Heidi W. Abbott, Chair
Tamara Neo, Vice-Chair
Karen Cooper-Collins, Secretary
Tyren Frazier
David R. Hines
Helivi L. Holland
Robyn Diehl McDougle
Dana G. Schrad
Kenneth W. Stolle

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COMMONWEALTH of VIRGINIA

Board of Juvenile Justice

DRAFT MEETING MINUTES

January 6, 2015

Main Street Centre
600 East Main Street, 12th Floor, Conference Room SOUTH
Richmond, Virginia 23219

Board Members Present: Heidi Abbott, Karen Cooper-Collins, Tyren Frazier, David Hines, Helivi Holland, Robyn Diehl McDougle, Dana Schrad

Board Members Absent: Tamara Neo, Kenneth Stolle

Department of Juvenile Justice (Department) Staff Present: Kenneth "Ken" Bailey, Andrew "Andy" K. Block, Jr., Lisa Floyd, Daryl Francis, Wendy Hoffman, Jimmy Horn, Jack Ledden, Joy Lugar, Riley Matsen, Mark Murphy, Margaret O'Shea (Attorney General's Office), Barbara Peterson-Wilson, Deron Phipps, Ralph Thomas, Angela Valentine, Janet Van Cuyk

Guests Present: Jeree Thomas (JustChildren Program), Kandise Lucas

CALL TO ORDER

Chairperson Heidi Abbott called the meeting to order at 9:42 a.m.

Chairperson Abbott conveyed a point of personal privilege to honor Dr. Bill Bosher, a Board member and dear friend who recently passed away, by distributing and reading a letter to the Editor of the *Richmond-Times Dispatch* about Dr. Bosher's character and influence. The letter is attached.

Chairperson Abbott asked for other Board members to share their remembrances of Dr. Bosher. Board members and Director Block shared remembrances of Dr. Bosher.

INTRODUCTIONS

Chairperson Abbott welcomed and asked the two new Board members for introductions.

Mr. Tyren Frazier is currently the Executive Director for Higher Achievement, which is an afterschool academic program that began in Washington DC and has affiliates in Richmond, Pittsburgh, and Baltimore. The Richmond program works with 160 middle school youth to help position them for college. Mr. Frazier was a youth offender who spent time on probation and had been detained in the Norfolk Detention Home. He described his probation officer as very supportive. Mr. Frazier is honored and feels privileged to fill Dr. Bosher's seat on the Board.

Ms. Dana Schrad is the Executive Director with the Virginia Association of Chiefs of Police and has served in that position for twenty years. Ms. Schrad has under her direction the Virginia Association of Campus Law Enforcement Administrators and has served as staff attorney for the Virginia Crime Commission. Ms. Schrad appreciates the opportunity to serve and looks forward to working with the Board.

Chairperson Abbott welcomed all that were present and asked for introductions.

APPROVAL of November 12, 2014, MINUTES

The minutes of the November 12, 2014, Board meeting were provided for approval. On MOTION duly made by David Hines and seconded by Robyn McDougle to approve the minutes as presented. Motion carried.

PUBLIC COMMENT PERIOD

Kandise Lucas, advocate and former Department employee.

Ms. Lucas outlined her concerns with the Department's Education Division, specifically with special education. She noted concerns with the following:

- Applying educational accommodations, such as "reading out loud;"
- The timeliness of the Individualized Educational Plan;
- Parental engagement;
- Implementation of the GED in a timely manner;
- Limited options for vocational opportunities and lack of consistency across the sites;
- Communication of the Director's message filtering down through all staff; and
- Continue to encourage an environment to speak freely without a fear of retaliation.

Ms. Lucas informed the Board that she helped draft a bill, SB644 to be sponsored by Senator McEachin that will be instrumental in ensuring the needs of special education students are met. The bill addresses the issue of failing to implement educational plans for children with special needs by making deliberate violations of special education laws a Class 1 misdemeanor.

DIRECTOR'S CERTIFICATION ACTIONS

Ken Bailey, Certification Unit Manager, Department.

Chairperson Abbott asked Mr. Bailey to explain the certification process to the new Board members.

Mr. Bailey stated that the certification regulation in the *Virginia Administrative Code* gives the Department's Director authority to certify residential facilities or court service units for up to three years based on audits the Certification Unit performs throughout the state. The Board is provided an opportunity to review the Director's actions and all audit reports.

Included in the Board's packet are the individual reports and the summary of the Director's certification actions completed on December 15, 2014. Mr. Bailey detailed a few issues:

- James River Juvenile Detention Center in Powhatan had one deficiency that included missing initials in their log books. This has been corrected. The facility was certified for three years.
- Molinari Shelter in Prince William County had six deficiencies. The facility's Director is new to the position and was unable to find the Code of Ethics documentation. The Code of Ethics documentation must be readily available to staff. Since the audit, the facility has found the Code of Ethics and has distributed to staff. There was also an issue with reference checks on an intern, which is a critical regulatory requirement. The reference check was done by George Mason University but was never submitted to the facility. Most of the Shelter's deficiencies are procedural issues that have been easily corrected. The Certification Unit followed up with the facility and was able to bring them into compliance. The facility was certified for three years.

Chairperson Abbott would like a congratulatory letter sent under her signature to the facilities who achieved 100% compliance on their audits.

OTHER BUSINESS

DJJ Trends and Initiatives

Andy Block, Director, Department.

Director Block provided a briefing on the Department's trends and initiatives. The presentation is attached.

Slide Two

The Director explained the slide bullets to the Board, noting that the detention centers are operated locally, but the Department does help fund them.

Slide Three

The Director indicated that crime numbers for youthful offenders are down. This slide reflects the number of intake cases and delinquency petitions that are processed through the court service units.

Slide Four

The Director noted that along with the drop in intake cases, there has been a relatively comparable drop in the population both in local juvenile detention centers and juvenile correctional centers.

The Director indicated that the juvenile detention center population is beginning to level off and half of all juvenile detention center beds across the Commonwealth are empty. This does not mean the empty space is fully operational; the units could be mothball due to the decline in population and associated staffing reductions.

The Director stated that the average daily population in the Department's facilities continues to decline. This is a reflection of both a desire to serve more kids locally and of the general crime trends across the country.

Slide Five

The Director noted that the 597 average daily population for juveniles in the Department's direct care has declined significantly even before the end of fiscal year 2014. That data point is cumulative for the entire fiscal year but over the course of the fiscal year the numbers progressively dropped. As of today, there are approximately 500 juveniles in direct care.

Slide Six

The Director stated that he hoped the new Board members will have an opportunity to visit the Department's facilities. The configuration looks a lot like an adult prison and has a lack of treatment space. Facilities across the country are now being built differently with more natural light, smaller living units, and space for treatment and rehabilitation.

Slide Seven

The Director noted that the capacity at Bon Air Juvenile Correctional Center and Beaumont Juvenile Correctional Center are each approximately 280 bed facilities. The Department's facilities were built in the 1990s, some built many years before, and are expensive to maintain.

The Director stated that, as the Department's population declines, the cost per youth increases. The cost per youth in FY 2014 was approximately $150,000 per juvenile. This is a steep price tag for Virginia taxpayers to pay for confining juveniles in these facilities.

Slide Eight

The Director discussed the trend of the courts and juvenile justice system willowing out lower level offenders. Ten years ago there would have been more misdemeanants, probation violators, and lower level offenders committed to secure care.

The Director explained, from smallest to largest, the Department's three types of juveniles. The first types of juveniles are those that have been tried as adults in circuit court but sentenced to do a portion or all of their time at the Department's facilities. The juvenile will either serve the first portion of their sentence with the Department and the remainder with the Department of

Corrections (adult) or the juvenile completes their active time with the Department and they do not have an adult sentence or their adult sentence is suspended. The second type is determinately committed juveniles who are committed to the Department for a determinate period of time and are classified under statute as serious juvenile offenders. A judge will set a specific sentence which can be modified when the juvenile goes through the statutory review process after their second anniversary of their sentence and annually thereafter. The last types of juveniles are those that are indeterminately committed in which the juvenile court commits a youth to the Department's custody and the Department determines the length of stay. The Department has length of stay guidelines that are set by the Board on which the Board will be briefed on and possibly consider review of later this year.

Slide Nine

The Director indicated that youths are entering the Department older in age, which may mean they are being given second chances in the community.

The Director noted that the information in this slide presentation has been shared with the Governor's Children's Cabinet. One of the goals of the Children's Cabinet is to find the best way for state agencies to work across agency lines to have better outcomes for the youth.

Slide Ten

The Director discussed trauma on committed juveniles and its impact.

Slide Eleven

The Director noted that the Department is not receiving youths who have not been academically successful. The challenges include being behind in school, identified as learning or other special education disabled, having school attendance problems, and having behavioral issues coupled with exposure to trauma. These educational challenges begin to tell a story about the juveniles in the Department's care.

Slide Twelve

The Director noted that most of the juveniles in the Department's custody have exhibit symptoms of a diagnosable mental health or behavior health condition.

Slide Thirteen

The Director indicated that the Department is receiving youths who have significant exposure to trauma, who are behind in their education, and who have mental health issues. The Department's mission is to promote public safety by producing young people to become successful citizens. The numbers for youth who recidivate are a concern. Although the data are dated due to methodology requirements, if four out of five youths are rearrested within three years of their release from the juvenile justice system, it is an indicator these youths are not being successful citizens and the Department is not fulfilling its mission.

Slide Fifteen

The Director discussed the Department's initiatives.

Model Social History:
On recommendation by the Commission on Youth, the General Assembly required the Department to develop a model social history, which is the juvenile version of the pre-sentence report in adult corrections. It would provide the courts with information on the juvenile's background including educational challenges and trauma experience prior to rendering a decision. The law was enacted by the 2014 General Assembly session and had an effective date of October 1, 2014. It included a requirement that the Department report back to the Commission on Youth its status on implementing the model social history and guidelines governing its use. This was a quick turnaround for Department staff who worked hard on the development of the form and training the staff on the new process for the October 1 effective date. One of the features of the assessment is to complete a trauma screening on every youth prior to sentencing by the courts. This information might be useful to the courts in finding better interventions earlier in the process.

Trauma Informed Care:
Through a partnership with the Department of Criminal Justice Services, the Department has been able to have its direct security staff and other personnel be trained on trauma histories, the impact of trauma, and how this affects the youth we serve. This allows our staff to be more sensitive and better aware of the issues associated with trauma for interpreting behavior and respond appropriately.

The General Assembly provided funding to the Department to create Community Placement Programs which will allow the Department to pre-purchase 40 dedicated beds in designated detention homes. This will allow youth to either transition placements from the Department's large secure facilities to a location that is still secure but smaller, closer to home, and operated differently than the Department's facilities. This also is a great opportunity to transition the youth to a facility closer to home and ease the re-entry process. Due to historical budget reductions, the Department closed the halfway houses and its continuum of care; however, the Department believes this program is a step in the right direction and can be expanded.

Education Reform:
The Department is very fortunate to have Dr. Lisa Floyd as the new Deputy Director for Education who brings a non-correctional education perspective to the position. Dr. Floyd's educational reform efforts include:

- Implementing a new evaluation process for teachers to include student performance as a major contributing factor.
- Asking the Virginia Department of Education to view the Department's Division of Education as more of a struggling school system rather than a separate state program.
- Working with the Center for Educational Excellence in Alternative Settings, a non-profit organization that provides technical assistance and support, for consultation and technical assistance in improving the quality of services provided.

- Establishing relationships with top educational leaders across the Commonwealth to bring qualified professionals to the Department. Dr. Floyd just hired a new principal and new assistant principal who are not from a correctional setting and bring great experience and perspectives to their new positions.

The Department is bringing outside experts in to assess the Department. Former First Lady Anne Holton worked with the Annie E. Casey Foundation to radically reform Virginia's foster care system. The Department has engaged their services to help improve the juvenile justice system in Virginia. The Annie E. Casey Foundation completed an in-depth assessment of the Department's operations and included consultants from the Missouri Youth Services Institute who are nationally recognized for their work on reform. The Department will be using the data and information collected to make decisions on the best outcomes for the youth in the Department's care.

Transformation:
Transformation extends from the front door to the back door of the juvenile justice system. Virginia was one of six states to be awarded a grant with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop a comprehensive state re-entry plan. The Virginia re-entry plan is due to the Department of Justice in the spring. Of the six states who will submit plans, two states will be eligible for up to $2 million in federal funding to assist in the implementation of the plan. The grant included funds to hire outside experts to assist in the development of the plan.

Assistant Deputy Director for Operations Jack Ledden presented to the Board last year on the institutional transformation. In the next few months, the Department will be initiating a new way of working with the youth in the Department's facilities called the Community Model. The Department is confident this will help with better outcomes both for staff and residents. The Community Model centers on treatment and rehabilitation by creating treatment, security, and education teams. The same team will work with the same residents each day. The goal is to create teams where youth feel connected and are able to develop relationships and trust. This will be a long process involving changing one unit at a time. The Department's experimental units began last year and the initial results look promising.

The Director ended his presentation and the Board asked questions.

Board Member Dana Schrad noted that many times youths return to families who are not engaged in their success and could be detrimental to their future. What can the Department do to facilitate family healing or family improvement to make the child successful?

The Director indicated that he would like to learn from the Department of Social Services (DSS) in how best to work with dysfunctional families. DSS brings in the families at every step in the process to help strengthen the youth's support system. Parents can be part of the problem, but they also can be part of the solution.

Board Member Tyren Frazier asked out of the 5,900 kids that the Department supervises, how many of those cases are shared with the DSS?

Legislative and Research Manager Janet Van Cuyk said it is an average of 18 youths a year who are in the custody of social services and then committed to the Department. The number under probation supervision who are also involved with social services is unknown.

Board Member Robyn McDougle noted that there are localities who work well with social services and others who do not. Best practices should be issued on the best way to work with and establish a solid relationship with DSS.

Ms. Van Cuyk noted that the Department and DSS have a workgroup specifically to address the crossover youth. Comprehensive Services Act for At-Risk Youth and Families (CSA) are also represented on that workgroup. The current guidance is fragmented. Memorandums of Understanding and best practices are planned to be issued to work towards the best outcome for the youth and help organizations/agencies that are struggling to work together.

Chairperson Abbott noted from her personal experience that when youth are released, some have aged out of foster care and others go back to blended relationships with their families. Since the Department has closed the halfway houses, please talk about not being able to successfully re-enter a youth due to their age.

Director Block noted there is legal ambiguity concerning the responsibility for youth who are in social services custody and then committed to the Department. Uneven practices are a problem in local social service agencies. Some agencies keep in contact with the youth during their time with the Department and other agencies only make contact with the youth after their release from the Department's custody. There are also efforts underway to extend foster care to 21 years of age which would be a benefit to the older kids who are being released from the Department. The Department is working with DSS on a Memorandum of Understanding to make sure both sides are consistent in their approach. While in the Department's custody, the Department could use this time as an opportunity to strengthen their biological family or find other family members where the youth could return to after their custody with the Department.

Board Member Holland stated that if the youth is under the age of 18 years of age when they are released from the Department's custody, the law states the youth has the right to stay in foster care and receive services or can refuse. Some refuse because of the stringent guidelines that need to be followed. Some choose to stay in foster care to take advantage of the services.

Director Block noted that partnering with the DSS is a great opportunity to be on the same page and help young people make better decisions. Waiting 20 days before the youth's release date from the Department seems not to be effective.

Board Member Holland thought that the law was changed in 2010 to reflect at least 90 days.

Ms. Van Cuyk stated that in Section 16.1-293 that the Department will cooperate throughout the duration of the youth's sentence, but will start the planning process in 90 days of the youth's release from the Department's custody.

Request Authorization for Submission of a Notice of Intended Regulatory Action for Initiation of the Regulatory Process
Janet Van Cuyk, Legislative and Research Manager, Department.

The Department requests authorization to submit a Notice of Intended Regulatory Action (NOIRA) to begin the regulatory process for a comprehensive review of the Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6 VAC 35-160).

Per the requirements in §§ 2.2-4017 and 2-2-4007.1 of the *Code of Virginia* and Executive Order 17(2014), the Department must conduct a "periodic review" every four years of its regulations. The Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6 VAC 35-160) became effective August 16, 2004, and have not undergone a periodic review.

In response to questions from Board members, Ms. Van Cuyk explained the scope and purpose of the regulation, the rationale for requesting the inclusion of a process when a researcher violates the approved protocol, the requirement for self-reporting violations, and the parallel tracks of the Department's Human Research Review Committee to that of federally-mandated Institutional Review Committees.

On MOTION duly made by Karen Cooper-Collins and seconded by Helivi Holland the Board authorizes the Department's submission of a Notice of Intended Regulatory Action (NOIRA) for initiation of the regulatory process for the Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160).

DIRECTOR'S COMMENTS
Andy Block, Director, Department.

Director Block had no further comments.

BOARD COMMENTS
The Board had no comments.

NEXT MEETING
The next meeting is scheduled for April 15, 2015, at Central Office, 600 East Main Street, 12th Floor, Richmond, at 9:30 a.m.

Due to a conflict, the Board has agreed to change the April 15th meeting to April 24, at Central Office, 600 East Main Street, Richmond, at 9:30 a.m.

EXECUTIVE SESSION MOTION

On MOTION duly made by Karen Cooper-Collins and seconded by Robyn Diehl McDougal to reconvene in Executive Closed Session, pursuant to Section 2.2-3711(A)(1) and (A)(7), for a discussion of certain personnel matters and to consult with legal counsel and obtain briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation and any other specific legal matters requiring the provision of legal advice by counsel. Motion carried.

The Executive Closed Session was concluded. The members of the Board of Juvenile Justice present certified that, to the best of their knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting, and (2) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed, or considered.

ADJOURNMENT

Chairperson Abbott adjourned the meeting at 12:26 p.m.

Letters to the Editor: Jan. 1, 2015

Posted: Wednesday, December 31, 2014 10:30 pm

Bosher impacted thousands of lives

Editor, Times-Dispatch:

I wish to remember Dr. William C. Bosher Jr. as a leader of young people. There are thousands of educators whose professional lives were made better and more meaningful because of Bill Bosher. I write because I am one of the thousands. "Dr. B," as I called him, recommended me to the board to become principal of Mills E. Godwin High School in 1991. I thanked him for that opportunity whenever I saw him, and in recent years those occasions were at The Dairy Bar restaurant. Each time he hugged me and gave a warm, "Good to see you, John" that came deep from his heart.

I remember a talk he gave to administrators at Hermitage High School in the late 1970s. His plan was to motivate us prior to school commencing. In his talk, Dr. B. asked everyone to list the 10 most influential people in our lives. We were told we could put our parents, grandparents, teachers and coaches — anyone who impacted us — on this list of honor. This was an interesting exercise and no one had ever asked me to do it before — or since.

We compiled our lists.

Then Bosher told us just two things that I will never forget. First, we were to tell the people on our lists the impact they had on our lives, for they would never receive a more appreciated compliment.

Second, he told us to spend that school year and all our remaining days trying to get our names on someone else's list. No one will ever have his or her name on as many lists as did Dr. William C. Bosher Jr. God bless him and his family always.

John B. McGinty.

Richmond.

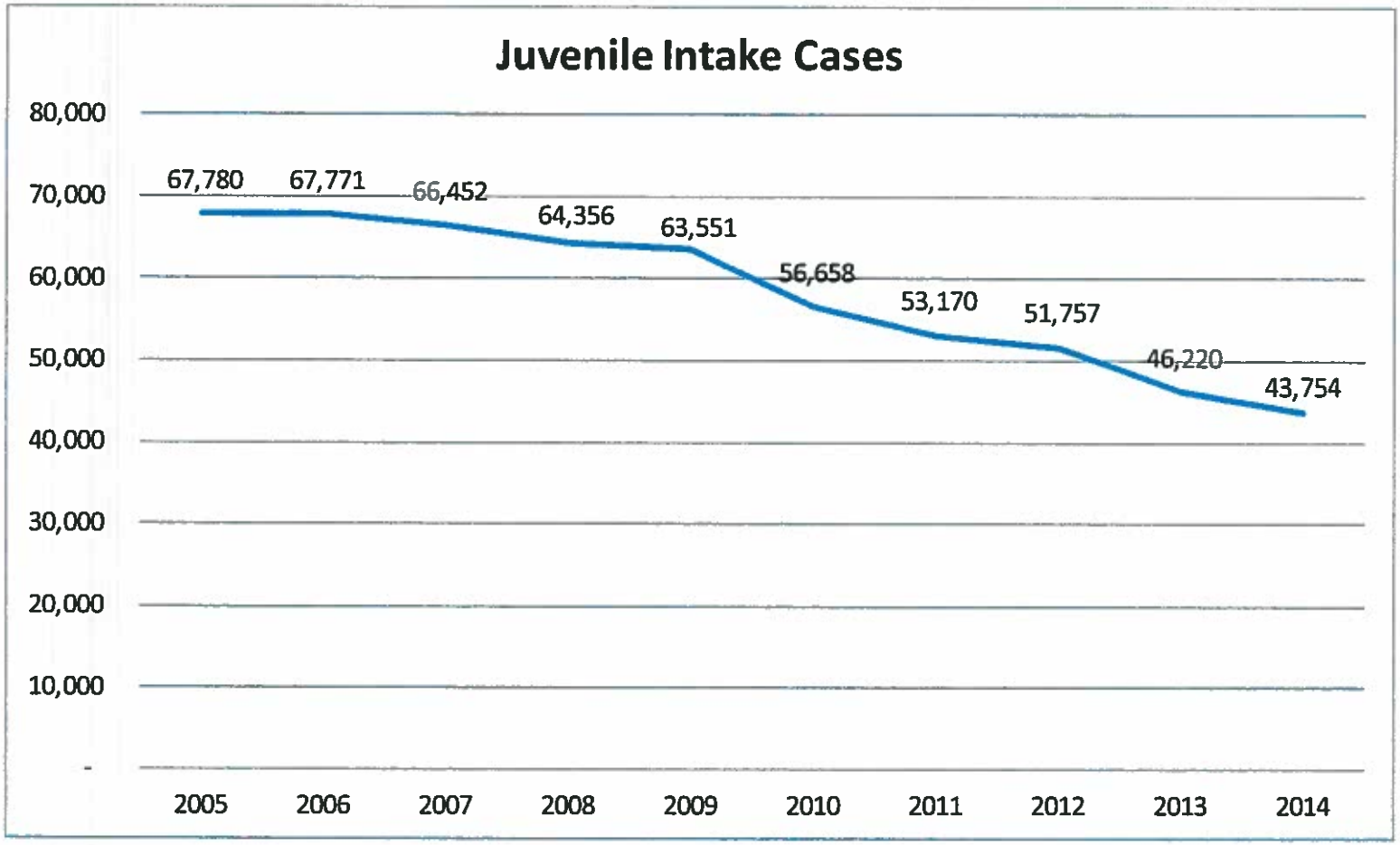
Department of Juvenile Justice Overview

January 6, 2015

Juvenile Justice System Overview

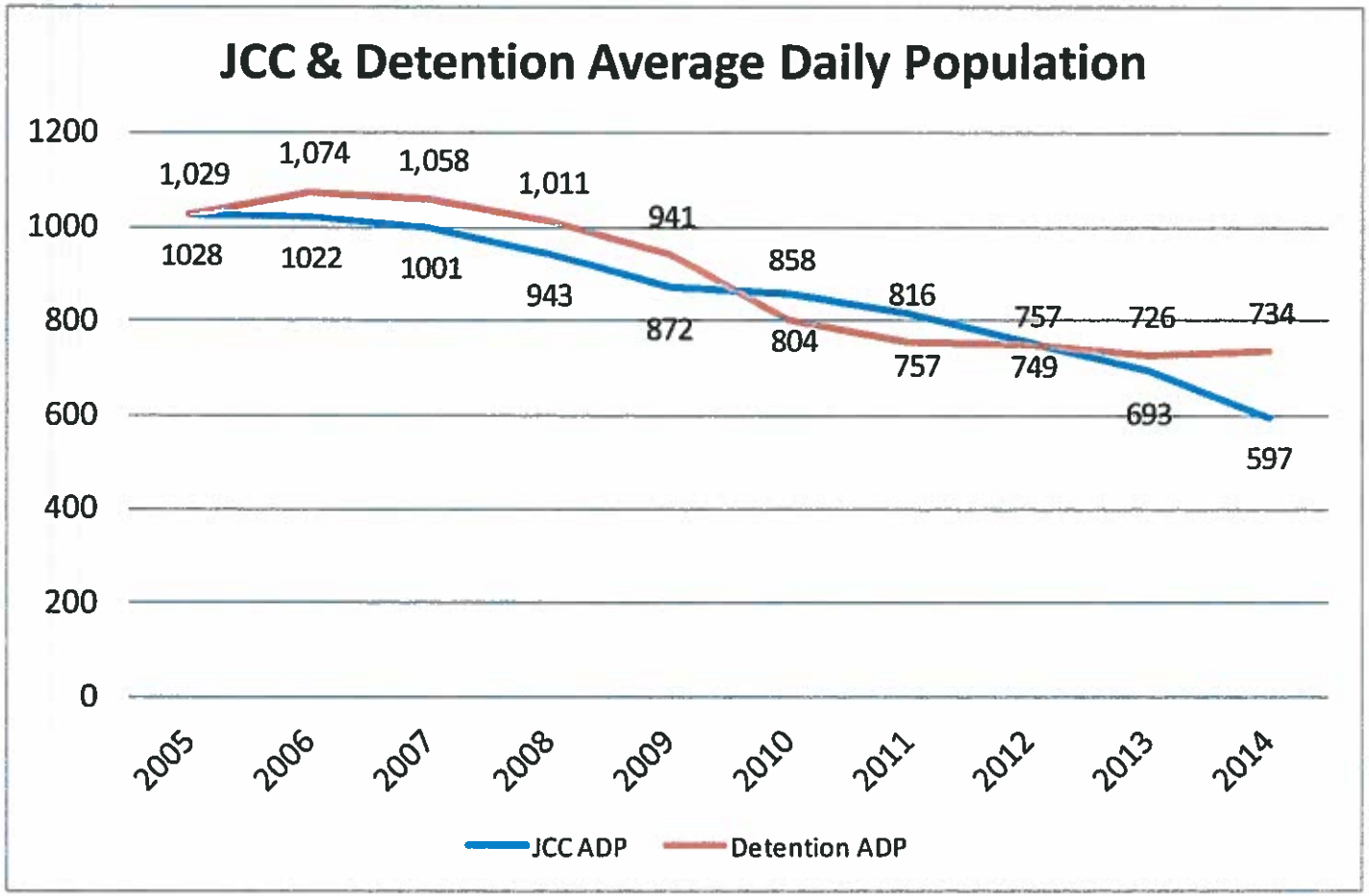
- **34 court service units (CSUs)**
  - Domestic relations and delinquency intake services
  - Probation and parole supervision
- **24 locally- and regionally-operated detention centers**
  - Pre- and post-dispositional placements
- **3 juvenile correctional centers (JCCs), including the Reception and Diagnostic Center (RDC)**
- **Note: Detention centers operated locally**

Juvenile Intakes



- Intakes have decreased by 24,026 cases since FY 2005 (35%).

JCC & Detention Average Daily Population (ADP)



- The JCC ADP has decreased by 431 residents since FY 2005 (42%).
- The Detention ADP has decreased by 294 juveniles since FY 2005 (29%).

Total Juveniles Supervised by DJJ

- **There were an average of 5,941 juveniles per day under DJJ supervision (probation, direct care, or parole) in FY 2014.**
  - 5,060 on active probation supervision
  - 597 in direct care
  - 284 on active parole supervision
- **Decrease of 38% from FY 2005 (average of 9,548 juveniles per day under DJJ supervision)**

Current Facilities

Cost Per Direct Care Bed (FY 2014)

	Expenditures	ADP	Per Capita
JCC: Division of Operations	$73,683,695	591	$124,621
JCC: Division of Education	$15,075,393	591	$25,497
Halfway Houses	$1,169,793	3	$411,899
CPPs	$384,443	3	$134,421
Detention Re-Entry	$78,102	2	$46,768
Direct Care Total	*$90,391,426*	*599*	*$150,994*

*All direct-care related expenses are included. Expenditures for facilities that do not house residents are excluded (VPSTC, Barrett JCC, and Natural Bridge JCC).
*Decimal values of ADPs are used in per capita calculations. Therefore, dividing the expenditures by the rounded ADP presented in the table will not equal the exact per capita cost.
*The halfway houses were closed to juveniles in December 2013, and the CPPs opened beginning in May 2014.

Most Serious Committing Offense by Severity (FY 2014)

- **Commitments (determinate and indeterminate) for:**
  - Any felony: 85.3%
  - Felonies against persons: 48.8%
  - Non-person felony offenses: 36.5%
  - Misdemeanor offenses: 11.4%
  - Any non-person offense: 45.2%
  - Violations of parole: 3.3%
- **Indeterminate Commitments:**
  - Any felony: 81.6%
  - Felonies against persons: 39.1%
  - Non-person felony offenses: 42.5%
  - Misdemeanor offenses: 14.3%
  - Any non-person offense: 53.4%
  - Violations of parole: 4.1%

* Detention Assessment Instrument Categories Used for Subdivision of Offense Types

Timeline of Interventions for Juveniles Admitted to RDC

Average Ages (FY 2010-2013 Admissions)

- First Behavior Problems: 11.8
- First Community Intervention: 12.2
- First Arrest: 14.2
- First Adjudication: 14.6
- Current Commitment: 16.3

➢ Juveniles admitted to RDC who were 17 years of age or older increased from 44% to 53% in the last ten years.

Previous Trauma or Family Risk Factors for Juveniles Admitted to RDC

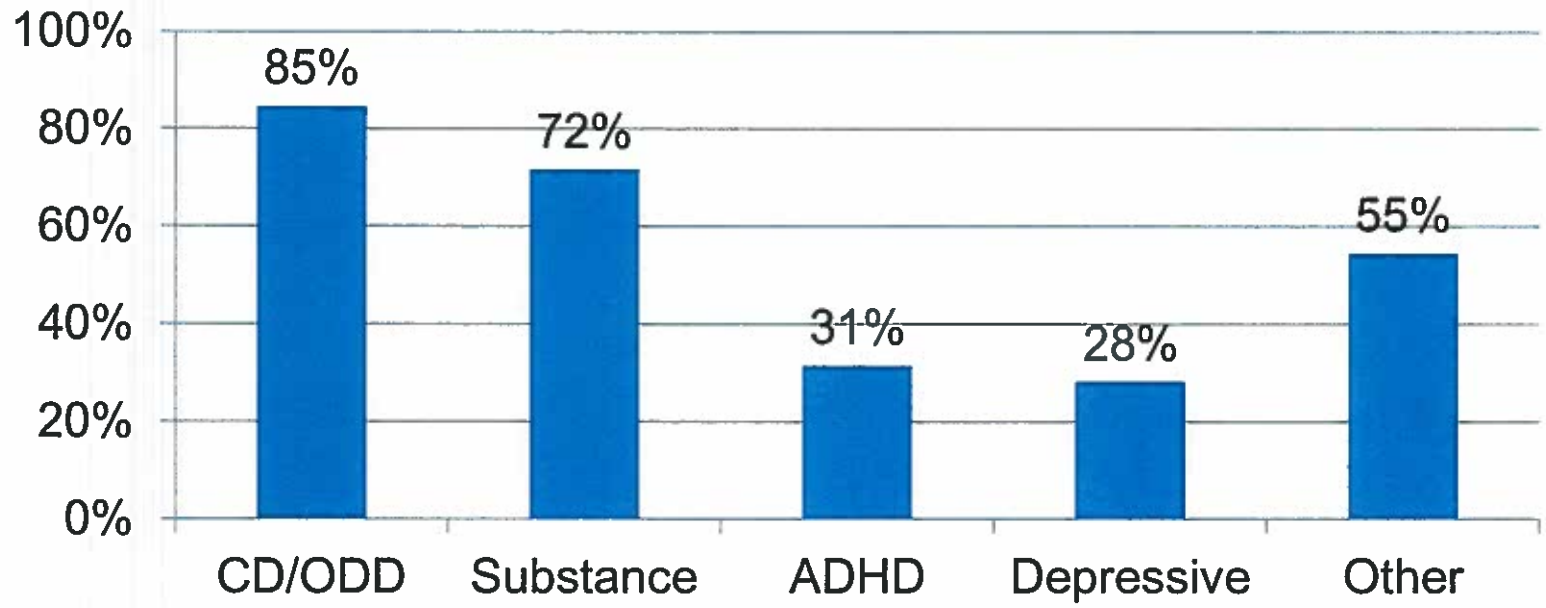
- 65% - parent criminal activity
- 51% - parent incarceration
- 50% - parent death or abandonment
- 45% - parent substance abuse
- 21% - family domestic violence
- 17% - self injurious behavior (SIB) or suicidal
- 12% - sexual assault/abuse
- 12% - family physical assault/abuse

- 89% reported at least one of the above.
- 54% reported 3 or more of the above.

Education Challenges for Juveniles Admitted to RDC

- **Average of 2.6 grade levels behind**
- **Average IQ was 86 (General population IQ is 100)**
- **43% designated as special education**
- **80% had substantial school attendance problems in the community**
- **78% had substantial school behavior problems in the community**

Mental Health Disorders for Juveniles Admitted to RDC



- 97% of juveniles admitted to RDC had significant symptoms of at least one mental health disorder.

** Note: one juvenile may be captured in multiple categories. "Other" includes Bipolar, Adjustment, Anxiety, Cluster A Personality, Cluster B Personality, Cluster C Personality, Dissociative, Eating, Paraphilia, Psychotic, Mental Retardation, and Other Disorders.*

Recidivism

12-Month Rates

- **Probation Placements**
  - Rearrest: 37%
  - Reconviction: 24%
- **Direct Care Releases**
  - Rearrest: 48%
  - Reconviction: 37%
  - Reincarceration: 18%

Sample = FY 2011

36-Month Rates

- **Probation Placements**
  - Rearrest: 62%
  - Reconviction: 48%
- **Direct Care Releases**
  - Rearrest: 79%
  - Reconviction: 70%
  - Reincarceration: 47%

Sample =FY 2009

Conclusions from Profiles of Committed Juveniles

- Known to system(s) well before their committing offense
- Significant trauma exposure
- Not on track for educational success
- Significant mental and behavioral health challenges
- Lack of successful transitions out of system (both from JCC's and probation)

DJJ Initiatives

1. **Model Social History**
2. **Trauma-informed Care**
3. **Community Placement Programs**
4. **Education reform**
5. **Third party Assessment**
6. **Transformation**
   - **front to back**
   - **family engagement**

Questions?