



COMMONWEALTH of VIRGINIA

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James S. Turpin, Chairman
Courtney A. Penn, **Vice Chairman**
Justin M. Wilson, **Secretary**
Marjorie S. Arrington
Barbara J. Myers
Aida L. Pacheco
Patricia Puritz

Board of Juvenile Justice

Board Meeting
Merrimac Detention Center
9300 Merrimac Trail
Williamsburg, Virginia
September 12, 2007

Present: James Turpin Barbara Myers Courtney Penn
Marjorie Arrington

DJJ Staff Present: Barry Green, Steve Pullen, Tim Howard, Janet Van Cuyk, Deron Phipps, Vernon Harry, William Davenport, Scott Reiner, Michael Morton, Ken Bailey, Ed Murray, Sam Abed, Joanne Smith, Susan Heck, Bruce Twyman, Lt. Reason, Major Washington, and Deborah Hayes.

I. CALL TO ORDER

The meeting was called to order at 10:05 am by Chairman Turpin.

II. INTRODUCTIONS

Mr. Turpin called for introductions of attendees prior to proceeding. In attendance were: Dawn Smith, Assistant Secretary of Public Safety, Brooke Williams (extern, OAG), Bill Muse (OAG), Alison Crane (JustChildren), Erin Bumgarner (UR Law), Melissa Goemann (UR Law), Mr. & Mrs. Globigs (parents), Jim & Pam Goodin (parents), Abigail Turner (JustChildren), Linda Kaufman (parent), Charisa Smith (JustChildren), Liane Rozzell (parent), Andy Block (JustChildren), Kim Downing (former board member), Frank Green (RT-D), and Kristen Gelineau (AP reporter).

Chairman Turpin introduced Marjorie Arrington as the newest Board member and asked her for a brief introduction. Ms. Arrington said she is a Deputy Commonwealth's attorney for the city of Norfolk, prior to this position, she was in Suffolk. She has prosecuted in Portsmouth as well as having worked as a staff attorney for Legal Aid. She currently resides in Chesapeake and has three children.

Chairman Turpin also announced that Justin Wilson has been elected to the City Council in Alexandria and was unable to attend the meeting because he is attending council training with the city of Alexandria.

Chairman Turpin then recognized Kim Downing, former Board of Juvenile Justice member and vice chair. He read the plaque and on behalf of the Board of Juvenile Justice thanked her for her service to the Commonwealth and the children we serve. Ms. Downing thanked the Board for their recognition and stated that it was indeed an honor and pleasure for her to serve.

Mr. Turpin then read a resolution for Joanne Smith, Superintendent of the Merrimac Detention Center. Resolution read as follows:

RESOLUTION
State Board of Juvenile Justice

September 12, 2007

WHEREAS, Joanne Smith has served the people of the Commonwealth of Virginia with distinction and dedication as Superintendent of the Merrimac Detention Center, and

WHEREAS, Joanne Smith has served the members of the Virginia Council on Juvenile Detention in the capacity of President, and

WHEREAS, Joanne Smith played a key role in implementing policy to reflect program enhancements and the changes to Virginia's juvenile statutes designed to protect the public, holding juveniles accountable for their actions, and affording those juveniles the opportunity for reform; now, therefore, be it

RESOLVED that the State Board of Juvenile Justice hereby recognizes Joanne Smith for her vision, leadership, and effectiveness in participating in Virginia's juvenile justice system.

Chairman Turpin announced that Ms. Smith will retire effective December 31, 2007. She has done a great job and will be missed. Ms. Smith thanked the Board for their recognition.

III. APPROVAL OF AGENDA

IV. APPROVAL OF June 13, 2007 MINUTES

On MOTION duly made by Ms. Myers and seconded by Mr. Penn, the minutes of the June 13, 2007 Board meeting were approved as submitted. Motion carried.

V. PUBLIC COMMENT PERIOD

Mr. Turpin read the Board's revised position on the public comment period. Ms. Deborah Stewart, Mr. James Goodin, Ms. Liane Rozzell and Ms. Linda Kaufman contacted DJJ central office to register to speak to the Board. Ms. Stewart was not present. Mr. Turpin also noted that a letter was sent from the Virginia Council on Juvenile Detention.

Mr. Goodin spoke first on behalf of his son. Mr. Goodin's presentation is on file with the board minutes in Central Office and will be available upon request.

Ms. Rozzell and Ms. Kaufman spoke on behalf of the Beaumont Parent Group. Ms. Rozzell's and Ms. Kaufman's comments are filed in Central Office and will be made available upon request.

Ms. Abigail Turner (JustChildren) had two matters to present to the Board. (1) She spoke in support of the Families and Allies for Virginia's Youth (FAVY) and (2) spoke about the Board policies. She stated they appreciate the diligence of the Chair and the Board in passing policies and encourage the Board and the Department to ensure that the public, to include parents of incarcerated youth, have access to the policies and procedures that govern the operation of the juvenile correctional centers. Both of Ms. Turner's letters will be filed with the board minutes and available to the public upon request.

Chairman Turpin thanked the parents and the advocates for their concern for the youth and taking time to present to the Board.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On MOTION duly made by Ms. Myers and seconded by Mr. Penn to certify Chesterfield Juvenile Detention Home and Post-dispositional Program for three years. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Mr. Penn to certify Shenandoah Valley Juvenile Center for three years, adding a stipulation to the certificate allowing the facility to accept 18 year olds into the Community Placement Program (technical adjustment). Motion carried.

On MOTION duly made by Ms. Myers and seconded by Mr. Penn to grant a blanket variance to **22 VAC 42-10-720 G** for juvenile residential facilities, eliminating the requirement that the actual time of the administration of the medications to be documented in the medical record. Chairman Turpin asked Ken Bailey for clarification on this variance. Mr. Bailey said when the Board adopted the as a mandatory standard a few years ago, the requirement for the actual time was not included in the standard. It was adopted December 2006 as one of the emergency regulations. Since then, DJJ has found out from the Board of Nursing that this is not an acceptable practice and that there is a time range that is entered into the medical record and that it creates a particular problem in large residential facilities where nurses may give any number of medications at one time and then go back log in the time medication was given to each of the patients. The proposed regulations, which are before the Board today for final approval, eliminate this as a requirement. Therefore DJJ is asking for a variance so that the Certification staff will not have to cite programs for non-compliance between now and December. He is under the opinion that the other three boards are going to approve the regulation as written, eliminating this requirement. Motion carried.

On MOTION duly made by Ms. Myers and seconded by Mr. Penn to grant a blanket variance to **6 VAC 35-140-260** for all juvenile residential facilities for staff who do not directly supervise residents. Staff are allowed to assume their non-direct care job duties pending the results of the fingerprint request if the following conditions are met: (1) the CPS check and criminal background check have been completed; (2) the applicant is given written notice that continued employment is contingent on the fingerprint check results; and (3) non-direct care staff hired under this exception shall work under the supervision of staff whose background checks have been completed. Motion carried.

B. Non-Secure Services Committee

Certifications

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify the 11th District Court Service Unit for three years. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify the 16th District Court Service Unit for three years. Chairman Turpin noted that this is the court service unit in Charlottesville that we certified for one year because they had a

long list of deficiencies. Chairman Turpin stated that a letter of commendation should be sent to the CSU commending them for the great job they've done clearing up the deficiencies. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify Abraxas House for three years and send a letter of commendation. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify the Centerville Group Home Program for three years. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms. Myers to certify the Community Attention Group Home for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Mr. Penn and seconded by Ms Arrington to certify Opportunity House II until September 7, 2009. Motion carried.

C. Other

- **Request to Modify VJCCCA Plans**

- a. On MOTION duly made by Mr. Penn and seconded by Ms. Arrington to amend the FY07-08 VJCCCA plan for the York County Combined plan in accordance with the Request to Amend. Motion carried.
- b. On MOTION duly made by Mr. Penn and seconded by Ms. Arrington to amend the FY07-08 VJCCCA plan for Grayson, Carroll and Galax Counties in accordance with the Request to Amend. Motion carried.
- c. On MOTION duly made by Mr. Penn and seconded by Ms. Arrington to amend the FY07-08 VJCCCA plan for Pittsylvania County in accordance with the Request to Amend. Motion carried.
- d. On MOTION duly made by Mr. Penn and seconded by Ms. Arrington to amend the FY07-08 VJCCCA plan for Fluvanna County in accordance with the Request to Amend. Motion carried.
- e. On MOTION duly made by Mr. Penn and seconded by Ms. Arrington to amend the FY07-08 VJCCCA plan for Henrico County in accordance with the Request to Amend. Motion carried.

VII. OTHER BUSINESS

A. Art Presentation

Resident "B" (Bon Air JCC) thanked the Board for inviting her to the meeting and stated that it is an honor to have been selected to present her painting. Resident "B" said she has found art to be relaxing and it helps her to think. She also thanked her art teacher, Ms. Beasley, for encouraging her. She drew a lion and to her it represents strength. Resident "B's" speech will be filed with the Board of Juvenile Justice September 12, 2007 minutes and will be made available upon request.

B. APA Audit

Mr. Pullen stated that in FY2006, the Auditor of Public Accounts audited DJJ and found three management points (1) improve separation of duties over

cars; (2) update leave activity in CIPPS in a timely manner; and (3) strengthen controls over capital projects. The proposed corrective action plan has been submitted to and accepted by the Auditor of Public Accounts. Mr. Pullen will have to certify the end of September that progress is being made on the corrective action plan and Mr. Green will have to certify in December that the corrective action has been completed.

C. Ombudsman Presentation

Susan Heck, Ombudsman for the Department, described the Ombudsman Program and the way its key components provide an overall system of advocacy. These components include the program's staff, the Grievance Procedure, the Grievance Procedure orientation for residents and staff using the Grievance Procedure video and the Grievance database.

The program's staff represents the most important element of the program. Each correctional center has at least one grievance coordinator (Bon Air and Beaumont each have two coordinators) who is responsible for collecting, investigating and resolving grievances. Grievance Coordinators also advocate on behalf of residents in other areas and provide a sounding board for problems before they get to the grievance level.

The Grievance Procedure is the tool given to incarcerated youth to alert a facility's administration when there is a misinterpretation or misapplication of a department or institutional policy or procedure. It provides a formalized process to deal with residents' complaints, and the grievance coordinator in each facility manages this part of the program. Residents write grievances which are placed in locked grievance boxes in the facility. Grievance coordinators pick up and investigate the grievances, determining if they are founded (a policy or procedure was not followed) or unfounded. Grievance coordinators meet with residents to explain what happened and what remedy will be put in place.

Grievance coordinators also provide resident and staff orientations using a video produced by the department two years ago. The video ensures consistency in the training and information given to residents and staff.

The grievance database is used to track various issues in all facilities. Information from the database was helpful recently in making a decision to return to facility run food services.

The program now has a toll free number and a brochure which will be included in packages sent to parents by RDC after residents are committed.

D. Policy Review

Mr. Phipps reviewed the policies to be rescinded. On MOTION duly made by Mr. Turpin and seconded by Mr. Penn to rescind the following board policies effective September 12, 2007, as they have been incorporated in the Virginia Administrative Code, are covered in the Virginia Code, or have been deemed unnecessary:

- 05-200 Background Investigation of Personnel
- 06-001 Training Program
- 06-002 Department Orientation for New Staff
- 12-001.2 Licensure and Certification of Health Care Staff
- 12-001.16 Standing Orders, Direct Orders and Protocols

- 14-008 Plumbing and Toilet Facilities
- 16-003 Fire Prevention in Residential Facility and Furnishings
- 18-011 Control of Hazardous Equipment

Policy 20-106 – Discipline Plan was moved to the second review block.
Motion carried.

Policies presented to the Board for the second review. Each policy is accompanied with the Department's recommendations for the Board's consideration. The Department will recommend action to be taken on these policies at the November 14, 2007 Board meeting. On MOTION duly made by Ms. Arrington and seconded by Ms. Myers to move the following policies from the second reading to the third reading:

- 01-001 Board Policies and Standards
- 01-002 Directives System
- 02-008 Policy Implementations
- 02-010 Staff Involvement in Developing Policies, Procedures and Programs
- 02-002 Media Relations
- 02-003 Communications Media Access to Individual Juveniles
- 02-004 Communication of Serious Incidents
- 02-012 Funding for and Utilization of Secure Detention Facilities and
- 02-013 Organizational Communication and Reporting
- 02-014 Inspection and Reviews of Juvenile Residential Facilities.
- 18-020 Inspections in Residential Facilities
- 02-017 Meals Provided Employees, Guests, and Volunteers in Juvenile Correctional Centers
- 12-001.22 Emergency Health Care Training
- 02-012 Funding for and Utilization of Secure Detention Facilities
- 02-012.1 Board Approval of Local Block Grant Proposals
- 02-006 Applications for Federal Funds
- 02-012.2 Virginia Juvenile Crime Control Act Plans: Maintenance of Effort
- 04-002 Official Travel
- 05-015 Essential Services and Personnel – Inclement Weather
- 06-008 Continuing Education and Professional Association

MOTION carried.

State Board policies presented for first review. On MOTION duly made by Chairman Turpin and seconded by Ms. Myers to move policies forward for second consideration:

- 02-024 Collaboration with Colleges and Universities
- 03-002 Program Investigations by the Department
- 03-005 Academic and Vocational Accreditation
- 03-007 Internal Audit Function
- 03-007.01 Reporting Theft and Fraud to Internal Affairs
- 07-002 Needs Evaluation
- 07-003 Demonstration Program
- 07-004 Statewide Plan for Residential Care Facilities
- 08-003 Review of Juvenile Records in Halfway Houses
- 08-006 Accountability for File Entries

MOTION carried.

E. Interpretation Services

Janet Van Cuyk stated that at the last Board meeting, Mr. Howard reviewed the different processes that are in place for the language assistance services. The Board requested DJJ to develop a draft proposal for consideration. Ms. Van Cuyk reviewed the language. On MOTION duly made by Chairman Turpin and seconded by Ms. Myers to give preliminary approval, add Interpretation Services policy to the agenda and give final approval at the November meeting. MOTION carried.

F. Variance Request for VAC 35-140-260 (acted on in the Secure Services Committee Certifications)

G. CORE Regulations

Action requested: The State Board is requested to consider and adopt the standards for Interdepartmental Regulation of Children's Residential Facilities, 22 VAC 42-11, for executive review and publication. The proposed regulation was published in the VA Register on May 28, 2007 and was followed by a 60-day public comment period. The public comment period began on May 28, 2007 and ended July 27, 2007. The Board of Juvenile Justice is the first Board of the promulgating agencies to review and adopt the regulation. The regulation will be reviewed by the Board for the Department of Education on September 26, 2007, the Board for the Department of Mental Health, Mental Retardation, and Substance Abuse Services on October 4, 2007 and the Board for the Department of Social Services on October 17, 2007. On MOTION duly made by Mr. Penn and seconded by Ms. Arrington to adopt the CORE Regulations. MOTION carried.

VIII. DIRECTOR'S COMMENTS

Mr. Green shared some statistics regarding recidivism. He said that the information he shared is on DJJ's website and it is information that's shared with the General Assembly, Money Committees within the GA, and the Governor's Office. He said that DJJ's Research Department conducted a survey approximately two years ago which compares Virginia to other states. Research and Evaluation received approximately 26 responses. Compared to the states who responded, Virginia is above average in recidivism rates. He stated that anyone who is interested in recidivism can find this information in the Data Resource Guide (DRG). The DRG is broken out by sex, race, re-arrest, reconviction and those who are recommitted whether to DJJ or to a jail. Mr. Green said that DJJ has put several programs in place to prepare our youth to function in their homes and communities. He said DJJ is doing a lot of positive things for the good of the youth and he feels that things are improving. He said it is important that DJJ work with our local partners to enhance what's started in the facilities.

Mr. Green shared information about the budget shortfall. It is expected that revenues will be short in the next biennium as well as the current FY2007-2008. The Governor has asked all state agencies to prepare a 5% reduction plan. DJJ expects to take cuts and is trying to make cuts which will do the least amount of damage, however, it is expected that DJJ will continue to move forward. He distributed copies of the Governor's August 20 statement to the Board members.

Mr. Green shared that the Department has been working with the Department of Corrections (DOC) to determine how to provide transitional services for juveniles who were committed through the circuit court and how they will be transitioned into the DOC.

Mr. Green said a Memorandum of Agreement has been signed between DJJ and the Department of Rehabilitation Services to station a counselor full time at Culpeper (this is where most of the youth who were convicted as adults are housed). This is to try to pre-qualify the residents for services so that the services are available the day the residents leave DJJ. Rehab Services can provide some benefits, services and help with housing so it is critical for the older youth to receive these services as DJJ cannot spend money on them once they are considered an adult and leave the juvenile facility.

Mr. Green advised that DJJ had a day-long softball tournament August 22. All of the facilities had teams who participated. Beaumont JCC won the championship. On September 19, youth will be picked from each of the facilities to make up a team and they will play against DJJ management.

An Academic Bowl will be held November 14, 2007.

Chairman Turpin asked for clarification on the status of Culpeper Detention Home. Mr. Green stated that as of July 1, 2007, the state no longer operate this facility. It is being converted for use as a transitional program for the older youth who are committed as adults and are over the age of 18.

IX. BOARD COMMENTS

Mr. Turpin stated that he attended, along with Director Green, the board chairs meeting held by the Secretary of Public Safety on procedures and processes for the boards. He will attend the Detention Superintendents meeting to be held September 13. He advised that the next meeting will be held in Lynchburg at the Lynchburg Regional Juvenile Detention Center. He said the detention superintendents will discuss who wants to host the Board meetings at the detention meeting on September 12.

X. NEXT MEETING

The next meeting will be held at the Lynchburg Regional Juvenile Detention Center in Lynchburg, VA on Wednesday, November 14, 2007.

XI. ADJOURN

Having no other business, the meeting adjourned at 12:15 p.m.

Respectfully submitted,

Deborah Canada Hayes
DJJ Board Secretary