

James S. Turpin, Chairman
Courtney A. Penn, **Vice Chairman**
Barbara J. Myers, **Secretary**
Kecia N. Brothers
Aida L. Pacheco
Patricia Puritz
Justin M. Wilson



Post Office Box 1110
Richmond, VA 23218-1110
(804) 371-0704

COMMONWEALTH *of* VIRGINIA

Board of Juvenile Justice

Board Meeting

Blue Ridge Juvenile Detention Center
195 Peregrory Lane
Charlottesville, VA 22902

September 17, 2008

Board Members Present: James Turpin, Barbara Myers, Kecia Brothers, Justin Wilson

Board Members Absent: Aida Pacheco, Patricia Puritz, Courtney Penn

DJJ Staff Present: Barry Green, Steve Pullen, Tim Howard, Ed Murray, Kenneth Bailey, Janet Van Cuyk, Deron Phipps, Eric Hopkins, George Wakefield, Regina Hurt, Sam Abed, Janet Weaver, Gina Workman-Merrimac Center, Vernon Harry, William Davenport, John Coble, Resident B.R.-Beaumont, Resident M.H.-Bon Air., Stanley Stewart-20L CSU, Cathy Roessler-BRJD, Mark Lewis, Jenna Easton, Martha Carroll-16th CSU, S.Curtis Nolan-SRJGH, Sgt. Steven Moss, Darryl Harris, Dr. Michael Ito-Beaumont, Roslyn Jefferson, Major Washington-Bon Air, and Deborah Hayes.

I. CALL TO ORDER

The meeting was called to order at 10:05 am by Chairman Turpin. Chairman Turpin introduced Mr. Charles Edwards, Superintendent of Blue Ridge Juvenile Detention Center (BRJDC). Mr. Edwards welcomed everyone and said he was happy to host the Board meeting. He said that BRJDC is beginning its seventh year of operation. He invited interested parties to tour the facility after the meeting and lunch. The Chairman also introduced the newest board member, Ms. Kecia Brothers.

II. INTRODUCTIONS

Mr. Turpin called for introductions of attendees prior to proceeding. In addition to DJJ staff and Board members listed above, in attendance were: Liane Rozzell-FAVY, Abigail Turner-JustChildren, Patrick Watts-Legal Aid Justice Center.

III. APPROVAL OF AGENDA

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

IV. APPROVAL OF JUNE 11, 2008, MINUTES

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the minutes of the June 11, 2008 Board meeting were approved as submitted. Motion carried.

V. PUBLIC COMMENT PERIOD

Ms. Liane Rozzell, FAVY, comments focused on voting. Ms. Rozzell asked the Department to take steps to ensure that juveniles who are in the system and old enough to vote be given the opportunity. She distributed information to the Board on voter registration and absentee voting. Mr. Turpin stated that the Board will address this issue under other business. Ms. Rozzell's written comments will be filed with the Board minutes and will be available upon request.

Ms. Abigail Turner, JustChildren, thanked the Board for the opportunity to comment on the policies that will be considered. She also requested an update to the access to council issue and asked that this matter be on the agenda at the next meeting. Ms. Turner's written comments will be filed with the Board minutes and will be available upon request.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Myers and seconded by Mr. Wilson to certify Hanover Juvenile Correctional Center for three years. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to certify W.W. Moore Juvenile Detention Center and Post-Dispositional Program for three years. Motion carried.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify the following programs for three years: 15th District Court Service Unit, 20-L District Court Service Unit, 23rd District Court Service Unit, 29th District Court Service Unit and Argus House. Motion carried.

Chairman Turpin said there appears to be a recurring pattern as it relates to volunteer training and certification issues and asked Mr. Howard to send a letter to the court service unit directors calling their attention to this matter.

Mr. Curtis Nolan spoke on behalf of Southside Regional Group Home. He stated that the population was at 8, but they released one child for successful completion and another because it was an inappropriate placement. Utilization is coming on a regular basis from Mecklenburg, Halifax and Danville areas. Mr. Nolan said they have not hired a new director because the population has been low and the finances have been decreasing. Hiring the director is on schedule, he has talked to the individual and they are waiting on the budget decisions from the state to determine the impact on Halifax.

On MOTION duly made by Ms. Brothers and seconded by Mr. Wilson to certify Southside Regional Group Home for one year. Motion carried.

2. Issues

Hampton Place: The Board of Juvenile Justice certified Hampton Place for a three year period at its April 2008 session, however, they asked for a report at the September 2008 session on compliance with CPR certification requirements (300.D) and the status of building repairs (470.B). Mr. Howard said Hampton Place is in compliance with CPR certification for all staff and the Department is working with them on the repairs.

3. Merrimac Center Variance Update

Chairman Turpin asked Ms. Weaver to give an update on Merrimac's new program. He said it is very innovative and is very impressed with the results. Ms. Weaver thanked the Board and said they appreciate the opportunity to continue with the variance. The Merrimac Center secure detention facility was granted a variance to the Department of Juvenile Justice Standard 6 VAC35-140-550 on January 9, 2008. At that time the Board requested a six month follow-up report from the Merrimac Center on their new Cognitive Behavioral Training Program. A report covering January 1, 2008 through June 30, 2008 was submitted to the Board. The report will be filed with the September 17, 2008 Board of Juvenile Justice minutes and will be available upon request.

4. VJCCCA Plans

On MOTION duly made by Ms. Brothers and seconded by Mr. Wilson to approve the biennial VJCCCA plans for FY 2009-2010 for the following: Accomack/Norhampton Counties, Halifax County, Newport News City, Norfolk City and the Tidewater Regional Group Home Commission to include the cities of Virginia Beach, Chesapeake, Portsmouth, Suffolk, Franklin and the counties of Isle of Wight and Southampton. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Mr. Wilson to approve the request to amend the Martinsville combined VJCCCA Plan for FY 2009-2010. Motion carried.

VII. OTHER BUSINESS

A. Art Presentation (2)

Dr. Michael Ito, Superintendent, Beaumont JCC, introduced Resident MH. Resident MH stated that it was an honor for him to be present with the Board. He is currently in the 10th grade and plans to go to college. He would like to be a dentist. Resident MH presented his painting to the Board.

Resident BR (Bon Air JCC), said that he was honored to be chosen to present his painting to the Board. He said that his art teacher has encouraged him in his painting. Resident BR said being at DJJ has helped him to be a better person. Resident BR presented his painting to the Board.

B. Policy Review

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to amend the following Board policies as of September 17, 2008 as submitted by the Department's Policy and Review Committee:

- 20-105 Furloughs
- 20-107 Tobacco Products

Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to rescind the following Board policies as of September 17, 2008 as submitted by the Department's Policy and Review Committee:

- 16-001 Facility Closings
- 20-412 CSU Intake Officer Availability: Replacement Intake Officers
- 20-414 Unavailability of Court Ordered Services

Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Brothers to approve the following Board policies for a third review and action at the November 12, 2008 meeting as submitted by the Department's Policy Review Committee at the September 17, 2008 Board meeting:

- 18-001 Crisis Intervention and Use of Force
- 18-002 Use of Mechanical Restraints (with additional amendment agreed to by the Board)
- 18-005 Chemical Agents
- 18-012 Movement and Transport of Committed Youth
- 18-015 Security Devices in Juvenile Correctional Centers
- 18-017 Supervision of Youth in Residential Facilities
- 18-018 Safety and Security for all Organizational Units Including Vehicles
- 18-019 Permanent Log
- 18-022 Detainers to be verified.
- 20-203 Individual Program to Manage High-Risk Youth
- 20-205 Preparation for Release
- 20-206 Room Restriction
- 20-112 Youth Advisory Committee

Motion carried.

The policies listed below were deferred and moved to the end of the policy review process.

- 18-004 Firearms, Stun Guns, and Other Weapons
- 20-202 Library Services
- 20-207 Counseling Wards

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to approve the following Board policies for a second review at the November 12, 2008 Board meeting as submitted by the Department's Policy Review Committee at the September 17, 2008 Board meeting:

- 12-001 Health Care Policies
- 12-001.1 Health Services Advisory Committee
- 12-001.6 Confidentiality of Health Information for Committed Youth
- 12-001.8 Health Evaluations for Newly Committed Youth
- 12-001.9 Health Screening Intrasystem Transfers
- 12-001.10 Physicals: Annually & Prior to Release from Learning Centers
- 12-001.11 Treatment Plans for Special Health Care Needs of Youth in Direct Care

- 12-001.12 Committed Juveniles' Access to Health Records
 - 12-001.13 Emergency Medical Services
 - 12-001.14 Immunizations of Youth in Direct Care
 - 12-001.15 Pharmaceuticals & Administering of Medication
 - 12-001.17 Family Planning, Obstetrical, Gynecological, and Health Education Services
 - 12-001.18 Medical Management of Alcohol and Drug Abuse
 - 12-001.19 Statistical and Environmental Report for Juvenile Residential Facilities
 - 12-001-20 Notification of Parent, Guardian or Responsible Agency
 - 12-001.21 Emergency and Health Care Training in Residential Facilities
 - 12-001.24 Protheses and Orthodontic Devices
 - 12-002 Health Care Authority and Responsibility
 - 12-003 Communicable Diseases and HIV
- Motion carried.

C. Request for Variance from 6VAC35-150-80 (Background Checks)

On MOTION duly made by Ms. Myers and seconded by Mr. Wilson to approve a variance from **6VAC35-150-80** (background checks) of the **Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts** (the "Nonresidential Regulation"). Motion carried.

D. Request to Submit Proposed Regulations for the Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6VAC35-60)

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit the draft of the Proposed Regulation for the **Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6VAC35-60)** for publication in the Virginia Register and public comment. Motion carried.

E. Regulatory Update

Mr. Phipps reviewed the status of the current regulations which was submitted as part of the Board packet. No Board action is required at this time.

F. Board Elections

On MOTION duly made by Ms. Myers and seconded by Mr. Wilson that Mr. Turpin continue as chair of the Board of Juvenile Justice. Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Brothers that Mr. Penn continue as vice-chairman of the Board of Juvenile Justice. Motion carried.

On MOTION duly made by Mr. Wilson and seconded by Ms. Brothers that Ms. Myers fill the position of secretary to the Board of Juvenile Justice. Motion carried.

VIII. Director's Comments

Mr. Green shared the following:

- Sam Abed, Tim Howard and the director presented to the J&DR judges at their mandatory conference on Wednesday, August 13 in Virginia Beach. He said there is a lot of statewide information the judges were not aware of and they have received follow up questions and suggestions from judges. Mr. Green said they will present to the circuit court judges at their voluntary training conference in September. He said they will talk about what's going on in juvenile centers so the judges will know that DJJ is available to answer questions.
- The Department of Criminal Justice Services (DCJS) notified DJJ that The Office of Juvenile Justice and Delinquency Prevention has given states the authority to decide about sight and sound separation. For treatment purposes, residents will not have to move to Culpeper JCC; however DJJ will still use the classification system. DJJ will send a letter to DCJS to ensure that DJJ is in compliance.
- All agencies have been asked to submit a 5-10-15% budget reduction plan. DJJ will do everything we can to maintain services to the residents and juveniles receiving services from the CSUs. Agencies will submit plans by September 26. Localities will be impacted by this reduction and so the services they provide will be impacted as well.
- Jim Gordon has been appointed as the new CSU director in Suffolk.
- Jim Nankervis has been appointed acting director at the Chesterfield CSU.
- Joe Jackson has been appointed acting director at the Norfolk Detention Center.
- Sandra Martin has been appointed acting director at the Richmond City Detention Center.
- PREA (Prison Rape Elimination Act) Commission asked states—both adult and juveniles—to submit comments. DJJ has submitted comments which are unique to VA.

Board Comments

Mr. Turpin said he was concerned that the Board was just receiving the information on voter registration two weeks before the registration deadline. He said there are issues on which clarification is needed from the State Board of Elections (SBE). Mr. Turpin said DJJ will not impede anyone from voting however there are questions which impact local registrars and he's sure they are not equipped to handle. He said if a resident approaches his/her counselor or teacher asking to register to vote, then DJJ will assist them; however the resident would have to take the initiative to do this.

Mr. Wilson asked how DJJ has dealt with this in the past. Mr. Green stated that he was not aware of this situation, however, if the request was made, he's sure that a registration form was made available to the resident. Mr. Green said he would not have any problems with having a poster displayed letting residents know about the guidelines/procedures for registering to vote. And he said he thinks the residents should be educated about this process. However, DJJ will not have a registration drive.

Mr. Turpin asked Mr. Muse if it would be appropriate to write the State Board of Elections on what documents they will accept for this process. Ms. Myers said she appreciated Ms. Rozzell bringing this matter to the Board. She said you cannot require people to register to vote; however, young people should be encouraged to vote.

For clarification, Mr. Wilson said it was his understanding that DJJ will have registration forms available for the residents and ensure that the SBE will have the documentation needed to vote. Mr. Green said because of the short notice, DJJ would have to work it out one on one if someone makes a request, but by the next election, he would be

happy to pursue what's needed for the next election. He said DJJ will talk with DCE to ensure that voting is stressed in government classes.

Mr. Turpin said a letter will be sent to the State Board of Elections to get official clarification from them on this process so that if questions do come up, we will have answers for them.

Executive Closed Session:

On MOTION duly made by Ms. Myers 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 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 Session, 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. Brothers, Ms. Myers, Mr. Wilson and Mr. Turpin.

IX. NEXT MEETING

The next meeting will be held on Wednesday, November 12, 2008 at the Rappahannock Detention Home in Stafford, Virginia.

XI. ADJOURN

Having no other business, and on MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the meeting adjourned at 12:30 pm. Motion carried.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary