



COMMONWEALTH of VIRGINIA

GOVERNOR TERRY MCAULIFFE'S TASK FORCE ON
COMBATING CAMPUS SEXUAL VIOLENCE
CHAIR ATTORNEY GENERAL MARK HERRING

DECEMBER 10, 2014, 10:00 AM
VIRGINIA COMMONWEALTH UNIVERSITY
SCHAFER COURT DINING CENTER, COMPASS ROOM

LAW ENFORCEMENT SUBCOMMITTEE MEETING MINUTES

DRAFT to be formally approved at January 7, 2015 meeting

Members Present: Maggie Cullinan, Penelope Kyle, Donna Michaelis, Nancy Oglesby, Marianne Radcliff, Abby Raphael, Tracy Russillo, and John Venuti (Subcommittee Chair).

Members Absent: Melissa Ratcliff Harper

Staff Present: Shannon Freeman, Barry Meek, and Tonya Vincent.

Meeting Summary

Subcommittee Chair John Venuti called the meeting to order at 10:06 am and welcomed committee members. After an overview of the meeting agenda for the day, Chief Venuti distributed a list of suggested focus areas /tasks for the committee to consider. This document was a compilation of each of the suggestions made by committee members in individual phone conversations Chief Venuti scheduled with each member since the 10/22/2014 meeting. Chief Venuti acknowledged that it was an ambitious list and because of its cumulative nature included action items that overlap with the Response and Education subcommittees, perhaps falling outside the scope of the Law Enforcement subcommittee, but that we could potentially use the list as the foundation of a workplan later in the meeting.

Chief Venuti introduced **Kristina Vadas, Sexual Assault Program Coordinator at DCJS**, who presented information about Sexual Assault Response Teams (SARTs). Kristina provided a SART overview, describing a SART as a coordinated team of individuals serving adult sexual assault victims (the term "adult" is inclusive of post-adolescent youth) with two primary purposes: coordination and response. Core SART members typically include community-based victim advocates, forensic nurse examiners, and law enforcement (both campus and municipal). Additional members may include prosecutors, victim-witness staff, communications officers/dispatchers, and other community stakeholders. In a campus setting, there are three options: participate as a part of the local SART, form a campus-specific SART, or form a hybrid/combination of the first two options. Recommended participants for a campus SART include Student Health, Counseling/Mental Health, Judicial Affairs/Student Conduct, Residence Life, and the Dean of Students. Factors that should be considered include campus population and size, incident frequency, and availability of resources, both on and off campus (law enforcement assistance, victim advocacy services, and medical care/forensic nursing care). Ultimately, the SART goal is to expect and

obtain a consistent and appropriate response to a sexual assault victim, regardless of time of day or who is reporting. The most effective SART responses are those that are both victim-driven and victim-centered.

Kristina Vadas further shared that some campuses, including VCU-University of Richmond's collaborative SART, and ODU, have strong SARTs currently in operation, but acknowledged that there are far fewer campus SARTs than community-based SARTs. Marianne Radcliff suggested that we contact all Commonwealth's Attorneys whose jurisdiction includes a campus to find out if they are inviting campus law enforcement/other key campus staff to their local SART meetings. Donna Michaelis asked the presenter to clarify if her SART description was the statutory obligation of a SART or more of a "best practice": Kristina Vadas clarified that **§15.2-1627.4** only requires that the Commonwealth's Attorney designate a meeting annually to discuss coordinated community response in sexual assault cases. Abby Raphael suggested the need for a legislative charge to keep track of SARTs.

Maggie Cullinan asked about SART training offered by DCJS. Kristina Vadas shared that DCJS has led a large push statewide with training opportunities, including eight one-day trainings (four that were campus-specific, four that were general/community-based) and a recent two-day training at GMU. She also emphasized that DCJS is committed to promoting SART development and can come to a community upon request to provide this type of training. Maggie Cullinan shared that training of investigators and first responders is critical and Nancy Oglesby stated that CAs receive legal training at Trauma to Trial training, but it is only held annually with volunteer instructors and is limited to 15 teams. A concern she shared is that as soon as an investigator is "well-trained", they cycle off to another division, typically every two years. She emphasized the need for a paradigm shift, noting that sexual assault investigation is a specialty. John Venuti stated that VAWA requires campus law enforcement to have sexual assault training.

Marianne Radcliff asked if Commonwealth's Attorney's offices are the right placement for SARTs and Nancy Oglesby expressed that CA's do not want another unfunded mandate - they lack the capacity/staffing to review other service providers such as hospitals, etc. Penelope Kyle voiced that is worthwhile work that needs to be done. Nancy Oglesby shared that the new child abuse review statute is case-driven, and is triggered by specific cases. Maggie Cullinan expressed that VDH may be a better-suited placement for SARTs. Kristina Vadas shared that anecdotally, SART coordinators are often local advocates but there were no full-time SART coordinators to her knowledge. Donna Michaelis suggested a recommendation to mandate campus SARTs and further suggested that campuses could potentially pull from their existing violence prevention committees, emphasizing that loose legislation allows flexibility, and a mandate could at least compel them to get together and meet to discuss response. When asked by Donna Michaelis about SART curriculum, Kristina Vadas shared that there is a SART protocol, available on DCJS's website. When asked by John Venuti about a "wish list", Kristina Vadas emphasized training, particularly for core responders on trauma-informed response and alternate investigation techniques for prosecutors.

After thanking Kristina Vadas for the information she shared, John Venuti introduced **Chief Anthony Wilson with the Blacksburg Police Department** and **Chief Kevin Foust with Virginia Tech Police Department**, who discussed how their two departments collaborate to best serve the campus and local community. Some of these activities include:

- Blacksburg PD attending student conduct meetings weekly
- Shifts holding joint roll calls

- No Hokie Left Behind – bystander intervention/wristbands with
- Meeting with each athletic team on campus
- Adopt-A-Cop – a mentoring-type program for fraternities with a law enforcement officer assigned to each fraternity and providing an academy for fraternity presidents to encourage “safe parties”

Chief Foust pointed out that 90% of VT officers are CIT trained and over half have received sexual assault training, including investigative staff. He noted that while arrest is often seen as an easy option, he wants to provide assistance to students that need additional help. The chiefs noted that an amnesty program exists in emergency situations off-campus (alcohol poisonings, etc.), and they are trying to get the campus to adopt one on-campus amnesty as well.

John Venuti asked the presenters how they collaborate and interface in sexual assault investigations. Chief Wilson explained that Blacksburg PD has strong relationships with VT staff – Title IX, Women’s Center, Residence Life, etc. Chief Foust discussed working with the Women’s Center on timely warning notifications, noting that an unintended consequence of DCL was driving survivors underground, with victims not fully understanding the ramifications of disclosure.

When asked by Barry Meek asked about balancing the investigative obligations of institutions / municipalities with requirements to provide remedial measures as soon as practicable, Chief Foust stated that abiding by federal law is required, so he adjusts as he has to. Chief Wilson added that stakeholder meetings are helpful so that everyone understands the requirements and the roles played by various entities. He noted that Title IX requires investigation of sexual assault cases, but FERPA can limit what can be disclosed to law enforcement. He stated that compliance can seem cumbersome, but actually helps in many ways.

Donna Michaelis noted that trust and collaboration is critical and pointed to expanding threat assessment teams to include Title IX staff. She emphasized that Title IX can help get rid of predators, noting the often serial nature of the crime of sexual assault.

Abby Raphael raised the issue of MOAs for law enforcement agencies, and Chief Foust encouraged the group to make sure any such models are flexible, noting that what works at one institution may not work at another.

Nancy Oglesby stated that prosecutors are not routinely trained in Title IX currently, though it is covered briefly in Trauma to Trial training. She also noted the discoverability of Title IX information.

Marianne Radcliff noted the different evidentiary standards involved (beyond a reasonable doubt vs. preponderance vs. “more likely than not”), and stated that silence can hurt offenders should they choose not to speak to the allegations.

Tonya Vincent asked about the obligation to report information to other universities and Barry Meek stated that there was no current obligation, and in fact such disclosure may be prohibited.

Chief Venuti thanked Chief Wilson and Chief Foust for their presentations and the committee had a fifteen minute break.

After the break (through a working lunch) the group began discussing the action items on the work plan distributed earlier by Chief Venuti. After reading through the list, which included items related to training,

model policies, sexual assault response teams (SARTs), VA code definitions of sexual violence that align with federal definitions, and creation of a state-level advisory committee on sexual violence for higher education, Abby Raphael added the following items to consider and discuss as a committee: mandated reporting for law enforcement, model MOU between local and campus law enforcement agencies, a view on reporting options that encourages victims to report, Title IX best practices (which may included a recommendation to defer a Title IX investigation while a criminal investigation is taking place), and collaboration between campus law enforcement and Student Life.

Donna Michaelis suggested considering categories of action items that included items requiring legislation, coordination of investigations between Title IX and law enforcement, requirements for campus SARTs, and trauma-informed response training. John Venuti referenced standardized certification for Title IX investigators and noted that VCU hosted a sexual assault summit recently that served as pilot, bringing together campus staff from all over the country.

Abby Raphael noted that the SART model provides a great framework and Donna Michaelis noted that the issue of threat assessment was somewhat similar, and when that issue came to the forefront they initially “flooded the market” statewide and nationally with training, then built on that training at the local level.

John Venuti brought up the “You Have Options” program out of Ashland, Oregon, which subcommittee members had received information about prior to the meeting. Nancy Oglesby stated that there was some good information but that she had some concerns as a prosecutor with the “partial report” concept. Abby Raphael echoed that her Commonwealth’s Attorney had concerns as well. Kristina Vadas mentioned that the sexual assault investigator that started the program is coming to Virginia in March. Tonya Vincent expressed that she and Secretary Moran shared the same concerns, and that the Secretary of Public Safety feels that sexual assault is a violent felony and it should be prosecuted.

Donna Michaelis suggested that the group’s recommendations could fall under four basic categories: training, legislation, organizations, and technical assistance. She shared the potential need for a state level advisory committee of sexual violence for higher education. Tonya Vincent mentioned that bill placeholders were due recently and the governor does have a placeholder bill for SCHEV. Penelope Kyle asked that bills related to this issue be shared with committee members, which Tonya Vincent agreed to do. Abby Raphael suggested potentially crafting a philosophical statement regarding upcoming legislation around this issue, voicing concerns about the chilling effect of mandatory reporting.

John Venuti brought up the topic of matriculation, noting that similar to employment law, perhaps Virginia could move towards a “check the box” format that allows release of records from prior institutions. Abby Raphael asked what documents the university creates since this information is not currently on transcripts and Penelope Kyle noted that it is kept in Student Conduct. Elizabeth Griffin noted that though must be given to how far into an investigation one must get before the notation on a student record is triggered.

Public comment was received from **Chief David McCoy with University of Richmond Police Department**, who pointed out the benefits to the increased reporting that Title IX and the Cleary Act have encouraged and also urged the codification of campus SARTs, potentially adding it to threat assessment language already in code. He also shared that mandatory reporting does nothing to encourage prosecution, and emphasized that campus law enforcement’s primary goal should always be to create a safe campus

environment. Additional public comment was heard from **Kristine Hall, Policy Director of the Virginia Sexual and Domestic Violence Action Alliance**, who applauded the comprehensive and multidisciplinary lens the subcommittee, and task force in its entirety, is taking with regard to this complex issue and discussed the continuum of disclosure, the need for supportive systems, and baseline data to consider not only reporting but also case outcomes/dispositions

Chief Venuti reminded the group that the **next subcommittee meeting is scheduled for Wednesday, January 7 from 10 am – 2 pm. The location for that meeting will be confirmed at a later time via email.** This third subcommittee meeting is the day before the full task force meeting, scheduled for Thursday, January 8 from 1 – 3:30 pm at the Patrick Henry Building in Richmond. He encouraged participants to forward agenda items for consideration to him or to Shannon Freeman.

With no further business to discuss, John Venuti adjourned the meeting at 2:07 pm.