

**JOINT PERFORMANCE REVIEW COMMITTEE
AUGUST 30, 2016
MINUTES**

The Joint Performance Review Committee met at 9:30 a.m. on Tuesday, August 30, 2016 at the Arkansas Juvenile Assessment and Treatment Center, Woody Drive, Alexander, Arkansas.

Committee members present: Senators Alan Clark, Co-Chair, Linda Collins-Smith, John Cooper, Missy Irvin, Terry Rice, and Gary Stubblefield. Representatives Kim Hammer, Co-Chair, Lance Eads, Charlene Fite, Mickey Gates, Mary "Prissy" Hickerson, Josh Miller, Micah Neal, Milton Nicks, Jr., Dan Sullivan, Clarke Tucker

Other legislators present: Senators Linda Chesterfield and Eddie Joe Williams. Representatives Trevor Drown, and James Sorvillo.

Call to Order

Representative Hammer called the meeting to order.

Opening Remarks by Senator Alan Clark and Representative Kim Hammer, Co-Chairs, JPR Committee

Representative Hammer informed the legislators that a tour of the facility will be conducted following the vote on the subpoenas.

Consideration to Approve Minutes – July 26, 2016 [Exhibit C]

A motion to approve the minutes of the July 26, 2016 JPR Committee meeting was made by Representative Gates and seconded by Senator Rice. The motion carried.

Consideration of the Joint Performance Review Committee's Exercise of Subpoena Power, Committee Members Will Consider Whether Subpoenas for Judge Patricia James, Sixth Judicial Circuit Court, and Other Persons, Documents and Records are Appropriate as Part of the Committee's Ongoing Review of the Arkansas Department of Human Services (DHS) and the Division of Children and Family Services (DCFS)

Senator Clark told legislators a vote will be taken for the consideration of the issuance of a subpoena for Judge Patricia James. First, a portion of an audio recording was played of testimony given by Cecile Blucker, former Director, DCFS, at the March 30, 2015 JPR Committee meeting. Members then discussed the merits. A motion to issue a subpoena to Judge Patricia James was made by Representative Gates and seconded by Representative Charlene Fite. The motion passed unanimously.

A motion to issue a subpoena for documents and records as part of the JPR Committee's ongoing review of the Arkansas Department of Human Services (DHS) the Division of Children and Family Services (DCFS), and child welfare issues was made by Senator Terry Rice and seconded by Representative Josh Miller. The motion passed unanimously.

The meeting recessed to allow legislators to tour the facility.

Upon completion of the tour of the facility and grounds, the meeting reconvened.

Overview of the Operation of the Division of Youth Services' Alexander Juvenile Assessment and Treatment Center (AJATC), Intake Procedures, and the Transition to the Heartland Region Rite of Passage Provider.

Representative Hammer recognized Michael Cantrell, Director, Heartland Region, Rite of Passage. Mr. Cantrell recognized Mr. Ski Broman, President, Rite of Passage, to give a Power Point presentation. Mr. Broman told legislators the Mission Statement for Rite of Passage is to improve the lives of youth. Quality assurance visits are conducted to ensure clean and safe facilities. Rite of Passage works with Jeffrey Butts, John Jay College of Criminal Justice, New York City, who patented the phrase "positive youth development", of which his agency is a strong proponent. The tenant of their organization is that child care workers are to create an atmosphere where the staff feel like coaches rather than plant guards. When Rite of Passage assumed operations at the Alexander facility thirty days ago, there were 100 students and 120 employees. 75 of the employees had previously worked at the facility. An additional 50 employees have subsequently been hired.

Mr. Broman highlighted issues and changes the organization is developing:

- The biggest issue is an antiquated locking system which poses a serious safety risk and needs to be replaced as soon as possible with a modern system
- A general decline in the facility, due to deferred maintenance, was found; including old mattresses, unsanitary conditions, and inadequate clothing
- Rite of Passage follows a patented cognitive academic model, which focuses on facilities being a school house not a jail house
- The initial focus is to establish safe and caring relationships
- A comprehensive assessment is being conducted to determine the appropriate placement, length of care, and development of treatment programs
- The student population has been divided into distinct areas: young children with typical conduct disorders, a specific female program, and a sex offender program for level three and level four sex offenders
- Drug and alcohol programs are being developed with a nationally recognized curriculum through the University of Cincinnati
- Individual prescriptive tracks for each specific group is being developed to institute programs for each group of children
- Food services have been upgraded to family style meals three times a day
- Students and staff have been issued new uniforms
- Future plans include three types of school uniforms and dress for students:
 - Alpha, professional type of dress for high status students
 - Bravo, regular school uniforms
 - Charlie, uniforms worn for special events

Mr. Broman told legislators that Rite of Passage has added two class periods to the school program, increasing the number of classes from five to seven each day. Each class period is fifty-five minutes, which follows a more normal school program. The vocational training program has been re-launched. Currently, there are two vocational training programs with plans to expand to four. A chapel is being reopened for religious services. Sports have been introduced through the Boys and Girls Club. The students recently participated in a practice

soccer game and are excited to participate in future games. Mr. Broman said the changes Rite of Passage has instituted focus on changing the facility and programs into a school house atmosphere and not a jail house.

Legislators asked questions and discussed programs that Rite of Passage will incorporate into the Alexander facility:

- Question- Mr. Broman was asked about the implementation of a program to allow students to obtain a drivers license when they become eighteen years of age and are leaving the facility
- Answer- Mr. Broman said the agency is aware of the availability of some online course work and programs for students. However, one barrier pertaining to liability involves when students are actually driving vehicles.

Mr. Broman was asked to provide an update in sixty days on the organization's progress to allow students to obtain a drivers license.

Betty Guhman, Interim Director, Division of Youth Services (DYS), Arkansas Department of Human Services (DHS), was recognized. She told legislators that the DHS Community Services program is working on the drivers license issue with community-based providers as part of its aftercare and transition plans:

- Mr. Broman was asked to provided details about the programs for level three and level four sex offenders
- Answer- Mr. Broman said that Rite of Passage partners with the University of Cincinnati, who are leaders in the development of evidence-based strategies. These strategies will be incorporated into programs designed for students who are identified as sex offenders. The organization will reevaluate and perform additional assessments before focusing on the development of the programs
- Question- regarding the locking system at the facility, what is the liability to the state in the event of a disaster
- Answer- Keesa Smith, Deputy Director, DHS, responded and said that DHS was aware of the locking system issue before Rite of Passage became the provider. Ms. Smith said the state has a significant amount of liability due to the outdated locks and DHS is going to make the necessary improvements as soon as possible.
- Question- Has a cost been established for replacement of the locking system, and is it the responsibility of the provider or the state
- Answer- Ms. Smith said the state is responsible for the buildings and any associated cost. An exact amount has not been established. But, it will be in excess of \$1 million

Representative Hammer recognized Ms. Tracy Bennett-Joseph to discuss the educational components of the programs at the facility. She provided an overview and said that when a student arrives at the facility, an academic assessment is conducted within the first ten days. The assessment creates the baseline data for each student. Assessments are also performed every quarter to determine if any intervention is needed to ensure students receive a comprehensive education to meet the state's graduation requirements. Legislators asked questions and discussed staffing of the educational components:

- Question- Is there adequate teaching staff and administrative staff

- Answer- Ms. Joseph said that there are four vacant teaching positions, one of which is a special education coordinator. But they do have the appropriate staff to meet the current needs of the students
- Question- is data available regarding recidivism rates of the students identified as sex offenders when they are released from the facility
- Answer- Keesa Smith said the information is based on a child's specific aftercare plan and identified level of offense. DHS does not have a classification for juvenile sex offenders.

Brief Review of Driver's License Reinstatement Fees (Act 1193 of 2015) [Exhibit F]

Representative Hammer explained why a sunset clause was attached to Act 1193 when he sponsored the legislation in 2015. At that time, the Arkansas Department of Finance and Administration (DF&A) did not have a mechanism to track the potential financial impact of the program. The funding issue of the driver's license reinstatement fees refers to the waiver of fees and the amounts of monies that may not reach state agency retirement accounts. Representative Hammer said a discussion of the issue will be presented at a future committee meeting.

Brief Discussion of the Freedom of Information act (FOIA) Policies and Procedures

Representative Hammer told the legislators a discussion concerning the Arkansas Freedom of Information Act will be presented at a future committee meeting.

There being no further business, the meeting adjourned at 11:50 a.m.