



COMMONWEALTH of VIRGINIA

Members
Kenneth G. Feng
John E. Harding
Jorge Lozano
A. V. Maddra
Connie W. Seagle
John A. Wasowicz
Thomas Wilkins

Board of Juvenile Justice

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Richmond, Virginia
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700 Centre
Board of Juvenile Justice Meeting
January 5, 2000

Present: Kenneth G. Feng
 John E. Harding
 Jorge Lozano
 A. V. Maddra
 Connie W. Seagle
 John A. Wasowicz
 Thomas Wilkins

I. CALL TO ORDER

The meeting was called to order by Connie Seagle, Chairperson, at 9:55 AM. She introduced the new Director for Department of Juvenile Justice, Mr. Carl Peed, and the new Chief Deputy Director, Mr. David Marsden. New Board members were also introduced: Messrs. Jorge Lozano, Kenneth Feng, Thomas Wilkins, and A. V. "Buck" Maddra. These gentlemen were sworn in by Ms. Marty Kilgore.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Harding, the Board approved the Agenda with the revisions requested by Ms. Seagle. Revisions were to postpone discussion of LOS Guidelines to the February meeting; delete Other Business, Item F. Legislative Update, and include discussion of Board Calendar for 2000. Motion carried.

III. APPROVAL OF MINUTES

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, the Board approved the Minutes for the November 10, 1999, meeting.

IV. COMMENTS OF PUBLIC

Public comments were made during the meeting as agenda items were presented.

V. COMMITTEE REPORTS

A. Secure Services Committee

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to certify Highlands Detention Center for three years. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to certify Natural Bridge Juvenile Correctional Center for three years with a status report in march 2000 on compliance with CORE 4.59 and BJJ 760. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to continue the certification of Fairfax Detention Home to February 2000 pending receipt of a corrective action plan and resolution of variance requests. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to certify Hanover Juvenile Correctional Center for three years. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to amend the Board's November 1996 motion approving the James River Juvenile Detention Center Planning Study to adjust the recommended state reimbursement for construction, contingent on the appropriation of funds by the General Assembly and based upon its revised per bed reimbursement cap as adopted at its November 1999 meeting, in the amount of \$3,641,400. The prior approval was for 53,120,000 in state reimbursement for 60 new beds. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to amend the Board's September 1997 motion approving the Blue Ridge Detention Planning Study to adjust the recommended state reimbursement for construction, contingent on the appropriation of funds by the General Assembly and based upon its revised per bed reimbursement cap as adopted at its November 1999 meeting, in the amount of \$2,403,800. The prior approval was for \$2,080,000 in state reimbursement for 40 new beds. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wasowicz, to amend the Board's May 1998 motion approving the Rappahannock Juvenile Detention Center Planning Study to adjust the recommended state reimbursement for construction/renovation, contingent on the appropriation of funds by the General Assembly and based upon its revised per bed reimbursement cap as adopted at its November 1999 meeting, in the amount of \$4,193,178. The prior approval

was for \$3,762,678 in state reimbursement for 59 additional beds. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wilkins, to amend the Board's November 1999 motion approving the Crater Youth Care Commission Detention Center Planning Study to adjust the recommended state reimbursement for construction/renovation, contingent on the appropriation of funds by the General Assembly and based upon its revised per bed reimbursement cap as adopted at its November 1999 meeting, in the amount of \$3,486,871. The prior approval was for \$3,111,172 in state reimbursement for 48 additional beds.

Mr. Clinton Strong, Crater Youth Care Commission Chairman, furnished further background on the request. The Board discussed the legalities, fiscal implications, and other concerns related to this motion. This issue will be revisited at the next Board meeting. Motion carried.

B. Non-Secure Services Committee

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Feng, to certify Oasis House for three years. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Harding, to certify the 20th District Court Service Unit for three years. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Maddra, to certify the Girls' Group Home for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Harding, to certify the Goochland County Office on Youth for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Harding, to certify the Newport News Youth Services Commission for three years. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Maddra, to certify the Pulaski Office on Youth for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Feng, to certify the 17th District Court Service Unit - Arlington for three years with a status report in 90 days on compliance of record checks. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Feng, to certify the 17th District Court Service Unit - Falls Church for three years. Motion carried.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Feng, to certify the 18th District Court Service Unit for three years. Motion carried.

Mr. Wilkins commented on the certification process. Mr. Bailey clarified the process, which includes a facility's self-evaluation to identify problem areas prior to DJJ's certification/audit team visiting the facility. This will be further discussed in February.

VI. OTHER BUSINESS

A. CORE Revisions

Mr. Don Carignan explained the requested revisions to the CORE standards. Ms. Charlene Vincent was also present to answer questions. The Board discussed the advisability of postponing this issue. Due to January 15 deadline that would impact three other agencies (Mental Retardation & Substance Abuse, Social Services, and Education), it was deemed necessary to take a vote.

On MOTION duly made by Mr. Wasowicz, seconded by Mr. Harding, to (a) approve adoption of the revised Standards for the Interdepartmental Regulation of Residential Facilities for Children (22 VAC 42-10-10 et seq.) and (b) terminate the current Standards for the Interdepartmental Regulation of Residential Facilities for Children (6 VAC 35-50-10). Motion carried.

B. Resolution 99-12-01

Mr. Carignan explained the request for guidance from the Board to allow the Certification Unit to draft a calendar to address certifying and monitoring programs.

Mr. Wasowicz moved, and Mr. Feng seconded, that the motion be approved. The Board discussed several concerns regarding the resolution. Mr. Howard suggested that a systematic approach involved in the monitoring of all programs be presented to the Board at the February meeting.

Mr. Wasowicz withdrew his recommendation that the motion be approved. The resolution will be addressed at the February meeting.

C. Stun Technology Demonstration

Mr. Harding explained to the new Board members his request to find out more about stun technology as a process to totally eliminate any damage to ward or staff. He did not intend to put forward a motion, but just wanted to look at technology that is available to control wards without anyone getting hurt.

Ms. Lisa Walker, Training and Development Manager, introduced Captains Yvette Johnson and Carlos Hernandez of the Department of Corrections. Capt. Johnson distributed booklets published by the company, Stun Technology. Models of the stun device were available for inspection. Capt. Johnson then explained the training, procedures, certification of officers as well as statistics involved in using the devices. Capt. Hernandez demonstrated the stun shield and the arm/leg restraint cuffs. The Captains further explained the physiological effects of stun technology and answered questions from the Board. The Board stressed that this demonstration was for informational purposes only and that there was no indication to adopt such technology or to vote on it.

The Board also discussed the use of pepper spray.

Ms. Priscilla Budieri of the Virginia Poverty Law Center distributed a handout of information opposed to the use of electro-shock weapons.

Persons who spoke in opposition to stun technology were:

Dr. Kathleen Kenny, Associate Director of Office of Justice and Peace, Catholic Diocese of Richmond;
Professor Adrienne Volenik of the Mental Disabilities Law Clinic (handouts);
Jodi Longo of Amnesty International (handouts); and
Mark Schindler, Staff Attorney with Youth Law Center in D.C.

Mr. Wasowicz read from the letter from the Human Rights Watch:
"The Virginia Board of Juvenile Justice will consider a proposal tomorrow to permit the use of electroshock devices in juvenile facilities." He stated that that is misinformation and untrue. The Board has not considered a proposal and there is no such recommendation.

D. DCJS Certification Requirements

Ms. Lisa Walker, Training and Development Manager, distributed a handout regarding obtaining DCJS certification for DJJ's training. She further explained all the ramifications involved in obtaining certification and the difficulties presented by Code specifications. DJJ's curricula and training standards were addressed. The Board discussed lack of training academy space, personnel shortage, and the training budget.

Ms. Walker extended another invitation for Board members to visit the Cedar Lodge Training Center.

E. Virginia Family and Juvenile Laws and Rules Annotated (Edition 1999)

Deron Phipps, Legislative Liaison, distributed the new handbook.

F. Legislative Update

Deleted. Will be included in the February Board meeting.

G. Budget Update

Barry Green, Deputy Director of Finance and Administration, introduced Messrs. Steve Pullen and Bill Hill. These gentlemen distributed handouts and discussed the budget. The General Assembly budget process was discussed.

H. Detention Home Reimbursements

See motions included in Secure Services Committee, V., A.

I. Board Calendar for Year 2000

Ms. Seagle asked that Board members review their schedules, especially for the April and October Board meetings as they may be conducted at other sites - April in Natural Bridge and October in Abingdon. This issue will be discussed in more detail at the February meeting.

VII. DIRECTOR'S COMMENTS

Mr. Peed said that he has been meeting and talking to people. He sees his appointment as a challenge, not a problem. Teamwork will be the key to working with the Governor and the Board. He feels the DJJ staff is very professional, knowledgeable, and competent. He wants to see the agency move forward.

He discussed the HWC+ controversy and advised that he was suspending the HWC + component pending review of the matter by the new Board members. This topic will be discussed at the February meeting.

Mr. Peed said there will be a top-to-bottom review of the organization - hiring and qualifications of staff, training - quality and how people are trained.

He is looking forward to serving the Commonwealth and working with the Board and staff.

VIII. COMMENTS OF BOARD

Mr. Harding proposed that the former Board members receive a plaque and resolution. Rev. Wherry's will be mailed to him as he was invited to the January meeting. Col. Baker and Sheriff McCabe will be invited to the February meeting for a presentation.

Ms. Seagle advised the new Board members to see Kelly Gargas, the Director's Special Assistant, for expense report guidance. She recognized Mr. Harding for his

willingness and for doing an outstanding job when representing the Board at the Commission on Youth meeting in December. She advised that committee assignments and elections for a vice chair and secretary will be conducted at the February meeting. Board elections will be held in June.

IX. EXECUTIVE SESSION

It was not necessary to hold an Executive Session.

X. ADJOURN

On MOTION duly made by Mr. Maddra, seconded by Mr. Feng, to adjourn the meeting at 1:30 PM. Motion carried.

Respectfully submitted,

/s/ Patricia F. Rollston

Patricia F. Rollston