

James S. Turpin, Chairman
Courtney A. Penn, Vice Chairman
Barbara J. Myers, Secretary
Kecia N. Brothers
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COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

**Board Meeting
Central Office
700 East Franklin Street
Richmond, VA 23219**

April 8, 2009

Board Members Present: James Turpin, Kecia Brothers, Aida Pacheco, and Barbara Myers

DJJ Staff Present: Sam Abed, Tim Howard, Ed Murray, Steve Pullen, Kenneth Bailey, Janet Van Cuyk, Deron Phipps, Vernon Harry, Michael Ito, Regina Hurt, Marilyn Miller, George Wakefield, John Coble, Joy Lugar, Tim Joost, Steve Peed, Susan Heck, Bob Auton, Bruce Twyman, Ed Holmes, James Williams and Deborah Hayes.

I. CALL TO ORDER

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

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: Bill Muse-OAG, Liane Rozzell-FAVY, Kate Duvall-JustChildren, Devon Baldwin-artist, Dorenda Jackson-parent, Holly Duggan and Karen Mathews,-National Counseling Group.

III. APPROVAL OF AGENDA

Chairman Turpin stated the agenda would be amended to add the Chaplin Youth Center to the Non-Secure Services Committee Report. On MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the Board approved the agenda as amended. Motion carried.

IV. APPROVAL OF JANUARY 14, 2009 MINUTES

The minutes of the January 14, 2009 Board meeting were presented for approval. On MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the minutes of the January 14, 2009 meeting were accepted as submitted. Motion carried.

V. PUBLIC COMMENT

Ms. Liane Rozzell, FAVY, distributed copies of her comments to the Board members. She discussed how the state of Rhode Island and other localities work with parents of

PUBLIC COMMENT (continued)

youth who are committed to the juvenile justice system. Ms. Rozzell's also asked the Board to take a close look at 6VAC35-51-720 (H) and (I) (Service plans/quarterly reports) of the Standards for the Interim Regulation of Children's Residential Facilities for Juvenile Correctional Centers.

Kate Duvall introduced herself. She advised the group that she is with JustChildren and is taking Abigail Turner's position. Ms. Duvall thanked the Board and Mr. Green for conducting the public hearing on April 7. She thanked Ms. Van Cuyk and Mr. Phipps for their work at the General Assembly. She urged the Board to deny the variance request for **6VAC35-51-720 (H) and (I) (Service plans/quarterly reports) of the Standards for the Interim Regulation of Children's Residential Facilities for Juvenile Correctional Centers.**

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Brothers and seconded by Ms. Pacheco to certify Piedmont Regional Juvenile Detention Center for three years with a letter of commendation. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify Prince William County Juvenile Detention Center for three years. Motion carried. Ms. Pacheco abstained

On MOTION duly made by Ms. Brothers and seconded by Ms. Myers to certify the Reception and Diagnostic Center for three years. Motion carried.

On MOTION duly made by Ms. Brothers and seconded by Ms. Pacheco to certify Virginia Beach Juvenile Detention Center and Post Dispositional Program for three years with a letter of commendation. Motion carried.

Issues

Highlands Juvenile Detention Center: Mr. Turpin and Ms. Myers stated that they are both concerned that children under the age of ten are being sent to the juvenile facilities, however, if the judge commits the youth to DJJ, then we are obligated to provide a safe place for the children.

On MOTION duly made by Ms Brothers and seconded by Ms. Myers to modify the Certificate of Certification for Highlands Juvenile Detention Center changing the age range from 13-17 to 9-17. Motion carried.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to certify the following programs for three years: 6th District Court Service Unit, 19th District Court Service Unit and the 31st District Court Service Unit. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to certify the 25th District Court Service Unit for three years with a letter of congratulations for 100% compliance. Motion carried.

2. Issues

Fairfax Girls' Probation House: The program has moved from the temporary quarters at the Fairfax Juvenile Detention Center into the new facility located at 12720 Lee Highway, Fairfax, Virginia. DJJ Certification Unit staff has assessed the physical environment and all applicable standards are in compliance. The program administration is requesting that the name of the program be changed to Transitions.

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to approve the new facility for the Fairfax Girls' Probation House and change the name of the program to Transitions. Motion carried.

Shenandoah Valley Juvenile Shelter and Assessment Center: The program has been in operation since October 9, 2008. DJJ staff conducted an audit on January 29, 2009 to assess implementation of programs and services. There were six area of non-compliance (five non-mandatory and one mandatory), most of which were related to documentation. The facility is preparing the necessary documentation to request a variance. It is requested that the current certification be continued to June 10, 2009.

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to approve an extension of the current certification of Shenandoah Valley Juvenile Shelter and Assessment Center to June 10, 2009. Motion Carried.

Chaplin Youth Center: Mr. Bailey stated that Chaplin Youth Center is a group home in Fredericksburg that DJJ has been dealing with for some time. On a previous audit, DJJ was unable to get Chaplin Youth Center to come into compliance with certain mandatory standards. Another audit was conducted wherein it was noted that they are in compliance with the previous mandatory standards, however, there are some new issues.

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to extend the current certification status for Chaplin Youth Center to June 10, 2009 for a review of the audit report. Motion carried.

3. Other

VJCCCA Plans

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to amend the FY 09-10 VJCCCA plan for Accomack/Northampton Counties in accordance with the Request to Amend. Motion carried.

VII. NEW/OTHER BUSINESS

A. Art Presentation

Dr. Michael Ito, Beaumont Superintendent, introduced Devon Baldwin (artist), Dorenda Jackson (parent), Holly Dugan and Karen Matthews (National Counseling Group, Inc-mentors) and James Williams (7th District CSU Parole Officer). Dr. Ito stated that this is a joint presentation from Beaumont JCC and the 7th District CSU.

Devon thanked the Board for having him and explained that his painting is that of the James River. He presented the painting to the Board.

B. Policy Review

On MOTION duly made by Mr. Turpin and seconded by Ms. Myers, to adopt the following amended Board policies as of April 8, 2009 as submitted by the Department's Policy and Review Committee:

- 20-504 Termination of Probation
- 20-516 Urine Drug Screening of Juveniles on Probation and Parole
- 9021 Risk-based Approach to Community Supervision and Treatment
- Long-range Youth Services Policy

Motion carried.

On MOTION duly made by Mr. Turpin and seconded by Ms. Brothers, to rescind the following Board policies as of April 8, 2009, as submitted by the Department's Policy and Review Committee. These policies have been incorporated in the Virginia Administrative Code, are covered in the Virginia Code, or have been deemed unnecessary:

- 20-312 Placement in Group or Foster Home
- 20-313 Regional Officer Staff to Inform Residential Facility Staff of Standards
- 20-314 Transfer of Juvenile Between Community Facilities
- 20-315 Placement and Removal of Juveniles in Substitute Home Setting
- 20-501 Release to Parole
- 20-505 Court Service Unit's Closing Report of Juvenile Under Supervision
- 20-506 Violation of Probation or Parole
- 20-507 Court Service Unit's Reporting of Delinquent Activity of Juvenile Under Supervision
- 9020 Balance Approach to Juvenile Justice

Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Brothers to approve the following Board policies for a third review and action at the June 10, 2009 meeting as submitted by the Department's Policy Review Committee:

- 20-301 Youth Employment
- 13-006 Sanitation and Safety
- 13-008 Inventory, Records, and Reports
- 13-009 Equipment Maintenance
- 14-001 Sanitation Standards
- 14-002 Sanitation and Safety Inspections
- 14-003 Clothing and Bedding Supplies
- 14-005 Pests and Vermin
- 14-006 Communication of Chemical Hazard

Motion carried.

C. Variances

On MOTION duly made by Mr. Turpin and seconded by Ms. Myers, to approve a variance for three cottages at the Reception and Diagnostic Center from **6VAC35-51-480 (D) (Sleeping areas) of the Standards for the Interim Regulation of**

Children's Residential Facilities for Juvenile Correctional Centers. Motion carried.

On MOTION duly made by Mr. Turpin and seconded by Ms. Brothers to approve a variance from **6VAC35-51-700 (D) (Face sheet) of the Standards for the Interim Regulation of Children's Residential Facilities for Juvenile Correctional Centers.** Motion carried.

Discussion ensued regarding **6VAC35-51-720 (H) and (I) (Service plans/quarterly reports) of the Standards for the Interim Regulation of Children's Residential Facilities for Juvenile Correctional Centers.** Mr. Muse advised that the variance process does not require the Board to go through the APA. He further stated that regulations relating to juvenile correctional centers are exempted from the APA process via §2.2-4002(B)(10). Ms. Myers spoke on the individual plans for kids. She said REACH works for most of them; however, we must address those who have additional issues. Ms. Van Cuyk read the revised variance. Mr. Wakefield advised that every resident has an individualized service plan when they leave the Reception and Diagnostic Center which deals with their assets and needs. This is in addition to their participation in the REACH program. He stated that beyond that, there are the third and fourth steps, which deals with behavior contracts and they can be referred to the Behavior Services Unit for mental health assessment.

On MOTION duly made by Mr. Turpin and seconded by Ms. Myers to revise the variance regarding individual service plans for residents. Motion carried. Mr. Abed stated that the variance is not used to change the actual language of the regulations, but to make it known how the Department will be able to vary from these regulations.

On MOTION duly made by Mr. Turpin and seconded by Ms. Brothers to approve a variance from **6VAC35-51-730 (Resident transfer between residential facilities) of the Standards for the Interim Regulation of Children's Residential Facilities for Juvenile Correctional Centers.** Motion carried.

On MOTION duly made by Mr. Turpin and seconded by Ms. Brothers to approve a variance from **6VAC35-51-860 (Behavior support) of the Standards for the Interim Regulation of Children's Residential Facilities for Juvenile Correctional Centers.** Motion carried.

D. Legislative Update

Mr. Phipps advised the Board that Senator Stolle is retiring from the General Assembly to run for Sheriff in Virginia Beach. Senator Stolle has been a strong advocate both on the Senate Finance and Senate Courts for issues that have been important to DJJ. He is very knowledgeable in the juvenile justice arena as well.

Mr. Turpin interjected that the Department will also miss Delegate Melvin who is retiring to accept a judgeship. He said that Delegate Melvin has also been a great supporter of the Department. Mr. Phipps agreed and said the face of House Courts will also be shifting. He said Delegate Melvin was a very important member of House Courts and has carried several bills for the Department in the past.

Mr. Phipps distributed a summary of the legislation that was acted on by the General Assembly. He also stated that DJJ has appreciated being able to work with

JustChildren, the Juvenile Justice Coalition at the U of R Law School and FAVY and coordinating our efforts to address some of the concerns of the legislation that was acted on. Mr. Phipps' legislative update will be filed with the minutes of the April 8, 2009 board meeting.

E. Budget Update

Mr. Pullen distributed a copy of the Conference Report (HB 1600/SB 850) as passed by the General Assembly. He also advised the Board

- that the Roanoke Post-Dispositional Center is closing;
- effective July 1, 2009, executive branches shall not pay per diems to citizen members of boards or commissions;
- the Governor shall develop guidelines for the Executive Branch and Administrative Agencies to decrease the need for printed materials; all annual or special reports will be made electronically available on the internet and not printed. For this reason, the Data Resource Guide will no longer be printed as before.

Mr. Pullen's handout will be filed with the minutes of the April 8, 2009 board meeting.

Executive Closed Session:

On MOTION duly made by Mr. Turpin and seconded by Ms. Brothers 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. Pacheco, Ms. Myers and Mr. Turpin.

VIII. Director's Comments

Mr. Abed spoke on behalf of Mr. Green. He reiterated that the data resource guide is available on DJJ's website.

He also shared that Mr. Green attended the Federal Advisory Committee on Juvenile Justice Conference in Washington, DC on March 16. This committee is sponsored by OJJDP, it brings professionals from around the country and they discuss issues and challenges they face within their system. Bob Shepherd was a member and point person for creating the annual report—this year's report was dedicated to Bob Shepherd. He said that it was a real eye opener to have Mr. Shepherd's efforts in juvenile justice recognized on a national level. Mr. Abed distributed the written dedication Mr. Shepherd. He said the first thing the Committee recognized in terms of his accomplishments was the recognition by the Board of Juvenile Justice.

IX. Board Comments

Mr. Turpin stated that this year will be a transition time for the Board. Mr. Penn will transition off the Board effective June 30, 2009. Mr. Turpin will transition off September 30, 2009. He advised that he has talked to the Governor and the Secretary of the Commonwealth regarding this matter. There will be at least two new members. Mr. Wilson, Ms. Brothers and Ms. Myers will advise the Secretary of the Commonwealth of their desire to be reappointed.

Ms. Pacheco thanked Mr. Turpin for his work. She also stated that at future board meetings she would like to see acknowledgments of positive things that are happening within DJJ. She said she believes in the system and what DJJ is doing. Ms. Pacheco said she would also like to add One-Stop /Behind the Wall to future meeting agenda. She wants the Board to explore what they can do to collaborate with the Workforce Investment Act, particularly with the stimulus funds to expand the work program at Culpeper JCC.

IX. NEXT MEETING

The next board meeting will be held on June 10, 2009 at the Chesterfield Detention Center in Chesterfield, VA.

XI. ADJOURN

Having no other business, and on MOTION duly made by Ms. Myers and seconded by Ms. Brothers, the meeting adjourned at 11:50 am. Motion carried.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary