

## VVAN 2<sup>nd</sup> Quarter Member Business Meeting

Date: May 15, 2020

Meeting took place via ZOOM/On-line

Minutes submitted by Sharron Saunders

**Members in attendance:** Cristi Lawton-VVAN Executive Director; Robin Bostic-VVAN President (King William County, King & Queen V/WAP); Lindsay Cassada-VVAN 1<sup>st</sup> Vice President (Chesterfield DV Resource Center); Mary Anne Freshwater- VVAN 2<sup>nd</sup> Vice President (Appomattox V/WP); Mindy Stell-VVAN Treasurer (Dinwiddie V/WAP); Laurie Crawford-VVAN Board Member at Large (VDSS); Paul Davis-VVAN Board Member at Large (Albemarle Sheriff's Office); Joyce Walsh (retired from Halifax County V/WAP); Sharron Saunders-VVAN Secretary (City of Richmond V/WS); Angela Duhon (Military Civilian Victim Services NOVA); Vivian Henderson (VA Beach V/W); Brenda Saunders (Prince George V/W); Taryn Giroux (Henrico V/W); Kyanna Perkins ((Office of Attorney General); Donna Mixner (FBI V/W); Sharon Reed (Washington County V/WAP); Anne Jessee (Goochland V/W); Lesia Wheeler (Alleghany V/W); Sara Dollard; Latasha Powell-Mason (Hampton V/W); Marilyn Dufurat (Stafford V/W); Nina Beaman; Sherri Stadler (Fluvanna V/W); Juanita Maley (Stafford V/W); Morgan Abbate ((Office of Attorney General); Ginny Evans (Gloucester V/W); Lauren Dobson (Newport News V/W); Michael Schaefer (Roanoke HSG); Mary Booker (City of Lynchburg V/WAP); Amber Leake (DOC Victim Services Unit)

**Meeting Called to Order** by Robin Bostic President (King William County, King & Queen V/WAP)

### **Announcements**

Vivian Henderson (VA Beach V/W) announced a May 29, 2020 one year virtual anniversary memorial ceremony to honor the victims of the mass shooting that occurred in VA Beach on May 31, 2019. The memorial will occur around the same time of the shooting. A remembrance will also be held on May 31, 2020.

Angela Duhon (Military Civilian-Victim Services NOVA) announced that the NOVA conference is going virtual this year from July 20-31, 2020. The conference will held from 11am to 5pm via Adobe Connect. If you miss a work shop session you can view the recording later. Angela announced that she can be e-mailed for questions.

**Secretary's Report** (Sharron Saunders Richmond City V/WS)

– **Approval of Minutes:**

\*Joyce Walsh moved to approve the minutes as written; a second motion was received; no comments or concerns; all voted in favor; the minutes were approved and adopted by the members.

### **Treasurer's Report** by Mindy Stell ((Dinwiddie V/WAP)

As of April 30, 2020 the main account balance totaled: \$42,144.74 and grant account totaled \$32,300.12.

### **Executive Director's Report** by Cristi Lawton

#### Regional Crisis Response Teams:

Meetings are now being scheduled via ZOOM due to COVID-19 with a shift to marketing the regional teams to increase utilization and focus on smaller scale community crimes in order to assist V/W partners and other allied teams in the field. Cristi would like to see the Regional CRT teams assist with secondary, tertiary crime victims, or witnesses that V/W programs may not have the time or the capacity to assist. We have had four Regional CRT requests.

Trainings scheduled with DCJS and VVF have been cancelled due to COVID-19.

#### Victim Assist Helpline / Human Trafficking Infoline:

The new website launched with chat and text features available.

#### Homicide Survivor Support Groups (HSGs):

Due to COVID-19 three out of twelve Homicide Support Groups have switched to virtual meeting sessions via ZOOM. Those three groups are Hopewell, Appomattox, and Charlottesville. VVAN has funding to support 15 HSG programs. Three slots are open. Cristi is trying to identify a teen and Spanish speaking group in the next year.

#### NEW Legal Services Program:

This program has launched with staff in place. Sarika Rueben is the Victim Services Attorney, Sarah Ford as the consultant, and Sarah Okolita the Legal Service Coordinator. Letter were mailed during the 2020 NVCRW announcing the program along with a poster detailing more information. A tear off pad was also provided for distribution to victims. This program also includes a Legal Assistance Fund. Sarika or Sarah Okolita can be reached by phone or the website. An on-line intake form is available on the website.

The Legal Services Program is sponsoring a COVID-19 Roundtable to discuss victim's rights.

The Legal Services Program mailed a letter to the Parole Board expressing victim rights regarding notification of the early release of offenders. The program was contacted by the Parole Board and the Under Secretary for Public Safety about setting up a meeting to discuss the concerns. The Legal Services Program will contact the VVAN Members as soon as a meeting date is established to obtain their input and concerns.

#### Training and Technical Assistance (OVC):

Due to COVID-19 some trainings have moved to an on-line virtual format or have been cancelled. The Victim Witness Director's Forum has been rescheduled to August 11-12, 2020. The Advanced Academy will be held on-line on May 29, 2020. Kim DiJoseph has offered to provide online guided meditation to V/W Coalitions. Kim was also nominated and selected for an "Unsung Hero" from the Office of the Attorney General.

#### Improving Criminal Justice Response Grant (ICJR):

This grant is partnered with the Action Alliance, the Office of the Attorney General's, Office of the Chief Medical Examiners, and the VA Poverty Law Center. Robyn Sordelett is the coordinator of the ICJR program.

#### Finance and Administration:

Due to COVID-19 all staff members are teleworking.

Frank Barcalow, CPA was identified to perform the first audit.

The FY21 VOCA grant was submitted to DCJS.

The Board has reviewed the FY21 revenue and expenses.

#### Fund Development:

In regards to the Homicide Survivor Support Groups we hope to identify private foundations and other funders to supplement the VOCA grant funding to help the groups offer more services, meet more often, and diversify the revenue.

We have submitted sponsorship requests to VVF regarding the Annual Crime Victims' Issues Conference, Basic Academy, Advanced Academy, and the Fall Basic Intensive Advocacy Training. An application was submitted to the VA Law Foundation to provided additional funding to the Legal Assistance Fund.

### Marketing/Public Relations:

We have a new program brochure. Posters were mailed announcing the Legal Services Program. We received a grant for the NCVRW. The grant was used to advertise on NPR radio stations and to set up Facebook ads.

We hope to launch a new e-newsletter this spring or summer.

### Membership:

Currently there are 71 out of 113 Victim/Witness Services Programs that have renewed their membership. We are looking to increase the membership renewal to 75% with new allied membership partners as well. A membership will provide discounts to all trainings.

### Other:

Due to COVID-19 the Strategic Planning Retreat has been cancelled with no new date identified. Membership input will be requested for this meeting.

We have hosted UVA volunteers and VCU interns. The volunteers contributed to the program and assisted with research projects.

## **Committee Reports**

### Finance & Fundraising Committee: Morgan Abbate (Office of Attorney General)

During the March 2020 meeting this committee focused on various ideas of fundraising. They discussed setting up a Facebook fundraiser, restaurant fundraising, and hosting a silent auction at the Annual Conference. Restaurants surrounding the Annual Conference and the Sedona Tap Houses were identified. The next meeting is May 20, 2020.

### Legislative Committee: Robin Bostic President (King William County, King & Queen V/W)

An e-mail was previously provided to the members concerning legislative information. The first section of the e-mail focused on bills that passed and the second focused on bills that failed. Many of the failed bills were continued to 2021. Robin highlighted the following bills for informational purposes:

**HB 33-Parole;** exception to limitation on the application of parole statutes. Provides that a person is eligible to be considered for parole if (i) such person was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a felony committed on or after the abolition of parole going into effect (on

January 1, 1995); (ii) the person remained incarcerated for the offense on July 1, 2020; and (iii) the offense was not one of the following: (a) a Class 1 felony; (b) if the victim was a minor, rape, forcible sodomy, object sexual penetration, or aggravated sexual battery or an attempt to commit such act; or (c) carnal knowledge. The bill also requires the Parole Board to establish procedures for consideration of parole of persons entitled to it and also provides that any person who is eligible for parole as of July 1, 2020, shall be scheduled for a parole interview no later than July 1, 2021, allowing for extension of time for reasonable cause.

200-300 offenders could be eligible because of this bill.

**HB 35-Juvenile offenders; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences shall be eligible for parole. This bill is identical to **SB 103**.

200 offenders maybe eligible for release because of this bill.

**HB 259-Unrestorably incompetent defendant; competency report.** Provides that in cases where a defendant is likely to remain incompetent for the foreseeable future due to an ongoing and irreversible medical condition and prior medical or educational records are available to support the diagnosis, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may proceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial. The bill also provides that such person who is found unrestorably incompetent to stand trial shall be prohibited from purchasing, possessing, or transporting a firearm. This bill is identical to **SB 670**.

**HB 477-Juveniles; trial as adult.** Increases from 14 years of age to 16 years of age the minimum age at which a juvenile must be tried as an adult in circuit court for murder or aggravated malicious wounding; however, if the juvenile is 14 years of age or older but younger than 16 years of age, the court, on motion of the attorney for the Commonwealth, shall hold a transfer hearing. The minimum age is also raised from 14 to 16 for certain charges requiring notice of intent to try such juvenile as an adult by the attorney for the Commonwealth. In order to be tried as an adult in circuit court for the charges that under current law require notice of intent to proceed with trial as an adult by the attorney for the Commonwealth, the bill requires that (i) a report concerning the juvenile be prepared by the court services unit or other qualified agency and (ii) the attorney for the Commonwealth provide written notice that he intends to proceed with a preliminary hearing for trial of such juvenile as an adult, including affirmation that he has read the report. This bill incorporates **HB 1440**.

**HB 808-Services for survivors of sexual assault.** Requires every hospital in the Commonwealth to provide treatment or transfer services, as defined in the bill, to survivors of sexual assault pursuant to a plan approved by the Department of Health; establishes specific requirements for providers of services to pediatric survivors of sexual assault; and establishes the Task Force on Services for Survivors of Sexual Assault to facilitate the development of services for survivors of sexual assault. Certain provisions of the bill have a delayed effective date of July 1, 2023.

**HB 1004-Protective orders; possession of firearms; surrender or transfer of firearms; penalty.** Prohibits any person subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) from knowingly possessing a firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order such person may continue to possess such firearm for the purposes of selling or transferring it to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this provision is a Class 6 felony. The bill also provides that a court shall order a person subject to a permanent protective order to (i) within 24 hours, surrender any firearm possessed by such person to a designated local law-enforcement agency or sell or transfer any firearm possessed by such person to a dealer or to any person who is not otherwise prohibited by law from possessing such firearm and (ii) certify in writing that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order within 48 hours after being served with a protective order. The bill provides that the willful failure of any person to certify in writing that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court. The bill provides procedures for designating a local law-enforcement agency to receive and store firearms, as well as a process to return such surrendered firearms. The bill also makes it a Class 4 felony for any person to sell, barter, give, or furnish any firearm to any person he knows is prohibited from possessing or transporting a firearm who is subject to a permanent protective order. This bill incorporates [HB 856](#) and is identical to [SB 479](#).

**SB 144-Protective orders; issuance upon convictions for certain felonies; penalty.** Authorizes a court to issue a protective order upon convicting a defendant for an act of violence and upon the request of the victim or the attorney for the Commonwealth on behalf of the victim. The bill provides that the duration of such protective order can be for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The bill provides that a violation of a protective order issued upon a conviction for an act of violence is punishable as a Class 1 misdemeanor.

**HB 1532-Department of Corrections; earned sentence credits.** Establishes a four-level classification system for the awarding and calculation of earned sentence credits. The bill requires the calculation of earned sentence credits to apply retroactively to the entire sentence of any inmate who is confined in a state correctional facility and participating in the earned sentence credit system on July 1, 2020. This bill incorporates [HB 1370](#).

**SB 624-Conditional release of geriatric prisoners.** Allows any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who (i) is 55 years of age or older and has served at least 15 years of the sentence imposed or (ii) is 50 years of age or older and has served at least 20 years of the sentence imposed, to petition the Parole Board for conditional release

**SB 811-Sentencing in a criminal case; jury trial.** 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.

**SB 489-Authority to defer and dismiss a criminal case.** Provides that a trial court presiding in a criminal case may, after any plea or trial, with or without a determination, finding, or pronouncement of guilt, and notwithstanding the entry of a conviction order, upon consideration of the facts and circumstances of the case, upon its own motion with the consent of the defendant, or with the agreement of the defendant and the Commonwealth, defer proceedings, defer entry of a conviction order, if none, or defer entry of a final order, and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties and placed on the record, or if there is no agreement, as may be imposed by the court. The bill provides that final disposition may include (i) conviction of the original charge, (ii) conviction of an alternative charge, or (iii) dismissal of the proceedings.

\*Please contact Robin or Cristi if you can refer a victim willing to speak at the Crime Commission, General Assembly, or provide written letter testimonies. Multiple legislators have requested to hear from victims.

Victims' Rights Committee: Kyanna Perkins (Office of Attorney General)

This committee met on March 14, 2020 along with the new Legal Services Attorney Sarika Rueben. The meeting focused on the new Legal Services Program, HB 35, and the lack of support from a particular locality's clerk office regarding Protective Orders.

Program Committee: Lindsay Cassada (Chesterfield DV Resource Center)

This committee is meeting virtually. They are continuing to work towards an in-person Annual Conference at VA Beach scheduled for November 18-20, 2020. The committee has submitted/distributed requests for proposals and the response is due today. The next scheduled meeting date is May 21, 2020.

VA Victims Fund Committee: Mary Anne Freshwater (Appomattox V/WP) & Mindy Stell ((Dinwiddie V/WAP)

No update from this committee due to meeting cancellations. The VVF staff is currently teleworking. They are receiving and processing claim applications. VVF is allowing claims to be submitted without notarization but the claim must be signed by the claimant.

**Old Business**

No old business to report.

**New Business** – How are members doing/coping during COVID-19? How are your localities doing with the phased opening of courts? Any Parole Board issues?

Cristi reported that VVAN has received a lot e-mails regarding the Parole Board issues from victims and V/W Programs about the lack of notifications.

Kyanna expressed her appreciation of the Legal Services Program and their ability to assist with the Parole Board issues and as well as their ability to address victims' rights.

**Meeting Adjourned** by Robin Bostic President (King William County, King & Queen V/W)

\*Robin Bostic moved to adjourn the meeting; a second motion was received; all voted in favor; the meeting was adjourned.

Next VVAN Members Meeting date is August 21, 2020 at 2pm via ZOOM.