

Heidi W. Abbott, Chair  
David R. Hines, Vice Chair  
Karen Cooper-Collins, Secretary  
Tyren Frazier  
Michael N. Herring  
Helivi L. Holland  
Robyn Diehl McDougale  
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COMMONWEALTH of VIRGINIA  
*Board of Juvenile Justice*

**MEETING MINUTES**

November 14, 2016

Main Street Centre  
600 East Main Street, 12<sup>th</sup> Floor, Conference Room South  
Richmond, Virginia 23219

**Board Members Present:** Heidi Abbott, Tyren Frazier, Michael Herring, David Hines, Helivi Holland, Dana Schrad, Jennifer Woolard

**Board Members Absent:** Karen Cooper-Collins, Robyn McDougale

**Department of Juvenile Justice (Department) Staff Present:** Ken Bailey, Andrew "Andy" K. Block, Jr., Jessica Berdichevsky (Attorney General's Office), Greg Davy, Lisa Floyd, Daryl Francis, Wendy Hoffman, Kristen Peterson, Deron Phipps, Angela Valentine, Janet Van Cuyk, Courtney Warren

**Guests Present:** Marilyn Brown (Virginia Juvenile Detention Association), Kerry Chilton (disAbility Law Center of Virginia), Will Egen (Commission on Youth), Jason Houtz (Virginia Juvenile Detention Association)

**CALL TO ORDER**

Chairperson Heidi Abbott called the meeting to order at 9:34 a.m.

**INTRODUCTIONS**

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

**APPROVAL of September 19, 2016, MINUTES**

The minutes of the September 19, 2016, Board meeting were provided for approval. On MOTION duly made by David Hines and seconded by Michael Herring, the Board approved the minutes as presented. Motion carried.

**PUBLIC COMMENT PERIOD**

There was no public comment.

## **DIRECTOR'S CERTIFICATION ACTIONS**

Ken Bailey, Certification Manager, Department

Included in the Board packet are the individual audit reports and a summary of the Director's certification actions completed on October 13, 2016.

**Bon Air Juvenile Correctional Center (JCC):** The Certification Unit completed a monitoring visit on October 11 and found all previous violations corrected. The next monitoring visit is scheduled for December 1. The Certification Unit will then present the results of all monitoring reports to Director Andy Block with their recommendation on Bon Air's certification status which expires at the end of January 2017.

**11<sup>th</sup> Court Service Unit (CSU):** The 11<sup>th</sup> CSU had eight deficiencies in its audit, mostly related to documentation, with a major deficiency in misinterpretation of requirements in the resident social history. The Department has since revised and improved the procedure and training for completing a resident's social history. The Certification Unit has reviewed the documentation for social histories, and the 11<sup>th</sup> CSU is now following procedure. Director Block has certified the 11<sup>th</sup> CSU for one year with a six month monitoring visit by the regional program manager.

Chairperson Abbott asked if Mr. Bailey was comfortable with these actions. Mr. Bailey replied that he was and stated that a full audit of the 11<sup>th</sup> CSU will be completed in the coming year.

**16<sup>th</sup> CSU:** The audit of the 16<sup>th</sup> CSU found a minor deficiency related to a missing plan for a post-dispositional case. This deficiency has been corrected, and Director Block certified the 16<sup>th</sup> CSU for three years.

**26<sup>th</sup> CSU:** The audit on the 26<sup>th</sup> CSU found three deficiencies related to issues with social histories. The deficiencies have been resolved, and Director Block has certified the 26<sup>th</sup> CSU for three years.

**Apartment Living Program:** The Apartment Living Program is located in Virginia Beach and helps paroled youth 18 years of age or older with independent living opportunities. The residents of this program learn an array of independent living skills such as time management, money management, job seeking, and self-administration of medication. There were only two youth in the program during the audit, which was not a large sample to evaluate. The audit found five deficiencies, which have since been corrected. Most of the deficiencies were technical issues with medication reporting. They were corrected by providing the youth with additional education on the medical administration record (MAR). Director Block has certified the program for three years.

The Board had several questions on the Apartment Living Program. Director Block explained that the Apartment Living Program was approved by the Board last year for a capacity of eight youths. Since the audit, the program is full and has eight youths housed in the apartments. Director Block noted that the Apartment Living Program is very popular and currently has a waiting list for admission. This program has proven to be extremely valuable due to a significant portion of young people who leave the Department's care and are unable to return home.

Chesterfield Juvenile Detention Home and Post-Dispositional Detention Program: The home and program received 100% compliance on their last audit. The Board congratulated the Superintendent of the facility, Marilyn Brown, who was present at the meeting.

Community Attention Group Home: The audit of the Community Attention Group Home found three deficiencies. A monitoring visit was conducted on September 27, and the Certification Unit determined all deficiencies were corrected. Director Block certified the program for three years.

**VIRGINIA JUVENILE DETENTION ASSOCIATION (VJDA) VARIANCE REQUEST EXTENSION FOR 6VAC35-101-200 (C)**

Kristen Peterson, Regulatory Coordinator, Department

Representing VJDA were Marilyn Brown, Superintendent from Chesterfield County Juvenile Detention Center and Jason Houtz, Superintendent from Fairfax County Juvenile Detention Center.

Ms. Peterson presented information on the VJDA variance request with Ms. Brown and Mr. Houtz. The Board had many concerns, resulting in a lengthy discussion. The following are significant points from that discussion on the VJDA variance request.

The VJDA is requesting a variance to the regulatory requirement that all part-time and relief direct care staff receive at least 40 hours of refresher training annually to include training on the seven specified topics. Those topics include: (1) suicide prevention; (2) standard precautions; (3) professional relationships; (4) staff and resident interaction; (5) residents' rights; (6) child abuse, neglect, and mandatory reporting; and (7) behavior intervention procedures. VJDA is requesting that the part-time and relief direct care staff be exempt from the 40 hours refresher training requirement, but these employees remain obligated to complete annual retraining in the seven specified areas. The variance request is for a five-year period or until such time as the regulation (*Regulation Governing Juvenile Secure Detention Centers*) is revised.

At the September 19 Board meeting, the Board requested that VJDA survey its members and determine how many training hours are being devoted to the seven specified topics among part-time and relief direct care staff. The VJDA surveyed twenty-four detention homes with twenty detention homes responding to the survey. The Board packet contains a breakdown of the responses on page 58.

The VJDA contends that the 40-hour refresher training requirement for part-time staff presents a logistical and financial burden for local juvenile secure detention facilities. While this training can be built in for full-time staff as part of their scheduled work week, it is much more challenging to coordinate with part-time employees who frequently work other full-time jobs outside of the juvenile detention facility. Furthermore, the VJDA believes that the 40-hour refresher training requirement is not necessarily limited to courses related to health, and safety, but may also include training to enhance one's professional growth and development.

Although the proposed variance would exempt juvenile secure detention centers from the 40-hour annual refresher training requirement for its part-time direct care staff, affected part-time employees would remain obligated to receive annual training in the essential topics of suicide prevention; standard precautions; appropriate professional relationships; staff and resident interaction;

residents' rights; child abuse, neglect, and mandatory reporting; and behavior intervention procedures, as well as any additional applicable areas specified in 6VAC35-101-200. The Department does not believe the safety of the residents, staff, or the general public will be compromised if this variance is granted.

The VJDA assured the Board that if a critical training need is identified by the detention center or through Mr. Bailey's audit process, training will be developed or information distributed to address the issue.

Chesterfield County Juvenile Detention Center estimated the cost of training their staff to fall between \$8,000 and \$10,000. The money is not necessarily the concern; it is the difficulty in arranging logistics for the part-time and relief direct care employees to attend. The VJDA understands the benefits of training including being with your colleagues to process cases and discuss how best to serve the youth. Part-time and relief direct care employees are invited to attend training if their schedules allow.

The VJDA has applied for and received a \$75,000 grant from the Department of Criminal Justice Services to build a consistent statewide training program.

Board Member Helivi Holland voted against the variance request in September 2014 and stated she will again vote against the request at the current meeting. If direct care staff must be fully trained to perform their job, then that requirement should not change, regardless of whether the staff works two hours or 40 hours. If an employee is required to have a certain amount of training to resolve an issue when it occurs, Board Member Holland does not understand how the requirement can vary based on an employee's full-time or part-time status. Board Member Holland is concerned with requirements changing simply because an employee is part-time. All staff should be equal. A child should not be managed or cared for by an employee with different training simply because the employee is employed on a part-time basis.

Board Member Tyren Frazier said that he was inclined to mandate the actual hours of training for each area. Ms. Marilyn Brown noted that could be difficult to track.

Board Member Holland said that she had no problem with part-time employees submitting paperwork showing they received 40 hours of training from their full-time employment (at another detention center or the Department). Board Member Holland has concerns with some localities employing retired people who are only there to supplement their retirement and are either not receiving any training or are falling behind in their training.

Board Member David Hines would have preferred the VJDA have a plan instead of submitting another variance request. Board Member Hines acknowledged the difficulty in getting part-time employees into training, but stated that employees need to be trained so they can continue to protect the children and institution.

Most of the Board agreed (a) distributing information such as giving part-time employees a binder to read does not qualify as training and (b) although staff may have been employed at a facility for a long period of time, they may need training more than other employees. Training is very important.

Chairperson Abbott acknowledged that the Board has struggled with this variance request for several meetings; there needs to be a solution that meets or comes close to everyone's needs.

The Board made several motions which were all withdrawn. Ms. Janet Van Cuyk, Legislative and Research Manager for the Department, told the Board that she is willing to prepare a detailed summary on the national training standards including current requirements and what training looks like in other states. This could be provided to the Board in advance of the June 2017 meeting.

On MOTION duly made by David Hines and seconded by Michael Herring the Board approved the extension of the blanket variance issued on September 10, 2014, pursuant to 6VAC35-20-92 of the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, to allow the twenty-four local and regional juvenile secure detention centers throughout the Commonwealth to exempt part-time and relief direct care employees from meeting the 40 hours of annual retraining mandate set in 6VAC35-101-200(c) of the Regulation Governing Juvenile Secure Detention Centers. The variance shall remain in effect until the June 28, 2017, Board meeting. The Department is directed to report out no later than the June 28, 2017, Board meeting on the national training standards. Five Board members voted in favor of the motion (Abbott, Herring, Hines, Schrad, Woolard) and two Board members voted against the motion (Holland, Frazier).

#### **REGULATORY UPDATE**

Kristen Peterson, Regulatory Coordinator, Department

Included in the Board packet is a summary of the Department's five regulatory actions currently under review.

The Board had no questions.

#### **REGIONAL SERVICE COORDINATORS AND STATEWIDE CONTINUUM**

Andy Block, Director, Department

The 2016 General Assembly granted the authority for the Department to use the savings from facility downsizing to reinvest back in the Department. The General Assembly instructed the Department to use the savings to build a statewide continuum of services. The Department issued a Request for Proposal (RFP) in the spring seeking Regional Service Coordinators. The Department awarded contracts to two organizations, AMIkids and Evidence Based Associates (EBA), in late October to begin the development of the statewide continuum of services and alternative placements.

AMIkids is responsible for the eastern and southern regions, with EBA responsible for the northern, central, and western regions. There are significant service needs in the state, but the southern and eastern regions send the most youth to direct care, in part because they are large urban areas.

The Regional Service Coordinators are in the process of service mapping their regions, identifying assets and gaps, and making connections with local providers, locally operated government providers, or private providers.

Both organizations have hit the ground running. The Department is scheduled to conduct outreach sessions in the various regions to receive feedback from stakeholders.

Services range from electronic monitoring as an alternate form of detention to more complicated evidence-based family services.

The Regional Service Coordinators will take responsibility of current contracts and be the one single point of referral. Ultimately, the Regional Service Coordinators will be more efficient, user friendly, and create a more robust set of services.

The key for success is being able to keep the savings from the facility downsizing and closures. The Department was fortunate to be exempt from budget cuts that other state agencies incurred this year. The Governor is supportive of the Department's transformation and understands the need to keep the savings for reinvestment. The 2017 General Assembly session is a concern; however, if the Department is allowed to keep its savings, Director Block is confident that the Department can do amazing transformative work on the community side, just as it is in the facilities.

### **DIRECTOR'S COMMENTS**

Andy Block, Director, Department

On November 9, youth in the quilting program at Beaumont JCC presented leaders from local law enforcement agencies with quilts they designed and made as tokens of their appreciation for the difficult work and public service of law enforcement. The gathering included poetry readings, statements of appreciation by the youth, and individual presentation of quilts to each Department. It was an incredibly moving ceremony.

The Department has received the funding to move ahead with the procurement process to hire designers for the Chesapeake juvenile facility. There was a public meeting in Chesapeake on November 10, and not surprisingly there were people in the neighborhood where the facility will be located who were not pleased. It will be a process that will require time and effort to debunk myths, hear concerns, and be responsive.

As of this morning, the Department had a combined total of 242 youth between Beaumont and Bon Air JCCs. Intake at the Beaumont JCC has stopped, and the population has declined. The reduced population is partially a function of having 90 youth in local detention centers, Community Placement Programs, and detention reentry. Those alternatives help bring the population numbers down. The Department's admissions continue to decline, even below last year's historic low.

Chairperson Abbott asked if the Chesapeake juvenile facility must go before the city council for conditional use permits.

Deputy Director of Administration and Finance Daryl Francis noted that the Chesapeake juvenile facility does need to go before the city council in order for them to transfer the land deed to the Department, but building permit issues are not part of the process.

**BOARD COMMENTS**

The Board had no comments.

**NEXT MEETING**

The Board was asked to review the 2017 Board meeting dates.

**ADJOURNMENT**

Chairperson Abbott adjourned the meeting at 11:35 a.m.