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COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

MINUTES
Board of Juvenile Justice Meeting
600 East Main Street
Richmond, Virginia

November 9, 2011

Board Members Present: Heidi Abbott, Kecia Brothers, Barbara Myers, Justin Wilson

DJJ Staff Present: Helivi Holland, Mark Gooch, Ralph Thomas, Ed Holmes, Robin Farmer, Ken Bailey, Peggy Parrish, Regina Hurt, Steve Peed, Joy Lugar, Koshie France, Susan Heck, Deron Phipps, Janet Van Cuyk, Antonio Sutton, and Deborah Hayes

Others Present: Lara Jacobs-Assistant Attorney General, Derrick D. Goddard-Superintendent, Molinari Juvenile Shelter; David J. Wall, Dianne, Gadow, John H. Neal, Jr., Charles Kehoe-Richmond Juvenile Detention Center; Pat Carrington-James River Juvenile Detention Center; Patricia Romano-17th District CSU; Claire Gastanaga-Equality VA; King Salim Khalfani, Roy Bryant-VA State Conference NAACP; Eileen Grey-VA CURE; Kate Duvall-JustChildren; Liane Rozzell-FAVY; Sandra Jones-WTVR; Julian Walker-VA Pilot

I. CALL TO ORDER

Chairperson Abbott called the meeting to order at 9:45 am.

II. INTRODUCTIONS

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

IV. APPROVAL of September 27, 2011 MINUTES

The minutes of the September 27, 2011 Board meeting were presented for approval. On MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the minutes were approved as presented. Motion carried.

V. PUBLIC COMMENT

King Salim Khalfani-NAACP spoke on safety issues at the Richmond Juvenile Detention Center (RJDC). He said the corrective action plans submitted to the Board of Juvenile Justice has not been carried out and continue to compromise the safety and security of the staff and residents. Mr. Khalfani's comments will be added as a part of the November 9, 2011, minutes and will be available upon request.

Claire Guthrie-Gastanaga-said Equality Virginia continues to be grateful that this Board and the professional staff of the Department of Juvenile Justice recognize the vulnerable position

of the youth in the Department's care who are lesbian, gay, bi-sexual, transgender and questioning (LGBTQ) and their ongoing need for protection from discrimination in non-residential and residential programs operated under the auspices of the Department. Equality Virginia asked the Board to reaffirm their vote of June 9, 2010, to adopt final regulations for residential facilities that continue to specifically prohibit discrimination based on sexual orientation. She asked the Board to make it clear on the record today that they voted affirmatively on June 29, 2011, to incorporate such protections in Sections 35-41-560; 35-71-550, 35-101-650 of Title 6 of the Virginia Administrative Code, that the Board did not and will not approve any amendment to delete those provisions prior to publication of the rules in final form, and that the Board is voting again to reaffirm their decision to promulgate final rules that specifically include affirmative protection against such discrimination, as the Board did again at their meeting in June 2011. Ms. Gastanaga's comments will be added as a part of the November 9, 2011, minutes and will be available upon request.

Liane Rozzell-FAVY spoke on the matter of the Board of Juvenile Justice not having representation from family members of youth who have been committed to the Department of Juvenile Justice facilities or under DJJ's community supervision. Nor does the Board include anyone who has ever been held in a DJJ facility as a youth. Ms. Rozzell stated that families and juveniles are a key stakeholder in DJJ and it is appropriate and necessary that the families and juveniles participate. A schedule of only daytime meetings makes it more difficult for families to be involved. Ms. Rozzell repeated FAVY's support of the Board of Juvenile Justice to ensure that the regulations for juvenile residential facilities formally protect all youth from discrimination, including on the basis of sexual orientation and gender identity. Ms. Rozzell's comments will be added as a part of the November 9, 2011, minutes and will be available upon request.

VI. COMMITTEE REPORTS

A. Secure Services Committee

1. Certifications

On MOTION duly made by Mr. Wilson and seconded by Ms. Myers to certify the James River Juvenile Detention Center for three years. Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Brothers to certify Highlands Juvenile Detention Center for three years. Motion carried.

2. Issues

Richmond Juvenile Detention Home: Mr. Kehoe responded to the issues addressed by Mr. Khalfani. He advised that after the assault against the resident, Mr. Marshall asked for an investigation. There were also issues raised about the physical plant. Mr. Neal stated that Richmond now has an engineer in place that will have the intercom system operational throughout the resident rooms and hallways within the next four months. He said they are also working on the locks. Mr. Wilson asked Mr. Bailey if he is comfortable with what is going on and how RJDC is handling the situation. Mr. Bailey responded that the Department is staying out of the situation until after the investigation is complete. The Department will review RJDC's compliance with applicable regulations. After considerable discussion, Director Holland advised that Mr. Bailey is available to assist RJDC. Mr. Bailey said he is available to the auditors and will provide regulations and any information requested. He said at the Board's direction, he will make a visit if necessary, to the facility.

Ms. Myers said she wanted to make sure there is adequate staff to supervise the residents. Ms. Brothers said based on the allegations, have the staff/resident ratio

been address. Mr. Kehoe advised that three City Council members visited the detention center and some doors in two pod units were found to be inoperable. The control panels were not operable. However, all locks were operable with a key. There were 3-4 lights out. Staffing—8 or 9 years ago, 100 youth were detained at RJDC; the last two years, the ADP has not exceeded 45; there are 61 staff members and 40 youth workers. Ms. Gadow said last year the ADP was 28. There was a 1/10 ratio during waking hours and a 1/16 ratio when residents were in their rooms. RDJC is working towards a 1/8 ratio during waking hours. RJDC are also attempting to do programs in a different way in the evenings and weekends. Staff received 16 hours in cognitive behavior training and 40 hours of training was given to staff working directly with residents on the post-dispositional unit. Ms. Gadow said she is impressed with the staff's ability to work the current population of youth in the facilities.

Ms. Brothers asked if the HVAC situation had been addressed. Mr. Neal advised that the heat and air units have been replaced. Mr. Kehoe asked about the Board's options as it relates to certification with the ongoing auditor's investigation. Mr. Phipps said the Board has the authority to monitor the facility. He reiterated that the Department is working with the Inspector General's Office. In the meantime, the Board can take action on the certification of the detention center. Ms. Myers asked about the status of the certification. RJDC has a three year certification with updates on the progress of the intercom system. Mr. Wilson said he didn't think there was enough information to make a decision. He asked the Department to increase the review of RJDC and in January, if the Board needs to make a certification change then the Board will make that decision at that time. He said that the director also has the authority to make decisions as it relates to RJDC. Chairperson Abbott asked if the monitoring is limited to the intercom system. Mr. Bailey said a modified audit will be conducted.

Director Holland advised that she has a relative who works for RJDC, and to avoid the appearance of special treatment, any decisions regarding RJDC will be referred to Deputy Secretary John Buckovich via the Department's chief deputy director, Mark Gooch. Ms. Myers asked for the results of the monitoring visits as soon as possible after the completion of the visit.

B. Non-Secure Services Committee:

1. Certifications

17th District Court Service Unit (Falls Church): On MOTION duly made by Ms. Brothers and seconded by Mr. Wilson to certify the 17th District Court Service Unit (Falls Church) for three years with a letter of congratulations for 100% compliance. Motion carried.

17-A District Court Service Unit: Mr. Bailey stated that the audit found that pre-employment background checks were not completed prior to the hire date in two out of four new volunteer and three out of five new staff files reviewed. Ms. Romano stated that this was definitely an oversight and in none of the cases did the volunteer or employee have direct contact with the juveniles. The corrective action plan is to not allow staff nor will volunteers be allowed to start employment until the CPS checks have been returned.

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify the 17-A District Court Service Unit with a status report at the June 2012 Board meeting. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify Hampton Place for three years with a letter of congratulations for 100% compliance. Motion carried. Director Holland said that Hampton Place's new director has done an excellent job of bringing the facility up to par.

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify Judge Patrick D. Molinari Juvenile Shelter for three years. Grant a variance to 6VAC35-960.C. Motion carried.

VII. OTHER BUSINESS

A. Review of Research Activities

Ms. Van Cuyk shared the following information. Section 32.1-162.19 of the Code of Virginia requires the Department of Juvenile Justice (DJJ) to have a human research committee to review and approve proposed human research projects involving juveniles under the supervision of DJJ or DJJ employees. The Human Research Review Committee is comprised of seven members from various backgrounds.

It also requires regulation governing this review process. In 2005, 6 VAC 35-170, Minimum Standards of Research Involving Human Subjects or Records of the Department of Juvenile Justice, adopted by the Board of Juvenile Justice, became effective. This regulation includes the establishment of a DJJ Human Research Review Committee and the conditions required for approval of human research proposals. These regulations are currently undergoing a comprehensive review through the Administrative Process Act.

Section 190 of the regulation requires to annually submit to the Board a report on human research projects approved by the committee and the status of such research. The manager of the Human Research Committee provided the board with a list of projects dating back two fiscal years. The Department is on target to distribute the proposals and evaluations to the board.

B. Proposed Residential Regulations: Mr. Wilson said this has been a lengthy process. He was of the opinion that any action taken today will be objected to by Board members who are not present today. On MOTION duly made by Mr. Wilson and seconded by Ms. Brothers to defer the review of the proposed residential regulations until the January 10, 2012 meeting. Motion carried.

C. Regulatory Update:

Regulations Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs: 6VAC35-20

Ms. Van Cuyk that 6VAC35-20 is 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 is currently undergoing the Executive Branch Review at the Proposed Stage. If approved by the Executive Branch, it will be subject to a 60-day public comment period. Thereafter, the multi-disciplinary committee will review the public comments.

Regulation Governing Juvenile Group Homes and Halfway Houses: 6VAC35-41
Regulation Governing Juvenile Correctional Centers: 6VAC35-71
Regulation Governing Juvenile Secure Detention Centers: 6VAC35-101

Ms. Van Cuyk advised that these regulations are in the final stage of the standard regulatory process. 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 June 9, 2010, meeting, the Board approved all three regulations, with amendments, for advancement to the Final Stage of the regulatory process. In the Executive Branch Review, one change to each regulation was recommended. The Board, at its June 29, 2011 special meeting, insisted on the language as approved in June 2010. The next steps are: (1) agreement must be reached in the Board and the Executive Branch review for the regulations to move forward in the regulatory process; (2) the regulation will be published in *The Virginia Register* and will be subject to a 30-day comment period; and (3) if there are no objections (from the Governor or 25 citizens), the final regulation becomes effective.

Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs: 6VAC35-60

This regulation is also in the final state of the standard regulatory process. The last comprehensive review was completed on August 26, 2002. The proposed regulation was published in *The Virginia Register* on August 3, 2009. The public comment period closed on October 2, 2009. No comments were received. At its November 18, 2009, meeting, the Board approved advancement of the regulation, with no changes, to the Final Stage of the regulatory process. During the Executive Branch review at the Proposed Stage, on change was recommended and adopted. The final regulation was published in *The Virginia Register* on August 1, 2011 and open for a 30-day public comment period. No comments were received. The final regulation became effective on October 1, 2011. No further action is required.

Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice: 6VAC35-180

This is a 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.

VIII. Director's Comments

Director Holland shared the following:

- There were two editorials relating to the Department, one in the *Roanoke Times* and one in the *Virginia Pilot*. The Department addressed the issues and responded to each with correct information. Director Holland is hopeful that the newspapers will rewrite opinions based on their receipt of accurate data. The director, chief deputy director, director of Policy and Planning and the public information officer will meet with the VA Pilot Editorial Board on November 17, to give them opportunity to ask the Department questions and share any concerns.
- Ralph Thomas introduced the Operations division regional program managers.
- Department staff participated in the VA Correctional Association (VCA) conference (a component of the American Correctional Association) which was held on Sep 29-30 in Richmond. The conference focused on Re-entry
- Director Holland and Chief Deputy Director Gooch attended the 17th National Symposium on Juvenile Services held October 16-19 in Indianapolis, Indiana.
- Director Holland, Chief Deputy Director Gooch, Angela Valentine and Letta Jones attended the Interstate Compact Juvenile Justice Annual Conference held October 24-27 in Norfolk, VA. Individuals from 47 states, the District of Columbia and the Virgin Islands were in attendance. State representatives were given the opportunity to participate in changing some of the languages for the interstate compact.
- The VA Juvenile Justice Conference (VJJA) was held in Richmond November 2-3, 2011. DJJ supports VJJA and approximately 70 DJJ staff participated.
- Janet Van Cuyk and Peggy Parrish attended the National Anti-Bullying Conference which was held in New Orleans.
- Director Holland said this has been a year full of major accomplishments and she thanked the Department staff for their support.
- The first DJJ re-entry coordinator, Regina Hurt, was promoted to a regional program manager. The new re-entry coordinator, Ashaki McNeil, begins November 10, 2011. Ms. McNeil comes to DJJ from DCJS. Ms. McNeil and Ms. Hurt attended the VJJA conference.
- The first VA DJJ gang coordinator, James Horn, was hired. Mr. Horn is a retired police officer from City of Richmond Police Department.
- The hiring of six regional program managers (RPM) was completed to encourage and influence the coordination between the corrections and community side of DJJ. The state was divided into six regions and each RPM manages several court services units (CSUs) and one juvenile correctional center (JCC) or halfway house.
- Eight transition specialists were transferred to DJJ from DCE to assist DJJ in transitional educational services for residents of JCCs returning to the community
- Bon Air JCC's female Transition/Work Education Release Program (WERP) expanded the program from six beds to ten. In addition, the program received a continuation of the grant funding used to originally establish the program. The additional funding will be utilized to purchase life skills curriculum and equipment to expand and broaden the transitional programming offered in the unit.
- DJJ, in partnership with the Virginia Commonwealth University's *Virginia Mentoring Partnership* and through the use of grant funds provided by the Governor's Office of Substance Abuse Prevention (GOSAP), developed the Faith Based Mentoring Project. A kick-off event for the program was held at Bon Air JCC on February 8, 2011. The program currently has eight active mentoring cases in the community.
- Youth Industries Program requested and received an additional \$23,000 in appropriations

allowing them to accept more jobs thereby creating additional work opportunities for residents. Youth Industries Program applied for and received a \$33,995 Byrne One-Time Equipment Grant to purchase additional equipment for the Ad Design and Offset Printing Enterprise.

- The Department moved to the current location in August. Director Holland said we are pleased with the building; however, there are still a few things that need to be worked out.
- At the end of October, 41 staff members represented the Department on various topics relating to juveniles, re-entry and the agency's mission to numerous academic audiences.

IX. Board Comments

Approval of 2012 meeting schedule: The Board and DJJ staff discussed the proposed meeting schedule for the upcoming year. It was agreed that an evening meeting would be held, and meetings would be held in Harrisonburg and Hampton Roads.

X. NEXT MEETING

The next meeting will be held on Tuesday, January 10, 2012, at the Cedar Lodge Training Center.

XI. ADJOURN

Having no other business, the meeting adjourned at 11:25 am without objection.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary