



## BOARD MEETING SUMMARY May 26, 2016

Members Present: Chair Elaine Snow, Secretary Adam Kennedy, Willie C. Bolton, Julia Neighbors, Dick Yarbrough, John Edwards, the Honorable Lisa Colbert, Richard Ambrose, Danny Porter (via telephone conference), Fred Stephens, Angie Holt, and Dr. Thomas Coleman. Advisory Council Member the Honorable Quintress Gilbert was also present.

### Motions and Other Business:

1. Chair Snow called the meeting of the Board of Juvenile Justice to order on Thursday, May 26, 2016, at 10:15 AM in the Board Room of the Central Office of the Department of Juvenile Justice, at 3408 Covington Highway, Decatur, GA 30032. (The meeting was briefly delayed because of a swearing in ceremony of a HITS Officer at 9:30 AM.)
2. A motion to approve the agenda for the May 26, 2016, meeting was made, seconded, and approved unanimously.
3. A motion to approve the minutes of the April 20, 2016, meeting was made, seconded, and approved unanimously.
4. The Commissioner had previously submitted his written report (included in materials). He also discussed the graduation ceremony from May 20, 2016, and he recognized the Governor and First Lady for their inspiring commencement speeches to the Georgia Preparatory Academy Graduates. The Commissioner also talked about a motivational youth field trip.
5. Chief Financial Officer Sonja Allen Smith presented on budget updates. Board members were interested in the additional funds for juvenile justice reform programming services. School Resource Officers for the DJJ Educational Transitional Centers and pay increases for certain groups of Community Services personnel were also discussed.
6. General Counsel Cindy Wang presented on the proposed amendments to Board Rules in Chapter 97-1, "Rules of General Applicability," and Chapter 97-2, "Administrative Revocations of Juvenile Community Placement," which revise the definitions and the Board's Authority to become consistent with current law and

- practice. She also presented on a new proposed Board Rule Chapter 97-5, relating to the transfer of community supervision of certain youth in the Department's custody to the Department of Community Supervision, to comply with the passage of SB 367 (2016 Georgia Laws). Finally, General Counsel Wang presented on the Memorandum of Understanding (MOU) between DCS and DJJ that would delay implementation of the transfer of community supervision services for certain youth until after September 1, 2016. Motions to initially adopt the proposed Board Rules and Amendments and approve the MOU were made, seconded, and approved unanimously.
7. A motion to adjourn the Board of Juvenile Justice and to reconvene as the Juvenile Justice Board of Education was made, seconded, and approved unanimously.
  8. Associate Superintendent Audrey Armistad presented on the May 20, 2016, graduation, informing the Board that 90 diplomas were awarded. Board member Coleman commended the Governor and First Lady for their participation in the ceremony.
  9. A motion to adjourn the Juvenile Justice Board of Education and to reconvene as the Board of Juvenile Justice was made, seconded, and approved unanimously.
  10. Old Business: No old business. Board Member Coleman was congratulated because his daughter is the newly elected Solicitor General for DeKalb County.
  11. New Business: No new business. Board Member Stephens would like a presentation on the school-based probation officers at the next Board meeting. Judicial Advisory Council Member Gilbert inquired about the Board member training. The Commissioner informed the Board that it will be held before the end of the calendar year.
  12. Chair Snow announced that the next Board Meeting will be held in the Board Room of DJJ headquarters at 3408 Covington Hwy, Decatur, GA 30032, at 10:00 AM on Thursday, June 23, 2016.
  13. With no further business before the Board, the meeting was adjourned.

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Cindy Wang, General Counsel

## DEPARTMENT OF JUVENILE JUSTICE



### NOTICE OF INTENT TO CONSIDER AMENDMENTS TO DJJ BOARD RULES AND TO ADOPT A NEW BOARD RULE REGARDING THE TRANSFER OF COMMUNITY SUPERVISION OF CERTAIN YOUTH IN DJJ CUSTODY

#### SYNOPSIS

Pursuant to the provisions of the Administrative Procedures Act (O.C.G.A. §§ 50-13-3 and 50-13-4), notice is hereby given to all interested persons that the Board of the Department of Juvenile Justice has initially adopted amendments to the Board Rules in Chapter 97-1, "Rules of General Applicability," and Chapter 97-2, "Administrative Revocations of Juvenile Community Placement," in order to amend the definitions and the Board's Authority to become consistent with current law and practice. The Board has also initially adopted a new Board Rule Chapter 97-5, relating to the transfer of community supervision of certain youth in the Department's custody to the Department of Community Supervision, in accordance with the passage of SB 367 (2016 Georgia Laws). Therefore, with its grant of authority under O.C.G.A. §§ 49-4A-2 and 49-4A-6, the Board proposes for final adoption the following:

#### PROPOSED AMENDMENTS

##### Chapter 97-1. RULES OF GENERAL APPLICABILITY

##### Rule 97-1-.02 Authority

- (A) The general authority and powers of the Board are created and defined by law, Georgia law provides that the Board of the Department of Juvenile Justice is charged with the responsibility of:
- (1) Providing leadership in developing programs to successfully rehabilitate juvenile delinquents and ~~unruly~~ children committed to the state's custody;
  - (2) ~~and to provide~~ Providing technical assistance to private and public entities for prevention programs for children at risk;
  - (3) Ensuring that detention assessment, risk assessment, and risk and needs assessment instruments that are utilized by intake personnel and courts are developed in accordance with law;
  - (4) Adopting rules and regulations governing the management and treatment of children committed to the Department to ensure that evidence based programs or practices, including the use of a risk and needs assessment and any other method the Board deems appropriate, guide decisions related to placing a committed child in a facility or into the community, preparing a child's release into the community, and managing children probationers in the community;

(5) Requiring the Department to collect and analyze data and performance outcomes to prepare an annual report to be submitted in accordance with law; and

(6) Adopting rules and regulations governing the transfer of children who are at least 17 years of age and are released from restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined by law, to the Department of Community Supervision to ensure balanced attention to the protection of the community, the imposition of accountability, and the development of competencies to enable each child to become a responsible and productive member of the community, taking into consideration a child's level of participation in the Department's educational, vocational, and other services prior to such release.

(B) The Commissioner of the Department of Juvenile Justice shall be both appointed and removed by the Board, subject to the approval of the Governor.

(C) The Board is authorized to promulgate, adopt, and establish rules and regulations for the government, operation, and maintenance of all training schools, facilities, and institutions under the Jurisdiction and control of the Department.

(D) The Board shall perform duties required of it and be responsible for the promulgation of all rules and regulations not in conflict with the law that may be necessary and appropriate to the administration of the Department, to the accomplishment of its purposes, and to the performance of the duties and functions of the Department as required by law.

**Citation of Applicable Authority:** O.C.G.A. § 49-4A-2, O.C.G.A. § 49-4A-3, O.C.G.A. § 49-4A-4, O.C.G.A. § 49-4A-5, O.C.G.A. § 49-4A-6.

Originally adopted September 1, 1992, effective September 21, 1992. Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

### **Rule 97-1-.03 General Definitions**

The following definitions shall apply generally to all rules and regulations of the Department of Juvenile Justice.

- (a) "Board" shall mean the Board of the Department of Juvenile Justice.
- (b) "Delinquent ~~or unruly~~ child or youth" or "child in need of services" shall mean any person so adjudged under Article 1 of Chapter 11 of Title 15.
- (c) "Department" shall mean the Department of Juvenile Justice.
- (d) "Commissioner" shall mean the Commissioner of the Department of Juvenile Justice.
- (e) "Restrictive custody" means in the custody of the Department for purposes of housing in a secure residential facility or nonsecure residential facility.
- (f) "Secure residential facility" means a hardware secure residential institution operated by or on behalf of the Department and shall include a youth development center or a regional youth detention center.
- (g) "Nonsecure residential facility" means community residential locations operated by or on behalf of the Department and may include group homes, emergency shelters, wilderness or outdoor therapeutic programs, or other facilities that provide 24 hour care in a residential setting.
- (h) "Class A designated felony act" means a delinquent act committed by a child 13 years or older which, if committed by an adult, would be one or more of the specific crimes listed in O.C.G.A. § 15-11-2 (12).
- (i) "Class B designated felony act" means a delinquent act committed by a child 13 years or older which, if committed by an adult, would be one or more of the specific crimes listed in O.C.G.A. § 15-11-2 (13).

**Citation of Applicable Authority:** O.C.G.A. § 49-4A-1, O.C.G.A. § 50-11-2.

Originally adopted September 1, 1992, effective September 21, 1992. Amended: F. May 28, 1997; eff. July 1, 1997, as specified by the Agency.

## **Chapter 97-2. ADMINISTRATIVE REVOCATIONS OF JUVENILE COMMUNITY PLACEMENT**

### **Rule 97-2-.01. Definitions**

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereinafter respectively ascribed to them:

- (a) “Administrative Revocation” is the termination of the conditional, community placement of a ~~delinquent or unruly~~ youth committed to the custody of the Department; provided however, that a youth has completed the initial trial period when the administrative action to terminate occurs. If violations occur prior to the completion of the trial period, a youth may be transferred to a Youth Development Campus or any other placement without regard to these procedures.
- (b) “Trial Period” is an initial diagnostic or probationary period, not to exceed sixty (60) days, during which a committed youth is conditionally placed in a community treatment center, community school, intensive supervision program, group home, or other alternate placement.
- (c) “Preliminary Hearing” is an informal hearing, the purpose of which is to establish whether there is probable cause to believe that the youth has violated the conditions of placement. The hearing also serves as a detention hearing.
- (d) “Waiver” is a voluntary relinquishing of a known right or privilege by one who knows the consequences of such act.
- (e) “Final Revocation Hearing” is an administrative proceeding in which an administrative law judge, under authority of O.C.G.A. §§ 50-13-13 and 50-13-41, makes findings of fact and conclusions of law and disposition, subject to appellate review, in the matter of revocation of community placement.
- (f) “Community Placement” means any placement made for a youth committed to the Department as an alternative to placement at a State Youth Development Campus.
- (g) “Case Manager” means a ~~Court Service~~ Community Services Worker or other employee of the Division of Community ~~Programs~~ Services who provides direct supervision and coordination of services for a youth committed to the Department.
- (h) “Department” means the Department of Juvenile Justice of the State of Georgia.
- (i) “Commissioner” means the chief administrative officer of the Department of Juvenile Justice.
- (j) “YDC” means a Youth Development Campus.
- (k) “RYDC” means a Regional Youth Detention Center.
- (l) “Office of State Administrative Hearings” means the State Agency authorized by law to determine contested cases not presided over by the Commissioner.

**Citation of Applicable Authority:** O.C.G.A. § 49-4A-1, *et seq.*

History. Original Rule entitled “Definitions” adopted. F. May 26, 1993; eff. Jul. 1, 1993, as specified by the Agency. Amended: F. Apr. 25, 1995; eff. May 15, 1995; Amended: F. May 28, 1997; eff. Jul. 1, 1997, as specified by the Agency.

**Chapter 97-5 TRANSFER OF COMMUNITY SUPERVISION OF CERTAIN YOUTH IN THE DEPARTMENT'S CUSTODY TO THE DEPARTMENT OF COMMUNITY SUPERVISION**

**Rule 97-5-.01 Definitions**

Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereinafter respectively ascribed to them:

- (a) "DJJ" means the Department of Juvenile Justice.
- (b) "DCS" means the Department of Community Supervision.
- (c) "Delinquent child or youth" means any person so adjudged under Article 1 of Chapter 11 of Title 15.
- (d) "Restrictive custody" means in the custody of the Department for purposes of housing in a secure residential facility or nonsecure residential facility.
- (e) "Class A designated felony act" means a delinquent act committed by a child 13 years or older which, if committed by an adult, would be one or more of the specific crimes listed in O.C.G.A. § 15-11-2 (12).

**Citation of Applicable Authority:** O.C.G.A. § 49-4A-1, O.C.G.A. § 42-3-2 (a), O.C.G.A. § 42-3-3 (a) (4), O.C.G.A. § 50-11-2.

**Rule 97-5-.02 Transfer Provisions**

(A) No child's community supervision shall transfer to the DCS, unless all of the following criteria have been met:

- (1) The child is 17 years of age or older, adjudicated delinquent for a Class A designated felony act, and has been released from restrictive custody by DJJ;
- (2) The child is not amenable to treatment and programming services offered by DJJ;
- (3) The child has not made substantial progress towards treatment and service plan objectives; and
- (4) The child has not completed academic goals as outlined in the individualized program of study.

(B) In determining whether to transfer a child, DJJ shall give balanced attention towards the protection of the community, the imposition of accountability, and the development of competencies to enable each child to become a responsible and productive member of the community.

**Citation of Applicable Authority:** O.C.G.A. § 49-4A-2 (b) (6), O.C.G.A. § 42-3-2 (a), O.C.G.A. § 42-3-3.

The Board of Juvenile Justice will receive views presented by interested parties and otherwise consider these amendments of its Rules and new Board Rule Chapter 97-5 at its July monthly open meeting, currently scheduled for 10:00 AM on Thursday, July 28, 2016, in the DJJ Board Room at 3408 Covington Highway, Decatur, GA 30032. Written comments regarding this matter should be forward to the DJJ Legal Services Office, 3408 Covington Highway, Decatur, GA 30032. If you have any questions, please call the DJJ Legal Office at 404-508-7243.

This 27<sup>th</sup> day of May 2016.

Cindy Wang  
General Counsel  
Department of Juvenile Justice