

Dr. Barbara J. Myers, Chairperson
Kecia N. Brothers, Vice Chair
Kahan S. Dhillon, Jr., Secretary
Heidi W. Abbott
Aida L. Pacheco
Justin M. Wilson



Post Office Box 1110
Richmond, VA 23218-1110
(804) 371-0704

COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

Board of Juvenile Justice Meeting
Beaumont Juvenile Correctional Center
3500 Beaumont Road
Beaumont, Virginia

November 18, 2009

Board Members Present: Heidi Abbott, Kecia Brothers, Kahan Dhillon,
Barbara Myers, Aida Pacheco and Justin Wilson

DJJ Staff Present: Barry Green, Sam Abed, Tim Howard, Ed Murray, Steve Pullen, Ken Bailey, Janet Van Cuyk, Deron Phipps, Vernon Harry, Regina Hurt, George Wakefield, John Coble, Joy Lugar, Ed Holmes, Angela Valentine, Clarence McGill, Larry Kelly, Arthur Kaye, Michael Ito, Charlie Mann, Bruce Twyman, Derwin Hayes, Jeff Trimble, Tim Jones, Charles Dockery, Diane Leiter, and Deborah Hayes.

Others Present: Pat Carrington-James River JDC, Grace Hawkins, Michael Hall-DCE, Walter Ridley-The Ridley Group & Associates, Wayne Williams, Doris Moseley-Richmond JDC, Ned Carr, Chris Rogan, Gary Butler, Bill Mann-Peninsula Worklink, Bill Muse-OAG, Jim Magnutta-New Horizons Regional Ctr., Mike Bingham-Henrico JDC, and George Drumwright, Jr.-Henrico Co & Chairman James River Detention.

I. CALL TO ORDER

Chairperson Myers called the meeting to order at 10:21 am.

II. INTRODUCTIONS

Chairperson Myers called for introductions of everyone present.

Chairperson Myers asked Dr. Michael Ito, Beaumont JCC Superintendent, to give the welcome to Beaumont JCC. Dr. Ito welcomed everyone to Beaumont and said he was happy to have the opportunity to host the Board. He stated that today is Career Day at the facility so there is a lot of activity. He invited interested parties to tour the facility after the meeting and to stop by the gym to visit with the Career Day participants. Some of the companies participating in Career Day are the Dept of Rehabilitation Services, some military recruiters and Goodwill Industries. It is hoped that the residents will receive some employments options upon their release from Beaumont JCC.

III. APPROVAL OF AGENDA

On MOTION duly made by Ms. Abbott and seconded by Mr. Wilson, the Board approved the agenda with the addition of "executive session" and changed the art presentation from Culpeper JCC to Beaumont JCC. Motion carried.

IV. APPROVAL OF September 9, 2009 MINUTES

The minutes of the September 9, 2009 Board meeting were presented for approval. On MOTION duly made by Ms. Pacheco and seconded by Mr. Dhillon, the minutes were approved with corrections as noted by Ms. Pacheco. Motion carried.

V. PUBLIC COMMENT

Kate Duvall, is an attorney for JustChildren, a child advocacy program here in the state of Virginia. JustChildren released a report about child trial and incarceration as adults entitled "*Don't Throw Away the Key*" on November 17. The report received media attention in the Richmond and Charlottesville newspapers. She distributed copies of the report to the Board members. This report will be filed with the board minutes in Central Office. Ms. Duvall anticipates that this issue will be addressed by the Crime Commission on December 15 and has gathered a large contention of individuals who are in support of JustChildren's position for reducing the number of children tried or treated as adults. She stated that JustChildren's three recommendations are clearly outlined in the report. The recommendations are (1) restore authority over transfer decisions to juvenile and domestic relations district court judges, except in those cases currently requiring automatic transfer; (2) increase training regarding youthful offenders and dispositions for circuit court judges; and (3) eliminate or greatly narrow the use of adult jails for the pre-trial detention of transferred youth.

VI. COMMITTEE REPORTS

A. Secure Services Committee

1. Certifications

On MOTION duly made by Mr. Dhillon and seconded by Mr. Wilson, to certify Chesapeake Juvenile Services and the Post-dispositional Detention Program for three years. Motion carried. Ms. Brothers abstained.

On MOTION duly made by Mr. Dhillon and seconded by Mr. Wilson to certify Culpeper Juvenile Correctional Center for three years. Motion carried.

2. Issues

Richmond Juvenile Detention Center: Mr. Wayne Williams and Ms. Doris Moseley were present on behalf of RJDC. There are still nine areas out of compliance. It was previously requested that RJDC provide an update to the Board regarding efforts they have made to correct the deficiencies. A written report is attached outlining RJDC's efforts to correct all deficiencies.

Mr. Bailey stated the report is basically the same information that was shared at the Board meeting in September by the new superintendent, Charles Keho. At that time, RJDC had nine areas out of compliance. He said RJDC has made vast improvements over the 47 deficiencies on which they were originally cited. Ms. Abbott said she knew RDJC were conducting background checks on newly hired employees, but what about the current employees. Mr. Bailey stated that background checks were completed on the current employees, the issue was that the information was not properly documented. This situation has been rectified and RDJC has a new system in place to ensure the background information is recorded in a timely manner.

Mr. Wilson stated that his concern is with the administering of medication. Mr. Bailey said that DJJ's health administrator and chief nurse have been consulting with RJDC to ensure that they are on top of the medication issues. He said that the issue with the medication was with the documentation. Mr. Williams stated that RJDC has staff in place to deal with the administering of medication and the accurate documentation in the absence of the nurse. Also, they are in the process of hiring a chief nurse. Mr. Wilson stated that it is obvious that RJDC has made great strides; however, he thinks that February is too long to wait for an update on their compliance status. Mr. Bailey said he will give the Board an update on RJDC at the January meeting. Ms. Pacheco stated she thinks RJDC have done a great job considering the number of deficiencies.

Ms. Abbott said she recalled that there were issues with the security system. Ms. Moseley stated that the security system has not been fixed. Mr. Bailey stated that since RJDC are not double bunking the residents, the security system is not an issue.

On MOTION duly made by Mr. Dhillon and seconded by Ms. Abbott to certify Richmond Juvenile Detention Center for one year with a verbal update at the January 12, 2010 meeting. Motion carried.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to certify SPARC House for three years based on the results of the audit and an addendum report on page 64 of the Board packet. Motion carried.

2. Issues

Henrico County Detention Center:

Henrico County Juvenile Detention: Mr. Drumwright was invited to speak to the Board regarding the overcrowding situation at Henrico County Juvenile Detention Center. Mr. Drumwright introduced Ms. Pat Carrington, Superintendent of James River JDC and Mike Bingham, Superintendent of Henrico JDC. He invited the Board members to a Commission meeting and the JRJDC holiday pageant on December 18. Mr. Drumwright's comments and supporting documents will be filed with the Board minutes and made available upon request.

3. VJCCCA Plans

On MOTION duly made by Ms. Pacheco and seconded by Ms. Brothers to amend the FY09-10 VJCCCA plan for the counties of Charlotte, Appomattox, Prince Edward and Buckingham in accordance with the Request to Amend. Motion carried.

VII. NEW/OTHER BUSINESS

A. Art Presentation

Dr. Ito introduced Resident JLW. Resident JLW said he took his painting idea from a magazine. Resident JLW will graduate in June 2010; he plans to go home and attend college. He would like a degree in carpentry. Resident JLW presented the painting to the Board of Juvenile Justice.

B. NOIRA:

The State Board is requested to authorize the Department to submit a Notice of Intended Regulatory Action (NOIRA) for initiation of the regulatory process for the

Regulation Governing the Monitoring, Approval and Certification of Juvenile Justice Programs (the "Certification Regulation").

On MOTION duly made by Mr. Wilson and seconded by Mr. Dhillon that the Board of Juvenile Justice approve the submission of a NOIRA to begin the regulatory process for a comprehensive review of the Certification Regulation (6VAC35-20) as submitted. Motion carried.

- C. The State Board is requested to authorize the Department to submit the regulation for the Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6VAC35-60) for advancement to the final stage of the regulatory process. Ms. Van Cuyk stated that there were no public comments received.

On MOTION duly made by Mr. Dhillon and seconded by Ms. Pacheco that the Board of Juvenile Justice approve the submission of the regulation for the Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6VAC35-60) for advancement to the final stage of the regulatory process as submitted. Motion carried.

- D. The State Board is requested to authorize (1) the adoption of the changes detailed in section VI of the memorandum in the board packet and (2) the Department to submit the Regulation of Nonresidential Services (6VAC35-150), as amended, for advancement to the final stage of the regulatory process.

On MOTION duly made by Mr. Dhillon and seconded by Ms. Pacheco that the Board of Juvenile Justice approve the adoption of the changes detailed in section VI of the memorandum in the Board packet and the submission of the Regulation of Nonresidential Services (6VAC35-150), as amended, for advancement to the final state of the regulatory process. Motion carried.

Mr. Green suggested that if Board members are not familiar with the Administrative Process Act, the Legislative and Regulatory staff can give a brief overview to the members after the Board meeting in January.

E. Regulatory Update

In addition to the regulations noted above, Ms. Van Cuyk summarized the following regulations: (1) **6VAC35-30**: Regulations for State Reimbursement of Local Juvenile Residential Facility Costs—these regulations are in the proposed stage and were published in the *Virginia Register* on September 14, 2009; public comment period closes on November 13, 2009 (no comments were received); (2) **6VAC35-41**: Regulation Governing Juvenile Group Homes and Halfway Houses, **6VAC35-71**: Regulation Governing Juvenile Correctional Centers; and **6VAC35-101**: Regulation Governing Juvenile Secure Detention Centers. All three of these regulations are in the proposed stage and are undergoing the Executive Branch review and are currently at the Department of Planning and Budget. No action is required of the Board at this time.

F. Status of Work Release Program at RDC

Mr. Green asked Mr. George Wakefield to give an update on the work release program at RDC. Mr. Wakefield stated that, with the closing of NBJCC, there was concern as to where to place the residents for participation in work and education release programs. The NBJCC residents were housed in a less restrictive

environment, some of them had jobs as well as attending college. It was agreed that appropriate residents would be moved to RDC and efforts would be made to replicate the NBJCC program at RDC. He advised that this program is being created without funding. The Division of Institutions is taking funds from other sources and using it to fund this program. They are taking furnishings that were originally purchased with a grant for Beaumont's transition program and transferring them to RDC. These furnishings will be for sleeping quarters and the dayroom.

Ms. Brothers asked about staff for this program. Mr. Wakefield said they are taking a staff person from RDC's program and reassigning them as a work release coordinator. The residents will be evaluated 30 days before starting the work release program. The residents will be in an independent living situation. The GPS monitoring contract has been transferred from Natural Bridge to RDC. The monitors will not be worn in the workplace; however, the GPS can track the juveniles within a 25 feet parameter. Institutions staff are working with John Tyler Community College president and the admissions coordinator. John Tyler is very receptive to having the residents attend college. Staff have contacted 12 local businesses regarding work for the residents, and the DCE staff, who head the college bound program, are working with the residents now to prepare them for college.

Mr. Wilson said he applauds the staff for putting this into place. He asked what was the possibility of maintaining this program given the current budget issues. Mr. Green replied that DJJ anticipates opening the program January 1, 2010. If the dollars are reduced, and DJJ does not have enough staff to maintain security, this program, like any of the other programs, might be cut.

A copy of the detailed presentation will be filed with the Board minutes in Central Office and will be made available upon request.

G. Hampton Workforce Investment Activities

Mr. Ned Carr, Peninsula Worklink, reviewed the presentation entitled "Re-entry to Education and Employment Project. The mission of the Workforce Investment Act (WIA) is to create a support system that transitions youth back to the community and lead them to a secure pathway from career education and training to sustained employment. The target date to begin the Beaumont program is July 2010. Mr. Carr expounded on the goals and objectives of the program, key design elements, as well as the pre-release work plan. The WIA will meet with DJJ/Beaumont staff after today's board meeting. Mr. Green asked Mr. Carr to explain the middle college concept. Mr. Carr stated the goal is an associate degree and obtaining a GED is the first step in this process. WIA will submit a grant and hopes that the Board will support it. Mr. Green stated that it would be great if this program could be set up in the Tidewater area since that is where most of DJJ's residents are from. Mr. Dhillon congratulated WIA on this project and thanked them for their efforts. Mr. Carr's full presentation will be filed with the Board minutes and will be made available upon request.

VIII. Director's Comments

- Distributed presentation made to Virginia Municipal League on October 20, 2009 entitled "Court Involved Juveniles: Trends and Issues". He said it is on DJJ's website.
- On December 18, Governor Kaine will propose the 2010 budget; Governor-elect McDonnell will have the opportunity to submit proposed changes to the budget. He does not know the baselines or if more cuts are coming. The new governor will have to come up with different cuts as the stimulus monies go away the following year.

- Natural Bridge JCC: all residents were moved September 30; staff remained on site to shut down the building and mothball the premises. Natural Bridge does not have a fence and security is needed. Once the facility has been officially shut down, it will be turned over to General Services to possibly sell.
- Mr. Pullen stated that the General Assembly requires the Secretary of Public Safety to do a forecast study each year. For the juvenile population, from 2010 through 2015, it is forecasted that there will be no significant increases in the incarceration. Mr. Green said the forecast is on the Secretary of Public Safety's and the legislature's website. This report is for adult and juvenile populations.
- The Advisory Committee on Juvenile Justice has nominated a former resident of Natural Bridge JCC, Austin Grant, for the 2009 Spirit of Youth Award. Mr. Grant is living on his own, working two jobs and is doing very well. The award will be officially presented in January 2010. The exact date has not been announced.
- Ms. Pacheco asked if youth who have been with DJJ have the opportunity to return to speak to the current residents. Mr. Green said they have come back as volunteers. He cited Dwayne Betts, who was interviewed on NPR, who was convicted as an adult and incarcerated in the adult system as someone who has excelled despite having served time. Mr. Betts has spoken to the residents at Beaumont JCC and donated several copies of his book to the Beaumont Library.

IX. Board Comments

Mr. Dhillon asked about the updated data on the length of stay. Mr. Pullen state that this information is in the data resource guide (DRG). The DRGs will be published by January and the Board members will receive a hard copy.

Selection of chairs for secure/non secure committees: A discussion ensued as to the viability of the subcommittee meetings. Mr. Wilson asked if this is a statutory requirement. Mr. Green said it is in the by-laws though they can be changed. He said there will be some meetings where there will be a considerable amount of certifications to be reviewed. It is helpful to have the subcommittees review the certification packets prior to the full board meeting which helps to expedite the meeting. Ms. Brothers and Ms. Pacheco stated they like the idea of continuing the subcommittees. Mr. Dhillon nominated Mr. Wilson as chair of the secure committee. Ms. Pacheco nominated Ms. Abbott for chair of the non-secure committee. Nominations were approved.

X. NEXT MEETING

It was proposed for the next board meeting to be held on Wednesday, January 13 at Cedar Lodge. Chairperson Myers stated that she will be out of town and unable to attend the meeting. Ms. Abbott stated this is the first day of the General Assembly, which causes a conflict for her. After discussing the matter, it was agreed that the next board meeting will be held on Tuesday, January 12, 2010 and that Ms. Brothers will chair the meeting.

XI. ADJOURN

Having no other business, and on MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the meeting adjourned at 12:20 pm. Motion carried.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary

Corrections to the Minutes of the September 9, 2009 Board Meeting

Page II: Section A: last paragraph re: Motion for Richmond Juvenile Detention Center, Ms. Pacheco voted no.

Page V: DJJ and WIA Collaborative Model (in place of Workforce Investment Activities). Ms. Pacheco reported that she is working toward developing a stronger connection between Workforce Investment Act's (WIA) one-stop service delivery system and DJJ. She asked Mr. Abed and Mr. McGill to support this effort by partnering with a team of state and local partners from the Greater Peninsula Workforce Area to pilot a collaborative model. Ms. Pacheco added that if the pilot works, she would like to see it replicated statewide.