



COMMONWEALTH of VIRGINIA

Richard A. Sparks, Jr., **Chairman**
Kim S. Downing, **Vice Chairman**
Courtney A. Penn, **Secretary**
Aida L. Pacheco
Patricia Puritz
James S. Turpin
Julia C. Winslett

P. O. Box 1110
Richmond, Virginia 23218
(804) 371-0704

Board of Juvenile Justice

Cedar Lodge Training Facility – Bon Air Complex Bon Air, Virginia Board of Juvenile Justice Meeting September 5, 2003

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

I. CALL TO ORDER

The meeting was called to order at 10:15 a.m. by Secretary Sparks.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Turpin, seconded by Ms. Winslett, the Board approved the Agenda for the September 5, 2003, meeting with amendments – move Item XI Elections to Item VI; add variance request for Shenandoah Valley Detention Home under Other Business; and move Item VII VJCCCA to Non-Secure Committee. Motion carried.

III. INTRODUCTIONS

Ms. Gargasz introduced the Assistant Security for Public Safety Dawn Smith. She also introduced Mr. Turpin, who was unable to attend the Orientation. Ms. Gargasz advised the Board that Patricia Puritz is ill.

IV. APPROVAL OF MINUTES

On MOTION duly made by Mr. Turpin, seconded by Mr. Penn, the Board approved the Minutes for the April 9, 2003, meeting. Motion carried.

V. COMMENTS OF PUBLIC

No comments were made.

VI. ELECTIONS

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, nominated Mr. Sparks to be Chair of the Board of Juvenile Justice. Motion carried.

On MOTION duly made by Ms. Pacheco, seconded by Ms. Winslett, nominated Ms. Downing to be Vice Chair of the Board of Juvenile Justice. Motion carried.

On MOTION duly made by Ms. Winslett, seconded by Ms. Downing, nominated Mr. Penn to be Secretary of the Board of Juvenile Justice. Motion carried.

VII. COMMITTEE REPORTS

A. Secure Services Committee

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Barrett Juvenile Correctional Center for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Reception & Diagnostic Center for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Blue Ridge Detention Home for one year. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Fairfax Detention Center for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Henrico Detention Center for three years with a status report on the outdoor recreation issue in six months. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Loudoun County Detention Center for three years. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to grant a 90-day variance to the Crater Detention Home for the outdoor recreation requirement. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to grant a variance to all residential facilities for 22 VAC 42-10-540L allowing separation of case files and medical files. Motion carried.

On MOTION duly made by Mr. Penn, seconded by Ms. Pacheco, to certify the Prince William Juvenile Detention Home for three years. Motion carried.

B. Non-Secure Services Committee

On MOTION duly made by Ms. Downing, seconded by Ms. Winslett, to certify the 16th Court Service Unit for one year with a report to the Board by August 2004. Motion carried.

On MOTION duly made by Ms. Downing, seconded by Ms. Winslett, to certify the following programs for three years – the 26th and 31st District Court Service Units, Aurora House, Loudoun Youth Shelter, Virginia Beach Crisis Intervention Home, and Virginia Wilderness Institute. Motion carried.

On MOTION duly made by Ms. Downing, seconded by Ms. Winslett, to certify Discovery House for three years with a report to the Board by September 2004 regarding 800.5 LHS to include information on sensitivity training. Motion carried.

On MOTION duly made by Ms. Downing, seconded by Ms. Winslett, to certify the following programs for three years with letters of congratulations for 100% compliance – Bridges Family Oriented Group Home and Prince William Group Home for Boys. Motion carried.

On MOTION duly made by Ms. Downing, seconded by Ms. Winslett, to approve the VJCCCA plans as amended for all localities. Motion carried.

VIII. OTHER BUSINESS

A. Disproportionate Minority Confinement

Mr. Jones discussed the Department's concern regarding this topic. As a result, he was pleased to announce the appointment of Ms. Shauna Epps as Coordinator. He said there appears to be an overrepresentation of minorities (ethnic, racial) as well as poor children within the population that is processed through juvenile justice; much in excess of their general population rates. He recently returned from a national conference on this issue in New Jersey. DJJ will develop a plan in Virginia – obligated to do so under the OJJDP Act - to step up efforts to eliminate those disparities. DJJ established DMC as a priority by dedicating a position within the Central Office of DJJ to coordinate those efforts. He discussed Ms. Epps' background and felt she will be an excellent choice. He said the issue would be looked at in a neutral, objective, detached, empirical way so that DJJ can develop standards that can be required of employees and urged upon the judiciary and juvenile justice professionals throughout the system.

Ms. Epps discussed her charge. She said DMC information must be available when applying for Federal funding – a core requirement. She said DMC is an issue of concern for us as well as nationwide. She will be looking at what DJJ can do to make a helpful impact. She will be working with other states on the class and race issue. Educating and training of probation officers will help deal with the issue at the lowest level. She is also involved with the Annie Casey Foundation. She said DJJ will look at all aspects of incarceration for youth – from beginning to end.

B. Psychological Rates

Ms. Angela Valentine discussed the new recommended rates and how they were developed. She said it was necessary to revise rates due to budget constraints and the need to more closely monitor accounts and cut down on number of psychological reports performed.

Mr. Pullen explained the Code reference that allows the juvenile or circuit courts to order a psychological evaluation after an adjudication and prior to disposition to assist the judge in making a disposition. The Code says DJJ should reimburse the doctor if a parent cannot pay, based on the rate approved by the Board. (The last rates were approved two years ago.) The procedures adopted by the Board at a previous meeting allow the Director to set a specific allocation. The new process will require prior approval after the judge orders the evaluation. The requests will have to come through the Office of Court Service Support. That office will track usage and will notify the courts and the Court Service Units. The rates are customary and in line with Anthem and Medicaid.

On MOTION duly made by Mr. Turpin, seconded by Ms. Pacheco, to adopt the psychological rates as presented and review the rates every two years with statistical information on usage. Motion carried.

C. Training Policies (Actions)

Mr. Don Carignan discussed the amendment of policies 06-001 and 06-008 and the rescission of policies 06-003, 06-005, 06-006, and 06-009. Information on the rationale behind these actions was provided.

The Board desired to go on record that they support the importance of training and education as outlined by Director Jones.

On MOTION duly made by Mr. Penn, seconded by Ms. Downing, to amend policies 06-001 and 06-008 and rescind policies 06-003, 06-005, 06-006, and 06-009. Motion carried.

D. Policy 02-006, Grant Applications

Mr. Carignan proposed the fine-tuning of policy 02-006 to correct some discrepancies between Code of Virginia and Board policy. He also proposed the addition of the word "initial" in the third paragraph – "inform the Board of all 'initial' applications" – to preclude reporting on periodic updates on on-going projects. The Board would be informed annually on how well a grant is working.

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, to approve the amendment of policy 02-006 with the inclusion of the word "initial" in the third paragraph. Motion carried.

E. Policies 03-004 and 03-003 (Rescissions)

On September 1, 2003, the new certification regulations went into effect. Mr. Carignan said that after review, it was determined that two policies (03-004 and 03-003) are unnecessary in light of the new regulations and should be rescinded.

On MOTION duly made by Ms. Winslett, seconded by Ms. Downing, to rescind policies 03-004 and 03-003. Motion carried.

F. Shenandoah Valley Juvenile Detention Home

Mr. Bailey said that five years ago Shenandoah Valley Juvenile Detention Home requested permission to use pepper spray in accordance with Board standard 60 VAC 35-140-660. Yearly review of the use of pepper spray is mandated. The Home has not used pepper spray in the past year for any instance and is requesting permission to use that deterrent, if warranted. Last year the Board required trainees to be exposed to the spray during training. (Prince William Detention Home also has permission to use spray.)

The Board discussed the necessity for using pepper spray, the philosophy behind the need for use, notification of any use, procedures in place for use, other chemical agents and physical effects, effectiveness of the "threat" of using pepper spray in stopping inappropriate behavior – quantifiable statistics, training issues,

Mr. Jones recommended that the Board table this matter and, in the interim, invite Mr. Tim Smith, Superintendent of the Home, to speak at the November meeting. Also Marilyn Miller will be informed of the Board's concerns so that she may gather information for presentation to the Board in November. She will take those concerns to the Association of Detention Home Superintendents and get their feedback.

Mr. Bill Muse suggested that as the motion deals with Shenandoah and the Board seemed to be addressing a policy change, the Board may continue this motion and in the interim authorize continued use of pepper spray until such time Board can revisit the entire policy.

On MOTION duly made by Mr. Penn, seconded by Ms. Winslett, to approve the variance for use of pepper spray at the Shenandoah Valley Juvenile Detention Home. Motion failed.

On MOTION duly made by Mr. Turpin, seconded by Ms. Downing, to suspend the approval of the variance for pepper spray until a more detail review of the issue at the next Board meeting and in the interim to take it to the Detention Commission. Motion failed.

On MOTION duly made by Ms. Pacheco, seconded by Mr. Penn, to approve the variance for use of pepper spray at the Shenandoah Valley Juvenile Detention Home contingent on the appropriate research being submitted and a discussion held at the November Board meeting with the superintendents for Shenandoah and Prince William. Motion carried.

IX. DIRECTOR'S COMMENTS

Mr. Jones congratulated the new officers for the Board and commended and thanked all Board members for coming to the orientation. He stated he is very appreciative of their willingness to serve.

He discussed DJJ's legislative agenda; budgetary submission; sight and sound separation requirements; the Culpeper Juvenile Correctional Center issue; new superintendent at Beaumont Juvenile Correctional Center; letter to editor regarding ward's letter; participation in Governor's

Bias-Based Policing initiative, Governor's Urban Policy Task Force, and Attorney General's Anti-Gang Task Force; website for DJJ (www.djj.state.va.us); and the appointment of Bruce Twyman, new Public Information Officer, effective September 15.

Mr. Jones said he is now the Vice Chair for the Legislative Committee of the American Correctional Association (ACA). He also discussed the survey from the ACA on "Youths in Juvenile Detention Waiting for Community Mental Health Services" and as a member of that Association has agreed that Virginia will participate in the survey. Dr. Waite agreed it would be worthwhile.

X. COMMENTS OF BOARD

Mr. Penn thanked DJJ for the hospitality and information bestowed. He appreciated the thoroughness of the orientation. He will approach his duties with all due seriousness and looks forward to his affiliation with DJJ and fulfilling his role as Board member.

Ms. Pacheco agreed with Mr. Penn. She said she was very impressed with the staff and proud to serve on the Board. She thanked Ms. Gargasz for the great job on the orientation. She said she is very interested in the prevention arena and likes the idea of looking into the community alternative program.

Mr. Turpin said juvenile matters are a passion for him. He is committed to the justice system and has respect for the people who work in juvenile justice for a living. He said that no matter what the youth have done, they are still kids.

Ms. Winslett agreed with all of the comments. She said she senses the commitment, caring, and compassion from the staff. She said she is impressed with their desire to reach and do what's best for our children. She said she feels privileged and thankful to be part.

Ms. Downing also agreed with the foregoing. She thanked Mr. Jones and his staff for all the hard work and time to put everything together. She congratulated Mr. Sparks and thanked him for a job well done. She said she is excited and looking forward to the direction the Board is going. She said she feels such energy and looks forward to what will be accomplished and helping to move DJJ forward.

Mr. Sparks welcomed the new Board members. He said the diversity and wide background of experiences will really help the Board. He said he appreciated the orientation and all the work that went into it.

Ms. Pacheco recommended that a letter be drafted on behalf of the Board to thank the superintendents who took time from their busy schedules to get the juveniles to give the JROTC drill demonstration and prepare the meals.

XI. LUNCH & YOUTH INDUSTRIES PRESENTATION

During lunch Mr. Clarence McGill, Youth Industries Manager, showed a film depicting the program. He further explained how youth are afforded the opportunity to learn a marketable skill to enhance their chances of obtaining employment upon release.

XII. ADJOURN

On MOTION duly made by Mr. Turpin, seconded by Mr. Penn, to adjourn the meeting at 1:40 PM. Motion carried.

Respectfully submitted,

Patricia F. Rollston