



COMMONWEALTH of VIRGINIA

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

Board of Juvenile Justice

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

Northern Virginia Detention Center
Board of Juvenile Justice Meeting
April 12, 2000

Present: Kenneth G. Feng
John E. Harding
Jorge Lozano
A. V. Maddra
Connie Seagle
Thomas Wilkins

I. CALL TO ORDER

The meeting was called to order at 9:59 AM by Chair Connie Seagle.

II. APPROVAL OF AGENDA

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, the Board approved the Agenda.

III. APPROVAL OF MINUTES

On MOTION duly made by Mr. Maddra, seconded by Mr. Feng, the Board approved the Minutes for the March 8, 2000, meeting.

IV. COMMENTS OF PUBLIC

There were no comments.

V. COMMITTEE REPORTS

A. Secure Services Committee

On MOTION duly made by Mr. Harding, seconded by Mr. Wilkins, to certify Prince William Detention home for three years with a status report in six months on compliance with 140-260 and approve a variance to Core 5.97. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Wilkins, to continue the current certification of Barrett Juvenile Correctional Center to June 200 pending the receipt of a corrective action plan. Motion carried.

On MOTION duly made by Mr. Harding, seconded by Mr. Maddra, to approve the Commission of Shenandoah Valley Juvenile Detention's Revised Planning Study in accordance with the following: (1) the facility shall have 30,970 total gross square feet and a design rated capacity of 50 beds. The maximum that the State shall provide funding for is 30,000 total square feet (600 square feet per bed of capacity). (2) The locality's anticipated construction costs (total approved project cost for 30,000 total square feet) in the amount of \$7,316,907 of which the State share is \$2,375,260 for 50 new beds. (The total project cost in the original planning study was \$7,216,097. The State share approved by the Board at the May 12, 1999 meeting was \$2,517,843. The difference between the approved amount and the proposed amount is \$142,583.) (3) Furniture and equipment for 50 new beds, maximum State share is \$150,000. (4) Personnel and operations in the amount of \$634,804 of which the State share is \$317,402 and includes 15.9 full and part-time staff (in addition to the existing block grant of \$648,372 and 33.4 full and part-time staff). (5) Start-up costs in the amount of \$26,450 which is the State's share (previously approved amount at May 12, 1999, meeting was \$23,969); (6) With an anticipated opening date of March 2002, the personnel and operating expenses will become available at that time for four months of fiscal year 2002 and all of fiscal year 2003. The availability of funds for reimbursement as approved above is contingent on the appropriation of funds by the General Assembly. This motion may be reconsidered at a future meeting to address: (1) The provisions of enrolled HB 387 and SB196, and (2) Additional information upon which the residual value of the existing detention home if such information warrants a revaluation of that facility. Motion carried after a discussion of appraisal value of the old property and how it affects the State share for the new facility.

B. Non-Secure Services Committee

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to continue the current certification of the 31st District Court Service Unit to May 2000 pending the receipt of a corrective action plan. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify the 3rd District Court Service Unit for three years with a letter of congratulations for 100% compliance. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify the 19th District Court Service Unit for three years. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to continue the conditional certification of the Barry Robinson Center FOGH Program for two months pending demonstrated compliance with 140-250 and 140-260. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to certify Bridge House for three years with a status report in May 2000 on the completion of suicide prevention training. Motion carried.

On MOTION duly made by Mr. Feng, seconded by Mr. Harding, to certify the Dinwiddie Office on Youth for three years with a letter of congratulations for 100% compliance. Motion carried.

VI. OTHER BUSINESS

A. Certification Process

Messrs. Howard and Bailey presented the certification and monitoring process. Mr. Howard discussed the Code of Virginia and the authorization given to the Board to monitor the activities of the Department. He explained that all State and local facilities and units operated or facilitated by or affiliated with the Department and consisting of approximately 210 programs are audited a minimum of every three years. He also described the reorganization of the Certification Unit under Mr. Bailey. As a result of VJCCA funding, an additional 400 programs related to non-residential services are monitored by Susan Gholston. Of those 400 programs, there are 104 plans that are presented to the Board every two years. Mr. Howard further discussed the details involved in monitoring these programs for compliance with regulations and discussed the Board's responsibilities related to formal reviews. Mr. Bailey explained that a focus review can be mandated by the Board or the Department for a particular purpose.

Private provider program criteria was also discussed.

Ms. Gholston discussed the collection of data relating the Crime Control Act and explained that the data will be analyzed for anomalies. She outlined the process and explained how it will be used for tracking re-offenders and other outcomes. Further discussion was held on data collected and how to detect anomalies.

Mr. Bailey discussed using customer service satisfaction questionnaires as a key to help evaluate programs and explained corrective action plans.

Mr. Howard requested two members of the Board to work with the Department to develop review and make funding recommendations regarding the Crime Control Plans.

The transitional programs were outlined. Board members were invited to become involved in the certification process.

The Board was asked to accept this new plan, which would be submitted to the Board annually with modifications and/or adaptations. The use of outside consultants was discussed. The current process is an internal auditing process. Confidentiality of data collection is maintained by the Department's Information Services section that has a number of firewalls set up to prevent hacking. Internal confidentiality is maintained by limited access availability.

Mr. Bailey explained that self-auditing for each program is encouraged. Documentation is provided to help them make timely corrections rather than wait for the formal audit. Monitoring is conducted every six months.

Decertification of a facility was discussed. Mr. Bailey stated that of the programs decertified in the past, those programs came back in as brand new programs and started the whole process all over. The interdepartmental process requires that a facility make an application for re-certification. That facility or program would initially get a six-month, then a one-year certification before becoming eligible for a three-year certification.

Resources within the Department to conduct all monitoring were discussed. Mr. Howard discussed the reallocation of staff to handle the monitoring of services, which total over \$112 million.

On MOTION duly made by Mr. Feng, seconded by Mr. Maddra, to accept this monitoring plan as presented. Motion carried.

B. Review and Revision of Policies

Mr. Carignan discussed the current initiatives to conduct top-to-bottom reviews of policies. Grant-funded consultants are looking at policies and procedures that affect court service units. Another initiative to look at institutions is being pursued. The Board was invited to appoint members to work with the Department to look at policies set by the Board. The target date is January 1, 2001, for a complete revision of Policy & Procedures Manual. The objective is to simplify and consolidate policies. He recommended that the Board adopt a format to be used in issuing a Board policy.

Mrs. Seagle advised the Board that she and Mr. Maddra will work with the Department on the review and revision of policies.

C. Proposed "Life, Health and Safety (LHS) Standards"

Mr. Carignan discussed the identification of standards that are of particular interest and concern to the Board. The list as presented is not felt to be appropriate for consideration at this time. He asked that the Board allow suspension of this list. He then outlined what the Department expects to do regarding the standard regulations. It is proposed that the Board will be given a twofold recommendation: (1) a definition that focuses more on LHS violations wherever they occur in order to recognize that there could be a serious violation of some other standard for peculiar reasons that might present a threat to wards or staff; and (2) a list of mandatory standards to identify those standards that must be maintained to be in compliance at all times. This recommendation will include a grading process for the programs to be used for certification. A range of standards to be maintained at all times may be included that will not constitute LHS issues.

Mr. Carignan explained that there are national standards and State policies that the Department must follow. He stated that some of the standards are interdepartmental and designed to address all kinds of situations and varieties of circumstances that may not relate to the Department directly, but could relate to another State agency having involvement with juveniles and their families.

Mr. Muse discussed inspection standards, such as fire, as mandated by the State. State mandates override local standards. Fire drill procedures at the facilities were discussed.

D. Fundamental Principles Informing Length of Stay Guidelines (LOS)

Mr. Carignan explained that the Board is mandated by the Code of Virginia to adopt guidelines for governing length of stay practices. The Department, using those guidelines, developed a procedure to determine how long a juvenile should stay with the Department. The Department, in conjunction with a task force, previously presented to the Board revised LOS guidelines that remain in revision. The revised LOS guidelines will be brought before the Board for approval that would enable the Department to make necessary changes to a ward's LOS as deemed appropriate.

Mr. Feng complimented the staff that put the document together as a great compilation of all the principles. However, he cited some conflicting principles. Mr. Wilkins felt that flexibility was necessary to deal with time, circumstances, and experience that should dictate what is done. Mr. Harding asked how much feedback was necessary from the Board. Mrs. Seagle suggested that Board members call or fax Mr. Carignan with questions or concerns. She explained that the Board was not approving the principles, just giving the Department the

authority to move forward. Mr. Carignan will incorporate such comments in the next document to be presented. Mr. Peed said that any concerns or questions will be addressed in writing.

Mr. Feng questioned the need for a sentencing board or panel. Mr. Carignan explained that this document only deals with how long a juvenile is to be with the Department. The restrictions, treatments, etc., governing a ward will be covered under a new classification policy currently being developed.

Mrs. Seagle felt the guidelines were a better balance. Mr. Harding concurred. He also felt that the Department's flexibility should not entail releasing juveniles when under pressure for overcrowding.

E. Classification Report

Mr. Murray discussed the Director's desire for a classification system to be established that is related to a ward's length of stay and treatment needed, among other factors. Mental health issues were also reviewed. He discussed the LEADER program and the proposed modifications and said that transitional programs will be further explored. It is proposed that a first draft of this classification procedure will be ready by May 1.

Mr. Wilkins stated that he felt one of the most critical elements of a correctional system was classification. The right classification at the right time is necessary for the individual. He stated that classification should be revisited periodically and be consistent across the State. He felt rehabilitation should be heavily underscored so that when the ward leaves, he or she is in a better position than when he or she arrived. Mr. Murray said that reclassification is a part of the procedure to take progress into account and ultimately move that individual in the system to another facility to psychologically emphasize progress.

Mr. Peed referred to Page E2 and asked the Board to approve the new policy. He wants the process systematized throughout the Department with a written plan for consistency.

Mr. Maddra questioned how a judge sentences a juvenile. Messrs. Murray and Muse explained how sentencing is conducted. Length of stay guidelines relate only to juveniles committed on an indeterminate sentence. Determinate sentences are determined by the judge and cannot be altered by the Department.

On MOTION duly made by Mr. Wilkins, seconded by Mr. Feng, to accept the new policy language as provided on Page E2 to be the new policy directive for Policy 19-002 - Governing the Operation of Programs and Facilities. Mr. Feng questioned training to insure classification is applied equally across the board. Mr. Peed said that all people making these decisions will be trained. Mr. Peed assured

the Board that the Chief Deputy Director is conducting training initiatives. Follow-up training will be conducted at other levels. Motion carried.

F. Office on Youth Variance Request

Ms. Gholston discussed the changes involved in the Code relating to the role of the Offices on Youth in the community. The Department requested that the Board provide a variance to the standards that currently speak to the six-year plan and to services directly in terms of court service units that will bring the Department in compliance with the Code. Standards will be reviewed later this year to be revised using the APA concept.

On MOTION duly made by Mr. Feng, seconded by Mr. Wilkins, to accept the recommendation, based on review and approval by appropriate persons in the Department of Juvenile Justice, that a variance to 6 VAC 35-060-440, 6 VAC 35-60-480, 6 VAC 35-60490, and 6 VAC 35-60-495 be approved contingent on the Governor's signing the enrolled bill. Motion carried.

G. VJCCCA

- 50% Rule for Revision of Plans

Ms. Gholston discussed the Board-established rule of 15% funding to transfer VJCCCA funds for programs and services. This rule posed a hardship on programs when budget revisions needed to be made within time constraints. The Department has had to return large sums of money (\$2 million was returned last year) because there was insufficient time to get reapproval of revised plans. The Department is asking that the Board's temporary approval in 1999 of allowing localities to move up to 50% of the funding between approved plans and services be permanently adopted. (To illustrate the significance of the problem, Ms. Gholston distributed a chart of the localities that actually moved over 15 % of funds.)

On MOTION duly made by Mr. Wilkins, seconded by Mr. Feng, to adopt the 50% Rule. Mr. Feng questioned the reallocation of money. He was assured that money is only reallocated among those programs and plans already approved. The VJCCCA has sole control over the funds, which are distributed by formula. Mr. Harding felt that flexibility was needed for the localities to make decisions affecting them directly. The Board must approve any programs that are closed or added. Motion carried.

- Plan Approval Process

In June, approximately 105 VJCCCA plans will be submitted to the Board for approval. In order to alleviate the time needed for review by the Board, Ms. Gholston proposed giving the Board a summarization of information.

After staff review, they will insure that all plans are maintaining Code of Virginia and other requirements; that the plans are realistic in costs and are in keeping with community needs based on data and past history, etc. She also asked that two of the Non-Secure Committee members meet with staff to review plans in more detail so that they can guide the Board in its decisions.

Messrs. Lozano and Feng have been invited to represent the Board.

Mr. Lozano commented on the possibility of using consultants to help in making decisions or increasing the number of Board members. Mrs. Seagle stated that the localities would know what works best for them. She felt the Department is monitoring those areas. Mr. Howard explained how the Department handles the process. Ms. Gholston further explained how the Department helps the localities explore programs they may wish to include. Mrs. Seagle asked that a brief paragraph be provided to explain programs presented. Mr. Harding was interested in being informed of any innovative program that is working well.

The Board agreed to the handling of VJCCCA Plans as proposed.

- Provisional Board Approval

Ms. Gholston explained the problem associated with getting VJCCCA plans approved in time due to any changes in the Code that the General Assembly may make. She explained that the Board had previously passed a provisional approval for the plans to allow localities to get the first quarter allocation to be used for currently operating programs and services that had been already approved by the Board. She stated that this proposal would open up the dates to be more general and could be used for each biennium.

On MOTION duly made by Mr. Wilkins, seconded by Mr. Lozano, to adopt the Provisional Board Approval of VJCCA Plans as stated in the attached Page G6. Motion carried.

H. VDJJ Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities

Ms. Marilyn Miller discussed the guidelines as affected by the change in the cap. She stated that there will be meeting on May 4 at the Central Office to review the guide specifications. Board members will be invited to participate. This meeting could give the Board members an idea of the purpose of guideline specifications and why they exist.

I. Handling of Complaints

Mr. Peed advised the Board that the Inspector General is looking at the Policy and Procedure on handling complaints. The Department will investigate any complaint received - written, anonymous, etc. He explained that he wanted a joint investigative effort to include the superintendents, Child Protective Services and State Police. Mr. Peed said that he did not want supervisors to wash their hands of a situation and simply give it to the Inspector General. Supervisors need to know what's going on. The protection of the integrity of the IG investigations was discussed.

The involvement of the Internal Auditor was also discussed. Hotline investigations are conducted through the State Internal Auditor, Merritt Cogswell, by the Department's Internal Auditor. This area covers fraud, waste, and/or abuse of property or money. The objectivity of the Internal Auditor's report was discussed. The Board was assured that objectivity is maintained as the report goes to the State Internal Auditor at the same time as the Department. The auditor does not investigate serious cases - murder, rape, etc.

Investigations regarding allegations of misconduct coming from a ward can be handled by the Human Rights Advocate or by the Inspector General. The seriousness of the allegation would determine how many people would be involved in the investigation.

J. Media Guidelines/Public Communications

Mrs. Seagle discussed the problems involved with the media and the need to set guidelines for conduct during a Board meeting. She asked the Board to approve the guidelines, which are to be distributed in media packets by Ms. Green.

Mr. Marsden discussed item three on guidelines for speakers. Mr. Muse stated that the Board has the right to run its meeting. There was further discussion on whether to limit comments to matters germane to the meeting, requiring a citizen to contact the Department to be placed on the agenda, etc.

Ms. Green stated that people know what will be on the agenda and what they want to address. The guidelines are an effort to curtail on-going conversations and other interruptions by media personnel and visitors. *

On MOTION duly made by Mr. Wilkins, seconded by Mr. Harding, to adopt the guidelines for media and speakers as outlined in the attached. Motion carried.

VII. DIRECTOR'S COMMENTS

Mr. Peed introduced Thad Aubry, Region II Administrator. Mr. Aubry introduced his staff and court service directors. He cited their experience, knowledge, and commitment

to the Department and juveniles in Virginia. The following directors described their jurisdictions and gave other information on staff, populations served, etc.:

Mike Mastropaolo, CSU #15; Earl Conklin, CSU #17; Dave Jones, CSU #14; Mark Crowley, CSU #20L; Jim Rankin, CSU #31; Lillian Brooks, CSU #18; and Acting Director Sue Mays, CSU #13.

Mr. Peed stated that this week was National Volunteer Recognition Week and that the Department uses a significant number of volunteers. He discussed a ceremony at Beaumont JCC that was held Saturday, April 8, to honor 101 volunteers who donated 5,000 hours of community service last year. He said that there are a number of employees of the Department who volunteer. He cited the "Lunch Buddies" program that involves children from Blackwell School. Ms. Jackie Green related that an Easter Egg Hunt on the Capitol grounds would be held on Thursday, April 13, for the "Lunch Buddies." The volunteers visit the school twice a month and mentor, read, as well as study with their "buddies."

Mr. Peed also stated that this week is Victims' Rights Week and asked everyone to remember the victims of crime.

VIII. COMMENTS OF BOARD

Mrs. Seagle recognized Jay Melvin, Director of the Northern Virginia Detention Center. Mr. Melvin introduced his staff and invited the Board on a tour of the facility. Lunch was served after the tour.

Mrs. Seagle read a letter from the Crater Youth Care Commission regarding its funding request, which has been postponed pending further review.

IX. EXECUTIVE SESSION

It was not necessary to hold an Executive Session.

X. ADJOURN

On MOTION duly made by Mr. Maddra, seconded by Mr. Lozano, to adjourn the meeting at 12:45 PM. Motion carried.

Respectfully submitted,

/s/ Patricia F. Rollston

Patricia F. Rollston