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COMMONWEALTH
of
VIRGINIA

Board of Juvenile Justice

MINUTES
Board of Juvenile Justice Meeting
700 East Franklin Street, 4th Floor
Richmond, Virginia

June 8, 2011

Board Members Present: Barbara Myers, Kahan Dhillon, Aida Pacheco
Justin Wilson

DJJ Staff Present: Mark Gooch, Ralph Thomas, Robin Farmer, Joy Lugar, Ken Bailey, Peggy Parrish, Regina Hurt, John Coble, Angela Valentine, Scott Reiner, Ed Holmes, Marilyn Brown, Jessica Turfboer, Deron Phipps, Janet Van Cuyk and Deborah Hayes

Others Present: Lara Jacobs-Assistant AG; Krystal Kurney, Kevin Sibly-NVJD; Jack Scott-Crater Youth Care Commission; Natalie Turner, Michael Beeson, Andy Block-Legal Aid Justice Center & UVA School of Law; Dena Potter-AP; Frank Green-RTD; Claire Gastanaga-Equality VA; Crystal Shin, Kate Duvall, Angela Cisif, Cari Carson, Lance Murashige, Priscilla Ocho-Arthus-JustChildren; Lianne Rozzell, Yvonne Byrd, Murphy Thomas-FAVY; Emily Schenck, Hayley Cleary- Voices for VA's Children and Dorothea Peters .

I. CALL TO ORDER

Chairperson Myers called the meeting to order at 9:50 am.

II. INTRODUCTIONS

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

IV. APPROVAL of April 13, 2011 MINUTES

The minutes of the April 13, 2011 Board meeting were presented for approval. Ms. Pacheco stated she would submit a modification to the statements she made regarding One-Stop Programs. On MOTION duly made by Mr. Wilson and seconded by Mr. Dhillon, the minutes were approved with corrections. Motion carried.

V. PUBLIC COMMENT

Kate Duvall-JustChildren spoke on the Department of Juvenile Justice's resident reclassification. She stated that the reclassification system represents a major policy change and that it should not be implemented without Board input and approval. Ms. Duvall thanked the Department for the invitation to be included in a round table meeting and they look forward to that opportunity. She also stated that JustChildren are in support of the comments

that will be made by Claire Gastanaga. Ms. Duvall's written comments will be a part of the June 8, 2011, minutes and will be made available upon request.

Llane Rozzell-FAVY spoke on the Department's new classification system. While FAVY recognizes the need for an appropriate classification system for the youth in DJJ's custody, they are of the opinion that the new classification system is not appropriate for meeting the needs of the residents. Ms. Rozzell said that she too appreciates the invitation from the Department to participate in the round table to discuss matters of policies and procedures within the Department. She said that FAVY also fully support recommendations that Equality Virginia will make regarding maintaining an explicit protection against discrimination based on sexual orientation and gender identity. Additional comments from Ms. Rozzell's will be a part of the June 8, 2011, minutes and will be made available upon request.

Andy Block-Child Advocacy Clinic, UVA—stated that his letter is not on behalf of UVA, but in his capacity as someone who is representing, and will continue to represent, youth currently in the custody of the Department. He voiced his concern that the new classification system ignores the realities of adolescent development and will be seen as unfair and arbitrary by youth in the Department's care. The new system imposes a major, and perhaps insurmountable, hurdle to rehabilitative progress and re-entry preparation. He urged the Board to direct Department staff to put the reclassification process on hold while additional information is gathered to determine a developmentally sound approach to classification. Also asked the Board to direct Department staff to allow the residents, whose classification level has been elevated due to this change, a meaningful opportunity to appeal this classification system. He thanked the Board for their service, for their time and attention to the youth in their custody, and he thanked the Board for their serious attention to the matters that were raised today. Mr. Block's written comments will be a part of the June 8, 2011, minutes and will be made available upon request.

Claire G. Gastanaga-Equality Virginia spoke on the update on the status of regulations governing residential facilities and the fact that public comments submitted on the proposed rules should include in the final rules explicit protections against discrimination and harassment of LGBTQ youth. Ms. Gastanaga's written comments will be a part of the June 8, 2011, minutes and will be made available upon request.

Yvonne Byrd-FAVY stated she is a parent of a child in DJJ's custody. He is expected to be released in December 2011; he is doing well in the facility and school. The family is working with the probation officer regarding release plans for her son. He participates in the REACH program, is in the Diamond phase and is also a part of JROTC. A change in the reclassification can be harmful to her son. Mrs. Byrd said they receive individual and family therapy. Her concern is that her son will lose his status, family therapy and will have to re-establish relationships with the superintendents, counselors and the therapist.

Mr. Wilson asked Chairperson Myers how the Board should proceed in addressing the issues raised regarding reclassification. Chairperson Myers stated that the Board can have a brief discussion at this time. She said that some of the issues raised will require the Board to ask for legal counsel. Ms. Pacheco suggesting allotting time to discuss the reclassification matter. She said since this is her last Board meeting, she wanted to give Department staff an opportunity to respond to some of the questions presented.

Mr. Gooch stated that there is a misconception about the reclassification means and what it will do to the Department and the residents. Nothing that the Department is doing is to the detriment of the residents. The classification system will not have a negative impact in service levels to residents. Department staff has talked with DCE to ensure that there will be

no interruption in service delivery. Issues have been resolved in being able to place the current educational programs and vocational programs at the facilities where the residents will be housed. The only issues that are left open for the educational/vocational side is how many residents will be at a certain place. Department staff cannot give exact numbers at this time. The end result might be that if the Department does not have a replicated program at the facility where the resident will be transferred, then the resident will remain at his current facility. Reclassification does not mean that the resident will not be able to participate in his current programs. There is an override in place for residents who are performing well; the system is not designed to have the resident go “backwards”. Department staff wants to ensure that residents receive appropriate services; classification was originally established because of educational needs. DCE staff has advised that they can still provide educational services. Department staff is in conversation with the Army to establish JROTC programs in all facilities, hopefully within the next 12 months.

Ms. Pacheco asked if this would impact length of stay and what warranted the reclassification? Mr. Gooch stated that it was for a number of reasons. Some residents classified at level 4 and housed at Hanover are with residents who are levels one and two. The Department has a responsibility and obligation to ensure a safe and secure environment for residents and staff.

Much discussion ensued and the Board raised concerns about their role and the fact that they were not briefed on the change. Mr. Gooch advised that since 2000, when the classification system was established, there have been two to three variations of reviews in this policy which did not come before the Board. Ms. Van Cuyk stated that administrative changes generally do not come before the Board for approval. Ms. Pacheco suggested putting an administrative hold on actions of the Department.

Chairperson Myers requested a report at the next board meeting. She said she knows that a committee has been working on this revision for months. She respects the professional integrity of the staff; however there are still questions about this policy. Mr. Wilson said more review is required and requested counsel to layout the Board’s and the Department’s role on this policy. Chairperson Myers asked the Department to coordinate another meeting in June. In preparation for the meeting, Ms. Pacheco asked for a response to Ms. Duvall’s questions/statements. Mr. Wilson said he is interested in the legal opinion of the Attorney General’s Office as well as information on concerns raised by advocates. He also requested notes of what takes place at the advocacy roundtable meeting on June 14. The Board members were asked to let the secretary know of their ability to attend a meeting in June.

Mr. Gooch thanked Ms. Pacheco for her participation on the Board and that the Department appreciates all she has done.

VI. COMMITTEE REPORTS

A. Secure Services Committee

1. Certifications

On MOTION duly made by Mr. Wilson and seconded by Ms. Pacheco to certify Crater Detention Home for three years with a letter of congratulations for 100% compliance. Motion carried.

Northern Virginia Juvenile Detention Center: Audit findings of May 4, 2011, noted that medications were not being administered as prescribed in two out of five applicable medical records reviewed. The facility practices making late entries on the medication administration record. For example, on one record an entry for 4/11/11 was entered after 4/18/11. Planned corrective action is to increase review of all detainee medication records and responsible staff provides proper direction to correctly administer medications as prescribed.

On MOTION duly made by Mr. Wilson and seconded by Ms. Pacheco to continue the current certification status of Northern Virginia Juvenile Detention Home to September 14, 2011, with a status report on compliance with the correction action plan for 6VAC35-51-810E. Motion carried.

2. Issues

Richmond Juvenile Detention Center: In a memo to Dianne Gadow from Lacy Salomone-Sr Capital Projects Manager for Richmond City, the following information was provided: The original contractor (Esitech) who installed the security/intercom system was scheduled to be onsite May 23, 011. Esitech will look at the current system to determine the condition of the existing equipment and make a recommendation to Dewberry (current contractor) as to whether or not any of the existing equipment can be used. An estimated timeline for 60% construction documents and 100% construction documents has been requested.

B. Non-Secure Services Committee: Mr. Wilson commended Mr. Bailey on the new certification format.

1. Certifications

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson, to certify the 30th District Court Service Unit for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Dhillon to certify the following three programs for three years: **12th District Court Service Unit, 20th Court Service Unit-Warrenton and Westhaven Boys' Home.** Motion carried.

2. Issues

Anchor House: At the April 13, 2011, Board meeting, Anchor House was certified for three years with a status report on compliance with the corrective action plan presented at the June 8, 2011, Board meeting. A monitoring visit was conducted February 25, 2011. Compliance was found in all nine of the standards cited during the November 10, 2010, audit. Another monitoring visit was conducted on May 4, 2011. All previous noncompliance issues were found corrected with the corrective action plan being implemented as proposed.

3.

Hampton Place: On May 13, 2011, a follow-up review was completed and all the applicable standards were found in compliance. Hampton Place is operating under an interim program administrator and has made excellent progress in correcting problem areas and developing new procedures to improve the functioning of the

program and services to the residents. There have been many repairs to the facility and it was found to be clean with an emphasis on maintenance.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to continue the current certification status of Hampton Place to November 9, 2011 with a report on the results of a full compliance audit.

4. VJCCCA Plans

On MOTION duly made by Ms. Pacheco and seconded by Mr. Dhillon to amend the FY 2011-2012 VJCCCA plan for the City of Norfolk in accordance with the request to amend. Motion carried.

The following programs have submitted VJCCCA Plans for FY 2012 having previously submitted approved plans for FY2011 only. These FY 2012 plans have been reviewed by staff and are recommended for approval by the Board: Charlottesville, Albermarle, Chesterfield, Frederick, Clarke, Winchester, Fredericksburg, Hanover, Lexington, Buena Vista, Covington, Alleghany, Rockbridge, Manassas, Manassas Park, Prince William, Spotsylvania, Virginia Beach, Chesapeake, Suffolk, Portsmouth, Isle of Wight, Southampton, Franklin City (Tidewater Youth Services Commission), Warren, Westmoreland, Essex, Richmond County, Lancaster, Northumberland, Harrisburg and Rockingham County.

On MOTION duly made by Ms. Pacheco and seconded by Mr. Wilson to approve the abovementioned VJCCCA Plans for the 2012 fiscal year. Motion carried.

Ms. Pacheco stated that it would be wonderful to have a presentation to showcase what these programs do. Mr. Reiner said he would be happy to arrange this for the Board at the Chairperson's direction. Chairperson Myers requested for the next meeting a 5-6 minute presentation from a program of Mr. Reiner's choice.

VII. OTHER BUSINESS

- A. Reentry Status Update:** Regina Hurt-Reentry Coordination Manager –gave an update on the reentry initiative. She said the Department is very excited about the progress that has been made on the reentry initiative. Some of the new programming that has been put into place. The Reentry Strategic Plan was approved by the Governor in January 2011. It is a four-year plan and is based on the intensive juvenile aftercare model and is comprised of eight separate goals. She also suggested that when any of the Board members are in the area, to stop by for a tour of the male and female units at Bon Air JCC. Ms. Hurt suggested that Angela Valentine would possibly make a presentation on the Second-Chance grant at a future meeting. She invited the Board and the audience to view the reentry webpage and solicited articles to be posted on the webpage.

Mr. Wilson thanked Ms. Hurt for the report and said he is excited to hear what the Department is doing to create programs. He stated that it is a good idea to have the Department try to replicate the program across the state, work with the local facilities to try and replicate this program and partner with the advisory committee to look at how title funds can be used to replicate this program elsewhere. Ms. Hurt stated that this will be discussed at the Reentry workgroup meeting of which Ms. Pacheco will be a participant. The workgroup will be meeting on a regular basis to talk about new initiatives and they will work together to roll out new programs. Ms. Pacheco said she is thrilled to see the shift to engage not only the DJJ families but the community

partners as well. She is hopeful that this collaboration will expand. She, too, is interested in training for the partners. She asked Ms. Van Cuyk to determine how to involve reentry into the policy. Chairman Myers thanked Ms. Hurt for her presentation. She is hopeful this program can be used as a model and that the capacity can be expanded. Ideally, she would like to see more of our youth have this experience. Ms. Pacheco suggested having the next meeting at Bon Air JCC or the Reception & Diagnostic Center.

Mr. Gooch advised that Department staff have multiple obligations today and on behalf of Director Holland, she is making a presentation at Senate Finance and that he has to leave at 11:30 today for another appointment in Newport News.

- B. Regulatory Update and Status of 6VAC35-41, 6VAC35-71 and 6VAC35-101:** Ms. Van Cuyk said there are currently seven pending actions going through the Administrative Process Act as well as one on the horizon. After extensive discussion on the status and process for approval of 6VAC35-41-560, 6VAC35-71-550, 6VAC35-101-650 and 6VAC35-150-490, Chairperson Myers suggested discussing this matter at the proposed meeting which is to take place in a few weeks.

On MOTION duly made by Mr. Wilson and seconded by Ms. Pacheco that the Board of Juvenile Justice insists upon the originally proposed language in 6VAC35-41-560, 6VAC35-71-550, 6VAC35-101-650 and 6VAC35-150-490 subject to reenactment at the next scheduled board meeting. The Board respectfully requests that the Department provide the Board with a memo detailing operational impacts of this request, and the Board requests that legal counsel provide a memo detailing the ramifications of this request. Motion carried. Chairperson Myers abstained.

C. Studies Update:

- VJCCCA and Recidivism Study: Mr. Reiner stated that the General Assembly restored \$800,000 to VJCCCA and the Department is required to make a report detailing the nature of the programs provided and the outcomes in terms of recidivism. The first draft of the report which summarizes number of youth served over the past three years and the outcomes as it relates to re-arrests, re-convictions and incarceration is currently under review at the Director's level. Once the report has gone through all levels of approval, the Board will receive a copy. Chairperson Myers said when the report is ready; the Board would love to hear an update.
- Ms. Jessie Turfboer provided the update on the JCCs & Detention Centers Utilization Study. A Juvenile Correctional Center (JCC) Utilization Report was issued in 2011 in response to language included in the 2011 Appropriations Act. As part of this report, the utilization of secure juvenile detention homes (DHs) was also required. The Department of Juvenile Justice (DJJ) reviewed historical changes in the population of committed juveniles and considered additional programmatic changes and needs to enhance transitional programs and reentry services. The complete update will be a part of the June 8, 2011, meeting notes and will be made available upon request.

D. Special Presentations:

- Chairperson Myers read a resolution and presented it to Ms. Pacheco in recognition of her service to the Board of Juvenile Justice. Ms. Pacheco stated that she does not know if she has made a difference in her time on the Board, but the Board members and DJJ staff have made a tremendous difference in her life.

- Chairperson then read a resolution and presented it to William Muse in recognition of his former role as counsel to the Board of Juvenile Justice and the Department of Juvenile Justice. Mr. Muse thanked the Board.

VIII. Director's Comments.

No comments from the Director due to her required attendance at and presentation to the Finance subcommittee meeting.

IX. Board Comments.

There were no additional comments from the Board.

XI. NEXT MEETING

The next meeting will be held on Wednesday, June 30, 2011 at the Department of Juvenile Justice Central Office.

XI. ADJOURN

Having no other business, the meeting adjourned at 1:10 pm without objection.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary