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| STATE HUMAN RIGHTS COMMITTEE | |  |  | |
| John Barrett, Chairperson  Richmond / Deltaville  Wil Childers, Vice-Chairperson  Hardy  David Boehm  Marion  Pete Daniel  Charlotte Court House  Julie Dwyer-Allen  Leesburg  Monica Lucas  Richmond  Sandy Robbins  Valentines  Timothy Russell  Williamsburg  Cora Swett  Nokesville | COMMONWEALTH of VIRGINIA  *Department of Behavioral Health and Developmental Services*  *Post Office Box 1797* Richmond, Virginia 23218-1797 ALISON G. LAND, FACHE, COMMISSIONER | | | Deb Lochart  State Human Rights Director  deb.lochart@dbhds.virginia.gov  Office of Human Rights  1220 Bank Street  Richmond, VA 23219  P.O. Box 1797  Richmond, VA 23218  www.dbhds.virginia.gov |

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|  | **State Human Rights Committee Meeting**  ***MINUTES***  **June 25, 2020**  VIRTUAL MEETING  AdobeConnect  **Administrative Session**  **10:15 a.m.** |  | | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** David Boehm; Pete Daniel; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; Cora Swett | | |  |
| **Member Excused** | Timothy Russell | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen A. Taylor, Senior Assistant Attorney General  Cassie Purtlebaugh, Regional Human Rights Manager  Carrie Flowers, Human Rights Advocate  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | Garnett Robins-Baughman, Just Future Project  Natasha Inderbitzen-Lovingood, Just Future Project  Rebecca Herbig, dLCV  Virginia Pharis, dLCV  Rhonda Thissen, dLCV  Mary Grace-Whitten, Legal Intern, dLCV  Camille Karabaich, Legal Intern, dLCV  Rachel Davis, Legal Intern, dLCV | | |  |
| **Call to Order** | At 9:31, John Barrett, Chairperson, called the administrative session of the June 25, 2020, State Human Rights Committee meeting to order. | | |  |
| **Approval of Agenda** | At 9:32, the SHRC considered approval of the agenda.  *Upon a motion by David Boehm and seconded by Pete Daniel the agenda was approved unanimously.* | | |  |
| **Correspondence and Information** | At 9:32, Taneika Goldman, Deputy State Human Rights Director, gave notice that the Variance process has begun for the following providers in Region 5: | | |  |
|  | Harbor Point Behavioral Center   * 12VAC35-115-100 A.1a, Freedoms of Everyday Life (Movement within the Service Area) * 12VAC35-115-100 A.1g, Freedoms of Everyday Life (Vending Machines) | | |  |
|  | Kempsville Center for Behavioral Health   * 12VAC35-115-50 C.7 and C.8, Dignity * 12VAC35-115-100 A.1a and A.1g, Freedoms of Everyday Life * 12VAC35-115-110 C.16, Use of Seclusion, Restraint and Time Out | | |  |
|  | The James Barry Robinson Center   * 12VAC35-115-50 C.7, Dignity (Telephone) * 12VAC35-115-50 C.8, Dignity (Visitation) | | |  |
|  | Virginia Beach Department of Human Services (CSB)   * 12VAC35-115-50 C.7, Dignity (Telephone) * 12VAC35-115-50 C.8, Dignity (Visitation) | | |  |
|  | Holiday House of Portsmouth   * 12VAC35-115-50 C.8, Dignity (Visitation) | | |  |
|  | Newport News Behavioral Healthcare   * 12VAC35-115-50 C.7 and C.8, Dignity (Telephone and Visitation) * 12VAC35-115-100 A.1a, Freedoms of Everyday Life | | |  |
|  | At 9:40, Taneika Goldman acknowledged correspondence received from Garnett Robins-Baughman, Director of Advocacy, Just Future Project, and from Senator Joseph D. Morrissey. | | |  |
|  | **Regular Session**  **9:41 a.m.** | |  | |
| **Members Present** | John Barrett, **Chairperson;** Will Childers, **Vice-Chairperson;** David Boehm; Pete Daniel; Julie Dwyer-Allen; Monica Lucas; Sandy Robbins; Cora Swett | | |  |
| **Member Excused** | Timothy Russell | | |  |
| **Staff Present** | Deb Lochart, State Human Rights Director  Taneika Goldman, Deputy State Human Rights Director  Karen A. Taylor, Senior Assistant Attorney General  Cassie Purtlebaugh, Regional Human Rights Manager  Cheryl Young, Human Rights Advocate  Carrie Flowers, Human Rights Advocate  Kli Kinzie, Executive Secretary | | |  |
| **Others Present** | Kristen Darby, Just Future Project  Belinda Thompson, Just Future Project  Garnett Robins-Baughman, Just Future Project  Natasha Inderbitzen-Lovingood, Just Future Project  Marilyn McCarthy, Just Future Project  John Powers, Just Future Project  Lynetta Thompson, Just Future Project  Rebecca Herbig, dLCV  Virginia Pharis, dLCV  Rhonda Thissen, dLCV  Mary Grace-Whitten, Legal Intern, dLCV  Camille Karabaich, Legal Intern, dLCV  Rachel Davis, Legal Intern, dLCV  Keith Davies, Office of the State Inspector General | | |  |
| **Public Commenters** | Belinda Thompson, Just Future Project  Garnett Robins-Baughman, Just Future Project  Kristen Darby, Just Future Project  Marilyn McCarthy, Just Future Project  Natasha Inderbitzen-Lovingood, Just Future Project  Lynetta Thompson, Just Future Project | | |  |
| **Call to Order** | At 9:41, John Barrett, Chairperson, called the June 25, 2020, State Human Rights Committee meeting to order. | | |  |
| **Draft Minutes Review** | At 9:41, the SHRC reviewed the draft minutes of the March 4, 2020, SHRC meeting.  *Upon a motion by Cora Swett and seconded by Sandy Robbins the minutes of the March 4, 2020, SHRC meeting were unanimously approved.* | | |  |
| **Public Comment Period** | At 9:42, John Barrett called for public comments. Members of Just Future Project gave public comments in favor of bringing more transparency and oversight to the Virginia Center for Behavioral Rehabilitation (VCBR). Speakers voiced concern that the variances and exemptions at VCBR are used as punishments by VCBR staff.  Kristen Darby, Belinda Thompson, and Marilyn McCarthy reported on issues regarding human rights protections for the residents held at VCBR. Lynetta Thompson made comments on the atmosphere at VCBR and voiced her concern that complaints made by residents are not addressed. Natasha Inderbitzen-Lovingood commented on effects on the social lives of friends and family of VCBR residents.  Presenters requested that the State Human Rights Committee look into current exemptions and Variances to the human rights regulations for VCBR. Recognizing the efforts made by advocates and human rights committees, speakers expressed that human rights protections should extend to all those who need it. | | |  |
|  | Karen Taylor, Senior Assistant Attorney General, responded to the Public Comments, thanking all who presented. The SHRC will look at the correspondence submitted further and respond in writing. Regarding documents requested, Taneika Goldman, Deputy State Human Rights Director, will respond within 5 working days. The Variances mentioned are still in effect until April 2021. Karen Taylor clarified that the SHRC plays no role in exemptions to the human rights regulations, as that sole responsibility rests with the Commissioner of the Department of Behavioral Health and Behavioral Services.  Chairman Barrett thanked members of Just Future Project for attending the meeting and making public comments. | | |  |
| **Update in OHR Initiatives** | At 10:23, Taneika Goldman provided an update on the Office of Human Rights’ response to COVID-19. The wide-spread use of technology has been challenging, and staff are utilizing various applications to accomplish tasks while maintaining the social distancing standards. Guidance was issued to providers on expectations and responsibilities. A temporary waiver to the human rights regulations is in effect that allows for isolation, particularly if an individual has been exposed to COVID. Guidance has gone to licensed providers on suspended activities such as post move monitoring and look behind site visits.  The AIM Protocol has been updated to initiate a remote review process, and the office is employing virtual methods of looking into abuse neglect and sexual abuse allegations, including document collection and interviewing via web based platforms.  The office has transitioned from conducting routine provider in person training to facilitating these mostly through adobe connect.    LHRC meetings and FOIA trainings were temporarily suspended as budget limits mean doing things electronically. The electronic business model will probably extend throughout the COVID social distancing time.  OHR has collaborated with DBHDS facilities to acquire PPE for staff. OHR is involved at the hub and forefront of the daily operations of the department and the department’s response to the COVID pandemic.  Mrs. Goldman talked about new staff hires and changes in roles of some existing staff. | | |  |
| **Facility Overview and S/R Reporting** | At 10:34, Cheryl Young, Human Rights Advocate, provided the facility overview and seclusion and restraint reporting for Virginia Center for Behavioral Rehabilitation. Ms. Young reviewed the data for the reporting period of February thru March 2020. There was no use of emergency restraints for the period, and no restraints other than transport restraints were utilized. There were no injuries and the facility had no seclusions.  All peer to peer allegations were found to be unsubstantiated.  Construction on the new complex is moving ahead. The buildings are going up quickly. | | |  |
| **Subcommittees** | Bylaws Subcommittee: Monica Lucas, Chairperson; Cora Swett; Taneika Goldman, Staff  Monica Lucas reported on behalf of the Bylaws subcommittee. SHRC recommendations submitted to the OAG are awaiting official approval. Once received, the subcommittee will proceed with modifications.    Chairman Barrett asked Deb Lochart to follow up with Karen Taylor on the status of the review.  Policy Subcommittee: Sandy Robbins, Chairperson; David Boehm, Taneika Goldman, Staff.  At 10:45, Sandy Robbins reported that there are no updates at this time.  Officer Subcommittee: Pete Daniel, Chair; Sandy Robbins.  At 10:46, before hearing from the Officer subcommittee, Chairman Barrett took a few minutes to thank Pete Daniel for his service on the State Human Rights Committee. Mr. Daniel’s final term on the committee will expire on June 30, 2020. Chairman Barrett thanked Pete Daniel on behalf of the human rights program and the SHRC. A special thanks went to Pete’s father, Mr. George Daniel, for providing transportation for his son to meetings held throughout the commonwealth.  At 10:48, Chairman Barrett asked for a slate of officers. Sandy Robbins reported that the subcommittee polled the members for their interest in serving as officers. The subcommittee presented the following slate of officers for the upcoming term: Chairman John Barrett; and Vice-Chairman Will Childers. Ms. Robbins noted that the election of Will Childers would be contingent upon his reappointment to the SHRC by the DBHDS State Board at its July meeting.  Chairman Barrett asked for nominations from the floor. There being none. Chairman Barrett asked for a motion.  *Upon a motion by David Boehm and seconded by Pete Daniel the SHRC voted unanimously to accept the slate of officers as presented.*  Workplan / Membership Subcommittee: Julie Dwyer-Allen, Chairperson; Timothy Russell.  At 10:49, Julie Dwyer-Allen reviewed the SHRC membership interview process. | | |  |
|  | *At 10:51, upon a motion by Will Childers the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of discussion and consideration of matters lawfully exempt from the Freedom of Information Act, namely to consider SHRC and LHRC membership.* | | |  |
| **SHRC Membership** | The SHRC conducted interviews for SHRC appointment.  The SHRC considered the reappointment of Will Childers to the committee. | | |  |
| **LHRC Membership** | The SHRC considered LHRC membership. Taneika Goldman reported on LHRC resignations and recommendations for appointment/reappointment. | | |  |
|  | Upon reconvening in open session all members of the SHRC certified that to the best of each member’s knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session, were discussed in the closed session.  *Upon a motion by Monica Lucas and seconded by Cora Swett the SHRC unanimously acknowledges the following resignation and makes the following appointments:* | | |  |
| Resignation | Resignation of Becky Spain from Prince William County LHRC. | | |  |
| Appointments | Appointments  Region 2  Prince William County LHRC: Appoint Francesca Belmonte  Region 5  HPR5 LHRC: Reappoint Adrienne Benjamin-Scott | | |  |
|  | *Upon a motion by Monica Lucas and seconded by David Boehm the SHRC unanimously voted to recommend the reappointment of Will Childers to the SHRC.* | | |  |
| SHRC Membership | At 11:37, the committee briefly discussed SHRC membership. Kathy Harkey and Jessica Gaard were interviewed in the above closed session. More interviews will be conducted at the next meeting. | | |  |
|  | *At 11:40, upon a motion by Will Childers the SHRC convened in closed session pursuant to Virginia Code §2.2-3711(A)(1) for the purpose of conferring with counsel.* | | |  |
| **Other** | The committee briefly discussed the public comments and what action to take in response.  Upon reconvening in open session all members of the SHRC certified that to the best of each member’s knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the closed session, were discussed in the closed session.  *upon a motion by David Boehm and seconded by Pete Daniel the SHRC voted unanimously to refer response on public comments to the Policy Subcommittee and report back to the full committee on July 16.* | | |  |
| **Adjournment** | *At 12:07, having no further business to discuss the June 25, 2020, SHRC meeting adjourned. The next meeting is scheduled for July 16, 2020.* | | |  |

Respectfully Submitted,

John Barrett, Chairperson Kli Kinzie,

State Human Rights Committee Executive Secretary