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Barbara J. Myers, Vice Chairperson
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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 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. 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 went on to encourage the Board to continue to be open to participation by the families even though families were not present at this evening meeting.

Kandise Lucas
Ms. Lucas discussed the teachers behind bars organization – educators witnessing non compliance with regard to special education issues. 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 system (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. 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 someone's life. Mr. Penn is writing a book on the Internal Devastation Disorder (IDD) and the External Devastation Disorder (EDD). Mr. Penn ended by citing that juveniles are crying out for help, many have been abused and we can do better.

Dr. Marla Crawford
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.

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

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. Several monitoring visits were conducted and at the time of the report, it was recommended that Beaumont be placed on probation due to one outstanding medical issue. The issue centered on a resident medical service request which was not responded to in the proper time frame. Another

review was conducted on March 27, 2013, of the medical service request for residents – 20 of those requests were reviewed and all 20 were perfectly documented and responded to in a timely fashion. We would like to change our recommendation to certify Beaumont for three years.

Mr. Bailey was asked by the Board if he felt satisfied with the review and recommendation. Mr. Bailey stated that the standard, in reference to probation, was a mandatory standard and the facility had to demonstrate 100% compliance. 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 standard received was non compliance. But on the last review performed, Beaumont demonstrated 100% compliance.

The Board discussed whether three years was an appropriate timeline to certify and whether or not the Department would review their medical procedures during that time. Mr. Bailey reported that they will continue reviews at a minimum every six months. They will review past deficiencies as well to make sure they remain in compliance.

The Board was concerned that even though the facility was in compliance now, will the Department still be monitoring them and could the Board ask for status reports. Mr. Bailey stated that staff will continue the six month audit and yes, 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 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 told the Board that if a mandatory deficiency was found on a monitoring visit, then the facility is required to file a corrective plan. We would then go back and assess if they have implemented that corrective plan and if it involves a life/health/safety issue then we are required by regulation to bring it to the board's attention.

On MOTION duly made by Dr. Myers and second by Mr. Wilson to certify Beaumont Juvenile Correction Center 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 second the MOTION. The MOTION was carried as amended.

2. Issue: Culpeper Status Report

This is a status report on Culpeper Juvenile Correctional Center. Culpeper was placed on probation at the November 2012 meeting. The Certification Analyst conducted a follow up status review in December 2012 and found that the facility was demonstrating compliance. A status review was conducted on February 20, 2013, and found that they were continuing demonstrating

100% compliance. Although there is no motion before you, the Department would recommend that they be removed from probation at this point and certified for one year.

Mr. Phipps stated that Culpeper would have to be certified for three years, not one. There is a caveat in the Code that is ambiguous.

The Board asked Mr. Bailey if the Department would visit Culpeper 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 Juvenile Correction Center 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 Analyst 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 the process with the new forms was in place. Mr. Bailey recommended certification of the Fairfax Shelter Care II.

A question was asked about the variance issued 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. Eventually, 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. Issue: 6th District CSU

A monitoring visit was conducted on February 27, 2013, and the Unit was found in compliance. No action.

Issue: 31st District CSU

Last April, the Unit had one repeat deficiency from a previous audit regarding supervision plans. A monitoring visit was conducted on Feb 12, 2013, and the Unit 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. One of those changes was to remove the designation of mandatory regulatory requirement which will be renamed as "critical regulatory requirement" in the certification regulations and vest that authority into the Board. Those regulations are currently at the executive branch review in the final stages 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. We are 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. So it was requested that the Board place in the June Board meeting agenda designation of critical regulatory requirements. The Board agreed.

B. Regulatory Update

We have 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 facility has closed. Residents, staff, and the treatment programs have already been moved to Beaumont. This was completed a couple weeks ago. Next step in the process is the Hanover facility. Those residents will be relocated to other Juvenile Corrections Centers 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, the RDC will move to the former Oak Ridge. 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, 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 Hanover soon. The training unit located at Oak Ridge will move to Hanover. The next step for the Oak Ridge facility is to collapse older buildings.

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 us to have a Superintendent of Schools that reports to the Director. 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 DCE 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 Deborah 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.