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[00:00:01] everyone. Welcome to the Safety and Security Committee meeting for March 28th. I'd be happy to be here. We have two items on our agenda. The first item is on streetlights. We'll have an opportunity to get an overview on where the county is with regard to it. Also connected to a board matter that was done a little less than a year ago by Supervisor Alcorn and myself. And then the second agenda item is on human trafficking. This is a tough issue and we'll hear from Chief Davis

[00:00:36] later on that. So let me go ahead and turn it over to Department of Public Works and Environmental Services and we'll let you go ahead and start on that presentation. Good morning everyone. My name is Eileen Santiago. I'm currently serving as the branch chief of the Streetlight and Developer default branch and I will do my best today to walk through the overview of

[00:01:06] the programs administered by our branch oh and the branch and also our branch is part of capital facilities branch is part of capital facilities within Department of Public Works and Environmental Services. So our office

[00:01:40] provides technical support to many agencies across the country, the county, for the purpose of promoting pedestrian and vehicular safety and also for to enhance crime deterrence. The existing programs listed are like the main categories where we provide these services and support. The LED

conversion program initiated May of 2019. That's one of the most recent programs that we have. The developer streetlight

[00:02:18] program initiated in the late 80s. And the citizen streetlight petition program has been ongoing since early 80s and has changed throughout time. And another is services is support to the Department of Transportation with transportation projects. And the reason this is also a big component is just the process is very similar to the developer program. So it's not a private

[00:02:50] developer, but the process is very similar. So how are streetlights placed in the county? I think that's one very common question around, how do we get them on the streets? So the process can be summarized, or the journey of having a streetlight installed can be divided in two paths.

[00:03:19] two paths. New installations with new poles. Those are typically processed and funded through the developer program, the transportation projects, public improvements from the Department of Transportation, and to a smaller scale with citizen petition program. And as an option, there's also the path of private contributions, HOAs, or private entities.

[00:03:54] Now, when it comes to improving existing network streetlights or upgrading existing streetlights, then the path or the process occurs through the LED conversion program, citizen petition program, and also private contributions.

[00:04:20] So before I start going through each program, I wanted to provide some important facts about our network that are important to know to understand how the program works.

[00:04:36] So first, the county has the largest municipal streetlight inventory in northern Virginia. In Virginia, we have about 16,000 streetlights, and two major utility companies are the providers of these streetlight equipment, streetlight facilities.

[00:05:07] Dominion Energy provides the majority of our streetlighting system network, and NOVEC, or Northern Virginia Electrical Company. They serve, they provide services in accordance with the multi-year contract with local governments and the county.

[00:05:27] It's called VEPCA, multi-year contract, meaning VEPCA of Virginia Energy Purchasing Governmental Association, for you to know. The power companies own and operate and maintain these facilities.

[00:05:47] And the county will pay for the operation costs for these services. And the payment is based on number of street lights in operation. Now, an exception, and it's important, I like always to clarify this, there's a few lights that residents or we can all see out there that are not owned by utility company.

[00:06:18] These are VDOT, own and maintain lights. And you can see those located in interstates, interchanges, interstates, and also attached to traffic signal poles. That is separate from the utility companies or these contracts.

[00:06:36] So the first and newest program that we have, which is the LED conversion program, a little backstory on it. In 2018, the FEBCA members and Dominion Energy negotiated rates, LED conversion rates, reduced conversion rates that made conversion to LED economically feasible, possible, favorable.

[00:07:14] And after that happened right away in 2019, the Board of Supervisors made amendments to our PFM, Public Facilities Manual, that would allow and would require new streetlights and existing

streetlights to be LED streetlights with a specific color temperature of 3,000 Kelvin, not to exceed that number.

[00:07:40] So that occurred in 2019, and after that, also the LED program was initiated within the Dominion Energy Service area. The program is a five-year program to convert all existing infrastructure to LED.

[00:08:02] The board funded the program with $5 million were provided, and it started in May of 2019. It's currently on track. I included some numbers about the status of this program.

[00:08:21] Currently, out on site, we already have 34,000 LED streetlights in our network. Currently, we've already processed design and processed 43,000 total.

[00:08:38] So that means that about the difference of that, about 9,000 are on schedule. to be replaced. So that's the current status based on data that we have from last month.

[00:08:54] So we are on track to complete this program in the fiscal year of 2024. Now, let me see. Now, for NOVIC service area, it works a little different because currently they are replacing failed fixtures LED, but it's more of a maintenance outages type of replacement. It's not similar to what we have

[00:09:29] with Dominion Energy. Our office and other have approached Novak with the interest and the intent to expand and have something, a program similar to what we have with Dominion Energy, but doesn't seem to currently, they're not invested in accelerating and providing reduced rates similarly to Dominion. That's the current state of the service area of NOVAC.

[00:10:08] This slide is more about the benefits that are already showing in our electric bills with the utility company and the result of the conversion program. I realized that this chart is showing energy use since 2016 to current dates. It's missing the unit. It's kilowatts per hour.

[00:10:42] So if you can note that down, I missed that little detail. But the program is projected to remove a total of 32.4 million pounds of carbon emission annually once it's completed and also projected to remove approximately 1.4 million, I'm sorry, to provide savings of 1.4 million yearly after completion.

[00:11:14] So, these are just benefits that are already showing and you can see from the slide, from the chart that there's a point of inflection in 2020 and reduction of energy use, which is aligned with the goals of the county, CCAP, and climate, you know, plans for the county and emission

[00:11:47] reduction. So that's on the positive. Now, about the savings, money savings, there's a continued growth in the lighting inventory that has reduced a little bit of those savings.

[00:12:08] There's also, as everyone is aware, increase in fuel costs, fuel rates. So those money savings have been reduced for the time being. So the projections, currently it's a little, but it's helping to absorb increase, overall increased costs in energy and electric bills.

[00:12:38] This slide is also a little information about how the program is also extending to private properties, private roadways.

[00:12:59] We don't manage that with the LED conversion program. However, the utility company has taken the lead on reaching out to communities, letting them know of reduced rates and benefits they can have if they confer to LED offerings from Dominion Energy that would help them with energy savings,

meet current standards, meet International Dark Sky Association recommendations about LED lighting and overall outdoor lighting.

[00:13:33] For example, and the slide shows it also offers fixture styles and types that reduce pollution, lighting pollution, with full cutoff fixture styles.

[00:13:51] In addition of the LED selection, in addition of complying with the color temperature, county approved. So that is also something happening on the sidelines with the lead of the utility company, Dominion Energy.

[00:14:11] So the developer program, as mentioned before, funds or manages the majority of new installations in the county. Our office supports land development services by providing technical review, guidance to meet lighting standards and county standards for roadway lighting.

[00:14:43] We provide that guidance to land development services, and we also similarly provide similar support to transportation projects that are initiated by the Department of Transportation. We provide the support like pre-design phase and then later on during final construction phase, then we also provide that support with coordination with utility companies.

[00:15:11] This flow chart and diagram, it's just to display a little of the idea, or not the idea, how the process works. The plan review process or services that we provide to developers, Department of Transportation, and other agencies that propose street lighting improvements or street lighting installation.

[00:15:34] Land Development Services is the approving authority. They take all projects that are proposed for the county before construction is approved. They distribute to outside agencies, us being an outside agency.

[00:15:50] We provide technical review support guidance. And then once plans are approved by land development services, then construction begins. And later on, we also play a part on providing assistance to private developers and utility companies getting the improvements in place.

[00:16:25] So the Citizen Streetlight Petition Program manages streetlight requests from citizens and board of supervisors and district offices. It manages petitions that are related to maintenance, outages, and it also manages petitions that are related to requests of new lighting.

[00:16:45] Our staff evaluates the requirements, eligibility, petition process, and then after that, funding is allocated. Sorry about that.

[00:17:10] Funding for the streetlight petition program could be done through three different avenues. One would be funds that we have through minor streetlight upgrades. Those are limited to a cost of $2,000 per year within a defined subdivision area.

[00:17:30] There's also the option of district discretionary funds, which are allocated, can be used if desired by the district supervisor. So it's a direction that is approved or given to us from supervisor office, district office.

[00:17:51] Currently, we have in total about 27 projects for the past two years overall that may be funded through the minor streetlight upgrade or through discretionary funding.

[00:18:12] That's about an overall number that we currently have of projects. And there's also the path and the option of communities providing contributions for installation. And once they get installed, then Department of Public Works pays the cost to a utility company for maintenance, operations, electricity, and so on.

[00:18:38] And last slide. Any questions about the programs discussed? Oh, should I continue with the last slide and then at the end?

[00:18:55] Can you continue, please? Sure. So recommendations to consider. The first recommendation showing in this slide relates to LED conversions within area service by NOVEC.

[00:19:18] It's based on experience shared by people that were involved with the process in 2018 with Dominion Energy.

[00:19:29] And it's basically encouraging board of supervisors to partner with elective officials or other elected officials of other service areas, Manassas Park, Greensillian County, and, you know, just communicate the region's goals of energy savings and environmental goals overall and lowering of emissions, deadlines.

[00:20:06] And then, so that's one of the recommendations shared with us, and I wanted to add to our slide. Another recommendation is expanding, continue with the ongoing request and expanding a portfolio of lighting fixtures offered by the utility company, by mainly Dominion Energy.

[00:20:30] There is a need for modernizing existing infrastructure by certain areas within the county, transportation, corridors related to metro.

[00:20:49] And DPD has been pushing and requesting for expanding of types and selections that could meet the needs of the county. So that's one of them. in terms of the petition program because some of these caps are very limited.

[00:21:13] We recommend expanding resources to existing programs like the minor streetlight upgrade funds, also allocating additional district discretionary funds for each district for streetlight requests from communities.

[00:21:30] Another recommendation would be is to partner with FIDA to revise their secondary road lighting criteria. Just the large amount of transportation projects that are in conflict with local regulations is having a negative impact with our existing inventory.

[00:21:58] A lot of them are getting removed and not replaced. So that's a recommendation as well. And last, resources for non-standard lights that have increased in the county. There's a lot of pedestrian lighting projects that are growing.

[00:22:18] We have Cinderbed Trail, Scotts Run Trail, Vesper Trail, Arrowbrook Trail, a number of trails with lighting that need operations and maintenance resources.

[00:22:36] And lastly, also non-standard lighting related to specialized fixtures for metro corridor areas. Those we are required by VEPCA to provide storage and procure and maintain, which is something that the county typically didn't do in the past.

[00:23:00] So that would be something new to our branch. And with that, okay, I will say thank you very much for that presentation, Ms. Santiago. I just want to make a couple points.

[00:23:19] First, in the board matter that Supervisor Alcorn and I did last year and Supervisor Smith, it was specific in noting that county executive be directed to have the appropriate staff conduct a review and develop long-term strategies to fund street lights that are being requested by individuals in our neighborhoods. And I'll be frank here in saying that I think the presentation very well succeeds in reviewing our current initiatives, but my concern is that

[00:23:56] we really don't have enough focus on what we're going to do with regard to the new street light requests. I think we've highlighted programs here which, to me, they're somewhat well-known and they're also important, but the issue remains that there is no year-over-year program that is being identified to provide funding for the new major tree-like projects that our existing communities are requesting. I think the only recommendation that furthers

[00:24:30] the original directive is the allocation of additional district discretionary funds to each district office. And I think it's important to note that this kind of creates a little bit of a conflict in our offices in terms of how we deploy those funds, and we want to be kind of effective and fair in their deployment. And I think this is also the first time that I've heard about using in the Citizen Streetlight Petition Program process with funding from the discretionary program.

[00:25:09] And again, I'm not as familiar with the Minor Streetlight Upgrades Program, and I'm just trying to figure out, like, long-term, how do we get to the objective, which is we have so many requests, and I'll be frank, a streetlight can cost approximately $10,000, and our minor program provides up to $2,000.

[00:25:34] hours so clearly there is a deficit there um and i'll also say you know it's it's difficult to think about the county establishing a program which has a county-wide need um by just providing it through individual supervisors offices to me that is a little bit of a disconnect and i'll say um we're trying to figure out what other things we can use the discretionary funds for and if we are just relegated to using it 100% to streetlights, and that means we can't do some of the other

[00:26:12] initiatives that we've outlined and been able to do over time. I mean, for me, one solution could be, you know, to fund this Citizen Streetlight Petition Program in a way that allows for the installation of new lighting to be both fair and effective in the way that we do many of our other programs here in Fairfax. I think taking the savings that we have in the LED conversion program and maybe deploying some of that to helping us address this issue of the streetlights,

[00:26:48] and then also maybe looking at some of the discretionary funding as a component for that. So those are just some of my background thoughts. But with that, I have a few questions, if you're okay. And I'll get to my colleagues, okay? So first, I appreciate the point that you made about the savings on the led conversion and i know you're saying that there's some headwinds here with what's happening um with pricing of fuel and other considerations but just out of curiosity do we have a number today of how much we're saving with those lights that have been

[00:27:28] converted through the program now so how much are we saving through our energy consumption by the new LED lighting. First question. So if I could jump in, Supervisor Lusk, we have those numbers, perhaps not here in the format you're asking, so we can certainly follow up and get you those numbers.

[00:27:51] We track the carbon reductions very closely and the dollar savings, which, as Eileen said, they vary depending on fuel costs and electricity costs. But we do have those numbers, and we can follow up

with our current annual, say that would be FY23 savings and reduction in carbon and energy cost savings to the county.

[00:28:15] I'll accept that. Thank you very much, Mr. Needham. The second question is, I know there was a reference to 27 projects that have been requested through, I believe, the minor streetlight program. Is that correct? You mentioned 27 projects.

[00:28:33] Both, just citizen petition. Okay, combination. Okay. So out of curiosity, that's total. Is that over the last two years or is that over the last year? The information I collected is over the last two years. Over the last two years. Do we know how many requests we got in the last year and how much it would cost to fulfill that request?

[00:28:56] Sorry about that. I could get that information. I don't have anything. Okay, just trying to get a sense of what's the scale here in terms of the project and what we need in terms of the allocation for it. What happens is sometimes, I'm sorry, sometimes these requests don't go through because the community doesn't, there's no consent.

[00:29:20] So we do receive a number and then they don't go through. Okay. So we don't, we haven't tracked those that didn't go through because of some basic things like community consent. Okay. I'll accept the ones that fall out, but just getting a sense of where we are with the ones that are still in, right?

[00:29:35] the legitimate or the eligible request, if you want to describe it that way. The next question is, help me with this. So you talked about kind of taking the district discretionary fund and kind of pushing it into the Citizen Streetlight Petition Program.

[00:29:52] Can you help me understand the thought around that? What's the process that you envision in that sort of amalgamation? Well, the current process is the supervisor office reaches out to us.

[00:30:11] The community already, you know, reached out, made the requests. And so it comes from their office. And some districts have, you know, many requests and some have other priorities.

[00:30:28] So it leaves each district with, you know, the priorities to be based on their needs. So it has that advantage, I would say, that it allows for prioritization, if that's the correct word to say.

[00:30:48] No, I think I hear what you're saying. I guess I'm just trying to figure out, again, going back to the point that one street light can cost $10,000. And the communities that we're talking to, it's a really tough nut to say. we're going to be able to help fund, you know, a project that would need, say, 10 streetlights.

[00:31:06] So you're at $100,000, and if we're looking at funding through either of these programs, discretionary or even a citizen petition, you're not going to get to that level of funding. So I guess what I'm trying to figure out is, like, how do we really, you know, get at the way to fund the requests that we are getting in our district offices?

[00:31:28] We're basically discouraging, in some cases, these because of the costs that are associated with building these facilities. Supervisor Les, Chris Harrington, Director of Public Works. To that question and to your earlier comment, we had a conversation sort of what is the unmet need on a countywide basis for where there aren't streetlights today.

[00:31:49] Right. From, you know, in our geographic information systems, we have a pretty good idea of where there are streetlights. The public facilities manual gives us some preliminary guidelines in terms of

establishing where streetlights should be. But as you've realized, and as Eileen mentioned, not everybody wants streetlights.

[00:32:06] And so in trying to define the universe of what is the unmet need, we can't do it. And so we don't know exactly where the number of lights that would be necessary to effectively satisfy the PFM requirements in neighborhoods that don't have them. We don't have any information in terms of where they're wanted by those residents or not.

[00:32:26] And so the county's current perspective or program via the petition process is that you have that opportunity to receive those requests from your constituents to determine what is the need. It is, you know, so I can't give you a number that with this dollar amount divided over this many years, we would bring the county up to a PFM compliant standard.

[00:32:47] That's the challenge in delivering a countywide program. Obviously, we could expand if the board chose to fund additional allocations to discretionary funds. We could expand the current program. For us to do a study in terms of quantifying the need to programmatically, independent of the discretionary process, would require new resources that we don't have in public works now.

[00:33:10] If that's the will of the board, obviously, we can work on figuring out what that might look like to do that study. Yeah. I mean, I think I'm making the point that the request that we're getting in my office, they cannot be met with the current program. So the idea here is how do we get to a place if we know there's demand for the streetlights to be able to help fund them?

[00:33:35] I guess that's the ultimate point I'm trying to make. I'm not saying that every community wants them, but I know there are specific communities that do, and the costs are exorbitant in some cases for them where I've mentioned it's up to $10,000 per light. And then if I can...

[00:33:56] On that point, because we're already into the next presentation here, what would be helpful for us to get is maybe we could get a list by district of projects that we were not able to do because we didn't have the resources to do those so that we can get a handle within our districts.

[00:34:13] If some have been denied, you know, what were the reasons? I understand if, you know, they don't reach the petition level or the community doesn't want them. I think what we're trying to get an idea of is in our districts, how many requests do you have that can't be fulfilled right now because of a lack of funding?

[00:34:29] And then individually there could be some creative ways to solve that. I mean, I'm looking at the remaining balance and the discretionary funds per district, and there's a pretty decent amount of money there. I just don't know that we always know that you're sitting on one that can't be done but for. And so I think by district, if we could look at that, I think it would give us an idea at least of the magnitude of the challenge.

[00:34:50] And, you know, while I have the microphone, just real quickly, also any conversions that we're not able to do. I don't know if there's any that we can't do. I know years ago some of the old lights couldn't be converted for various technical reasons. I don't know if we still have lights out there that can't be converted because the conversion program, while it's not bringing new street lights, is improving lighting and driving savings for us.

[00:35:15] We want to make sure we get every single one of those converted if we can. If there's a technical reason why any of those conversions can't happen, I'd at least like to know that point. But I mean, it's a really good news story here from an environmental and a financial savings standpoint, and it shows the investment we made on the environmental front is paying itself back in a massive way.

[00:35:37] Just looking at that chart, we want to make sure we maximize that. Okay. Let me see to my colleagues. I'll start on this end. So, Harry. I don't have anything pressing. Kathy's been chomping at the bit, so I'm going to pass.

[00:35:53] Thank you so much, Supervisor Herity. As staff knows, I've had Sam Kang from my office asking lots of questions about NOVAC, trying to figure out how we work with them. I was involved when the Northern Virginia Regional Commission worked with Dominion, because at first it was NO and it was going to be expensive.

[00:36:11] And so I'm happy to see here a recommendation that we work forward for NOVAC. When you look at the map, this is the other areas. I've already talked to, and I think it's only Springfield and Sully in Fairfax County that has NOVAC for their lighting.

[00:36:30] I've already talked to Bob Lazaro from Northern Virginia Regional Commission. He's willing to help us. I think that when I look at the number of streetlights we have in Sully District, it's not right that NOVAC isn't doing the conversions there. I have used the discretionary funds, and I would like a little bit more.

[00:36:49] There was a community, I was at a community meeting last night with this same community that's concerned about crime. We were able to put lights in there. We worked with the police department. We worked with the community. They still have some concerns. There was a fatal pedestrian accident on Route 29.

[00:37:05] We're working on that. NOVAC is saying they can't put LED there. We need to have LED there. So I think it's time for us to advocate for those constituents that aren't in the Dominion area. And so I would like us to do whatever we need to do. We can bring in Bob Lazaro, and, you know, I haven't advertised to my community that I have these discretionary funds because I don't have that many.

[00:37:28] But as we find out about these problems, and to me, safety and security is the top problem, and that's what I've been addressing. So a little bit more funds might be helpful there. You know, it's the big picture of the best way to do it, but I do like that people can come to their district supervisor.

[00:37:44] We raise these issues. We work well with the police, and we can try to solve problems. Thank you. Thank you, Supervisor Smith. Supervisor Alcorn. Thank you. To follow up on that, you know, we have fantastic GIS systems in Fairfax County. And just to follow up on the safety and security concerns, crime, safety, what would be super helpful as we try to figure out whether we need, as the board matter said, a comprehensive lighting plan following adoption of the active Fairfax plan is basically an analysis of where there are crime or safety issues potentially associated with the lack of lighting,

[00:38:24] because we just don't know that. I don't think we've ever done that kind of an analysis. And that would be very helpful, I think, in educating ourselves, educating the public, where there may need to be additional lights that just don't exist yet. And that's a big ask in terms of funding.

[00:38:43] And I don't want to be, I mean, this shouldn't just be on district supervisors. You know, we need more data to figure out whether or not we need to actually jump into a larger issue. And this may not be as big an issue for my colleagues.

[00:38:59] So if it's not a countywide issue, I understand. But certainly understanding where there are crimes, where there are safety issues from a traffic pedestrian standpoint. And we're also getting data from Family for Safer Streets on near messes. You know, that kind of data pulled together I think would be really helpful in educating us where there might need to be additional lighting.

[00:39:20] Thank you. Thank you. Supervisor Alcorn, Supervisor Stewart. Thank you, Mr. Chairman. And I would echo the points that Mr. Alcorn made and the points that the Chairman of the Board made a few minutes ago as I think we just need more data, and I think that would help us to understand how do we move forward with some of the issues here in funding, et cetera.

[00:39:39] And then last item I had was, and then, of course, I think Novak needs to get gone. I mean, that's crazy, and I'm here to do whatever we can to move them along. On slide seven, and I don't need an answer here, but I keep looking at this, and I can't figure it out.

[00:39:54] If you look at better and best, it's the same exact lamp, and yet one somehow or other is more downward facing, which I know is a positive, and the other seems to be. So if somebody can just explain to me, and don't have to do it today, but somebody can just explain to me how that's possible.

[00:40:11] I mean, the LED light bulb is coming from the top or something. I don't know. But I'm just curious and just would love somebody to tell me what that is and how it works. So thank you. Just a matter of shielding, but we'll respond back with more information. Yes, sir. Okay. Thank you, Supervisor Storks, Supervisor Walkinshaw.

[00:40:28] Okay, Supervisor Faust, Supervisor Palcic. Thank you so much, Mr. Chairman, and thank you for the presentation. Thank you, Ms. Santiago. Yeah, I think this is a great conversation to have and 100% agree with what's been said by my colleagues. I think this is going to be an and or we are becoming much, much more urban.

[00:40:47] And so the safety piece of it, and I see Mr. Arnold is here, Chief Davis is here with us today. I don't see Captain Hanson, but my initial question around the safety piece is around our pedestrian safety. I know we try to review every incident and fatal pedestrian crash we've had since I've been here.

[00:41:07] Some of them, you know, the police who are out at night know when lighting might be one of the issues. So as we look at the safety piece of it, I think it's an and piece where we have to maybe work with active Fairfax and the traffic team to understand where kind of those highest needs are.

[00:41:28] And that might be equity areas as well or owned by, you know, communities that $10,000 for a street light is a bit unaffordable for a small HOA. So I guess to understand where those are for the larger project. And I think as Supervisor Smith was saying, some of the district offices, you know, we're able to maybe see ones that maybe fall under the radar, but are definitely necessary in each community and our very diverse communities as we hear from our members and HOAs.

[00:42:00] So I think, to me, it really is one of those where we need that countywide as well as understanding more at the local level how to achieve those. So thank you for this work. And I don't know if

there are next steps on that, but I think what I'm hearing is many of us want to be able to ensure that the lighting piece of it goes hand-in-hand with the public safety piece and the community improvement piece.

[00:42:25] Okay. So if there are no other questions, we will – oh, you have a question? Yeah, just real quick. I don't know whether this is encompassed in the other questions, but I know what my district looks like in terms of requests, but it would be useful to see perhaps what all the districts look like in terms of requests, what's been spent, what's outstanding in the current request thing, because I've got a bunch I know that are waiting.

[00:42:53] Certainly Lee Chapel Road is the big one for me. Okay, so thank you very much for this presentation, and I will now call up our second presentation today on human trafficking. And Supervisor Luss, just for some clarification, we'll get public safety and DPWS, get a GIS map for all, just for clarification.

[00:43:20] That's great. Thank you. I'll start very quickly by saying thank you very much for the presentation that's been submitted.

[00:43:47] I look forward to hearing it done here today, but acknowledge that this issue is a tough one. Even in my own community, we have concerns about illicit massage parlors, and we know that there's a lot of activities that are occurring in this community which are so, so unfortunate.

[00:44:08] But I acknowledge that the police department and others are actively working on this. And with that, I'll turn it over to Chief Davis. Good morning, Chairman Luss, Chairman McKay, and Board of Supervisors. I'm joined by Major Thea Purnett.

[00:44:24] Major Purnett commands the Organized Crime and Intelligence Bureau. Also joined by crime analyst Kathleen Harris, one of our very best. And another one of our very best, Sergeant Chris Rekas. Dave, where are you, Dave?

[00:44:43] I'm sorry. I thought I had that nailed. Lieutenant David Lawler. Sorry, LT. Thank you. No worries, Chuck. Okay, I owe you one. Just very briefly, contrary to what is portrayed in Hollywood, human traffickers often utilize very subtle and strategic methods to identify and groom victims.

[00:45:09] Those responsible for human trafficking are more dependent on technology than they are on brute force. It is a heinous crime and one that knows no jurisdictional boundaries. When there is a report of suspicion of human trafficking in Fairfax County, the FCPD initiates a comprehensive investigation leveraging the assistance of our federal partners.

[00:45:33] And just as an aside, we have 85 Fairfax County police officers who are deputized as task force officers, and they work with all the federal law enforcement agencies. Human trafficking is often a hidden crime, and our priority is to identify the victims so they can be rescued.

[00:45:51] From there, we work diligently to bring the perpetrators to justice. Sitting next to me again is Major Thea Pernat, who commands the Organized Crime and Intelligence Bureau, which encompasses a multitude of investigative units which help combat human trafficking.

[00:46:07] She will cover some of the types of human trafficking common techniques being deployed by traffickers right here in Fairfax County. and what we are doing about it as an agency with our community and with our very valuable federal law enforcement partners. Good morning. I'm Major Thea Pernet, and

I'm here today to talk to you about the serious topic, an often misunderstood crime. Human trafficking is extremely complex because it is often underreported, unreported, or unidentified.

[00:46:41] So what is human trafficking? Human trafficking is compelling someone to work or provide services or to engage in a commercial sex act. We subcategorize human trafficking into two types, sex trafficking and labor trafficking. Sex trafficking involves the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which the act is induced by force, fraud, or coercion.

[00:47:09] There is no criteria for force, fraud, or coercion, however, if the victim is under 18 years of age. Labor trafficking involves the recruitment harboring transportation provision or obtaining of a person for labor resources through the use of forced fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

[00:47:32] Labor trafficking is a form of labor exploitation, which loosely defined would involve working for another for little to no wages or perhaps in other terrible conditions. However, the employees do have the option to quit and walk away. It crosses the line when there's force, fraud, or coercion.

[00:47:48] Common areas where labor trafficking is seen in the United States is in agriculture, the housekeeping or child care industry, or factory work. So breaking these definitions down even further, it really comes down to three main elements. Element one is the process itself.

[00:48:03] An offender is recruiting someone, harboring someone, providing someone, obtaining someone, soliciting someone, or patronizing someone. Element two is the means, which is that force, fraud, or coercion you're going to hear me talk about. And then element three is the end result, which is the commercial sex act or the actual forced labor.

[00:48:22] So how does one become a victim of human trafficking? We need to talk more about that element two, the means. Usually not just one tactic, but several will be deployed by a trafficker. Victims are often targeted and groomed.

[00:48:37] A trafficker identifies the unmet needs or desires in a person's life and decides to exploit them. Or they focus on a victim's vulnerabilities. Common risk factors for a victim of labor trafficking are immigration status, low levels of education, a debt that needs to be paid off, or being economically disadvantaged.

[00:48:57] In many cases, labor trafficking victims are brought into a job under false pretenses and kept there through threats and violence. With sex trafficking, common risk factors include a history of previous abuse or exploitation, substance use, homelessness, mental illness, involvement in the commercial sex industry, or poverty.

[00:49:18] With child sex trafficking, common risk factors are chronic runaway or homelessness, child sexual abuse, chronic abuse and neglect, identification as LGBTQ, learning disabilities, poverty, developmental or cognitive delays, lack of personal safety, emotional distress, family dysfunction, substance abuse, mental illness, and a lack of social support.

[00:49:45] So tactics to recruit and groom victims often include violence or threats of violence, lies or false promises, Befriending a victim to gain trust. The victim may feel that they now owe the trafficker and

need to give something back. And romance. The most common way traffickers are initiating contact with victims is through a romance scam, essentially.

[00:50:05] They often use social media and online gaming. That's why it's so important for adults to talk to youth about their online safety. The person on the other side of that screen name or that avatar can be anyone they want to be to gain the trust of a potential victim. When sexting has become a major risk for trafficking, with the growth of various messaging apps, sexting has become almost normal among teenagers.

[00:50:28] They may send a photo to someone they think they can trust and want to gain the favor of, but once the photo is sent, the recipient can use the image as blackmail. They will threaten to share the photo with friends or family unless the victim complies with their demands. So we have several statutes in Virginia that we use to combat the problem.

[00:50:46] This is the specific code for sex trafficking in Virginia. If the ailments are met with any of these four subdivisions, the code applies. The first three are considered class four felonies, which is punishable by two to ten years of imprisonment. And then the last subsection is actually a class three felony, so it's upgraded to five to 20 years of potential imprisonment.

[00:51:07] So it's important to note that not all acts of commercial sex involve sex trafficking. One on their own may choose to become a sex worker. It may be a situation where one starts off as a sex worker but later becomes a sex trafficking victim, as this is a risk factor I mentioned earlier.

[00:51:28] Once they are compelled or forced into commercial sex acts, that is when it becomes sex trafficking. If a minor is involved, we don't require the same elements of forced fraud or coercion. A minor cannot consent to working in the sex trade, period, that will always be classified as sex trafficking. This is one of the areas, and it's extremely complicated for law enforcement.

[00:51:47] It may be obvious there's commercial sex acts, but less obvious that it involves victims of sex trafficking. Disclosure is a process, so not every victim is ready and willing to disclose when afforded the opportunity to do so. In most cases, individuals we identify as being involved in commercial sex acts have denied that they were trafficked.

[00:52:08] Virginia also has a specific code that can be applied to labor trafficking. It's essentially categorized as abduction or kidnapping, where someone's not allowed to leave upon their own free will. We actually utilize this code frequently in other cases, not just labor trafficking. It is punished as a Class 5 felony with imprisonment of 1 to 10 years.

[00:52:27] There are other Virginia statutes that we may apply for both sex and labor trafficking beyond those two specific codes I mentioned, depending on the unique circumstances of each case. If children are involved, certain child abuse statutes may apply. There's another criminal code for abduction where the intent was for financial gain, which is often appropriate for human trafficking situations.

[00:52:48] And here are some additional codes that apply to commercial sex trafficking. Sometimes these codes may be appropriate if we cannot prove sex trafficking, but we can meet the criteria to prove commercial sex acts are occurring. So these will be the codes we apply in those situations.

[00:53:09] And as with sex trafficking, we may not be able to prove labor trafficking. So these are some of the Virginia codes that we may apply if we can show at least the elements of labor exploitation. So what is

the Fairfax County Police Department's response?

[00:53:27] The main thing we have is a trauma-informed and collaborative approach. We have a specially trained detective with prior sex crimes experience that is primary on all suspected human trafficking cases. She is supported by other sex crimes, child abuse, and exploitation detectives if needed.

[00:53:44] There's also a crime analyst assigned to work human trafficking cases. She's joining us here today. She will do a deep dive into relationships that can be identified between a potential victim and a suspect or suspects utilized in police reports and other open-source data. She also looks for other potential victims that may be linked to the same suspects.

[00:54:02] She's very proactive in her approach. She uses keyword searches in our police reports to see if maybe it was missed initially and not referred to our detective, so she'll identify those and flag those for further follow-up. The team also has two advocates, victim advocates, assigned in-house to the police department. They're the sole advocates in these cases and specially trained for anything with a nexus to human trafficking.

[00:54:22] All our officers receive training in human trafficking while in basic training. We offer additional in-service training several times a year today at our academy. As a matter of fact, it's day two of a two-day class on human trafficking that we're putting on. We recognize that the internal police efforts are not enough to take care of victims and hold offenders accountable, so we work with other county agencies, federal law enforcement, even private partners to be effective in what we do.

[00:54:47] These are just some of the partners we work with. It is really a multidisciplinary team approach here in Fairfax County. A victim of human trafficking may need medical services. It's often someone in the medical industry most likely to identify elements of trafficking. A victim will likely need clothing, shelter, counseling, legal services, educational or vocational training, and even travel assistance to return home.

[00:55:10] We will refer some of these cases to the Eastern District of Virginia and utilize federal victim advocates. They can assist with additional medical counseling, substance abuse, and restitution for the victim. Victims not living locally is often one of our barriers to prosecution.

[00:55:26] We have to partner with state and federal law enforcement for criminal cases as Fairfax County may not be the best venue for depending on the case for prosecution. I do want to conclude with a couple of summaries from cases that have occurred in here in Fairfax County. You will hear many of the elements that I have talked about in these cases as it pertains to the risk factors for victims, the methods deployed by traffickers, and the complexity of these multi-state nature of these offenses.

[00:55:52] A 17-year-old foster child was reported missing. She was posted on Skip the Games and eventually was located in Spotsylvania County. She was prostituting with a 25-year-old female who claimed that she did not know this person was underage.

[00:56:08] Both the child and the adult female claimed they were operating as independent prostitutes. The child was brought back to Fairfax County and a shelter care order was issued for the child as she clearly needed services. In this case, Fairfax County Police worked with both the FBI and the United States Marshal Service to help locate and bring this child home.

[00:56:26] Case number two, actually involved from a school security officer at a middle school, noticed a student leave campus during school hours and get into a vehicle. When the student returned and was questioned, she made statements indicating that she and the driver of the vehicle traveled to the Inner Harbor in Maryland where sex acts were possibly performed. She ultimately disclosed that she had met the suspect on Snapchat about a week prior and said that he had paid her $140 for the sex acts.

[00:56:53] The suspect was reported to have attempted to meet up with multiple children and offered them money for sex acts and or sexual images the suspect was arrested and charged with multiple offenses to include carnal knowledge of a child having a minor perform in a pornography child porn producing and selling prostitution use of a vehicle to aid and solicitation of prostitution those are just some of the other codes i had showed you that like i said traditional sex trafficking code may not be the most appropriate or only charge that we will apply in case number three. Finally, a security guard at the hospital contacted Fairfax County Police because a 19-year-old

[00:57:31] female told him that she was being held against her will by both a male and a female suspect. The victim reported that she met the female suspect when she was a juvenile in California and worked with her as a prostitute. She then traveled from California to Maryland and ended up prostituting for both suspects. They physically assaulted her, prevented her from leaving them, and they kept all her money. They made her book hotel rooms in her name since they were banned from many of the locations, and while the victim was being treated at Reston Hospital, the suspect even lied and told staff that they were the victim's sister and brother.

[00:58:01] Thanks to the security guard's keen intervention, we were able to assist the victim, and she was able to return to California. So those were just three case examples we've had here in Fairfax County showing you all those different elements we talked about contacting victims online, juveniles being compelled, and then how they sometimes are more vulnerable once they're already in the sex trade.

[00:58:20] And with that, I'd open it up to questions. So I'll start by saying thank you for that presentation. It's pretty somber, and those examples that you gave, it's just kind of painful to imagine that this is happening, unfortunately, in our community, and that we've got to do something to prevent and stop it.

[00:58:37] So thank you for the work that you and the team are doing in support of these victims. Can I ask just a couple questions? First, in terms of service gaps, Are there any areas that we might identify as being gaps in services for the victims in this sex trafficking and other human trafficking arena?

[00:59:02] I'm going to turn it over to Sergeant Rikis. He was our former human trafficking detective, and I think he can kind of speak to some of the services better than me. Yes, thank you, Major. The county itself provides wonderful services for victims.

[00:59:17] We work closely with our victim services group. That includes, you know, preparation for court, any type of therapy, travel assistance, hygiene products, anything, housing they're going to need to get them through this.

[00:59:33] And that's equally reciprocated on the federal level as well. I've worked with both victim services advocacy groups in cases. They really put the victim's needs at the forefront and helping them get them through the difficult time they're dealing with.

[00:59:52] I appreciate that. Let me ask, I heard you mentioned vocational services. So for those trying to help them get into employment, that would not put them in this predicament. So how are we supporting

them? What are the methods that are being employed to help employ some of these individuals?

[01:00:13] So in that particular situation, we are referring to faith-based groups and other entities of that nature that have offered up assistance. We don't have anything internally in the county. And then let me ask, in terms of, maybe this is more for Chief Davis, in terms of the number of cases that we identified over the course of the last year, can you give me a sense of how many cases we had that were new last year and how many arrests were made in cases last year?

[01:00:46] So we, Chairman, in 2021 and 2022, we investigated 25 in each calendar year, and I think we ended up pursuing criminal charges in about seven each calendar year. And I had a conversation with the U.S. Attorney for the Eastern District of Virginia, Jessica Aber, who's a very good partner because I wanted to get a sense of where we fell regionally in the National Capital Region. And she shared with me, and again, this is no diminishment of the seriousness of the crime, that we have far fewer

[01:01:21] incidents here than some of our partners. But we enjoy a relationship with the U.S. Attorney's Office where we know if we meet the elements of the crime and we meet the threshold for them to prosecute, that they'll assertively go forward with those cases. Okay. And then last question I'll ask is on the illicit massage parlors, is there any information, obviously, not giving away your methods and tactics that you can share with regard to addressing some of those concerns?

[01:01:52] the community as well. So now Lieutenant Lowler, I'll say your name. Working with our partners in the police department, members of the office of the fire marshal, we just recently provided some training to a group of detectives under command of the Organized Crime and Intelligence Bureau, and they are standing up some capacity to conduct massage parlor inspections.

[01:02:22] One thing the fire marshal's office has is unfettered access to commercial buildings at any time they're open and operating. And for police department, they need to seek out these consensual counters. But what we're trying to do is leverage everybody's understanding of where existing administrative authority for partner agencies is. And under the current massage ordinance, there is existing administrative authority for the police department to enter any massage establishment. So just understanding that and what a consensual encounter looks like.

[01:02:52] And then ensuring that the whole of government approach in our activities in illicit massage businesses in Fairfax County is improved upon there are a number of breakdowns which I've shared pretty explicitly with the deputy county executive for public safety within our own procedures for them to obtain occupancy to obtain their establishment license how those investigative activities occur prior to one of these establishments opening and then what the sequence of inspections

[01:03:27] should like versus what it currently looks like. So proactively, we look at a number of different types of businesses, not just illicit massage businesses, but we utilize that unfettered access. And then by working a rotating shift schedule, we're looking for what we call anomalous use of buildings. And one of the reasons that's advantageous is when we see people being domiciled in illicit massage establishments, that's frequently axiomatic with being a trafficking condition. It is not. It's just common within the illicit massage industry for them to short-term

[01:04:06] house employees there before they move them out into sub-communal housing settings. But the change of use of the building is a violation under Virginia's statewide fire prevention code, and it's a class one misdemeanor. So just as an example, last year, the unit that I supervise, the Special

Investigations Unit, we conducted inspections in 129 massage establishments. We look at them holistically. We're not just looking for illicit ones because we're trying not to conduct targeted enforcement campaigns that would only affect one demographic within the county's business community. But in those 129 inspections, we ended up filing 213

[01:04:44] criminal charges, 63 against individuals and 146 against registered corporations in the Commonwealth of Virginia. In those cases resulted in $65,670 in fines being levied against businesses and individuals. So one thing Fairfax County does has a very robust fire prevention code in that every violation is a class one misdemeanor and every day the condition exists as a separate offense under chapter 62 of the code of the county of Fairfax. But it's equally important to leverage the criminal penalties in chapter 28, the massage ordinance, because every violation of chapter 28

[01:05:19] is also a Class 1 misdemeanor, but the breakdown is understanding who has enforcement authority. The agency that regulates the code has no enforcement authority, so ultimately it falls to other partners, specifically the police department, are the only ones who can write a Class 1 misdemeanor summons for any violation of Chapter 28. So thinking about this holistically, the value of having multiple county agencies maintain and sustain a presence in these illicit massage establishments is sequencing the inspections correctly. You know, the ad hoc

[01:05:55] task force approach where we send a bunch of people into a really small space and we do it once a year categorically doesn't work. And there's no one in the county government who's done as many of these as I have for the length of time that I've been doing them. But putting people in there, discovering, teaching everybody what the violations look like, and then routing them sequentially so they're visited by PD today, four days from now, the health department, three days later the fire marshal's office and then the department of co-compliance and then those violations play out the corrective orders play out the notices of violation are issued the court cases mount and then we prosecute the corporations that's how you create a non-permissive environment

[01:06:33] because currently because of the weakness of chapter 28 we have a permissive environment okay well thank you for that very detailed explanation so i appreciate the work you're doing and i learned a couple things uh from your just few minutes of speaking so thank you Can I add one thing?

[01:06:51] Yes, sir. Tom Arnold, Deputy County Executive. And just echoing what Dave said, and Dave's obviously done a great job educating myself. We are, with regard to Chapter 28, Rebecca Makeley, Cable Consumer Services, owns that chapter. She's been great to work with. And so we've been an ongoing discussion.

[01:07:07] And obviously the Health Department owns the enforcement aspect of the legal establishments through Chapter 28. And so discussion with the health department, discussion with Rebecca's shop, looking at changes to Chapter 28 up to and possibly including maybe looking at who would own that chapter.

[01:07:25] So, you know, I think that part's the preliminary discussion with the Consumer Protection Commission and being fair to Rebecca. You know, it's making sure that her group owns that. And so we've made some recommendations that the commission could look at that would obviously come to the board for public hearing.

[01:07:42] But then we also have a meeting plan to discuss, would it be better suited in a different agency? I think that goes to speak to what David said. So I think there's a lot of opportunity here. We're finally taking an approach that will look at really solidifying what would be a continuous process moving forward versus a one-off.

[01:08:01] So I think we've made a lot of progress thanks to all the agencies involved and willingness of Health Department and CABLE to be able to be participants in this. Now, I appreciate that follow-up, and I'll just ask, in terms of timing, Mr. Honor, when do you think that might come?

[01:08:17] Fortunately, April 12th is the next meeting, so I think that, you know, looking at and speaking to the county attorney, I mean, if this shift, we have recommendations ready to go as it stands by ownership of Cable and through the Consumer Protection Commission.

[01:08:33] If it went forward with that regard, it would be coming up in April or May to the board. if we look at making a change and everyone's in agreement that's the appropriate I think that that would obviously take a rewrite of of the chapter 28 so that would be a little bit longer so we can get back to you with with that no that's perfectly fair I just was trying to get a sense of it and what you've said is even better than I expected so thank you um Mr. Chairman yeah thank you uh one of the reasons I asked that we have this discussion is because we we've heard a lot of descriptions in the community about what it is we're doing and not doing but we wanted to give

[01:09:08] the police department fire marshal to actually tell us what we're doing and I think it's a lot more than a lot of people expected and I think it's important for a couple reasons one to raise awareness that these acts are happening in the county and to not act like they aren't as difficult as that may be but secondarily to make sure people understand the robust response and the agency partnerships that are complex here that we have and that we've formed and that are making a difference in the community. The third reason is, and kind of what we just got to a moment ago with

[01:09:45] Dave and Tom's comments, which are, you know, where are the gaps, where are the opportunities for us to make operational improvements on the county side, but then also, and obviously some legal ones with Chapter 28, but then also, are there any Virginia code gaps that you all see that make it harder for us to prosecute any of these instances where you walk away saying, geez, you know, we could have really gone after somebody and held them accountable but for.

[01:10:15] Obviously, there's some county operational pieces that we want to look at and fast track, as Tom just mentioned, but are there any laws at the state level, Virginia code sections where you have run into a wall in terms of prosecution when something's obvious to you, but for a technicality in Virginia code, if that was amended or changed, your process and your ability to hold people accountable and prosecute them would be easier? Thank you for that question. No, I went over the codes because, like I said, the code itself is pretty simple, but we don't necessarily use that code. We'll use multiple codes to apply

[01:10:54] the situation. Our biggest barrier is often the victim themselves. Usually when we encounter them, their number one priority is to get out of the situation and that may not mean they're willing to come back and testify in court they may still have fear fear of doing so we don't know what the trafficker has threatened them with it makes it very complicated but it's not any sort of deficiencies i think in the virginia code that is the barrier for us okay and i think that's important for us to know because obviously

on the you know the chapter 28 inspection pieces and the way we do that you know with our different county agencies is something we can work on and fix but

[01:11:32] in terms of compelling a victim to testify, I mean, obviously, you know, the way we talk about this, certainly in some ethnic communities becomes important. The way in which we, you know, help victims to the question that was asked earlier, you know, or is there anything missing from victim services? I know we put on the table a plethora of, you know, protections and help for them. But, you know, obviously, in some cases, that's not going to overcome some of the fears and other challenges that they have.

[01:12:02] And so as you're seeing these cases and meeting with these individuals, if at any point in time you think there's something else the county could be doing to protect the victims who testify or to provide additional resources to them to compel them to, you know, obviously it's at the end of the day a personal decision and a hard one.

[01:12:21] I would hate to be in that position. And I know how good a job, you know, our detectives and department do in meeting with these victims and trying to help them. But if there's some gaps ever that you run into, we want to know about them because I know how hard this work is for all of you, and I know how frustrating it must be when you have something, but your inability to move forward with some type of criminal prosecution might be resting on compelling a victim who's had a very hard time in a very tough place in trying to deal with that.

[01:12:56] And I think those are all things that we need to understand when we look at this. But I really just want to thank you for the work you do. And, again, this was an opportunity to make sure that not only the board but the general public knows of the work that's being done in this space, which is significant resources being put into it, and that we are always looking for ways, as was described with Chapter 28, to improve our operations to make sure that we are being as efficient as we possibly can in using our authority, which rests in different county agencies, to the maximum benefit to our community and to victims, because they could care less which department has the authority.

[01:13:33] They just want action, and, you know, we want to make sure that we're continuing to support that. So thank you. Thank you, Mr. Chairman. I will now start on the opposite end, pick ends when I do my calling. So Supervisor Powell Jack. Thank you.

[01:13:48] I really appreciate the presentation and that you and the chairman have brought this forward today. I'm trying to read, and I appreciate we want to fix it, trying to read the existing Section 28 code, the right of entry to enforce the chapter.

[01:14:04] I hope I'm reading the most updated version. And the way I'm reading it, if I'm reading it correctly, the director of health, the chief of police, the zoning administrator, and the building official or their duly authorized agents do currently have the authority to enter, examine, and survey.

[01:14:23] Am I reading that correctly? I am. So I guess I want to better understand that the code seems like many departments and their agents do have the authority, but perhaps it's not the current process we're using?

[01:14:41] No, it is. So the cable and consumer services own Chapter 28. They don't have the enforcement capacity. So our discussion would be more around if the health department was decided upon that the health department would own that code, they also have the enforcement. So right now, cable and

consumer, will take the paperwork, can process all the paperwork for massage therapists and businesses and so forth. Then when it comes up for annual inspections, then it goes over to the health department. So the thought would be just looking at the opportunity if there's efficiencies there where the health department would own all of that. So it would still be the same agencies that currently have the ability to enter under how it's written now. That would still exist.

[01:15:21] Okay. I appreciate that. And I guess my follow-up question, and I don't know if this is perhaps to chief or to your deputy um i've heard over the years that um maybe it's rumors that police feel they do not have the authority to enter or to investigate and i guess i just wanted to know if you could give us more background on if that's true or if it's uh the way it's being communicated etc well thank you supervisor i think the um i think lieutenant described it the whole of government approach is really the way to go here because if it's only a police department

[01:15:55] function or responsibility we run the risk of of uh certain criticisms when it comes to um disproportionate focus with with certain groups so so we we certainly under the deputy county executive have uh or in the midst of a renewed conversation about how to do this thoughtfully in a way that passes um you know forgive me the smell test at the end of the day i appreciate that i don't know if you had something to add to that lieutenant i think i would also i mean to the chief's point you know with where before what you would be looking at if we were discussing this would be likely have been an undercover officer going in there for potentially to try and receive

[01:16:34] an illicit select sex act well we know that we're not going after this the goal is not to arrest people for prostitution right the goal is to create the environment that dave spoke to and so really that's where it comes down to leveraging the fire code for looking at building challenges where we could go after both the proprietary business as well as the operator not the therapist and so it's looking at it from that that whole uh i think from a more global perspective of being able to create that environment and not going after because then we're not going after just the the sex act itself but but taking it a step back and i think something that would be what is if you

[01:17:13] looked at what's been successful across the united states is creating that in that environment that that we've discussed and would be able to push it outside of Fairfax County and not just arrest people for prostitution, which we know has very little effect. Okay, I think you hit on the nail of where I wanted to go is understanding that if we're not creating that environment, that we need to address that and using best practices. If ours is not the best practice, it looks like you are moving in that direction and making sure that we create it, that we communicate it, that we train on it, and that we have that comprehensive approach. So I appreciate everyone who's worked on this, and I guess look forward to the next conversation once those are kind of finalized

[01:17:51] and brought to the board for any necessary changes. So thank you. Very much appreciate your work. Thank you, Supervisor Palchuk. Any of my other colleagues? Supervisor Walkinshaw. Thank you, Mr. Chairman. Just a question on slide five that shows the Virginia sex trafficking statute, and I'm just trying to understand. And slide six clearly delineates the difference between sex work and sex trafficking. But in the statute on slide five, the first item says, for purposes of prostitution,

[01:18:28] takes any person into or persuades, encourages, or causes any person to enter a body place. So I'm trying to reconcile if someone persuades, encourages, or causes someone to enter and become

employed in an illicit massage business, they haven't necessarily been coerced, or am I not understanding persuade, encourage, or causes?

[01:18:57] So if someone says, hey, come work for me in my illicit massage parlor, you'll make good money and will take good care of you. They haven't been coerced, but if I'm understanding the statute correctly, they are in violation of Virginia's sex trafficking statute.

[01:19:21] So, Supervisor, I'm not the subject matter expert, but therein lies the complexity of some of these existing state statutes. I don't know if that's certain. Okay, maybe someone can get back to me. That, to me, doesn't read like coercion. Maybe I'm not understanding the language in the code.

[01:19:43] To me, that reads like the first column on slide six, right? Potentially prostitution rather than sex trafficking. But maybe someone can get back to me on how we interpret code.

[01:20:00] We certainly will. I recognize that, you know, that's a challenge to figure out on a case-by-case basis. But the code seems to be different than what we have on slide six. Lieutenant, just on the 200-plus violations that you shared with us, can you kind of give us what are the most common violations that you're seeing?

[01:20:22] Two most common violations. Just hit your microphone there. Again, Lieutenant David Lawler, the Office of the Fire Marshal. The two most common violations we see categorically are obstructions or impediments in the means of egress. So the standard method of controlling the entrance vestibule at an illicit massage parlor is you you have to pass through one door enter the vestibule but the next door is secured and under video surveillance and that door is typically locked at the time we enter there so if the building is open or occupied the means of egress is required to be free of any

[01:20:59] impediment and for instantaneous use without keys special knowledge or more than one hand action right so if they have to turn the knob and unlock the deadbolt and you witness that and there's someone on the other side of the door, it's a class one misdemeanor. So that's the single most common one. And then when we enter for inspection, then the one we prosecute most aggressively is change of use when they're domiciling people there. So there's a specific setup. And when I teach this class, it's Chick-fil-A. It's a franchise operation. If they're going to house

[01:21:33] a worker on site, there is a standard set of equipment that's issued to them that indicates They're being housed there, but in addition, their suitcase, their underwear, their personal toiletry items, those other things there. And they go, that indicates they're being domiciled.

[01:21:50] That's change of use. And because the buildings are configured as a business, they're not considered safe for residential activities. They lack fire protections, sprinkler systems, smoke alarms. And we get, I would say, a 99% conviction rate on that. The judges understand that because we've been doing that so long.

[01:22:09] Okay. Thank you. Okay. Thank you. Supervisor Stewart. Thank you, Mr. Chairman. Two questions. One is, I'm trying to get a sense of how many of massage parlors are truly licensed and or registered to operate in some sense of where that is. And then the second part of it is some sense of the establishments that we're aware of, either licensed or unlicensed, how many of these would fall into at least the likely misuse or inappropriate

[01:22:43] activities that are referenced, either with the violation by the fire marshal or the police or otherwise. It's just some sort of, I mean, is it 10% or 1% or in just some order of magnitude? If you can't do that now, then at least if there's some kind of follow-up to that. Thank you.

[01:23:01] We have that because we can get between day and time. I can field the question. Historically, there's about 225 licensed establishments operating in Fairfax County. So that number can fluctuate by 10 percent, but I'm talking over 43 years of experience. Historically, that number is about 225. That's the ones that have made application and gone through the licensing process. Also, historically, the number that operates in the illicit style is somewhere between 85 and 110 annually, just cycles up and down as these businesses are bought and sold through local networks. But that number, you know, 100 as an

[01:23:38] average. So the most recent data set we looked at, you know, my unit tracks about 126 of them in a pretty robust database, you know, but they change hands so frequently. They could be here today and they're gone tomorrow because within a local network, that business has been sold for $40,000 and the business that's currently there has not gone through the process to be licensed or obtain occupancy or gather any of their permits. So tracking it accurately, it changes literally daily, which, you know, I have people tasked every week with kind of scrubbing different

[01:24:14] databases to try and look at that number so we can find them in their incipient phase and then route them into the stranglehold of the county government. Great. In this case, we hope so, right? And then the ones that, the second part of the question, which is of these institutions, of these facilities, how many of them are noncompliant of either the unlicensed or the licensed, some sense of that?

[01:24:44] I think from just making sure, clarifying what they've taken from there, there's the 225 is the licensed establishments. There's on average around 100 illicit. Now, that's not to say that illicit activities can't happen in licensed establishments, and that's part of what we want to try and track down.

[01:24:59] But it's kind of separating the two and understanding that Chapter 28 only really pertains to the legal establishments. The illicit ones is where we really leverage Dave. But I think, you know, you could speak to what you've seen with regard to the illicit activities that are occurring within licensed establishments.

[01:25:16] That's what I want to try to get to. I think to speak to your point, you know, so you have to kind of categorize violations. They're in violation of the building code, mechanical code, plumbing code. If they have a table shower, which they do, it's a violation of several codes. unpermitted work, property maintenance code, plumbing code, perhaps a mechanical code, the electrical code. The police department found a 220-fold dryer installed recently in a shower, I mean, on a wet shower floor. You got the dryer there just this past Friday night. But they're in violation of Chapter 28. They're in violation of their licensing requirements from the State Board of Nursing. They're in violation of the fire code. So even if there's no illicit act,

[01:25:56] It's our need for consistent regulatory effort in the establishments. The only mandated inspector for licensed establishments is the health department. They're the single mandated inspector, and they have no authority over any other code.

[01:26:12] So the educational effort for our existing administrative authority under each code, Chapter 1, the administration of each one of the codes, requires people to report all issues discovered during the course of their inspection to the other authorities having jurisdiction.

[01:26:29] So building out that capacity with information sharing is how we can leverage that whole-of-government approach, getting everybody who needs to be in there but sequenced appropriately so that we're constantly in there, not all at once, and then we don't see you again for another year because that's how this permissive environment has occurred.

[01:26:49] The order of magnitude of violations of places that you go into, 1%, 10%, I have just some sense of that, that we would have at least any kind of violation. If we went in there, there were violations. Okay. 100% of the ones that we go into because they're selected under a specific methodology without speaking to that publicly.

[01:27:11] They're selected. But even if we go into a massage, let's just say a chain-based legitimate massage, established massage, Ed and B, Red Door, if a building is occupied by human beings and it's been opened more than 10 minutes, there are code violations, period.

[01:27:28] Thank you. Supervisor Alcorn. I just want to make sure I'm clear on this point because you say there are roughly 225 licensed massage establishments. How many of those 225 are you seeing that have been identified as conducting illicit activities?

[01:27:47] Again, I would say historically that average is 85 to 110. So of the 225, 80? About 40 to 45%. Okay. So it's not a separate list. It's part, it's a subset of that list. Is that right? Yes.

[01:28:03] Correct. There are, in the 100, it includes illicit businesses as well. So not illegal activities happen at legal establishments, but there are many illicit massage businesses that are not legal and are not on Rebecca's team's list.

[01:28:22] Right. They don't, they're not licensed. Right. And do we know that number? I think that's part of the reason what we're trying to track down. I mean, that's part of the kind of like conversation, you know, I don't, if you think of the hundred. 77. That's a pretty good estimate.

[01:28:39] Yeah, we did an audit. 77. Okay. And that's 77 of the licensed or the non-licensed? That was 77 unlicensed. So if you look at the 77 plus the 80 to whatever, that's, you know, yeah, it might be helpful to get this in writing, too, just to see how it, yeah.

[01:28:59] No, we don't want to do that? Okay. No, I don't want, I don't, I'm just the statistics. The data. Yeah, the data. Just the data. Right, I don't want, yeah, because this is, frankly, I, a long time ago when I was on the Planning Commission, I handled the first massage therapy zoning ordinance amendment back then, and there was a lot of discussion about are we opening the doors to elicit, you know, massage establishments as part of this, and we heard over and over, oh, no, no, no, no.

[01:29:33] So this is the first I've heard that there are a significant number of licensed massage establishments operating under our zoning ordinance that are. And we'll certainly summarize it through a NIP. I think, you know, I mean, and Dave pointed out the biggest challenge is the countywide coordination because there's so many agencies involved.

[01:29:49] And that's been the hardest part to try and be able to create something that's sustainable. And so I think as we work through that, give us the next couple of months and be able to do this. And we will get back to the board with a report out on the progress and activity and what things look like.

[01:30:06] Obviously, you will see changes to Chapter 28 potentially come prior to that. But as we go through the work we've done there, we will get the data back. Okay. Thank you. Appreciate it. Supervisor

Alcorn, Supervisor Smith. I just want to say I appreciate the focus that you've looked and you've analyzed where the issue is and how to have a process going forward.

[01:30:26] I think that is the important data moving forward. Thank you. Thank you, Supervisor Smith. Supervisor Harry. Yeah, I'm pretty happy today and pretty sad today all at the same time. First, I want to thank Lieutenant Lawler for his – you taught me more three years ago about this subject.

[01:30:43] And if you ever really want to learn about this subject, go spend half an hour with him and have him show you the slideshow and some of the stuff that they see, which is why I did the board matter back in Supervisor Alcorn and Lusk in March of 2020, over three years ago, asking us to not make this a police issue, because it's partially a police issue, but to make IMBs a working group that we could go through and actually do things like ordinance revisions and make that non-permissive atmosphere. Because it can't all be on the fire

[01:31:19] marshal's office. It can't all be on PD. It needs to be on the health department. Taxes one. What I haven't heard, and I'm glad we're finally moving forward with it. I'm glad the board's heard this presentation. I wish we had taken it a little seriously a little earlier than that because it is an issue here. We got the ordinance coming. What I haven't heard about is how we're going to work the sequencing, as Lieutenant Waller said, of the agencies working together. Have we got the group together and talking about how we're going to do that once we get through the ordinance

[01:31:55] revision? And if not, when are we going to do that? I mean, we had met with police and code COMPLIANCE AND FIRE TO TALK ABOUT THE SPECIFIC TO THE ACTIVITIES OF THEIR INVESTIGATIONS. THE ONES, LIKE I MENTIONED, WITH HEALTH AND CABLE IS COMING UP ON APRIL 12 TO TALK ABOUT THE CODE.

[01:32:15] THAT'S WHAT I JUST MENTIONED A MINUTE AGO, WHERE IS TRYING TO ORGANIZE THE COORDINATION BETWEEN THE SUCCESSION OF THE INSPECTIONS. YOU KNOW, OBVIOUSLY, WHEN WE TRANSFERRED OVER TO PLUS IN THE FALL, THAT'S WHEN THE HEALTH DEPARTMENT GOT THE LIST TO GO OUT AND DO THEIR INSPECTIONS, BUT IT'S COMING up with what that sequencing looks like so we know how the coordination of it between the agencies as well as the timing of the various inspections.

[01:32:38] We have not finalized that yet because we're still trying to work on what the best method for the inspections and getting the various agencies out there right now following the trial run that they did on some inspections on last Friday. And I'm glad it is moving forward.

[01:32:54] So I'm looking forward to the ordinance revision. To the larger topic, Major, thank you so much for what you do, because it's important work, all of you guys. And I know a lot of the last high-profile cases we had seen, Detective Wolf's case, have been gang and gang-related.

[01:33:15] Are we seeing that now, or are these kind of one-off cases, and maybe gangs and rings, if you could address whether we're seeing that or whether we're... I think that's a great question. If you can answer that question, I don't want you to...

[01:33:30] I can. And I can tell you historically many of these cases, especially with the juveniles, have involved gangs. Unfortunately, we know gangs are successful environments where you have youth that feel like they have some sort of void with their home life, essentially.

[01:33:47] That's the void they fill. And so with some of these juveniles, particularly the runaways, that's how they're kind of running to. They're running to a gang. It's that romance scenario where a gang member is kind of inviting them in, and then once they're part of that gang, they're essentially being sexed into it, and they're being trafficked out for profit for that particular gang.

[01:34:08] So we have seen a few of those cases. In terms of race and ethnic background, is it across the board? Is there a specific? I would say. Would you like to pick this, Kathleen?

[01:34:24] From what I've seen, it's across the board. Across the board. It doesn't. And that was my thought, but I just wanted to ask the question. Okay. Thank you. And again, thank you for your work. And that's all I got for now.

[01:34:41] Okay. Thank you, Supervisor Herity. And thank you to everyone who was involved with this presentation today. Very informative. And with that, we'll conclude today's meeting.

