

W17 – Public safety writing

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**Dozens of drones have been spotted near Virginia prisons. At least one was carrying drugs.**

<https://www.dailypress.com/news/vp-nw-drone-sightings-prisons-20191012-oqf2pmyxabfabbfiu26c7jxehy-story.html>

In late August, as security staff was leaving Buckingham Correctional Center, they found a small white drone sitting on the side of the road with a package attached to it.

They were told by a shift commander to leave it alone since it was outside the prison's perimeter and called Virginia State Police, who found \$500 worth of marijuana, an eight ball of cocaine, a cellphone, three SIM cards and a handcuff key.

That was one of 33 drone sightings near prisons since January 2018, according to Virginia Department of Corrections data obtained by The Virginian-Pilot through the state's Freedom of Information Act.

Contraband was found only in one case. But drones have been used increasingly to smuggle drugs and other contraband into correctional facilities as the technology becomes more readily available and affordable, said Phil Pitsky, the vice president of U.S. federal operations for Dedrone, a company that sells drone detection software.

Four of the 33 drone sightings were near Buckingham Correctional Center or its neighbor Dillwyn Correctional Center, which are about 90 minutes west of Richmond and together have over 2,000 prisoners.

Virginia State Police spokeswoman Corinne Geller said charges are pending in the August incident — the 14th of the year, and the only one this year or last in which suspected drugs were found.

**“No. 1 concern”**

The number of reported sightings is probably lower than the amount of drones flying around prisons, Pitsky said.

In the past, DEDrone's systems have typically detected two to three times the number of drones that had been reported, he said. The firm has worked with corrections departments in Kentucky, Georgia and Pennsylvania.

In most of the 33 Virginia sightings — which occurred at 15 of the state's 27 "major institutions" — security staff spotted the drones flying around. But Pitsky said that doesn't account for any drones flying at night, which is prohibited by federal law.

Pitsky said most of the time, the drones are carrying suspected drugs and contraband that they drop in the facilities' courtyards for prisoners.

"That is the number one concern," he said. "Things that are getting into the prison that shouldn't be."

At one point in September 2018, officers at Nottoway Correctional Center in Burkeville spotted six drones flying at once over the prison in different directions.

Pitsky said if the drones aren't dropping off packages, they're likely scoping the area with a camera, appearing at different times to monitor guard locations and shift changes.

In 22 of the reported Virginia sightings, no contraband was found, according to the state's data. Some of the reports provided to the Pilot did not say whether any contraband was found.

But the drones weren't found or searched in any of those cases, aside from the Buckingham incident. After most sightings, guards swept the perimeter of the facility or the area where the drone was spotted. In some instances, the local police or sheriff's office was notified of the sighting.

Geller said it's up to the facility to notify the state police of any drone sightings. Corrections department spokeswoman Lisa Kinney said drone sightings are reported "like any other DOC incident, and investigated."

But she said there's no way for the department to keep drones out of the airspace surrounding the prisons.

"We are absolutely concerned about drones," she wrote in an email. "They have the potential to drop drugs, weapons, and other contraband onto facility grounds, endangering everyone there."

### **Gaps in the law**

The Federal Aviation Administration regulates drones and restricts airspace in areas such as airports and military bases. You can't operate one without registering it, and you can't fly one over groups of people without their knowledge.

There are currently around 29,000 people registered to fly drones recreationally in Virginia, according to FAA data.

The state has its own limits on top of the federal ones. Virginia law says registered sex offenders can't use a drone to follow or contact someone without their permission, and you can't use a drone to

trespass on someone's property to peep or spy into a building. It also says localities can't regulate the use of a privately owned drone.

And Del. Barry Knight, R-Virginia Beach, got a law passed this year that makes it a misdemeanor to violate any FAA flight restrictions when taking off or landing a drone.

But there's nothing in the state code about flying drones over prisons or jails, and the FAA only bans them over federal prisons.

Tom McMahon, who works with the Arlington-based Association for Unmanned Vehicle Systems International, said it's already illegal in Virginia for prisoners to have controlled substances, guns or other weapons or for anyone to deliver those things to a prisoner, so passing a law that bans people from using drones to do so would be repetitive.

"There's really not a need to have a law that singles out drones for delivering contraband to a prison," said McMahon, who serves as senior vice president of advocacy and government relations.

But several states passed such laws, even though the power to control airspace rests in the hands of the FAA.

In 2018, California made it illegal to operate an unmanned aircraft system on or above the grounds of a state prison or jail. Florida and Kentucky passed similar laws this year.

To avoid impeding on the FAA's jurisdiction, Georgia's General Assembly passed a law this year that explicitly bans contraband delivered to prisons by drone.

"The state just felt they needed to make a stronger statement about the fact that it's illegal," McMahon said.

The FAA is working toward accepting petitions to restrict or prohibit drone operations over "critical infrastructure" — any publicly or privately owned system vital to security, public health or safety like oil production, emergency services, airports and electric power generation — but McMahon said that process has been delayed until September.

Virginia has been trying to curb drug and contraband smugglers in other ways. In September, the corrections department announced it was tightening its visitation policy by limiting the number of people on each prisoner's visitor list and how often someone can be added.

The change comes after one prisoner died and several were hospitalized after overdosing at the Haynesville Correctional Center in June. The DOC did not release information on what drug the prisoners are believed to have ingested or how they got the drugs.

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## Here's one viewpoint on Virginia's gun debate — from behind bars

<https://www.dailypress.com/virginia/dp-nws-marlon-bacote-gun-bills-crime-commission-20190813-story.html>

Marlon BaCote can easily guess some of the answers he'd get if he surveyed his fellow Virginia prisoners about what they would need in order to put down a gun and live a better life.

"I don't know where to go when I get out."

"I don't have skills for jobs."

"When I get out, I go back to a neighborhood where everybody else has a gun, so I wouldn't feel safe not having one."

But BaCote, 48, doesn't think most lawmakers interested in preventing gun violence are asking people like him — a convicted felon and addict who grew up in downtown Newport News, where shootings are a regular occurrence — what they think will help stop it.

That's why he's written to the Virginia State Crime Commission, a bipartisan group of legislators and citizens tasked with studying the 80 bills proposed during the special session Gov. Ralph Northam called in the wake of the Virginia Beach mass shooting.

The commission will meet Monday and Tuesday and is accepting written and public comment on the bills, which won't be taken up by legislators again until after Election Day.

"Adding those accused and convicted of using firearms to the discussion on Virginia's new proposed gun laws opens dialogue that can educate our lawmakers, who in return can make informative legislation aimed at prevention as opposed to reaction," BaCote wrote.

BaCote — the son of former state Del. Mamye BaCote — sent a copy of the six-page handwritten letter to The Virginian-Pilot, and on Tuesday, he expanded upon the letter in an interview at Indian Creek Correctional Center in Chesapeake, where he's currently serving a 4½-year sentence for violating his probation.

"More dialogue needs to be created between those that have used guns or been convicted of using them with those who are creating the laws," he said.

The proposed gun laws include universal background checks, banning high-capacity magazines and increasing mandatory jail sentences for certain crimes.

What isn't included enough, BaCote said, are proposals to help legislators understand why people want to use guns in the first place, and bills to help prevent people from wanting to use the guns violently.

Like other Virginia felons, he's barred by law from buying or having a gun.

"Some of these kids just think (having a gun is) a way of life. Like putting on your clothes," he said.

He wants to see additional counseling, therapy and mental health evaluations in schools; mentorship and peer support programs in low-income communities; and criminal justice reform to help people who have an underlying behavioral or substance abuse problem avoid jail.

Before relapsing and landing back in prison to serve the rest of his suspended time from a 2011 shoplifting charge, BaCote was a qualified mental health professional and a peer support specialist, offering a 24-hour hotline through his private counseling practice.

He also mentored children through Brothers on the Block and Family and Child Empowerment Services in Newport News.

Democrat Marcia “Cia” Price, who succeeded BaCote’s mother as the 95th District delegate, has a bill she thinks could help some of those youth programs be successful.

Modeled after her uncle U.S. Rep. Bobby Scott’s Youth PROMISE (Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education) Act, the bill would fund “community assessments” in Hampton, Newport News, Norfolk, Richmond, and Roanoke to see what’s working to prevent youth and gang violence, and what’s not working.

Each of those localities — chosen, Price said Tuesday, because they experience a disproportionate amount of gun violence — would get \$25,000 for these assessments, paid for through surplus general fund revenues.

She also wants the state’s auditing commission to study the social, physical, emotional, and economic effects of gun violence in Virginia.

“I would like to study the people,” she said. “Why they are shooting, the radiating effects, the number of lives impacted, number of dollars spent. I think we will be able to see that it is an issue.”

She’ll be at the meeting Tuesday pitching her bills in the hopes commissioners will recommend them to more state lawmakers, but they won’t all be back in Richmond to consider them until Nov. 18. The Crime Commission is scheduled to finalize a report on its recommendations after Nov. 12.

It’s unclear what’ll happen the day the legislature reconvenes. Right now, Republicans hold a narrow majority in both chambers, but the makeup of the General Assembly could look different than the one that originally proposed the bills in July.

And the new legislature will meet again two months later for its regular session, and could wait until then to consider the bills.

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**300% more Virginians are being committed for mental health crises. A new group wants to lower that number.**

<https://www.dailypress.com/virginia/dp-nws-state-hospital-mental-health-detention-workgroup-20190421-story.html>

A police officer is stretching into the sixth hour of his shift keeping someone who's experiencing a mental health crisis detained.

Meanwhile, a Community Services Board worker is going down the list of private hospitals, calling around for one that has space to hold the person on a court order.

State law says the worker has eight hours to find a place that'll hold the patient for up to three days — they might call 40 private hospitals in that time — before they have to try the state hospital, which could be located hours away and is likely at capacity.

But Virginia law says the state hospital has to admit the patient anyway if there's no other option, and the police officer has to drive the patient — who has been handcuffed and is likely traumatized after being in the back of a cop car — to that bed.

It's a situation that Dana Schrad, who runs the state police chiefs' association and represents other law-enforcement groups, has seen countless times when it comes to temporary detention orders, or TDOS.

"What we have is an overall dysfunction in our system," she said.

Now, a first-of-its-kind, state-mandated work group consisting of mental health advocates, the private hospital system, law enforcement and state health officials wants to tackle one part of the temporary detention order cycle: reducing the number of people admitted involuntarily to the state's psychiatric hospitals.

The work group, which met for the first time Monday, was first proposed by state Sen. Emmett Hanger, R-Mount Solon. He wants the group to figure out why so many people with mental illness are being admitted in the first place.

As involuntary commitment orders grow — a 294% increase since fiscal year 2013 — the number of state psychiatric hospital beds available decreases. Private hospitals aren't required to admit those patients, and there's been an increase in the number of people who are voluntarily committing themselves in private hospitals, which eats up bed space.

Hughes Melton, who heads the Department of Behavioral Health and Developmental Services, stressed the work group doesn't have the bandwidth to tackle a complete overhaul of the system, but it'll touch on facets of it over the next seven months and recommend ways to make it better.

"We can't have those conversations until we can start to see a movement of our (state hospital) census in the right direction, and addressing the TDO part is a key part of addressing the census," he said.

State hospitals were traditionally designed for mentally ill patients who were having trouble getting their illness under control and were typically admitted for longer. But Melton said about 25% to 30% of

people being involuntarily committed are acutely sick — there might be an underlying addiction or they need to sober up — and need intensive care in a short amount of time. The TDO lasts up to 72 hours.

“It is a significant change in admission for the state hospitals to deal with that population of patients who are needing that acute stabilization,” he said.

Recommendations from the work group might include increasing the amount of time the CSB worker has to find a bed — something opposed by law enforcement officials who say that would eat up officers’ time even more.

“We can’t put our officers in that position anymore,” Ashland Police Chief Douglas Goodman said Monday.

The state is in the midst of figuring out a new, more efficient and less stigmatizing way to take people under TDOs to the mental health hospital they’ve been assigned to. Currently, that job falls on police officers, who sometimes spend the day on this task depending on how far away the hospital is.

But a company that will be hired in the next few weeks will lighten police officers’ loads by about 50 percent by hiring drivers to transport the patients instead.