

James S. Turpin, Chairman
Barbara J. Myers, Secretary
Heidi W. Abbott
Kecia N. Brothers
Kahan S. Dhillon, Jr.
Aida L. Pacheco
Justin M. Wilson



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

COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

**Board of Juvenile Justice Meeting
Richmond Juvenile Detention Center
1700 Oliver Hill Way
Richmond, VA**

September 9, 2009

Board Members Present: James Turpin, Heidi Abbott, Kecia Brothers, Kahan Dhillon, Barbara Myers, Aida Pacheco and Justin Wilson

DJJ Staff Present: Barry Green, Sam Abed, Tim Howard, Ed Murray, Steve Pullen, Ken Bailey, Janet Van Cuyk, Deron Phipps, Vernon Harry, Regina Hurt, Marilyn Miller, George Wakefield, John Coble, Joy Lugar, Tim Joost, Steve Peed, Ed Holmes, Stephanie Garrison, Jeff Sherman, Major K. Washington, Officer Roslyn Jefferson, Resident C, Bruce Twyman, and Deborah Hayes.

I. CALL TO ORDER

Chairman Turpin called the meeting to order at 10:10 am.

II. INTRODUCTIONS

Mr. Turpin said this is the detention facility for the city of Richmond. He recognized Chris Beschler-Richmond Deputy Chief Administrative Officer and Doris Moseley-interim director of the Department of Justice Services. Mr. Beschler welcomed the board members and DJJ to the city of Richmond. Ms. Moseley also welcomed the board members and DJJ. She said she hoped this would be one of many board meetings that will be held at this facility. She hoped that the accommodations that have been provided meet the expectations of the board. Ms. Moseley said since the last board meeting, Richmond Juvenile Detention Center (RJDC) has taken great strides to correct the deficiencies and they take the issues very seriously. Working together, RJDC will become one of (if not) the best detention facilities in the state of Virginia. Mr. Turpin acknowledged Chuck Kehoe as the new superintendent of RJDC and stated that Mr. Kehoe will make a presentation later during the meeting. In addition to DJJ staff and Board members listed above, additional guests in attendance were: Bill Muse-OAG, Sandra Martin-RJDC, Marshall Marks-Principal, RCPS, Walter Ridley, Barbara Hart-Ridley Consultant Group, Melissa Goemann-UR Law School and Lianne Rozzell-FAVY.

III. APPROVAL OF AGENDA

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

Mr. Turpin stated that since the last board meeting, two new members have been appointed. He asked them to introduce themselves. Heidi Abbott said she requested to be on the board

because she wanted to work with the youth. She said she was happy to be here and looks forward to working with everyone on the board. Kahan Dhillon said it was a pleasure to be here today. He said he also looks forward to working with the board and DJJ staff.

IV. APPROVAL OF JUNE 10, 2009 MINUTES

The minutes of the June 10, 2009 Board meeting were presented for approval. On MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the minutes of the June 10, 2009 meeting were approved as submitted. Motion carried.

V. PUBLIC COMMENT

Mr. Turpin read the guidelines for public comment. No one signed up for the public comment period.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Myers and seconded by Ms. Abbott to certify Henrico Juvenile Detention Home for three years. Mr. Wilson asked how will the overcrowding issue be addressed. Mr. Turpin said this has been an ongoing issue in Henrico; in fact, this is the second cycle. This is a 20-bed facility and they have a number of issues with juveniles waiting for trial in circuit court. He said this is partly judicial related and some of it is the small size of the facility. Mr. Howard said it is a small facility and when the juveniles are moved there from Goochland for court hearings, it creates an ongoing overcrowding problem. Mr. Wilson said when he sees on-going issues; that is cause for concern. Mr. Howard said staff is working with the facility; however, when judges send juveniles there, the detention center is obligated to comply. Mr. Turpin stated the motion has been modified to certify Henrico Juvenile Detention Home for three years with a follow-up report at the November 18 board meeting on the overcrowding issues. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Mr. Wilson, to certify Newport News Detention Home and Post-Dispositional Detention Program for three years. Mr. Turpin said this facility has had a long history of deficiencies and this is definitely an improvement from where it was. Motion carried.

Lynchburg Regional Juvenile Detention Center has corrected all but one deficiency that was cited during the September 15-16, 2008 audit. Correction on that one deficiency could not be determined due to the facility not having hired any new employees since the January 14, 2009 board meeting. The facility has worked hard correcting their deficiencies by developing and revising orientation and training forms and retraining staff. The administration is pleased with their accomplishments since the audit and hopes to continue making positive changes to the facility and the program. There was no action required by the Board of Juvenile Justice at this time.

Issues

Richmond Juvenile Detention Center: Due to the hiring of a new superintendent on August 1, 2009 and time limits, it was not possible to complete a written update on the status on the corrective action plan for the September board meeting.

Mr. Turpin reminded everyone that Mr. Kehoe was the first director of the Department of Juvenile Justice. Mr. Kehoe provided a PowerPoint presentation. The presentation contained a welcome from RJDC to the Board of Juvenile Justice and

the Department of Juvenile Justice. Mr. Kehoe shared information on the partnerships with RJDC and thanked everyone for their assistance. He also shared RJDC's plan of action updates and noted that all but nine of the standards that RJDC's had been found in non-compliance during the March 2009 audit were corrected. Mr. Turpin stated that personally he feels much better about the improvements than he did at the June meeting. Ms. Pacheco said she is pleased with the progress RJDC has made and congratulated them on the improvements.

On MOTION duly made by Mr. Wilson to extend certification for the Richmond Juvenile Detention Center until the November 2009 meeting. Ms. Myers' asked what are the ramifications for the facility if we do not extend the certification. Mr. Bailey responded that RJDC has made tremendous improvements and he would be comfortable with extending the probationary status until January 2010. Ms. Abbott questioned the monitoring system to ensure that the non-compliance issues will be properly addressed. The Certification Unit will continue to monitor and work with RJDC on the non-compliance issues.

On MOTION duly made by Ms. Brothers and seconded by Mr. Dhillon to extend the Richmond Juvenile Detention Center probationary status until the November 18 board meeting. The Board, with Ms. Pacheco voting against the motion, approved this motion.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify District 2-A Court Service Unit for three years. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Abbott to certify Aurora House for three years. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Abbott to certify Bridge House for three years. The Certification Unit will monitor implementation of corrective action plan and report in September 2010 if deficiencies have not been corrected. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Abbott to certify Loudoun Youth Shelter for three years. The Certification Unit will monitor implementation of corrective action plan and report in September 2010 if deficiencies have not been corrected. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify Opportunity House for three years. The Certification Unit will monitor implementation of corrective action plan and report in September 2010 if deficiencies have not been corrected. Motion carried.

2. Issues

Chesapeake Boys' Home: On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to (1) approve the relocation of Chesapeake Boys' Home to 2293 Lynnhaven Avenue and change the name of the program to Lynnhaven Boys' Home and (2) grant a variance to 6VAC35-51-480 and approve the capacity of 12 residents. Motion carried.

VII. NEW/OTHER BUSINESS

A. Art Presentation

Mr. Turpin said for the new members, at each board meeting, a resident presents a piece of art to the board, which will be displayed in the board room at Central Office. Resident C stated he was asked to present the artwork on behalf of Resident W. Mr. Turpin thanked the resident for the art and said he hoped he would stay to have lunch with the board.

B. Policy Review

Ms. Van Cuyk reviewed the recommended actions for the policies.

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to take the recommended action on the following Board policies as of September 9, 2009 as submitted by the Department's Policy and Review Committee:

- 20-106 Discipline Plan (amend)
- 20-004 Communication of Serious incidents (amend)
- 03-002 Program Investigations by the Department (rescind)
- 17-001 Summary of Youth's Rights (amend)
- 17-002 Major Rule Violations: Reports, Investigation, Due Process Hearing, Appeal and Review (rescind)
- 17-003 Due Process in Transfer to More Restrictive Program or Facility (amend)
- 18-004 Firearms, Stun Guns, and Other Weapons (amend)
- 20-202 Library Services (rescind)
- 20-208 Juvenile Industries (rescind)
- 20-311 Post-Dispositional Facilities (rescind)
- 13-004 Food Preparation and Service of Meals (rescind)
- 19-002 Classification of Committed youth (amend)
- 20-001 Treatment Programs and Services (amend)
- 20-002 Electronic Monitoring (amend)
- 20-003 Sex Offender Treatment (rescind)
- 20-004 Committees to Guide Sex Offender Treatment Programs (rescind)
- 20-005 Alcohol and Drug Screening of Youth (rescind)
- 20-207 Counseling Wards (rescind)

Motion carried.

Mr. Turpin said he wanted to thank the staff for the excellent work and all the individuals who participated in the policy review. He said this was something that needed to be done and the board should be proud of what they have accomplished. He said he would hope that over the course of four years, DJJ would review the policies and go through a short version of this every four years. This would alleviate the situation of having to review eighteen to twenty years worth of policies. Since the policies have been reduced to 36, then we could possibly review nine policies a year. Ms. Myers thanked Ms. Van Cuyk and Mr. Phipps for all their hard work on the policies.

C. Proposed Residential Regulations

Ms. Van Cuyk called the Board members' attention to the folder that was included in the board packet. She said the board will need to approve the proposed action today. The Department is requesting the State Board to authorize the Department to submit the drafts of the following proposed regulations for publication in the Virginia Register and for public comment:

- (1) Regulation Governing Juvenile Correctional Centers (6VAC35-71);
- (2) Regulations Governing Secure Juvenile Detention Centers (6VAC35-101);
and
- (3) Regulations Governing Juvenile Group Homes (6VAC35-41)

All three NOIRAs were published in the Virginia Register on May 11, 2009 and were subject to a 30-day public comment period. No comments were received on the NOIRAs relating to juvenile detention facilities and group homes/halfway houses. One individual, Lianne Rozzell, representing Families and Allies of Virginia's Youth, commented on the NOIRA relating to juvenile correctional centers. (Ms. Rozzell's comments are included in this packet.) Mr. Green thanked Ms. Van Cuyk for the tremendous amount of work that has gone into drafting the proposed regulations. He stated that moving away from the "CORE" regulations, which were very general because they dealt with many different types of residential facilities, was a good idea.

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to move forward with the regulatory process. Motion carried.

D. DJJ & Workforce Investment Act Collaborative Model

Ms. Pacheco reported that she is working toward developing a stronger connection between Workforce Investment Act's (WIA) one-stop delivery system and DJJ. She asked Mr. Abed and Mr. McGill to support this effort by collaborating with a team of state and local partners from the Greater Peninsula Workforce Area to pilot a collaborative model. She added that if the pilot works, she would like to see it replicated statewide.

E. Board Elections

On MOTION duly made by Ms. Pacheco and seconded by Mr. Dhillon to elect Ms. Myers as Board of Juvenile Justice chairperson. Motion carried.

On MOTION duly made by Mr. Dhillon and seconded by Ms. Abbott to elect Ms. Brothers as Board of Juvenile Justice vice-chairperson. Motion carried.

On MOTION duly made by Ms. Abbott and seconded by Ms. Brothers to elect Mr. Dhillon as Board of Juvenile Justice secretary. Motion carried.

Resolutions

Mr. Turpin advised that this is his last meeting as he is resigning from the Board of Juvenile Justice effective today. He did, however, want to submit resolutions recognizing the service of Ms. Patricia Puritz and Mr. Courtney Penn.

On MOTION duly made by Mr. Turpin and seconded by Ms. Brothers to accept the resolutions as submitted. Motion carried. Copies of the resolutions will be on file with the September 9, 2009 minutes.

Mr. Turpin asked the new members to meet with Mr. Muse to go over the Freedom of Information Act.

VIII. Director's Comments

- Mr. Green distributed copies of the budget information posted on DPB's website, which shows the cuts DJJ will take this time around. He reminded everyone that this is the fourth cut for DJJ in the last year and a half. He said in the last cut, DJJ lost dollars and programs to aid children in the community. There was a 10.2 million dollar cut for FY 2010. This cut hurts DJJ's ability to deliver services to youth. He also stated that we should not assume this is the last round of cuts. Localities are also experiencing significant reductions in their own revenue collections.
- The number of youth arrested and brought into court service units has declined; however, larcenies have increased both juvenile and adult—this is attributed to the current economic situation.
- There has been a decline in the number of juveniles committed to the state for the past 13 years; until now, the numbers are basically the same this year as they were in 2008. This is probably due to the fact that there are fewer services available on the local level; meaning judges have less of an ability to keep the juveniles at home. As the state and localities budgets are cut, we could see more juveniles committed to DJJ even though there are fewer getting into trouble. There are fewer alternatives and services available to keep the juveniles at home. The number of juveniles on probation, coming into the court service units and detention has dropped. This is a good thing. It is hoped that DJJ will not see an increase in juveniles committed to the state. The Department must find the best way to use the resources it has left so that only those who are committed to the state for public safety reasons or because there is no other way to provide services to the juvenile.
- DJJ's greatest cuts were at Natural Bridge JCC. This represents the greatest number of employees and positions lost. The facility will close and 69 juveniles will be transferred to other facilities, or if eligible, released.
- Contract services dollars were cut 35%; local VJCCCA was cut 5%; and the local CSUs were also cut 5%.
- Some parents pay child support to DJJ, this helps to cover some services for the juveniles committed to DJJ.
- Effective July 1, 2009, the General Assembly took away per diem for all board members (\$50 for the Board of Juvenile Justice), not just DJJ. Board members will continue to receive reimbursement for mileage, meals and lodging expenses.
- He and Mr. Abed attended the VA Association of Commonwealth's Attorneys and presented data on juvenile trends. This presentation was also made at the judges' conference. Some of the information presented will come up at the 2010 General Assembly.
- There is inconsistency in the transfer methods for juveniles. DMC numbers notes that 82% of juveniles who are transferred to circuit court and sentenced back to DJJ are African American; 66% of the juveniles committed to DJJ by juvenile court judges are African American. Mr. Abed will make a presentation to the Board on the DMC stats in the near future.
- Presentation to Commission on Youth on truancy; reflected DJJ's opinion.

IX. Board Comments

Mr. Turpin advised this is his last board meeting. He said he has served for seven years; five as board chair. He said there has been a change in the overall character and reflection of the system; there are fewer youth in custody; and the Department has developed a closer relationship between the state system and the detention centers. Mr. Turpin said it is also important to move meetings around. He said despite the budget cuts, it is necessary for the

board members to see different facilities. Mr. Turpin encouraged the board to continue with the public hearings. He noted that the policies have been updated and he hopes that they will be reviewed more frequently than 18 years. Mr. Turpin thanked former director, Jerrauld Jones, Director Green, the staff and his fellow board members for their support.

Board of Juvenile Justice Executive Closed Session:

On MOTION duly made by Mr. Turpin 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. Abbott, Ms. Brothers, Mr. Dhillon, Mr. Wilson, Ms. Myers, Ms. Pacheco and Mr. Turpin.

X. NEXT MEETING

The next board meeting will be held on Wednesday, November 18, 2009; location TBD.

XI. ADJOURN

Having no other business, and on MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the meeting adjourned at 12:20 pm. Motion carried.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary