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Barbara J. Myers, Vice Chairperson
Tamara Neo, Secretary
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COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

D R A F T
MEETING MINUTES
Board Meeting

June 12, 2013

Department of Juvenile Justice
Central Office – 12th Floor Conference Room South
600 East Main Street
Richmond, Virginia 23219

Board Members Present: Heidi Abbott, Barbara Myers, Tamara Neo, and Justin Wilson.

DJJ Staff Present: Mark Gooch, Lionel Jackson, Daryl Francis, Ralph Thomas, Deron Phipps, Lara Jacobs, Barbara Peterson-Wilson, Joy Lugar, Ken Bailey, Greg Davy, Mark Murphy, Scott Reiner, Mike Favale, Wendy Hoffman, Angela Valentine, Regina Hurt, Joyce Holman, Jackie Nelson, Deborah Hayes, Andrea McMahon, Christina Hall, Katherine Farmer, Andrew Slater.

Guests Present: Patrick Ryan, Liane Rozzell, Letta Jones, Jack Scott, Rodney Baskerville, Charles R. Lampkins Sr, Brian McCoy, Ronald C. Wallace, Megan Durkee, Kate Duvall, Tracey Jenkins, Charles J. Kehoe, Barry Green, Pat Bryan, Susan Oliver, Carolyn Brown, Kandise Lucas, Shunda Giles, Rufus Fleming, Rhonda Gilmer, Frank Green.

CALL TO ORDER
Chairperson Abbott called the meeting to order at 10:03 a.m.

INTRODUCTIONS
Chairperson Abbott welcomed everyone and asked the individuals present to introduce themselves.

APPROVAL of April 10, 2013, MINUTES

The minutes of the April 10, 2013, Board meeting were presented for approval. On MOTION duly made by Barbara Myers and seconded by Justin Wilson to approve the minutes as presented. Motion carried.

SPECIAL PRESENTATION BY THE BOARD

Chairperson Abbott advised that at the April 10, 2013, Board meeting, the Board members introduced and passed a resolution honoring long time colleague and Board Secretary Deborah Canada Hayes. Chairperson Abbott read the resolution and presented the proclamation to Ms. Hayes.

PUBLIC COMMENT

Patrick Ryan, JustChilderen

Mr. Ryan's comments are attached.

Liane Rozzell, Families and Allies of Virginia's Youth

Ms. Rozzell discussed family engagement and presented to the Board and Director Gooch a copy of a workbook prepared by the Campaign for Youth Justice. Ms. Rozzell encouraged the Board to order the workbook entitled, "Family Comes First: A Workbook to Transform the Justice System by Partnering With Families" available from Amazon. The book focuses on the acronym "FAMILY" – F is for Families having a primary decision making role in the child's care and case as well as the policies and the procedures governing children involved in the justice system. A is for Access to a continuum of services for families. M is for laws and policies that meet the Mutual goals addressing the family's need. I is for Interagency cooperation. L is for Leadership in engaging families. Y is for Youth fully prepared for the future.

The Board asked for more information on the organization that developed the workbook, Campaign for Youth Justice. Ms. Rozzell responded that Campaign for Youth Justice is a national advocacy organization who is dedicated to ending the practice of trying, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system.

Kandise Lucas, PH.D, Teachers Behind Bars

Ms. Lucas, a Columnist with Education News, encouraged the Board to read an article she wrote dealing with fraud, waste, and corruption at the Department of Juvenile Justice. Ms. Lucas spoke about the results of the Virginia Department of Education audit on the educational program at the Department of Juvenile Justice. Specifically, outlining the significant discrepancies as well as non-compliance issues as it relates to special needs

students. Ms. Lucas went on to discuss her concerns that the needs of special needs students are not being met. Ms. Lucas summarized the recommendations by the Virginia Department of Education in their audit. Ms. Lucas noted that she also had suggested these improvements during her tenure with the Department of Correctional Education. Ms. Lucas also commented on her concerns regarding DJJ terminating teachers in the middle of the school year.

There were no other speakers and the public comment period was closed.

CERTIFICATION REPORTS

Secure Committee:

Certifications

Bon Air Juvenile Correctional Center

The audit conducted on November 29, 2012, reflected seven deficiencies. Five of those deficiencies were mandatory in the area of medical services and two were non-mandatory. Follow up reviews were conducted on February 26, 2013, and May 1, 2013. The certification report provided to the Board reflects a recommendation that Bon Air Juvenile Correctional Center be placed on probation as a result of the May 1st monitoring visit where Bon Air was still non-compliant in that one area (medical services). Staff conducted a follow-up review on June 7 and reviewed 15 randomly selected medical files. The files were in compliance. Mr. Bailey explained to the Board that the Certification Team is changing their recommendation to certify Bon Air Juvenile Correctional Center for three years with a status report on compliance with the corrective action plan in June 2014. The Certification Team will continue to conduct monitoring visits, specifically focusing on medical files, to ensure Bon Air is demonstrating compliance.

A question was raised by the Board if Mr. Bailey is confident that the proper procedures are in place now and the problem has been corrected. Mr. Bailey acknowledged that Bon Air had undergone a tremendous change in personnel especially in the medical area, noting the hiring of a new Health Services Administrator, Mark Murphy. Other improvements include the development of new health services procedures to replace old procedures, controls to monitor the administration of medication, and responses to resident's medical requests are handled in a timely fashion. Bon Air is demonstrating excellent compliance.

The Board requested Mark Murphy address the Board.

Mark Murphy noted that the medical department is codifying practices and updating policies so all facilities are consistent in their use. By October, DJJ should be using an electronic medical administration record that will assist in ensuing 100% accuracy in transcription

orders. Doctors will be able to enter their order into the computer system which will go directly to the pharmacy; the pharmacy will then electronically update the Medical Administration Report (MAR). This will dramatically improve the accuracy in the MARs. In addition, the medical department is instituting more internal control such as nurses reviewing each other's work and developing the right leadership at Bon Air.

A question was raised by the Board on the checks and balances going forward? Deron Phipps reported that back in October an audit was conducted on all DJJ facilities by the American Correctional Association (ACA). Based on the ACA's recommendations, DJJ established the Health Services Oversight Committee. The group meets monthly to review the progress of the health care services within the facilities and develop work plans. The committee will be ongoing indefinitely until DJJ is confident that the provisions of health care services are solid.

Mr. Bailey noted that the Certification Team will continue to conduct random assessments of medical files at Bon Air as well as other facilities to ensue corrective action plans have been implemented.

The Board asked Mr. Bailey how he selects the cases to audit. Mr. Bailey reported that the cases are selected from a computer program.

The Board asked Mr. Bailey what logs he reviewed last Friday, June 7 in his audit? Mr. Bailey replied that the Certification Team did not review the log books mentioned in the report. The log book deficiency was a non-mandatory standard in which they showed significant improvement. The Certification Team reviewed the mandatory standard, administration of medication. The Team pulled 15 files and reviewed the MARs for May; they demonstrated 100% compliance.

The Board followed up with a question as to the time period of the review. Mr. Bailey reported that MARs are written on a monthly basis, so the Certification Team reviews files from the last review to the present. The Certification Team is confident that Bon Air has fully demonstrated 100% compliance with the mandatory standards as of June 7. Based on the chart of the Board's current certification actions, Bon Air is eligible for a three year certification.

A question was asked by the Board on the status reports. Mr. Bailey told the Board that the status report would include an update on any non-compliant issues and on their corrective action plan initiatives.

The Board expressed concern that the facility was not compliant with the same mandatory standard in February and May, but suddenly on June 7 the facility is fully compliant. Mr. Bailey told the Board he will provide a status report on that mandatory standard at the September meeting.

On MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Bon Air Juvenile Correctional Center for three years with a status report on compliance with the corrective action plan at the September 11, 2013, board meeting. Motion passed.

New River Valley Juvenile Detention Home

The audit conducted on January 9, 2013, reflected four deficiencies all in the area of medical services. Three of those deficiencies were mandatory and one was non-mandatory. One repeat deficiency was noted from the previous audit in January 2010. Mr. Bailey reported that during the monitoring review on April 2, 2013, that all deficiencies were found to be in compliant.

The Board was concerned with the information printed on a MAR. Mr. Bailey replied that a MAR is different at a Detention Home then at a Juvenile Correctional Center, where the information is printed directly on the MAR. In Detention Homes, the nurse has to transcribe the information on the physician's order to a MAR. This is where the human error occurs and the information is not always appropriately transferred to the MAR.

On MOTION duly made by Barbara Myers and seconded by Tamara Neo to certify the New River Valley Juvenile Detention Home and Post-Disposition Detention Program for three years. Motion passed.

Richmond Juvenile Detention Center (RJDC)

Richmond Juvenile Detention Center operated from 1996 until it was closed on April 27, 2012, due to allegations of broken equipment, lack of staff training, and improper care of residents. The facility has applied to re-open on the site of the old RJDC.

Mr. Bailey noted that this is a totally new program; the Center may have moved into the old building but this program has new administration, new staff, new procedures that meet all the requirements. Staff has been extensively evaluated with background checks performed. The facility has developed a detailed training manual. At the time of the Certification Team's review, training records were evaluated and found in great condition. The Team checked every intercom, every lock, and every water faucet; no problems found in the facility. However, the Certification Team was not able to review certain things, such as medical records because no residents were in place. The Certification Team will look at these areas at their next monitoring visit.

Mr. Bailey is recommending the Board certify the Richmond Juvenile Detention Center for 6 months as a new facility. The Certification Team will return in October and review areas they were not able to review before and report back to the Board at their January meeting.

The Board asked a question about handling new facilities. Mr. Bailey answered that typically a new facility is initially inspected with a short term certification. This allows the facility to become operational.

The Board invited Mr. Hicks to speak.

David Hicks introduced himself as the Director of Justice Services for the City of Richmond. Mr. Hicks noted that this has been a long and painful journey/experience for the City. The City's intention is to open a new program with a much stronger facility that just happens to be in the same location as the old Detention Center.

At the time of the RJDC closure last year, the City had to arrange to transport 48 residents to other facilities. The City was able to find accommodations for all their residents with sister facilities and were able to forge relationships with them to learn lessons on operating a successful program. Mr. Hicks asked the Board to reopen the facility.

The Board asked Mr. Hicks how he envisioned the transition. Mr. Hicks noted that the City has a reentry plan for the children that are currently being housed at six facilities across the state. The Center will begin the reentry process on July 1. They will gradually bring the residents back. The new employees of the Center have been building relationships with the residents in anticipation of the reentry process to help facilitate an easy transition. Mr. Hicks would like to have all the residents back by the end of July. He will take into consideration the length of stay the resident has left and the fiscal implications before moving them back.

The Board inquired about the number of employees and the facility's intercom problem. At the time of review, Mr. Bailey reviewed 45 current employees. The Center has hired on additional employees increasing the number to 72. The Certification Team will review those new staff hires when they return for their monitoring visit. Intercoms have been a problem in the past, but issues have been resolved with a new contractor.

The Board asked about the new personnel if they were new to the field or if they were experienced. Mr. Hicks noted it is a good mixture with experience in the field.

The Board commended Mr. Hicks and his employees for their hard work and optimism.

On MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Richmond Juvenile Detention Center until January 8, 2014. Motion passed.

Shenandoah Valley Juvenile Center

The audit conducted on January 15, 2013, reflected two deficiencies. One of those deficiencies was mandatory and the other was non-mandatory. Mr. Bailey reported that during the monitoring review on April 18, 2013, that all deficiencies were found to be in compliant. On

MOTION duly made by Tamara Neo and seconded by Barbara Myers to certify Shenandoah Valley Juvenile Center for three years. Motion passed.

Issues

Newport News Juvenile Detention Home Status Report

At the January 9, 2013, Board meeting, the Newport News Juvenile Detention Home was certified for one year with a status report due at the June 12, 2013, Board meeting. The facility amended its corrective action plan to require a manual room check verification program. Monitoring visits were conducted on February 27, 2013, and April 25, 2013. Confinement forms were reviewed on both dates and there were no areas of non-compliance. At the January meeting, the Board suggested that the Home be approved for certification for one year with the requirement that the Home use a manual system to complete room checks because their electronic system was not registering data. The Certification Team has completed a status report since that January meeting and the Home is 100% compliance with their manual room checks.

Mr. Bailey asked the Board and they agreed to hear an added agenda item on a variance request.

With the realignment and closure of the Juvenile Correctional Centers, DJJ is planning to operate the Work Education Release Program (WERP) in Caskie and Beattie Cottage located at Beaumont Juvenile Correction Center (JCC). The residents that participate in the program have historically been housed separately from the general population because participants leave the facility to attend class and to work. A variance has been requested for Caskie and Beattie cottage to provide Beaumont the ability to expand the WERP. Beaumont JCC does not have a variance because Caskie and Beattie Cottages have not been used as a residential unit. The variance would allow the DJJ to transition the WERP to Caskie and Beattie Cottage at Beaumont JCC. Building A3 at the Bon Air campus is being repurposed to be used as emergency overflow. A variance would allow DJJ to utilize A3 as an emergency shelter for the residents at the Reception and Diagnostic Center and locally operated detention centers. DJJ is requesting the Board approve a variance from 6VAC35-51-480 (B), which restricts the number of residents who may share a bedroom or sleeping area to four individuals and allow the DJJ to use dormitory style sleeping areas.

A quorum was not present to vote on the motion.

Non-secure Committee:

Certifications

Crossroads Community Youth Home

The audit conducted on December 5, 2012, reflected eight deficiencies. Five of those deficiencies were mandatory and two were non-mandatory. One of the deficiencies was from a previous audit conducted in December 2009. Mr. Bailey reported that during the monitoring review on April 27, 2013, seven deficiencies were found to be in compliant. On a May 2, 2013, monitoring review, the one deficiency was found to be non-compliant in the medication administration area. Mr. Bailey conducted a monitoring visit on June 6, 2013. The Certification Team reviewed all the MARs since the May visit and believe the Home has put together an excellent system of documenting their MARs. Mr. Bailey reviewed 13 MARs on June 6th and found them in compliance with the regulation. The Certification Team's recommendation is to certify the program for three years with a status report in June 2014.

A quorum was not present to vote on the motion.

Shenandoah Valley Juvenile Shelter and Assessment Center

The audit conducted on January 16, 2013, reflected three deficiencies. One of those deficiencies was mandatory and the other two were non-mandatory. Mr. Bailey reported that during the monitoring review on April 18, 2013, that all deficiencies were found to be in compliant.

A quorum was not present to vote on the motion.

Issues

None

OTHER BUSINESS

Request for Designation of Critical Regulatory Requirements at September 11, 2013, Board Meeting

Barbara Peterson-Wilson reported that at the last Board meeting, DJJ requested the Board be prepared to vote on the critical mandatory regulations. DJJ hoped that these regulations would have been approved by the Secretary of Public Safety's Office and published in the *Virginia Register* so that the Board could have taken action on them today. DJJ has been in contact with the Secretary of Public Safety's Office and we expect them to move on these regulations shortly. Accordingly, it is requested that the Board place in the September Board meeting agenda the designation of critical regulatory requirements. The Board agreed.

A quorum is now present for the Board and will hear the previous motions.

A MOTION duly made by Barbara Myers and seconded by Justin Wilson on granting a variance to the requirements of 6VAC35-51-480.B, allowing the Department of Juvenile

Justice to use dormitory style sleeping areas in the following buildings: Caskie and Beattie Cottages at Beaumont Juvenile Correctional Center and Unit A3 at the Bon Air Campus. Motion passed.

A MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Crossroads Community Youth Home for three years with a status report on compliance with the corrective action plan at the November Board meeting. Motion passed.

A MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Shenandoah Valley Juvenile Shelter and Assessment Center for three years. Motion passed.

VJCCCA Plan Approvals

Angela Valentine outlined the VJCCCA plans for 2014 fiscal year approval and one plan amendment.

Charlottesville/Albemarle: The service cost and projected numbers are comparable to other localities. DJJ recommends approval.

Fairfax: Fairfax added a new program for this fiscal year to meet their reentry needs. It was noted that their money projections and per diem rates are higher than other plans. DJJ requested Fairfax review their per diem rates. The Board was asked to take in consideration that Fairfax's total budget is $6.5 million dollars for their VJCCCA plan, but their state allocation is only $613,000. DJJ recommends approval.

Franklin County: Franklin County has determined that their highest need is in the area of outreach and electronic monitoring services. DJJ recommends approval.

City of Richmond: Last year the Court Service Unit and Judges disagreed on the VJCCCA plan, opted for a one year plan, and agreed to work on improving their communication. There has been major improvement with the new Administration and all have agreed to this year's plan. DJJ recommends approval.

Westmoreland County: Westmoreland County closed their group home and redistributed the funding. DJJ was uncomfortable recommending approval for two years until DJJ could assess the redistribution of funds, which was completed last year. The DJJ VJCCCA Coordinator has met with Westmoreland County and the County has promised to improve their budget practices. DJJ recommends approval.

King William County made an amendment to their 2014 plan in the area of Substance Abuse Assessment. DJJ recommends approval.

A MOTION was duly made by Barbara Myers and seconded by Justin Wilson to approve the 2014 VJCCCA Plan for Charlottesville, Albemarle (combined), Fairfax County/City (combined), Franklin County, Richmond City, and Westmoreland combined. Motion passed.

A MOTION was duly made by Barbara Myers and seconded by Tamara Neo to approve the amended 2014 VJCCA Plan for King William. Motion passed.

The Board's oversight over the components of the Division of Education

Lara Jacobs reported that at the last board meeting, the Board asked a general question on their authority regarding the Division of Education since it was a new component to the DJJ. The general idea is that the Board has the same authority over the Division of Education as it has over the rest of the DJJ. The regulations are controlled by the Department of Education. Nothing this Board puts forth as a regulation can conflict with the state Department of Education regulations. If there is a concern the Board has, the Board can request information from the DJJ. If the Board is not happy with the response or actions, the Board's recourse is to contact the Governor.

Director Gooch reported to the Board that a complaint was filed on a DJJ facility. Due to this complaint, Director Gooch asked the Virginia Department of Education to conduct an audit sooner than the regular scheduled audit later in the year. It is the responsibility of DJJ to develop a corrective action plan on any non-compliance issue found in this audit. It is not the responsibility of the Board and Mr. Bailey will not add this to his certification audit reports. If an individual is unhappy with results of a complaint they have filed with DJJ, then their next step is to contact the Board of Education.

Barbara Peterson-Wilson advises that DJJ regulations on education deal with what is to be provided such as adequate space, study space, etc. The regulations are more functional then academic. The Board asked Ms. Peterson-Wilson to identify these regulations and provide them more information.

The Board also requested a copy of the DCE Board polices, the Virginia Department of Education audits, and DJJ's corrective action plan. The Director agreed that these can be provided to the Board.

The Board inquired if a parent is unhappy with their child's education needs, where do they issue their complaint. Director Gooch noted that the parent can discuss their concerns with the DJJ. If they are unhappy with those results, they can issue a complaint with the Virginia Department of Education.

EXECUTIVE SESSION

On MOTION duly made by Barbara Myers and seconded by Tamara Neo to move the Board reconvene in Executive Closed Session, pursuant to Section 2.2-3711 (A), for discussion of

personnel matters and for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel. Motion carried.

Upon conclusion of the Executive Closed Session, Board Members individually certified that to the best of their knowledge: (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting, and (2) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed, or considered. Ms. Abbott, Ms. Myers, Ms. Neo, Mr. Wilson verbally certified.

BOARD COMMENTS

Justin Wilson thanked the Board and DJJ for the privilege of serving seven years. Mr. Wilson has learned a lot and will miss being involved. The Board thanked Mr. Wilson for his service.

NEXT MEETING

Wednesday, September 11, 2013, location TBD

ADJOURN

Having no other business, Chairperson Abbott adjourned the meeting at 12:55 p.m. without objection.

LEGAL AID
JUSTICE CENTER

Kate Duvall
Attorney, JustChildren

JustChildren Public Comment
DJJ Board Meeting 6/12/13

July will mark the first anniversary of the Department of Correctional Education's merger with the Department of Juvenile Justice. Today the Board will hear a presentation about its oversight role over components of the division of education. Now is also a good time to take a look at the effect the merger has had on the provision of educational programs for residents of Virginia's Juvenile Correctional Centers.

JustChildren is aware that the General Assembly mandated the Division of Education to reduce spending and cut positions as part of the 2013 budget amendments. Last week, JustChildren received an influx of letters from residents about their difficulties and concerns that have arisen as a result of these cuts. I had the opportunity to personally meet with a few of them and hear about their troubles directly. I would like to share a few of their concerns with you now.

One resident wrote, "They just shut down all shops in school and we have been in these classes since January. I have a big issue because [I won't] be able to receive my credits for my class, and therefore just ruined my graduation this upcoming December. Eighteen teachers just got fired and they're shoving everybody in other classes."

Another wrote, "My masonry teacher [was] fired, and I'm just about to receive my end of course credits . . . [t]hey try to hide it and tell the students, '[oh] well you [have] gym for the rest of the year.' . . . [W]hen we had to come back to school, I was placed in the gym with over 30 kids. . . . [T]his is not safe. I'm scared of what will happen."

We heard from a client that, despite not having a teacher for over a month just before the end of Algebra II, he is still expected to take the SOL test this week for the course. This is a core class that is vital to the student receiving a standard diploma.

Finally, another client wrote, "Rumor is that the GED teachers will be replaced by computers. Also it has been said that by the time we beg[i]n summer school . . . the[re] will only be 14 or 15 teachers here at Beaumont. When I say this I am speaking on behalf of the student body. We care about our education. . . . [T]eachers . . . play a major role here at Beaumont."

In addition to layoffs, JustChildren has concerns about other issues that are jeopardizing residents' education. First, DJJ schools lack accountability with the public. We have been unable to verify that DJJ schools are fully accredited by the Virginia Board of Education, and they have not submitted an alternative accreditation plan like every other public school that serves nontraditional populations. Further contributing to its lack of accountability, DJJ does not publish any data about its schools that other schools have to provide, such as SOL scores and graduation rates. Second, DJJ has been promising college courses for months, if not longer, but is still not offering them. Finally, the Virginia Performs website indicates that GED pass rates dropped from 81% in 2009 to 62% in 2012.

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A sound education is vital to these young people's ability to successfully reenter society. It allows them to obtain and maintain employment, become contributing members to society, and stay out of the criminal justice system. At JustChildren we understand that times are tough and the state budget is tight. When cuts to education are necessary, they should be done carefully and with consciousness of the specific needs of individual residents.

Therefore, we ask that DJJ conduct a thorough staffing analysis, as directed by the General Assembly, if it has not already done so. We ask that the Board look beyond numbers and ratios, and instead consider the educational needs of individual residents. Although the number of incarcerated juveniles has declined over recent years, individual residents still have a diverse range of educational needs that numbers alone cannot address.

As part of an effort to alleviate these concerns in the future, we ask that the Board serve as advocates for education in DJJ schools. You should explain to legislators and other policymakers the importance of education in reducing recidivism and why the unique circumstances of DJJ schools require low student to teacher ratios. This within your authority; the Code of Virginia establishes the power and duty of the Board to "advise the Governor and Director on matters relating to youth services."[1]

JustChildren plans to return to the next Board meeting and provide an update on conditions in JCCs, as reported to us by our clients. We hope this will help inform the Board of concerns that need to be addressed and other items of interest.

We appreciate the administration's willingness to discuss and address concerns that JustChildren has raised on behalf of DJJ residents. A year ago we asked the Board to make education a top priority, and today we renew that request. We hope that you will take appropriate action in response to these barriers to DJJ residents' ability to receive a sound education.

-Patrick Ryan, law student intern

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[1] Va. Code § 66-10 (2012).