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COMMONWEALTH of VIRGINIA

Board of Juvenile Justice

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DEPARTMENT OF JUVENILE JUSTICE Culpeper Juvenile Correctional Center June 14, 2006

Present: James Turpin Courtney Penn
 Aida Pacheco Patricia Puritz

I. CALL TO ORDER

The meeting was called to order at 10:10 am by Mr. Turpin, Chair. Mr. Turpin introduced Crystal Wynn, Superintendent of the Culpeper Juvenile Correctional Center. He said Culpeper is a unique facility. Mrs. Wynn welcomed everyone to Culpeper. A brief tour of the facility would be conducted after the meeting.

II. APPROVAL OF AGENDA

The agenda was accepted as presented.

III. INTRODUCTIONS

Mr. Turpin called for introductions of people in attendance at the meeting. Guests-Alexandra Puritz, Tammy White, Jennifer White, Carl Shelton, Fran Shelton, DJJ-Scott Reiner, Marilyn Miller, Linda McWilliams, Deron Phipps, Pat Rollston, Detention Homes-Michael Murphy, Charles Edward, Tim Smith, George Corbin, Just Children-Amy Ward, Andy Block

IV. APPROVAL OF MINUTES for April 12, 2006, 2005 (Pages I-VII)

On Motion duly made by Ms.Puritz, seconded by Mr. Penn, to approve the minutes of the Board meeting held April 12, 2006. Motion carried.

V. COMMENTS OF PUBLIC

Other

Tim Smith spoke on behalf of the Virginia Council on Juvenile Detention VCJD). He presented a copy of his remarks to the Board. Mr. Smith addressed the Board relative to citations involving exceeding licensed capacity and the use of “empty” detention beds as an expected or appropriate plan of action. Previously, citations for non-compliance with terms of license were issued at the time of an audit if, during the days of the actual audit, a facility’s population exceeded that of its licensed capacity. Recently, the Certification Unit changed their monitoring of just this standard and citations are given if a facility’s monthly average daily population exceeds their licensed capacity for any month in the previous 13-month period. When citations are given, there is an expectation for a corrective plan of action. Because there is a moratorium on state funding for detention construction, the only plan of action available to detention superintendents is moving residents to “empty” detention beds in other facilities. Mr. Smith said on any given day, there is an average of only 50 empty funded beds available (4%) of the Commonwealth’s total. These beds geographically could be 200 miles from a center needing a bed. Transporting a child is a liability each time a child is required to be transported to court, a medical appointment or mental health treatments. The distance from a child’s local detention center could also impact the child’s access to his attorney, counselor and parent visitation. Mr. Smith said they appreciate and understand the Board’s concern for the well-being of the children, as they share this value, however, just because a facility exceeds its licensed capacity does not mean poor conditions result. He said there are other issues that come up that relate to the conditions of confinement that are just as important as overcrowding. He asked the Board to look at this issue, and help VCJD to come up with an appropriate and best solution.

Mr. Turpin said one thing that came up at the meeting that he was not aware of was that as more youth get waived to adult court, they end up in the juvenile detention center. Mr. Smith said if a youth has a serious crime and is waived up to a circuit court, the length of stay is probably a minimum of nine months, up to twelve months or more if it is a serious crime. Youth do not stay for 15 days, which adds to the overcrowding issues. Mr. Smith also pointed out detention people have zero input into the receipt of a youth. If the court orders it, detention must take the youth.

Mr. Turpin reminded the group that long term stay was not the intent of detention and the facilities are not designed to do that. Mr. Turpin said he wants to have a broader discussion on this subject later and wants to refer this to the secure committee that Mrs. Puritz chairs. Marilyn Miller will work with Mrs. Puritz. Mr. Turpin said the topic will be discussed at the next meeting or even the November meeting. Mr. Turpin asked Mr. Smith to be the point of contact.

Mrs. Fran Shelton, who has a daughter in the juvenile system, spoke about the difference between Culpeper and Bon Air JCCs as it relates to physical activity, religious exposure and involvement in positive activities. She also commented on the limited job training for female wards as they are only offered culinary art and plumbing. She commented that Bon Air has a work release program, and she is planning to petition the courts to allow her daughter to participate in work release. She asked for additional information on sight and sound separation.

Mr. Green stated there is no work release program at Bon Air. However, there is an internal work program and DJJ is trying to do more for the girls. He said it is necessary to adhere to the federal government's rules and regulations as monies depend on adherence regarding sight and sound. He said it is expensive to maintain juveniles, however, DJJ is looking at more programs to help prepare the juveniles for their return home.

Mrs. Linda McWilliams, Superintendent, Bon Air JCC, responded to Mrs. Shelton's concerns and shared the following: (1) Students who are sight and sound separated are receiving the same opportunities for recreation as all other wards. All wards are afforded the opportunity for large muscle exercise daily. Additionally, wards are given the opportunity to participate in scheduled recreation activities four times each week. (2) All wards are given the opportunity to participate in chapel services every Sunday. Volunteers are assigned to each housing unit and visit monthly. Additionally, volunteers provide monthly birthday parties and special events, to include baptisms.

Mrs. Puritz said the Board was briefed at the last meeting by visitors who raised the issue of recreation. The Board was asked to look at recreation in greater depth. She said DJJ staff reported to the Secure Services Committee today that they've been back to Bon Air; visited several units on the issue of recreation; (though not on the other issues raised by Mrs. Shelton), and were very pleased with the progress and improvements that Bon Air has made. Mrs. Puritz stated Mrs. McWilliams attended the Secure Services Committee and echoed the findings of DJJ staff and shared that they are now more fully staffed. There are more opportunities for recreation with the increase in daylight hours. Mrs. McWilliams further shared with the Committee that the girls get up at 5:00 a.m. for physical fitness and that there are scheduled times for physical training (pt). Mrs. Puritz said DJJ staff and the Committee were satisfied that the recreation piece for the girls was moving along. Mrs. McWilliams said there was one correction, in that every other day for a ninety minute block there is PT as opposed to three times a day. Mr. Green clarified that the Bon Air review was conducted by the Certification Unit.

Mrs. Puritz asked Dr. Michael Ito to give the Board a verbal update on Beaumont. Dr. Ito said Beaumont is continuing to progress towards a full certification audit in November. A sanitation inspection was conducted last week and the verbal report received from Mr. Jackson was that they were very pleased with the living areas and that there have been remarkable improvements. Dr. Ito said the Henry Jordan dining hall dedication was a very significant event. Mr. Jordan (now deceased) volunteered at Beaumont for over 40 years. Mrs. Pacheco also attended the dedication. She said this was a very positive event, very well organized and very well attended. Mrs. Pacheco thanked Dr. Ito for the invitation. Mr. Green said we need to do a better job of notifying our Board members of activities like this.

VI. COMMITTEE REPORTS

A. Secure Services Committee

Certifications

On Motion duly made by Ms. Puritz, to certify Loudoun County Juvenile Detention Center and Post-dispositional Program for three years. Motion carried.

On Motion duly made by Ms. Puritz, to certify Newport News Detention and Post-dispositional Program for three years. Motion carried.

On Motion duly made by Ms. Puritz, to certify Norfolk Detention Home and Post-dispositional Program for three years. Motion carried.

On Motion duly made by Ms. Puritz, to certify Richmond Juvenile Detention Center for three years. Motion carried.

Mr. Turpin asked that a letter be sent to Richmond and Norfolk Detention Centers congratulating them on the improvements they have made in addressing their issues.

B. Non-Secure Services Committee

1. Certifications

On Motion duly made by Mr. Penn to certify the 5th District Court Service Unit for three years. Motion carried.

On Motion duly made by Mr. Penn to certify the Discovery House for three years. Motion carried

On Motion duly made by Mr. Penn to certify Virginia Wilderness Institute for three years with a letter of congratulations for 100% compliance. Motion carried.

On Motion duly made by Mr. Penn to approve the relocation of the Apartment Living Program to 2293 Lynnhaven Pkwy., Virginia Beach, Virginia and closure of the Salem House Program. The Apartment Living Program will be renamed the Transitional Living Program. Motion carried.

2. Certification Issues

Charlottesville Family Oriented Group Home Program

(FOGH): Michael Murphy spoke on behalf of the Charlottesville FOGH. Roger Wiley, attorney for detention homes, encouraged the Board to certify this program. Ken Bailey, Certification Manger, said CORE regulations state that the Board would only certify programs that are part of the juvenile justice system. As FOGH is not being funded through the juvenile justice system, its

not considered to be a part of it. Mike Murphy certified to the Board that funds approved in the 2007 VJCCCA plan for “Supervision Plans” would be used to fund placements at the Charlottesville Family Oriented Group Home Program. The Board continued the current certification status of the program to June 30, 2007, to allow adequate time for the program to pursue another means of licensure.

3. VJCCCA Plans

On Motion duly made by Mr. Penn, to approve the VJCCCA Plans for the FY07-FY-08 biennium be approved for the following counties/cities: Accomack, Northampton, Alleghany, Covington, Amelia, Amherst, Arlington, Bath, Bedford County/City, Bland, Botetourt, Campbell, Caroline, Charlotte, Appomattox, Buckingham, Charlottesville, Albemarle, Chesterfield, Colonial Heights, Craig, Culpeper, Danville, Dinwiddie, Emporia, Brunswick, Greensville, Sussex, Fairfax County/City, Falls Church, Fauquier, Fluvanna, Franklin County, Frederick, Clarke, Winchester, Fredericksburg, Giles, Goochland, Grayson, Carroll, Galax, Greene, Halifax, Hampton, Hanover, Harrisonburg, Rockingham, Henrico, Highland, Hopewell, King George, King William, Charles City, King & Queen, Middlesex, New Kent, Lexington, Buena Vista, Rockbridge, Loudoun, Louisa, Lynchburg, Madison, Manassas/Manassas Park, Martinsville, Henry, Patrick, Mecklenburg, Montgomery/Floyd, Nelson, Newport News, Norfolk, Nottoway, Orange, Page, Petersburg, Pittsylvania, Powhatan, Prince George, Prince William, Pulaski, Radford, Rappahannock, Roanoke City, Roanoke County, Salem, Shenandoah, Spotsylvania, Stafford, Surry, Tidewater Regional Group Home Commission: Chesapeake, Franklin City, Isle of Wight, Portsmouth, Southampton, Suffolk, Virginia Beach, Warren, Washington, Bristol, Smyth, Russell, Buchanan, Waynesboro, Augusta, Staunton, Westmoreland, Essex, Lancaster, Northumberland, Richmond County, Wythe, York, Gloucester, James City, Williamsburg, Matthews, Poquoson. Approval is contingent upon monies being appropriated by the General Assembly. Motion carried.

On Motion duly made by Mr. Penn, that the VJCCCA Plans for the FY07-FY08 biennium be approved contingent upon receipt of the required certifications, affirmative support letters and resolutions for Alexandria. Motion carried.

On Motion duly made by Mr. Penn, that Richmond City be granted provisional approval to continue operating programs previously approved by this Board until September 30, 2006. Motion carried.

VII. OTHER BUSINESS

A. Gang Presentation (Marilyn DiPaolo) - verbal

Ms. DiPaolo passed around a Blood gang knowledge notebooks and a sample of the Phoenix curriculum. She said she wanted to let the Board know what DJJ is doing in response to the gang issue. She said OJJDP just released their latest annual youth gang research. They report that in rural areas there is a small decrease in agencies reporting gangs. In smaller and larger cities there's some increase in the number of gang problems. On a national perspective—in 2002, there were 21,500 gangs and in 2004, they are seeing 24,000 gangs. In Virginia we are dealing with gang migration which is also being seen on a national level. DJJ will be required to identify all gang members in our system and provide names to the Commonwealth Attorneys Services Council who will pass these names on to all Commonwealth's Attorneys. Over the last two months, over 300 DJJ staff was trained on how to intervene with our gang-involved youth and our youth at risk of gang involvement. We also want to ensure that staff recognizes gangs and gang signs. Thus far, we have trained representatives from the CSU's, all JCC counselors, security staff, some of our JCO's and some DCE staff. DJJ has instituted a program which teaches youth life skills and how to safely get out of gangs. This program addresses some of the issues mentioned today. We have established criteria to identify gang participants. This information will be entered into a database and shared.

B. Proposed Standards for Interdepartmental Regulations of Children's Residential Facilities (22 VAC 42-10)

Chief Deputy Director Abed said the purpose of the CORE was to get each board of the various agencies which operate or fund children residential facilities and group homes to pass regulations to streamline the process of regulating the different facilities. The legislature requires that these regulations be passed by the various agencies, of which DJJ is one, and the coordinating agency is the Department of Social Services. Ken Bailey represented DJJ on this committee. This is the second review by the Board, however, the legislature has made some additions that are noted in a letter that precedes the regulations. Mr. Abed asked that questions be directed to Mr. Bailey. Mr. Bailey said these are emergency regulations which take effect once the four boards approve. The effective date is December. He said the regulations the Board approved in 2004 are still in the Governor's Office and have not been approved for final public comment. These emergency regulations cover things that are required by Code out of this last legislative session. The Department presented language that is specifically required by the Code and revised some of the regulations the Board looked at in 2004 to include things required by the current Code. These emergency regulations are being presented at the Dept. of Social Services Board meeting today as well.

On Motion duly made by Mr. Penn, and seconded by Mrs. Puritz, that the Board of Juvenile Justice approve the emergency regulations governing Standards for Interdepartmental Regulation of Children's Residential Facilities (22 VAC 42-10). Motion Carried.

C. Proposed Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles (6 VAC 35-180)

Mr. Abed said the Board has reviewed these regulations previously as well and that changes have been made. (Mr. Phipps distributed revised copies) He said these, too, are being driven by the legislature. These regulations are more specific to mental health youth and require the different groups that are involved with mental health services to come together and design a plan for each child, determine how the plan will be implemented, how it will be funded and the responsibility of each party. Scott Reiner represented DJJ on this committee. Mr. Andy Block, a committee member, said he thought the meetings were very productive. His only question is there still a provision that the plan be implemented within seven days. Mr. Reiner said the regulation states that the plan needs to be ready to be implemented as it is written. The services need to be ready to be implemented upon release. Mr. Turpin said a public comment hearing will be held at a future Board Meeting.

On Motion duly made by Mr. Penn, and seconded by Mrs. Pacheco, that the Board of Juvenile Justice approve the proposed regulations governing Mental Health Services Transition Plans for Incarcerated Juveniles (6 VAC 35-180).

D. Proposed Regulations Governing Juvenile Work Release Programs (6 VAC 35-190) Mr. Abed said there are a few changes which are laid out in the letter preceding the regulations. The biggest change is that previously the regulations stated that the director had to review cases of murder and manslaughter. Now all violent felonies will be reviewed by the director or his designee. Mr. Green said they are looking to expand this program beyond the Natural Bridge JCC.

On Motion duly made by Mr. Penn, and seconded by Ms. Puritz, that the Board of Juvenile Justice approve the proposed regulations governing Juvenile Work Release Programs (6 VAC 35-190). Motion carried. A public comment hearing will be held at a future Board Meeting.

Public Comment Revisted

Mr. Block shared his concern about SOP 108. He asked DJJ to take a look at the content of this policy as it sends a very bad message. Second, he said he hopes the Board feels that it is within its purview to look into the information sharing policy. Third, Mr. Block said it sounds as if Bon Air JCC is making progress with the outside recreation and asked that they continue to work with the young girls. He said they also need to decide if the girls have the same access to career training as the boys.

Liz Ryan, Campaign for Youth Justice, distributed briefing materials to the Board. She asked the Board to rescind the SOP 108 policy and review and consider the materials presented to the Board:

Dwayne Betz, Campaign for Youth Justice, gave background information on his experience in the juvenile and adult systems.

Jennifer White, recently released from Bon Air JCC, said Bon Air had two programs which were helpful: a substance abuse program and an anger management program. However, the programs were not long enough. She said the institutions need more programs that will help with life skills such as getting an apartment or a car. She said it would be helpful if the girls were taught how to get a job. They have too much free time.

Length of Stay Guidelines (Virginia Code Section 16.1-285 and 66-10)

Mr. Abed said the comment period on these guidelines was completed. One comment was in a letter from Ms. Eileen Gray. Mr. Phipps said the action today is essentially a NOIRA--Notice of Intent to Revise the LOS guidelines and to allow for public comment to be submitted. DJJ staff will begin the process of revising the length of stay guidelines. The Board will be asked for permission to publish the drafted guidelines in the Virginia Register. Mr. Green read 66-10, Powers and Duties of the Board. He said the APA process is not required. It is a policy statement to be used as guidelines that the Board issues. Mrs. Puritz will represent the Board on this workgroup

Mr. Turpin asked Mr. Green to address the waiver part of SOP 108. Mr. Green said DJJ has nothing to do with the initial certification of a juvenile as an adult. A few of the juveniles are statutorily transferred and the prosecutor has discretion in virtually all of the cases. He said DJJ might have input if a youth commits an offense in a DJJ facility if it is a threat to security. It doesn't necessarily mean that anyone will go to court for it. If someone came from a circuit court, is committed to DJJ and an incident happens, staff calls Virginia State Police. The decision ultimately is that it will be prosecuted by the local prosecutor. If the youth came to DJJ from circuit court, they will go back to circuit court as he is an adult. DJJ does not control which court hears a case; there may be behavior which requires an adult sentence.

Mr. Block says he is particularly concerned about the way the policy is written. (1) If it is not happening, we don't need this language, (2) not saying charges cannot be filed, just that the way this is written can affect the youth and (3) changing the language does not diminish the authority of the courts to what want they want to do. Mr. Murray stated the SOP was an attempt to let staff know that youth who are obviously beyond being amenable to treatment, beyond control and have assaulted numerous staff, that DJJ will take some action to protect the people who work with the youth. Mr. Green says he believes the greatest concern is the wording, not the intent. He agrees that the policy needs to be rewritten.

E. 2006 General Assembly Legislative Summary (Handouts)

Mr. Phipps presented a first draft of a legislative handbook that he and Mr. Muse will use to conduct statewide training this summer on new legislation enacted by the 2006 General Assembly session. This document will be available on line. The Crime Commission created a juvenile justice subcommittee last year and had nothing to do with juvenile justice. This year, however, that committee will focus, for the first time, on juvenile justice. This will be a very powerful, very important committee. HB 847 and Senate Bill 561 are the Crime Commission bills on gangs, which creates a database for gang information and allows DJJ to share certain gang related information with law enforcement during the conduct of a criminal investigation. The sex offender bill—SB 559—is approximately 15 bills rolled into one. This bill will require DJJ to notify the State Police of a sex offender in one of the juvenile correctional centers. When that juvenile sex offender leaves the facility, then we have to notify that juvenile sex offender of his obligation to register with the State Police if convicted in circuit court and required to register, or if he is adjudicated delinquent in juvenile court and required to register as a sex offender.

VIII. DIRECTOR'S COMMENTS

Mr. Green said DJJ had a Managers' Leadership Conference, which was attended by DJJ staff, Mrs. Pacheco, Mr. Turpin and local staff outside the agency. The purpose of the meeting was (1) to improve communication within and outside the agency and (2) to revise the strategic plan, which is focused primarily on youth succeeding. One major measure will be recidivism. It will focus on what happens to a youth when released from DJJ and preparing him for the real world after DJJ. He advised that Mr. Abed is chairing a workgroup that consists of a number of individuals from the agency and DCE. We will complete these revisions by the middle of August. He highlighted the positives such as the contributions given by wards at Oakridge, the ceremony for the Henry Jordan building dedication at Beaumont, and graduation exercises being held at Culpeper, Beaumont, and Bon Air, respectively. Mr. Green has talked to the Secretary of the Commonwealth regarding the need for a new board member.

Mr. Turpin commented on the presentation by Joe Riddick to the VCJD group on the Avian Flu Pandemic. He said he would like to have a presentation on the contingency plan for Avian Flu either at the next meeting or the November meeting.

Mrs. Pacheco asked Marilyn DiPaolo if DJJ is part of the statewide gang taskforce and the AG's gang awareness campaign. Ms. DiPaolo responded that she and Mr. Abed sit on the Governor's Interagency Gang Workgroup. They keep the workgroup informed about what DJJ is doing and coordinate efforts for joint training.

IX. BOARD COMMENTS

Mr. Turpin said DJJ's strategic planning conference was excellent and should be conducted annually, particularly in bringing in the outside players. Mr. Turpin met with the Virginia Council on Juvenile Detention in Harrisonburg last week. He said he thinks that they are a very valuable and important part of the system and process. He said the Board's next meeting is in Grundy at the Virginia Wilderness Institute. He suggested that the Board have a mini-retreat. The Board can meet that evening with Mr. Muse and senior staff and look at the purviews of the Board, what constitutes policy and procedures and what we're empowered to do.

Mrs. Pacheco thanked Mr. Block and Ms. DiPaolo for their presentations. She said she's really interested in learning more about the gang initiative. She thanked Mr. Green for inviting her to speak at the Henry Jordan building dedication ceremony.

Mr. Turpin said the professionals in this business are not guards, they are correctional officers. To a true correctional professional, being called a guard is offensive. He asked that we refer to them as correctional officers or JCO's.

X. ADJOURN

The meeting adjourned at 1:30 PM.

Respectfully submitted,

Deborah Canada Hayes