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# COMMONWEALTH *of* VIRGINIA

## Board of Juvenile Justice

### MINUTES Board of Juvenile Justice Meeting Board Meeting Cedar Lodge Training Center 1701 Old Bon Air Road Richmond, Virginia

April 10, 2013

**Board Members Present:** Heidi W. Abbott, Barbara J. Myers, Anthony W. Bailey, and Justin M. Wilson

**DJJ Staff Present:** Barbara Peterson-Wilson, Deron Phipps, Ralph Thomas, Jack Ledden, Mark Gooch, Lionel Jackson, Vickie George, Wendy Hoffman, Daryl Francis, Guillermo Novo, Scott Reiner, Ken Bailey, Jimmy Horn, Charles Dockery, Janet Van Cuyk, Greg Davy, Steve Peed, Mark Murphy, Richard Conley, Chris Moon.

**Guests Present:** Kate Duvall, Rufus Fleming, Susan Oliver, Kandise Lucas, E. Penn, J. Frierson, P. McMullen, Tawanna Olivir, Marla F. Crawford, Lawrence Owens, Roy Bryant, Liane Rozzell.

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

Chairperson Abbott called the meeting to order at 7:12 p.m.

#### **II. INTRODUCTIONS**

Chairperson Abbot welcomed everyone and asked the individuals present to introduce themselves.

### **III. APPROVAL of January 8, 2013, MINUTES**

The minutes of the January 8, 2013, Board of Juvenile Justice (Board) meeting were presented for approval. On MOTION duly made by Mr. Wilson and seconded by Mr. Bailey to approve the minutes as presented. MOTION carried.

### **IV. PUBLIC COMMENT**

#### *Liane Rozzell*

Ms. Rozzell thanked the Board for having an evening meeting and noted past public comment periods. She thanked the Board and Department of Juvenile Justice (Department) for the previous changes to the visitation guidelines to allow visitation by more than just immediate family members. Ms. Rozzell noted that she has less resources to devote to Families and Allies of Virginia's Youth. Ms. Rozzell discussed her meetings with a different juvenile justice agency who are trying to become a national model in engaging and supporting families in the juvenile justice system. Ms. Rozzell encouraged the Department of Juvenile Justice (DJJ) to actively engage parents and families and to continue to be open to participation by the families even though fewer families are present at this evening meeting.

#### *Kandise Lucas*

Ms. Lucas discussed the organization she founded Teachers Behind Bars which consists of educators witnessing noncompliance with regard to special education issues. She is a former employee of DJJ's Division of Education and established this group as an open forum for current and former DJJ teachers to discuss educational issues. Ms. Lucas noted that DJJ and the former Department of Correctional Education and both agencies' administrators have allowed rampant fraud, waste, and abuse to occur relating to the provision of educational services in DJJ's juvenile correctional centers. Ms. Lucas also talked about civil rights violations as they related to students with disabilities. Ms. Lucas provided a handout to the Board.

#### *E. Penn*

Mr. Penn discussed his family's history in the juvenile justice and adult correctional systems (His father and uncle were the Penn Brothers of 1969), his criminal record, how he wanted to educate himself on why his family entered the system, and how he could better himself. He served time in both the juvenile justice and adult systems. When serving an adult sentence, he spent years reading everything he could to educate himself. Mr. Penn described his service on the Juvenile Justice Advisory Committee as a good experience and how he tried to help make a difference in the lives of others. Mr. Penn is writing a book on the Internal Devastation Disorder and the External Devastation Disorder. Mr. Penn ended by citing that juveniles are crying out for help, many have been abused, the system should not fail them, and we can do better.

#### *Dr. Marla Crawford*

Dr. Crawford is a former employee of the Department of Correctional Education. Dr. Crawford discussed her concerns with the educational programs and challenged the Board to evaluate this program. She reviewed specific allegations against the Department of Correctional Education in not following applicable laws and regulations.

The public comment period was concluded with no other speakers.

## **V. CERTIFICATION REPORTS**

Ken Bailey reported on the Certification Reports and Issues.

### **A. Secure Services:**

#### **1. Certifications: Beaumont Juvenile Correctional Center (JCC)**

An audit conducted on Sept 12, 2012, found six deficiencies (four mandatory and two non-mandatory); four of those deficiencies were in the area of medication documentation. Since the audit, several monitoring visits were conducted; and, at the time the report was submitted, it was recommended that Beaumont JCC be placed on probation due to one outstanding medical regulation deficiency. The deficiency involved a resident medical service request that was not responded to in the proper time frame. The Certification Unit conducted a follow up monitoring visit on March 27, 2013 to assess the medical service request for residents. During this visit, 20 of those requests were reviewed; and all 20 complied with the documentation requirements and were responded to in a timely fashion. Accordingly, the Department would like to change the recommendation to certify Beaumont JCC for three years.

The Board asked whether Mr. Bailey felt satisfied with the outcome of the review and the new recommendation. Mr. Bailey stated that the initial recommendation for probation was because the deficiency involved a mandatory standard. When staff reviewed 15 medical files, they found one sick call slip which was submitted on January 24 but was not responded to until January 26. Because it was a mandatory deficiency, the facility received a finding of noncompliance. However, since that time, the facility had demonstrated 100% compliance on the last review performed.

The Board discussed whether three years was an appropriate timeline to certify and whether the Department would review the facility's medical files during that time. Mr. Bailey reported that they will continue reviews, at a minimum every six months and more often, if necessary. The Department will review past deficiencies to make sure the facility remains in compliance.

The Board expressed concern that, even though the facility was in compliance now, it may fall out of compliance in the future. They inquired whether they could request status reports. Mr. Bailey stated that staff will continue the six month audit and the Board could ask for status reports.

The Board discussed asking for a lesser certification period other than three years. Mr. Bailey stated that due to certification regulations, Beaumont JCC would be eligible for a three year certification based on demonstrated compliance.

The Board asked if an audit revealed a mandatory deficiency then what would happen. Mr. Bailey informed the Board that an action plan would be requested and the facility would have to demonstrate they have corrected the problem.

Mr. Phipps informed the Board that if a mandatory deficiency was found on a monitoring visit, then the facility is required to file a corrective plan. The Department would then go back and assess if the facility has implemented that corrective plan. Also, if any violation involves a life, health, or safety violation, then the Department is required by regulation to bring that matter to the Board's attention.

On MOTION duly made by Dr. Myers and second by Mr. Wilson to certify Beaumont JCC for three years.

Mr. Anthony Bailey recommended that the MOTION be amended to certify the facility for three years with a one year status report. Dr. Myers seconded the MOTION. The MOTION was carried, as amended.

## **2. Issue: Culpeper Status Report**

Mr. Bailey presented a status report on Culpeper Juvenile Correctional Center (JCC). Culpeper JCC was placed on probation at the Board's November 2012, meeting. The Certification Unit conducted a follow up status review in December 2012, and found that the facility was demonstrating 100% compliance with all standards for which they were placed on probation. Another status review was conducted on February 20, 2013, and found that the facility was continuing demonstrating 100% compliance. The Department recommends that Culpeper JCC be removed from probation at this point and certified for one year.

Mr. Phipps stated that Culpeper JCC would have to be certified for three years, not one. There is a caveat in the regulation that is ambiguous. Basically, if, after placement on probation, upon the Board must act in the same manner it would for any other audit

The Board asked Mr. Bailey if the Department would visit Culpeper JCC every six months for a review. Mr. Bailey acknowledged yes they would.

On MOTION duly made by Mr. Wilson and second by Mr. Bailey to certify Culpeper JCC for three years with one year status report. The MOTION was carried.

## **B. Non-Secure Services**

### **1. Certification: Fairfax Shelter Care II**

At the last audit, the shelter had one deficiency dealing with orientation of volunteers. The Certification Unit conducted a monitoring visit on January 30, 2013; however, staff could not determine compliance because there were no new volunteers at that point. Another visit on April 3, 2013, showed that there were no new volunteers, but a revised approval process, with the new forms was in place. Mr. Bailey recommended certification of the Fairfax Shelter Care II.

The Board inquired about the variance issued by the Board in 2009. Mr. Bailey noted it dealt with the clothing of residents and their participation for selecting their clothing. The residents do not wear jumpsuits, but need to have a prescribed set of clothing – khakis with sweatshirts or polo shirts.

The Board asked if once a variance is issued, does the Department keep issuing it or is it permanent. It depends on what conditions the Board places on the variance. The variance survives as long as the regulations survive. Ms. Van Cuyk noted that, when the new regulations become effective, a list will be compiled of all outstanding variances and the Board will review for consideration.

On MOTION duly made by Mr. Wilson and second by Mr. Bailey to certify Fairfax Shelter Care II for three years. The MOTION was carried.

## **2. Issues:**

### **6<sup>th</sup> District CSU**

A monitoring visit was conducted on February 27, 2013, and the 6<sup>th</sup> District CSU was found in compliance. No action recommended or taken.

### **31<sup>st</sup> District CSU**

Last April, the 31<sup>st</sup> District CSU had one repeat deficiency from a previous audit regarding supervision plans. A monitoring visit was conducted on Feb 12, 2013, and the CSU was found in compliance.

## **VI OTHER BUSINESS**

### **A. Request for Designation of Critical Regulatory Requirements at June 12, 2013, Board meeting - Janet Van Cuyk**

At the January Board meeting, the Board approved changes to the regulations governing the certification process (6VAC35-20). One of those changes was to remove the designation of mandatory regulatory requirements, which will be renamed as “critical regulatory requirement,” in the certification regulations and vest that authority into the Board outside of the Administrative Process Act. The certification and the three drafts for the residential regulations are currently at the Executive Branch review in the final stage of the regulatory process. Once the Governor’s Office approves the regulatory action, the regulations will be published in the *Virginia Register* with a 30 day public comment period. The Department is hopeful this will occur soon, so the regulations will become effective before the June Board meeting. If that is the case, the Board will need to designate the critical regulatory requirements at that meeting. The new regulations require the Board to notice at the meeting prior to the critical regulatory designation that it anticipates so designating at the subsequent meeting. Accordingly, it was requested that the Board place in the June Board meeting agenda designation of critical regulatory requirements. The Board agreed.

### **B. Regulatory Update**

The Board has four proposed chapters at the Governor’s Office for Executive Branch review. These regulations are at the final stages of the regulatory process, have been previously reviewed, and should move forward. Description in the meeting packets is incorrect – all four regulations are at the same exact stage – Governor’s Office, executive level review.

## **VII. DIVISION OF EDUCATION UPATED – Daryl Francis**

The Oak Ridge JCC facility has closed. Residents, staff, and the treatment programs have already been moved to Beaumont JCC. This was completed a couple weeks ago. Next step in the process is the Hanover facility. Those residents will be relocated to other JCCs or released; this should be completed by end of April. The relocation of the Reception and Diagnostic Center (RDC) to the former Oak Ridge facility will happen sometime in late May. Oak Ridge is vacated and being renovated. As soon as the renovations are completed, RDC will move to the former Oak Ridge JCC facility. This should be completed late May, early June.

The whole process will be finished by the first part of July. Looking at the personnel situation, there were 222 people that were affected by the reorganization. As of April 5, 2013, 176 of those were placed in positions that were vacant. That leaves 35 at this point that are in a lay-off status. This number changes daily as people leave and find other jobs.

The Governor's Office will make an announcement regarding the repurposing of the Hanover facility soon. The Department's training unit currently located at Cedar Lodge will move to the Hanover site. The next step for the Cedar Lodge facility is to collapse older buildings into consolidated work spaces.

The renovations and relocation should be over the first week of July. The Governor's announcement should be made within the next 30 days.

The Board asked about the transition of the Department of Correctional Education (DCE) and the functions that were absorbed by the Department of Juvenile Justice (DJJ) and who is overseeing those duties.

Director Gooch stated that the management part falls under the DJJ. The Code requires the Department to have a Superintendent of Schools. The oversight of the education piece now falls within the purview of the Board. This past General Assembly session authorized two additional board appointments with educational backgrounds. The additions to the board will happen on or after July 1, 2013.

The Board asked what the statutory responsibilities were of the Board and would the Department of Education still maintain oversight of the education component.

The Board is still a policy board and the Department of Education will treat our education component as the same as any other school system.

The Board would like to see at the next meeting what the Board's responsibilities are in dealing with the Division of Education components and overseeing their programs. The Board would like a clearer picture of their responsibilities not relating to the operational side of things. This is essential for the Board to carry out their mission.

## **VIII. DIRECTOR'S COMMENTS**

A few weeks ago, the Executive Management Team of DJJ began their annual trips to all the court service units (CSU) around the Commonwealth. The first trip was to southwest Virginia. The group learned from their trip that the camera system that connects probation officers to the

juvenile corrections centers (JCCs) is now also available to parents. Many parents have utilized this service for visitation purposes.

The Board asked how widely used is this system? All CSU main offices and some satellite offices are currently using this system. It is excellent for parents who are not able to travel to faraway places, such as southwest Virginia.

The Board inquired what kind of notification if any was made to the families on the availability of this system? The probation officers routinely communicate with the families and they discussed this new option. In addition, the families are participating in conversations that probation and parole officers are having with the residents in the correctional centers via this system.

#### **IX. BOARD COMMENTS**

Dr. Myers read the Board's resolution recognizing Deborah Canada Hayes' work in state government.

On MOTION duly made by Dr. Myers and second by Mr. Wilson to approve the Resolution and provide to Ms. Hayes at the next meeting. The MOTION was carried.

#### **X. NEXT MEETING**

The next meeting is on June 12, 2013, at Central Office.

#### **XI. ADJOURN**

Chairperson Abbott adjourned the meeting at 8:35 p.m.