



# COMMONWEALTH of VIRGINIA

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Members  
Kenneth G. Feng  
John E. Harding  
Jorge G. Lozano  
A V. Maddra  
Connie W. Seago  
John A. Wasowicz, Esq.  
Thomas A. Wilkins

## *Board of Juvenile Justice*

DOC - Academy for Staff Development  
Crozier, Virginia  
Board of Juvenile Justice Meeting  
January 10, 2001

Present:        Kenneth Feng  
                  John Harding  
                  Jorge Lozano  
                  A. V. Maddra  
                  Thomas Wilkins

### **I.     CALL TO ORDER**

The meeting was called to order at 10:38 AM by Chairman Wilkins. Mr. Wilkins called upon Director Peed who introduced Mr. Jerry Eggleston, director of Virginia State Department's Correctional Academy. Mr. Eggleston welcomed the Board and gave a brief background of the Academy. He invited everyone on a tour after lunch.

### **II.    APPROVAL OF AGENDA**

No motion was made to approve the Agenda.

### **III.   APPROVAL OF MINUTES**

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, the Board approved the Minutes for the November 8, 2000, meeting with a correction to Page VI, Section XI to reflect that the meeting adjourned at 12:45 PM rather than 12:45 AM. Motion carried.

### **IV.   COMMENTS OF PUBLIC**

There were no comments from the public.

## V. COMMITTEE REPORTS

### A. Secure Services Committee

On MOTION duly made by Mr. Harding, seconded by Mr. Maddra, to certify Beaumont Juvenile Correctional Center for one year. Motion carried.

Mr. Bailey explained the audit process. Messrs. Maddra, Harding, Wilkins, and Feng commented on the improvement of Beaumont. Mr. Noble, Superintendent of Beaumont, thanked the Board for their comments and commented on the massive team effort involved in improving conditions at Beaumont for both staff and wards.

On MOTION duly made by Mr. Harding, seconded by Mr. Maddra, to certify the Richmond Juvenile Detention Home for two years. Motion carried. (Copies of letters sent to residential facilities are attached as requested.)

On MOTION duly made by Mr. Harding, seconded by Mr. Maddra, to continue the current certification status of Roanoke Detention Home to March 2001 due to no Board meeting in February. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Maddra, to approve he County of Chesterfield's Juvenile Detention Planning Study in accordance with the following:

- 1) The facility shall have 25,817 renovated square feet and 30,714 new square feet for a total of 56,531 square feet, and a design rated capacity of 90 beds, 33 renovated beds and 57 new beds.
- 2) The locality's anticipated construction costs total \$9,722,122. The State share is \$4,861,061, for 33 renovated beds and 57 new beds.
- 3) Furniture and equipment for 90 new beds, maximum State share is \$270,000.
- 4) Personnel and operations, State share is \$2,340,000 for 90 new beds. (This would REPLACE the existing block grant amount for the 33 beds.)
- 5) Start-up costs, State's share is \$195,000 for 90 new beds.
- 6) With an anticipated opening date of June 2002, the personnel and operating expenses will become available at that time for one month of Fiscal Year 2002 and all of Fiscal Year 2003.

The availability of funds for reimbursement as approved above is contingent on the Governor's approval and the appropriations of funds by the General Assembly. Motion carried.

A discussion was held regarding planning studies for localities. Marilyn Miller addressed the letter from Secretary Aronhalt and explained the implications of the changes, possible impact on planning studies, and the Board's process in approving projects. Barry Green explained the spreadsheet numbers on statewide construction costs as well as circumstances that may alter the original requests thereby necessitating a return to the

Board to request additional funds. Mr. Marsden discussed guide specifications provisions. Messrs. Green and Schieldge addressed Mr. Lozano's concerns regarding handling change-orders on projects.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to accept the letter from Secretary Aronhalt regarding the process for determining and approving the state share of the cost of construction or renovation of local juvenile detention homes. Motion carried.

On MOTION duly made by Mr. Maddra, seconded by Mr. Harding, to amend its July 1997 motion approving the W. W. Moore, Jr. Home for Juveniles' Planning Study to adjust the state reimbursement for construction from \$2,620,990 to \$3,017,975. This recommendation is subject to approval by the Governor pursuant to Section 16.1-309.5 of the Code of Virginia, as amended by the 2000 Session of the General Assembly. This recommendation is further contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Maddra, seconded by Mr. Harding to amend its January 2000 motion approving the Blue Ridge Juvenile Detention Planning Study to adjust the state reimbursement for construction from \$2,403,800 to 52,625,422. This recommendation is subject to approval by the Governor pursuant to Section 16.1-309.5 of the Code of Virginia, as amended by the 2000 Session of the General Assembly. This recommendation is further contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Maddra, seconded by Mr. Harding to amend its September 2000 motion approving the Prince William Juvenile Detention Phase II Planning Study to adjust the state reimbursement for construction from \$2,075,360 to \$2,250,507. This recommendation is subject to approval by the Governor pursuant to Section 16.1-309.5 of the Code of Virginia, as amended by the 2000 Session of the General Assembly. This recommendation is further contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Maddra, seconded by Mr. Harding to amend its June 2000 motion approving the Virginia Beach Juvenile Detention Planning Study to adjust the state reimbursement for construction from \$5,408,550 to \$5,764,514. This recommendation is subject to approval by the Governor pursuant to Section 16.1-309.5 of the Code of Virginia, as amended by the 2000 Session of the General Assembly. This recommendation is further contingent on the appropriation of funds by the General Assembly. Motion carried.

On MOTION duly made by Mr. Maddra, seconded by Mr. Harding to amend its May 2000 motion approving the Shenandoah Valley Juvenile Detention Planning Study to adjust the state reimbursement for construction from \$2,375,260 to \$2,837,670<sup>1</sup>. This recommendation is subject to approval by the Governor pursuant to Section 16.1-309.5 of the Code of Virginia, as amended by the 2000 Session of the General Assembly. This

recommendation is further contingent on the appropriation of funds by the General Assembly. Motion carried.

**B. Non-Secure Services Committee**

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to continue the current certification status of The Green House to March 2001 due to no Board meeting in February. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify the James Barry Robinson Family Oriented Group Home Program for three years. Mr. Feng advised that this item had been approved in a previous meeting, but had been left out of the motions. Motion carried.

**VII. OTHER BUSINESS (These items were discussed out of order.)**

**A. Budget Information**

Mr. Barry Green presented an explanation of funding and potential budget changes. (Handouts.)

**B. Population Forecast**

Mr. Steve Pullen presented an explanation of population forecasts. (Handout.)

**C. Detention Home Construction Guideline Specifications**

Mr. Dave Marsden explained the specifications. (Handout.) He discussed the process established to review the specifications in order to provide for program safety and security that is consistent with public safety, to reduce the cost of construction for localities and Commonwealth, and to reduce the size of facilities consistent with good programming. He introduced Dr. Shepard of the University of Richmond.

Mr. Peed advised the Board that Dr. Shepard had been a critic of Beaumont over a year ago. And that he had toured Beaumont about April or May of last year as a representative of the City of Richmond's Court Advisory Committee.

Dr. Shepard complimented the Board and the Department on the dramatic turnaround. He thanked Director Peed and the various deputy directors for a new, open approach to dealing with regulations, standards, and guidelines within the Department and for programming changes. His concerns were with respect to the

<sup>1</sup> The state share of residual value, based on the City of Staunton's most recent assessment, has been amended and backed out, in the amount of \$54,100. (The previous amount of state share of residual value was \$450,990. The City of Staunton has since had the property re-assessed.)

guidelines for minimum standards. One related to the number of square feet that would be available in the rooms. The IJA American Bar Association Juvenile Justice Standards relating to architecture of facilities recommends 100 square feet in single rooms and 160 square feet as a minimum for double rooms. The other concern was with 2.97 dealing with non-contact visitation. He felt a specific reference to the ability to have both visual and auditory communication was needed.

Mr. Marsden advised the Board of some numbering changes for the areas of concern and that auditory communication had been addressed in the revised document. An increase in square footage would be tremendously costly. DJJ's guidelines are in keeping with the American Correctional Association and CORE standards for the operation of children's facilities throughout the Commonwealth. Mr. Lozano expressed a concern regarding UL codes. Mr. Schieldge advised that the Department does not look at these codes as they are monitored by localities.

#### **D. Overcrowding Issues/Board Liability**

Mr. Bill Muse advised the Board that if members follow what the laws and code require, no problems should arise. If, however, for example, the Board were to allow a facility to remain overcrowded with knowledge that the overcrowding caused conditions of confinement that were cruel and unusual, adverse to folks' health, etc., then members could incur some liability for allowing a facility to continue to operate under such conditions. In past years, there were concerns or questions raised regarding detention homes with a specific rated capacity. The architect usually decides rated capacity when the building is built - the number of beds. Most of those detention homes have been constantly over the rated capacity. Allowing a detention home to go over its rated capacity does not determine liability for allowing that detention home to remain open. Adverse health consequences, overcrowding that causes security issues, and problems with LHS are issues that should concern the Board. The Board has the authority to certify or not certify places to operate. The real standard the Board must meet is "deliberate indifference." When something becomes Board knowledge and there is a Life, Health, Safety issue/problem involved, the Board must take action one way or the other. Further discussion was held.

#### **E. Private Provider Residential Programs**

Mr. Tim Howard explained a breakdown of programs (548 - 67 residential and 481 non-residential), funding sources, different levels of monitoring, etc. (Handout.) Programs encompass court service units to contract services. The bulk of the Department's resources go to community programs. His staff is developing an operating system that will monitor programs to determine how they are working. Mr. Feng asked to be advised regarding the structuring of the monitoring of programs at a later date. Mr. Lozano asked how budget cuts would impact kids and how private enterprise could come in to create more programs. Mr. Howard

said there are some partnering programs and contracts with several for-profit services; one of which is Cornerstone. The Department wants programs to focus on risk factors (substance abuse, family issues, school issues, involvement with negative peers) and has directed that all Crime Control Act plans address those risk factors even though DJJ doesn't control the kinds of programs being funded through the \$30,000,000 that passes through DJJ.

#### **F. Standards Revisions for Offices on Youth**

Mr. Don Carignan explained the review required of Offices on Youth along with the regulations and programs. He requested that the Board approve the regulation be amended to comply with the directive of the General Assembly in Item 475.B of the 2000 Appropriations Act and to clarify, consistent with Amendments to the Delinquency Prevention and Youth Development Act, that the primary mission of Offices on Youth is to be the planning, coordination, evaluation, and technical assistance of programs under the Secretary of Public Safety. The proposed amendments were developed in cooperation with representatives of Offices on Youth and require substantial changes. He requested Board approval to proceed with the regulatory process and explained the technical differences involved. Public comment will be held and those comments will be reported to the Board.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to recommend that staff move ahead with process and report back to the Board within a reasonable period of time. Motion carried.

LUNCH at 12:45. Reconvened at 1:45 PM.

### **VIII. DIRECTOR'S COMMENTS**

Mr. Peed reported that there are four staff houses at Beaumont and three at Hanover. All facilities are full. He further explained that policies regarding use of these houses. Mr. Green explained the funding and rental procedures.

Mr. Peed reported that the recent VJCCCA Conference in Roanoke was very successful. Mr. Howard said that about 300 people participated in programs that were more technical in nature to provide information to localities. Mr. Wilkins commended Mr. Howard and staff and said that dialogue and relationships with community groups is extremely important to success of what we are trying to do.

Mr. Peed reminded the Board that Mr. Eggleston would give a tour of this academy, one of the finest academies in the country for corrections. Mr. Wilkins called for a show of hands for tour participants.

### **IX. COMMENTS OF BOARD**

Mr. Lozano expressed concern regarding budget cuts and challenges for agency.

Mr. Maddra said he was encouraged by what he had seen in the past year as problems were addressed and solved. He felt that morale and attitudes were improved. He expressed appreciation for the work of the Department and felt that the Director is focused on what his charge is.

Mr. Harding expressed concern regarding the cut in funding to Camp Kenbridge. Mr. Green explained that it was simply the dollars involved. The boot camp was a targeted cut put into the budget by the Governor. He further explained predetermined cuts. Discussion was held regarding options still available, increased detention homes becoming operational, and alleviating juvenile correctional care. A bill has been introduced that, if passed, will broaden post-d requirements so that more kids could be sent to post-d.

Mr. Feng proposed a Board Retreat in the near future in order to prioritize work and focus and unify efforts. Mr. Peed will challenge Kelly to arrange a retreat.

Mr. Maddra inquired about a replacement for Mrs. Seagle on the Board. Mr. Wilkins will send a letter to Ann Petera on behalf of the Board. Mr. Maddra also asked if the Board parking problem had been solved. Mr. Peed said that when the Board returns to Richmond, something will be done. Mr. Maddra requested that the next Board meeting be held at Beaumont. It was decided that depending on DJJ's recommendation, no February meeting would be held.

Mr. Wilkins asked Mr. Peed to talk about the acquisition of the Natural Bridge Juvenile Correctional Center - 100 acres for \$765,000. Mr. Wilkins commended Mr. Peed and staff on swiftness on getting information out on Beaumont. He further discussed his first impressions. He also commended Messrs. Peed and Marsden for getting together and addressing the Beaumont problem head on. He felt that there was no substitute for leadership and thought that Mr. Peed was providing that. He encouraged Board members to get information to Jackie for publication in the newsletter.

Mr. Feng congratulated Jackie Green on the Department's newsletter.

## **X. EXECUTIVE SESSION**

It was not necessary to hold an Executive Session.

## **XI. ADJOURN**

On MOTION duly made by Mr. Feng, seconded by Mr. Harding, to adjourn the meeting at 2:25 PM and to go on a tour of the DOC Training Academy. Motion carried.

Respectfully submitted,  
*/s/ Patricia F. Rollston*  
Patricia F. Rollston