

**Board of Juvenile Justice
Thursday, February 24, 2011
10:00 a.m.**

**Department of Juvenile Justice
3408 Covington Highway
Decatur, Georgia 30032-1513**

Opening Remarks

Dr. Edwin Risler, Chair

Chairman Dr. Edwin Risler called to order the February 24, 2011 meeting of the Board of Juvenile Justice and DJJ Board of Education. He noted the time as 10:00 a.m. Chairman Dr. Risler asked that all attendees stand and state their name and organization affiliation.

DJJ Staff Present: Commissioner Amy Howell; Rob Rosenbloom; Jeff Minor; Richard Harrison; Dr. Jack Catrett; William Amideo; Jeffrey Alligood; Terri Kight; Diana Aspinwall; Victor Roberts; Scheree Moore; Cherecia Kline; Nathan Cain; Janssen Robinson; Ronnie Woodard; Dr. Michelle Staples-Horne; Joe Lee; Miguel Fernandez; Ken Nash; Bill Parks; Latera Davis; Robin Florie; Beverly Westbrook; John Allen; Margaret Cawood; Felicia Campbell, and Shane Priest.

Others: Normer Adams (GAHSC); Tina Piper (Attorney General's Office); Amina Shaq (UGA); Catherine Watts (UGA); Marissa Gauntner (UGA); Lauren Hooper (UGA); Kathie Callaghan (UGA); Scott Sheridan (Nelson Mullins); Cody Huff (youth)

The Chairman asked everyone to stand for the Pledge of Allegiance by Cody Huff, followed by the invocation by District Director Jeffrey Alligood.

Roll Call

Chairman Dr. Ed Risler asked for the roll to be called by the Secretary of the Board. Sandra Taylor conducted the roll call of attendance.

Board Members Present: Larry Barnes; Michael Baugh; Bruce Garraway; James Kelly; Elizabeth Lindsey (after roll call); Perry McGuire; Judy Mecum; Daniel Menefee; Dr. Ed Risler; Pastor Dexter Rowland; Stephen Simpson; Sandra Taylor

Advisory Council Members Present: Judge Quintress Gilbert; Judge Steven Teske

Noting the presence of a quorum of the Board, Chairman Dr. Risler asked for a motion to approve the agenda for the February 24, 2011 Board of Juvenile Justice and Board of Education meeting.

Daniel Menefee moved to approve the agenda for the February 24, 2011 Board of Juvenile Justice and Board of Education meeting. Judy Mecum seconded the motion. Chairman Dr. Risler called for the vote and the motion was carried.

Chairman Dr. Risler asked for a motion to approve the minutes from the January 10, 2011 Special Called Board meeting of the Board of Juvenile Justice and the DJJ Board of Education and asked if there were any corrections to the minutes. Daniel Menefee moved to approve the minutes. Stephen Simpson seconded the motion. Chairman Dr. Ed. Risler called for the vote and the motion was carried.

Chairman Dr. Risler asked for a motion to approve the minutes from the January 27, 2011 meeting of the Board of Juvenile Justice and the DJJ Board of Education and asked if there were any corrections to the minutes. Daniel Menefee moved to approve the minutes. Michael Baugh seconded the motion. Chairman Dr. Risler called for the vote and the motion was carried.

Commissioner's Report

Amy Howell, Commissioner

Commissioner Howell greeted everyone and said she appreciated having Cody Huff lead the Board, staff and guests in the Pledge of Allegiance. Commissioner Howell said Cody is hopefully the first of many youth that DJJ will have at upcoming board meetings to lead the Pledge of Allegiance. Commissioner Howell said as she goes around the State and visits staff and facilities, she meets a lot of extraordinary young people. She stated she wants to include them in the Board meetings. Commissioner Howell said she is grateful to the staff at the Bartow County Court Services Office and asked them to stand to be recognized by the Board.

Commissioner Howell there will be a budget update during the meeting. She stated the House has passed the amended FY2011 budget and they expect the Senate to vote on the same on February 24, 2011. Commissioner Howell said she attended several of Appropriation Subcommittee meetings to testify on the Governor's recommendations and the proposed budget bills. Included in the amended budget is the closure of two RYDCs.

Commissioner Howell said one thing that was different than what was originally suggested was an April 1, 2011 closure date for those two facilities. Commissioner Howell said they have determined which facilities will be closed but are waiting on approval to name those facilities and move forward with the process. Commissioner Howell said she appreciated the patience of the Board and it is her commitment to notify the Board as soon as a decision has been made. She also stated she is committed to working with the staff that will be impacted by the closures to identify positions within the department or other positions in state government.

Commissioner Howell said once she receives final notice, she will travel to those facilities to let the staff know personally. She said that is part of the reason why she is not naming the facilities that will be closed. Commissioner Howell said notifying the staff will be a hard thing and stated

it is important that the youth that are being served at those facilities don't feel the impact in a negative way. Commissioner Howell stated she will keep the Board informed and let them know what the facilities will be and give them more detail as to what that process will be. She said Jeff Minor will provide the Board with an update and more detail about DJJ's budget.

Commissioner Howell said the agency is moving forward with the Good Behavior Bill. She stated it has been described in the past as a DF modification, but that wasn't as accurate a name. Representative B. J. Pak is a freshman legislator who has agreed to sponsor the bill. It will be seconded signed by Chairman Wendell Willard and J. O'Neal. Commissioner Howell said she hopes it will drop within the next week. She stated this is a bill that DJJ has been working on with the juvenile court judges. They have discussed the language and have come to some agreements and made some changes. Commissioner Howell said they have also had some great exchanges with District Attorneys. Commissioner Howell stated she is optimistic that this will become part of a pattern for DJJ to make sure they have communication with partners in juvenile justice.

Commissioner Howell said one of the things she testified to in the budget hearings is how DJJ will be impacted by the closure of beds. She stated staff are very committed to helping manage population. She stated she anticipates the population of Georgia and DJJ's population will continue to steadily increase. Commissioner Howell told the Board that Governor Deal has committed to joining criminal justice reform.

Commissioner Howell said as she looks to the future she is forming a vision of what DJJ needs to be and where DJJ will be going. She stated DJJ will be engaging in a strategic planning process in the spring, and that she would like to solicit the Board participation. She stated she will formulate what the process should look like.

Commissioner Howell said she has spoken to Chairman Dr. Risler about two areas where she will solicit the support and engagement of the Board. Commissioner Howell said she sees a need for Board leadership in community partnerships. She said DJJ needs the Board to be active in engaging the local communities and supporting DJJ facilities. Commissioner Howell said it is meaningful for staff to know they have the Board support.

Commissioner Howell said young people come to DJJ because they need to be held accountable. There is a debt that they owe to victims and society, and DJJ needs to teach them new ways and give them opportunities that will send them in a new direction. She stated DJJ ensures that they get a good education, but the hard part comes when they leave DJJ and don't have that support and structure. Commissioner Howell said even when they have the education and structure, there is stigma on them for having been at a DJJ facility. Commissioner Howell said they need to be committed in going after their corporate partners and saying we have youth that are ready, and we will need your support if they are really going to be successful. Commissioner Howell said she will need Board support in going after the business community statewide.

Commissioner Howell said she is excited about the things that DJJ is doing. She stated prior to the board meeting the Board had an opportunity to see photos of the mural that was unveiled at the Muscogee YDC in January.

Commissioner Howell told the Board there is more detailed information in their packet about a number of things that are happening at DJJ. Commissioner Howell said she is very much looking forward to the future and what DJJ can achieve.

Commissioner Howell concluded her report and asked if there were any questions; there were none.

Chairman Dr. Risler called for the next agenda item and asked for a motion to close the regular meeting of the Board of Juvenile Justice and open the DJJ Board of Education meeting.

Board member Stephen Simpson called for a motion to close the regular meeting of the Board of Juvenile Justice and open the DJJ Board of Education meeting. The motion was seconded by Elaine Snow. The motion carried.

Education Update

Dr. Jack Catrett, Associate Superintendent
Department of Juvenile Justice

Dr. Catrett greeted everyone. Dr. Catrett stated Commissioner Howell signed the high school diplomas for four students that will graduate from Eastman YDC. Dr. Catrett said that puts DJJ at over 50 students at Eastman YDC with their high school diplomas.

Dr. Catrett said DJJ is in the running for the Second Chance Vocational Grant. He said the length of the grant has changed from three years to one year. The one year award will be for \$750,000. Dr. Catrett said they will know by the end of March if DJJ received the grant. The funds will be used for new vocational classrooms at the Sumter and Eastman YDCs.

Dr. Catrett asked the Board to refer to their handout on End-of-Course Test (EOCT). Dr. Catrett reminded the Board that all students have to take the EOCT for the eight courses specified by the Department of Education to earn a Carnegie Unit. DJJ administered 215 winter EOCTs. Dr. Catrett said all of the youth that took the EOCT scored high enough that none of them lost their Carnegie Unit in the testing. He stated 15% of a student's grade is determined by the end of the course test.

Dr. Catrett discussed the results of the EOCT:

Course	N Tested	% Meets	% Exceeds	State	% Meets	% Exceeds
Ninth Grade Literature	48	52	5		52	30
American						

Literature	22	52	10		57	31
Biology	13	25	0		45	22
Physical Science	12	36	0		36	35
US History	34	21	3		36	22
Economics	33	15	0		43	33
Mathematics	40	19	0		47	14
Mathematics II	13	18	0		48	18

Dr. Catrett said they are very pleased with the ninth grade literature results.

He stated DJJ youth continue to struggle with biology because they can't use the same laboratory equipment as other public schools.

Dr. Catrett said DJJ numbers are low in US history and economics. He said this is the time of the year where DJJ changes their history and economics books and is currently still operating under the old CAPS. Dr. Catrett said with the new performance standards, the youth will have the opportunity to bring up those scores.

Dr. Catrett also said DJJ youth are also struggling with mathematics I and II and stated the state scores also show other school systems struggling as well.

Dr. Catrett said the Math Consortium team is meeting on February 24, 2011 at the Ramada Inn in Forsyth.

Dr. Catrett said they are very happy with the results for the EOCT and glad that all the youth posted a Carnegie Unit in these particular courses.

Dr. Catrett asked if there were any questions about the EOCT results.

Board member Sandra Taylor asked if meets results included exceeds or do they come together for the percentage.

Dr. Catrett said meets and exceeds are two different categories.

Ms. Taylor asked if the numbers take into account the special education students.

Dr. Catrett said yes.

Board member Dexter Rowland asked how students lose their Carnegie Units.

Dr. Catrett said if a student had an 85% end of course average and the student scored low on the EOCT that the 15% that counted would lower the 85% to below a 70% average. Dr. Catrett told the Board what they are looking for is a score that will keep, hold or give the student a better grade.

Board member Perry McGuire asked if EOCT results included special education students for DJJ and the state.

Dr. Catrett said yes, the special education students are included in the results of the EOCT.

Board member Bruce Garraway asked if they thought about providing DVDs for their biology labs.

Dr. Catrett said yes. They work with Georgia State University Department of Biology to come up with CDs that show things like dissection, etc. They also provide visuals since they are not allowed to provide labs to the youth.

Board member Judy Mecum asked if there was anything the Board can do to carry the biology idea with labs back to their communities or advisory board.

Dr. Catrett said when the youth go back to their public schools, the Board can make the school board understand that DJJ has worked really hard, and the youth that were at a DJJ facility may struggle or receive lower grades.

Dr. Catrett said they will have 5 days of staff development training that will take place in March. Dr. Catrett said the training will cover topics such as, Safe Crisis Management, Behavior Management, and incident writing. He said the teachers will also be trained on Whole Group Instruction and how they interact with the community.

Dr. Catrett said the dates and location of the staff development training will be sent out to the Board.

Dr. Catrett said they will also be working on their certification review. He said it is the time of the year where teachers in regular school sign contracts and teachers look for jobs. He stated, it is also the time of the year that DJJ teachers remain certified. Dr. Catrett said the Central Office staff will be conducting certification reviews and notification letters will be sent out to anyone who has certification issues.

Dr. Catrett said a correlation audit will be done on February 25, 2011 at the Crisp RYDC. The audit will be done with the new curriculum based Whole Group Instruction. Eastman YDC will have their correlation audit done in the future. DJJ had two scheduled audits with DOE, Title IIA - Teacher Improvement and the other is After School. A full report will be available for the Board in the near future.

Dr. Catrett said he, along with Coy Satterfield will be presenting a workshop on positive behavior support in the classroom, at the upcoming Summit on Substance Abuse, Mental Health, School Safety/Discipline Conference.

Dr. Catrett concluded his report and asked if there were any questions.

Chairman Dr. Ed. Risler said he heard a group of youth from the Augusta YDC came to the University of Georgia Law School and won a competition.

Commissioner Howell said yes; there was a mock trial team from the Augusta YDC. She indicated that pictures of the event were on DJJ's Facebook page. Commissioner Howell said she read some of the feedback on how well the youth did. The youth made it as far as the second round. She stated a coaching team went with the youth and really supported them.

Chairman Dr. Ed Risler said in the future when DJJ youth are in the community doing positive things, the Board should be notified in advance so they can make arrangements to attend.

Hearing no further questions, Chairman Dr. Risler called for the next agenda item and asked for a motion from the Board to close the DJJ Board of Education meeting and resume the regular meeting of the Board of Juvenile Justice. Pastor Dexter Rowland made the motion. Judy Mecum seconded the motion. The motion carried.

Chairman Dr. Ed. Risler called for the next item on the agenda; Zero Tolerance & Juvenile Justice.

Zero Tolerance & Juvenile Justice Honorable Steven Teske

Honorable Steven Teske said the American Bar Association is focusing on the Juvenile Code Rewrite. He stated Commissioner Howell has been involved in that for a long time and has spoken about the need and reason for it in her position as Commissioner.

Judge Teske said his role was to look specifically at how the Juvenile Code Rewrite and its mission would help to achieve certain evidence based practices and programs.

Judge Teske made reference to his PowerPoint presentation.

Judge Teske said the chart depicts where the police were put on campus in Clayton County. He stated the chart is broken down by misdemeanors and felonies. Judge Teske said the chart shows a significant increase, and in 2003 he brought stakeholders together to develop protocols to prevent delinquency and to provide for better assessment and treatment of delinquent youth.

Judge Teske said he showed them his PowerPoint presentation along with other statistics and recent research that came out. Judge Teske said for example suspension and expulsion increase the dropout rate. He stated when you arrest a youth on campus their likelihood of dropout increases. He said they are twice as likely not to graduate. If they appear in court they are four times as likely not to graduate.

Judge Teske said it begs the question among educators if their goal is to graduate as many youth as possible. He asked why you would want to focus on suspending and expelling youth when you know it is going to adversely impact them and decrease their likelihood of graduating.

Judge Teske made reference to his PowerPoint presentation and said something drastic needs to be done because the graduation rate fell 58%. He said most of the offenses were misdemeanors. He said he could show the Board another slide that will break down the misdemeanors to just school fights, disrupting public school, disorderly conduct, and obstruction of a police officer.

Judge Teske said in Georgia, when a complaint is filed, the judge decides whether or not it should be processed as a formal petition. He said he liked that process and indicated that in some states like Louisiana, and Washington, the district attorney makes that decision. Judge Teske said in Georgia the judge or the judge's designee decides whether it is in the best interest of the child and the community as to whether the child will go on to formal court. Judge Teske said he wanted to change the culture of Clayton County and he knew that would take a process.

Judge Teske said the stakeholders came up with a protocol to prevent delinquency and to provide for better assessment and treatment of delinquent youth.

He stated a school offense protocol agreement was negotiated and it made all the television and news stations. Judge Teske said they identified certain acts, including disrupting public school, disorderly conduct, and obstruction. He said these acts would result in the following, first offense - warning, second offense - referral to a workshop, third offense – complaint can be filed.

Judge Teske said to operate this protocol they conducted cross training with school administrators, police, and school social workers. They have periodic reviews and it has now changed the culture. The police now have more discretion, and it has reduced weapon charges 70%. Judge Teske said for the past two years school resource officers were named officers of the year. He said the chief of police would tell you more crimes are solved in Clayton County Georgia, including homicide, by school resource officers than any other officer.

Judge Teske said they need to be careful how it affects DJJ. He said one third of all the delinquent filings are done by the schools and most of them are for lower level cases. Judge Teske said DJJ should only take in the higher risk offenders. He said back then DJJ's probation case load was two-thirds low risk offenders. Judge Teske said they need to balance increased supervision, high risk offenders and all the treatment and they were not doing that back then. As a result, recidivism rates were very high. Judge Teske said their case loads went from 155 per officer to 30 per officer.

Judge Teske said in 2003 4,296 delinquent complaints were filed in Clayton County Georgia. In December 31, 2010, only 2,303 complaints were filed.

Judge Teske concluded his report and asked if there were any questions; there were none.

Chairman Dr. Ed. Risler called for the next item on the agenda; Policy, Bylaws & Board Rules Report.

Policy, Bylaws & Board Rules Report

Bill Amideo, Director of Legal Services

Terri Kight, Policy Director

Terri Kight asked the Board to refer to the handout in their packet and stated the term policy is a misnomer because other agencies would call them standard operating procedures. They direct employees in executing the functions of the agency. Ms. Kight said the policies are the operationalization of laws, rules, regulations, and standards. Ms. Kight said all 275 DJJ policies and 30 directives are on the internet. She encouraged the Board look at DJJ's policy website page. Ms. Kight said DJJ receives a lot of compliments nationwide on their policy website.

Ms. Kight said the website does a few things. When you click on the link, it not only allows you to see the policies, but there is also a Google based search engine that allows you to search by term. Ms. Kight said there is also a link on there for questions and comments. The questions and comments are sent directly to her. Ms. Kight said she receives comments from the public, staff, and other states.

Ms. Kight said DJJ's policy process is based on when they first identify a need for a new policy or to revise an existing policy. When that need is identified, the policy committees develop and revise the policy. Policy committees are assigned by functional area. The policy committees don't consist of Central Office staff, but consist of field staff and various levels of staff. Ms. Kight said DJJ not only wants their policies to provide the best services to the youth, but they want them to be efficient and cost effective.

After the committees develop the policy it goes to the Executive Management Team and Commissioner for review and the approval. After the policy is approved, it is signed by the Commissioner and is posted to the DJJ website. Ms. Kight said she then notifies DJJ users of new or revised policy. Ms. Kight said it is up to the managers to make it happen by conducting training and getting the policy in place within 30 days.

Chairman Dr. Ed. Risler asked if the DJJ policies were actually procedures.

Ms. Kight said they are not public policies as such. She said other agencies would refer to them as standard operating procedures. DJJ has referred to them as policies.

Ms. Kight concluded her section of the presentation.

Bill Amideo addressed the Board. He asked the Board to refer to the handout in their packet. Mr. Amideo said he will highlight a few things in those handouts that the Board can review now and in the future.

Mr. Amideo said there are other agencies that use the term policy and half of them use standard operating procedures. He said the trend is towards standard operating procedures because these kinds of confusion exist.

Mr. Amideo said he has been involved with policies, board rules and regulation for more than 25 years. Mr. Amideo said he served for 11 years as an assistant attorney general advising various boards and agencies that he represented. He also said he served as legal director for 3 different agencies. He said with all the agencies that he has been familiar with; DJJ has the best set of policy and the best policy process for keeping them up to date and amended continuously.

Mr. Amideo said the highest hierarchy would be the statute. He said there are a few that have language to consider moving forward.

O.C.G.A. §49-4a-2 – “Board of Juvenile Justiceshall establish the general policy to be followed by the Department.....”

Mr. Amideo said similar agencies have similar language. He said the Board sets the general policy. He stated what they are calling policies or standard operating procedures that the agency does are really things that execute those general policies and more specifics in terms of how they proceed or operate on a daily basis. Mr. Amideo said in paragraph d, the Board shall establish rules and regulation for the government operation and maintenance of all training schools, facilities and institutions now and hereafter under the jurisdiction and control of the department. He said the Board has similar language in their Board rules.

Mr. Amideo said the Commissioner at DJJ is the Chief Administrative Officer.

O.C.G.A. §49-4a-3 – “Subject to the general policy and rules and regulations of the board, the commissioner of juvenile justice shall supervise, direct, account for, organize, plan, administer, and execute the functions of the Department of Juvenile Justice.”

Mr. Amideo said the standard operating procedures and policies are left basically to the agency to develop and under the direction of the Commissioner.

O.C.G.A. §49-4a-6 – “The board shall adopt rules and regulations for the government operation, administration and maintenance of youth development centers and other juvenile detention facilities by the department. May also adopt such other rules and regulation for the government and operation of the department as the board may deem necessary consistent with the provisions of this chapter.”

Mr. Amideo said that is how the Board does what it does by the adoption of Board rules.

Board member Jim Kelly said that language seems to clearly indicate that the Board shall adopt rules and regulations for the government, operation, administration and maintenance of youth development centers and other juvenile detention facilities by the department. He said that is pretty explicit what that means and asked Mr. Amideo if he understood what the Board’s authority is.

Mr. Amideo said that he did not want to get into that discussion and said that is something they would do in a committee meeting in the future. He said that is what the Board rules are all about. Mr. Amideo said that is how Board sets their policies.

Chairman Dr. Risler said he has a plan of how these issues will be addressed.

Mr. Amideo said the Board currently has rules that address title adoption. He asked the Board to look at their handout 97-1-.05 – Adoption of Rules and Regulations.

(1) The Commissioner of the Department of Juvenile Justice shall formulate and submit to the Board those reasonable rules and regulations or changes thereto which are required to govern the Department.

Mr. Amideo said the leadership of the agency comes to the Board normally with proposals for rules, changes and amendments.

(3) Board approval shall be required prior to the promulgation and adoption of rules and regulations.

Mr. Amideo this is also required by Statute under the Administrative Procedure Act.

(4) Actions undertaken in the preparation of rules and regulations for adoption by the Board, including notices or intended action, provision of an opportunity for interested parties to present data, formatting, and other rule-making requirements shall be as prescribed by the Georgia Administrative Procedure Act.

Mr. Amideo said all the rules that were established by the Board to set its general policies for guidance of the agency are done through the rules and APA. There are statutes and Board rules that are published by the Secretary of State's Office and approved by the General Assembly. He said they don't have the flexibility of doing standard operating procedures.

Mr. Amideo said the Board bylaws are also included in the packet of information. He said there are two sets of bylaws, but they are quite similar. One is for the Board of Juvenile Justice and the other is for the Board of Education. He stated they are almost identical in most respects. Mr. Amideo said the bylaws are the Board's internal operating procedures. He stated the bylaws can be amended freely and are not published by the Secretary of State. He said it is something the DJJ Board chose to adopt to determine officers, election procedures, committees, meeting time and date, and generally how they operate.

Mr. Amideo said the bylaws consist of language that will help the Board clear up some of the confusion between board rules, department policies and standard operating procedures. He stated he looks forward to working with the Board as they move forward.

Board member Stephen Simpson stated a lot of Board members have been vocal for the past several years about some of the things coming up at the board meetings and having to hear about

it for the first time. Mr. Simpson said he is in the minority because he is not an attorney, but it seems to him that they are making it more complicated than it really is. He stated the Board is less concerned about whether it is policies, standard operating procedures, and statutes that govern what they do and is more concerned about the surprises that come up at the Board meetings. He said as a functioning Board they should be in the loop about a lot of these things.

Chairman Dr. Ed. Risler said the bylaws have not been looked at since he has been on the DJJ Board and they need to be reviewed. Chairman Dr. Ed. Risler said they need to clear up the blurry line between what acting on a general policy means versus standard operating procedures. He said it fits into the planning process.

Chairman Dr. Ed. Risler said he wants to appoint a committee that will be in charge of reviewing DJJ's bylaws and making some recommendations. He asked Elizabeth Lindsey to head up that committee. Chairman Dr. Ed. Risler said he would also like to have a Board retreat in April or May 2011 where they can spend some more time discussing this matter. He stated their role needs to be defined. Board member Jim Kelly volunteered to assist Ms. Lindsey with this process.

Mr. Kelly asked if the review of the bylaws will include a review of the statutes that govern the generation of the bylaws.

Chairman Dr. Ed. Risler said he believes so and hopes there would be some continuity between the two that would set an anchor for them so they can get on the same page as to what their function and purpose are when they come together in the strategic planning process with Commissioner Howell.

Chairman Dr. Ed. Risler said they haven't had a Board retreat or training in a long time to talk about these issues.

Board member Sandra Taylor said the Board retreat does not have to be extravagant. Ms. Taylor also suggested the Board incorporate their education training with the Board retreat. She stated if this requires them to have the training in June 2011, then it would be wise to bump the retreat to June as well and have both the education training and retreat in Savannah, Georgia. Ms. Taylor said she personally prefer DJJ's in-house training.

Chairman Dr. Ed. Risler said he appreciated Ms. Taylor's suggestion and is open to further suggestions as to where the Board should have their retreat and training. He stated he hopes their discussion fits into Commissioner Howell's strategic planning process that she mentioned in her report. Chairman Dr. Ed. Risler said suggestions about the retreat should be forwarded to Sandra Taylor.

Chairman Dr. Ed. Risler said any Board member that is interested in assisting Ms. Lindsey with reviewing the bylaws to let her know. He stated he will serve as an ex-officio member.

Mr. Kelly thanked Commissioner Howell and Chairman Dr. Ed. Risler for taking this issue on. He stated it has been present for a number of years, and he appreciated them bringing it to the Board's attention and giving them time to attend a retreat to give it new consideration.

Chairman Dr. Ed. Risler called for the next item on the agenda; Legislative Update.

Legislative Update

Scheree Moore, Director of Communications

Scheree Moore said a copy of the Good Behavior Bill is in the board packet for review. She said the bill does not have a number yet and stated the fact sheet is what they have been using to give out to the legislators to talk about the bill.

Ms. Moore said DJJ is also following a couple of other bills that she mentioned to the Board.

HB197 - has to do with medical.

SB46 - has to do with education. A dating violence curriculum would have to be established if it passes.

SB127 – rewrites the juvenile code.

Ms. Moore said the Board can go online and can view a bill to see if it is being monitored or watched.

Board member Michael Baugh asked which committee the Good Behavior Bill will go through.

Ms. Moore said she hopes it will go through the Judiciary Committee. She stated Representative B.J. Pak is carrying the bill for DJJ. Ms. Moore stated Representative Wendell Willard and Jay Neal also endorse the Good Behavior Bill.

Commissioner Howell said she really appreciated the Board's willingness to help and support DJJ. She stated once a bill gets through the committees and hits the floor she would really appreciate the presence and support of the Board and may need their assistance in contacting legislators to let them know that it is a positive bill for DJJ and is a good thing for young people. She said she will keep the Board informed.

Board member Jim Kelly said at the past board meetings there were discussions about the importance of the Board being able to review any Department of Juvenile Justice legislation that may be introduced before its filing. He said this is a very high profile change that the department is advocating and didn't realize it would be calling upon the department to make recommendations for the early discharge of somebody in custody with DJJ. Mr. Kelly said he is

in support of the Bill but stated there are consequences to the Bill. He made reference to line 53 of the Good Behavior Bill which states the courts shall be required to find that the child has been rehabilitated. He stated in essence DJJ will be representing in court that this child has been rehabilitated. He asked if DJJ has what constitutes a rehabilitated youth in its custody. He said in line 41 of the Bill after the words such jurisdiction, DJJ should add a line that states any recommendations made pursuant should be based on guidelines established and published by DJJ. He states DJJ will have to come up with objectives and guidelines so that the public knows what they are following when they make this kind of determination.

Commissioner Howell stated the objective of the Good Behavior Bill was to reopen something procedurally that they were able to do until a series of decisions that were made by the Court of Appeals in the past 4-5 years. She assured the Board there is a policy in place and stated the law sets out some criteria that they would expand upon in terms of what sort of documentation and demonstration would give these criteria some meaning. She stated it is her understanding that based on the consensus that they have built with the judges and the district attorneys that giving the judges the opportunity to review these cases is not a matter of controversy. Commissioner Howell said it is not the department that will ultimately be making the decision. It will be based on a balance of the evidence and the testimony considered by the court that ultimately provides a basis as to whether that youth is a risk or not. She stated, that is one of the criteria that DJJ would provide information about. They would look at where the youth are in a risk assessment level, what the history is in terms of offenses, educational progress, and disciplinary history during their time. Commissioner Howell said in the past when they had this process DJJ was very stringent on the number of youth that they brought before the courts. She stated this is not a mechanism that will be used as way to control DJJ's population. She stated in the past it was only youth that demonstrated that they were ready for transition were considered.

Mr. Kelly rephrased his request and stated it would be very nice for the Board at some point to be able to have the guidelines that DJJ will be using to make recommendations for early release or termination.

Board member Pastor Dexter Rowland asked Ms. Moore if she sent out information about a bill regarding a juvenile parole board.

Ms. Moore said yes. She stated that is SB105 and it has been dropped. That bill relates to DJJ and will provide parole for children committed to the department under the designated felon act. It would require the DJJ Board to establish parole guidelines.

Mr. Rowland asked if that Bill has any support from the judges.

Judge Teske said as far as he knows the judges have not addressed that bill. He said when the bill dropped; he had a discussion with Senator Jones. He said it was an idea he had mentioned to Senator Jones in 2010 but that was before the Council of Juvenile Court Judges came up with this proposal and met with the Commissioner and staff. He said, the question will now be do you want to go to the judges for parole or tighten it up and use a parole board.

Ms. Moore said DJJ is not involved in this legislation.

Chairman Dr. Risler said some states such as South Carolina and Ohio have a juvenile parole boards.

Chairman Dr. Risler called for the next item on the agenda; Budget Update.

Budget Update

Jeff Minor, Deputy Commissioner

Jeff Minor greeted everyone and asked the Board to refer to their Governor's Recommendation Comparison with House and Senate versions handout.

Mr. Minor said Commissioner Howell and the DJJ Executive Team met with the Georgia House and Senate Committees a few times. He stated they also met with the Appropriations Committee relative to the FY2011 current year amended budget. DJJ also met with the House to discuss the FY2012 budget. Mr. Minor said the House has passed their version of the budget that was recommended by the Appropriations Committee. The Senate Appropriations Committee has now passed their version of the 2011 amended budget. He said it is awaiting vote on the floor. Once the 2011 budget is passed there will be a conference committee between the House and the Senate on the 2011 budget to work out the differences between the different versions.

Mr. Minor said for DJJ the only difference between the House and Senate versions is a one word change from effective April 1, 2011 to beginning April 1, 2011. He said the beginning change came when DJJ had some conversations with the House and Senate about what they would like to do relative to the facility closure and give them a little more time to deal with their staff.

Mr. Minor said the only real difference between the Governor's budget and the House and Senate is the change of the timing of the closure of the two 30 beds RYDCs. He reminded the Board in September 2010, when they submitted the budget, a number of facilities were set to be closed effective April 1, 2011 to get some cost savings to meet the percentage requirement for the FY2011 budget submission. The Governor recommended they wait to July 01, 2011 so that they would not have a budget cuts in the amended FY2011 budget. The House and Senate recommended April 1, 2011 as the date.

Mr. Minor said they have managed their personal services budget and vacancies because they knew that there was a possibility they would be closing some facilities and will need some room for 112 staff.

Mr. Minor said they have saved some positions for those employees so that DJJ would have options for them when this news came. He said they are in a position to stall the eventual closure for some amount of time. Mr. Minor said they would like to stretch the technical closure as long as they can but no later than June 30, 2011. He stated if DJJ successfully loses staff, they would

not have enough staff to operate the facility. He said if it gets to a point where it is not possible to do that in a safe and secure manner, then they will divert youth and make a more formal closure. Mr. Minor said it is DJJ's intention to give staff more time than April 1, 2011 to try to find alternatives for them. Mr. Minor said that is the biggest change in the House and Senate version is a \$1,250,000 budget cut.

Mr. Minor said the other major change between the Governor, House and Senate budgets is the addition of \$3,549,163 to increase the employer share of state health benefit plan. He stated for the past couple of years DJJ has had a lot of cuts relatives to state health benefits. He said this would draw down some additional federal funds for federally funded employees.

Mr. Minor said the total budget cuts for DJJ for FY2011 based on the House and Senate version is \$12,715,050 which is equivalent to 3%.

Mr. Minor thanked DJJ's budget director Ken Nash for his hard work. Mr. Minor stated Mr. Nash has come to DJJ with a lot of experience and a great reputation and has learned their issues very quickly and is representing DJJ very well.

Mr. Minor concluded his report and asked if there were any questions.

Chairman Dr. Risler stated Jeff's report is a little bit different from what the Board received last time. He asked if DJJ was going to be able to bank these cuts against the FY2012 budget cuts.

Mr. Minor said it will depend on Georgia's economy and other needs that may or may not get taken care of in the FY2012 budget. Mr. Minor said DJJ cannot absorb any additional budget cuts particularly any more secure facilities. He stated that Commissioner Howell has already fended off the House Committee who asked questions about additional secure beds cuts. Mr. Minor said they will make a case in the amended FY2012 budget for operating funds for the Atlanta YDC and expansion at the Clayton RYDC. He said DJJ is trying to set the stage for the future. Mr. Minor said DJJ needs YDC beds and the Atlanta YDC has been on the to-do list for OPB for some time as funds become available.

Chairman Dr. Risler told Mr. Minor if he presented a budget proposal in the future with the purchasing of beds, he will be very uncomfortable about it. He said it is one thing to cut DJJ beds and let employees go and then turn around and contract beds out. Chairman Dr. Ed. Risler said he hopes that DJJ doesn't do that.

Mr. Minor said DJJ has some privatized facilities and their thought would be state operated facilities. He said this is due to the fact that designated felons are taking up most of DJJ's secure beds and they are the most serious and chronic offenders.

Chairman's Comments

Chairman Dr. Ed Risler
Board of Juvenile Justice

Chairman Dr. Risler told the Board there were updated contact information cards for the Board and executive management team.

Chairman Dr. Risler announced the next DJJ Board Meeting will be at the Central Office on March 24, 2011 at 10:00 a.m.

Chairman Dr. Risler asked if there was any old business. Hearing none, he asked if there was any new business.

Chairman Dr. Risler asked for a motion to adjourn the regular meeting of the Board of Juvenile Justice.

Board Member Judy Mecum made the motion, and Board Member Daniel Menefee made the second.

The motion carried.

The meeting was adjourned.

Dr. Ed Risler, Chair
Board of Juvenile Justice

Amy V. Howell,
Commissioner

Sandra Taylor, Secretary
Board of Juvenile Justice