

Heidi W. Abbott, Chairperson
Barbara J. Myers, Vice Chairperson
Tamara Neo, Secretary
Anthony W. Bailey
Kecia N. Brothers
Kenneth W. Stolle
Justin M. Wilson



Post Office Box 1110
Richmond, VA 23218-1110
(804) 588-3903

COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

MINUTES
Board of Juvenile Justice Meeting
Board Meeting
Cedar Lodge Training Center
1701 Old Bon Air Road
Richmond, Virginia
January 8, 2013

Board Members Present: Barbara Myers, Tamara Neo, Anthony Bailey, Kenneth Stolle, Justin Wilson

DJJ Staff Present: Mark Gooch, Lionel Jackson, Ralph Thomas, Daryl Francis, Jacqueline Nelson, Ken Bailey, John Coble, Regina Hurt, Vickie George, Ashaki McNeil, Deron Phipps, Barbara Peterson Wilson, James Horn, Janet Van Cuyk, Donna Ahart, Earl Conklin, Greg Davy, Joy Lugar and Deborah Hayes.

Others Present: Lara Jacobs-Asst. Attorney General, Lianne Rozzell, Maryann Rozzell-FAVY, Dawn Barber, Sheena Christian-Howard, Ernest Madison-Newport News, Kandise Lucas, and Will Montague-Just Children.

I. CALL TO ORDER

Vice Chairperson Myers called the meeting to order at 9:50 am.

II. INTRODUCTIONS

Vice Chairperson Myers welcomed everyone and asked the individuals present to introduce themselves.

III. APPROVAL of November 14, 2012, MINUTES

The minutes of the November 14, 2012, Board meeting were presented for approval. On MOTION duly made by Mr. Wilson and seconded by Mr. Bailey to approve the minutes as presented. Motion carried.

IV. PUBLIC COMMENT: No one present.

V. CERTIFICATION REPORTS

A. Secure Services Committee:

1. Certifications

- **Blue Ridge Juvenile Detention Center:** The audit findings of October 23, 2012, reflected three mandatory deficiencies all related to the

administration and documentation of medication. A corrective action plan was submitted and during a follow-up visit on December 11, 2012, seven of the seven files reviewed documented that all medications were administered as prescribed. The facility was in compliance.

On MOTION duly made by Mr. Wilson and seconded by Mr. Bailey to certify the Blue Ridge Juvenile Detention Center and Post-dispositional Program for three years. Motion carried.

- **Newport News Juvenile Detention Home and Post-dispositional Program:** For background purposes, an audit conducted on April 18, 2012, found 12 deficiencies with one repeat deficiency from a previous audit. A follow up review was conducted on July 26, 2012. At that time two non-mandatory areas were still non-compliant. These deficiencies centered on the repair and replacement of defective equipment which is an inoperable intercom system in part of the building which has not been repaired and lack of documentation for the required 30-minute room checks. At the September 12, 2012, Board meeting, the current certification status of Newport News Juvenile Detention Home was continued to January 8, 2013, with a status report on compliance with their corrective action plan. On December 3, 2012, a review was conducted to assess compliance. A lengthy discussion ensued wherein the Board members voiced their concerns about thirty-minute room checks and room confinement and isolation and whether the requirement for the residents to receive at least one hour of physical exercise every 23 hours was being met. Director Barber submitted a revised corrective action plan on December 14, 2012. As stated by Ms. Barber, the revised corrective action plan addressed the restructuring of the Superintendent's duties; institution of a manual room check verification program with several levels of daily review and oversight and zero tolerance toward lack of duty and responsibility for proper room check documentation and the documentation that the residents were afforded a large muscle exercise opportunity by POD staff.

The Board members requested that Newport News Juvenile Detention Home amend their corrective action plan to include maintaining the manual checks until they transition to the automated system. Ms. Jacobs advised the Board members that Newport News Juvenile Detention Home can amend their corrective action plan and the Board can accept it, however the Board cannot dictate the actions of the Home. The Board cannot give them specific directions—this is operational. Ms. Barber said Newport News Juvenile Detention Home has no issue maintaining the manual system should the Board grant the certification period for a year. She said they will not transition from any methods that show their compliance with a standard just to go back to an automated system. They will not transition back until they are absolutely certain that all of the difficulties have been addressed.

Sheriff Stolle asked if the corrective action plan is legislatively created or is it created within the Department. Mr. Ken Bailey said it is part of the certification regulations.

Ms. Barber said Newport News Juvenile Detention Home wished to amend their corrective action plan to specifically state that they will continue the manual room checks system throughout the one year certification period and as they pursue technology that will make this process more efficient. They will implement the automated system only upon a re-presentation to the Board of Juvenile Justice.

On MOTION duly made by Mr. Wilson and seconded by Sheriff Stolle to certify Newport News Juvenile Detention Center and Post-dispositional Program for one year with a status report at the June 2013 Board meeting. Motion carried.

- **Roanoke Valley Juvenile Detention Center and Post-dispositional Program:** During an audit conducted on September 24, 2012, four non-mandatory deficiencies were found. In a follow-up visit on November 20, 2012, RVJDC was found to be in compliance with three of the deficiencies and the fourth deficiency was not determined as the Roanoke Valley Juvenile Detention Center has not had any serious incidents since their last audit on September 24, 2012.

On MOTION duly made by Mr. Wilson and seconded by Mr. Bailey to certify Roanoke Juvenile Detention Center and Post-dispositional Program for three years. Motion carried.

2. Issues

- **Chesapeake Juvenile Services: status report:** At the November 14, 2012, Board meeting, the Chesapeake Juvenile Services Detention Center was certified for three years with a status report on compliance with the remaining areas of noncompliance in the corrective action plan at the January 8, 2013, Board meeting. On December 3, 2012, a follow-up review was conducted to assess compliance. The Chesapeake Juvenile Services was found to be in compliance in all deficient areas.
- **Culpeper Juvenile Correctional Center:** At the November 14, 2012, Culpeper Juvenile Correctional Center was placed on probation until June 12, 2013, with a status report on compliance with their corrective action plan on remaining areas of noncompliance for mandatory regulations. On December 6, 2012, a review was conducted to assess compliance. The Culpeper Juvenile Correctional Center was found to be in compliance in all deficient areas. After some discussion, the Board members agreed that Culpeper Juvenile Correctional Center would remain on probation until the June 12, 2013, Board meeting. They requested that the Certification Unit conduct an additional monitoring visit and present findings at the April Board meeting.

B. Non-Secure Services Committee:

1. Issues

- **Opportunity House Group Home Program:** At the September 12, 2012, Board meeting, the Opportunity House Group Home Program was certified for three years with a status report on compliance with the remaining areas of noncompliance in the corrective action plan. On November 12, 2012, a review was conducted to assess compliance. The

Opportunity House Group Home Program has corrected the deficiency and is in compliance.

VI. OTHER BUSINESS

- **Certification Regulations:** Request to Advance the Proposed Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs, 6VAC35-20 (“Certification Regulation”) to the Final Stage of the Regulatory Process: Ms. Van Cuyk outlined the regulations referenced above and noted the changes. The Proposed Certification Regulation, 6VAC35-20, has been proceeding through the regulatory process since September 2010 and the public comment period for the regulation at the proposed stage closed December 8, 2012. The proposed changes are the result of a comprehensive review of the regulation. The changes (i) establish clear, concise, and consistent rules, rights, and responsibilities and (ii) strengthen the process for monitoring, approving, and certifying programs and facilities regulated by the Board of Juvenile Justice (Board). The Department of Juvenile Justice (Department) requests the Board adopt the proposed and the amended language and advance the regulation to the final stage of the regulatory process.

On MOTION duly made by Sheriff Stolle and seconded Ms. Neo to adopt the proposed changes and amended language and advance the regulation to the final stage of the regulatory process. Motion carried. Ms. Myers said thank you to Ms. Van Cuyk, Ms. Peterson-Wilson, and all of the individuals across the state who gathered for two years to work on the regulations.

- **Regulatory Update:** Ms. Van Cuyk reviewed the regulations and their current stages:
 - **6VAC35-20 Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs**—in the proposed stage. The last comprehensive review of this regulation was completed in September 2003. The Board approved a NOIRA for the initiation of the regulatory process on November 18, 2009. The NOIRA was published in *The Virginia Register* on August 2, 2010. No comments were received. The Department convened a multi-disciplinary committee to conduct the comprehensive review of the regulation in its entirety. The proposed draft regulation was approved by the Board at its April 13, 2011 Board meeting. The regulation was published in the Virginia Register on October 8, 2012. No public comments were received during the public comment period. On December 12, 2012, the multi-disciplinary committee met and reviewed the regulation again, in its entirety. Additional changes were recommended by the committee, approved through the Department, and will be presented to the Board for consideration at its January 8, 2012 meeting.

The Board will consider additional changes to the regulation at its January 8, 2012 meeting and be requested to advance the regulation, as amended, to the Final Stage of the Regulatory Process. If advanced, the regulation will proceed through an Executive Branch review and will be published in *The Virginia Register* followed by a 30 day public comment period.

- **6VAC35-180 Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice**—request for NOIRA. The last comprehensive review of this regulation was completed on February 9, 2005. As required by statute and Executive Order, this regulation is currently subject to a periodic review. This regulation was open for public

comment through July 8, 2011. Eight public comments were received. The Department convened a multi-disciplinary committee to review the regulations. Amendments were recommended by the committee. At the September 27, 2011, Board meeting, the Board authorized the submission of a NOIRA to initiate the regulatory process for a comprehensive review of this regulation. The NOIRA will undergo an Executive Branch review and will be subject to a 30-day public comment period.

- **6VAC35-41 Regulation Governing Juvenile Group Homes and Halfway Houses; 6VAC35-71 Regulation Governing Juvenile Correctional Centers; 6VAC35-101 Regulation Governing Juvenile Secure Detention Centers:** The Board is in the process of overhauling its residential regulations. The Board regulates three types of facilities (juvenile correctional centers, juvenile secure detention centers, and juvenile group homes) that are governed by two sets of regulations (6VAC35-140 and 6VAC35-51). The proposed regulations (1) separate and consolidate the provisions for each type of facility and (2) reflect changes recommended through a comprehensive review of the applicable provisions by multidisciplinary committees.

NOIRAs on these regulations were published on May 11, 2009. No public comments were received on the NOIRAs relating to juvenile detention centers and juvenile group homes; comments were submitted on the NOIRA relating to juvenile correctional centers.

The Board approved proposed drafts at its September 9, 2009, Board meeting. All three regulations were published in the *Virginia Register* on February 2, 2010, and a 65-day public comment period was open through April 7, 2010, during which a public hearing was held. Comments were received on all three proposed regulations during the public comment period and were reviewed by the applicable committees.

At its November 14, 2012, meeting, the Board approved all three regulations, with amendments, for advancement to the Final Stage of the regulatory process. The regulations are currently undergoing the Executive Branch Review at the Final Stage. If approved through the Executive Branch Review, the regulations will be published in The Virginia Register followed by a 30-day public comment period; If there are no objections during this period, the regulations will become final on a date approved by the Board.

VII. Education Division Update: Ms. Nelson advised:

- 4X4 schedule fall term has ended.
- SOL testing will begin on Thursday, January 10, 2013.
- 259 SOL tests will be taken; every facility is on-line; there are 150 laptops that are dedicated to testing.
- Students can practice on-line.
- College courses are slated to start
- In response to a question by Ms. Myers, due to the small number of students, the percentage of students who passed the SOL tests will not be reported in the paper.
- Ms. Myers requested progress report on students be made available to the Board.

VIII. DIRECTOR'S COMMENTS

- Director Gooch advised that Department staff will give the Board an update presentation on the realignment of the juvenile correctional centers. He stated that each Board member has been contacted regarding this matter.
- Over the past 18 months-two years, the Department has been looking at the population levels within the JCCs.
- As previously reported, there has been a consistent decline in the population and the current residents are staying a little longer and they are a little older which requires different types of programming and different types of facilities to house the current residents. He introduced Mr. Daryl Francis, Deputy Director of Administration and Finance.
- The Proposed Reorganization and Budget Reduction Strategy presentation was distributed to the Board.
- Mr. Francis introduced Ms. Regina Hurt and Mr. John Coble as the two key people who have been instrumental in the development of the solution to this matter of a declining population.
- A committee was formed consisting of security, treatment, education, medical--it was imperative that all programming/specialty areas be represented.
- A request for proposal (RFP) for an independent contractor to come in and look at DJJ's business model, accountability, fiscal responsibility, staffing, facilities, etc. The Department asked for a ten year plan to tell us what we should look like ten years from now. The last round of interviews for the people who submitted proposals were completed last Friday. DJJ staff is hopeful that within the next ten days, management will announce the firm that was selected and will begin negotiating with them to ensure that we can afford what we have asked them to do.
- In November, the Governor asked all agencies to come up with a 4% reduction plan; this is the plan that was submitted to the Governor.
- DJJ has noted that the classifications have changed; treatment needs have changed, and the length of stay has increased.
- The facilities are old; however a new administration building is being built at Hanover that won't be finished until March.
- DJJ's recommendation is to close Hanover JCC and repurpose the building.
- Mr. Francis said management anticipates that the Hanover JCC residents will finish their time at Hanover and be able to go home as opposed to having to be moved. Only a small number of residents will have to be relocated. Hanover JCC will be officially closed after July 1, 2013.
- Oak Ridge programming and residents will be moved to Beaumont. Oak Ridge residents will not be integrated into the population at Beaumont. Staff will follow the residents to maintain the continuity of the programming at Oak Ridge. Crockford School (Oak Ridge) will be closed. Once Oak Ridge is closed, the Reception and Diagnostic Center will be moved to the former Oak Ridge location and the building that housed RDC will close.
- Mr. Francis discussed the impact on available beds, the current structure and reorganized structure, and the rationale and justification for the 1:8 manning level.
- Mr. Wilson said the Department has done a great job in aligning the physical plant; he would like to see the new programming structure compared to the old programming.
- Mr. Wilson asked if DJJ looked at the loss of funding in localities and will this drive the numbers for DJJ. Mr. Francis said staff did look at this, however they chose to use the General Assembly population projections.

- Director Gooch advised that the community youth have more programming available; there's early intervention in the schools; and dollars committed to VJCCCA programs. He said there is a lot of good work being done by people. He said we also have to look at the types of youth being committed.
- Ms. Nelson said Oak Ridge was originally held school year round. Core teachers will come to RDC from other schools; residents will continue to be enrolled in special education classes. Training classes will be held for the teachers.

IX. BOARD COMMENTS

- Vice Chairperson Myers suggested changing the April 10, 2013, regular day meeting to an evening meeting to allow for public comment. Provisions will be made to accommodate the change in time and location.

X. NEXT MEETING

- The next meeting will be held on Wednesday, April 10, 2013, at the Cedar Lodge Training Center, Bon Air, VA.

XI. ADJOURN

- Having no other business, the meeting adjourned at 12:10 pm without objection.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary