



James S. Turpin, **Chairman**  
Kim S. Downing, **Vice Chairman**  
Courtney A. Penn, **Secretary**  
Aida L. Pacheco  
John S. Newman, Jr.  
Patricia Puritz  
Julia C. Winslett

# COMMONWEALTH of VIRGINIA

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## *Board of Juvenile Justice*

### DEPARTMENT OF JUVENILE JUSTICE

#### Central Office

Richmond, Virginia 23219

February 22, 2006

**Present:** James Turpin                      Kim Downing                      Courtney Penn  
Aida Pacheco                      Patricia Puritz                      Julia Winslett

#### **I. CALL TO ORDER**

The meeting was called to order at 10:10 am by Mr. Turpin, Chair.

#### **II. APPROVAL OF AGENDA**

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, the agenda was approved with one change – Election of Vice Chair and Secretary to be considered after Approval of Minutes. Motion carried.

#### **III. INTRODUCTIONS**

Mr. Turpin called for introductions of people in attendance at the meeting. Department of Juvenile Justice – Dr. Michael Ito, Deron Phipps, Hillary Hughes, Don Carignan, Carmen Bria, George Wakefield, Eboni Wright, Marilyn Miller, Ken Bailey, Vernon Harry, Lynette Greenfield, Scott Reiner, Angela Valentine, Bruce Twyman, and John Coble; 19<sup>th</sup> CSU – Jim Dedes, Dennis Fee; Detention Homes - Dalee Thomas (Richmond), Joanne Smith (Merrimac Center), George Corbin (Fairfax), and Carey Patterson, Melinda Jarvis, and Joe Barton (Virginia Beach); Secretary of Public Safety – Dawn Smith; TOPS – Gene Rilee; Bowling Brook Preparatory School – Allen Turner; and City of Richmond Juvenile Services – David Avery.

#### **IV. APPROVAL OF MINUTES for September 14, 2005 (Pages 1-7)**

On Motion duly made by Mr. Penn, seconded by Ms. Puritz, to approve the minutes of the Board meeting held September 14, 2005. Motion carried.

## **V. ELECTION OF BOARD VICE CHAIR AND SECRETARY**

Mr. Turpin announced the resignation of Board Member John Newman.

On Motion duly made by Ms. Pacheco, seconded by Ms. Puritz, to re-elect Ms. Downing as Vice Chair and Mr. Penn as Secretary. Motion carried. Mr. Penn voted against the Motion.

## **VI. COMMENTS OF PUBLIC**

None.

## **VII. COMMITTEE REPORTS**

### **A. Secure Services Committee**

#### **1. Certifications**

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Beaumont Juvenile Correctional Center for one year with a status report presented by Dr. Ito at each Board meeting and a full year audit after that. Motion carried.

Mr. Turpin thanked Dr. Ito and his staff on behalf of the Board for the effort that has gone into starting to bring about cultural changes at Beaumont.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Blue Ridge Juvenile Detention Center Post- Dispositional Program until February 10, 2007, with a capacity of ten residents. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Highlands Juvenile Detention Center for three years. The Committee noted that although there were seven violations, there has been a visit and the Center is now in compliance with all of these standards but a report has not yet been submitted. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify the James River Juvenile Detention Center for three years and Post-Dispositional Detention Program with a capacity of 20 for three years. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Merrimac Juvenile Detention Center Post-Dispositional Program until February 12, 2008, with a capacity of 15 residents. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Norfolk Juvenile Detention Center Post-Dispositional

Program until July 9, 2006, with a capacity of 16 residents. The Committee noted that the Center was in 100% compliance on the Post-D Program. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Rappahannock Juvenile Detention Center Post-Dispositional Program until April 11, 2008, with a capacity of ten residents. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Virginia Beach Juvenile Detention Center Post-Dispositional Program until April 19, 2006, with a capacity of 15 residents. The Committee noted that this facility had 100% compliance in its Post-D Program. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Fairfax Juvenile Detention Center for three years and Fairfax Post-Dispositional Program with a capacity of 15 for three years. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify Lynchburg Regional Juvenile Detention Center for three years and Post-Dispositional Program with a capacity of eight for three years. The Committee requested a verbal report at the next Board meeting on the orientation of volunteers, which has been a lingering issue. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to continue the current certification of the Richmond Juvenile Detention Center that is in place until June 2006 with a status report at the June Board meeting on the ten deficiencies that are pending. Moving ahead with the current certification has that facility in legal compliance until June when another report will address those deficiencies. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify the Tidewater Detention Home Post-Dispositional Program until November 9, 2006, with a capacity of 20 residents. The Committee noted that this Detention Home Post-D Program was in 100% compliance. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify the W.W. Moore Juvenile Detention Center Post-Dispositional Program until October 13, 2008, with a capacity of 12 residents. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify the Natural Bridge Juvenile Correctional Center for three years. Motion carried.

2. Certification Issues

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to certify the Newport News Juvenile Detention Center Post-Dispositional Program until June 20, 2006, with a capacity of 20 residents at the time at which a full audit will be conducted and presented to the Board. Motion carried.

On Motion duly made by Ms. Puritz, seconded by Ms. Winslett, to continue the current certification status of Bon Air Juvenile Correctional Center to April 2006. Motion carried.

3. Other Issues

The following is a correction to the Board Minutes of June 8, 2005, pertaining to Virginia Beach Juvenile Detention Center.

On motion duly made by Mr. Turpin, seconded by Ms. Pacheco pursuant to section 16.1-309.5 of the Code of Virginia in accordance with the methodology approved by the Board April 13, 2005 meeting, the Board minutes reflect from the June 8, 2005, meeting, the Board approved additional reimbursement in the amount of \$206,184 for state share for construction. The corrected amount should be \$260,184.

**B. Non-Secure Services Committee**

1. Certifications

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the 6<sup>th</sup> and 25<sup>th</sup> District Court Service Units for three years with letters of congratulations for 100% compliance. Motion carried.

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the 3<sup>rd</sup> and 18<sup>th</sup> District Court Service Units, the Judge Patrick D. Molinari Juvenile Shelter, and the Susan Bundy Girls' Group Home for three years. Motion carried.

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the 17<sup>th</sup> (Arlington) and 17<sup>th</sup> (Falls Church) District Court Service Units for three years. Motion carried. Mr. Turpin abstained.

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the Hampton-Newport News Less Secure Shelter for one year with a letter of congratulations for 100% compliance. The Committee is recommending a letter to encourage them to continue to do well. Motion carried.

2. Certification Issues

- None

3. Other Issues

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, in order to allow for the construction of a new facility to house the Fairfax Girl's Probation House, the Program is granted permission to move from its current site to a non-secure wing of the Fairfax Juvenile Detention Center. The new location will be separate and apart from the secure perimeter of the Detention Center. Security enhancements to the doors leading from the secure perimeter of the Detention Center to the wing housing the Fairfax Girl's Probation House Program are required. These enhancements are to be made in compliance with applicable standards and approved by Department of Juvenile Justice staff. The effective dates of this move will be determined by the Department of Juvenile Justice. Upon the implementation of this move, the Board will reduce the capacity of the Fairfax Juvenile Detention Center accordingly. Motion carried.

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, to amend the VJCCCA Plan for Spotsylvania County (FY06); Shenandoah, Page, and Warren Counties (FY05); King William County; Surry County (FY06); and the FY05-06 VJCCCA Plan for Wythe County. Motion carried.

## **VIII. OTHER BUSINESS**

### **A. Legislative Update**

Mr. Deron Phipps, Legislative Liaison, distributed a summary of interesting legislation. The Department has only one bill this year – HB 1325, which pertains to the collection of child support for committed juveniles.

The most interesting piece of legislation still alive thus far is HJR 136. It is a resolution submitted by Delegate Moran rather than a bill. The original legislation was going to focus on the 2002 American Bar Association's report (timing of appointment of counsel, the waiver provisions in juvenile court, and the juvenile Code) and also disproportionate minority contact (DMC). The Crime Commission will now take over that original study, which will be extended for two years and will focus on recodifying Chapter 11 of Title 16.1. The Crime Commission anticipates receiving a federal grant to fund the recodification effort.

Gang-related legislation (confidentiality of juvenile records) has made it out of one chamber. All of the bills have different language. DJJ will be working with the patrons and staff to conform language so that the bills are consistent.

Two immigration bills (HB 1046 and HB 1460) relate to juveniles alleged to have committed crimes who may be undocumented persons in the U.S. illegally. DJJ has offered substitute language in order to alleviate some of the concerns about the legislation.

SB 672 – Compulsory school attendance (the “Tardy” bill) would expand the definition of a child in need of supervision to not only include truants but also to include those youth who are tardy. DJJ has significant concerns with that piece of legislation. It was Passed By Indefinitely this morning in the House Education Committee.

The directions the Crime Commission may take on HJ 136 were discussed. It was felt DMC would be a prime focus. Confidentiality issues may be another focus as well as legal representation for youth at an earlier stage of the juvenile justice process.

Two other House bills submitted this year were also thrown over to the Crime Commission. One bill would require parents to be notified if a juvenile who is 13 years of age or under is arrested for a felony and that juvenile could not be interviewed by law enforcement without the parents being notified and the opportunity for them to be there during the interview. The second bill was submitted on behalf of the JustChildren Foundation. It required the video taping of interviews with the juveniles alleged to have committed felonies. The Crime Commission is looking at some pretty significant issues relating to juvenile courts and the juvenile justice process.

The immigration issue was discussed. The language DJJ offered to reduce the impact of the bill would allow the probation officer to make a report directly to ICE if the juvenile is suspected to be in the U.S. illegally.

**B. Approval of Resolution for Henry Jordan**

Mr. Gene Rilee spoke on the Resolution to name a building at the Beaumont Juvenile Correctional Center in honor of Mr. Henry Jordan. Mr. Rilee reviewed the exemplary life of Mr. Jordan and the many good works he did on behalf of youth, especially at the Beaumont. The TOPS Program was a creation of Mr. Jordan to help youth return to society and be productive citizens.

Dr. Ito said the new dining hall will be named in honor of Mr. Jordan.

The Resolution was approved unanimously.

Mr. Turpin requested DJJ staff to prepare a policy to address the handling of a request to name a building in honor of someone. He requested a response by the end of the year.

Ms. Pacheco asked if something was in place to recognize the great volunteers that work in the facilities with the youth.

The Department has many activities to honor volunteers. The Community Programs has a Meritorious Award for volunteers. Each facility has a yearly Volunteer Recognition ceremony with a luncheon, awarding of certificates and gifts, etc.

**C. Review of Length-of-Stay Guidelines**

Mr. Carignan said that about 90% of the wards committed to the Department come with an indeterminate commitment. The Department has considerable flexibility in determining how long they stay and is guided in making those release decisions by the Length-of-Stay Guidelines, which the Board is required to issue by law. The guidelines were last reviewed about four years ago. It's time to review them again.

Mr. Carignan requested the Board to: (1) Authorize the Department to give public notice that the Length-of-Stay Guidelines will be reviewed; (2) Appoint a Board member to work with staff in looking at the Guidelines; and (3) Schedule a formal presentation on the Guidelines at a future meeting.

Mr. Turpin requested Ms. Puritz to be the Board representative. The presentation will be given at the June Board meeting. It will detail how the whole process works. Proposed changes will not be available at that time.

On Motion duly made by Mr. Penn, seconded by Ms. Downing, to authorize the Department of Juvenile Justice to give public notice on proposed changes to the Length-of-Stay Guidelines. Motion carried.

**D. Review of Standards for Non-Residential Services Available to Juvenile and Domestic Relations District Courts**

Mr. Carignan said these regulations were issued four years ago and are due for review according to law. He requested the Board to: (1) Authorize the public notice for review of the regulation, and (2) Appoint a Board member to work with Department staff on possible changes to the regulation.

Mr. Turpin asked Ms. Downing to be the Board representative. Ms. Pacheco will act as back-up for Ms. Downing.

On Motion duly made by Mr. Penn, seconded by Ms. Puritz, to authorize the Department of Juvenile Justice to give public notice on proposed changes to the Standards for Non-Residential Services Available to Juvenile and Domestic Relations District Courts regulation. Motion carried.

**E. Budget Items**

Mr. Pullen gave a synopsis of the 2006-2008 budget amendments. He said even though money was taken from the expansion of Culpeper and the renovated cottages at Hanover, enough funding was left to continue part of the expansion.

The pilot re-integration project was discussed. An evaluation plan will determine if it is accomplishing the goal. Department of Health, Department of Social Services, and the community are all part of the wrap-around services for the youth. Having the detention centers willing to participate will enable the youth to be served locally, which is better for the youth and the family. Because one-third of DJJ's youth are 18 years of age and older and 20-22% are committed by the circuit court, the detention centers may not want to house those youth.

A presentation on the re-entry program will be given at the Board meeting in June.

Ms. Pacheco thanked Scott Reiner and Shauna Epps for their report on DMC. She said it was good information and showed that the efforts had made an impact. She encouraged focusing on linkages with communities and expanding what is working to reduce recidivism. She wanted to know what the next steps are.

**F. Hanover JCC – Pamunkey Farm Power Easement**

Mr. Pullen presented a request to approve a power easement for the Dominion Virginia Power Company to service electrical lines located at the Farm, which is on the Hanover Juvenile Correctional Center property.

On Motion duly made by Ms. Downing, seconded by Mr. Penn, to grant Dominion Virginia Power Company an easement of right-of-way at the Pamunkey Farm located at the Hanover Juvenile Correctional Center property for the purposes of servicing electrical lines improving electrical services to the Farm. Motion carried.

**G. Approval of "Public Participation Guidelines" to implement the Administrative Process Act.**

Mr. Carignan advised the Board that the regulatory process has been completed for the Guidelines (6VAC35-10). Information was filed with



the Department of Planning and Budget. The regulation was updated to provide for technical changes – email, internet, etc.

On Motion duly made by Ms. Downing, seconded by Ms. Pacheco, to approve the FINAL Public Participation Guidelines (6VAC 35-10). Motion carried.

## **IX. DIRECTOR'S COMMENTS**

Mr. Green announced that Mr. Carmen Bria is retiring after a long and valued association with DJJ. He said Mr. Tyrone Jackson, HR Director, has taken a job in Orange County, NC.

He is pleased with the progress at Beaumont.

Recidivism rates are still too high. He said more needs to be done to the community programs and to DJJ programs. A new strategic planning process is beginning and should address this concern.

An agency managers' meeting is planned for May 8 or 9. Board members will be invited.

## **X. BOARD COMMENTS**

Mr. Turpin advised the Board that Delegate Dave Marsden will be at the next Board meeting held in Richmond. He also anticipates having First Lady Anne Holton attend a Board meeting. He said the next meeting is scheduled for Staunton.

Holding meetings at locations other than Richmond was discussed. Mr. Turpin felt that as the Board is a statewide entity, it was incumbent to visit other sites. Staunton has a new facility. Culpeper has a long history with the Department. It is basically a maximum-security facility, different things are going on there, and it is important for the Board members to see the facility and how it fits into the range of custody for the Department. Mr. Turpin will contact Staunton to see if that meeting can be switched from April to November. If possible, the Board will meet in Richmond in April. He reminded the Board members that the meeting in September is scheduled for Grundy, VA.

Getting another Board member was discussed. It is in the hands of the Secretary of the Commonwealth who is aware of the latest vacancy and has started the process. A poll was taken of members who plan to attend the meeting in Staunton. Messrs. Turpin and Penn and Mesdames Pacheco and Puritz plan to attend.

Ms. Winslett asked about the strategic plan. She said the idea would be to “work ourselves out of a job” through use of prevention programming.

Mr. Green indicated that DJJ should focus on what can be done with the youth who become court-involved to get the numbers down. He said the number of youth in the correctional centers was close to 1,500 at one time. That figure is now down to 1,000. The probation/parole figures are at 8,500, which are down from 11,000.

Ms. Winslett said she thinks communicating with the communities and networking more is desirable. She advocated using the Department's public affairs person to get information out to the public to let people know how serious the problem is and to rally support.

Ms. Puritz said the Public Participation Guidelines are silent about how much responsibility there is to inform the public. She feels the Board needs to be challenged and helped to know ways in which it can be more useful in disseminating information. She said there are a number of public forums on a number of issues in which someone could participate.

Mr. Turpin said he was pleased and honored to have served on the Governor's Transition Team on Public Safety. A good overall document was prepared that included DMC, recidivism, and re-entry. He is going to attend detention superintendents' meetings.

Ms. Winslett announced her resignation. However, she will word her letter to state that she will serve on the Board until replaced.

Ms. Puritz discussed a concern regarding the number of youth being transferred from JCCs to the adult system. She said the community needs to be informed if the perception is not based on good and accurate information.

Mr. Green indicated that because of the growing percentage of 18 year olds, more of those charged for offenses while at a JCC end up in circuit court. He noted that, currently, one-third of DJJ's wards are 18 and over; and over 20% of them were previously convicted in circuit court, then committed to the Department.

Ms. Puritz also inquired about the on-going discussion about HIPPA.

Mr. Turpin said both of her issues are scheduled to be addressed at the April Board meeting.

Ms. Pacheco said she would like to see more about DMC. She is interested in the Spanish classes and how it can be expanded. She wanted to know what recommendations have been made to do next.

Mr. Green noted that the official DMC coordinator is the Department of Criminal Justice Services. While DJJ can and should continue its efforts, the issue is beyond what just DJJ can address.

Mr. Turpin said it might be helpful to have the DMC person available. The topic could be addressed under Other Business at the next meeting.

Mr. Turpin congratulated Mr. Green on being re-appointed as Director of the Department.

Ms. Downing said Mr. Turpin had brought an energy and enthusiasm to the Board.

**XI. ADJOURN**

The meeting adjourned at 12:10 PM.

Respectfully submitted,

Patricia F. Rollston