

Albemarle County Police Department (ACPD)  
Citizens Advisory Committee (CAC)  
Scheduled Session - Tuesday, March 11, 2025  
08:30am  
County Office Building 1600 5<sup>th</sup> Street – Room B

Price: Call to order at 08:35

Hintz: Took attendance

Committee Members Present:

Donna Price, Chair  
Bonnie Brewer, Member  
Nicole Hall, Member  
Denny King, Member

Committee Members Absent:

None

Others Present:

Col. Sean Reeves, ACPD Chief of Police  
Supervisor Diantha McKeel, Board of Supervisors (BOS) Liaison  
Jim Hingeley, Commonwealth's Attorney (CA)  
Jeanne McCusker, Owner of local business, Home Instead  
Cabell Hintz, ACPD Business Manager (for Danielle Burch)

Price: Opened with appreciation for the comprehensive nature of the January 14, 2025 meeting minutes.

McKeel: Concurred on the comprehensive nature of the minute's structure and content.

Price: Inquired as to whether board members had any business to discuss.

McKeel: Advised she will update the group on BOS news at the end of the meeting.

Brewer: Raised concern for drivers running the red light from Hydraulic onto Rt 29. 29S traffic is at a significant risk due to the Hydraulic traffic running their red light. Requests additional traffic enforcement if possible.

Price: Concurred.

**AGENDA ITEM: MEETING MINUTES**

Price: Moved to review previous meeting minutes.

Price: Appreciative of last meeting minutes and the thoroughness of the content. Requested that acronyms are spelled out if using for the first time.

Price: Opened floor to group regarding any corrections or issues the group sees with 1/14/2024 meeting minutes.

The following corrections to the 1/14/2025 minutes were identified:

Page 4: Clarify the 49%/51% racial population split

Page 5: Spell out HART

Page 6: Spell out ATF, DEA, and HSI

Price: Moved to approve 1/14/2025 meeting minutes with corrections.

Two motions to approve with none opposed.

Price: 1/14/2025 meeting minutes with corrections are approved.

**AGENDA ITEM: MATTERS BEFORE THE PUBLIC**

McCusker: Owner of Home Instead, a local business that offers home care services for seniors. Was made aware that Jim Hingeley would be presenting at the CAC meeting today and wanted the opportunity to address a concern around 'restorative justice' and its impact on her client population – seniors, one of the most vulnerable populations.

McCusker: Provided background information on an October 2021 circumstance in which one of Home Instead's employees committed fraud against a Home Instead client suffering from Alzheimer's disease. Fraud amounted to over \$20k. Expressed deep concern that the offender was recommended for the restorative justice program simply because there was not a previous history of such criminal activity.

McCusker: Concerned that if the offender successfully completed the program, there would not be any background to this criminal activity and she was disturbed about the level of protection the senior population would receive based on this.

King: Applauded the service Home Instead provides. Fraud of the elderly is a problem.

Price: Concurred. Just spent time with her elderly parents, one of whom has dementia. A great fear [of hers] is them being taken advantage of. It is a serious concern that needs to be addressed.

McCusker: Commended police action in this case. However, she did have to "birddog" all aspects of the investigation, as she felt it should not be ignored. If we ignore this type of activity, it will repeat itself.

McKeel: Appreciated McCusker bringing this to the meeting. Commented that restorative justice is appropriate for some areas but not for others and we have to be careful in its application.

Price: Agreed that every offense and every person needs to be looked at individually.

Price: Told personal story about a larceny from partner's personal vehicle and the feelings of vulnerability her partner felt following the event.

McCusker: There is information that says fear prohibits seniors from going outside or doing certain things after such an event. "The world shrinks due to the vulnerability".

Price: Concurred and thanked McCusker.

**AGENDA ITEM: PRESENTATION BY JIM HINGELEY, COMMONWEALTH'S ATTORNEY (CA)**

Price: Opened the floor for the presentation from Jim Hingeley, Commonwealth's Attorney with the question, "How do you or your office view restorative justice?"

Hingeley: First noted he was not able to speak to the details [McCusker is mentioning] but requested the opportunity to look into the specific case and provide additional information at a later time.

Price: Expressed expectations that Hingeley would be aware of the details regarding cases that have come, and will come, through the CA's office.

Hingeley: Respectfully disagreed as it would be unreasonable for him to know the details of all of the cases.

Brewer: Inquired as to how many cases the CA's office sees in a year? 100s? 1000s?

Hingeley: 1000s of cases.  
 Explained the organization of the CA's office: 10 Assistant Commonwealth Attorneys and all are very busy with many cases.  
 It is not realistic to know all of the details.  
 He trusts his people to be appropriate and responsible to the community.  
 They all have discretion to make decisions.  
 The office doesn't necessarily have a "hierarchy of review".

Hall: Inquired as to the philosophy of the CA's office on restorative justice.

Hingeley: Restorative justice program is a relatively new concept for the area.  
 Introduced in October of 2021 and launched in Albemarle County and the City of Charlottesville in January 2022 as a pilot program.  
 Police and the CA have the same goal: public safety.  
 Virginia is unusual as to how charges are brought. Police initiate the charges either through on-site arrest or through investigation and then obtained through magistrate.  
 Prosecutors get the cases after they have started and after charges have been placed.  
 Most times, police do not consult with prosecutors on charges.  
 Prosecutors may act in a consultative role if police request insight.  
 Once the charge is placed, the case then moves to the CA's office.

Once with the CA's office, the prosecutor will do what yields the best result for the community.

Often, violent offenders are removed from the community and jailed.

However, a large portion of a prosecutor's caseload is for non-violent crimes.

In those instances, they look to resolve the crime and restoring the victim.

Hingeley: A good amount of consideration is given to the "overall outcome" – specifically, reduction of recidivism.

There is no magic to how recidivism will be reduced, but thorough review of other programs and research, diversion programs do solve recidivism problems and protect the community in the long term.

There are a lot of collateral consequences to consider regarding incarceration, particularly as it relates to recidivism.

Hingeley: When possible, alternatives are explored.

"Diversion" programs such as Home Electronic Incarceration (HEI), keeps a person in the system but under supervision.

Behavior is monitored and regularly checked.

The offender also needs to participate in programs which are geared toward addressing the problem.

An example is drug court where individuals committing "drug crimes" are eligible.

Includes, "low level drug dealers and those who commit other crimes (ex larceny) as it relates to the offender's addiction.

Hingeley: The process resembles the following:

1<sup>st</sup> ) Charge;

2<sup>nd</sup> ) Referral to drug court (referrals can come from many directions);

3<sup>rd</sup> ) Evaluation;

4<sup>th</sup> ) Suitability for program determined;

5<sup>th</sup> ) CA's office makes the determination

Once admitted to the program, the offender will be supervised in the community, receive treatment, receive case management, be drug tested, and must be gainfully employed or attending school.

Successful completion of the program over the next 12 months results in dismissal of charges.

Setbacks during the 12 months can result in an extension of program.

Local results yield success in reducing recidivism.

Hingeley: "Therapeutic Docket" refers to a program for offenders with mental illness, where the crime committed was driven by the mental illness.

Once admitted to the program, the offender will be supervised in the community, receive treatment, provided resources, be drug tested, and must be gainfully employed or acting in a constructive role within the community.

Successful completion of the program over the next 12 months results in dismissal of charges.

Hingeley: There are other options that are not structured in this same way but, rather, tailored to

the individual and circumstances.

All participation in programs are in the form of a plea agreement and reviewed by the court.

The CA's office has a key role in developing program options, but ultimately, the court makes the decisions.

Hingeley: Restorative justice is another type of diversionary program.

This program involves the victim and the offender.

The victim's participation is voluntary.

There is no further involvement from the courts until the final report is submitted saying the program has been completed.

The report does not have to report back the results or "what happened".

The desired outcome is that the offender learns how their actions impacted the victim and there is an understanding and empathetic response.

Upon program completion, the charges are dismissed.

Price: Thanked Hingeley and opened it to the room for questions.

King: Inquired as to the most common circumstances that move to restorative justice.

Hingeley: Misdemeanors such as larcenies. There are some assaults, but no domestic violence situations at this time.

McKeel: There are guardrails when determining the appropriateness of the program. Applying restorative justice in cases of violent offenses may not make sense and will do a disservice to the restorative justice program.

Hingeley: Remarked that the solution to violent crime is certainly not to abolish jails, as they do serve a purpose.

Jail time under the wrong circumstances could have a negative impact and prevent successful integration back into the community.

Brewer: Inquired as to whether the offender's participation in a restorative justice program is voluntary.

Hingeley: Confirmed it is voluntary and emphasized that there must be commitment and buy in from both parties for it to work.

Brewer: Inquired as to how many restorative justice cases we have had.

Hingeley: There have been a few – if 20.

Reiterated it is a relatively new program and it takes a lot of work.

Brewer: Concurred. Brewer explained she was a mediator for 20 years and they viewed restorative justice on a "whole other level".

McCusker: Noted that Hingeley had mentioned "misdemeanors" as the charge for restorative justice. The fraud case she brought to the table was not a misdemeanor.

- Price: Assured McCusker the concern would be addressed perhaps outside of the meeting. Reminded everyone of the variety of competing interests in the justice system and how all of those interests are important and need to be considered in what is in the best interest across the board.  
Stated we need incarceration, but it may not always be the best option, and it may have detrimental effects; a balancing of affect has to come into play.  
Expressed extreme satisfaction with the CA office, but also suggested that they may be better served by more communication to the Public to combat what is arguably widespread and chronic misinformation.
- McKeel: Concurred.
- Hingeley: Emphasized a tremendous benefit for the community is the HEI program in that our jail's renovation did not require "increasing capacity" – a tremendous fiscal impact for the community.
- Price: Reminded everyone that ACRJ is a jail and not a prison and that the intent is for incarcerated individuals to return to society in a productive capacity, and HEI supports that intent.
- McKeel: Directed inquiry to Reeves as to how the PD and the CA align.
- Reeves: Both offices work together in a respectful environment.  
Both offices acknowledge there is an ongoing issue involving gang violence that tends to involve numerous juveniles.  
Concerned that the juvenile offenders are back on the street in a relatively short period of time reoffending, and [detectives] have been told by some of these juveniles they don't care as there are very little consequences for their actions.
- Price: Although it is imperative all areas work together, a degree of autonomy and independence throughout the legal system must be maintained.
- Hingeley: Announced that as of 3/24/25 there will be a specific prosecutor assigned to the gun violence incidents, thereby providing a true "specialization" in this area.
- Reeves: Commented that was great news.
- Price: Thanked Hingeley and provided Reeves the floor for his presentation on the Active Shooter event 2/17.

**AGENDA ITEM: REPORT FROM COLONEL REEVES, ACPD**

- Reeves: Acknowledged the current time and requested the budget discussion be pushed to the next meeting.
- Price: Concurred.

Reeves: Described Red Flag Law (also known as the Emergency Substantial Risk Order (ESRO)). Explained this allows for temporary removal of firearms from individuals deemed a danger to themselves or others. ACPD enforced what the law "is". Explained he (the Chief) personally viewed the video of the interaction and at no time did the offender's family members say the offender was a threat. Rather, they were clear that he was not a threat. Family said he was exhibiting signs of paranoia. Offender was calm, and officers did not have enough to act. There was nothing more that we could have legally done. Thankful the off-duty officer was there as the death toll could have been higher. Reiterated was not enough to enact an ESRO.

Hingeley: Concurred that the ESRO has standards in place that need to be followed. Court has 14 days once the ESRO has been issued to hold a hearing determining whether a Substantial Risk Order (SRO) should be entered. Announced that the gun violence specialist (prosecutor) will also be SRO specialist and will provide additional training for police.

Reeves: ACPD would have violated his [the offender] rights if any further action was taken.

King: Inquired about staffing in the area at the time.

Reeves: Commented on response time and that it took 4 seconds to shoot [and kill] both victims. The off-duty officer response was within 10 seconds after that.

McKeel: Commented she had heard nothing but praise for the response.

Brewer: Concurred.

Price: Thanked all and adjourned the meeting.

Meeting Adjourned at 10:04am.

#### ADDENDUM:

McKeel: Announced the Board will be considering 6 new police officer positions for FY26.