

Minutes

**Board of Juvenile Justice
Thursday, October 3, 2002**

**Georgia Music Hall of Fame
200 Martin Luther King Jr., Blvd
Class Room, 2nd Floor
Macon, GA 31202**

Roll Call

Board Members Present: Steve Adams; Vi Bennett; Major General Peter Boylan; Emmett Bryant, Jr.; Susan Dunwody; Lois Frank; Edwin A. Risler Ph.D.; John Wiggins; Mary Wilhite

Advisory Board Members Present: The Honorable Judge Gregory Adams; The Honorable Judge Quintress Gilbert

DJJ Staff Present: Frank Berry; Tom Coleman Ph.D.; Mary Esposito; Bill Joy; Robert Manville; Greg Maxey; Camille Murray; Tom O'Rourke Ph.D.; Gwen Skinner; Mike Sorrells; Jimmy Taylor; Jaci Vickers; Lena Wilson

Others: Don Schanche; Macon Telegraph

Opening Remarks

As Vice Chair, Susan Dunwody announced that she would preside over today's meeting. The meeting was called to order by Ms. Dunwody. She announced that she would have to leave the meeting to attend another meeting for which she also serves on the Board.

Roll call was taken. Ms. Dunwody then called for a motion to approve the August 22, 2002 minutes. The motion was made by Vi Bennett, seconded by John Wiggins and unanimously approved.

Ms. Dunwody acknowledged the passing of Judge Quintress Gilbert's mother and asked that special thoughts and prayers go out on behalf of their family during this time of bereavement.

Other announcements were of the upcoming October 31st Board meeting (location yet to be determined) and the 2nd Annual Girls Summit, *Painting it Pink Isn't Enough*, being held November 13-15 at Lake Lanier Islands, Georgia.

Commissioner's Comments
Orlando L. Martinez, Commissioner

Introduction

Commissioner Martinez began by greeting and thanking everyone for attending the October 3, 2002 meeting and welcomed all in attendance to the GJSA Community Corrections 2002 Annual Training Conference.

He stated that approximately 1,000 people were attending the conference. Commissioner Martinez invited all present to attend the conference and the workshops.

He then gave an overview of the agency's operations during the last month.

Facilities and Classification

- Commissioner Martinez announced that the McIntosh facility would hold a rededication ceremony on October 15, 2002, invitations would be sent out.
- In tandem with The Georgia Legislative Black Caucus, the Department of Juvenile Justice is hosting James Bell from the Youth Law Center. He will present from 2 p.m. - 4 p.m. on disproportionate minority confinement.
- Commissioner Martinez commented on the Augusta YDC's new Director, D.P. Lyons. He stated that Mr. Lyons received a Masters Degree from Lincoln University and has gained much experience working in juvenile justice and correctional facilities. He is known as a trouble shooter, Commissioner Martinez stated.

He explained that D.P. Lyons began his career in the New York Department of Corrections. Also, he stated, Mr. Lyons has been a Security Captain, an Assistant Director for Operations for Security and Programs, and a Warden for the Department of Justice Naturalization and Immigration Services.

In his recent past, Mr. Lyons was Director of Education and Program Services for a 1,300 bed maximum-security facility, and most recently, has served as an

Assistant Director for Operations in the State of Mississippi. Commissioner Martinez expressed his positive feelings towards the “good selection” of a new Director after many weeks of interviews.

He added that Elliott Norman has been very helpful and will become the Assistant Director at the YDC. Having an experienced permanent Director, Commissioner Martinez stated, will be exactly what this facility needs.

- The DJJ Division of Facilities & Classification, in collaboration with other Divisions, has established a pilot high risk serious offender program which will be initiated on the Bill Ireland Campus the first week in October.

Commissioner Martinez stated that the project will address the needs of those youth classified as serious, violent and chronic offenders.

Intense curriculums, he stated, will be used to provide comprehensive interventions including restorative justice. Implementation of this high risk serious offender program will deal with life skills training, multi-systemic family therapy, anger management, basic academics, work experience, service orientation and other things.

Transition planning will begin upon the youth’s admission and remain a focal point of treatment throughout his stay in the program. Commissioner Martinez added that youth in need of sex offender, mental health and/or alcohol and drug treatment will be serviced by qualified mental health professionals.

Financial Management & Administrative Services

- Commissioner Martinez began by defining the Health Insurance Portability Accountability Act (HIPAA) as covering any entity (public sector or government) who provides medical or mental health services/care and keeps or shares medical information electronically or manually.

HIPAA, he stated, is a federal regulation that provides guidance and rules for how medical records (information) can be shared, who can see what information, how medical information can be released or disclosed and sets monetary and prison penalties for non-compliance.

It has been determined that DJJ is a covered entity that is required to become HIPAA compliant.

Commissioner Martinez stated that the agency is a part of a multi - Georgia state agency team that is leveraging other state resources to become compliant. GTA is the State’s coordinator for this project. The following are project deliverables that we will be required to meet:

1. Perform internal assessments to locate all areas within DJJ that are affected by HIPAA regulations -- in progress.
2. Develop plan for becoming HIPAA compliant--in progress.
3. Change electronic data exchange format of our Medicaid transactions for eligibility and billing to meet HIPAA requirements.
4. Develop policy statements within our existing policy concerning medical information privacy and confidentiality.
5. Develop a plan for how staff will be trained on HIPAA privacy and Confidentiality (initial training and ongoing training)
6. Develop HIPAA wording for contracts with vendors who provide medical services for our youth.
7. If not already properly secure, make sure our Juvenile Tracking System has transaction and data base security to meet HIPAA requirement.

The DJJ project team consists of:

Gwen Skinner -- On state HIPAA steering committee

Greg Maxey -- Project Manager

Michelle Staples- Horne -- Medical and Behavioral Health HIPAA
Implementation Lead

Mike Sorrells--- Education and Training lead

Doug Engle - Technology Lead

Terri Kight-- Policy and Privacy / Project Planning Support

Emily Redman -- Electronic Data Exchange and Project Planning support

Joan Lynn -- Transaction and online data security

Memorandum Of Agreement

Commissioner Martinez stated that through negotiations between the Department of Justice and the agency and with support from the Attorney General's Office and the Governor's Office, it was been determined that the eighth final report would be completed and available between October 10, 2002 and October 15, 2002.

Based on the report, he stated, it is expected that DJJ will receive initial compliance in all areas of the MOA not yet in initial compliance and will continue in full compliance in all areas previously in full compliance.

The primary issues continuing to be addressed by Ryan Rainey of DOJ, Commissioner reported, are related to capacity impacted by capitol outlay and budget requests, staffing

for direct care personnel for Juvenile Correctional Officers, the Office of Continuous Improvement, the Office of Administrative Hearings and Investigations, and certain mental health policies.

Commissioner stated that he had met with the Department of Justice staff and the Monitors on September 30th to discuss mental health compliance and on October 2nd to discuss all other outstanding requirements for full compliance. Commissioner reported on the following items:

- Education and medical citations, having reached full compliance, and will be removed immediately from active monitoring by Dr. Austin and his staff in the eighth report. Independent monitoring based on paragraph 141 of the MOA will occur as soon as arranged by the Department of Justice.
- Other areas of the MOA will be independently monitored as agreed to by the, Commissioner and staff of the Department of Justice.
- DJJ staff must focus on established DJJ policies, which incorporate the requirements of the Memorandum of Agreement and serve as the basis for managing DJJ in the most balanced and efficient manner.
- Based on compliance with DJJ policies, it is anticipated that the agency will be released from the MOA as of June 30, 2003. Commissioner Martinez stated that all DJJ staff are expected to continue all activities to assure full compliance - especially adherence to all agency policy.

The Memorandum of Agreement has served as a guideline for developing resources, plans and policies for the agency and now that has been accomplished. Commissioner Martinez stated that it is time for he and the State of Georgia to lead the agency without the Memorandum of Agreement. The support of all DJJ staff is critical in the next few months to assure the June 30, 2003 deadline is met.

Meetings

Commissioner indicated that he had participated in the following major meetings since the August 22nd meeting:

- Met with various juvenile court judges at the Loudermilk Center to discuss detention reform.
- Attended the sixth and final Plenary Session of the Governor's Safe Action Group
- Attended the 3rd Annual Statewide Symposium on Indigent Defense.
- Met with David Doi of the Coalition of Juvenile Justice and the Editorial Board of the Atlanta Constitution.
- Went to Tampa, Florida and attended a mental health symposium organized by the MacArthur Foundation.

- Mid and upper management staff participated in the 1st Quarterly Inter-divisional meeting.
- Attended a symposium organized by the Georgia Council on Substance Abuse.
- Attended editorial meeting with the Macon Telegraph

Commissioner Martinez concluded his comments.

Ms. Dunwody announced the attendance of Don Schanche, Reporter with the Macon Telegraph.

Resolution
Greg Maxey, Deputy Commissioner
Division of Financial Management & Administrative Support

Grey Maxey stated that the bond sale reflects that the agency is asking for \$5.14 million dollars for construction at the Augusta YDC, the Savannah RYDC, expansion at Paulding, and for \$1 million for outstanding repairs and minor construction.

Ms Dunwody asked for a motion to approve the sale of the bonds. The motion was made by Vi Bennett, seconded by John Wiggins, and unanimously approved.

Board of Education
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Dr. O'Rourke explained that he was going to make his comments brief.

He conveyed that the Board training would be held on October 31st. The theme this year was to "Leave no child behind". The plan is to give an overall perspective of what we're doing in education.

Topics to be covered in training include such items as:

- records and how we put things together
- behavioral management in the classroom
- statewide testing programs

After the training is over, Dr. O'Rourke stated, the Board would have a better handle on agency issues.

For the first time, he stated, we are going to have a recommendation for a statewide teacher of the year, since we have several committed teachers who deserve recognition.

Dr. O'Rourke reported good news on the teacher certification project. Through Armstrong Atlantic University 35 teachers are provisionally certified. Furthermore, 10 teachers are halfway finished with their certification through our own training program.

Dr. O'Rourke announced that the education citations may be the first area coming out of the MOA. He explained that there are still staffing problems that are being addressed.

Also, Dr. O'Rourke stated that several sites have been selected for compliance visits by the monitor. They are Eastman, Macon, and Augusta YDCs and Gwinnett, Blakely, Metro, Paulding, and Savannah RYDCs. Dr. O'Rourke expressed great confidence about each of them.

Dr. O'Rourke wanted to make it known to the Board and Judge Gregory Adams how very proud he was of the progression of the DeKalb RYDC.

Lois Frank inquired if the agency reserves the right to have a follow up audit. Dr. O'Rourke stated that the agency will be doing a follow up audit on medical services and possibly mental health.

Commissioner Martinez added that the MOA has driven by external forces. He feels that it is not the way to operate a business. Departmental policies which are now in place results in a continuous improvement to the system.

Lois Frank raised the question as to how effective it is when your own people are doing the policing. Commissioner Martinez explained that it is better to be out of the MOA and folks are having a tough time finding administrative incompetencies. He stated, we haven't had a lot of litigation because of the MOA and the lack of administrative incompetencies. We have good monitoring, good policies, and good people.

Judge Quintress Gilbert inquired as to the ratio of special education teachers in the system, particularly in Bibb County. Dr. O'Rourke stated that the Macon YDC had 1 special education teacher and the Macon RYDC has 2 special education teachers.

Dr. O'Rourke believes that approximately 40 % of our kids have special education needs. We take a 3 month snap shot of the population to come up with the average daily population, special education teachers are then allocated on a 12 to 1 ratio.

Judge Gregory Adams asked about the number of special education teachers in DeKalb County. Dr. O'Rourke stated that the RYDC currently has 3 special education teachers.

Ed Risler expressed concern about a population increase and how the teacher ratio would be adjusted. Dr. O'Rourke explained that if there is a spike in population, the solution is either to get the spike down or to adjust the ratio.

Ms. Dunwody stated that Dr. O'Rourke and the Office of Education were doing a great job, from replacing the hand me down textbooks to the certification of teachers. Dr. O'Rourke complimented Audrey Armistad stating that she has completely turned the situation around at the Augusta YDC.

Ms. Dunwody asked Gwen Skinner for a report on the conference activities.

Ms. Skinner stated that there were about 1,000 juvenile justice professionals being registered over at the Centreplex. Training on Balanced and Restorative Justice will be taking place. This is the 9th conference and it is growing by about 200 attendees a year, she stated. Ms. Dunwody thanked Gwen Skinner for her hard work and dedication put towards the GJSA Community Corrections 2002 Annual Training Conference.

Ms. Dunwody adjourned the Board of Education meeting and reconvened the DJJ Board meeting.

Rethinking Juvenile Justice
Orlando L. Martinez, Commissioner

Commissioner reported that the agency is rethinking the way the agency looks at juvenile justice. The plan, he stated, is to combine two systems into one, corrections and child welfare. This, he feels will make the agency better as a whole.

There is nothing wrong with having correctional staff, but as an agency we haven't defined youth service workers, he stated. The agency has to have structure, accountability and sanctioning.

The child welfare agency's priority is to make an ideal family for youth, but what's ideal Commissioner questioned? From a correctional standpoint, we must use the strengths of the child and their family to keep them out of the courts

The agency, Commissioner Martinez explained, has a responsibility to improve public safety, improve the academic, social and behavioral competencies of our clientele, and to balance and restore justice.

The agency has made several advances in the right direction, such as:

- By region, developed a range of comprehensive services
- Completed a Master Plan which outlines the agency's capital needs
- Developed an Integrated Classification System which determines where to place kids based on their risks and needs

As an agency, we must look at the risk to re-offend. Often times agencies just look at the type of security needed. We have gone far beyond that, Commissioner stated. Field staff will have access to hand-held computers, to make their work easier.

Lois Frank questioned why is the agency proud of hand-held computers. Commissioner Martinez explained that the portability of computers is helpful. The convenience of being able to handle assessment responsibilities and do other things is ideal. For instance, with the hand-held computers, he stated, you can input information anywhere (car, class, etc). This allows staff to lessen the paper trail.

Lois Frank also questioned at which point in the system do we use this classification system. Commissioner Martinez replied, in the independent courts it is the judge's call. In the dependent courts, it is our call, but the agency does all of the assessing.

Judge Gregory Adams responded to Ms. Frank by stating that his is an independent court.

Lois Frank questioned if the judges had access to the assessment information. Commissioner Martinez explained that it is determined by the court's policy. For instance, the relationship between judges in DeKalb County is one where information is shared.

Lois Frank asked that when a child is arrested, are there certain determinates that decide where the child is placed and if judges are aware of the findings from the assessment?

Judge Gregory Adams responded that DeKalb County uses assessment instruments provided by DJJ, yet they remain an independent court. He continued, after an intake decision is made, the judge reserves the right to make a different determination.

Many times, he stated, probation officers have an influence over judges on where to place kids, their decision is based on the kid's ability to recommit. There are 6 prototypes, 5 for boys and 1 for girls.

Commissioner Martinez added that there are difficulties when dealing with population projections. You need to ask how do kids get into the system. It is not true that all kids come into the system from an arrest. Many times, the school refers a child, but every kid must go through the court system.

Lois Frank inquired as to how much discretion the agency has to move the child after the court has placed him somewhere. Commissioner Martinez responded that it depends; there are different stages in our laws and some flexibility of placement. Judges in one part of the state may treat a specific delinquency case different than a judge in another area. The agency does everything by risk and need. Each court handles things by what their policy states.

Judge Gregory Adams wanted to iterate to Lois Frank that the biggest challenge for judges is coming across parents who refuse to take their children. He stated that about 40% do not want to have their children back in the household.

Major General Peter Boylan questioned the impact on the child by forcing them to go to a home where the family doesn't want them. Ed Risler added that it would make them feel as if no one wants them. Commissioner Martinez added that the agency has counselors that work with the family to help provide a positive living environment.

Commissioner Martinez reported that the agency has moved 800 kids out of institutions and there has not been an increase in crime in Georgia. The funds, he stated, are placed in community programs. Commissioner explained that it was the first time in several years that the agency has had under 1,000 kids in detention.

Lois Frank complimented the Commissioner on the idea of having smaller community-based facilities. She stated, she likes the idea of the agency coming up with its own philosophies.

Major General Boylan questioned the number kids in the system decreasing but seemingly more are arrested and for lesser offenses. Commissioner Martinez responded that many kids come to the agency for treatment services.

Commissioner's philosophy is to have smaller, more regionalized institutions. A new design will be implemented in Columbus. There will be 2 pods consisting of 25 beds. This allows better interaction on a personal basis. There will be less perimeter security. If

you develop a relationship with the kids, you will better able to treat them. Commissioner Martinez added that there are some challenges. When it gets too small, it gets expensive.

Judge Gregory Adams questioned the security of the Columbus facility. Commissioner Martinez stated that they will be non-secure beds, and if needed, the agency will put a fence around it and make it more secure.

Lois Frank questioned if the agency was responsible for prevention. Commissioner Martinez explained that the Children and Youth Coordinating Council (CYCC) is putting money into prevention programs. He added that the CYCC funded Judge Gregory Adam's Crisis Intervention Counseling (when parents refuse to take child). They have been 100% successful in convincing parents to take children home. Commissioner also added that there is a federal block of money that CYCC has had access to since 1974.

Major General Boylan requested that another briefing be given on how the classification system is progressing and how recidivism is going and if it is being incorporated into our system.

Judge Quintress Gilbert announced an open house. Emmett Bryant requested for the Board to remember Dave Evans' family in their prayers.

Emmett Bryant called for any other questions. Asking for and hearing no questions the meeting was adjourned.

APPROVED:

David C. Evans, Chairman
Board of Juvenile Justice

Orlando L. Martinez
Commissioner & Superintendent
DJJ Board of Education

Emmett Bryant, Jr., Secretary
Board of Juvenile Justice