



COMMONWEALTH of VIRGINIA

Richard A. Sparks, Jr., **Chairman**
Kim S. Downing, **Vice Chairman**
Courtney A. Penn, **Secretary**
Aida L. Pacheco
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Board of Juvenile Justice

Newport News Court Service Unit
Newport News, Virginia
April 14, 2004

Present: Kim Downing
Aida Pacheco
Julia Winslett
Courtney Penn
Richard Sparks
James Turpin

I. CALL TO ORDER

The meeting was called to order at 10:15 a.m. by Chairman Sparks.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, the agenda for the April 14, 2004, meeting was approved with a correction on page two under Non-Secure Services Committee, B-2 Certification Issues to read Stanhope instead of Fairfax Less Secure Shelter (Pages 39-40). Motion carried.

III. INTRODUCTION

Director Jones introduced Ms. Charlotte Spears, Secretary in the Hampton Regional Office and Mayor Joe Frank of Newport News. Mayor Frank welcomed everyone to Newport News and gave a brief overview of the city's future progress and plans. Director Jones introduced his wife, Lynn Simmons, who is a practicing attorney in the Newport News area. Ms. Becky Camache and Mr. David Jones, the Regional Managers for Region III, were also introduced.

IV. APPROVAL OF MINUTES

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, the Board approved the Minutes for the January 14, 2004, meeting. Motion carried.

V. COMMENTS OF PUBLIC – no comments

VI. COMMITTEE REPORTS

A. Secure Services Committee

1. Certifications

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, to certify Blue Ridge Juvenile Detention Center for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, to certify New River Valley Detention Home for three years with a letter of congratulations for 100% compliance to be delivered personally by Mr. Sparks. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, to certify Roanoke Valley Juvenile Detention Home for three years. Motion carried.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, to certify Chaplin Youth Center for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, to certify Crossroads Group Home for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, to certify Fairfax Less Secure Shelter for three years. Motion carried.

2. Certification Issues

- Abraxas House Status Report
- Southside Regional Group Home Status Report
- Stanhope Status Report

Chairman Sparks requested that the reports be accepted and filed. No motion was needed.

Ms. Winslett expressed a concern on Stanhope's current status regarding a training plan. Over recent years concerns have been noted regarding staffing issues, etc. These concerns will be communicated to Stanhope.

3. VJCCCA Plan Revisions

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, the plan revisions for the counties of Halifax, Spotsylvania, and the cities of Norfolk and Petersburg were approved. Motion carried.

VII. OTHER BUSINESS

A. Norfolk Request to Use Same Match Dollars for VJCCCA & CSA

Mr. Pullen began the discussion regarding VJCCCA by giving the history of the program. In the early 1990s serious crowding in the detention facilities lead the Commission on Youth to sponsor a legislative study chaired by Delegate Tom Jackson. That study lasted for two years. Hearings were held around the Commonwealth and DJJ had an opportunity to make several presentations to the commission and to the taskforce. DJJ had been working on a detention risk-assessment that was put on hold when the administration changed. Mr. Howard has now successfully implemented the assessment, and DJJ's CSU intake officers are using it to help make detention decisions. The detention study and commission determined that basically the state had no alternative resources to detention.

The majority of the localities did not have resources, which was the ongoing message that the detention taskforce heard. In 1994, the Commission on Youth staff, along with the House Appropriations Staff started talking about developing VJCCCA. The Adult Community Crime Control Act had been developed the year before and provided for adult community correction services. At the time, DJJ had approximately \$11.5 million in the budget that was used for non-secure services (residential and non-residential).

In 1995, the General Assembly passed VJCCCA, which was effective, January 1, 1996. DJJ had about eight months to get everything in place and implement VJCCCA. DJJ had 1,895 youth committed to it in 1995. In this past fiscal year of 2003, DJJ had 1,188 youth. Funding in the community to provide services through VJCCCA has had a tremendous impact on juvenile correctional center populations. In addition, it has provided significant alternatives to detention to the judges and to the local communities. One topic discussed in depth when considering the implementation of VJCCCA was Maintenance of Effort (MOE).

The General Assembly and the House Appropriations Staff felt very strongly that localities should not be able to back off of that commitment. Therefore, they established the MOE, which was based on the level of support for services to youth before the court in fiscal year 1995. When the act was first passed by the 1995 General Assembly, the MOE included detention. It did not separate non-secure services from secure services. Some localities objected to being held to the MOE. The 1996 General Assembly reviewed the issue, which was also the period of time the Juvenile Justice Reform was being considered by the General Assembly. The General Assembly said the localities would not be held accountable for exceptional circumstances. The MOE code was changed to the fiscal year 1995 level for non-secure services and facilities, which is where it is today. As the money increased, the MOE for the localities was not required to increase and remained at the 1995 level.

Mr. Clark Earl commented further that they submitted a packet that summarized their beliefs that the MOE is not a match. They believe it is a contribution that the locality made at the time to a partnership. Their single

focus is to try to recover the funding that was lost when the state side of that partnership was reduced by half. In their case, they had \$1.6 million, and now they have \$800,000.

They are attempting to expand services to juvenile court youth and one of the mechanisms being used is the CSA. They are expanding their approach to preventative foster care. Norfolk is asking the Board to not create artificial limits on their ability to leverage and match dollars. Consequently, they are trying to use some of their MOE to leverage additional dollars for youth who qualify under the VJCCCA plan.

Mr. Earl distributed a chart showing that localities have variable levels of MOE. The second recommendation was that the localities be allowed to use their MOE dollars to leverage additional services at least up to the level that they were prior to the state cutback.

Susan Gholston further explained why the MOE was established. It is not intended to be a match, but is intended to make sure that the localities did not back away from the pre-existing commitment that they had made originally. Some localities do not have a MOE because they were not providing these types of services to children in their localities. VJCCCA insures that services are available in every locality. The purpose of VJCCCA was to make sure that every locality had a certain amount of money whether or not they could put up any money of their own to purchase services to keep kids from going into detention and to keep kids from being committed. Therefore every locality received a minimum amount of funding for alternatives.

Ms. Gholston also stated that the Board truly does not have the authority to change the MOE; only a legislative action would allow the change. Also, if localities were able to use their MOE to match CSA, what DJJ essentially would be doing is excusing their MOE if they are already contributing to CSA. Ultimately that could lead to a decline of about \$7 million. It shifts the partnership burden to the state by saying the localities no longer have to meet that MOE if they are meeting a match requirement for another state funding stream. DJJ is asking that the Board not allow the double matching of funding. The code was read by William Muse, Assistant Attorney General, specifically clarifying the MOE issue being discussed.

Further questions, examples and discussion were considered to clarify the complexities of the VJCCCA monies, its usage, allocations, and the match levels.

On MOTION duly made by Mr. Turpin, seconded by Mr. Penn, Norfolk's request to use the same match dollars for VJCCCA and CSA was denied. Motion carried, with a conflict of interest noted for Ms. Downing, who did not vote.

- B.** VJCCCA 2004 – 2006 Plan Approval Process – this issue was discussed and will be brought forward at the June 9, 2004 meeting.

C. On MOTION duly made by Mr. Turpin, seconded by Mr. Penn, that Policy 07-001, Research; and Policy 07-007 Medical, Pharmaceutical and Cosmetic Experiments be Prohibited be amended as revised. Motion carried.

D. Overview of Court Service Unit Partnerships and City of Hampton Prevention Initiatives by James Thomas. Some of the following services were mentioned:

- Detention Service Programs
- CHINS
- Intensive Supervision
- Substance Abuse Services
- Anger Management Services
- Comprehensive Services Act
- City of Hampton Programs
- Healthy Families Partnership
- Healthy Start
- Healthy Community
- Young Family Centers
- Healthy Start Successes- FY-2002 Assessment
- Protect Our Kids
- Intervention For Youth Exposed To Violence

Aderon Gibbs presented an overview of the 7th District Court Service Unit and some of the services it offers:

- Newport News is Virginia's fourth largest city
- 6.2 square miles with a population of 180,350
- Mandated services include: Intake, Diagnostic & Evaluation Team, Probation, Parole, Anger Management, Parenting Groups, Anti-Consumer Theft Program
- Partnerships
- CHINS Unit
- Curfew Center
- Fatherhood Programs
- Employment Programs
- Parenting Class
- Curfew Checks
- Restorative Justice
- Family-Oriented Group Homes

E. Legislative Update - Deron Phipps highlighted the following three bills:

HB 600 - Introduced by Delegate Dudley – Juveniles; Appointment of Counsel for Detention Hearings.

HB 1146 - Introduced by Delegate McDonnell – Juvenile Court Cases; Expediting Circuit Court Appeals

HB 1062 - Introduced by Delegate Armstrong – Enhancing Informal Diversion by Juvenile Intake Officers.

VIII. DIRECTOR'S COMMENTS

Director Jones commented that the General Assembly is still in session. Culpeper is still under funded, along with some other things, but otherwise DJJ is all right. DJJ does not know where cuts will occur and cannot move on until the budget is finalized.

DJJ is on a deadline to submit its Sight and Sound Separation Corrective Action Plan to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). As of December 31, 2004, DJJ is currently out of compliance with the new interpretation of the separation of criminally convicted wards through the circuit court. Upon reaching 18 years of age, youths can no longer be maintained together with the delinquent youth committed through the juvenile courts. DJJ is developing a plan and has a two year window in which to comply.

The Director mentioned Bruce Twyman's initiation of the DJJ Partnership e-newsletter, which is on the website. A copy was distributed to Board members and attendees of the meeting.

A gang taskforce has been developed within DJJ. Director Jones also serves on a statewide level group initiated through the Attorney General's office.

The Director mentioned a Disproportionate Minority Contact Conference being held in Crystal City and coordinated through Shauna Epps with DJJ in collaboration with the State of Maryland.

IX. BOARD COMMENTS

Mr. Turpin commented on the CPI Initiative. Mr. Howard said this program is no longer being called the CPI Initiative, but is called Community Placement Program (CPP).

The next Board meeting will be June 9, 2004, at the Roanoke Detention Home in Roanoke, Virginia.

X. ADJOURN

On MOTION duly made by Chairman Sparks, seconded by Mr. Turpin, to adjourn the meeting at 1:05 p.m. followed by lunch and a tour of the facility. Motion carried.

Respectfully Submitted,

Barbara A. Jones