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# COMMONWEALTH of VIRGINIA

*Department of Juvenile Justice*

**DEPARTMENT OF JUVENILE JUSTICE**

**Central Office**

**Richmond, Virginia 23219**

**November 10, 2004**

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

## **I. CALL TO ORDER**

The meeting was called to order promptly at 10:00am by the Board Chairman, Richard Sparks.

## **II. APPROVAL OF AGENDA**

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, the agenda was approved, with a recommendation to move the Moratorium for Detention construction from "Other Business" to before the Committee Reports. Motion carried.

## **III. INTRODUCTIONS**

Guests included Alan Hulette, Superintendent for the Roanoke Valley Juvenile Detention Center; Honorable J. Stephen Buis, with the Juvenile and Domestic Court in Richmond, Virginia; Kay Frye, DJJ; Jack Scott, Director of the Crater Detention Home; Pat Carrington, Director of the James River Juvenile Detention Center; Joe Campbell, Director of the Chesterfield County Detention Home; Tim Smith, Shenandoah Valley Detention Home; Nancy Ross, Director of the Richmond Juvenile Justice Services; Roger Wiley, Crater Detention Home; Dalee Thomas, Director of Richmond Detention Home; Pete Withers and Cary Patterson, Directors of Virginia Beach Detention Facility; Michael McMahon, Department of Planning and Budget; Ann Smith, member of the Merrimac Commission; Angie Craig, VCU Student Clinical Alternatives; Vernon Harry, Inspector General with DJJ; Barry Green, Assistant Secretary of Public Safety; Tyrone R. Jackson, Director of Human Resources', and Deborah Jackson, Director of Training with DJJ.

## **IV. APPROVAL OF MINUTES**

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, the minutes were approved for the September 8, 2004, Board meeting. Motion Carried.

## COMMENTS OF PUBLIC

### A. Policies and Related Standards for Juvenile Residential Facilities

Mr. Carignan stated that the Board has issued for public comments its Standards for Juvenile Residential Facilities. The public comment period expires Friday, November 12, 2004. We will continue to receive comments until then and report on those at the next Board meeting scheduled for February 9, 2005.

The current drafted standards are enclosed in the Board packets. The document presents the proposed text changes to the Standards for Juvenile Residential Facilities in a continuous left-hand column, with proposed additions underlined and proposed deletions stricken through. In the right-hand column, next to each standard, three kinds of information are provided: **Board Policy, ACA Standard and Comments.** This arrangement allows the Board to see the actual text changes in context, along with additional relevant information that may be useful in making a final decision about the wording of a standard.

### B. Board Standards for Juvenile Residential Facilities

Comments were offered on the Residential Standards. The comments will be summarized and published in the Regulatory Town Hall in accordance with the Administrative Process Act.

## V. COMMITTEE REPORTS

### A. Secure Services Committee

#### 1. Certifications

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz, to grant a conditional certification valid for six months to the Virginia Beach Juvenile Detention Center. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Puritz to continue the current certification status of Oak Ridge Juvenile Correctional Center to February 2005 pending the receipt of an approved corrective action plan. Motion carried.

#### 2. Other Issues

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett to approve the Richmond Detention Home Reimbursement request, which states, The Board of Juvenile Justice, in accordance with Section 16.1-309.5 of the Code of Virginia and in accordance with Item 443A. of the Appropriations Act, approves the security enhancement project at the Richmond Juvenile Detention Home. The total amount for this project is \$87,100, of which the State share is \$43,550, not to exceed fifty percent of the final project cost. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett to approve security enhancement project at the Crater Juvenile Detention Home which states, The Board of Juvenile Justice, in accordance with Section 16.1-309.5 of the Code of Virginia and in accordance with Item 443 paragraph A of the 2004 Appropriations Act, approves the security enhancement project at the Crater Juvenile Detention Home. The total amount for this project is \$488,149, of which the State share is \$244,074.00, not to exceed fifty percent of the final project cost. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Ms. Puritz, seconded by Ms. Winslett to approve the series of security immediate and emergency security enhancement project which states, The Board of Juvenile Justice, in accordance with Section 16.1-309.5 of the Code of Virginia and in accordance with Item 443 paragraph A of the 2004 Appropriations Act, approves the series of security enhancement project at the Northern Virginia Detention Home. The total amount for the project is \$1,206,550, of which the State share is \$603,275 not to exceed fifty percent of the final project cost. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. Mr. Turpin abstained on this issue. Opposed by Ms. Downing. Motion carried.

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

### **1. Certifications**

On MOTION duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the 14<sup>th</sup> District Court Service Unit for three years and approve a variance to 6VAC35-150-320 when transfers are made between Henrico Juvenile Detention Home and James River Juvenile Detention Home. Motion carried.

On MOTION duly made by Ms. Downing, seconded by Ms. Pacheco, to certify the 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> District Court Service Unit for three years. Motion carried.

On MOTION duly made by Ms. Downing, seconded by Ms. Pacheco, to approve Blanket Variance to Standard 6 VAC 35-150-335 (Informal Supervision) as outlined on pages 138-139 of the agenda. Motion carried.

### **1. Other Issues**

On MOTION duly made by Ms. Downing, seconded by Ms. Pacheco, to certify Hampton Newport News less Secure Detention for one year with a full audit and report to the Board in November, 2005. Motion carried.

## **VI. OTHER BUSINESS**

### **A. Virginia's Long-Term Youth Services Policy**

The Code of Virginia gives the Board of Juvenile Justice the power and the duty "1. To develop and establish programmatic and fiscal policies governing

the operation of programs and facilities for which the Department is responsible under this law [and] 2. To ensure the development and implementation of a long-range youth services policy.”

The Board is invited to participate in the formulation of the long-term policy for youth services by scoring each of the brainstormed elements in the draft working document.

Comments were asked to be submitted before the February 9, 2005, meeting and it will be sent to the Board members electronically.

## **B. Moratorium for Detention Construction**

At the request of the Board at their previous meeting, Michael McMahon, analyst for the Department of Planning and Budget gave the background of the moratorium for new detention construction pursuant to Section 16.1-309.5 of the Code of Virginia. The moratorium was put into effect at the end of the fiscal year 2003. The state was going through serious revenue problems. Evidence suggested that there were more detention beds than actually needed and language was put into the Appropriations Act imposing a moratorium for new funding of detention construction and other residential facilities. There was a clause stating that the Board could approve those projects deemed to be of an emergency nature. No definition of “emergency” is provided. The Board has the authority to make that decision with DJJ providing justification for the emergency nature of the needed project. Once the Board has approved a project, DJJ requests the funding in the Governor’s budget, providing substantial documentation, during the specified budget request period.

Also impacted by the moratorium are “other residential facilities. Two resolutions, involving the replacement of two group home facilities, have been passed by the Board at previous meetings. The intent of the resolution was to document Board support for these projects while funding could not be requested. At which time the moratorium may be lifted, those localities, impacted by the resolution, could come back before the Board to request reimbursement. The General Assembly may be considering the impact of the intent of the moratorium on these “other residential facilities”.

## **VII. DIRECTOR’S COMMENTS**

The General Assembly recommended a few years ago that the Culpeper Juvenile Facility not be funded and an executive decision was made to maintain operational status at Culpeper. The staff and appropriations committee with the General Assembly has been instrumental in developing language for this utilization plan, so the department could be funded to a level which would be optimum.

This report was presented to the Senate Finance Committee, which expresses the long term goals of the Department. The forecasting process has determined that the anticipated population of juveniles coming into the Department will hover for the next five years at slightly more than 1,000 annually. It was recommended that the Culpeper facility which is under utilized should be maximized and Barrett Juvenile Facility be “mothballed”. It would not go out of control of the Department, but DJJ would maintain “caretaker” responsibility until it can be reactivated. The employees were assured that

every effort would be made to accommodate them at different facilities. The plan requires that this be implemented over a period of time.

On October 26, 2004, there was a local report on television which resulted from one of our employees at Beaumont Juvenile Correctional Facility and complaining that wards were able to tamper with the locks on some of the pods and gain exit from the pod, and that put staff at security risk. DJJ responded that they were aware of the locking problems and had previously dispatched the maintenance staff to the problem. They were not able to do what was necessary in the long term. We then engaged another firm to access the situation, which is moving forward. The situation is still an on-going investigation.

Director Jones commented on a Washington Post article stating that there were no regulations existing for youth leaving juvenile correctional facilities and re-enrolling in the school system. There was a state law passed in 1996 that required the Department of Education to formulate regulations to insure that when a juvenile is released from a juvenile correctional center their re-entry back into the local school division is done on a prompt basis, within five days of the release of that juvenile. Those regulations were never completed. JustChildren is looking at transition issues with kids being released from correctional facilities back into the community. They are working with several of DJJ's juveniles trying to get them back into the community. Presently every local education entity has its own process for getting kids back into the school system after release. The State Board of Education put together a taskforce to immediately draft regulations, which will be a uniform policy throughout Virginia insuring that when a juvenile is released from a correctional center, we can re-enroll the child back into the school system as quickly as possible.

#### **VIII. BOARD COMMENTS**

Ms. Pacheco commented on the gang conference she hosted at the Landmark Theatre for the City of Richmond 2004 Summer Youth Program. Ms. Pacheco presented Director Jones with a certificate of appreciation on behalf of the City of Richmond for his participation as guest speaker for this program and his work with youth in general.

Mr. Pullen stated that the preliminary recidivism rate has reduced by 3% for this year. The Research and Evaluation Department is producing several research quarterly publications which will be available shortly.

The Annie E. Casey Foundation is the upfront driver on a lot of the programs being introduced. Through the Foundation, we are using different methods to expedite kids out of the detention centers.

Bruce Twyman commented that the new DJJ Newsletter is available on the website.

#### **IX. APPROVAL OF CALENDAR 2005**

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, the calendar for 2005 was approved.

The next Board meeting will be held at the Department of Juvenile Justice's Cedar Lodge facility in Richmond, Virginia, on February 9, 2005.

**X. ADJOURN**

On MOTION duly made by Ms. Downing and seconded by Mr. Turpin, the meeting was adjourned at 12:25pm.

Respectfully submitted,

Barbara A. Jones