

James S. Turpin, Chairman
Courtney A. Penn, **Vice Chairman**
Justin M. Wilson, **Secretary**
Marjorie S. Arrington
Barbara J. Myers
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COMMONWEALTH *of* VIRGINIA

Board of Juvenile Justice

BOARD MEETING
Natural Bridge Juvenile Correctional Center
1425 Arnolds Valley Road
Natural Bridge Station, VA

June 11, 2008

Board Members Present: James Turpin, Barbara Myers, Aida Pacheco, Courtney Penn

Board Members Absent: Patricia Puritz, Justin Wilson

DJJ Staff Present: Barry Green, Steve Pullen, Tim Howard, Ed Murray, Kenneth Bailey, Ed Holmes, Bruce Twyman, Janet Van Cuyk, Deron Phipps, Eric Hopkins, George Wakefield, Sam Abed, Vernon Harry, William Davenport, John Coble, Resident LS, Steve Peed, Bob Wade-24th CSU, John Loving-NBJCC, Rodney Hubbard-Roanoke CSU, Michael Lazzuri, Michael Hamilton-NBJCC, Lt. Timothy Turner-NBJCC, and Deborah Hayes.

I. CALL TO ORDER

The meeting was called to order at 10:05 am by Chairman Turpin. Mr. Loving, Superintendent of Natural Bridge JCC, welcomed everyone. He invited interested parties to tour the facility after the meeting and lunch.

II. INTRODUCTIONS

Mr. Turpin called for introductions of attendees prior to proceeding. In attendance were: Liane Rozzell, Yvonne Byrd, Jeanine Whittington-FAVY, Abigail Turner, Ramesh Mervon, Crystal Shin, Erin Crowgey-JustChildren,

III. APPROVAL OF AGENDA

On MOTION duly made by Ms. Pacheco and seconded by Ms. Myers, the Board approved the agenda as presented. Motion carried.

IV. APPROVAL OF APRIL 11, 2008, MINUTES

On MOTION duly made by Ms. Myers and seconded by Mr. Penn, the minutes of the April 11, 2008 Board meeting were approved as submitted. Motion carried.

V. PUBLIC COMMENT PERIOD

Ms. Liane Rozzell, FAVY, commented on the following policies: 20-001 Policy on Treatment Programs, 17-001 Summary of Youth's Rights and 20-112 Youth Advisory Committee. Ms. Rozzell's written comments will be filed with the Board minutes and will be available upon request.

Ms. Abigail Turner, JustChildren, thanked the Board for the opportunity to comment on the policies that will be considered. Ms. Turner asked about an update on Access to Council. Chairman Turpin advised that the Board's liaison is Ms. Puritz. Ms. Puritz had a death in her family and is not present today. He said he did not think it would be effective to have this discussion without Ms. Puritz. Ms. Turner's written comments will be filed with the Board minutes and will be available upon request.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to certify Crater Juvenile Detention Home for three years with a letter of commendation noting the improvement in population control and excellent level of performance. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to certify Highland Juvenile Detention Center Post-dispositional Program until December 21, 2008 with a capacity of seven residents. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Mr. Penn to certify New River Valley Detention Center for two years. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to certify Northern Virginia Juvenile Detention Center and the Post-dispositional Program for three years. Chairman Turpin disclosed that he once was chair of this commission and did hire the superintendent; however, he is voting since he now resides in Nelson County. Motion carried.

B. Non-Secure Services Committee

1. Certifications

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify District 2-A Court Service Unit for one year. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Pacheco to certify the following programs for three years: 12th District Court Service Unit; 20th W District Court Service Unit, 30th District Court Service Unit and Fairfax Boys' Probation House. The Chairman stated that the corrective action plan for 20th W CSU is the one from the previous audit. Copies are available If anyone would like to see the plan.. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify Chaplin Youth Center until November 12, 2008, with a status report on

compliance with the action plan. The superintendent will be asked to attend the November meeting. Motion carried.

2. VJCCCA Plans

On MOTION duly made by Mr. Penn and seconded by Ms. Pacheco to approve the extension/carry over of the FY 2007-FY2008 VJCCCA plans until September 30, 2008 for the following: Accomack County/Northampton County, Halifax County, Newport News (city), Norfolk (city), Tidewater Regional Group Home Commission (Virginia Beach (city), Chesapeake (city), Portsmouth (city), Suffolk (city), and Franklin (city)/Isle of Wight County/Southampton County). Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Pacheco to approve the biennial VJCCCA plan for Roanoke City for FY 2009 only. Motion carried. The Chairman advised that Mr. Penn serves on the Roanoke School Board and that the schools do not benefit nor do they have any control or jurisdiction over this program. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to provisionally approve, pending receipt of required supporting documentation, the biennial VJCCCA plans for FY 2009-2010 for King George County. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Pacheco to approve the biennial VJCCCA plans for FY 2009-2010 for the following: Albemarle County/City of Charlottesville, Alexandria (City), Alleghany County/City of Covington, Amelia County, Amherst County, Arlington County, Bath County, Bedford (City and County), Bland County, Botetourt County, Campbell County, Caroline County, Charlotte County/Appomattox County/Buckingham County/Cumberland County/Lunenburg County/Prince Edward County, Chesterfield County, Colonial Heights (City), Craig County, Culpeper County, Danville (City), Dinwiddie County, Emporia (City)/Brunswick County/Greenville County/Sussex County, Fairfax County/City of Fairfax, Falls Church (City), Fauquier County, Fluvanna County, Franklin County, Frederick County/Clarke County/City of Winchester, Fredericksburg (City), Giles County, Goochland County, Grayson County/Carroll County/Galax (City), Greene County, Hampton (City), Hanover County, Harrisonburg (City)/Rockingham County, Henrico County, Highland County, Hopewell (City), King William County/Charles City County/New Kent County/King and Queen County/Middlesex County, Lexington (City)/ City of Buena Vista/Rockbridge County, Loudoun County, Louisa County, Lynchburg (City), Madison County, Manassas (City)/City of Manassas Park, Martinsville (City)/Henry County/Patrick County, Mecklenburg County, Montgomery County/Floyd County, Nelson County, Nottoway County, Orange County, Page County, Petersburg (City), Pittsylvania County, Powhatan County, Prince George County, Prince William County, Pulaski County, Radford (City), Rappahannock County, Richmond (City), Roanoke County/City of Salem, Shenandoah County, Spotsylvania County, Stafford County, Surry County, Warren County, Washington County/Smyth County/City of Bristol/Buchanan County/Dickenson County/Russell County/Tazewell County/Lee County/Scott County/Wise County/City of Norton, Waynesboro (City)/ Augusta County/City of Staunton, Westmoreland County/Richmond County/Essex County/Northumberland County/Lancaster County, Wythe County, and York County/James City

County/Gloucester County/Williamsburg (City)/Matthews County/Poquoson (City). Motion carried.

3. Crossroads Community Youth Home

On MOTION duly made by Mr. Penn and seconded by Ms. Pacheco to approve the capacity for the Crossroads Group Home at 16 with permission to occupy the new facility upon the approval by the Department of Juvenile Justice. Motion carried.

VII. OTHER BUSINESS

A. Art Presentation

Michael Hamilton, Volunteer Coordinator and Human Rights Advocates for Natural Bridge JCC introduced Resident L. Resident L said he started taking art in the 3rd grad and continued through the 9th grad. He says he plans to go to college when he is released from DJJ. He participates in the work release program and currently works at Wendy's. He thanked the Board for allowing him to present his art work to them.

B. Policy Review

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to re-adopt without amendment the following Board policy as of June 11, 2008, as submitted by the Department's Policy and Review Committee:

- 05-009 Code of Ethics & Code of Conduct

Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to rescind the following Board policies as of June 11, 2008 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:

- 04-010 Donations
- 07-001 Research on Delinquency & on Programs and Records of the Department
- 07-005 Telecommunications
- 08-008 Identifying Information for Master File

Motion carried.

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco to adopt the proposed amended policies as submitted by the Department's Policy and Review Committee:

- 04-111 Fees for Psychological Services
- 05-005 Employee Drug Screening

The policies listed below are those which were previously deferred and moved to the end of the policy review process. The Chairman requested that the Policy Review Committee work on resolving the differences in order for the policies to be acted on, if possible, before the end of the review process. These policies will be addressed at the September 10, 2008 meeting:

- 20-208 Juvenile Industries
- 20-311 Post-Dispositional Facilities

- 13-004 Food Preparation and Service of Meals

The policies listed below are those which were previously deferred and moved to the end of the policy review process.

- 20-106 Discipline Plan
- 02-004 Communication of Serious Incidents
- 03-002 Program Investigations by the Department

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to approve the following Board policies for a second review at the September 10, 2008 Board meeting as submitted by the Department's Policy Review Committee at the June 11, 2008 Board meeting:

- 18-001 Crisis Intervention and Use of Force (Security)
- 18-002 Use of Mechanical Restraints (Security)
- 18-004 Firearms, Stun Guns and Other Weapons (Security)
- 18-005 Chemical Agents (Security)
- 18-012 Movement and Transport of Committed Youth (Security)
- 18-015 Security Devices in Juvenile Correctional Centers (Security)
- 18-017 Supervision of Youth in Residential Facilities (Security)
- 18-018 Safety and Security for all Organizational Units Including Vehicles (Security)
- 18-019 Permanent Log (Security)
- 18-022 Detainers to be Verified (Security)
- 20-202 Library Services (Programs and Services – JCCs)
- 20-203 Individual Program to Manage High-Risk Youth (Programs and Services – JCCs)
- 20-205 Preparation for Release (Programs and Services – JCCs)
- 20-206 Room Restriction (Programs and Services – JCCs)
- 20-207 Counseling Wards (Programs and Services – JCCs)

On MOTION duly made by Ms. Pacheco and seconded by Mr. Penn to move the policies listed below forward for the third reading and action at the September 10, 2008 meeting as submitted by the Department's Policy Review Committee at the June 22, 2008 Board meeting:

- 16-001 Facility Closings
- 20-105 Furloughs
- 20-107 Tobacco Products
- 20-412 CSU Intake Officer Availability: Replacement Intake Officers
- 20-414 Unavailability of Court-ordered Services

Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Penn to move the following policies for action to the end of the policy review process:

- 17-001 Summary of Youth's Rights
- 17-002 Major Rule Violations: Reports, Investigations, Due Process Hearing, Appeal & Review
- 17-003 Due Process in Transfer to More Restrictive Program or Facility
- 20-412 CSU Intake Officer Availability: Replacement Intake Officers

The following policies will be moved together as one block with the idea to have one treatment policy with multiple parts. These policies will be considered at the end of the review process:

- 20-001 Treatment Programs and Services
- 20-003 Sex Offender Treatment
- 20-004 Committees to Guide Sex Offender Treatment Program
- 20-005 Alcohol and Drug Screening of Youth

The following policies were objected to and placed on the deferred for review at the end of the policy review process. The Chairman requested that the Policy Review Committee work on resolving the differences in order for the policies to be acted on, if possible, before the end of the review process. These policies will be addressed at the September 10, 2008 meeting:

- 19-002 Classification of Committed Youth
- 20-002 Electronic Monitoring
- 20-112 Youth Advisory Committee

C. Public Participation Guidelines/Status of Regulations

On MOTION duly made by Ms. Pacheco and seconded by Ms. Myers to authorize the Department of Juvenile Justice to submit a Notice of Intended Regulatory Action for initiation of the Regulatory process for an exempt action for the amendment of the Board's Public Participation Guidelines (6 VAC35-10) to ensure compliance with Chapters 321 and 575 of the 2008 Acts of the General Assembly. Motion carried.

Mr. Phipps stated that the ongoing review of the regulations and the additional actions approved at the April 11, 2008 Board meeting are proceeding in the regulatory review process. They will be reviewed by the Attorney General's Office, the Department of Planning and Budget, the Secretary of Public Safety, and the Governor. He directed the Board's attention to a handout, which summarizes the status of each regulation.

D. Length of Stay (LOS) Guidelines

On MOTION duly made by Ms. Myers and seconded by Ms. Pacheco, to approve the adoption of the proposed Guidelines for Determining the Length of Stay of Juveniles Indeterminately Committed to the Department of Juvenile Justice ("Length of Stay Guidelines" or "Guidelines") as amended, to become effective July 1, 2008. Motion carried. Ms. Pacheco commended the staff on their willingness to meet with each of the Board members to ensure that they understand the LOS Guidelines. These meetings helped them to make decisions on the LOS Guidelines with which they are comfortable. Mr. Penn commended the staff as well.

VIII. Director's Comments

Mr. Green shared the following:

- the Department reviewed its reportable serious incidents for FY 06 and compared them to FY 07. The incidents have decreased by approximately 33%. The serious incidents were also compared to the first nine months of FY 07 and FY 08. The reportable incidents have dropped by 26% from 2007.
- The Department is waiting to hear what the agency's budget cuts will be for this fiscal year 2009.

- By the end of June, residents committed to the state will have received 213 GEDs and 59 high school diplomas. Residents also received vocational certificates and several have/are taking college courses at community colleges across the state.
- Mr. Green shared the article depicting the JROTC Honor Guard program from Hanover JCC who participated in the silent Memorial Day parade in Ashland.

Board Comments

Ms. Pacheco said in reviewing the VJCCCA programs and asked if there is anything we can do to find out the impact of these programs for the children who are utilizing the program and if organizations, i.e. JustChildren, can work with the administrator of these programs to see how the programs can be expanded and increase the dollars. She also noted the increase in the domestic relations/child welfare cases in the data reporting. Mr. Green stated that the court service units take those petitions. He said the purpose of VJCCCA is to work with the courts/judge to determine what types of services are available rather than committing the youth to DJJ. He said state funds have been cut the local government is taking cuts as well which will certainly affect all programs involving youth. Ms. Pacheco said she feels that advocacy groups should get involved to help get more monies for the youth programs.

Executive Closed Session: On MOTION duly made by Mr. Turpin and seconded by Mr. Penn 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. Myers, Ms. Pacheco, Mr. Penn, and Mr. Turpin.

IX. NEXT MEETING

The next meeting will be held on September 10, 2008 at the Blue Ridge Juvenile Detention Center in Charlottesville, Virginia.

XI. ADJOURN

Having no other business, and on MOTION duly made by Ms. Myers and seconded by Ms. Pacheco, the meeting adjourned at 11:55 am. Motion carried.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary