Ed.D.
434 974-7167 (Work)

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434 296-6462 (Work)

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434 296-4118 (Work)
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434 296-5803 (Work)

February 26, 2016

The Honorable Chair, of the Board of Supervisors
Mrs. Liz A. Palmer
401 McIntire Road
Charlottesville, VA 22902

Dear Mrs. Palmer,

I am very pleased to send you a copy of the 2015 annual report from the Citizens Advisory Committee of the Charlottesville-Albemarle Public Defender Office. I am very proud of the work and accomplishments of the Committee during the past year.

We commend Mr. James Hingeley and his staff for their efforts to improve the quality of service for their clients. The commitment of their personal time, beyond their duties as Public Defenders should not go unnoticed. There have been many changes that have been enacted due to their involvement. These changes have affected the lives of the indigent in very positive ways.

We thank you for your continued support; our successes would not be possible without it. All of our meetings are open to the public and meeting dates are posted in advance. Your presence is always welcomed. Please do not hesitate to contact me or any member of our committee if you have questions, ideas, or concerns.

Sincerely,



Rauzelle J. Smith, Chair

Received

FEB 29 2016

**County of Albemarle
Board of Supervisor's Office**

CITIZENS ADVISORY COMMITTEE FOR THE CHARLOTTESVILLE-ALBEMARLE PUBLIC DEFENDER OFFICE ANNUAL REPORT 2015

Background

The Citizens Advisory Committee held four regular meetings in 2015, February 10th, March 18th, August 20th and October 1st. All committee seats were filled, and members whose terms expired in December 2015 were reappointed. Chair and Vice Chair persons will be elected at the January 21, 2016 meeting, scheduled to be held in the conference room of the Federal Public Defender Office at 12:00 PM.

Committee's Activities

Committee members remain committed to making themselves available to the community to provide information about the services offered by the Public Defender Office. During the year we had several guests attend our meetings. We are pleased to share with you the successes we have achieved through collaboration and support with other community groups. The majority of these initiatives remain as works-in-progress beginning in January 1999. We are pleased to report, we are continuing to make progress and the success we have experienced is benefiting other localities.

The Committee welcomed its newest CCJB representative, Neal Goodloe. Neal began his career working in a juvenile alternative school, followed by a job in social services. He then went to work as a probation officer in the District 9 Probation and Parole Office and eventually was promoted to Chief Probation Officer. During his last six years at Probation, he prioritized and embraced new ways of looking at corrections. Retiring as Chief Probation Officer at age 50, he went to work for Northpoint Correctional Research and Technology. Neal sees himself bringing a national perspective on what is going on in the field of corrections and is a big advocate for using data to make decisions about new policies in corrections. One of Neal's major passions and concerns is the research concerning disproportional contact between minorities and law enforcement. Another passion is doing a better job with clients with mental illness, i.e. how we can identify these individuals at different intercepts.

Pay Equity Proposal, The pay equity program was adjusted up approximately 2% based on raises allocated to City and County employees. Last year the pay equity went 80% of the way towards closing the pay gap between public defenders and prosecutors. The increases should help us to retain and recruit attorneys for the Public Defender's Office. In 2015 the office had an unexpected opening when an assistant public defender left to take a job in public interest career advising at U.Va. Law School. The availability of local salary supplements assisted in the recruitment of a highly qualified attorney to fill the opening.

DNA, A DNA bill to expand the DNA database to include those convicted of major misdemeanor offenses originally included 99 offenses, but the list was cut way back to 14 or 15

offenses. One point that supports the bill is that certain individuals would have been identified as part of an earlier misdemeanor conviction and conceivably could have been identified earlier, preventing further crimes. One downside is that if a person appeals a misdemeanor conviction, their DNA remains in the state database. Collection of DNA also creates another cost burden to a population already challenged by many financial obligations. Even though the goal is to get people with criminal charges into the system earlier, some of the offenses included seem less than fully relevant.

The bill became watered down to the point where we would see 40-45% more DNA in the database, which would amount to 3,000 to 4,000 more DNA samples in the database. One of the problems is “pushback” towards law enforcement, as citizens may believe that the government already has too much data on its citizens. The cost to defendants of having DNA collected was a subject discussed, but Sheriff Chip Harding points out that the cost is only \$60/ defendant.

The plan is to remove DNA collection requirements if convicted of Petit Larceny, Trespass, and Assault and Battery. Another concern is wrongful convictions, which seem to most often affect minorities. If police do not use proper interrogation or investigation techniques, and procedures are not recorded, or police do not utilize best evidence-based practices, the results are tragic. We are very fortunate to have committee member Sheriff Chip Harding’s wealth of knowledge on this topic.

Risk Reduction Center, The Committee strongly supports the work of the Risk Reduction Center. Charlottesville and Albemarle applied for a \$350k grant to support the center, also sometimes known as a Day Reporting Center. The theory is to divert medium to high risk (to recidivate) offenders who might otherwise be bound for jail. The jail population was 449 recently, but if the jail population came down to 400, a “pod” or housing unit in the jail could be closed, which would amount to substantial savings to the community. Since the grant covers only the first year, Col. Martin Kumer agreed to contribute any savings from the closed pod to the expenses of the second year. A private sector company typically runs these programs. Charlottesville City Council said it would support the program if Albemarle County would also.

The number of inmates held on violent offenses is actually pretty low, and most participants would have charges of larceny, fraud, DUI, and drug offenses. The program would offer substance use disorder treatment, GED classes, cognitive thinking modification, and would address unemployment or under employment. Much of the programming mirrors the Drug Court model, and a major advantage is that all of these services would be in one location. There are two similar programs in Virginia. One program in Chesterfield which is locally run and one program in Richmond, run by Geo. It is too early at this point to determine recidivism outcomes, but it is believed that this is the best answer (locally) to effect evidence based decision making practices that would reduce the jail population while protecting public safety. Geo would also create local employment opportunities. This program would not be able to serve the chronically mentally ill population.

Sadly, cost of the program exceeded available grant funds, which would have required the City and County to make up the difference in funding. The disproportionate minority contact with police officers remain a concern and needs to be studied. City and County governments are supporting efforts to look at why this inequity appears to be happening. Committee Member

Neal Goodloe believes research partners from the outside are needed to help us figure out why this is happening and he continues his search for research dollars.

Georgia's House, This facility for women was scheduled to open October 1, 2015. A group of concerned citizens started this facility named for a woman named Georgia, who was an addict, and who died in custody. The goal is to provide a sober living place for women in our community where residential resources for women are not as available as they have been for men. Residents will self-pay. Bama Works may be approached for additional funding for this resource.

Education and Mentorships, Col. Martin Kumer, Superintendent of the Albemarle-Charlottesville Regional Jail was invited to discuss educational and mentorship programs. Col. Kumer informed us that Rob Barnebei is the contact person for this process in the ACRJ. The Re-Entry program is going strong at this point, and the average length of stay in this program is 12 weeks. The average length of inmate stay is 35 days. Evidence Based Decision Making (EBDM) processes are used in the selection of participating inmates. Five questions are used to assess the inmate's risk level for programming purposes.

EBDM principles suggest that if an inmate scores as low risk, we should leave them alone and they will "self-correct" their "criminal" behaviors. The most effective strategy is to focus limited resources on medium to high risk inmates/offenders. Choice of associates is the most significant factor contributing to higher risk offenders' behaviors, so mentors are meeting with inmates in the jail and following up with them when they are released.

Criminal Justice Leader Recognition Program, (AKA Clarence Earl Gideon Award)

During the past sixteen years, many of the successes we have experienced can be attributed to the support we have received from other community organizations and individuals. To show our appreciation, we decided to award a plaque for outstanding service to the community. 2015 was the third year for this recognition.

After considering several worthy individuals for the recognition, Thomas von Hemert, the **Crisis Intervention Team Coordinator** for the Thomas Jefferson Area was unanimously approved as the next recipient. Highlights of Success for the Crisis Intervention Teas-CIT are listed below.

- Largest CIT Program in Virginia (Covering 9 localities and University of Virginia)
- 2nd developed CIT in Virginia starting in 2006 (after New River Valley CIT). There are now 25 CIT initiatives across Virginia.
- Trained over 1,000 law enforcement officers in CIT in our state and region (not including trainings for Emergency Dispatchers, Magistrates, Train the Trainer for CIT Officers, Security Officers for Crisis Diversion Site).
- Over 70% of Charlottesville, Albemarle and University of Virginia Patrol Officers trained in CIT.
- Developed first CIT data / evaluation system in Virginia; nationally recognized.
- Developed first Crisis Diversion Site in Virginia with University of Virginia Emergency Room/UVA Police Department.

- Recognized for the last four years by DBHDS and DCJS as one of three CIT mentor programs in Virginia.
- Helped trained and mentored the development of multiple new CIT programs throughout Virginia and United States, Henrico CIT, Blue Ridge CIT, Richmond CIT, Virginia Beach CIT, Hampton/Newport News CIT, Lynchburg CIT, Chattanooga CIT, and Harrisonburg CIT.
- Recognized by Virginia Department of Criminal Justice Services (DCJS) as most advanced and comprehensive CIT program in Virginia.
- Chief Tim Long, first Police Chief in Virginia trained as a CIT Officer.
- Received the Region Ten CSB – Consumer Advisory Council Award in 2009 to Thomas von Hemert and CIT Officers for their commitment to the ideal of knowledge and sensitive intervention with individuals experiencing a mental health crisis.
- Presented at last four CIT International Conferences on the topic of PTSD with Combat Veterans (with Combat Vets from Iraq and Afghanistan) and Data/Evaluation- Documenting the success of CIT.
- Awarded the CIT International Award for Best CIT PIN of the YEAR in 2010
- Developed CIT Monthly Team Meeting to pro-actively review and collaborate on Potential mental health crisis cases.
- Awarded The Virginia Crisis Intervention Team Coalition Awards for 2011 CIT Program of the Year and CIT Coordinator of the Year presented to Thomas von Hemert, in recognition of his achievements as a CIT Coordinator serving the Commonwealth of Virginia and the Thomas Jefferson Area CIT
- Awarded \$111,000.00 Attorney General Office grant to City of Charlottesville Police Department for CIT Training and Equipment.
- Award \$75,000.00 annual state funding for DBHDS to fund CIT Coordinator.

The ceremony was held May 12, 2015 at the Charlottesville Circuit Court. Invitations were extended to the following; Staff at the jail, Members of Albemarle County Board of Supervisors, City Council, Nelson County Board of Supervisors, Members of the EBDM and JRI groups, all judges, prosecutors, clerks, sheriffs police offices employees, Probation and Parole staff, Region Ten staff, Members of Charlottesville/Albemarle Bar Association, State and local legislative representatives Magistrates, Thomas von Hemert's family, Members of NAACP, Dr. Bruce Cohen and members of the CCJB (Community Criminal Justice Board). There was a good turnout to wish Thomas well. He was very appreciative to be the recipient of the award.

Special Guests Attending Meetings

March 18, 2015

Dani Kass, The Daily Progress
Shannon Neal, Graduate Fellow

August 20, 2015

Sarah Carter, Member of the Public
Shelly Sass, Member of the Public
Melanie Miller, Member of the Public
Col. Martin Kumer, Superintendent of the Albemarle-Charlottesville Regional Jail

October 1, 2015

Liz Murtagh, Deputy Public Defender
Shannon Neal, Assistant Public Defender
Pat Smith, Director of Offender Aid and Restoration

Recognition

The committee applauds James Hingeley for 18 years of continued dedication, and the successful operation of the Public Defender Office with limited financial resources, and his participation and leadership in the following organizations. Many other Public Defender Offices are benefiting from Mr. Hingeley's leadership.

- In 2015, Mr. Hingeley continued to serve as a member of the Bar Council, the governing board of the Virginia State Bar.
- During 2015 James Hingeley served on the steering committee and the policy team for the EBDM project, representing the defense perspective in this ongoing broad-based effort to improve the criminal justice system in Albemarle County and Charlottesville.

Issues and Concerns

Our Committee remains concerned over the following realities:

- Pay equity Proposal for Public Defenders
- There are some geriatric inmates who prefer to return to prison because they are unable to function after their release and commit other crimes to return to prison.
- The sad reality is that jail doesn't always work, too often inmates come out worse than when they went in.
- The restoration of felons voting rights, and providing them with assistance to navigate through the process to have their voting rights restored as soon as possible, needs more attention.

Future Goals

- Continue to work with Albemarle County and Charlottesville, or the General Assembly, as appropriate, to achieve pay equity for public defenders.
- The Committee embraces the idea of improving minority recruitment for the Public Defender's office. This issue remains a concern to our Committee and Mr. Hingeley.

- Continue efforts to explore the development of a Career Defender Program, modeled after the Career Prosecutor Program.
- Increase awareness of and support for the Public Defender Office and its role in strengthening the Criminal Justice System by offering quality legal service to the indigent and advocating for sentencing alternatives that benefit both the offender and the community.
- Continue to make available to the public, through public forums and other means, information about public policy issues significantly affecting the welfare and interests of Public Defender clients.
- Explore the quality and quantity of client support services in our community with a view toward improving services and/or advocating for additional services where appropriate.

Approved:
Citizens Advisory Committee
Rauzelle J. Smith, Chair
February 26, 2016