

James S. Turpin, Chairman
Courtney A. Penn, **Vice Chairman**
Justin M. Wilson, **Secretary**
Marjorie S. Arrington
Barbara J. Myers
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COMMONWEALTH *of* VIRGINIA

Board of Juvenile Justice

Public Hearing

April 8, 2008

7:00 – 9:00 P.M.

**House Room C-General Assembly Building
Richmond, VA 23219**

A public hearing was held to hear the public's concerns and issues regarding the revised Length of Stay Guidelines. The individuals in attendance were: James Gooding-parent, Liane Rozell-FAVY, Linda Kaufman-parent; Melissa Goemann-VCJJ, Charisa Smith-JustChildren, and Abigail Turner-JustChildren. The parents listed also spoke: Yvonne Byrd, Dinicia Talbert, Gloria Murphy, Deborah Hamblin, Kelly Young, Joyce Rollins and Will Hamblin. The written comments will be retained with the Board minutes here in Central Office and will be made available upon request.

Board Meeting

April 9, 2008

**General Assembly Building
Richmond, VA**

Board Members Present: James Turpin, Barbara Myers, Aida Pacheco, Marjorie Arrington
Justin Wilson

Board Members Absent: Courtney Penn, Patricia Puritz

DJJ Staff Present: Barry Green, Steve Pullen, Tim Howard, Ed Murray, Teresa Parish, Kenneth Bailey, Bruce Twyman, Janet Van Cuyk, Deron Phipps, Eric Hopkins, George Wakefield, Sam Abed, Vernon Harry, John Coble, Sharon Havens, Judith Binsley, Sgt. Bernith Barcroft, Sgt. John Pollard, Resident JG, Angela Valentine, Andrea McMahon, William Schoof, Regina Hurt, Sylvia Alston, Robert Clarke, Lynette Greenfield, John Coble, Steve Peed, and Deborah Hayes.

I. CALL TO ORDER

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

II. INTRODUCTIONS

Mr. Turpin called for introductions of attendees prior to proceeding. In attendance were: S. Curtis Nolan, Mark Sizemore-Anchor/SRJGH, Jason Skeens, Tim Smith-SVJC, Bill Muse-OAG, Liane Rozzell-FAVY, James Goodin-parent, Abigail Turner, Charisa Smith-JustChildren, Melissa Goldner-parent, Lauren Schultis, Kristen Howard-VA State Crime Comm, and Melissa Goemann-VA Coalition for Juvenile Justice and Susan Lloyd, DCE Art Teacher.

III. APPROVAL OF AGENDA

On MOTION duly made by Mr. Turpin and seconded by Ms. Arrington, the Board approved the agenda as presented. Motion carried.

IV. APPROVAL OF JANUARY 9, 2008, MINUTES

On MOTION duly made by Mr. Wilson and seconded by Ms. Arrington, the minutes of the January 9, 2008 Board meeting were approved as submitted. Motion carried.

V. PUBLIC COMMENT PERIOD

Ms. Charissa Smith, JustChildren, spoke on behalf of a parent, Jeneen Whittington, who was unable to attend the public hearing on April 8.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Myers and seconded by Ms. Arrington to certify Northwestern Regional Juvenile Detention Center and Post-dispositional Program for three years. A status report is to be presented to the September 2008 meeting on compliance with the four mandatory standards and the background check requirements. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Arrington to certify Rappahannock Juvenile Detention Center and Post-dispositional Program for three years. Motion carried.

Other

Shenandoah Valley Juvenile Detention Center: Mr. Tim Smith, Executive Director of the Shenandoah Valley Juvenile Center (SVJC) spoke on behalf of this facility. With the recent loss of the Community Placement Program, as well as the severe drop in local detention utilization, the Shenandoah Valley Juvenile Commission has been left with a drastically underutilized facility, averaging at or below 20 residents in a 58-bed facility over the last six months. The Commission has charged the Executive Director, to explore expansion of services to better utilize the facility and better serve the Commission's participating jurisdictions. A meeting was convened with local Court Service Unit Directors, Department of Social Services Directors, and Community Service Board Directors in the Commission's participating jurisdictions to ascertain what existing residential service needs could be met that would also address the underutilization of the facility.

No action is being requested of the Board at this time. Shenandoah Valley will come back to the Board to request certification of the Sheltercare Program, once the request has been reviewed and approved by DJJ, and to request an

amended (reduced) licensed capacity of the secure detention facility. This information is being shared with the Board at this time for informational purposes, to address any questions and to anticipate Board approval at the June or September meeting. Consensus was that the board would allow SVJC to move forward with the proposed changes.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to certify the 8th District Court Services unit for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to certify the 13th District Court Services Unit for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to certify Anchor House Group Home for three years with a letter of commendation for 100% compliance and for the overall improvements made since the last audit. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to certify the Tidewater Regional Family Oriented Group Home System for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Arrington to certify Fairfax Girls' Probation House for three years. There will be an audit of the physical environment standards completed on the new facility when construction is completed and the results presented to the Board for review and approval. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Myers to certify Hampton Place for three years with a status report in September 2008 from the Regional Operations Manager on compliance with CPR certification requirements and the status of building repairs. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Myers to certify the following programs for three years: 1st District CSU, 2nd District CSU, 9th District CSU, 28th District CSU, Chesterfield Group Home (*see note below) with a letter of commendation for 100% compliance, and Sheltercare of Northern Virginia. Motion carried.

It should be noted that Chairman Turpin abstained from voting on the certification for the Sheltercare of Northern Virginia as he has had affiliations with this program in the past.

*The Board recognizes the difficulty of Chesterfield Group Home in obtaining the fire inspections and noted that without that deficiency, the program would have attained 100% compliance and a letter of commendation is to be sent.

2. Issues

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to continue the certification of Southside Regional Group Home to the September 2008 meeting. Motion carried.

Southside Regional Juvenile Group Home: Mr. Kenneth Bailey advised the Board that Mr. Curtis Nolan, a consultant and director of the Anchor Group Home was hired to review the operations of the Southside Regional Juvenile Group Home and develop a plan of action. Mr. Nolan began consulting with the Commission on January 28, 2008; and has developed a restructuring plan. He is progressing with the implementation of this plan. The Southside Regional Group Home Commission, through its consultant, S. Curtis Nolan, is requesting the Board of Juvenile Justice to extend the current certification status.

VII. OTHER BUSINESS

A. Access to Counsel

Sam Abed advised that he, Ms. Puritz and Mr. Muse had conferred about this matter via a conference call. They also received information from Abigail Turner suggesting that DJJ seek legislation for this matter and to possibly use the option the Department of Corrections use to provide counsel. There is more work to be done before bringing closure to this matter.

B. Art Presentation

Sharon Havens, Superintendent of the Hanover JCC, introduced the resident as well as the JCC and DCE staff members. She advised that one of the residents was unable to attend the meeting today. Ms. Susan Lloyd, DCE Art Teacher, presented the artwork to the Board. It was requested that a note of thanks be sent to the absent resident.

Ms. Lloyd then introduced Resident JG. The resident stated that he is from the Northern Virginia area and is currently in the 11th grade. He thanked the Board for giving them a good school. He stated that he has been in the art class for three weeks. He was very excited when he heard that his painting was chosen to be presented to the Board. The Chairman thanked Resident JG for his painting and encouraged him to continue painting and to continue his education.

C. Policy Review

Ms. Van Cuyk reviewed the policies to be rescinded. On MOTION duly made by Mr. Turpin and seconded by Ms. Myers to rescind the following board policies effective April 9, 2008, as they have been incorporated in the Virginia Administrative Code, are covered in the Virginia Code, or have been deemed unnecessary:

- 04-001 Fixed Assets
- 04-006 Juvenile's Financial Transactions
- 04-007 Use of Personal Vehicles
- 04-008 Budget Procedures
- 04-009 Assignment of State Vehicles

Motion carried.

On MOTION duly made by Ms. Arrington and seconded by Mr. Wilson to move the policies listed below forward for the third review and action by the Board at the June meeting:

- 04-010 Donations
- 05-005 Employee Drug Screening
- 05-009 Code of Ethics & Code of Conduct
- 07-001 Research on Delinquency & on Programs and Records of the Department
- 07-005 Telecommunications
- 08-008 Identifying Information for Master File

Motion carried.

On MOTION duly made by Mr. Turpin and seconded by Ms. Myers to move the policies listed below forward for the second reading at the June meeting:

- 16-001 Facility Closings
- 17-001 Summary of Youth's Rights
- 17-002 Major Rule Violations: Reports, Investigations, Due Process Hearing, Appeal & Review
- 17-003 Due Process in Transfer to More Restrictive Program or Facility
- 19-002 Classification of Committed Youth
- 20-001 Treatment Programs and Services
- 20-002 Electronic Monitoring
- 20-003 Sex Offender Treatment
- 20-004 Committees to Guide Sex Offender Treatment Program
- 20-005 Alcohol and Drug Screening of Youth
- 20-105 Furloughs
- 20-107 Tobacco Products
- 20-112 Youth Advisory Committee
- 20-412 CSU Intake Officer Availability: Replacement Intake Officers
- 20-414 Unavailability of Court-ordered Services

Motion carried.

D. Psychological Evaluations

Mr. Pullen spoke on this subject. The Department is asking the Board to amend and adopt the revised Psychological Fee Reimbursement Schedule, which increases hourly rate for additional services not specified (#10 on the Schedule) from \$75 to \$90 for service provided by a licensed clinical psychologist and from \$60 to \$72 for service provided by other qualified professionals.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Arrington to adopt the rates for mental examinations per the established pricing schedule dated April 9, 2008. Motion carried.

E. Status of Regulations

Ms. Van Cuyk reviewed the regulations as submitted in the Board's packet and asked the Board's approval.

On MOTION duly made by Ms. Pacheco and seconded by Ms. Arrington, to approve the submission of the Proposed Regulations Governing the Monitoring, Approval and Certification of Juvenile Justice Programs (6VAC35-20) for publication in the Virginia Register. Motion carried.

On MOTION duly made by Ms. Arrington and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action for initiation of the regulatory process for Regulations for State Reimbursement of Local Juvenile Residential Facilities (6VAC35-30). Motion carried.

On MOTION duly made by Ms. Arrington and seconded by Ms. Pacheco to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action for initiation of the regulatory process for Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Program (6VAC35-60). Motion carried.

On MOTION duly made by Ms. Arrington and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action for initiation of the regulatory process for Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts (6VAC35-150). Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action for initiation of the emergency regulatory process for Standards for Juvenile Residential Facilities (6VAC35-140) to establish a staffing ratio required for the Nonsecure Residential Facilities regulated by the Department. Motion carried.

On MOTION duly made by Ms. Arrington and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action for the exempt/fast-tracked adoption of the CORE Regulations (22VAC11-22). Motion carried.

On MOTION duly made by Ms. Arrington and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action to begin the regulatory process for (1) repeal of the Standards for Juvenile Residential Facilities (6VAC35-140); (2) repeal of the fast-tracked CORE regulations; and (3) adoption of three new regulations governing the regulation of juvenile correctional centers, secure detention centers and group homes and halfway houses. Motion carried.

F. Legislative Update

Mr. Phipps presented a handout and provided a brief review of several juvenile justice related bills enacted by the 2008 General Assembly that may or will require Board action in the future. He stated that a more detailed summary of legislation enacted at this year's General Assembly as well as those bills which died in session, will be provided at the June Board meeting. The handout will be filed in Central Office with the Board packet and will be made available upon request.

Abigail Turner thanked Mr. Green, Mr. Phipps and Ms. Van Cuyk for the fabulous job they did during the General Assembly. She said that JustChildren is particularly appreciative of the leadership on HB 1207. She stated that Mr.

Green and Mr. Phipps worked very hard, along with some other advocates, to keep the bad bills from passing.

Ms. Myers asked if HB 1207 (earned sentence credits) would be retroactive for any of the residents. Mr. Phipps stated that this issue is still being debated. Mr. Green stated that it should be for any residents from this point forward who goes to the Department of Corrections (DOC). He said he doesn't know if it will be retroactive. He said the Department is still working this out with DOC and that the DOC Classification Unit will determine the good time credits, not DJJ.

G. Length of Stay (LOS) Guidelines

Chairman Turpin stated there is no action required at this meeting. Mr. Phipps and Ms. Van Cuyk will summarize the information received at Tuesday night's public hearing as well as the comments that were previously received. He stated that the next consideration for the LOS guidelines will be at the June meeting. He asked Mr. Phipps to outline the process for the Board. Mr. Phipps stated that over the last year, Department staff has met internally to draft the regulations. In January, the Board approved publication of the guidelines for public comment and allowed two public hearings. DJJ is not requesting any action by the Board at this meeting on the public comments, which have been submitted. He asked the Board to provide any guidance regarding the LOS guidelines before the June meeting. He said the Department will evaluate fully the comments which have been submitted and will ask executive staff to review these comments and take any action they deem appropriate and at the June Board meeting, DJJ staff will provide recommendations as to any further actions we will seek from the Board. It is hoped that the new guidelines will be implemented by July 1, 2008. Mr. Phipps stated that this will keep the guidelines consistent with the enactment of new laws and it makes the data collection consistent in assessing the LOS guidelines by keeping them on a fiscal year.

Ms. Van Cuyk distributed and reviewed the comments received prior to the public hearing and those received at the public hearing on April 8. The comments will be filed with the Board materials in Central Office and will be made available upon request.

H. Budget Update

Mr. Pullen distributed a copy of HB 30/SB 30 and reviewed the actions of the General Assembly and outlined the reductions taken by the Department.

VIII. Director's Comments

Mr. Green gave an update on his status with the Office of the Secretary of Public Safety. He said the agreement was that he would be there through the General Assembly session. The SPS lost one of the deputy secretary's positions during the budget cut. Mr. Green has agreed to continue to do some projects for them as well as deal with anything that has to do with the budget. He will also continue to chair the State Prisoner Reentry Policy Academy.

He stated that the Norfolk CSU JDAI site was selected (one of seven nationwide) to participate in the first ever applied leadership network which is funded by the Annie Casey Foundation. He said this is an honor for DJJ, the court service unit and the individuals they work with.

Mr. Green shared that there was an Associated Press article on the success of the Missouri system; the low recidivism rate and the type of system they have. The legislature also read the article and asked DJJ to talk about what we are doing in Virginia, particularly as compared to what Missouri is doing. DJJ was also asked to update the status of a number of things. He distributed copies of a presentation on the juvenile facilities which was originally requested by Senate Finance and presented on January 25, 2008 during the session. This presentation will be filed with the Board materials and will be made available upon request. Ms. Pacheco thanked Mr. Green for this presentation. He advised that this information is on DJJ's website as well as the SPS's website.

MOTION for Executive Closed Session: On MOTION duly made by Ms. Arrington and seconded by Mr. Wilson that 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, and for matters involving security otherwise exempt under the Freedom of Information Act.

Upon their return to the regular meeting from Executive Closed Meeting, the Board members were polled as follows: Do you individually certify that to the best of your 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 Closed Meeting were heard, discussed, or considered. Board members polled and certified were Ms. Arrington, Ms. Myers, Ms. Pacheco, Mr. Turpin and Mr. Wilson.

IX. BOARD COMMENTS

There were no additional comments from the Board.

X. NEXT MEETING

The next meeting will be held on June 11, 2008 at the Natural Bridge JCC in Natural Bridge, Virginia.

XI. ADJOURN

Having no other business, the meeting adjourned at 12:40 pm.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary