



COMMONWEALTH of VIRGINIA

Kenneth G. Feng, **Chairman**
A V. Maddra, **Vice Chairman**
Richard A. Sparks, Jr., **Secretary**
Kim S. Downing
Jorge G. Lozano
Alexander Vogel, Esq.
Thomas A. Wilkins

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Board of Juvenile Justice

**Department of Juvenile Justice Board Room
Richmond, Virginia
Board of Juvenile Justice Meeting
January 8, 2003**

Present: Kim S. Downing
Kenneth Feng
Jorge Lozano
A. V. Maddra
Richard Sparks

Absent: Alex Vogel
Tom Wilkins

I. CALL TO ORDER

The meeting was called to order at 10:05 a.m. by Chairman Feng.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Maddra, seconded by Mr. Sparks, the Board approved the Agenda for the January 8, 2003, meeting. Motion carried.

III. INTRODUCTIONS

The following detention superintendents, representatives of the Virginia Council on Juvenile Detention (VCJD), were in attendance: Alan Hullette, George Corbin, Robert Hurt, and JoAnne Smith. Janet Areson of the Virginia Municipal League was also in attendance. All were welcomed to the meeting.

IV. APPROVAL OF MINUTES

On MOTION duly made by Mr. Maddra, seconded by Mr. Sparks, the Board approved the Minutes for the November 13, 2002, meeting. Motion carried.

V. COMMENTS OF PUBLIC

No comments were made.

VI. COMMITTEE REPORTS

A. Secure Services Committee

On MOTION duly made by Mr. Maddra, seconded by Mr. Sparks, to certify the Natural Bridge Juvenile Correctional Center for three years. Motion carried.

B. Non-Secure Services Committee

On MOTION duly made by Mr. Sparks, seconded by Ms. Downing, to certify the 3rd District Court Service Unit for three years. Motion carried.

On MOTION duly made by Mr. Sparks, seconded by Ms. Downing, to certify the Girls' Group Home for three years and change the name to the Susan Bundy Girls' Group Home. Motion carried.

On MOTION duly made by Mr. Sparks, seconded by Ms. Downing, to certify Stanhope House for a period of one year. Motion carried.

On MOTION duly made by Mr. Sparks, seconded by Mr. Maddra, to approve rent reimbursement to the Tidewater Regional Group Home Commission for its administrative offices in the amount of \$2,648, or 50% of the monthly expense, retroactive to October 1, 2002. Motion carried with one abstention.

VII. OTHER BUSINESS

A. American Bar Association Report Analysis

A synopsis of the findings and the report itself were distributed to the Board members.

Mr. Jones said that the Department is using this information as more than a report, but more of an opportunity to improve operations within court systems and court service units, etc. He, Tim Howard, and Deron Phipps met with the Deputy Director of the Public Defender's Commission, which provides representation to the majority of indigent juveniles in the system, to collaborate to improve those areas of deficiency identified in the report. If successful in finding a patron, the Commission will introduce a bill into this session of the General Assembly that relates to an earlier appointment of counsel for juveniles. It would not be DJJ's bill, but it would be a bill that we would obviously track very carefully and try to determine its impact upon our operations in the juvenile courts.

Mr. Feng asked that this topic be placed on the next agenda for further questions that Board members may have after reading the Report.

Mr. Phipps discussed the key areas of findings of the ABA Report – juveniles' waiving right to counsel, localities with public defender offices vs. localities without that use court-appointed attorneys pertaining to representation for juveniles; lack of adequate training for public defenders and private court-appointed counsel; inadequate resources, support staff, and investigators; inappropriate referrals (mental health issues); schools referring truants to court with resulting detention time; over-reliance of court service units with conflicting roles of probation officers; abuse of prosecutorial discretion; and overrepresentation of race/minorities in the juvenile justice system. Mr. Howard discussed the risk assessments used to determine needs of youth and the graduated sanctions. (Ms. Downing asked for more information on the assessment tools at a future meeting.) Mr. Pullen said the Data Resource Guide will be submitted soon and all instruments are included.

B. Code of Ethics Presentation

Mr. Carignan discussed the development of the Code of Ethics and gave a background of the process and related contacts. He also discussed the request for a Code of Conduct for ethical behavior. The Board's policy, which was adopted at an earlier meeting, is based on the Board's authority from Code of Virginia 66-10 to develop and establish programmatic and fiscal policies governing the operation of programs and facilities for which the Department is responsible by law. Basically, the Board told the Department to have a Code of Ethics and, if necessary, to develop a Code of Conduct. The Board's policy is designed to enable the Director to issue appropriate directives to employees concerning ethics and behavior.

C. Reimbursement of Psychological Fees

Mr. Carignan discussed how the Code of Virginia allows for reimbursement for fees incurred for psychological evaluations for juveniles who are before the court. The Board has the authority to set parameters for the reimbursement schedule. The Department will advise judges that there is a pool of X amount of dollars available for reimbursement on basis of court-ordered examinations. When that money is exhausted the Department will not be able to reimburse. He discussed the process to address unusual circumstances. Mr. Pullen discussed the revenue problems involved. Mr. Howard said judges and court service units would be made aware that the Department had limited funds. Mr. Pullen said funds allocated amounted to \$175,000, but the Department has been spending around \$325,000. The overrun has been financed by vacant positions, etc. With the decreased budget and elimination of positions, no additional funds will be available. The money will be allocated on a first-come, first-serve basis. Courts will probably examine more closely the parent's ability to pay or insurance coverage availability. Mr. Howard said the courts with higher rates for use of psychological services would be scrutinized to determine what is happening. Mr. Jones said that as he visited various court service units, he also met with judges and discussed funding issues. He said judges are quite understanding of the fiscal restraints that bind the Department and are adapting. Mr. Lozano discussed

passing the responsibility to locales and judges and if they say no the Department ought to be able to have a Plan B for handling this problem. Mr. Howard said there are a lot of local mental health services, but the bottom line is if a youth really needs an assessment, he will get it by exploring other avenues. However, the existing utilization of those services will be analyzed to determine if, in fact, we may be able to reduce utilization of assessment in cases where it may not be quite as necessary. These proposed changes have nothing to do with the judge's ability to order evaluations. Judges will simply have to look for payment elsewhere. Ms. Downing said judges usually work closely with the probation officers who may have to practice more case management to find services in the community, such as maybe a social worker could do a psycho-social assessment and get the same information at less expense.

On MOTION duly made by Mr. Maddra, seconded by Mr. Sparks, to adopt the policy on fees for psychological services. Motion carried.

D. Budget Reduction Impact Update

Mr. Pullen provided the Board with a handout and discussed the 7-11-15% reductions, which resulted in a \$42 million reduction for this year and \$44 million for next year. Also, layoffs effective as of December 9, resulted in 15 employees actually being laid off because there were no places for them. After all the reductions that have been taken, DJJ has about 110-115 fewer positions than two years ago.

He also handed out copies of the most recent Travel and Reimbursement Expenses policy information.

E. Board Member Attendance

As Mr. Wilkins was absent, this item will be raised at the next meeting.

Mr. Feng said that all members should be present at the next meeting so that a group picture can be taken for the website. He announced that Alex Vogel will submit his resignation from the Board. A discussion ensued regarding a new Board member, preferably a female from the rural area. Mr. Jones will convey the desire for geographic and gender diversity to the Governor.

VIII. DIRECTOR'S COMMENTS

Mr. Jones discussed the layoffs and subsequent impact in the Department. He discussed his travels around the state visiting the local court service units. He said he, along with Mr. Howard and Ms. Gholston, had been working on a compromise detention funding formula. Those detention superintendents present agreed that the new funding formula was fair.

He also addressed the issue of water shortage and showers. He said DJJ is still under conservative water usage, but did advise the Secretary of Public Safety that the Department was in conflict of its standards regarding showers. In the meantime, the Chief Physician was concerned with the increased instances of skin disease – not contagious, but episodic. Upon his recommendation, the daily

showers were reinstated effective January 1 for health reasons. DJJ has not received a waiver, but with the other conservation practices, the criteria for water usage reduction has been maintained. However, monitoring of water usage will continue.

Mr. Jones discussed the long service provided to the Department and young men entrusted to its care by Mr. Henry Jordan who passed away this week. He proposes to name the transitional group home that is to be established on the Beaumont JCC campus as "Jordan House" in honor of his memory.

As the General Assembly is upon us, Mr. Jones discussed how involved the Department will be for the next two months. He said he will stress the fact that the Department can withstand no more reductions. A report will be given to the Board on the results of the legislation and impact on DJJ.

He will resume visits to court service units after the Assembly adjourns. He said the Executive Staff held a retreat to identify challenges to the Department. He also mentioned upgrading the Department's computer system and the concern over the consolidation of all information technology units from all departments because DJJ has unique needs that may not be met; especially the Juvenile Tracking System (JTS). He said a strategic plan needs to be discussed to assess and review where the Department stands.

IX. COMMENTS OF BOARD

Mr. Lozano expressed concern that everyone work together to fulfill the objective to help the youth by being positive and more creative in addressing changes.

Mr. Maddra thanked Mr. Jones for the immediate response concerning the detention funding issue. Mr. Muse responded to Mr. Maddra's question regarding a quorum and after reading the statute (66-9) said the majority of the current membership would constitute four for six or seven members and three for five members.

Mr. Feng requested that "need to know" and "right to know" be included in the language for the Virginia Juvenile Justice Information System (6 VAC 35-160), which is in the public comment stage now. This packet will be brought back to the Board for approval.

Mr. Feng said the next Board meeting will be Wednesday, April 9, at 9:00 AM in Richmond.

X. EXECUTIVE SESSION

An Executive Session was not called.

XII. ADJOURN

On MOTION duly made by Mr. Maddra, seconded by Mr. Sparks, to adjourn the meeting at 12:05 PM. Motion carried.

Respectfully submitted,

Patricia F. Rollston