

# Minutes

**Board of Juvenile Justice  
Thursday, May 20, 2004  
9:30 a.m.**

**Hyatt Regency Savannah  
2 West Bay Street  
Savannah, Georgia 31401**

## *Opening Remarks*

Major General Peter Boylan, Acting Chair

Major General Peter J. Boylan, Acting Board Chair, called to order the May 20, 2004 meeting of the Board of Juvenile Justice. He asked the audience to identify themselves and who they represent. After introductions, Mr. Boylan asked for Roll Call.

## Roll Call

Lena Wilson took Roll Call and announced that a quorum was present.

**Board Members Present:** Vi Bennett; Maj. Gen. Peter Boylan; Elizabeth Green Lindsey; William McQueen; Daniel A. Menefee; Dr. Edwin A. Risler; J. Daniel Shuman; Mary E. Wilhite

**Advisory Board Members Present:** Judge Gregory Adams; Judge Quintress Gilbert

**DJJ Staff Present:** Albert Murray, Commissioner; Frank Alarcon; Jack Catrett; Dr. Thomas L. Coleman; Ed Cook; Ericka Davis; Doug Engle; Gordon Fisher; J. Steve Herndon; Neil Kaltenecker; Devadas Lynton; Jeff Minor; Marilyn Reaves; Dr. Thomas O'Rourke; Rob Rosenbloom; James Smith; Dr. Michelle Staples-Horne; Jimmy Taylor; Shirley Turner; Lena Wilson

**Others:** Mark Cicero, Assistant Attorney General, Department of Law; Pete Colbenson, Children and Youth Coordinating Council; Nina Edidin, Assistant Attorney General, Department of Law

## **Chair's Comments**

Major General Peter J. Boylan, Acting Chair

Mr. Boylan requested a copy of the Board's attendance record for the monthly meetings. He then asked that members of the audience sign in if they had not done so. Afterwards, Mr. Boylan asked for a motion to approve the minutes from the April 22, 2004 meeting. The motion was made by Dan Menefee and seconded by Elizabeth Lindsey. The motion was carried.

## **Commissioner's Comments**

Albert Murray, Commissioner

### **Introduction**

Commissioner Murray greeted everyone and thanked all in attendance for traveling to Savannah to attend the May Board meeting and the Annual Conference of the Georgia Juvenile Services Association. He shared that he was very pleased to have the opportunity to meet with members of the Board on the previous evening and have conversations in a social setting.

Commissioner stated that the most appropriate place for him to start his comments would be on the additional changes in the agency's reorganization. He continued as follows:

### **Organizational Changes**

Commissioner announced that there are three new members on his executive team. They are Bill Reilly, Chief of Staff, Frank Alarcon, Deputy Commissioner of Operations, and Nina Edidin, Director of Legal Services. These members will be direct reports to the Commissioner.

Commissioner informed everyone that Bill Reilly, who formerly served as the Chief Judge of the Appalachian Juvenile Court, will serve as Chief of Staff for the Department. He explained that as Chief of Staff, Bill will assist in directing the day-to-day activities of the Department and will provide oversight to administrative support and operational Divisions/Offices. He further explained that Mr. Reilly will be the second highest ranking administrator within DJJ and will have the authority to make decisions in his stead and otherwise act with the same authority afforded to him. Commissioner stated that Mr. Reilly was not able to be in attendance at the meeting because he was operating in his stead at Central Office while he is here in Savannah.

Commissioner Murray then introduced Mr. Alarcon the newly appointed Deputy Commissioner of Operations. He stated that Mr. Alarcon possesses 30 years of public service experience including over 20 years in juvenile justice leadership positions in both California and Florida. Most recently, he served as the Deputy Secretary of the Florida Department of Juvenile Justice. Commissioner stated that he is familiar with his service record and has no doubt that Mr. Alarcon will be a strength to the Department, despite the less than warm welcome he received from the news media.

Commissioner introduced Ms. Nina Edidin who will officially begin work on June 1, 2004 as the Legal Services Director. Commissioner shared that Ms. Edidin currently serves as an Assistant Attorney General in the Department of Law. He stated that her past experience includes service as the Legal Services Officer for the Department of Human Resources' Office of Child Support Enforcement.

Commissioner Murray continued that, in addition to these additions to the team, he has elevated Jeff Minor to the level Director of the Office of Fiscal Management (formerly the Financial Management and Administrative Support Division). He stated that in his opinion Jeff is one of the strongest fiscal managers in the State and will ensure that the Department stays within the lines of good fiscal management. Also, he stated, Mr. Minor is a good supervising manager and will have responsibility for a number of staff within the Department and will work closely with the Commissioner's Office and will be considered a member of the Executive Management Team. Commissioner continued that Mike Sorrells will continue with the Department in a similar, but different capacity. He will serve as the Director of the Office of Human Resources (formerly the Human Resources Division) and will continue to serve as part of the Executive Management Team. He explained that Mr. Minor and Mr. Sorrells, as well as Dr. Tom Coleman, Deputy Commissioner of the Program Support Division and Frank Alarcon will report directly to Bill Reilly, Chief of Staff.

Commissioner stated that he has asked Jimmy Taylor to assist him in establishing an Apprehensions Unit to be physically housed in the former Office of Law Enforcement Services Building in Marietta. The responsibility for apprehending runaway youth was transferred through an Executive Order and an interagency agreement to the Georgia Bureau of Investigation in 2001; however, during the past legislative session, this activity was returned to the Department. Mr. Taylor will be responsible for overseeing the Apprehensions Unit activities until further notice and will assist the Commissioner in locating an experienced individual to serve as Director of the Unit.

Commissioner Murray informed everyone that these appointments and changes conclude his reorganization plan. He stated that he thinks it is important that management focus on the issues of the Department and move forward without being overly concerned about organization or reorganization. He continued that direct reports to his office will include Chief of Staff Bill Reilly, Legal Services Director Nina Edidin, OAH Director Jimmy Taylor, OCI Director Shirley Turner, Special Projects Director Gordon Fisher, and a Confidential Secretary.

Commissioner indicated that the aforementioned changes, for the most part, will conclude the initial phase of the agency's reorganization plan. He has asked staff to place their full focus on the day-to-day demands of DJJ and their particular role in the agency. He acknowledged that the contribution of line staff is as important as the work of the highest-ranking managers.

At this point, Commissioner acknowledged the service record of Jaci Vickers who has chosen to leave DJJ to move into another career opportunity. He expressed his regret at her departure and indicated that Ms. Vickers was invaluable to him when he came aboard with the Department, assisting him by familiarizing him with day-to-day operations and the general metro Atlanta area. He informed everyone that Ms. Vickers was returning to the City of Atlanta to work with Mayor Shirley Franklin performing a number of administrative and management functions. He also acknowledged that Ms. Vickers has served him and the Department well and wished her continued success. He stated that in the interim, Ericka Davis, Ms. Vickers' former Deputy will act in the capacity as Acting Director until a new Director is permanently named. He stated that Ms. Davis is very capable and that he is comfortable with her in that role.

### **Operations Division**

Commissioner Murray highlighted a few of the Operations Division activities:

- RYDC population management has been ongoing and we continue to be successful remaining within the 120% capacity level as established by the MOA. He stated that this has been a challenging process and requires daily contact, several times daily, between his office and management staff at the facilities. He stated that April and May are two of the identified months of the year that the Department experience population peaks. He indicated that the Department has been working diligently with the courts to accommodate their intake needs and move the youth to centers below capacity as the need arises. Additional pressure has been placed on managing facility population due to the scheduled and unscheduled closures of facilities. Commissioner recognized the hard work by agency staff both in the centers and in the field to manage this situation. Commissioner stated that as we approach the next peak period, traditionally November and December, we will have had more time to develop a strategic plan for population management.
- YDC populations have been moved to 105% of capacity to help relieve the RYDC population and move the youth to placement as quickly as possible. They have been able to absorb this within their existing resources. This should be a temporary situation until the waiting list reduces in the late spring.
- The G-8 Conference is in June and DJJ has in place a contingency plan and is coordinating its effort with the statewide G-8 Planning Committee. There is an

expectation that there will be protests and potential law violations, some of whom may be youth. Regional Administrator Lorr Elias and her staff have done a good job in planning and are prepared to handle the detention responsibilities.

- Commissioner recognized James Smith and his staff at Metro RYDC for continuing to do a good job managing the Augusta YDC population. The unit is doing normal releases and is accepting new youth referred to the mental health and shelter units as needed. Metro RYDC will continue in this support role until the Augusta YDC is reopened.

### **Augusta YDC Restart**

Commissioner Murray stated that he has established a Task Force to give him good information and advice on how best to reopen the Augusta YDC. Dr. Tom Coleman is chairing the committee that is made up of DJJ staff, Augusta Delegation members and DJJ Board members. The Committee has met and conducted a thorough review of the requirements for restarting the Augusta YDC. They are preparing a final report and expect to have it and recommendations to him no later than June 10<sup>th</sup>. Commissioner stated that he has communicated regularly with members of the committee and believes they will have strong recommendations that he expects to embrace. He continued that he would share these recommendations with the Board as soon as practical before the next meeting of the Board. Commissioner then indicated that the next step would be to establish an implementation committee to help staff the facility and identify areas that may require an operational plan.

### **Human Resources**

#### ***Athens RYDC Update***

- At the time of the closure of the facility and the implementation of the Reduction-in-Force was implemented on March 31, 2004, only 18 of 53 salaried employees (34%) and 1 of 15 hourly employees (6.6%) had located other state employment. Of the salaried employees, 14 had or were scheduled to transfer to other DJJ work locations and 4 employees transferred to other state agencies.

As of May 1, 2004, four (4) more former Athens RYDC salaried employees and 3 former hourly employees had located other DJJ employment. The total number of former Athens staff who are now employed in a state agency includes 22 salaried staff (41.5%) and 4 hourly employees (26.7%).

Additionally, 19 former salaried employees remain on Contingency Leave Without Pay and efforts continue to assist these and other former Athens RYDC staff in locating State employment through DJJ or other State agencies. Commissioner indicated that Mike Sorrells was instrumental in placing staff.

### ***Management Develop Program Update***

- In partnership with the A.L. Burruss Institute of Public Service at Kennesaw State University and Career Training Concepts, the Department is presently engaged in a training needs assessment to determine curriculum needs for Components 3 and 4 of the Management Development Program. These components will be designed to provide participants with key management and leadership skills/competencies. Over 140 employees have participated in the process either by completion of a written survey or through a personal interview. Initial results of the written survey have been compiled and we have been provided with a listing of potential training topics as recommended by survey participants. Further analysis of these findings is underway and we anticipate more definitive recommendations by late May or early June. When program content needs have been finalized, we will move quickly into the curriculum development stage for those designated topics without established curriculum in place or, as a preferred alternative, the identification of existing copyrighted training materials. Our goal will be to pilot these components before the close of this calendar year.

### **Program Services**

#### ***Medical***

- Ms. Gayle Simmons, RN, BSN, and former Lead Nurse at the Bill Ireland YDC, has been selected to serve as the Region 2, Regional Health Service Coordinator. This position is assigned to the Health Services Office that is headed by Ms. Patricia Tweedy. During the past four years, we have had only four (4) Regional Health Service Coordinators but the need was for five (5) in this capacity. With Ms. Simmons' assignment we now have all five coordinators on board.
- The Office of Health Services conducted its semi-annual training meeting in Savannah May 5-7. The training was conducted in conjunction with National Nurses Week.

#### ***Behavioral Health***

- Mr. Ryan Rainey, the U.S. Department of Justice attorney, visited the Gainesville RYDC on May 5-7, 2004 to review the status of the Behavioral Health and Medical Programs. The unofficial reports indicate that overall, he was pleased with what he saw during the visit.
- The Office of Behavioral Health is currently working to expand substance abuse prevention to youth in the RYDCs and general campus youth in the YDCs. They met recently with Dr. S. Jaffe from Emory University School of Medicine and

will be working with him over the next several months to develop programming and evaluation in the RYDCs. They are also working with the Office of Education to implement a prevention focus to the general campus in the YDC through the aftercare program.

- Behavioral Health will conduct clinical in-service training in Forsyth on May 18th and 19th. The training will focus on the assessment and treatment of self-mutilating youth. Commissioner indicated that this is an area where more attention should be focused. Continuing Education Unit credits will be offered in an effort to promote staff licensure.

### **Special Projects**

Commissioner reminded the Board that the Department has been and continues to aggressively pursue release from the MOA and oversight by the United States Department of Justice (USDOJ). Commissioner stated that he found that one of his greatest challenges when he came on board with the Department was to be sure the Department did not lose any ground in gaining full compliance with the MOA. He indicated that it is time that Georgia's leadership directs the future of the agency. He stated that valuable lessons and resources have been gained from DOJ's focus on Georgia. Commissioner indicated that after years of oversight, with an emphasis on the more secure and costly aspects of DJJ's system, it is time for Georgia to move forward in a responsible and independent manner in the best interest of its citizens and youth.

He shared with the Board the current status of the MOA and his sense of what will happen next:

The lead attorney for the USDOJ, Civil Rights Division, is Ryan Rainey and the Lead Monitor is Dr. Jim Austin.

- Dr. Austin, the Lead Monitor, is independent of USDOJ and DJJ, and is on contract with the Office of Planning and Budget. His contract has been in effect since July 1, 1998 and will conclude as of July 2004. The other monitor, Mr. Allen Breed, has not been actively involved since January 2004. The monitors have used two experts, Dr. Pablo Stewart for medical and mental health issues and Kelly Johnson, initially for education, but more recently in other MOA areas.
- The MOA stipulates that the monitor complete reports for both parties every six months. The Monitor's last official report was completed March 17, 2004 for the monitoring period of July 2003-December 2003. Dr. Austin and Mr. Breed ceased active monitoring of the Department in January 2004. Dr. Austin is spending the remainder of his time assisting in the new Office of Continuous Improvement (OCI) implementation, observing and providing feedback of the new OCI audit process, and attending the monthly MOA meetings.

- Current emphasis in the MOA is in five functional areas:
  - Behavioral Health care
  - Medical care
  - Protection from harm
  - Physical and programmatic
  - Quality assurance and other general correctional matters
  
- As of the Monitor's eleventh report, for the period of July through December 2003, DJJ is in substantial compliance with all but 10 of the 105 MOA citations. Commissioner stated that he is extremely proud of this accomplishment and gives credit to DJJ staff. He stated that this was work that was done before he came on board and required a lot of effort and a lot of energy. He stated that a strong commitment from administration in the Governor's office and others involved in the MOA was instrumental in accomplishing compliance. All medical citations are in compliance, as are physical and programmatic, and other general correctional matters. Of the ten citations not in compliance, three are in mental health, three in protection from harm, and four in quality assurance. Commissioner stated that the Department has a plan in place to address these remaining citations.
  
- As allowed by citation 141 of the MOA, the USDOJ, through its lead attorney, is exercising its option of conducting an independent evaluation of medical and mental health. Tours of facilities to verify compliance are occurring and the independent reviewer will determine whether DJJ has met compliance requirements and is in full compliance. To date, Metro and Gainesville RYDCs and Macon YDC have been evaluated. Metro was found in full compliance and results for Gainesville and Macon have not been received.
  
- The Quality Assurance section of the MOA has 4 citations. There are two primary issues. One is the Department's ability to conduct professional, independent audits of all of its facilities. The Department has reached agreement with USDOJ to modify our Office of Continuous Improvements (OCI) and provide the subject experts required which are needed to conduct audits in a timely, more professional manner. The Department of Justice has agreed that if the new model is implemented as submitted that compliance can be granted by the Department of Justice without the twelve months of monitoring. The new OCI organization became operational April 1, 2004. To date, two audits have been completed at Macon and Eastman YDCs. The audit reports are pending.
  
- The second primary issue is the Department's ability to investigate allegations of child abuse in a timely manner, independent of facility supervision. As a result, the Department has reached agreement with the Department of Justice to modify its Office of Administrative Hearings and Investigations (OAH) and provide the resources needed to conduct investigations in a timely, more efficient manner.

The Department of Justice has agreed that if the new model is implemented as submitted that compliance can be granted by the Department of Justice without the twelve months of monitoring. OAHJ became operational April 15, 2004.

- Commissioner stated that he and Mr. Rainey are in agreement that the Department of Justice and the State of Georgia can reach consensus regarding any outstanding matters and conclude the MOA by the end of this calendar year.
- An MOA meeting will occur during our current visit here in Savannah.

### **Conclusion**

Commissioner Murray concluded his remarks and opened the floor for questions and comments.

Judge Gregory Adams stated that although the new Deputy Commissioner was present, he did not have any information on him except what was indicated in the media. He asked for some clarity on the reports. Mr. Boylan stated that an Executive Session would be held before the conclusion of the meeting to discuss the appointment of Mr. Alarcon and all questions will be addressed at that time. Judge Adams withdrew his question.

Dr. Ed Risler stated that he would like to have a copy of the Augusta report. Commissioner responded that he would provide each member of the Board a copy of the report. Dr. Risler then stated that of the remaining RYDCs that are operational, only two of them are under capacity, and nine of them are over capacity.

Mr. Boylan stated that he and Judge Gilbert had discussed this issue, and concluded that because of lack of space, kids are being housed in Group Homes.

Judge Gilbert stated that there are two areas where focus should be placed. Time spent in a Group Home is not counted against time served on the original sentence which can potentially be a liability for the Department; and when a judge is sentencing a youth, the judge is not aware that the youth may be placed in a Group Home. She indicated that judges were not notified nor was their permission sought for a youth to be sent to a Group Home while waiting for space in an RYDC or YDC.

Commissioner Murray asked Rob Rosenbloom, Assistant Deputy Commissioner of Operations, to add more detail to Judge Gilbert's statements. Mr. Rosenbloom stated he is not aware of a particular circumstance where there was an order for a youth to get time served for STP while in detention at a shelter. Mr. Boylan stated that youth assigned to an RYDC or YDC are generally not the same type of youth found in a Group Home. He indicated that this would be a contaminating influence and inquired why youth assigned to a program that require incarceration is permitted to go into a Group Home setting. Mr. Rosenbloom responded that under the STP order the youth normally waits in detention

but with judicial concurrence the youth can wait in a shelter bed to help relieve detention overcrowding. These youth are lower level risk youth that may go to a shelter.

Judge Adams stated that this is the first time he has heard of this practice. Both he and Judge Gilbert agreed that they have never been asked for permission to place a youth in a Group Home setting while awaiting detention. He inquired when this practice started. Commissioner Murray stated that he hopes the Department has been consistent with obtaining consent from judges. He continued that assuming this is the case Group Homes are programs that provide a different kind of service to youth who have scores that would indicate that do not require the security of a large facility. He stated that it is his experience that if staffing patterns and programming are right, youth will benefit better from that environment much more than in a traditional correctional environment.

Judge Gilbert stated that the placement of youth in a Group Home environment is not the issue; rather the youth is moved from RYDC or YDC without consent. Commissioner responded that this is a concern for him and the issue will be revisited. Mr. Boylan asked if the Group Home was being utilized as a holding station before incarceration. He stated that he was not aware the homes could be used for that purpose. He stated that Group Homes in the metro area as well as in Chatham County has been used as shelter programs for alternatives to detention. Mr. Boylan injected that what is not being said is that the Group Homes are being used as a means to evade the MOA because of the overcrowding situation. He continued that although it will be good for some youth to go into a Group Home prior to incarceration, it will be an issue for others.

Judge Gilbert stated that just recently she had two youth to appear before her that were charged with arson. One was found to be sane the other was not, but both were placed in a Group Home in Macon. It was found that one of the youth had committed several acts of arson, yet was placed in a minimal risk environment which she stated was of great concern. Dr. Risler injected that he appreciates the hard work being done by Mr. Rosenbloom and his staff but there is a need to find a solution to the Group Home problem to avoid a greater problem. In an effort to understand, he presented a scenario that if a youth was sentenced to 60 days and spent 50 days in a Group Home, would the youth then have only 10 days left in YDC. Mr. Rosenbloom responded that the original sentence was still to be served. Dr. Risler then stated that that would be a liability for the Department.

Dr. Risler inquired about the average length of stay. Mr. Rosenbloom responded that he did not have the numbers but would get the statistics to share with the Board. He continued that he would like to respond to comments about the MOA. He stated that one of the issues is to create an alternative to detention. One of the strategies is to create shelter beds. Some resources have been changed to accommodate changing shelter beds into detention beds. There are not a lot of shelters around the state and only one contract program in metro Atlanta that is used as a shelter program. The Department makes use of these facilities for the right kids, although there are situations that require exceptions. Mr. Boylan asked if judges have the discretion to assign a youth to a Group Home in lieu of incarceration. Mr. Rosenbloom answered in the affirmative. Mr. Boylan inquired that

if the judges assign the youth to incarceration, couldn't the judge's sentence be carried out as opposed to being overridden by some local authority. Mr. Rosenbloom responded that as a general practice we will remove a youth from secure detention to another alternative.

Mark Cicero, Assistant Attorney General, Department of Law, asked to respond to clarify Georgia law on this issue. He stated that regarding the sentencing of youth to certain facilities, for 90-day youth, or youth under a detention order, the court would have the power to determine where that youth would stay. For youth who are committed to the Department, only the Department can determine where that youth will stay. He stated that this was a matter that was brought before the Court of Appeals some years ago in the case 'Jones v State.'

Mr. Boylan expressed his confusion and inquired that if a judge assign a youth to a 90-day facility or YDC, does the Department have the discretion to not place the youth in a secure facility and instead place the youth in a Group Home. Mr. Cicero responded that the 90-day sentences are actually to a YDC unless the judge's consent has been obtained and alternative arrangements have been made. For youth who have been admitted to the Department for the usual 2-year or 5-year term it is clear the Department can put that youth in any setting it deems appropriate. With regard to a designated felon under the restricted custody portion of their commitment, the court's permission would have to be sought to remove the youth from that secure setting. Mr. Boylan stated that the perception of this practice is that it is used to evade the requirements of the MOA. Dr. Risler stated that he would not say it was 'evading the issue', rather just trying to solve one problem and creating another. He stated that the Department shuts down some detention centers, experience overcrowding, then purchase bed space and use Group Homes to relieve overcrowding.

Vi Bennett stated that another way to approach the problem would be to locate beds on the back end, similar to the halfway houses the federal government uses for people close to completing their sentences, instead of using beds on the front end to await detention.

Commissioner acknowledged the concerns of the Board on this issue and stated that the matter would be given priority attention and would brief the Board on the status of the matter at the next opportunity. Mr. Boylan asked that a report on the status of youth placed in Group Homes awaiting secure detention be included as an agenda item for the June 2004 meeting, and to use the Macon case as a point of focus.

Judge Adams inquired at what point does the policy changes. He stated that, as he understands it, Group Homes are an alternative to non-secure detention. Once a youth is removed from a secure environment and placed in a Group Home setting, when did this new policy go into effect?

Judge Adams and Mr. Rosenbloom discussed policy and the use of Group Homes as a placement option and an alternative to non-secure detention.

Judge Adams reiterated his inquiry that no child who is supposed to be in a secure environment is taken out of that environment and administratively put into a shelter bed. Mr. Rosenbloom responded that to his knowledge, that has not happened in the state of Georgia. Commissioner added that this had not happened since he has been on board with the Department.

Mr. Boylan then asked Mr. Rosenbloom how often he meets with the Regional Administrators. Mr. Rosenbloom responded that the Regional Administrators have a regular monthly meeting with Central Office staff and communicate more frequently than that. Mr. Boylan then asked to whom does the Regional Administrators report. Mr. Rosenbloom responded that the RAs for Regions 1, 2 and 3 reports to him and Regions 4 & 5 reports directly to Assistant Deputy Commissioner Cheryl Dresser.

Mr. Boylan inquired that when an issue arise, such as the problem that occurred at Bill Ireland YDC, and other issues such as the agreement with the MOA, or publicity it tends to occur in the field, within the regions where the children are.

For clarification, Commissioner asked Mr. Boylan if what he meant was does systemic problems cause some of the issues the Department face. Mr. Boylan answered in the affirmative. He stated to Commissioner Murray that he was curious that because the Regional Administrators are out there with all the children, do they have direct access to him. Commissioner responded that established practice within the Department, and perhaps a policy issue, may need to be revisited. He stated the he is establishing a new culture within DJJ and although the Regional Administrators have access to him, they should have easier access. He continued that persons running the facilities should also have access to him, which will help the flow of communication that will make for better management of the Department. He added that tolerance for some processes that should not be in place has contributed to some of the issues the Department is facing to date.

Mr. Boylan stated that he believes the Regional Administrators need to feel like they have access to top leadership of the Department. He continued that he has been on the advisory board of the Ireland YDC for ten years, during which time several employees have come to him with questions that arose out of issues that were identified by employees at the lower levels of the Ireland organization. They were afraid to address their concerns for fear of losing their jobs and do not trust the system or feel that their voices would be heard. They felt that if they pose an issue, their jobs would be jeopardized. Mr. Boylan suggested that the Department should investigate periodically, with an independent group not directly affiliated with the Department, in order to solicit information for another perspective. He asked members of the Board how they felt about the suggestion.

Dan Menefee stated that he would specifically like to look into the case in Macon to find out if arson occurred and to track the case to see where the original sentence was and where the individual was supposed to be. He indicated that this case would reveal a lot about the system: if there were other cases of arson, were they recommended to go into a

halfway house or in an YDC. Commissioner responded that the case in Macon would be used as a point of focus in the report to the Board at next month's meeting.

Vi Bennett inquired that if there are problems employees are afraid to call anyone's attention for fear of losing their jobs. She asked if there was a system in place for employees to voice their concerns and protect their jobs. Mr. Boylan stated that the people who came to him were classified employees whose concerns turned out to be legitimate. Commissioner stated that staff should be comfortable approaching their local leadership which is a good place to start improving working relationships. He continued that before Board dialogue takes place and central office staff is brought in, problems need to be addressed locally. Mr. Boylan stated that, in many respects the issues are beyond the employees' control. Staff's inability to perform their jobs due to stress induced conditions, family leave, vacation, etc., contributes to the vacancy rate at Ireland which is 12-14 percent. The people who are not there and not available are not the leaders, but people who handle the kids, which means that the vacancy rate or failure to perform jobs is higher at about 25-30 %. Mr. McQueen inquired what happens when 25-30 % of staff is out. He asked if the remaining staff would have to assume the duties of the persons absent. Mr. Boylan responded that the way Ireland has resolved the problem is to go to twelve hour shifts to have people in place at critical times but there are still problems.

Mr. Shuman injected that what goes around comes around. The reason the Department got into trouble was when there was not enough money to work with that facility. Now we are closing RYDCs and YDCs because of budget constraints. He stated that the strain and stress will continue to be a problem if there are no resources. Dr. Risler stated that there is a big difference between an 8-hour and a 12-hour shift.

At this point Acting Chair Boylan called for a ten-minute break.

The meeting was reconvened.

### **Update: Ireland YDC**

Rob Rosenbloom, Assistant Deputy Commissioner  
Community Operations

Before the break, discussion was centered on the issues at Ireland YDC. Afterwards, Mr. Rosenbloom asked permission to reverse the order of his presentations so that discussion may continue regarding the Ireland YDC.

Mr. Rosenbloom referenced the handout given to each member. He noted that the handout is in a Question & Response format to address the request for information by the Board Chair. He stated that although the questions are not verbatim, the essence of the questions has been captured. He then acknowledged Neil Kaltenecker, Regional

Administrator for Region 3 in which the Ireland YDC is located. Mr. Rosenbloom stated that although he does not get all information from the employees at the Ireland campus there are a number of them who are not shy about calling him directly and he has had a number of conversations with them about the problems at the Ireland YDC.

Mr. Rosenbloom continued with the first question on the handout which asks if all YDCs and RYDCs have Advisory Boards. The answer is yes. They are required by policy and are active at all centers. One of the functions of the Board is to check facilities to ensure that they are operational. Some Boards are more effective than others in involving the community and helping provide additional services to the center.

Mr. Boylan asked each Board member to associate with at least one Advisory Board in their area prior to the next meeting. The intent is to have each Advisory Board recognize that they have a member of the DJJ Board to whom they can go to identify problems in their facility. That Board member would then act as ombudsman for the group or facility. He asked the Secretary to identify all facilities that falls within each member's area and provide them the information prior to the next meeting.

Mr. Rosenbloom continued with an overview of the remaining questions and responses that can be reviewed in the handout. Of note, Mr. Boylan asked for access to the figures for the turnover rate at Ireland YDC for direct care staff. Mr. Rosenbloom indicated that he would have the information available at the next meeting. Mr. Boylan inquired about the turnover rate for other states. He asked if there was a benchmark and what is a reasonable expectation for the Department. He stated that a vacancy rate of 33% is high and indicates that something is clearly wrong. He asked if any others were in agreement with him. Judge Adams responded that compared to other agencies like DFACS, the vacancy rate is not surprising. Daniel Shuman stated that the numbers are also in line with the numbers for the Department of Corrections. Mr. Boylan stated that he is meeting with Mr. Donald of DOC to discuss the very issue of vacancy rates to identify ways to reduce the vacancy rate.

Dr. Thomas Coleman, Deputy Commissioner of Programs, injected that JCO positions are entry-level positions that had high job requirements and low pay. The Department sought to increase the entry-level salary to compete with comparable positions and reduce the staff turnover rate. He pointed out that although 33% seems high, it is a lot lower than before the increase in salary. He stated that once JCOs were hired and trained, they would then leave the Department and go to Sheriffs' Departments and elsewhere for better pay. He continued that, in essence, the Department was being used as a training ground. Commissioner added that in states where he has had experience, 33% is comparable or less than in Kansas or Tennessee. He asked Mr. Alarcon if he is familiar with the turnover rate in states where he has had experience. Mr. Alarcon responded in the affirmative and added that just recently a national study was completed and the range is from the low 20s to 60%, so 33% is somewhere in the middle. He stated that in Florida where he was most recently employed the turnover rate for field staff and probation staff was 37%. Mr. Boylan iterated that he believes a 33% turnover rate is high and he would report to the Board at the next meeting his conversation with Commissioner Donald. He

stated that he is hopeful that something useful to the Department would result from that meeting.

On the question and response regarding video-based screening tests for JCOs, Mr. Rosenbloom stated that the test is having mixed results. Dr. Risler inquired what is meant by mixed results; has evaluations on the test been received. Mr. Rosenbloom responded that the video-based screening tests have only been used for a short time and some centers in different areas of the state are not experiencing problems. It's an early period of adjustment to see where we are on the test. Dr. Risler stated that if you lower the score you're lowering the quality of the applicant. Mr. Rosenbloom stated that it's a balancing act to which Dr. Risler responded that he understands but just wanted it to be clear.

Dan Menefee inquired about exit interviews. Mr. Rosenbloom responded that even though we do not have a requirement for it, some facilities use them. Mr. Menefee then stated that looking at it from a cost of training standpoint, it is cost effective. What we think may be a \$20,000 issue may cost us \$100,000 just to get us through the fiscal year because of training and retraining. Commissioner responded that he agrees with the exit interviews and the Department will do more of it because it is a good source of information. Mr. Boylan asked who validated the test. Mr. Rosenbloom responded that an outside consulting company who used Georgia and several other states to help with its development created the test. The test was actually developed in Georgia and validated on staff here and on staff in facilities in other states. Mr. Boylan asked if that means that sometimes staff actually took the test. Mr. Rosenbloom answered in the affirmative. Mr. Boylan stated that one of the concerns of the test is that it requires skills in memory, e.g., a youth's face appears in the film and if you didn't remember that youth's face, then you're not able to answer the question correctly and this makes it hard to follow the test. Mr. Rosenbloom responded that Mike Sorrells and his staff are looking at all the issues around the test and what we are experiencing and will have a lot more detail about where they think adjustments need to be made and where we might have deficiencies. He continued that Ireland YDC is now using 12-hour shifts and their staffing needs are being addressed.

Neil Kaltenecker stated that by no means do they believe 12-hour shifts would solve all the problems at Ireland YDC, but staffing was critical, e.g., on the Saturday before asking Commissioner Murray for permission to go to 12-hour shifts, there were fifteen holdovers out of thirty-six staff. She stated that they initially went from a crisis response team, which was a limited number of staff to do 12-hour shifts. The positives of a 12-hour shift are that you know when your days off are going to be and you can plan vacations and other time off. The negative is that facility staff gets worn out; twelve hours with kids is a long time. Dr. Risler inquired about the shift rotation. Ms. Kaltenecker responded that it was 3-2, 2-3 (three days on, two days off; two days on, three days off). It had not been done before but 4-2 was tried and on the fourth day by the tenth or eleventh hour you're exhausted, so now its three days on and two days off. Dr. Risler suggested that because of the long hours, altercations between staff and residents should be tracked beginning in the eighth hour because by the tenth or eleventh

hour staff is frustrated and their jobs are affected. Tracking will help predict how many days to put on a shift at a certain site. Ms. Kaltenecker responded that they are working closely with Mike Sorrells and his staff to ensure that at holiday time there is sufficient coverage and will continue to monitor the situation. The other thing, she stated, is that time is being tracked to identify exactly where the incidents actually occur, whether it's at school or in the cafeteria and what time of day they are occurring. She also stated that they are not doing the 12-hour shifts in a vacuum, but are looking at other options for providing coverage at the facility, one of which is to modify the unit management concept. We are trying to keep the same staff on the same unit with the same kids every day. When the 8-hour shifts were reviewed, staff was completing assignments but did not have a relationship with the kids. Dr. Risler injected an inquiry about continuity. Ms. Kaltenecker responded in the affirmative, but added that other things were being done as well. She stated that she wanted to get the message across that the 12-hour shift is not the panacea. She shared that while attending an event at one of the facilities, she looked at a group of JCOs and they were exhausted. She continued that they are starting to feel a little bit better now that they know they have some support, that there is some light at the end of the tunnel.

Mr. Rosenbloom continued with the next question and response regarding disciplinary consequences for staff and the possibility of personal injury and whether these issues would interfere with their ability to deal effectively with the youth. He stated that perception counts and staff have some issues with how things occur and what they can and cannot do. He stated that rules on how to handle youth compliance are in place and staff are trained and expected to follow them. Incidents are aggressively investigated and the system has a number of checks and balances. Mr. Boylan stated that one of the clear perceptions, of Augusta YDC which is largely a mental health issue, is the difficulty in controlling the youth in this category because they don't respond to consequences of their actions. For instance, he stated, if they misbehave the consequences that are available to staff are not consequences that will restrain the youth. He continued that youth in a particular category with mental health issues don't feel that the consequences of their own actions are equal to the feelings they receive when they misbehave. There should be some sort of control for every action there is a reaction. Judge Adams asked if, as a Board, are they micromanaging the Department. Mr. Boylan responded that he doesn't think the Board is trying to micromanage, rather trying to identify issues that the Department might be concerned about.

Judge Gilbert inquired if kids who have mental health problems were disbursed throughout the system or are they on campuses that more directly address their problems than others. Mr. Rosenbloom responded that our system is to have a specialized mental health campus. It was Augusta YDC and will most likely continue be Augusta YDC. We continue to make referrals of the most serious to that unit. The other campuses have various degrees of success in dealing with mental health issues.

Mr. Rosenbloom's final question and response was on the use of OC (pepper spray) Spray in DJJ facilities.

Mr. Rosenbloom informed the Board that OC Spray was removed from all facilities as a directive of Commissioner Martinez. Its approved use was only allowed during major disturbances and not for use to handle individual students. The use of the spray has been approved for use at the Savannah facility, if needed, during the G-8 Summit meetings. He stated whether it should be reevaluated as it is now certainly can be looked at to get some direction on it. Dr. Risler asked Mr. Rosenbloom for his thoughts on it. Mr. Rosenbloom stated that he thinks there is a role for it as long as it is kept secured and staff is trained appropriately. Commissioner stated that it is being used by a number of penal systems but the key word for our people is training. He stated that for the short time he has authorized its use for the G-8 Summit we are making sure we invest in training and retraining on its use. He stated that he would be more comfortable making a move to have it used permanently if there were trained staff and tightly worded assertiveness policy governing its use.

Mr. Rosenbloom concluded his presentation.

### **Bed Space Options**

Rob Rosenbloom, Assistant Deputy Commissioner  
Community Operations

Mr. Rosenbloom began by reminding the Board that there was a question put forth at the last Board meeting, "Since we have overcrowding issues in our system is there potential bed space not being utilized in our current facilities or facilities that we have access to?" He stated that he attempted to capture the information in the one page handout that was distributed to each member earlier. He indicated that the summary gives a snapshot view of some of the potential space our system currently have. The chart describes the current capacity in each of our facilities, what the potential increased capacity would be and the total overall capacity.

Mr. Rosenbloom briefly summarized the chart and opened the floor for questions and comments. Hearing none, he concluded his report.

### **Update: Recidivism Study**

Doug Engle, Director  
Technology & Information Services

Mr. Engle distributed handouts prepared on Recidivism. He greeted everyone and thanked them for their attendance. Mr. Engle stated that his presentation is in response to a request for information on recidivism in DJJ Programs.

Mr. Engle stated that within the Office of Technology and Information Services, there is a Planning, Research and Program Evaluation Unit. Last July they started to develop

plans for doing periodic recidivism. Since that time they have been formulating a methodology and have produced some of their first metrics on recidivism. He stated that his report would cover the recidivism concerning probation disposition, short-term program disposition and commitment. The recidivism or post release criminality is measured on the terms of the time lapsing between the two events; a release event and a failure or recidivating event. He informed the assembly that the Department's definition of recidivism is "A youthful offender that has been reconvicted for a new delinquency charge or an adult offense within three years after release from, or while under an active juvenile court order of probation, commitment or short term program."

Mr. Engle stated that recidivism is used to help identify strengths and weaknesses in programs and facilities and enable researchers to focus research on changes in specific areas. He stated that what the Department would like to look at those areas where recidivism is lower and replicate those programs. He further stated that recidivism should not be used to measure or compare programmatic success or failure of programs without additional information or be used as a basis for decisions to close programs.

Mr. Engle noted that the three key features about the measurement of recidivism are:

- Requires a reconviction for a new delinquency charge or an adult offense
- Requires a 'standard' three-year follow-up period to determine post-release criminality for released youth and
- Implies dual searches of records from DJJ's Juvenile Tracking System (JTS2000) and Georgia's Department of Corrections to determine releases with a new conviction for a delinquency charge or an adult probation or adult prison sentence.

Mr. Engle explained that the next step is recidivism results and is where you start to understand where to look. The tables in the handout show the accumulated rates for 1-year follow-up period (1998-2002) and accumulated rates for 3-year follow-up period (1998-2000).

Mr. Boylan inquired if the table included data coordinated with the Department of Corrections to ascertain recidivism occurring during a particular period. Mr. Engle answered in the affirmative adding that the data was collected in the same time period.

Dr. Risler asked if a 16-year-old was included in the 3-year follow-up and got into the adult system, would that data be reflected in the table. Mr. Engle responded that if they were incarcerated or placed on probation in the adult system the data would be recorded though we would not know the charges in the adult system where the individual was fined or released.

Mr. Engle continued that he would like to clear up the confusion regarding the first time offender versus the repeat offender. He stated that the repeat offender has been convicted of a third offense or more. The first time offender, in order to recidivate, will have had one conviction, then a follow-up. The STP totals are lowest in the first year at 39%, but spikes to 55.9% by the third year.

Recidivism rates from comparable states are presented in their one-year and three-year follow-up periods. The data is only a representation of what was found in reports from other states on their recidivism numbers in a high level of similar programs. We do not have their treatment model, length of stay or other information or education received in one of those dispositions. Their respective juvenile justice authorities published the rates presented.

Mr. Engle continued that the roadmap for the recidivism project will include the following:

- Research and document findings for the analysis of detailed personal characteristics of recidivists, e.g., STP programs by facility, age group, affiliations, etc.
- Research and document findings for the analysis of detailed environmental characteristics of recidivating youth.
- Research existing program, placement, facility and service influences on youth recidivism.
- Develop and implement a program evaluation model that is applicable to all program types in Georgia. The model will include an understanding and analysis of the programs design, its implementation and its outcomes.

Mr. Engle stated that they are currently putting together, with Commissioner Murray, a methodology of how to proceed and a timetable to do the program evaluation.

Mr. Engle completed his presentation and asked for questions and comments.

Mr. Boylan complimented Mr. Engle and Commissioner Murray for putting together a great presentation.

Pete Colbenson, Director of the Children and Youth Coordinating Council, stated that his office conducted a similar study last fall using slightly different data and the results track Mr. Engle's data very closely. He stated that they tracked on arrests rather than convictions so they had higher rates in all categories, but they were parallel to those of Mr. Engle's figures. He stated that CYCC tried to control for offenses and compared the STP and probation populations and found that they were very similar.

Judge Gilbert addressed Mr. Engle asking how boot camp treatment would be compared to what is now called STP. Mr. Engle responded that the question is a good one and has caused some internal debate with researchers. He stated that in the early 1990s, the programs were more paramilitary (Boot Camp) but the law states that they're STP under Senate Bill 440, although they did have the flavor of a paramilitary type treatment program. In 1998-1999 during the timeframe of the MOA, the programmatic model was oriented for real treatment.

Mr. Engle noted that aftercare services are provided as part of the program and youth receiving these services, whether faith-based, jobs, follow-up reviews by case managers or

judges' staff, there is more potential for improved chances to not recidivate and the literature supports that. He stated that we have to look at the resources it takes to do this and the research has to be done to find what works and what does not.

### **Approval of Resolutions**

Mr. Boylan asked for a motion to approve two proposed resolutions. The first was for Divestiture of the Emanuel YDC and the second was for Divestiture of the Pelham YDC.

The motion was made by Dan Menefee, seconded by Elizabeth Lindsey and carried.

Before adjourning to the Board of Education meeting, the following announcements were made:

- Mr. Rosenbloom announced that the GJSA Luncheon was beginning and the Board was invited to join them
- At the June 24<sup>th</sup> meeting a representative from the Sheriff's Association, Sheriff Bill Masee, will brief the Board
- Eckerd is interested in hosting a Board meeting this Summer, as well.
- The August 26<sup>th</sup> meeting will be an all day affair. We have Board training as requested by the Governor. Kennesaw State University will provide the training. Overnight lodging may be required for some.
- The September meeting will include a briefing from a Regional Administrator and a District Director.
- The October will be our annual Board of Education Training program.

Mr. Boylan stated that he would send out committee assignments by email next week. He asked that each committee meet prior to the June meeting of the Board. He also requested that Doug Engle give a follow-up report at the June meeting.

Mr. Boylan announced that an Executive Session would be held after the Board of Education update.

### **Board of Education: Update**

Tom O'Rourke, Ed.D., Associate Superintendent  
Office of Education

Dr. O'Rourke stated that he would give a brief overview of education activities. In terms of an update the Office of Education is finishing its statewide testing. He stated that he would provide on-going updates on the direction of curriculum development for the Department. He indicated that it was important for the Board to know that the Department is the 181<sup>st</sup> School District in Georgia and noted that DJJ schools will be

accredited by the Southern Association of Colleges and Schools (SACS). He stated that future updates will include the special education program and vocational education but today's report will focus on behavior management.

Dr. O'Rourke stated that the biggest area of concern in education is classroom management. In the schools, they have what they term 'program drift' with good teachers and JCOs on board without which the behavior management programs would unravel. He noted that education program staff has put together a tool to be used by them as part of their training program. Dr. O'Rourke shared a video that demonstrates what happens in the classroom when students misbehave and how teachers and JCOs respond. Disciplinary tactics are applied based on the seriousness of the infraction. A student may be sent to an AEPM class, isolation or other behavior modifier.

Classroom management has been a very high priority since the inception of the Office of Education in 1998. To this end, the Alternative Education Performance Model was developed and is being used for effective classroom management. Every teacher that comes on board with the Department will be trained on this model. Behavior can be modified with consistency. Teachers should develop rules of behavior in classrooms based on 'DO' requests rather than 'DON'T' requests. The rules should be limited to 5-6 rules that are clearly defined in behavioral terms in a manner that is understood by a child with limited social skills. All classroom rules should include a compliance rule.

Dr. O'Rourke introduced Jack Catrett, Special Education Director, who was instrumental in the development of the behavior management program. He then indicated that there are certain behaviors and certain strategies that are expected of all the teachers. There is a specific process in place for managing a youth's behavior. JCOs manage the in-house suspension or AEPM program. Once a youth is assigned to the AEPM program, he/she should be escorted to the area immediately. Immediate intervention is extremely important to the success of the model. Extended delays in the assignment to the area, delays in providing assignments and waiting lists to go to the AEPM must be avoided at all costs. Student should be assigned to the AEPM for a specific amount of time depending on the referral. The student must complete the academic assignment as well as the time assignment before returning to the regular classroom.

Dr. O'Rourke stated that if the youth misbehaves in the AEPM then they are taken to 'cool down' where they are actually locked in a cell for up to 59 ½ minutes, according to the guidelines in the MOA. The lesson continues while on cool down if the youth is willing. If not, then they are taken to a long-term isolation where the institutional rules apply. When they finally calm down and go back through the AEPM process, they do not return to the regular classroom.

Dr. O'Rourke completed his presentation and asked for questions and comments. There were none.

Mr. Boylan adjourned the meeting of the Board of Education and asked for a motion to go into Executive Session. The motion was made by Vi Bennett and seconded by Dan Menefee.

**Adjourn**

Major General Peter J. Boylan, Acting Chair

After the Executive Session, the June 20, 2004 meeting of the Board of Juvenile Justice was adjourned.

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Major General Peter Boylan, Acting Chair  
Board of Juvenile Justice

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Albert Murray  
Commissioner

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Dr. Ed Risler, Acting Secretary  
Board of Juvenile Justice