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Board of Juvenile Justice

DEPARTMENT OF JUVENILE JUSTICE Board Meeting Virginia Wilderness Institute Grundy, Virginia September 13, 2006

Present: James Turpin Barbara Myers
 Aida Pacheco Justin Wilson

I. CALL TO ORDER

The meeting was called to order at 10:00 am by Chairman Turpin.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Wilson, seconded by Ms. Pacheco, to accept the agenda as presented. Motion carried.

III. INTRODUCTIONS

Mr. Turpin asked everyone to introduce themselves. In attendance were: Ken Bailey, Angela Valentine, Randy Blevins, Ken Miller, Ron Belay, Robert Hagin, Lynn Myers, Deron Phipps, Dawn Smith, Ed Holmes, Martha Carroll, Tim Howard, Bill Muse, Deborah Hayes, Barry Green, Steve Pullen, Sam Abed, Ed Murray, James Culverhouse, Director-VWI and John Stiltner, Operations Director. Mr. Culverhouse welcomed the group.

IV. APPROVAL OF MINUTES for June 14, 2006

On MOTION duly made by Ms. Pacheco, seconded by Mr. Wilson, the minutes of the June 14, 2006 Board meeting were approved as presented. Motion carried.

V. PUBLIC COMMENT PERIOD

Mr. Turpin read the Board's new position on public comment period. He said this statement will be read into the record at the beginning of each public comment period. No one pre-registered and no one was present for public comment. Mr. Turpin stated the purpose is not to prevent public comment; but to make it more orderly. This is a way to be fair to everyone.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Myers, seconded by Mr. Wilson, to certify Henrico Juvenile Detention Home for three years. Program will present a detailed population management plan at the January 2007 meeting. Mr. Turpin asked Tim Howard and Ken Bailey to give

background information on the issues. Mr. Howard stated that Henrico Juvenile Detention Home has had ongoing overcrowding issues. Even though capacity has been increased significantly with the opening of James River Detention Center and intakes are down, the population continues to increase. Mr. Howard and Mr. Holmes are planning a meeting with the judges to talk about what kinds of alternatives are being developed and whether or not they would like to participate in something like the Juvenile Detention Alternative Initiative. Motion carried.

Certification Issues

Mr. Murray stated that the Beaumont JCC staff and superintendent, Dr. Ito, have worked to correct their deficiencies. Some of the deficiencies noted have been inappropriate interaction between staff and wards and deficiencies in recordkeeping. Mr. Murray stated that in his conversations with Dr. Ito, he is confident the facility will be ready to overcome deficiencies and will be ready to be re-audited in November.

B. Non-Secure Services Committee

Certifications

On MOTION duly made by Ms. Pacheco, seconded by Mr. Wilson, to certify the 26th District Court Service unit for three years. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to certify the Aurora House Girl's Group Home for three years. Mr. Turpin abstained. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to certify the Bridge House for three years. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to certify the Loudoun Youth Shelter for three years and present a population management plan at the November meeting. Motion Carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to certify the Opportunity House for three years and change the capacity to nine. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to amend the certification status of Susan Bundy Girls' Group Home to allow the program to serve both pre- and post-dispositional youth. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to amend the certification status of Westhaven Crisis Center to allow the program to serve both pre- and post-dispositional youth. And to change the name to Westhaven Boy's Home. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, to certify Abraxas House for one year with a status report on compliance with mandatory standards in January 2007. Mr. Howard stated that Abraxas had some mandatory deficiencies, two of which related to health and safety. Mr. Holmes stated that there was a deficiency surrounding sanitation inspection and bed linen not being changed every seven days. There was also a concern about medication not being distributed as prescribed. Abraxas House is in the process of developing a compliance plan and expects to be on target by January 2007. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Mr. Wilson, to certify the 16th District Court Service Unit for one year with a status report from the Regional Operations Manager at the January 2007 Board meeting regarding compliance with the areas cited.

Martha Carroll, 16th Court Service Unit Director, stated that they have a corrective action plan to include: organizational changes to the record keeping for volunteer intern background investigations and reference checks which were an area of concern. There is now clear documentation about the reference checks in addition to any information received from the University of Virginia. There is also clear information on the background checks. The reference checks are being done by the senior probation officer who supervises most of the volunteers. There were also issues surrounding contact with children and families and communication with staff at juvenile correctional centers site. To correct some of these issues, the 16th CSU now have specialized parole supervision in the Charlottesville/Albemarle area so that there is one person managing most of those cases. They have developed a check list to help that person stay on track with the cases. They are focusing on Safe Measures with the individuals in Charlottesville/Albemarle and in the rural offices as well.

Mr. Howard explained to the new board members that Safe Measures is a data management system which tells which programs a youth is referred to, contacts made by probation officers, as well as which risk assessment instruments have been completed. Ms. Carroll said they encourage the probation officers to use this instrument to plan for their contacts with probationers and parolees. She said supervisors are using Safe Measures to trigger timely reviews of case records and using it in their supervision of workers. It is also what the 16th CSU review as an administrative team. They review their workload data at their twice monthly administrative meetings to ensure there are no imbalances throughout the geographical area. They are in the process of hiring in the Charlottesville office, though they still have two vacancies in the northern end of the district, which should help to balance the cases. They have also hired a support supervisor which will bring some relief and support to the administrative team. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Mr. Wilson, to amend the FY07-08 VJCCCA plan for Charlottesville/Albemarle County in accordance with the Request to Amend. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Mr. Wilson, to approve the FY07-08 VJCCCA plan for the City of Richmond. Motion carried.

Fairfax Group Home-Planning Study: The *Code of Virginia* (§ 16.1-309.5) empowers the Board of Juvenile Justice to approve construction reimbursement for group homes, however, the *2005 Acts of Assembly*, Chapter 951, Item 443A.1., which supersedes the *Code*, prohibits the Board from approving or committing additional funds for construction. Fairfax County intends to seek an exception to this moratorium through a legislatively-sponsored amendment.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers, the Board of Juvenile Justice approves the Planning Study for the Fairfax Girls' Probation House and recommends reimbursement by the state, should Fairfax be successful in obtaining a legislative exception to the 2006 Acts of Assembly, in the amount of 50% of the total project cost not to exceed \$446,664, representing the statewide average cost of reimbursement per bed of \$37,222 for 12 beds.

The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Mr. Pullen stated that the moratorium has been in effect primarily for detention, but the language reads other residential facilities also. The Board has previously approved a motion such as this for the Crossroads Group Home and that commission was successful this past year in getting dollars put into the

Appropriations Act for funding based on the Board's resolution and approval. He stated that Fairfax is trying to do the same thing. The age of the present facility is such that this could almost approach the emergency conditions that the appropriation language allows. Motion carried.

VII. OTHER BUSINESS

A) Regulatory Action

1. Summary Suspension of Licenses for Group Homes and Residential Facilities (VAC 35-20-37 – Emergency Regulations/NOIRA)

Mr. Abed shared the purpose of the regulations. Mr. Phipps then stated that the General Assembly enacted SB 190, which amends §66-24 of the Code of Virginia, relating to summary suspension of licenses for group homes and residential facilities under certain circumstances. It authorizes the Director of the Department of Juvenile Justice to issue orders of summary suspension of a license to operate a group home or other residential facility for children in cases of immediate and substantial threat to the health, safety, and welfare of residents. SB 190 requires the Board of Juvenile Justice to promulgate regulations to implement the provisions of the legislation within 280 days of enactment.

Current status: The State Board of Juvenile Justice was requested to approve the Emergency Regulations Governing the Monitoring, Approval and Certification of Juvenile Justice Programs for publication in the Virginia Register at the September 13, 2006 meeting.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Myers to proceed on the emergency regulations. Motion carried.

B) Regulatory Status Update (handout)

1. Proposed Regulations Governing Juvenile Work Release Programs (6 VAC 35-190 – Emergency Regulations/NOIRA)

These new regulations, mandated by Chapter 648 of the 2005 Acts of the General Assembly, set forth the rules and criteria by which the Department may operate work release programs whereby committed juveniles (i) may be employed by private individuals, corporations, or state agencies at places of business; or (ii) may attend educational or other related community activity programs outside of a juvenile correctional facility. Emergency regulations governing the Juvenile Work Release Programs were published December 20, 2005. The public comment period ended April 14, 2006. Emergency regulations expire one year from initial publication (December 20, 2006).

Current status: The proposed regulations were approved by the Attorney General's Office, the Department of Planning and Budget, and the Secretary of Public Safety. The proposed regulations were submitted to the Governor's Office for review.

2. Proposed Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles (6 VAC 35-180)

These regulations are being promulgated in response to the enactment of SB 843 and HB 2245 by the 2005 General Assembly. SB 843 and HB 2245 require the Board of Juvenile Justice, after consultation with the Board of Mental Health, Mental Retardation and Substance Abuse Services and other related agencies, to promulgate regulations for the planning and provision of mental health, substance abuse, or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center (JCC) or post-dispositional detention. An interagency work group met through

February 2006 drafting the proposed regulations. The Notice of Intended Regulatory Action (NOIRA) was filed with the Virginia Register on September 15, 2005.

Current status: The proposed regulations were approved by the Attorney General's Office, the Department of Planning and Budget and the Secretary of Public Safety. The proposed regulations were submitted to the Governor's Office for review.

3. **Public Participation Guidelines (6 VAC 35-10)**

The regulations were updated to reflect technological and statutory changes made in the Code of Virginia since the original regulations were adopted in 1991, particularly the recodification of Title 9 and title 2.1 in 2001, which resulted, for example, in §9-6.14:7 being replaced by §2.2-4007. Also, since the current regulations were adopted in 1991, there have been a number of technological innovations, such as e-mail, FAX and internet-based applications, whose widespread acceptance has made communication on regulatory action both faster and easier. Revisions to the regulations are intended to make those innovations a routine part of the regulatory process. Finally, amendments provide guidance for maintaining, updating and purging lists of interested parties.

Current status: The Governor's Office approved the final regulations. The final regulations were submitted to the Virginia Register for publication. It is expected that the regulations will be published on September 18, 2006 which means that the final regulations will become effective on October 18, 2006.

As follow up to a discussion held at the meeting on Tuesday evening, On MOTION duly made by Mr. Turpin, seconded by Mr. Wilson, to have staff review the current policies in effect, and come back to the Board at its' November meeting noting those policies that are obsolete and have a plan of action as to how to proceed with changing the other policies as needed. Motion carried.

VIII. DIRECTOR'S COMMENTS

In reference to SOP 108: a number of concerns had been raised, including circumstances under which a ward's LOS could be increased for certain institutional offenses, and a provision that sought to have criminal charges brought for some offenses transferred to Circuit Court. The directive has been modified and re-released to remove those provisions.

A number of directives relating to SOP 108 have been issued over the past few years which modified various provisions it originally contained. Once the REACH program is implemented and the Board has completed its review of the existing LOS guidelines, SOP 108 will be rewritten and reissued to incorporate all of the necessary changes.

Regarding mental health records and confidentiality, the department has completed its rewrite. It has not yet been reissued and is pending completion of an implementation training plan.

Staff will be reviewing existing Board policies and will develop a plan for bringing before the Board those that may be considered for rescission or modification.

REACH is a new behavioral management program, developed by a wide range of DJJ and DCE employees that will be implemented in the Juvenile Correctional Centers. No standard program currently is being used. REACH emphasizes the use of incentives for wards who follow rules and participate in treatment. Training for REACH begins later this month (September) and should be implemented in the first JCC early next year. All employees of the JCCs, as well as DCE staff, will need to complete the training.

Director Green stated that Sam Abed has been chairing DJJ's strategic planning workgroup. The workgroup is made up of representatives from treatment, security, community, institution, central office and includes a DCE representative. The plan will be completed by the next board meeting. The Governor has asked that the agency have some way to measure what they are getting for the taxpayers' money. It is necessary to determine what we need to accomplish when we talk about increasing success for the wards and reducing recidivism. The measurements will be placed on a website developed by the Council on Virginia's Future and available for everyone to view to include the public, legislators, etc.

Mr. Turpin asked that the progress of the strategic plan be added to the agenda for the November meeting.

IX. BOARD COMMENTS

Mr. Turpin thanked Mr. Green for his presentation. He stated that Ms. Puritz is heading a workgroup looking at detention crowding. The August meeting was cancelled due to the hurricane. The workgroup is now scheduled to meet in October. Mr. Turpin also advised that he would be meeting with the detention directors on Thursday, September 14 along with Mr. Howard.

Mr. Turpin asked that DJJ staff develop the 2007 meeting schedule and present it at the Board meeting in November.

Mr. Turpin congratulated Ms. Pacheco and asked her to announce her new position. Ms. Pacheco says she is now working for the Governor's Office on Workforce Development headed by Danny LeBlanc. She distributed copies of a funding summary which identifies the various initiatives across approximately 22 different programs, administered by twelve different agencies under four different secretariats. The summary includes the Youth Industries Program and other DJJ initiatives such as the work release program. She said she was happy to know that her new position will not conflict with the Board.

Mr. Turpin thanked Mr. Twyman (in his absence) for the excellent job he did on the newsletter.

X. NEXT MEETING

The next meeting will be held at the Shenandoah Valley Juvenile Detention Center in Staunton, Virginia on Wednesday, November 8, 2006.

XI. ADJOURN & TOUR

Having no other business, the meeting adjourned at 11:03 a.m.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary