

## **Minutes**

### **Board of Juvenile Justice and DJJ Board of Education**

**Thursday, January 23, 2003  
1:00 p.m.**

**DHR Boardroom  
29<sup>th</sup> Floor  
2 Peachtree St. N.W.  
Atlanta, Georgia 30303**

### **Roll Call**

**Board Members Present:** Steve Adams; Maj. Gen. Peter Boylan; Emmett Bryant, Jr.; Mary Linda Duncan; Lois Frank; Dr. Eleanor C. Main; Edwin A. Risler; William J. Shellem; Major John E. Wiggins; Mary E. Wilhite

**Advisory Board Members Present:** Judge Quintress J. Gilbert, Judge Gregory Adams

**DJJ Staff Present:** Thomas L. Coleman; Ronnie Lane; Orlando L. Martinez; Greg Maxey; Gwendolyn Skinner; Mike Sorrells; Jimmy Taylor; Jaci Vickers; Lena Wilson

**Other:** Dr. Cynthia Bass; Bobby Carrell; Harrison Copeland

### **Opening Remarks**

In the absence of Acting Chair, Susan Dunwody, Board Secretary Emmett Bryant chaired the meeting. He opened the meeting by greeting everyone and thanking them for their attendance. He expressed Ms. Dunwody's disappointment that, due to sudden illness, she could not attend.

Mr. Bryant then presented, for approval, the minutes of the December meeting. Bill Shellem made a motion to approve the minutes and Lois Frank seconded the motion.

## **Commissioner's Comments**

### ***Introduction***

Commissioner Martinez greeted the assembly and thanked them for attending the January 23, 2003 meeting of the Board of Juvenile Justice. He briefly highlighted activities of the agency over the last few weeks, as follows:

### ***Operational Activities***

#### **Facilities and Classification**

- Superior Court youth are no longer housed at Eastman YDC. They will be sent back to their home RYDCs where their cases can be better managed and expedited through the court system. This will open up space for kids sentenced to YDCs.
- The exchange of the boys from Pelham YDC and the girls from Emanuel YDC went smoothly and was executed without incident. Because Emanuel YDC is the larger facility, it can better accommodate the larger population of boys.

#### **Community Corrections**

- Commissioner notified the Board that an arrest had been made in the murder of a staff member. He stated that the unfortunate incident is quite a loss to the agency.
- Community Corrections staff has now moved to their new location in Savannah. This involved moving the Community School, ISP and case management staff to a location that is alongside the emergency shelter/group home.

An open house is being planned and members of the Board will be advised of the time and date.

- On 12/16 Gwen Skinner and Commissioner Martinez met with Vernon Keenan, Director of the GBI, and his staff, to discuss the improvement of services provided by GBI related to the apprehension of committed youth. Plans are being made to correct the difficulty of having a slow response time.

This was a very positive meeting that resulted in the agency revising its process for requesting their services. Also, the GBI gained new insight into their legal responsibility to pick up the youth as directed by the agency.

- The RYDC population has remained significantly under capacity. Commissioner Martinez personally expressed his appreciation to the judges for their assistance. He stated that the data from 1999 to 2002 reflects that 1500 fewer kids are entering the system.
- Gary Pattman has transferred to District 11 from District 3B. Neil Kaltenecker is the Acting District Director in 3B. Charles Felton, Region III Administrator has resigned. Until further notice, Don Nix and Micki Smith are sharing those responsibilities.
- Judges have been notified of limited access to the Juvenile Tracking System (JTS). Training on the use of the system is in progress.

## **Program Services**

### ***Office of Behavioral Health***

- Staff completed Phase Two of suicide prevention training. This training is required as a part of MOA initiatives to ensure that all staff are trained and qualified to provide suicide prevention related supervision. A study completed by the National Mental Health Association in this area identified JCOs as employees in need of this training.

The training was conducted on January 6-7, 2003 at the DJJ Training Academy.

- Behavioral Health Services staff is working to revise and restructure the RSAT Program at the Augusta YDC. RSAT is a Residential Substance Abuse program that is federally funded with the goal of providing training and treatment to youth with substance abuse issues.

Behavioral Health Services staff is pursuing an additional federal grant for substance abuse services. Letters of support have been requested from the Department of Labor and the Department of Technical and Adult Education. A letter of support has been received from Hank Huckaby (OPB Director).

Meetings with the McArthur Foundation, in collaboration with DHR, will continue in an effort to provide mental health care for kids.

### ***Office of Medical Services***

- The Office of Medical Services has completed a two-day training class for all medical staff personnel. The class was conducted on January 9-10 at our Training Academy.

Ms. Pat Tweedy, Director of Health Care Services and her staff are developing an orientation briefing for Dr. Irwin, the new DOJ Independent Monitor. He will be visiting our sites within the coming months. Areas of interest are education and medical, which may be released from monitoring.

The orientation is scheduled for January 27th and Dr. Irwin plans to visit the Metro RYDC on January 28 and 29.

- Medical is still experiencing difficulties in hiring and retaining nurses. The major problem is the overall shortage of nurses across the country, as well as, the pay structure of the state, which renders the agency non-competitive in recruiting efforts.

To rectify the problem, the services of a personnel agency that specializes in nurse recruitment and staffing have been secured. Commissioner stated that he is not hopeful that this will resolve the issue and that privatization may be an option.

### **Memorandum of Agreement Update**

#### ***Independent Monitoring:***

Commissioner Martinez reminded everyone that both education and medical have been removed from active monitoring by Jim Austin and his consultants. The Independent consultants chosen by the Department of Justice, as specified in MOA 141, will monitor both.

Ryan Rainey has indicated that he hopes to have a report of the independent monitoring by March 2003.

#### ***Education:***

Independent monitoring of education is progressing. Dr. O'Rourke and his staff, along with the Dr. Kelly Johnson, previous Education Monitor, provided an orientation to Ryan Rainey and Dr. Castro (the current education monitor) as well as two other attorneys from Mr. Rainey's office.

On the first visit, Dr. Castro visited Metro and Paulding RYDCs and according to all reports, the visits went well, with no major problems or concerns noted.

Documentation was provided to Dr. Castro as requested in December correspondence from the Commissioner. Each Board member was copied on the correspondence, primarily providing budget and education resource information from 1998 to present.

Dr. Castro returned to visit the Augusta RYDC on January 6 and the Augusta YDC on January 7 and 8. He is working with Dr. O'Rourke to schedule other visits and you will be advised as the information is provided.

***Medical:***

- One of the sensitive areas is the overlap of medical and mental health. These areas need to be closely monitored with special focus on mental health and medical nurses' cooperative efforts to assure consistency of care to mental health youth, i.e. medications, lab orders, staffing vacancies and overall medical coverage, etc. Medical services at the Macon YDC are being considered for revamping (redesigning).

***General MOA Information:***

- Staffing minimums for JCO shift coverage based on DJJ policy 8.1 for the RYDCs is still a point of discussion with DOJ.

Effective January 1, 2003, Gwen Skinner initiated a daily method of reporting from the RYDCs for us to review compliance in this area. Staffing analysis conducted revealed that 300 additional staff are needed. Positions were allocated, but not dollars. The Department has developed its own staffing ratios and positions can now be filled as they become vacant.

- Gordon Fisher, Eugene Robinson, and Jimmy Taylor continue to accompany Allen Breed and/or Jim Austin to facilities to review the incident reporting process. Thus far, the results have been positive.

Each facility has received suggestions on how to improve its internal process. Commissioner stated that the Department could not keep all positions filled. Bill Shellem asked how the Department's ratios stacked up against other systems. Commissioner responded that it depends on staffing patterns and facility design, and that currently we are competitive in these areas.

***Mental Health:***

- Dr. Pablo Stewart has visited Clayton, Metro, Marietta and Gwinnett RYDCs during this reporting period to monitor the 8 outstanding MOA citations.

Overall, the visits have proceeded well, especially regarding the outstanding citations, as well as, implementation of new policies. The visits to Metro and Clayton proceeded extremely well.

- Marietta has systemic problems regarding coordination of efforts between and among the various mental health staff.

Although Marietta is expected to receive a satisfactory rating on the current progress report for the 8 outstanding citations, it would not have passed an independent monitor's review.

### **Policy**

The following major policies have been added and are available on the Intranet.

<u>No.</u>	<u>Title</u>
21.5	Field-Based Investigators in Contract Facilities
2.16	Initiation of Field Based Investigations
5.1	Records Management
5.3	Open Records Act
7.4	Tobacco-Free Environment
8.23	Transportation of Youth
12.9	Mental Health Screening
21.1	Program evaluation

### **Meetings**

Commissioner Martinez participated in the following major meetings since December 9<sup>th</sup>:

- Facilities Conference in Macon
- Georgia Commission on Hispanic Affairs
- ACA 2003 Winter Conference in Charlotte, along with Dr. Tom Coleman, Ronnie Lane, and Chad Hoffecker
- The use of Title IVE and Medicaid dollars with Norm Zimlich, Don Schmidt and others
- Budget Hearings at the Capitol.

Judge Adams inquired about the removal of education and medical from active monitoring. Commissioner responded that it is built into the process of independent monitoring. The agreement is that the Department of Justice has a right to come in with it's own Monitor. Education and medical may be removed entirely.

## **Conclusion**

Commissioner Martinez concluded his remarks to the Board. He opened the floor for questions and/or comments.

Major General Boylan inquired about difficulties with the mental health treatment program. Commissioner responded that the problem was not with mental health, but with medical staffing. The Department has a problem with hiring nurses because of the pay scale.

General Boylan also wanted to know what percentage of residents leave DJJ with a high school education. Jack Catrett responded that percentages were not the focus. He stated that the academic growth of youth in the centers is considered, and that currently, the agency has 22 high school graduates and approximately 400 residents pursuing a GED.

Commissioner Martinez posed the questions, "How do you measure what makes a difference?" and "Does education impact delinquency?" He stated that kids' progress is not followed long enough to make a determination. He went on to say that our educational system is one of the finest, but that it may be provided in the wrong location. Commissioner Martinez stated that MST works well with kids and also tracking. Functional Family Therapy (FFT) also works well.

DOJ studies show recidivism has been reduced from 47% to 11%, that there are 1,500 fewer kids entering the system. Despite moving kids into the community, there has been no increase in juvenile crime. Eleven million dollars have been invested in the community with the closure of Wrightsville, Irwin and Lorenzo Benn YDCs. The agency is doing a better job of identifying kids that don't need to be locked up.

Mr. Shellem stated that this has had an impact within and without the system. He stated that aftercare needed a closer look to identify ways of ensuring that kids do not reenter the system. He went on to say that the agency's kids needed an opportunity to get an education and he applauds the efforts and work of education staff.

General Boylan stated that if we are going to solve the problem, resources are going to be the key. He asked, "How do you quantify that?" We have to demonstrate that we're doing more than punishing kids. Commissioner Martinez responded that we are in a better position today and that laws need to be changed to support the Department's efforts.

Steve Adams stated that there was a time when the Department was only funded for bricks and mortar.

Lois Frank asked the Commissioner to expand on his statement that we have education in the wrong place. Commissioner Martinez responded that we have an exceptional education program in the YDCs and RYDCs; that our program is being touted by the Department of Justice and other states. He stated that if we put our education program in a community setting with only the amount of restriction necessary, we would have a great system.

Dr. Ed Risler stated that we would not know the results for another ten years. He continued that he believes not all programs are good for all kids and that it is an ongoing process getting kids to the age of maturity and demonstrating a more acceptable way of behavior.

Commissioner posed the question, "How can I do more with the money allocated?" He stated that he's not sure if the Legislature is ready to fund studies and that he is recommending ways to improve the system.

## **Agency Update**

### ***Status of the Commissioner***

Commissioner Martinez informed the group that as yet, there is no word on whether he will continue as head of the agency. He stated that Governor Perdue has asked that for now he continue as before. He made it known that he would like to stay to finish the requirements of the MOA and that there is nothing to base a guess on whether he will stay.

Judge Gregory Adams asked when an initial report from the Independent Monitor is anticipated. Chad Hoffecker, Legal Services Director, responded that when the Monitor completes the current evaluation, a report would be provided. He is not sure when that will occur but will get feedback.

### ***Meeting with Chief Operating Officer***

Commissioner Martinez met with the Governor's Chief Operating Officer, Jim Lientz, on January 23, 2003. He has asked Greg Maxey to assist him with providing a list of departmental issues to Mr. Lientz.

Commissioner reiterated that he has submitted his resignation to the Governor and reapplied for his position. He stated that in his meeting with Mr. Lientz, he was asked to stay and resume operations until further notice. Under the new structure, agency heads will report to the COO.

Bill Shellem stated that members of the Board needed to address the issue of a new Board Chair. He further stated that a unified Board is needed that is knowledgeable of current issues related to juvenile justice and proposed that a vote be taken to select a new Board Chair.

A lengthy discussion ensued, with points being made on current member terms and speculation on reappointment. He later posed a motion to “address the issue of Board Member terms and to develop an order to proceed, with consideration given to those members with an opportunity for a second term.”

Commissioner stated that historically, the Governor has appointed Board members and recommended a Board Chair. He also stated that he did not think this issue should be decided at this time. Mr. Shellem asked Commissioner if he would address this issue in future meetings with the Governor’s staff.

### ***Budget Hearings***

Greg Maxey, Deputy Commissioner, Financial Management and Administrative Support, reported that he attended Budget Hearings on January 22, 2003.

Outlining the FY03 Amended Budget Request, proposed reductions include:

- Delay opening of the Crisp RYDC until January 2004
- Cancel addition of 13 new beds to the Non-Secure Detention Program
- Reduce funding for the Emanuel YDC due to facility being under capacity
- Reduce funding for several contract programs that may have to discontinue service effective April 1, 2003
- Reduce funding in object classes
- Allow for an austerity adjustment

Total reduction is \$12,062,970.

Enhancements for the amended budget include:

- Start-up and operational funds for three new RYDCs. This project is necessary for compliance with the MOA
- Eliminate hiring delays for JCOs to ensure adequate staffing at the RYDCs and YDCs. This is also a requirement of the MOA
  
- Realignment of various object classes
- Provide for start-up and operational costs for the Department’s new office space

Total enhancements are \$3,939,179.

The FY2004 Budget Request was also reviewed. Items highlighted include:

### Reductions

- Eliminate 13 new slots/beds planned for the Intermediate Intervention Program (IIP)
- Cancel the addition of 13 new beds to the Non-Secure Detention Program
- Cancel the addition of 13 slots in the Multi-Systemic Therapy (MST) Program
- Reduce funding for the Savannah River Challenge (YDC) due to start-up costs no longer required
- Reduce funding for the Emanuel YDC due to facility being under capacity
- Reduce funding for various contracts
- Eliminate funding for various contracts
- Reduce travel, equipment, mental health per diem, administrative per diem, and YDC care and custody per diem
- Allow for an austerity reduction

### Annualizers and Other Adjustments

- Reduce personal services
- Reduce authorized position count by 49
- Transfer monies from contracts to real estate rentals to fund a standard GBA rental rate per rental square footage
- Increase real estate rentals
- Annualize
  - FY2003 pay raise
  - 45 Juvenile Probation and Parole Specialists (JPPS) partially funded in FY2003
  - restoration of equipment funds reduced from FY2003 base budget
  - restoration of computer equipment funds reduced from FY2003 base budget
  - operational cost for McIntosh YDC

### Enhancements

- Provide start-up and operational funds for three new RYDCs (necessary for compliance with the MOA)
- Eliminate hiring delays for JCOs to ensure adequate staffing
- Provide funding, in addition to existing funds, for partial year operation of the new Crisp Short-Term YDC program
  
- Realign object classes for privatized maintenance contract
- Realign object classes for Macon YDC Mental Health contract
- Realign object classes for expansion of privatization of vocational education programs at YDCs with the Department of Technical and Adult Education (DTAE)

Requests were also made to fund the Child Protective Services package that includes funds for conversion of uniform rates and funds to support a pilot program for case management for children in joint DJJ/DHR custody.

Bill Shellem and Dr. Main noted that there is continued discussion about downsizing, but we continue to build and that there are many factors to be considered in order to make a determination. Dr. Main expressed concern that there will be few jobs for kids when they are ready to enter the work force.

Judge Quintress Gilbert stated that she applauds the efforts of DJJ staff to prepare the students for reentry into society. She wanted to know what the Department's comfort level is with regard to the Ramsay Corporation as it now stands. Commissioner Martinez responded that the Department has contracted to purchase beds rather than positions. The agreement will cover up to 50 beds, but the Department will only be charged for beds that are actually occupied. He asked Jaci Vickers, Director of the Office of Public Affairs, to also respond to this inquiry.

Ms. Vickers stated that she had been in contact with both Ramsay and the South Carolina Department of Juvenile Justice. Ramsay previously operated two group homes in South Carolina. Unlike what had been reported, Ramsay, on their own, had decided to close down one of them. Their license had not been revoked. Furthermore, it would be the Georgia Office of Regulatory Services who would determine the licensing eligibility of the facility in Macon.

Judge Gilbert wanted to know about the program in Darien. Ronnie Lane responded that the contract with Three Springs terminated in July. Commissioner added that the comfort level was good with Ramsay Corporation and that monitoring efforts are going well. Approximately 40% of the DJJ population is in need of mental health services and we hope to procure an additional 50 beds. Funding for beds is dependent upon appropriations.

Judge Adams asked how soon it would be before positions in District 3B are filled. Gwen Skinner responded that the announcements will go out in March and the positions will hopefully be filled in May. Ms. Skinner remarked that there needs to be stability in DeKalb County. She is also hopeful that the persons hired will work well with Judge Adams and the programs in DeKalb County.

### ***Meeting with Gubernatorial Staff***

#### Ethics Legislation

Mike Sorrells met with Gubernatorial staff on January 21, 2003. He informed the Board that an Executive Order was signed on January 13, 2003 establishing a Code of Ethics for executive branch officers and employees. Highlights of the order includes:

- Nepotism – Employees are to refrain from using their position to influence hiring/promotions.
- Lobbying – There should be no direct contact with those who lobby on behalf of the Department. Efforts should be coordinated with the Governor’s Office.
- Relationships with Providers – Employees should avoid appearance of conflict of interest.

Dr. Main asked how the Order affects Board members. Mr. Sorrells responded that he will research the answer and provide a response at the next meeting. He went on to say that all gifts are to be reported to him within 30 days of their receipt.

Mr. Bryant closed the floor and adjourned the regular meeting of the Board to convene the meeting of the DJJ Board of Education.

### **DJJ Board of Education**

Jack Catrett, Education Director, reported that on December 27, 2002, an FTE count was conducted. The count revealed that there were 922 students receiving special education services.

There was an increased gain in test scores. The number of high school students in DJJ custody who take the test (61%) is greater than that in public schools (57%).

Mary Linda Duncan asked what was the percentage rate of high school graduates in our system. Mr. Catrett responded that the rate of graduation is at 35%.

Mr. Bryant adjourned the Board of Education meeting and reconvened the regular meeting of the Board.

### **Chair’s Comments**

Mr. Bryant announced that the next meeting of the Board is scheduled for Thursday, February 27, 2003. He also informed members that an Executive Session to discuss personnel/litigation issues convenes following adjournment.

## Adjournment

Asking for and hearing no other comments, the meetings of the DJJ Board and DJJ Board of Education was adjourned.

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Susan F. Dunwody, Acting Chair  
Board of Juvenile Justice

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Orlando L. Martinez  
Commissioner & Superintendent  
DJJ Board of Education

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Emmett Bryant, Jr., Secretary  
Board of Juvenile Justice