



Association of Clerks of the District Courts of Virginia

2023 SPRING CONFERENCE & ANNUAL MEETING

TUESDAY, APRIL 4, 2023

WELCOME TOROANOKE

Housekeeping

2023 spring conference & annual meeting

- Restrooms
- Emergency exits
- Slideshow Presentations vadistrictclerks.com

Past Conference section





WELCOME

ASSOCIATION PRESIDENT KIMBERLY MCKITTRICK

Association of Clerks of the District Courts of Virginia



LEADERSHIP PRESENTATION

VICTOR CARDWELL & THOMAS WINN III

WOODS ROGERS VANDEVENTER BLACK

Association of Clerks of the District Courts of Virginia

Discrimination & Harassment in the Workplace

Presented by: Victor Cardwell | Tom Winn

Clerks of the District Court of Virginia Spring Conference

April 4, 2023



What Is Unlawful Discrimination?

Disparate TreatmentIntentional

Disparate Impact Unintentional

Harassment
Intentional or
Unintentional

Retaliation Intentional

Federal Protections

Statutes

- Title VII
- Title IX
- ADA
- ADEA
- EPA
- GINA

- USERRA
- FLSA
- FMLA
- OSHA
- NLRA







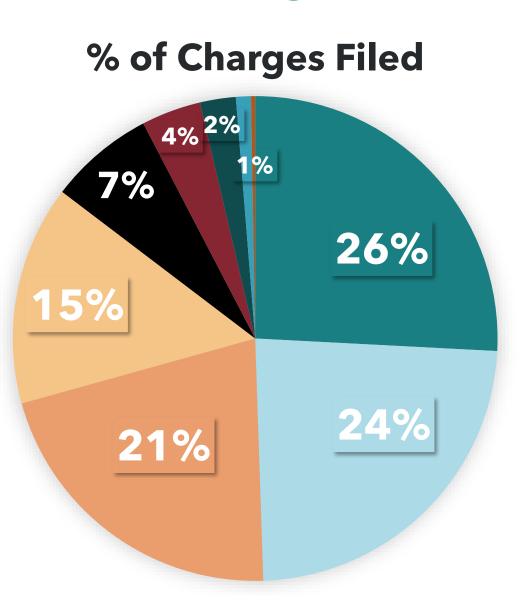
Protected Classifications

- Race
- Color
- Religion
- NationalOrigin
- Sex (including orientation & gender identity)

- Pregnancy
- Age
- Disability
- Genetics
- Military Status

2021 EEOC Non-Retaliation Charges

Charge	# Filed
Disability	22,843
Race	20,908
Sex	18,762
Age	12,965
National Origin	6,213
Color	3,516
Religion	2,111
Equal Pay Act	885
Genetic Information	242



VA Protected Classes

- Age
- Disability
- Genetic information
- Race & Color (including hair and traits associated with race)
- Marital status

- National origin
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions, including lactation)
- Sexual orientation & gender identity

What is Harassment?

Unlawful Harassment

Form of discrimination

- Subjects individual to inferior terms, conditions, or privileges of employment
- Includes harassment on the basis of protected characteristics



Common Misconceptions

Must be sexual

Harasser's conduct must be intentional

Victim must be of another sex, race, religion, etc.

Harasser must be an EE (ex. could also be client, vendor, etc.)

Types of Harassment

Quid Pro Quo

- Submission is basis for employment decisions
- Can be either
 - Promise of benefit
 - Threat of negative treatment
- Sexual harassment only

Hostile Work Environment

- Unwelcome and offensive
- Severe or pervasive
- Enduring it is a condition of continued employment
- Any type of harassment based on a protected characteristic

Hostile Environments

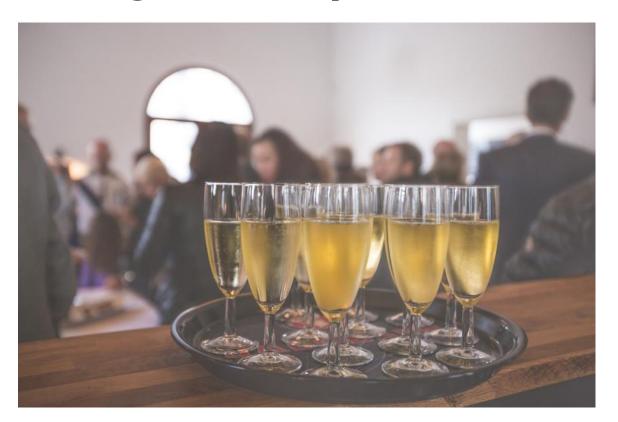
- Unwelcome and offensive
- Severe or pervasive
- Condition of employment

- What can create a hostile environment?
 - Jokes, cartoons, comments
 - Looks: staring, glaring, or leering
 - Shunning/ostracizing
 - Touching

Harassment Can Happen...

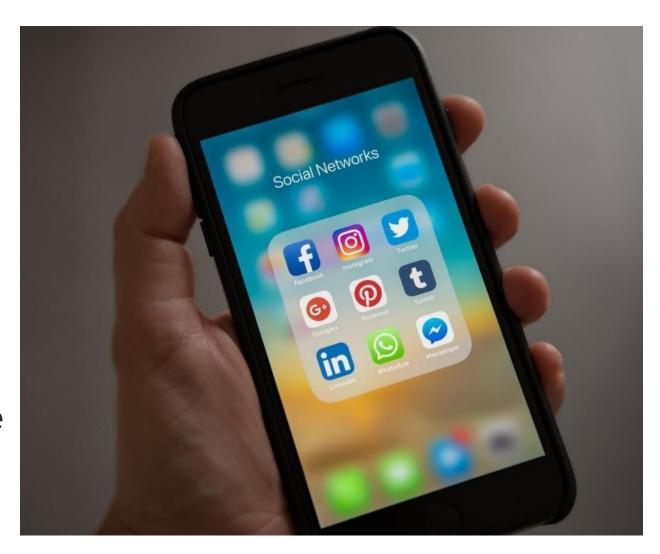
Whenever and wherever EEs fulfilling work responsibilities:

- ER-sponsored events
- Conferences
- Office parties
- Off-site or during non-work hours
- Online/social media
- Zoom



Online Communications & Social Media

- Use discretion
- Think twice before hitting send/post
 - Permanent record(Deleted does not = gone!)
 - Loss of control
- Social media never sleeps
- Private messages sent on Zoom/Teams/Meet not private
- Everyone is watching



Sex Stereotyping as Harassment

1.

Harassment/discrimination because a person does not conform to gender stereotypes 2.

Harassment/discrimination because someone is performing a job that is usually or was previously performed mostly by persons of a different sex

Gossip As Harassment

- Erosion of trust and morale
- Lost productivity, wasted time
- Increased anxiety as rumors circulate
- Divisiveness as people take sides
- Hurt feelings and reputations
- Good EEs leave because of unhealthy environment
- Frequent gossip can create a legally hostile work environment

EEOC: Gossip as Sexual Harassment

Sealy Management Co.

4-12-2021

Assistant Manager subjected to hostile environment

- Supervisor, co-worker spread false, sexually explicit rumors that Asst. Mgr. promoted because she slept with co. president
- Asst. Mgr. complained to management
- Suspended after making complaint, then placed on unpaid leave

"The false and malicious rumor spread by Sealy's employees created a hostile work environment that the victim endured for over a year."

How Does Harassment Affect Us?

The Individual

- Self-blame, loss of confidence
- Loss of sleep
- Loss of appetite
- Anxiety, panic attacks
- Humiliation
- Misplaced anger
- Inability to concentrate

The Organization

- Reduced productivity
- Increased absenteeism/ disengagement
- Turnover
- Negative reputation
- Grievances
- Lawsuits, agency involvement

As a Supervisor: Be Above the Line

Respondeat Superior

As a supervisor, your actions are the organization's actions

- You are the
 - Eyes
 - Ears
 - Mouth

Handling Harassment

LEAD BY EXAMPLE

- EEs follow you
- "Set the tone" for workplace
- Beware of horseplay/ joking
- Much harassment unintentional

PREVENTIVE PROGRAM

- Explicit policy
- Training
- Complaint procedure
- Investigation
- Prompt & effective action
- Know the law

REPORT CONCERNS

- To any supervisor, manager, or HR
- All concerns should eventually go to HR

Individual Liability

- State law claims
- -A&B
- Negligence theories
- Intentional infliction

Take Complaints Seriously

- Do not assume a complaint is "trivial"
- Do not assume "time heals all wounds"
- Do not delay in responding or reporting
- No such thing as an informal complaint

Don't Wait for a Complaint

- Intervene proactively
- Anticipate problems and head them off
- Do not put your head in the sand
- Problems don't go away just because you ignore them

Treat Similar Situations Similarly

Can be perceived as discrimination:

- Uneven focus
- Uneven discipline
- Targeting
- Exclusion

Avoiding Claims

Consult with HR!

- Take care when making disciplinary decisions
- Document everything
- Especially regarding EE who engaged in protected activity

Records to Keep

- Regularly kept records
 - Time cards, production tallies, archival data
- Written complaints from others
 - Members, co-workers, supervisors, etc.
- Examples of unsatisfactory work
- Written summaries of disciplinary meetings

Documenting Discipline

For Each Offense

- Description of issue / failure
- ER expectations
- The decision made
- The reasoning involved
- Suggestions for improvement
- Measurements for evaluations
- EE comments

When to Document

- Each time an issue occurs or an employment decision is made
- When discussing issues (contemporaneously!)
- When following up

Steps to take Now

- 1. Assess your workplace culture for possible incivility (issue spotting)
- 2. Update or create an effective anti-harassment policy
- 3. Develop and schedule regular training
- 4. Implement complaint and investigation procedures
- 5. Ensure EEs of all levels are held accountable

Questions & Discussion

Scenario: The Date

- Rick & Emily work together.
- Neither supervises the other.
- Rick asked Emily on a date and Emily agrees.
- After the date, Emily decides she'd rather be friends.
- Rick keeps asking Emily for more dates and she keeps refusing.

Question 1

Was it sexual harassment when Rick asked Emily on the first date?

Question 2

Does the answer change if one supervises the other?

Question 3

Can Emily complain of sexual harassment if Rick keeps asking her out?

Question 4

What about sending gifts?





Victor Cardwell

victor.cardwell@wrvblaw.com 540.983.7529



Tom Winn

thomas.winn@wrvblaw.com 540.983.7702

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VANDEVENTER BLACK

This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a lawyer/client relationship. The information provided may not be applicable in all situations and readers should speak with an attorney about their specific concerns. This material may be considered attorney advertising in some jurisdictions.

WOODS ROGERS
VANDEVENTER BLACK

Morning Break 15 minutes





Return at 10:45

Breakout Sessions (2)

Law Enforcement Trends
that will impact District Courts
Dana Schrad
Roanoke Ballroom C,D

- OR -

Improve your IT skills using *Microsoft TEAMS*

Mike Riggs & Laura Hatch Crystal Ballroom A-C



LAW ENFORCEMENT TRENDS THAT WILL IMPACT DISTRICT COURTS

DANA SCHRAD

VACP & VACLEA EXECUTIVE DIRECTOR

Association of Clerks of the District Courts of Virginia

Virginia Law Enforcement Update

April 4, 2023

Dana G. Schrad, Executive Director

VACP/VACLEA

Virginia Public Safety Foundation



Who are we?

- Virginia Criminal Justice Agencies (as of Sept 2022)
- City/County Sheriff's Offices 123
- Local Police Departments 174
- Campus Police Departments 41
- State Law Enforcement Agencies 12
- Private/Airport/Railroad 20
- Communications Centers 43
- Regional Jails/Detention Centers 24
- ► +TOTAL All Agencies 476 (247 Police Departments)
- Officer Populations (approx.)
- ▶ LE JAIL CS/CP DISP DOC TOTAL
- **▶** 19,980 6,698 2,000 3,486 8,087 40,462



VACP Training and Conferences

- ► VACP First Line Supervisors School April 18-21 Glen Allen
- VACP New Chiefs/Deputy Chiefs School May 2-5 Glen Allen
- ► VACP ILCT (Institute for Leadership in Changing Times) July 16 September 29 (two parts)
- VACP Annual Conference September 9-12, 2023 Norfolk
- Planning a Women in Law Enforcement Summit and a small/rural agency symposium



VACP Programs

- Revive! Training and Naloxone and Carrying Kits for Public Safety - DBH Grant funded program run by VACP
- Executive Certification for Chiefs and Command Staff
- ► VACP Professional Services and Police Chief Selection Processes - management reviews, promotional processes and police chief/deputy chief selections
- ► Traffic Safety DMV grant; Virginia Highway Safety Committee; Smart Safe and Sober website; training programs; traffic safety newsletters and alerts; participate in HS committees; participate on IACP Roadway Safety Committee



What Happened - Part 1?

- ► International COVID-19 Pandemic first cases in China in December 2019
- Declared a pandemic by WHO on March 11 2020
- ► Virginia COVID deaths approximately 8,800
- ➤ Virginia law enforcement officers were exposed while carrying out duties several died, others were retired on line of duty disability due to long term impact of illness and related health issues.



Pandemic Impact on Police Services

- Lots of uncertainty about safe practices, especially involving close proximity or contact with persons
- ► Traffic stops were particularly difficult; people didn't want to be in contact with officers, or would use COVID as a reason not to cooperate
- ➤ Safety protocols were slow in coming and untested, and even symptoms weren't clearly defined. Critical calls for service were answered; some low-risk services were suspended.
- ► And officers quit.



What Happened - Part 2?

- ► May 25, 2020 George Floyd died in police custody in Minneapolis. Suffocated with the knee of Officer Derek Chauvin on his neck for several minutes while he gasped for breath.
- Chauvin was convicted of murder in April, 2021. Three other officers sentenced for failing to intervene.
- ► Protests nationwide including Virginia. Protest response was called excessive force.
- ▶ National Guard activated, curfews instituted.



Impact of George Floyd murder

- Public support for police evaporated; officers no longer received the benefit of the doubt, but were suspected of racism
- ▶ Public trust of police plummeted, and police interactions with the public became difficult
- Traffic stops were particularly difficult, and associated risks escalated for officers and perceivably by the public
- Became less likely that officers would make stops
- ► Morale tanked.



Pandemic + George Floyd =

- ▶ Officers less comfortable making traffic stops, partly due to COVID exposure and partly due to higher risk of conflicts with drivers/passengers of stopped vehicles.
- ➤ Officers opted to leave the profession for a variety of reasons: aging out baby boomers, fear of COVID exposure (pre-vaccine), fear of public retaliation, increased fear of exposure to liability (lawsuits, public disdain)
- Some law enforcement leaders/chiefs quit.



Police Reforms 2020 - Officer Conduct

- Threat of loss of qualified immunity
- Officer employment hiring, background checks
- Duty to Report on Officer Misconduct
- Duty to Intervene to Prevent Harm
- Civilian Review Boards
- Collective Bargaining
- Standards of Conduct and Decertification



Police Reforms 2020 - Traffic Offenses

- Numerous traffic offenses went from primary to secondary enforcement (lights, equipment, noise, view obstructions, registrations)
- ► No search allowed on "wrongful" stop, including suspected presence of marijuana
- Goal was to reduce the impact on persons of color being stopped by law enforcement
- Result: increased noise complaints from communities, increase in serious traffic violations (speeding and impaired driving) and crashes



2023 Legislative Efforts

- ► HB 1380 primary enforcement of several violations reinstated (passed House, failed in Senate)
- ► HB 1401 Repeal Community Policing Data Collection Act (failed)
- ► SB 1085 Sales of loud exhaust systems prohibited (failed, as did House version)



Traffic Safety Controls (2023)

- ► HB 1535 Commercial Motor Vehicles; limits driving in left-most lane(tabled)
- ► HB 1589 Pedestrian control signals, applicability to bicyclists and others (tabled)
- ► HB 1932 Stationary vehicles; yielding when hazard lights are displayed (passed)
- ► HB 2014 Clarifies hands free law violation penalties (passed)



Traffic Safety Controls (2023)

- ► HB 2300 Handsfree law exception for commercial dispatch (tabled)
- ► HB 2119 Photo speed devices on designated local roads (failed)
- ► HB 2127 Lane splitting for motorcycles (struck by patron)
- ► HB 2204 DUI and data collection, reporting by DMV (passed)
- ► HB 1437 Authorizing use of photo speed devices on interstates and state highways; local authority (failed)



LE Officers Personal Information (2023)



HB 1965 - FOIA; required release of LE disciplinary records (tabled)

► HB 1569 - Virginia FOIA and disclosure of personnel records; clarifies protections (passed)

Civilian Review Boards (2023)

HB 1501 - requires members of civilian oversight bodies to receive certain law enforcement training, and include at least one retired LEO as a voting member (failed)



Magistrates (2023)

- HB 1956 Magistrates to ride along with LE, observe (failed; letter study to Supreme Court)
- ► HJR 530 Joint Legislative Audit and Review Commission (JLARC) to study the magistrate system (failed)
- ➤ SB 971 annual requirement for magistrates to observe LE (PBI with letter to Supreme Court)
- ➤ SB 1256 Appointment and supervision of magistrates to chief circuit court judge (failed)



Mental Health Response (2023)

- ► HB 1792- Temporary detention in hospital for testing; doctor can request in intoxication cases (Passed)
- ► HB 2464 Removing firearms; substantial risk persons (failed)
- ► SB 872 ECO/TDO alternative transportation; requires magistrate to order when appropriate (passed)
- ➤ SB 1174 Court ordered treatment; divert from criminal adjudication when mental illness is determined (failed)



Budget And Budget Amendments

- Second year of biennial budget
- > 599 Funds: the total amount to be distributed to localities shall be \$210,797,081 the first year and \$219,650,081 the second year.
- ▶ \$30 million added for Bold Blue Line grant program for LE agencies. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2024 shall not revert to the general fund but shall be carried forward and reappropriated and allotted for expenditure to support Operation Bold Blue Line initiatives.
- ▶ \$1 million dollar budget amendment (Senator Hanger, Delegate Orrock) to be divided among the regional law enforcement training academies
- ► Governor's budget includes recommends \$58.3 million GF the second year to update and create new Crisis Receiving Centers (CRCs) and Crisis Stabilization Units (CSUs). \$70,000,000 to establish five new crisis receiving centers and to upgrade existing crisis receiving centers.
- ▶ \$12,475,530 fourth of a four year allocation to implement an upgrade program for the Statewide Agencies Radio System (STARS) project.



General Assembly Retirement Tracker

Senator Dick Saslaw - 48, Senator Steve Newman - 35, Senator Janet Howell - 32, Senator Tommy Norment - 32, Senator John Edwards - 28, Senator John Cosgrove - 22, Senator Lynwood Lewis - 20, Senator Jennifer McClellan - 18, Senator Jill Vogel - 16, Senator John Bell - 8

10 Senators for 259 combined years of service

Delegate Ken Plum - 44, Delegate Kathy Byron - 26, Delegate Rob Bell - 22, Delegate James Edmunds - 14, Delegate Eileen Filler-Corn - 14, Delegate Kaye Kory - 14, Delegate Margaret Ransone - 14, Delegate Matt Fariss - 12, Delegate Roxann Robinson - 13, Delegate Jeff Campbell - 10, Delegate Glenn Davis - 10, Delegate Kathleen Murphy - 9, Delegate Mike Mullin - 8, Delegate Jeff Bourne - 7, Delegate Dawn Adams - 6, Delegate Wendy Gooditis - 6, Delegate John Avoli - 4, Delegate Tim Anderson - 2, Delegate Nadarius Clark - 2 (running in another district but had to resign to do so)

19 Delegates for 237 combined years of service

29 Incumbents voluntarily retire for 496 combined years of service

There will be AT LEAST 7 more incumbents that will lose primaries with a MINIMUM of 72 more years of service lost.

Grand total will be at least 36 incumbents and 568 years of service.



What's Now and What's Next?

- Many agencies still operating at 10-20% below full employment; Recruiting is a challenge
- ► Workforce is changing; can't rely on overtime. Employee expectations are higher, less of a public service aspiration. Mental health issues are real.
- Officers want protections; public wants transparency; rebuilding trust both ways
- Prosecutors, public defenders also stressed
- Changing role of law enforcement in society; alternatives to enforcement



Thank you!

- Dana G. Schrad, Executive Director
- Virginia Association of Chiefs of Police and Foundation, Inc.
- Virginia Association of Campus Law Enforcement Administrators
- Virginia Public Safety Foundation
- ▶ 880 Technology Park Drive, Suite 100, Glen Allen, VA. 23059
- dana@vachiefs.org
- Office: 804-285-8227
- Mobile: 804-338-9512
- www.vachiefs.org; www.vaclea.org; www.vpsf.org



Lunch, Business Meeting and Awards Ceremony Roanoke A,B Noon-1:30





Return at 12:45

Business Meeting
Swearing in of Officers
Roanoke A,B

Awards Ceremony

Immediate Past President, Rick Kahl Roanoke A,B

> Next up at 1:30 Encouragement from the Bench

Judge Williams & Judge Woolard Roanoke Ballroom C,D

Business Meeting



The swearing in of Association officers

EXECUTIVE COUNCIL

PRESIDENT:

PRESIDENT-ELECT:

VICE PRESIDENT:

PAST PRESIDENT:

LAURA HATCH - FREDERICKSBURG GDC

KELLY WIGGINS - NEW KENT JDR

LAUREN JONES- WARREN GDC

SECRETARY-TREASURER: AMY BURNHAM - VIRGINIA BEACH JDR

KIMBERLY MCKITTRICK – MONTGOMERY GDC

Business Meeting Swearing in of Officers (continued)



REGION 1: COURTNEY NICOLAS - PORTSMOUTH JOR

REGION 2: JILL HALL - KING WILLIAM/KING&QUEEN GDC

REGION 3: SHANNON MEADOWCROFT - HENRICO JDR

REGION 4: JULIE DOBSON - FREDERICKSBURG JDR

REGION 5: LINDA MOORE - CHESTERFIELD GDC

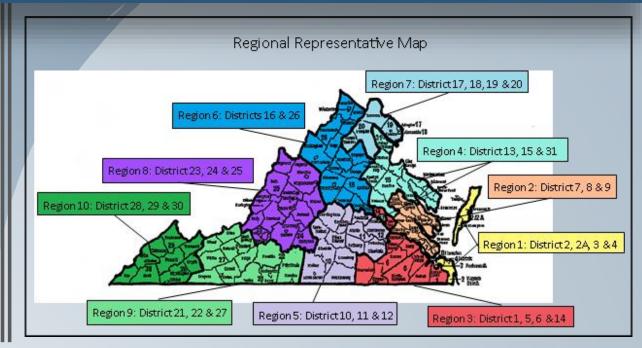
REGION 6: SHANNA HENRY - WARREN JOR

REGION 7: DARCIE DUNN - FAIRFAX GDC

REGION 8: GINGER WEBB - BUENA VISTA CMB

REGION 9: NIKKI KING - FLOYD CMB

REGION 10: J. KAREN ALLISON - TAZEWELL JDR



Regional Representatives

Congratulations!

AWARDS Ceremony 2023 Recipients





Certificates of Excellence

Alecia Lowe - Chesapeake Juvenile & Domestic Relations District Court Jacy A. Wynne - Washington Juvenile & Domestic Relations Court **Shelane Thompson** - Harrisonburg/Rockingham General District Court Jessica Hall - Botetourt Juvenile & Domestic Relations District Court Jessie Thomasson - Botetourt Juvenile & Domestic Relations District Court Alyssa Smith - Spotsylvania Juvenile & Domestic Relations District Court Mariah Jeffries - Spotsylvania Juvenile & Domestic Relations District Court Jenn Dziok - Spotsylvania General District Court Jenna Cancio - Fauguier General District Court **Tina Miller** - Fairfax County General District Court Robin Gardner - Virginia Beach General District Court Mary Tressa - Fredericksburg General District Court Nataly Campbell - Fredericksburg General District Court Dana Page - Danville Juvenile & Domestic Relations District Court Peggy Carroll - Roanoke County General District Court Jennifer Hall - Prince William Juvenile & Domestic Relations District Court Shanna Henry - Warren Juvenile & Domestic Relations District Court Cecelia Garner - Richmond City General District Court Kristie G. Daily - Caroline Juvenile & Domestic Relations District Court



AWARDS Ceremony 2023 Recipients



Plaques and Resolutions

- Deputy Clerk of the Year
- Supervising Deputy Clerk of the Year
- Clerk of the Year
- Exceptional Leadership
- Resolutions for faithful and personal contributions to the Clerks Association.

Congratulations to all Award Recipients!



Encouragement from the Bench *Roanoke C,D* 1:30





Return at 1:30

Encouragement from the Bench

Judge Williams & Judge Woolard Roanoke Ballroom C,D



ENCOURAGEMENT FROMTHE BENCH

JUDGE GINO WILLIAMS
& JUDGE GENE WOOLARD (*RET.*)

Association of Clerks of the District Courts of Virginia



BACKTOTHE BASICS

RHONDA GARDNER

JDR COURT SERVICES MANAGER DEPARTMENT OF JUDICIAL SERVICES OFFICE OF THE EXECUTIVE SECRETARY

Association of Clerks of the District Courts of Virginia



What does the Judicial Branch workforce look like today?

Judges

Clerks

Supervisors

Deputy Clerks

Total of 175 Combined District Court Office Positions

Total of 257 District Judge Positions

63 have < 3 years experience

114 have < 5 years experience

437 have Total of **936** Canaral 222 District District Cour Positions Positions are currently **VACANT** Total of 561 Court Office rusinions expenence

Mission, Vision and Values





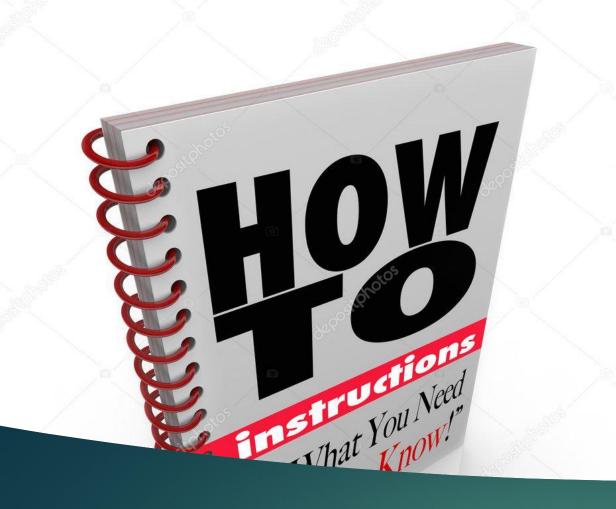


Recruitment, Onboarding and Employee Retention





Customer Service





Training

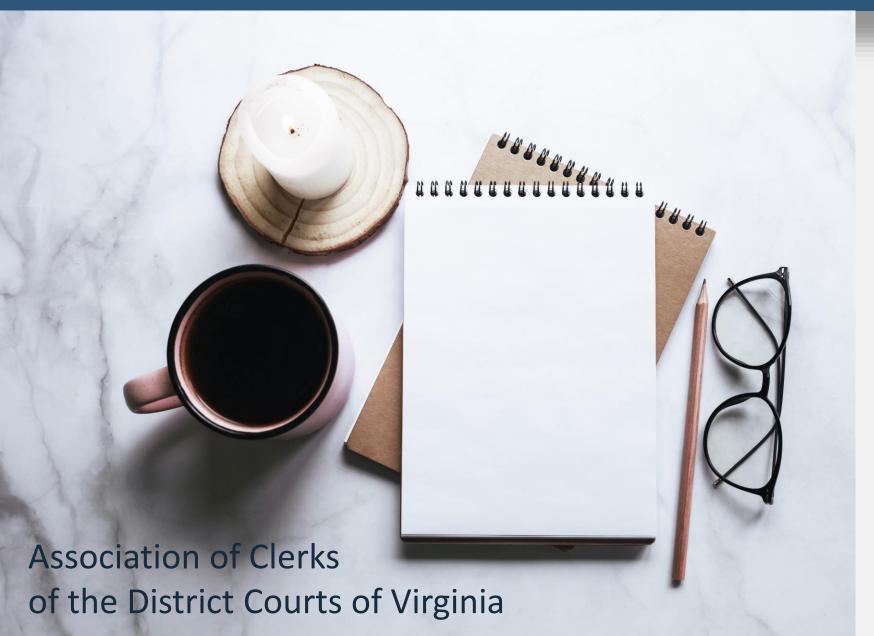


Caseflow and Docket Management

Time Management

Afternoon Break 5 minutes





Return at 2:25

Workshop Sessions (3) (FTE=Full Time Employees)

Workshop Group 1 (small)

2 to 6 FTE Courts

(This room)-Roanoke Ballroom C,D

Workshop Group 2 (medium)

7 to 14 FTE Courts

Roanoke Ballroom E-H

Workshop Group 3 (Large)

15+ FTE Courts

Crystal Ballroom A-C



WORKSHOPS

AS A GROUP, PREPARE SOLUTIONS TO THE QUESTIONS AT YOUR TABLES

Association of Clerks of the District Courts of Virginia

Afternoon Break 5 minutes





Return at 3:05

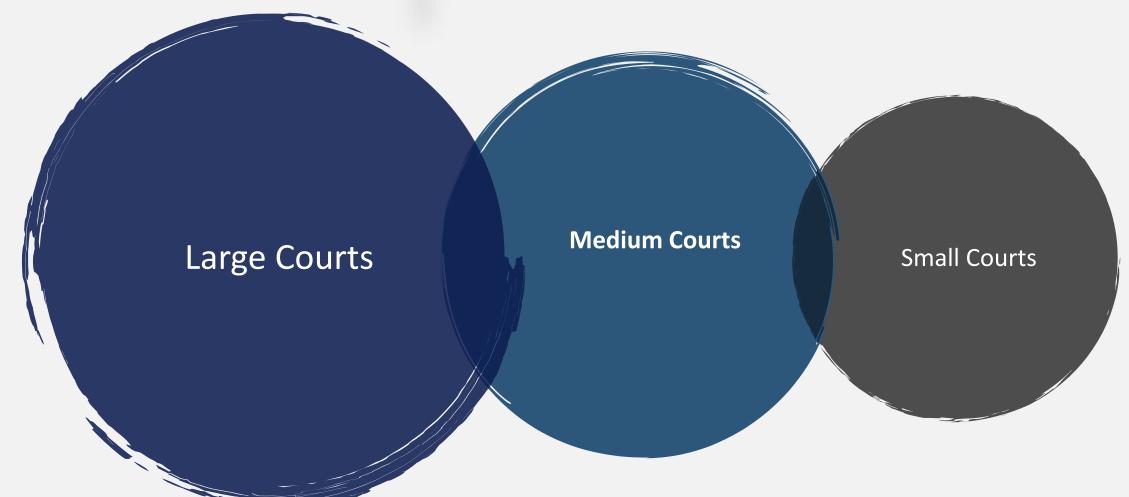
Reconvene to report findings from Workshops

Roanoke Ballroom C,D

Next up..3:30 raffle
Must be present to win!

Report your findings

Please report your top three solutions to your challenge questions. Did your group note any significant takeaways?









RAFFLE

CONGRATULATIONS TO THE WINNERS AND THANK YOU FOR SUPPORTING THE CLERKS ASSOCIATION!

Safe travels!

Association of Clerks of the District Courts of Virginia