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COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

MEETING MINUTES

Board Meeting

June 12, 2013

Department of Juvenile Justice
Central Office – 12th Floor Conference Room South
600 East Main Street
Richmond, Virginia 23219

Board Members Present: Heidi Abbott, Barbara Myers, Tamara Neo, and Justin Wilson.

DJJ Staff Present: Mark Gooch, Lionel Jackson, Daryl Francis, Ralph Thomas, Deron Phipps, Lara Jacobs, Barbara Peterson-Wilson, Joy Lugar, Ken Bailey, Greg Davy, Mark Murphy, Scott Reiner, Mike Favale, Wendy Hoffman, Angela Valentine, Regina Hurt, Joyce Holman, Jackie Nelson, Deborah Hayes, Andrea McMahon, Christina Hall, Katherine Farmer, Andrew Slater.

Guests Present: Patrick Ryan, Liane Rozzell, Letta Jones, Jack Scott, Rodney Baskerville, Charles R. Lampkins Sr., Brian McCoy, Ronald C. Wallace, Megan Durkee, Kate Duvall, Tracey Jenkins, Charles J. Kehoe, Barry Green, Pat Bryan, Susan Oliver, Carolyn Brown, Kandise Lucas, Shunda Giles, Rufus Fleming, Rhonda Gilmer, Frank Green.

CALL TO ORDER

Chairperson Abbott called the meeting to order at 10:03 a.m.

INTRODUCTIONS

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

APPROVAL of April 10, 2013, MINUTES

The minutes of the April 10, 2013, Board meeting were presented for approval. On MOTION duly made by Barbara Myers and seconded by Justin Wilson to approve the minutes as presented. Motion carried.

SPECIAL PRESENTATION BY THE BOARD

Chairperson Abbott advised that, at the April 10, 2013, Board meeting, the Board members introduced and passed a resolution honoring long-time colleague and Board Secretary Deborah Canada Hayes. Chairperson Abbott read the resolution and presented the proclamation to Ms. Hayes.

PUBLIC COMMENT

Patrick Ryan, JustChilderen

Mr. Ryan's comments are attached and are available upon request.

Liane Rozzell, Families and Allies of Virginia's Youth

Ms. Rozzell discussed family engagement and presented to the Board and Director Gooch a copy of a workbook prepared by the Campaign for Youth Justice. Ms. Rozzell encouraged the Board to order the workbook entitled, "Family Comes First: A Workbook to Transform the Justice System by Partnering With Families" available from Amazon. The workbook focuses on the acronym "FAMILY" – F is for Families having a primary decision making role in the juvenile's care and case as well as the policies and the procedures governing juveniles involved in the justice system. A is for Access to a continuum of services for families. M is for laws and policies that meet the Mutual goals addressing the family's need. I is for Interagency cooperation. L is for Leadership in engaging families. Y is for Youth fully prepared for the future.

The Board asked for more information on the organization that developed the workbook, Campaign for Youth Justice. Ms. Rozzell responded that Campaign for Youth Justice is a national advocacy organization who is dedicated to ending the practice of trying, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system.

Kandise Lucas, PH.D, Teachers Behind Bars

Ms. Lucas stated she was a Columnist with "Education News" and encouraged the Board to read an article she wrote dealing with fraud, waste, and corruption at the Department of Juvenile Justice (DJJ). Ms. Lucas spoke about the results of the Virginia Department of Education audit on the educational program at DJJ. Specifically, outlining the significant discrepancies as well as non-compliance issues as it relates to special needs students. Ms. Lucas went on to discuss her concerns that the needs of special needs students are not being met. Ms. Lucas summarized the recommendations by the Virginia Department of Education

in their audit. Ms. Lucas noted that she also had suggested these improvements during her tenure with the Department of Correctional Education. Ms. Lucas also commented on her concerns regarding DJJ terminating teachers in the middle of the school year.

There were no other speakers and the public comment period was closed.

CERTIFICATION REPORTS

Secure Committee:

Certifications

Bon Air Juvenile Correctional Center

The audit conducted on November 29, 2012, reflected seven deficiencies. Five of those deficiencies were mandatory standards in the area of medical services and two were non-mandatory standards. Follow up reviews were conducted on February 26, 2013, and May 1, 2013. The certification report provided to the Board contains a recommendation that Bon Air Juvenile Correctional Center (JCC) be placed on probation because the May 1 monitoring visit found Bon Air JCC non-compliant in that one area (medical services). However, between the submission of the recommendation and the Board meeting, staff conducted a follow-up review on June 7 wherein 15 randomly selected medical files were reviewed. During this review, the files were found to be in compliance. Mr. Bailey explained to the Board that the Certification Team is changing their recommendation to certify Bon Air JCC for three years with a status report on compliance with the corrective action plan in June 2014. The Certification Team will continue to conduct monitoring visits, specifically focusing on medical files, to ensure Bon Air JCC is demonstrating compliance.

A question was raised by the Board if Mr. Bailey is confident that the proper procedures are in place now and the problem has been corrected. Mr. Bailey acknowledged that Bon Air JCC had undergone a tremendous change in personnel especially in the medical area, noting the hiring of a new Health Services Administrator, Mark Murphy. Other improvements include the development of new health services procedures to replace old procedures, controls to monitor the administration of medication, and responses to resident's medical requests are handled in a timely fashion. Bon Air JCC has demonstrated excellent compliance.

The Board requested Mark Murphy address the Board.

Mark Murphy noted that the medical department is codifying practices and updating procedures so all facilities are consistent in their use. By October 2013, DJJ should be using an electronic medical administration record that will assist in ensuing 100% accuracy in transcription orders. Doctors will be able to enter their order into the computer system which will go directly to the pharmacy; the pharmacy will then electronically update the Medical

Administration Report (MAR). This will dramatically improve the accuracy in the MARs. In addition, the medical department is instituting more internal controls such as nurses reviewing each other's work and us developing the correct leadership structure at Bon Air JCC.

A question was raised by the Board on the checks and balances going forward? Deron Phipps reported that, back in October, an audit was conducted on all DJJ facilities by the American Correctional Association (ACA). Based on the ACA's recommendations, DJJ established the Health Services Oversight Committee. The group meets monthly to review the progress of the health care services within the facilities and develop work plans, as appropriate and applicable. The Health Services Oversight Committee will continue indefinitely until DJJ is confident that the provisions of health care services are institutionalized.

Mr. Bailey noted that the Certification Team will continue to conduct random assessments of medical files at Bon Air JCC as well as other facilities to ensue corrective action plans have been implemented.

The Board asked Mr. Bailey how he selects the cases to audit. Mr. Bailey reported that the cases are randomly selected through the use of a computer program.

The Board asked Mr. Bailey what log books he reviewed last Friday, June 7 in his monitoring review? Mr. Bailey replied that the Certification Team did not review the log books mentioned in the report. The log book deficiency was a non-mandatory standard in which they showed significant improvement. The Certification Team reviewed the mandatory standard, administration of medication, on which the facility had not demonstrated compliance. The Certification Team pulled 15 files and reviewed the MARs for May; the facility demonstrated 100% compliance on the reviewed MARs.

The Board followed up with a question as to the time period of the review. Mr. Bailey reported that MARs are printed on a monthly basis, so the Certification Team reviews files from the last review to the present. The Certification Team is confident that Bon Air JCC has fully demonstrated 100% compliance with the mandatory standards as of June 7. Based on the chart of the Board's current certification actions and the requirements of 6VAC35-20-100, Bon Air JCC is eligible for a three year certification, retroactive to the date the prior certification lapsed.

A question was asked by the Board on the status reports. Mr. Bailey told the Board that the status report would include an update on any non-compliant issues and on their corrective action plan initiatives.

The Board expressed concern that the facility was not compliant with the same mandatory standard in February and May, but suddenly on June 7 the facility is fully compliant. Mr.

Bailey told the Board he will provide a status report on that mandatory standard at the September meeting.

On MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Bon Air JCC for three years with a status report on compliance with the corrective action plan at the September 11, 2013, board meeting. Motion passed.

New River Valley Juvenile Detention Home

The audit conducted on January 9, 2013, reflected four deficiencies all in the area of medical services. Three of those deficiencies were mandatory and one was non-mandatory. One repeat deficiency was noted from the previous audit in January 2010. Mr. Bailey reported that during the monitoring review on April 2, 2013, that all deficiencies were found to be in compliance.

The Board was concerned with the information printed on a MAR. Mr. Bailey replied that a MAR is different at a juvenile detention center (JDC) than at a JCC, where the information is printed directly on the MAR. In JDCs, the nurse has to transcribe the information from the physician's order to a MAR. This is where the human error occurs and the information is not always accurately transferred to the MAR.

On MOTION duly made by Barbara Myers and seconded by Tamara Neo to certify the New River Valley Juvenile Detention Home and Post-Disposition Detention Program for three years. Motion passed.

Richmond Juvenile Detention Center (RJDC)

Richmond Juvenile Detention Center operated from 1996 until it was closed on April 27, 2012, due to allegations of broken equipment, lack of staff training, and improper care of residents. The facility has applied to re-open on the site of the old RJDC.

Mr. Bailey noted that this is a totally new program; RJDC may have moved into the old building but this program has new administration, new staff, and new procedures that meet all the regulatory requirements. Staff has been extensively evaluated with background checks performed. The facility has developed a detailed training manual. At the time of the Certification Team's review, training records were evaluated and found in great condition. The Team checked every intercom, every lock, and every water faucet; no problems were found in the facility. However, the Certification Team was not able to review certain things, such as medical records because no residents were in place. This is taken into account in the actions available to the Board in the Certification Regulations to allow for Conditional Certification. The Certification Team will look at these areas at their next monitoring visit.

Mr. Bailey is recommending the Board certify the RJDC for 6 months as a new facility. The Certification Team will audit the facility in October and review areas they were not able to review before and report back to the Board at its January meeting.

The Board asked a question about handling new facilities. Mr. Bailey answered that typically a new facility is initially inspected with a short term certification. This allows the facility to become operational.

The Board invited Mr. Hicks to speak.

David Hicks introduced himself as the Director of Justice Services for the City of Richmond (City). Mr. Hicks noted that this has been a long and painful journey/experience for the City. The City's intention is to open a new program with a much stronger facility that just happens to be in the same location as the old RJDC.

At the time of the RJDC closure last year, the City had to arrange to transport 48 residents to other facilities. The City was able to find accommodations for all their residents with sister facilities and were able to forge relationships with them to learn lessons on operating a successful program. Mr. Hicks requested the Board to allow the City to reopen the facility.

The Board asked Mr. Hicks how he envisioned the transition. Mr. Hicks noted that the City has a reentry plan for the children that are currently being housed at six facilities across the state. RJDC will begin the reentry process on July 1. They will gradually bring the residents back. The new employees of RJDC have been building relationships with the residents in anticipation of the reentry process to help facilitate an easy transition. Mr. Hicks would like to have all the residents at the facility by the end of July. He will take into consideration the length of stay the resident has left and the fiscal implications before moving them back.

The Board inquired about the number of employees and the facility's intercom problem. At the time of review, Mr. Bailey reviewed 45 current employees. The Center has hired on additional employees increasing the number to 72. The Certification Team will review those new staff hires when they return for their monitoring visit. Intercoms have been a problem in the past, but issues have been resolved with a new contractor.

The Board asked about the new personnel if they were new to the field or if they were experienced. Mr. Hicks noted it is a good mixture with experience in the field.

The Board commended Mr. Hicks and his employees for their hard work and optimism.

On MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify RJDC until January 8, 2014. Motion passed.

Shenandoah Valley Juvenile Center

The audit conducted on January 15, 2013, reflected two deficiencies. One of those deficiencies was mandatory and the other was non-mandatory. Mr. Bailey reported that during the monitoring review on April 18, 2013, that all deficiencies were found to be in compliance. On MOTION duly made by Tamara Neo and seconded by Barbara Myers to certify Shenandoah Valley Juvenile Center for three years. Motion passed.

Issues

Newport News Juvenile Detention Home Status Report

At the January 9, 2013, Board meeting, the Newport News Juvenile Detention Home (NNJDC) was certified for one year with a status report due at the June 12, 2013, Board meeting. The facility amended its corrective action plan to require a manual room check verification program. Monitoring visits were conducted on February 27, 2013, and April 25, 2013. Confinement forms were reviewed on both dates and there were no areas of non-compliance. At the January meeting, the Board suggested that NNJDC be approved for certification for one year with the requirement that NNJDC use a manual system to complete room checks because their electronic system was not registering data. The Certification Team has completed a status report since that January meeting and NNJDC is 100% compliance with their manual room checks.

Variance Request

Mr. Bailey asked the Board and they agreed to hear an added agenda item on a variance request.

With the realignment and closure of DJJ JCCs, DJJ is planning to operate the Work Education Release Program (WERP) in Caskie and Beattie Cottage located at Beaumont JCC. The residents that participate in the program have historically been housed separately from the general population because participants leave the facility to attend class and to work. A variance has been requested for Caskie and Beattie cottage to provide Beaumont the ability to expand the WERP. Beaumont JCC does not have a variance because Caskie and Beattie Cottages have not been used as a residential unit. The variance would allow the DJJ to transition the WERP to Caskie and Beattie Cottage at Beaumont JCC. Building A3 at the Bon Air campus is being repurposed to be used as emergency overflow. A variance would allow DJJ to utilize A3 as an emergency shelter for the residents at the Reception and Diagnostic Center and locally operated JDCs. DJJ is requesting the Board approve a variance from 6VAC35-51-480 (B), which restricts the number of residents who may share a bedroom or sleeping area to four individuals and allow the DJJ to use dormitory style sleeping areas.

A quorum was not present to vote on the motion.

Non-secure Committee:

Certifications

Crossroads Community Youth Home

The audit conducted on Crossroads Community Youth Home (Home) on December 5, 2012, reflected eight deficiencies. Five of those deficiencies were mandatory and three were non-mandatory. One of the deficiencies was from a previous audit conducted in December 2009. Mr. Bailey reported that during the monitoring review on February 27, 2013, six deficiencies were found to be in compliance, one was found to be not determinable, and one was non-compliant. On a May 2, 2013, monitoring review, the not determinable deficiency was found to be in compliant and the one deficiency was again found to be non-compliant in the medication administration area. Mr. Bailey conducted a monitoring visit on June 6, 2013. The Certification Team reviewed all the MARs since the May visit and believe the Home has put together an excellent system of documenting its MARs. Mr. Bailey reviewed 13 MARs on June 6th and found them in compliance with the regulation. The Certification Team's recommendation is to certify the program for three years with a status report in June 2014.

A quorum was not present to vote on the motion.

Shenandoah Valley Juvenile Shelter and Assessment Center

The audit conducted on January 16, 2013, reflected three deficiencies. One of those deficiencies was mandatory and the other two were non-mandatory. Mr. Bailey reported that during the monitoring review on April 18, 2013, that all deficiencies were found to be in compliant.

A quorum was not present to vote on the motion.

Issues

None

OTHER BUSINESS

Request for Designation of Critical Regulatory Requirements at September 11, 2013, Board Meeting

Barbara Peterson-Wilson reported that at the last Board meeting, DJJ requested the Board be prepared to vote on the critical mandatory regulations. DJJ hoped that these regulations would have been approved through the Executive Branch Review and published in the *Virginia Register* so that the Board could have taken action on them today. DJJ is hopeful the regulations will advance in the near future. Accordingly, it is requested that the Board place in the September Board meeting agenda the designation of critical regulatory requirements. The Board agreed.

A quorum is now present for the Board and will hear the previous motions.

A MOTION duly made by Barbara Myers and seconded by Justin Wilson on granting a variance to the requirements of 6VAC35-51-480.B, allowing DJJ to use dormitory style sleeping areas in the following buildings: Caskie and Beattie Cottages at Beaumont JCC and Unit A3 at Bon Air JCC. Motion passed.

A MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Crossroads Community Youth Home for three years with a status report on compliance with the corrective action plan at the November Board meeting. Motion passed.

A MOTION duly made by Justin Wilson and seconded by Barbara Myers to certify Shenandoah Valley Juvenile Shelter and Assessment Center for three years. Motion passed.

VJCCA Plan Approvals

Angela Valentine outlined the VJCCA plans for 2014 fiscal year approval and one plan amendment.

Charlottesville/Albemarle: The service cost and projected numbers are comparable to other localities. DJJ recommends approval.

Fairfax: Fairfax added a new program for this fiscal year to meet their reentry needs. It was noted that their money projections and per diem rates are higher than other plans. DJJ requested Fairfax review their per diem rates. The Board was asked to take in consideration that Fairfax's total budget is \$6.5 million dollars for their VJCCA plan, but their state allocation is only \$613,000. DJJ recommends approval.

Franklin County: Franklin County has determined that their highest need is in the area of outreach and electronic monitoring services. DJJ recommends approval.

City of Richmond: Last year the 13th District Court Service Unit and Judges disagreed on the VJCCA plan, opted for a one year plan, and agreed to work on improving their communication. There has been major improvement with the new Administration and all have agreed to this year's plan. DJJ recommends approval.

Westmoreland County: Westmoreland County closed its group home and redistributed the funding. DJJ was uncomfortable recommending approval for two years until DJJ could assess the redistribution of funds, which was completed last year. The DJJ VJCCA Coordinator has met with Westmoreland County and the County has promised to improve their budget practices. DJJ recommends approval.

King William County made an amendment to their 2014 plan in the area of Substance Abuse Assessment. DJJ recommends approval.

A MOTION was duly made by Barbara Myers and seconded by Justin Wilson to approve the 2014 VJCCA Plan for Charlottesville, Albemarle (combined), Fairfax County/City (combined), Franklin County, Richmond City, and Westmoreland combined. Motion passed.

A MOTION was duly made by Barbara Myers and seconded by Tamara Neo to approve the amended 2014 VJCCA Plan for King William. Motion passed.

The Board's oversight over the components of the Division of Education

Lara Jacobs, Assistant Attorney General, reported that, at the last board meeting, the Board asked a general question on their authority regarding the DJJ Division of Education since it was a new component to the DJJ. The general idea is that the Board has the same authority over the Division of Education as it has over the rest of DJJ. The substantive regulations governing educational requirements are controlled by the Virginia Department of Education. Nothing this Board puts forth as a regulation can conflict with the Virginia Department of Education regulations. If there is a concern the Board has, the Board can request information from DJJ. If the Board is not happy with the response or actions, the Board's recourse is to contact the Governor.

Director Gooch reported to the Board that a complaint was filed on a DJJ facility. Due to this complaint, Director Gooch asked the Virginia Department of Education to conduct an audit sooner than the regular scheduled audit later in the year. It is the responsibility of DJJ to develop a corrective action plan on any non-compliance issue found in this audit. It is not the responsibility of the Board and Mr. Bailey will not add this to his certification audit reports. If an individual is unhappy with results of a complaint they have filed with DJJ, then their next step is to contact the Virginia Board of Education.

Barbara Peterson-Wilson stated that DJJ regulations on education deal with what is to be provided such as adequate space, study space, etc. The regulations are more functional than academic. The Board asked Ms. Peterson-Wilson to identify these regulations and provide them more information.

The Board also requested a copy of the former Department of Education Board policies, the Virginia Department of Education audits, and DJJ's corrective action plan. The Director agreed that these can be provided to the Board.

The Board inquired if a parent is unhappy with their child's education needs, where do they issue their complaint. Director Gooch noted that the parent can discuss their concerns with the DJJ. If they are unhappy with those results, they can issue a complaint with the Virginia Department of Education.

EXECUTIVE SESSION

On MOTION duly made by Barbara Myers and seconded by Tamara Neo to move 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 or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel. Motion carried.

Upon conclusion of the Executive Closed Session, Board Members individually certified that to the best of their 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 Meeting were heard, discussed, or considered. Ms. Abbott, Ms. Myers, Ms. Neo, Mr. Wilson verbally certified.

BOARD COMMENTS

Justin Wilson thanked the Board and DJJ for the privilege of serving seven years. Mr. Wilson has learned a lot and will miss being involved. The Board thanked Mr. Wilson for his service.

NEXT MEETING

Wednesday, September 11, 2013, location TBD

ADJOURN

Having no other business, Chairperson Abbott adjourned the meeting at 12:55 p.m. without objection.
