

Minutes

**Board of Juvenile Justice
Thursday, January 27, 2005
11:00 a.m.**

**3408 Covington Highway
2nd Floor, Boardroom
Decatur, Georgia 30032**

OPENING REMARKS

J. Daniel Shuman, Acting Chair

Mr. Shuman called to order the January 27, 2005 meeting of the Board of Juvenile Justice. He then acknowledged the audience and asked if they would introduce themselves and state their affiliation.

After introductions, he asked for Roll Call.

Roll Call

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

Board Members Present: Mary Linda Duncan; Elizabeth Lindsey; William McQueen; Daniel Menefee; Edwin A. Risler; J. Daniel Shuman; Sandra H. Taylor; Mary E. Wilhite

Advisory Board Members Present: Judge Quintress Gilbert.

DJJ Staff Present: Albert Murray, Commissioner; Spiro Amburn; Dr. Thomas L. Coleman; Ericka Davis; Nina Edidin; Doug Engle; Gordon Fisher; Steve Herndon; Devadas Lynton; Jeff Minor; Thomas O'Rourke; Bill Reilly; Rob Rosenbloom; Doris "Micki" Smith; Mike Sorrells; Sher're Walton; Lena Wilson

Others: Bobby Carrell, Bobby Carrell & Associates; Jill Young Miller, Atlanta Journal/Constitution; Shawna Moss, Shanna Ervin, Ann Gowdy, and Eboni Henry, UGA; Shawn Nelson; Dave Lemmerman; Michelle Townes, Trish McCann

After Roll Call, Mr. Shuman asked for a motion to approve the minutes from the December 8, 2004 Meeting of the Board of Juvenile Justice. Daniel Menefee motioned to approve the minutes, Mary Wilhite seconded the motion, and the motion was carried.

At this time Chairman Shuman asked for Committee Reports.

Education Committee – Mary Linda Duncan, Chair

Ms. Duncan reported that the initial focus of the Education Committee was to get a basic understanding of the Department's programs, particularly staff development. Since that time the committee has met with Marilyn Reeves, Director of the Office of Training who gave a very thorough overview of staff development and training. She added that Dr. Tom O'Rourke, Associate Superintendent of the Office of Education, was also present at that meeting and provided information on teacher training which included DVDs that have most recently become available and will be used in-house for the Train-the-Trainer program. In November, she stated, the committee met at the Gainesville RYDC with the facility director Anderson Jones. She stated that this was a very productive meeting and the committee also had the opportunity to tour the facility and spent time in the education department.

Finance Committee – Daniel Menefee, Chair

Mr. Menefee reported that the committee has submitted three budgets for review and they are awaiting approval of a budget by the legislature.

Institutional Management – Dr. Ed Risler, Chair

Dr. Risler stated that this committee has been involved in a number of legislative activities with Commissioner Murray and will defer to the Commissioner who will cover those activities in his report.

Commissioner's Comments

Albert Murray, Commissioner

Commissioner Murray greeted everyone and expressed his hope that they all enjoyed the past holiday season. He stated that it was good to have them in attendance at the first meeting of 2005 and thanked those who were able to attend the staff holiday luncheon. He added that their attendance at the luncheon meant a lot to staff and to him.

Commissioner welcomed all visitors and staff and extended a special welcome to the interns from the University of Georgia who were visiting with Board member, Dr. Ed Risler.

Commissioner Murray shared with the Board that Board member Sheriff Donnie Haralson was not present due to medical concerns and continues his recovery from surgery. He asked that they all keep Sheriff Haralson in their thoughts and prayers through his recovery.

Commissioner stated that this meeting holds very special significance to him. He stated that those members who were on the Board a year ago will recall that he was sworn in during the morning of January 23rd and met with the Board for the first time on that same afternoon. Commissioner shared that it was a great day for him which he will remember in a special way. He stated that he is proud to have the opportunity to address the Board again and to work with them under the new leadership of Daniel Shuman. Commissioner stated that he is delighted to have Mr. Shuman serve in this capacity and have no doubt that they will work well together conducting Board business.

Continuing, he added that it is fitting and proper, however, that he properly recognize the efforts of former Board Chair Peter Boylan. Commissioner indicated that he had hoped to present Mr. Boylan with a plaque at the meeting; however, he could not be present. Commissioner indicated that he also commissioned a plaque for Violet Bennett as she was one of the original Board members for DJJ when it became a separate agency by being removed from the DHR umbrella in 1992. At this time Commissioner shared with the Board the plaques that will be presented to the departing members. Commissioner stated that he will present the plaques to Mr. Boylan and Ms. Bennett during the Direct Reports staff meeting on February 8, 2003. He indicated that pictures will be taken and extended an invitation to Board members to attend.

Commissioner then recognized Sher're Walton, new to the staff of the Office of Public Affairs, who will work for Ericka Davis and provide support to the Board. Commissioner stated that Ms. Walton is a graduate of Clark Atlanta University with a Bachelor of Arts degree in Journalism. She has several years experience in the field of communications, having worked for WSB-TV Channel 2 as an Assignment Editor and most recently in the Mayor of Atlanta's Office of Communications. Commissioner added that Sher're brings a very good skill set to DJJ and will certainly be a strong support to the Board.

Operations Division

- The Operations Division has had several retirements in December and has moved quickly to fill two positions. District Director Larry Anderson in District 12 retired after 34 years of service and District Director Mable Wheeler in District 7 also retired with 34 years of service. The new District Directors are Diane Fitch for District 12 and Angela Cosby for District 7. Diane previously served as Assistant District Director of District 12 and Angela as Director of the Augusta

RYDC. Both are long time DJJ staff and well qualified for their new responsibilities. Additionally, Neil Kaltenecker, Regional Administrator for Region 3 has accepted a promotional opportunity with Mental Health at DHR. The Region is being managed in the interim by Regional Administrator Chris West from Region 1 and will provide oversight for this Region until the position is filled.

- The Operations Division has been reevaluating the process and goals for placing youth in residential programs. The new level of care process in the state is in the first year of operation and the challenge is to place youth within the resources allocated to the Department. This will be an ongoing process for the remainder of the budget year and into the next.
- The Department of Human Resources (DHR) and the Department of Juvenile Justice (DJJ) have been working with Georgia's providers of residential care to create a Level of Care (LOC) system that purchases placement services for a child based upon the child's needs. This system establishes payment rates based upon the levels of care needed by children and the services required to meet those needs. We are hopeful that this new LOC system will provide the framework for our goals of choosing the most appropriate, least restrictive placement environment for our youngsters, reducing the number of their moves, and decreasing their overall length of stay in out-of-home placement. An information sheet on the level of care system and the cost of the system was included in the handouts for the Board that provides more detail.
- Detention population has been under capacity for the last month partly due to an expected seasonal drop and largely due to the hard work and effort of a team approach in each district to manage this population. Commissioner stated that the Department has experienced a temporary drop in this population but it is expected to rise due to normal court activity. He added that we continue to look for all opportunities to appropriately manage these beds.
- Columbus RYDC staff continues to work hard toward opening their new center in March which will be the Aaron Cohn RYDC. While the old facility had a capacity of 30 beds, the new and improved facility will begin at 30 beds but will increase to 64 beds. As a result of the increased bed capacity, the staff will also increase from 52 to approximately 125 to operate this facility. The 52 staff members at the old facility will simply move to the new one. It will continue to be a facility that will serve youth awaiting court and final placement. The process is on track and the contractor is still projecting a completion date of March 1, 2005. Commissioner stated that we are looking forward to occupying and making this new facility operational and that it will serve us well.

Program Services Division

Campus Operations

Office of Campus Operations

- The Muscogee YDC Implementation Team is in the final phase of its work and is currently preparing a report of recommendations to be submitted to the Commissioner's Office for his review.
- The Director of the Muscogee YDC has been selected and is on board and working as a member of the YDC Implementation Team, effective January 2005. The new Director is Mr. William Samuels, formerly an Associate Director of the Metro RYDC and Assistant Director of the Sumter YDC.
- Most of the Key Leadership Positions of the Muscogee YDC have also been filled. Interviews are being conducted daily to fill all of the remaining positions, with an anticipation opening date of April 1, 2005.
- The Muscogee YDC will have a capacity of 60-72 beds. There will be a total of 111 full time staff. The youth housed at the facility will consist of a mix of males that are low risk, younger offenders, and those who received long term sentences. The focus of this facility will be on the cottage culture model. Youth are assigned by cottages with heavy behavior management systems in each cottage.

Office of Behavioral Health

- Miguel Fernandez, Asst. Director of OBHS and Adam Gelb attended the Grantee Meeting for the Young Offender Reentry Project grant that the agency received in October 2004. The meeting was held in Washington, D.C. in December 2004.
- CSAT- which is the Center for Substance Abuse Treatment, sponsored training for the community based treatment providers in the recommended treatment modalities will begin February 2005. This center is a part of the U.S. Department of Health and Human Services. Representatives from each treatment partner will attend these training sessions.
- Based on the strength of the grant application, timeline and programmatic outline, Atlanta, GA was selected by the CSAT as the training site for the Multidimensional Family Therapy Model. This training is being cosponsored by DJJ and CSAT and will take place March 8-11th.

- Assessment and intensive outpatient treatment services for the initial group of YORP participants will begin in March 2005, creating the first DJJ sponsored community-based substance abuse treatment services for formerly incarcerated youth.

Office of Health Care Services

- The Quarterly Pharmacy & Therapeutic Committee Meeting was held on January 20, 2005. A major concern for the committee has been the terms and performance expectations of the new Pharmacy contract that we anticipate working under in July 2005.
- The Office of Health Care Services is conducting follow up reviews of the facilities that will be experiencing visits from the Department of Justice during the upcoming Verification Tours.
- Dr. Michelle Staples-Horne, Medical Director, represented the Department of Juvenile Justice and the Office of Medical Services during the recent American Corrections Association (ACA) Winter Conference in Phoenix, Arizona. Other staff of the Department participated in the conference including Commissioner Murray. Commissioner Murray presently serves on the Board of Governors of the ACA.

Legislative Update

Continuing with his report, Commissioner stated that because it is early in the legislative session, he has chosen to include the Legislative Update in his report today although Spiro Amburn, the Department's Legislative Services Director is present. He stated that Mr. Amburn will provide the Board with a more detailed report on legislation in upcoming meetings.

- The General Assembly convened on January 10. Commissioner Murray, Bill Reilly, Spiro Amburn and other staff have been highly visible, attending key meetings and events during the day and evenings, and ensuring that new committee chairs and other key decision makers are educated and well briefed on DJJ issues. Earlier this month a welcome letter and background information about the Department was sent to all legislators. A copy of the letter and a brochure about the Department was included in the Board handouts.
- Commissioner Murray presented the DJJ budget to the Joint Appropriations Committee on January 19th. The Governor's proposed FY 2006 budget includes funding for community-based alternatives and prevention programs in place of

Short Term YDC Program beds. This is contingent upon the statutory elimination of the current Short-Term Program. DJJ is promoting legislation that would eliminate the STP program and replace it with a new sanctions program that provides appropriate punishment based on the severity of the violation. The Governor's office is supporting the Department's efforts to get this bill passed. Commissioner stated that he has no doubt that this program presents a much better option for juvenile judges to use around the state. He added that most judges are not as persuaded as he is about the program but the Department will continue to have dialogue with judges in all parts of the state trying to demonstrate what we consider the value in this new program. He stated that it is our goal and our hopes to have legislation passed whereby this new model will replace the STP program and we can provide a program that works and provides much better service for the dollars being allocated. Commissioner added that he will keep the Board informed as this legislation moves along in the session.

- DJJ has established a good working relationship with and receives good support from the Governor's policy team, with whom the Department meets with often. Several of our original legislative proposals are now back on the table due to our need to address population issues and to comply with the MOA. These include:
 - * limiting the time a Superior Court youth may be detained before his or her case is presented to the Grand Jury;
 - * clarifying and redefining the bail rights of a youthful offender; and
 - * giving judges the authority to modify designated felony orders when appropriate.

The legislative session is expected to last until the end of March. The Department's goal is to be sure that we be very actively involved in the session and making sure we advocate for the DJJ agenda, making sure we keep our legislators well informed on what our issues and priorities are, and making sure that we prevail in those things we are seeking.

Continuing, Commissioner Murray stated that he will keep the Board well informed at the monthly meetings and if major activities occur between Board meetings, he will communicate with Chairman Shuman to make sure he knows and that the information is disseminated to the full Board.

Commissioner Murray concluded his comments.

Board member Mary Wilhite asked Commissioner Murray if he would expand on his comments about the program that will replace STP and why the judges are not happy with it.

Commissioner responded that the new program represents a major change in how the Department has operated and any time change is sought, considered or implemented, it's new and to some degree untested, which may be part of the discomfort. He stated that the STP program is part of SB 440 that dealt with the old Boot Camp model that no longer exists. The Boot Camps were not successful but the language was never changed nor removed. The statute still allows a child be placed in the custody of the Department of Juvenile Justice. Children who are considered to be very minor offenders who are placed in our custody are held with other children who are more serious and violent long-term offenders. He stated that this is not a good mix and would like to deal with the non violent offenders in a different way, hence, the new sanctions program that would provide disciplinary sanctions in increments from increased community supervision to seven (7) days at a facility on up to 180 days in a facility. This will prevent the Department from placing a child into immediate custody with more serious offenders.

Ms. Wilhite reiterated her question of why the judges were not comfortable with the program. Commissioner responded that, although he could not speak for the judges, he believes some judges are comfortable with the STP program because it is established and in place. The new program would require that some programs be developed on the local level that does not currently exist. A part of the STP would involve working with the courts to develop programs at the local level such as, truancy, alcohol and drug, and other prevention type programs that would divert young people from becoming long-term offenders. He asked Judge Quintress Gilbert, Board Advisory Member, to share her views on the proposed program.

Judge Gilbert stated that, simply, it is a change. She stated that when the Boot Camps first came into being, they were rejected as well, so we would see some hesitancy on part of the judges for the change itself. She added that when she and Commissioner Murray visited the programs that were in place at the short term facilities, they were not adequately addressing the needs of the students. She continued that if some of the judges were to visit some of the facilities now, they would see the need for change, even though it would take some persuasion. The persuasion would be through implementing the programs.

Commissioner Murray stated that the change is not just for the sake of change; if there were any evidence or indication that the STP program has served the state well, we would not be moving away from it. Research clearly shows that the STP program has not served the state well, it is costly and the Department has spent \$22-\$23 million dollars per year to operate it with no meaningful results. He stated that his commitment and his charge from Governor Perdue is to make sure that we are

spending our agency's money on programs that work and produce good results. He stated that he is convinced that this program will produce good results and provide the courts more options.

Daniel Menefee asked if there were program models that communities could utilize as opposed to providing funds and not having a good idea of what to do. Commissioner responded that our goal is to work very closely with communities on programs that have been researched, tested and have demonstrated good results. He added that we will work with each court to help develop programs that are especially tailored for that community and that programs would look different in different locations as each program would be unique for that given community. Commissioner indicated that the Department would pull from existing models, programs that work well in Georgia and in other states.

Sandra Taylor asked how the funds would be allocated, and would it be a lump sum that is monitored by DJJ or would it be passed out to different court systems to be used as they choose; if we keep the money within our control, would the program, therefore, be under our control. Commissioner responded that a final decision has not been made on the allocation of funds but it would be determined over the next few months that the legislature is in session. The amount we expect to use for the programs is in the neighborhood of \$10 million dollars. He stated one scenario could involve that amount of money being divided among the judicial districts where each district would receive approximately \$200,000 to develop their programs.

Ms. Taylor stated that her concern is that if the money goes to the judicial circuits and to the chief superior court judge of that circuit who allocates it between the counties, she's not sure if that judge would be as aware of the needs as DJJ or as the individual juvenile court judge would be. Commissioner responded that if the funds are allocated to the local communities it would be under tremendous oversight and audited. He stated that we would want to be sure that those dollars are being used appropriately and being used to serve the kids. Mary Wilhite injected that she can guarantee that the programs would be monitored as she has worked with many programs and they are scrutinized closely to make sure that the money is being used for its intended purpose.

Chairman Shuman stated that the bottom line principle is that you don't want first time offenders to penetrate the system quickly. Commissioner added that, although he hesitates to say it, it puts them in a situation where they can learn to become better criminals. He stated that in some cases, these are young people who have had no exposure to the system and despite our best programmatic efforts, when we place those youngsters in our programs with older more sophisticated juvenile offenders they are going to learn some behaviors and habits that we don't want them to learn.

Mary Linda Duncan asked if this involves additional funds or shifting of funds. Commissioner responded that these will be funds that are shifted. He then asked Jeff Minor, Director of Fiscal Management and Administrative Support, if his response was a correct. Mr. Minor answered in the affirmative.

William McQueen asked if this is a program that DJJ created and developed, or are programs being created in our communities and have already been tested out and we are bringing the model here. Commissioner asked Rob Rosenbloom, Deputy Commissioner of Operations to respond. Mr. Rosenbloom stated that the programs designed for probation sanctions are different from the community prevention programs. The sanctions program is one that we have researched and created uniquely for our efforts here in Georgia, but he cannot say that there is a model that looks just like it in another state. Dr. Ed Risler added that in some ways it resembles what was done before the Boot Camps. He stated that is an opportunity for the communities to get involved in the planning on the local level in the services that they provide. He stated that it is a good idea and he supports it, but it also presents a tremendous challenge for the Department in the coordination of how it will play out.

Judy Mecum stated that she sees there being a potential conflict in particular where juvenile courts are run on a county by county basis, and we are talking about allocating money to judicial circuits and superior court judges are not necessarily in contact with juvenile court judges on a daily basis to understand what is going on. She stated that she is concerned how we would allocate that much money and that she is not advocating one position or another, just trying to figure out what needs to be done. If the funds are allocated by judicial circuit or by county, it may not adequately address the needs of rural counties as opposed to counties closer to Atlanta that may have more resources. She wanted to know which judges are balking at the idea because when it comes up in the legislature we might get hit hard and fast with questions about what we are going to do with the money and we need to be able to answer; we do not want them to answer for us.

Commissioner stated that with 159 counties, trying to do this on a county level from a management standpoint would present some challenges that he's not sure we have the resources to support it.

Proposal for Victim Advisory Group

Rob Rosenbloom, Deputy Commissioner
Division of Operations

Mr. Rosenbloom greeted the Board and stated that he will share a proposal with them today for their consideration, but that it does not require any action on their part

today. He stated that he wanted to give them enough information to consider the possibility of adopting the proposal and also to give an update on where the Operations Division is in regard to the Strategic Plan and the issues around Balanced and Restorative Justice, which is the philosophical approach they have chosen to take within our Strategic Plan. He indicated that Doug Engle, Director of the Office of Technology and Information Services (OTIS) will discuss the Strategic Plan in more detail. He referenced the handouts that were included in their packet of information.

Mr. Rosenbloom stated that one of the handouts is the slide presentation that he will present and the other, quite coincidentally, off the web page of the Governor yesterday, was his announcement regarding legislation to ensure fairness and justice for victims of crime. He stated that the announcement fits very well and is very timely for the discussion he'd like to have.

At this point he recognized Micki Smith, Assistant Deputy Commissioner of Operations who will be assisting with the presentation. In the strategic plan, Balanced and Restorative Justice focuses on victims, communities and the offender. As such, we want to pay attention to what the victim's needs are within the Department. He stated that the plan has a number of elements that reads like a 'To Do' list for a community and how we want to interact in our community.

Mr. Rosenbloom stated that the Operations Division will work and move forward on these issues and have already started on them. He continued that what they would like to propose is a Victim Advocacy and Services component for the operations division. Mr. Rosenbloom discussed the information in the handouts in more detail that included the following:

- ◆ Outreach for victims of juvenile crime
- ◆ Staff trained in victim advocacy and services
- ◆ Development of restorative community services projects with victim input
- ◆ Victim inclusion in restorative practices
- ◆ Survey of victim satisfaction
- ◆ Development of a DJJ Victim Advisory Panel

Also discussed was the purpose of the Victim Advisory Panel, options and opportunities for Board involvement and future options.

After reviewing the information, Mr. Rosenbloom stated that the Board should remember that the panel is strictly advisory, assists DJJ in focusing on victims of juvenile crime, and provides information to the victim advocacy community on DJJ. He added that this is a way to include victim input that we do not currently have and it also aligns the Department very well with the direction that the Governor is setting in the state. He stated that serving victims is more than just collecting restitution, its

being able to hear their issues and to respond to them. He asked for the Board's consideration of the proposal after they have had time to discuss it.

Strategic Plan Update

Doug Engle, Director
Office of Technology and Information Services

Mr. Engle greeted the assembly and thanked Commissioner Murray and the Board for allowing him the opportunity to present the DJJ 2005-2007 Strategic Plan.

He stated that Governor Perdue changed the format of the plan or how it would be organized this year from a one year plan to a three year plan that encompasses the remaining fiscal year 2005 to 2007. He stated that as with any good strategic plan, you need input from members at all levels of your organization. Work began on this plan in July 2004, with Commissioner Murray and members of the Executive Team kicking the planning session off. In August of 2004 a total of 120 staff members participated in a two day planning session in Forsyth, with 60 staff each day. That planning meeting was to get input on our strengths, weaknesses, opportunities and threats within the Department. He referenced the Strategic Plan booklet included in the handouts that lists the participants. He stated that stakeholders, including Board member Mary Wilhite, Education staff and judges, were also interviewed.

Continuing to reference the plan, he directed the Board's attention to the mission and vision statements, of which he read a portion because of its importance to the plan. He also pointed out the factors, forces both internal and external that drive the Department. External indicators include the MOA, advocacy groups, the state legislature, courts, and the federal government. He stated that Georgia's population has increased, hence, our population of 10-16 year olds (at-risk population) is increasing. There are new challenges in the increase of the Hispanic population; school policies; the availability of mental health services from DHR; growing concerns for youth nationally; and, economic conditions. Internally, there is increased coordination with external agencies, case management, existing network infrastructure (technology - tools to get the job done); innovative methods for securing funding, workforce turnover; outdated facilities; proximity of services to home; partnerships with courts and communities; and victims. These are the things that affect our business, he stated. He highlighted other critical factors that are key to the strategic plan including linking the Department's strategic goals to those of the Governor for a healthy, safe, and educated Georgia that is the best managed state in the nation.

William McQueen stated that this was a lot of information to absorb, but what people would like to see, especially Board members, is a management plan that shows who

is responsible for seeing the strategies implemented on a time scale. He stated that he thinks the plan is ambitious and costly. Continuing, he asked, "How will the Board know how well you are managing getting this work done on a periodic basis?"

Mr. Engle responded that Commissioner Murray holds weekly meetings with his staff who provides reports to him on the progress of agency initiatives. He stated that he will also be providing quarterly reports to the Commissioner and the Executive Team on the progress of the strategic plan. He stated that he will defer to Commissioner Murray to respond.

Commissioner stated that each month that he provides his update to the Board he will touch on the strategic plan's goals and objectives and, if time allows, will touch on where we are in meeting the strategies in the plan. He stated that he's not sure if time will allow him to give a thorough briefing each time the Board meets but, if the Board would like, he could provide them with a written document preceding or following his report to the Board so that they will know where we are or where we would like to be and if there are problems or issues along the way, they can be included. He stated that this will be a separate report from his comments.

Ericka Davis, Director of Public Affairs, stated that they are measurable goals and that the Board needs to know what time frame each goal will be accomplished and what department is responsible for each goal (long term/short term).

Mr. McQueen added that, minimally, assignments and objectives and the time frame for their completion should be identified in the plan so that the Department's progress is easily tracked. He stated that he feels this will be a good management tool for the Department.

Judge Gilbert referenced page nine of the plan regarding Core Business. She stated that this is strictly outcome driven and she noticed there were no provisions for pre-adjudicated or pre-divisionary preventive services. She asked if this was part of core business. Mr. Engle responded in the affirmative, but acknowledged that it could be an oversight and also pointed out that these services could be included in detention services under secure confinement. Judge Gilbert stated that she was speaking more about the services that would be provided to schools for prevention of delinquency type acts (before a child reach the courtroom). Mr. Engle deferred to Rob Rosebloom and Dr. O'Rourke for a response.

Mr. Rosenbloom responded that the strategic plan will capture the efforts that will be made by the Department, although part of it will depend on what happens in the legislature. It will also depend on the Department's ability to move forward on some of the prevention programs if the STP Program goes away, but will be captured by our efforts under Balanced and Restorative Justice where we will then take a

community approach and develop programs under that umbrella. He stated that we will monitor what we do in that area.

Dr. O'Rourke stated that their budget is strictly for the programs in the schools at the facilities. He stated that they are doing a lot of work with transition programming once kids are released back to the community, but do not have a program in the local school systems for kids prior to them coming to us. Judge Gilbert stated that she noticed from some of the federal grants and grants from private institutions, money that could be had by juvenile justice that could key in on early prevention programs. She stated that it is so well outlined under core business that it almost seems an oversight not to have it included in the plan. Mr. Engle stated in district planning meetings with juvenile program managers and JPPS3 type staff, they are currently looking at this in the case management initiative on how effective we are in the community. He stated that our case workers do see problem areas with the schools, i.e., an over zealous resource officer, a pattern of placing or referring kids to the court that don't need to be referred, etc. He stated that there was also some discussion to have a liaison with each school district which is already set up in each court service office on an "as needed" basis. He added that they are trying to strengthen this area of support for those stakeholders. Judge Gilbert stated that because there is money to be had, an organization such as DJJ could put things in motion and that is why it should be a part of the plan.

Steve Herndon, Assistant Deputy Commissioner of Programs injected that there are two (2) Bills in the House of Representatives that the Department is watching. They are House Bill 77 and House Bill 79 that deals with funding for community programs. The funds will be derived from the court adding a surcharge to criminal or municipal fines and will go directly to the local juvenile court to be used specifically for juvenile diversion programs. Dr. Risler stated that he believes House Bill 77 was dropped just that morning.

Open Meetings Act

Nina Edidin, Director
Office of Legal Services

Ms. Edidin greeted everyone and stated that she will be brief but wanted to stress from the beginning that when in doubt, ask. She added that it is better to find out that you are overcompensating rather than having a meeting that should have been open and wasn't and all the work accomplished be void.

She stated that the Open Meetings Act is O.C.G.A.50-14-1 and forward and is part of the sunshine law and provides for transparency in state government. She indicated that every agency board is subject to the Open Meetings Act. She informed the Board that a meeting is defined as “*A gathering of a quorum of members or a committee of members where any public matter, official business or policy is to be discussed or official action to be taken; or, in the case of a committee, recommendations are to be made, policy formulated, presented or discussed.*” Therefore, any action that is taken at a closed meeting that should have been open shall not be binding. She stated that if a committee meets and there is no official notice, it becomes a closed meeting and that work cannot be binding.

Ms. Edidin stated that a 24-hour notice of meetings must be provided to the community through a legal organ along with an agenda, unless there are special circumstances, but even with those circumstances, notice ***must*** be given, minutes taken and made available to the community. There are exceptions, she stated, one of which would be if you are receiving advice from your legal counsel, which is considered to be confidential and privileged, whether it relates to pending or potential litigation, any settlement issues or lawsuits, claims, administrative proceedings or other judicial action that can be brought against the agency, an employee or an officer of the Board. She stated that exclusions are listed in O.C.G.A. 50-14-3.

Elizabeth Lindsey asked in regard to the Open Meetings Act, are notes taken in meetings subject to open records. Ms. Edidin responded in the affirmative. She then asked if the notes should be left at the meeting site or are there other requirements. Ms. Edidin stated that they are your personal notes and would have to be requested. She stated that if the Minutes are requested we would provide them with a copy, but if notes of a Board member was requested, that member would be contacted and asked to provide a copy. Commissioner Murray inquired how long they are required to hold those notes taken at meetings in the event of a request. She responded that however long in the normal course of your business you tend to hold those notes. She added that you are not required to hold the notes, however, if someone is requesting them and they are destroyed after they have been requested, it is considered a willful action and you may be subject to criminal penalties and the Attorney General’s Office cannot represent anybody on the Board or in the agency in such a case.

At this point Chairman Shuman asked for a motion to adjourn the regular meeting of the Board of Juvenile Justice to convene the meeting of the board of Education. Mary Linda Duncan made the motion to adjourn and Elizabeth Lindsey seconded the motion.

Board of Education Update

Dr. Tom O'Rourke, Associate Superintendent
Office of Education Services

Dr. O'Rourke reported the following:

- Augusta YDC is fully staffed and a vocational contract is in place. The needs of the youth at the facility are being met.
- We are currently in the process of interviewing and hiring teachers for the Muscogee facility. We are also working to develop a contract with Columbus Technical College for Computer Technology Classes. A teacher from the school will provide instruction. Textbooks and computers should be in place when the facility opens.
- Columbus RYDC will be expanding in size and we will be employing two additional teachers that will be selected from the same process as teachers for the Muscogee facility. There is a need for additional textbooks for this facility.
- Older students are being housed at the Eastman YDC. Vocational programming there has been expanded to meet the needs of the students. Instead of having a six period day, the day has been expanded to eight periods with some classes overlapping. Students will still only attend six periods per day but some will go from 1st period to 6th period and others will go from 2nd period to 8th period.
- In an effort to keep kids from shutting down and not do something constructive, a Diversified Cooperative Training (DCT) was developed. The same instructors will be used but along with vocational experience, the student will get work experience. This will help to enhance the overall education program.
- Teachers are being converted to teach the GED program at Eastman. The program is being taught in three steps: GED Fast Tract for students reading below the 6th grade level; Pre-GED for students reading between the 6th and 9th grade level; and, regular GED for students reading at and above the 9th grade level. This is being done to get reading skills up so that students can pass the GED.
- The GED program at Bill Ireland has been downsized as well as the vocational program because the facility now houses younger students.

Judge Gilbert asked if there was a program at Bill Ireland where students were going out into the workforce and working in the community with computers. Dr. O'Rourke responded that the program has been eliminated because of problems. Commissioner Murray stated that he also had some concerns about the program. He stated that while there was some value and some students benefited, it placed the agency in a position to

allow students to go off campus and be involved in a program with regular students when they were in custody of the Department on some extremely serious offenses. He stated that it was not a situation he could be comfortable with so the program was terminated about six months ago.

Mary Linda Duncan asked if the DCT program was in-house. Dr. O'Rourke answered in the affirmative. He added that the students are getting work experience, but the key is that a teacher actually supervises the student while they are doing these things.

Dr. O'Rourke stated that his mid-year budget review revealed that they are in good shape.

With the closing of the community school, he is working with Mike Sorrells in the placement of staff, most of which has already been placed. The only other area is at the Crisp YDC where they are continuing to experience a shortage of teachers. He stated that they are working to get the teacher allotment to where it needs to be in order to get and maintain teachers.

Chairman Shuman shared that his community is abuzz with high praise about the accreditation of the DJJ education program. Dr. O'Rourke thanked him and stated that SACS Accreditation is not an easy thing to get, it's the crown for education and public schools in Georgia would like to have it. He shared with the Board that the Education Spring Conference will be held in Macon at the Centreplex on March 7-8, 2005. He invited the Board to participate.

Mr. Shuman solicited a motion to adjourn the meeting of the DJJ Board of Education and reconvene the regular meeting of the DJJ Board. William McQueen made a motion to adjourn and Mary Linda Duncan seconded the motion.

Chair's Comments

J. Daniel Shuman, Acting Chair

Mr. Shuman announced that the Governor's Office has requested the Board's attendance at the Capitol on January 28, 2005 at 2:00 p.m. in the North Wing to support the Governor's Faith and Family Services Amendment. He stated that they should have a copy of the press release and the amendment.

He also announced that the next meeting of the Board of Juvenile Justice is scheduled for Thursday, February 24, 2005 at 11:00 a.m. at Central Office.

At this point Mr. Shuman stated that he wanted to share with the Board some personal concerns he had. He stated that he has been on the Board for a little over a year and it has bothered him that flags were not on display in the Board Room. He indicated that Commissioner Murray has assured him that a U.S. flag and a Georgia flag would be in place at all succeeding meetings.

He stated that he has also contemplated an opening prayer at the start of the meeting but he has been advised that that was not a good idea because the Board is also a school board. He suggested instead that the Board recite the Pledge of Allegiance and asked for the Board's thoughts on it. Mr. McQueen asked Mr. Shuman if he would be amenable to an adjustment to prayer to a moment of silence. Mr. Shuman responded that it would suit him.

Ms. Lindsey stated that most legislative sessions begin with a prayer. Commissioner Murray asked Nina Edidin to give some clarification to the Board on this issue. Ms. Edidin stated that the Legislature has historical exemption because through history, they have started the session with an invocation. She added that unfortunately, the Board meeting is also a School Board meeting, whether or not there can be prayer is questionable and we do not want to leave ourselves open to it. She stated that other states have specifically stated that you cannot have a prayer in a school board meeting. Judge Gilbert stated that the regular meeting of the board is adjourned before convening the meeting of the Board of Education. Ms. Edidin responded that they were all a part of the same meeting though. Any inspirational quotation or motivational poem or moment of silence would be fine. She stated that the Eleventh Circuit does not have any specific case law in point but they have ruled that you cannot have the Ten Commandments in a courthouse and if you look at where they stand, we are not on good footing if we start having prayer. She added that if we had a history of prayer we would have a chance of getting an exemption.

Commissioner asked for clarification asking if she was stating that it's questionable by statute but not forbidden. Ms. Edidin responded that it's not forbidden but in states where they have litigated the issue, the Boards have lost. Her recommendation was not to have prayer. Ms. Wilhite stated that she would be in support of a moment of silence and displaying the flags.

It was agreed that a moment of silence and the Pledge of Allegiance would be part of each meeting.

Mr. Shuman stated that he was approached by the Warden of the State Prison of Reidsville to hold a meeting at his facility. He stated that he would like to pursue that some time in the late spring and asked for input from the Board. Commissioner stated that we certainly would like to have meetings at our facilities but he is not opposed to having one at the Georgia State Prison if it is the will of the Board.

Soliciting for other comments, Mr. Menefee asked if there were programs set for the opening of the Columbus facility that the Board could have their meeting in conjunction with. Ericka Davis stated that we normally coordinate the Board meeting with facility openings and will look into working it out sometime in March. She added that we are also looking at coordinating a meeting at Bill Ireland in observance of its 100th year.

Asking for and hearing no additional comments, Mr. Shuman asked for a motion to adjourn. Mary Wilhite made a motion to adjourn the meeting and Daniel Menefee seconded the motion.

The meeting was adjourned.

J. Daniel Shuman, Acting Chair
Board of Juvenile Justice

Albert Murray
Commissioner

Dr. Ed Risler, Acting Secretary
Board of Juvenile Justice