



700 Centre, 4<sup>th</sup> Floor  
7<sup>th</sup> and Franklin Streets  
Post Office Box 1110  
Richmond, Virginia 23218-1110  
(804) 371-0700  
Fax: (804) 371-0773  
Voice/TDD: (804) 371-0772

Jerrauld C. Jones  
DIRECTOR

# COMMONWEALTH of VIRGINIA

*Department of Juvenile Justice*  
**DEPARTMENT OF JUVENILE JUSTICE**  
**Reception and Diagnostic Center**  
**Bon Air, Virginia**  
**February 9, 2005**

**Present:** Kim Downing                      Aida Pacheco                      Julia Winslett  
Patricia Puritz                      Richard Sparks                      James Turpin

## **I. CALL TO ORDER**

The meeting was called to order promptly at 10:10am by the Board Chairman, Richard Sparks.

## **II. APPROVAL OF AGENDA**

**On MOTION** duly made by Mr. Turpin, seconded by Ms. Downing, the agenda was approved. Motion carried. Immediately following the Board Meeting there will be a conflict of interest training session that is required for all board members.

## **III. INTRODUCTIONS**

Guests included Joann Smith, Superintendent of the Merrimac Detention Center; Vernon Harry, Inspector General with DJJ; Barry Green, Assistant Secretary of Public Safety; R. Tyrone Jackson, Director of Human Resources; Kevin Keenan with Just Children; Dawn Smith, Assistant Secretary of Public Safety; Katherine Dickerson, Oakridge Juvenile Correctional Center; Dr. Michael S. Ito, Acting Superintendent at Beaumont Juvenile Correctional Center; and Bruce Twyman, Public Information Specialist with the Department of Juvenile Justice.

## **IV. APPROVAL OF MINUTES**

**On MOTION** duly made by Mr. Turpin, seconded by Ms. Downing, the minutes were approved for the November 10, 2004, Board meeting. Motion Carried.

## **V. COMMENTS OF PUBLIC**

Kevin Keenan an Attorney with JustChildren, a legal aid service located in Charlottesville, Virginia offered comments regarding the outstanding cooperation he has received from the Department of Juvenile Justice. JustChildren has worked in conjunction with the Juvenile Correctional Centers since 2003. The program's mission is to assist low income children and children with disabilities and mental health issues. JustChildren offers services these kids need to succeed in the community.

## **VI. COMMITTEE REPORTS**

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

#### **1. Certifications**

**On MOTION** duly made by Mr. Turpin, seconded by Ms. Winslett to certify Merrimac Center for three years. The one mandatory standard has satisfactory corrective action. Motion carried.

**On MOTION** duly made by Mr. Turpin, seconded by Ms. Winslett to certify Oak Ridge Juvenile Correctional Center for three years with a status report on compliance with mandatory standards in six months. Motion carried.

**On MOTION** duly made by Mr. Turpin, seconded by Ms. Winslett to place Beaumont Juvenile Correctional Center on Probation until February 2006. In the interim, a status report on compliance issues will be presented at each Board Meeting. Dr. Ito will give a progress update at the April 13, 2005 meeting in Virginia Beach. Motion carried.

Ed Murray outlined some of the changes that are being implemented since Dr. Ito has taken over at Beaumont. First and foremost communications down the line of command will be addressed. There is some specialized training being developed for mid-level managers. Communications with staff and between staff and wards is being addressed also. DJJ has hired a recruiter for Corrections Officers, which will help address the staff issues.

Concerning the most recent press articles relative to Beaumont, Mr. Jones admitted that the department accepts the deficiencies that exist and we are moving forward to reduce the problems and recertification.

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

#### **1. Certifications**

**On MOTION** duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the 8<sup>th</sup> District Court Service Unit and the 13<sup>th</sup> District Court Service Unit 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 7<sup>th</sup>, 24<sup>th</sup>, and 27<sup>th</sup> District Court Service Units and Chesapeake Boys Group Home for three years. Motion carried.

## **VII. OTHER BUSINESS**

### **A. State share of Construction for Juvenile Detention Facilities (projects impacted by 2001 amendments to Section 16.1-309.5 COV)**

The Statewide share cap per bed for Detention construction before 1999 was \$52,000, based on cost at the time. In 1999 the General Assembly asked the department to head up a state funding taskforce to study both construction and operational cost for detention. At this time, it was increased to \$59,500.

During the 2000 General Assembly, Section 16.1-309.5 was amended and stated that the state would fund fifty percent, and also added that plans had to be approved by both the Board of Juvenile Justice and the Governor's office. The Secretary of Public Safety's Office was designated to review the plans and specifications on behalf of the Governor. In order to control costs, they asked DJJ to calculate the "statewide average" cost of constructing a detention bed, based on recently completed and pending projects. This figure would serve as the basis for determining the state of reimbursements.

At the January 2001 meeting, the Board passed a series of motions amending the state share of reimbursement for those projects that were impacted by the Code change, based on the newly calculated statewide average of \$63,416 per bed. The Secretary's office sent the Board a letter explaining how projects would be approved and at that meeting, localities impacted were told that once pending projects were completed, the statewide average would be revisited to determine if the statewide average per bed amount above represented fifty percent of the cost of a newly constructed detention bed. Those projects entitled to additional reimbursement would then be brought back before the Board for an additional appropriation.

The newly recalculated statewide average will be presented to the Board at their next meeting. Pending approval by the Board, all detention projects impacted by the recalculation will be brought back before the Board in June for consideration of additional reimbursement based on the revised statewide average.

**B. Final Action on Standards for Juvenile Residential Facilities (6 VAC 35-140)**

Don Carignan gave an overview of the departments' recommendation of the regulations for final action. This regulation, applied in conjunction with Standards for the Interdepartmental Regulation of Children's Residential Facilities, governs the operation of all secure and non-secure facilities in Virginia's juvenile justice system. The Board may accept, modify, or reject any or all of the proposed changes to the regulation.

A concern was brought up concerning the pepper spray issue in the regulations which gives facilities permission to use pepper spray upon advanced approval from the Board.

**On MOTION** duly made by Mr. Turpin, and seconded by Ms. Puritz that 6VAC35-140-660 be amended that it is prohibited to use chemical agents in all facilities. Ms. Puritz, Ms. Downing and Mr. Turpin voted for the elimination of the use of pepper spray in the facilities. Mr. Sparks, Ms. Pacheco and Ms. Winslett voted against this motion. Motion denied.

**On MOTION** duly made by Mr. Turpin, and seconded by Ms. Pacheco to approve the Standards for publication as they stand. Motion carried.

**C. Virginia's Long-Range Youth Services Policy**

Board members asked for sufficient time on the February agenda to review and discuss the draft materials and to make additions, deletions, or amendments. The Board needs to decide today to approve the draft of the Youth Services Policy with continued refinements at subsequent Board meetings before the June meeting. The Board agreed to strike the **sentence "employees of the Virginia Department of Juvenile Justice should have the right to organize and bargain collectively"**.

It was suggested if the Board Members have any additional comments or concerns they let Don Carignan know, then continue on with the process as it stands in draft form taking into consideration the revisions voiced today. Don will have another draft at the next meeting.

Mr. Deron Phipps gave handouts and a brief overview on the General Assembly Session regarding the Legislative bills (1) failing to make it out of committee, (2) Amended bills relative to Juvenile Justice.

Mr. Phipps was commended for bringing information concerning the General Assembly to the Board in an understandable fashion and for his dedication and hard work in assisting the Board Members with the status of current bills.

**VIII. DIRECTOR'S COMMENTS**

Mr. Jones commented on the Beaumont facility and the public relations aspect relative to news articles and interviews, which all Board members received copies of in the mail. He praised Bruce Twyman for his work in this area. The mothballing of the Barrett facility was mentioned in conjunction with the utilization committee working on the fine details of personnel changes and staffing these individual in other institutions. The utilization report is on the website for viewing.

**IX. BOARD COMMENTS**

Mr. Sparks proposed to move the September 14, 2005 meeting scheduled to be held in Grundy, Virginia to Northern Virginia.

The next Board meeting will be held at the Virginia Beach Detention facility on April 13, 2005.

**X. EXECUTIVE SESSION**

On MOTION duly made by Mr. Turpin, seconded by Ms. Pacheco to move that the Board reconvene in Executive Closed Session, pursuant to Section 2.1-344 (A), (1) and (7), 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 Session, Board Members individually certified that to the best of their knowledge: (1) only public business matters lawfully exempted from other 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. The following Board Members verbally so certified: Richard A. Sparks, Kim S. Downing, Aida L. Pacheco, Patricia Puritz, James S. Turpin, and Julia C. Winslett.

**XI. ADJOURN**

On MOTION duly made by Ms. Downing and seconded by Mr. Turpin, the meeting was adjourned at 1:30.

Respectfully submitted,

Barbara A. Jones