

Virginia Advisory Committee on Juvenile Justice

2012–2014 Annual Report



Virginia Department of Criminal Justice Services
August 2018

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Virginia Advisory Committee on Juvenile Justice Members

Governor's Appointees Serving During FY2012¹

Sgt. Carol Adams

Richmond

Mr. Kevin Appel (Chair)

Arlington

Dr. Rita Bishop

Roanoke

Officer Robert Bodenhamer

Chester

Mr. Chuck Brady

Midlothian

Judge Richard Campbell

Richmond

Ms. Alison Carlin

Glen Allen

Commonwealth's Attorney Warner D. "Dave" Chapman

Charlottesville

Ms. Shaunte E. Daniel^Y

Ettrick

Ms. Lindsay Fisher^Y

Richmond

Mr. Terone B. Green

Richmond

Ms. Eileen Grey (Vice-Chair)

Alexandria

Ms. Hilary Griffith

Salem

Ms. Sarah Ann Haislip^Y

Henrico

Mr. Quentin E. Hicks

Chesapeake

Chief Jake Jacocks

Virginia Beach

Ms. Amanda Johnson^Y

Midlothian

Mayor Dwight Jones

Richmond

Judge Jerrauld C. Jones

Norfolk

Mr. Steven Kast

Newport News

Mr. Andrew Slater^Y

Sandston

Mr. Antonio Sutton

Norfolk

Ms. Catherine Watts^Y

Yorktown

Commonwealth's Attorney Kim Slayton White

Halifax

Legislative Appointees

The Honorable Robert B. Bell

Virginia House of Delegates

Charlottesville

The Honorable Roscoe Reynolds

Virginia Senate

Martinsville

State Government Representatives

Mr. Martin D. Brown, Commissioner

Virginia Department of Social Services

(Proxy: Ms. Jane B. Brown)

Dr. Patricia I. Wright, Superintendent of Public Instruction

Virginia Department of Education

(Proxy: Dr. Cynthia A. Cave)

Ms. Helivi Holland, Director

(Director until March 2012)

Mr. Mark Gooch, Director

(Director beginning March 2012)

Virginia Department of Juvenile Justice

(Proxy: Ms. Janet Van Cuyk)

Mr. James W. Stewart III, Commissioner

Virginia Department of Behavioral Health and Developmental Services

(Proxy: Mr. Malcolm King)

¹ FY2012 as referenced here and elsewhere in this report refers to the state fiscal year beginning July 1, 2011 and ending June 30, 2012.

Y identifies youth member (younger than 24 at the time of their appointment).



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Governor's Appointees Serving During FY2013²

Sgt. Carol Adams

Richmond

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Arlington

Dr. Rita Bishop

Roanoke

Officer Robert Bodenhamer

Chester

Mr. Chuck Brady

Midlothian

Judge Richard Campbell

Richmond

Ms. Alison Carlin

Glen Allen

Commonwealth's Attorney Warner D. "Dave" Chapman

Charlottesville

Ms. Shaunte D. Jennings^Y

Ettrick

Ms. Lindsay Fisher^Y

Richmond

Mr. Terone B. Green

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Virginia House of Delegates

Charlottesville

The Honorable Bryce Reeves

Virginia Senate

Fredericksburg

State Government Representatives

Ms. Margaret Ross Schultze, Commissioner (Acting)

Virginia Department of Social Services

(Proxy: Ms. Jane B. Brown)

Dr. Patricia I. Wright, Superintendent of Public Instruction

Virginia Department of Education

(Proxy: Dr. Cynthia A. Cave)

Mr. Mark Gooch, Director

Virginia Department of Juvenile Justice

(Proxy: Ms. Janet Van Cuyk)

Mr. James W. Stewart III, Commissioner

Virginia Department of Behavioral Health and Developmental Services

(Proxy: Mr. Malcolm King)

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^Y identifies youth member (younger than 24 at the time of their appointment).



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Governor's Appointees Serving During FY2014³

Sgt. Carol Adams

Richmond

Dr. Rita Bishop

Roanoke

Chief Craig Branch

Chesterfield

Judge Richard Campbell

Richmond

Mr. Keith Farmer

Roanoke

Ms. Lindsay Fisher (Chair)^Y

Richmond

Mr. Terone B. Green

Richmond

Ms. Hilary Griffith

Salem

Mr. Quentin E. Hicks

Chesapeake

Ms. Quwanisha Hines^Y

Newport News

Ms. Amanda Johnson^Y

Midlothian

Mayor Dwight Jones

Richmond

Judge Jerrauld C. Jones

Norfolk

Mr. Steven Kast

Newport News

Ms. Anne Tucker Obenshain^Y

Harrisonburg

Mr. Andrew Slater^Y

Sandston

Ms. Catherine Watts^Y

Yorktown

Sheriff Michael Wade

Henrico

Commonwealth's Attorney

Diana Harris Wheeler

Orange

Judge Kim Slayton White

Halifax

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Charlottesville

The Honorable Bryce Reeves

Virginia Senate

Fredericksburg

State Government Representatives

Ms. Margaret Ross Schultze, Commissioner

Virginia Department of Social Services

(Proxy: Mr. Alex Kamberis)

Dr. Steve Staples, Superintendent of Public Instruction

Virginia Department of Education

(Proxy: Dr. Cynthia A. Cave)

Mr. Andrew Block, Director

Virginia Department of Juvenile Justice

(Proxy: Ms. Janet Van Cuyk)

Ms. Debra Ferguson, Commissioner

Virginia Department of Behavioral Health and

Developmental Services

(Proxy: Mr. Malcolm King)

³ FY2014 as referenced here and elsewhere in this report refers to the state fiscal year beginning July 1, 2013 and ending June 30, 2014.

^Y identifies youth member (younger than 24 at the time of their appointment).



Background

The Advisory Committee on Juvenile Justice (ACJJ) is established in accordance with §9.1-111 of the *Code of Virginia* to advise and assist the Criminal Justice Services Board, the Virginia Department of Criminal Justice Services (DCJS), local government, and all agencies, departments, boards and institutions of the Commonwealth, or any combination of the aforementioned, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in Virginia. The functions of the ACJJ are established by the Juvenile Justice and Delinquency Prevention (JJDP) Act, which was enacted by the U.S. Congress in 1974 and reauthorized in 2002. The goal of the Act is to prevent delinquency and improve the juvenile justice system for youth. There have been attempts to reauthorize the Act since 2002 and it is currently awaiting reauthorization. The Act also established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) under the U.S. Department of Justice's Office of Justice Programs. OJJDP has been the administrator of federal funds which are allocated by a formula and disseminated to states for JJDP Act purposes.

The JJDP Act specifies four core requirements, sometimes referred to as "core protections", for youth who become involved in the criminal justice system. These core requirements include: the deinstitutionalization of status offenders, the sight and sound separation of juveniles from adult offenders, the removal of juveniles from adult jails and lockups, and addressing disproportionate minority contact within the juvenile justice system. States must maintain compliance with these four requirements.

In addition to the Title II Formula Grant Program mentioned above, Congress created a separate funding stream known as the Juvenile Accountability Incentive Block Grant (JAIBG) program. Later changed to the Juvenile Accountability Block Grant (JABG) program, Congress enacted JABG to reduce juvenile offending through accountability-based programs targeted towards juvenile offenders and the juvenile justice system.

Both the JJDP Act and the JABG program include provisions for state advisory groups. The Advisory Committee on Juvenile Justice (ACJJ) serves as the state advisory group in Virginia for both the JJDP Act and the JABG program. Members of the ACJJ are appointed in accordance with the *Code of Virginia* and meet the requirements specified by the JJDP Act, as well as the JABG program. In addition to non-legislative citizen members appointed by the Governor, the *Code of Virginia* specifies the following non-voting members: the Commissioner of Behavioral Health and Developmental Services; the Commissioner of Social Services; the Director of the Department of Juvenile Justice; the Superintendent of Public Instruction; one member of the Senate Committee for Courts of Justice; and one member of the House Committee on Health, Welfare, and Institutions.

Section 9.1-111 of the *Code of Virginia* tasks the ACJJ with advising and assisting the Criminal Justice Services Board, the Department of Criminal Justice Services (DCJS), local governments, and all agencies, departments, boards and institutions of the Commonwealth "on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice" in the Commonwealth of Virginia⁴. This charge includes fulfilling the mandates of the JJDP Act pursuant to 42 U.S.C. §5633, as amended.⁵ The *Code of Virginia* specifically identifies the following duties and responsibilities for the ACJJ:

1. Review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;
2. Review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system in the Commonwealth; and
3. Advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P. L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention of the administration of juvenile justice.

In order to ensure that these duties are responsibly carried out, ACJJ members are knowledgeable in areas specific to youth such as preventing juvenile delinquency, treatment for juveniles, and the juvenile justice system. Representatives of local law enforcement, youth serving agencies, local government, judges, and others bring expertise, as well as diverse perspectives, to the ACJJ. Youth are also an essential component of the citizen make-up.

⁴ The Virginia Department of Criminal Justice Services (DCJS) is the state agency designated to receive, manage, and administer JJDP Act and JABG program funds. The Criminal Justice Services Board (CJSB) is the governing body of DCJS. The ACJJ reports to and submits grant funding recommendations to the CJSB which has final approval authority.

⁵ Juvenile Justice and Delinquency Prevention Act of 2002, available online at <http://ojjdp.ncjrs.org/about/jjdp2002titlev.pdf>.



Three-Year Plan and Priorities of the ACJJ

Progress Review of Virginia's Three-Year Plan: 2009–2011

Every three years, the ACJJ assists DCJS in developing a plan for juvenile justice and delinquency prevention which focuses on work for the ACJJ and funding priorities for the use of federal JJDP Act and JABG program funds awarded to Virginia. The funding priorities are initially established through a strategic planning process that includes input from constituent groups, a review of state data, and information on various issues and programs. The priorities are reviewed and updated as needed during years two and three of the plan period. DCJS uses the priorities when developing solicitations for juvenile justice and delinquency prevention grant proposals and the ACJJ uses them when making funding recommendations to the Criminal Justice Services Board.

The ACJJ identified six funding priorities and a number of related goals, objectives, and activities for *Virginia's Three-Year Plan: 2009–2011*.⁶

1. Reducing disproportionality in the juvenile justice system;
2. Diverting juveniles from detention and providing alternatives;
3. Increasing family and community involvement;
4. Ensuring youth are afforded due process of law;
5. Reducing system involvement of truants and juveniles with other negative school-related behaviors (continuation grants only); and
6. Addressing at-risk children and young offenders aged 13 and under (continuation grants only).

In addition to the six funding priorities, *Virginia's Three-Year Plan: 2009–2011* specified goals, objectives, and activities for the ACJJ and for the administration of the JJDP Act and JABG program under DCJS. Together, the Committee and DCJS made tremendous progress on many activities identified for the planning period. Highlights from the 2009–2011 planning period include:

- Establishing three pilot sites to implement disproportionate minority contact (DMC) reduction strategies.
- Conducting a statewide DMC assessment in accordance with guidelines from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- Providing grant funds supporting reentry and mentoring programs.
- Holding stakeholder policy roundtables (called Blueprints for Change) and publishing white papers on DMC, underage alcohol offenses, and juvenile reentry.

A complete listing of all priorities, goals, objectives, and activities, as well as their status at the end of the planning period can be found in *Virginia's Three-Year Plan: 2009–2011* which is available on the DCJS website at www.dcjs.virginia.gov.

⁶ The funding priorities guide the use of JJDP Act and JABG program funds awarded to Virginia for the applicable funding years, regardless of when the funds are actually spent. For example, if Federal Fiscal Year 2009 (FFY2009) funds are spent in 2012, the priorities identified for FFY2009 funds will be used.



Virginia's Three-Year Plan: 2012–2014

In 2012, a new three-year plan was developed for the 2012–2014 period. In developing the new plan's priorities, the ACJJ reviewed the status of the various goals, objectives, and activities laid out for the prior planning period, analyzed results of a stakeholder survey, and carefully considered federal funding reductions and their own work priorities and resource limitations.

The ACJJ identified the following funding priorities in *Virginia's Three-Year Plan: 2012–2014* to guide awards of JJDP Act funds awarded to Virginia from FFY2012–2014 appropriations:⁷

1. Compliance monitoring;
2. Reducing behavioral health issues for at-risk and system-involved youth;
3. Reducing disproportionality in the juvenile justice system;
4. Serving at-risk and system-involved youth in their home communities; and
5. Increasing family engagement and community involvement for youth.

Monitoring for compliance with the JJDP Act is mandatory in order to receive JJDP Act funds. However, it was generally not included as a priority area in previous three-year plans. At their annual planning retreat to discuss the 2012–2014 period, the ACJJ determined it appropriate to include compliance monitoring as a priority area due to its importance. Until 2012, expenses for compliance monitoring were paid with administrative funds from the Title II formula grant; however, the declining federal budget necessitated a new way of funding this requirement. The ACJJ approved DCJS' request to follow the lead of other states and begin utilizing a sub-grant for compliance monitoring staff and activities.

Goals, objectives, and activities identified for each of the funding priorities, as well as for the Committee and administration of the JJDP Act and JABG program, can be found in *Virginia's Three-Year Plan: 2012–2014* which is available on the DCJS website at www.dcjs.virginia.gov.

⁷ FFY refers to the federal fiscal year which begins on October 1 and ends September 30. Due to Congressional delays in appropriation approvals, funds are frequently awarded after the federal fiscal year begins.

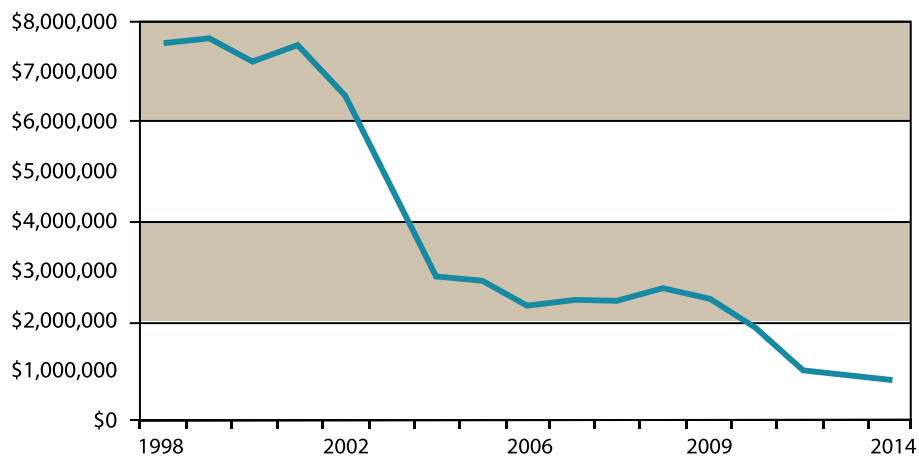


Federal Funding and Grant Awards

DCJS receives, manages and administers federal funding for juvenile justice and delinquency prevention through the JJDP Act and the JABG program. This funding has been greatly reduced and heavily earmarked over the past several years. Funds to states through the Title II, Title V⁸, and JABG streams are essential to ensuring the advancement of delinquency prevention and juvenile justice programs, as well as meeting the increased requirements expected under the JJDP Act reauthorization.

Federal funding for Virginia through the JJDP Act and JABG program decreased 88% between Federal Fiscal Years 1998 and 2014, dropping from almost \$7.6 million in 1998 to less than \$1 million in 2014. [See Appendix A for a year-by-year breakdown by funding stream.] The most significant decrease occurred between FFY2011 and FFY2012, when funds to Virginia dropped 43.7% from one year to the next. Part of the decrease is attributable to the elimination of Title V funds allocated to states under the JJDP Act. Though Congress continues to fund Title V, the funds ceased being distributed via formula to states with the FFY2012 appropriation.

Federal Funding for Virginia through the JJDP Act and JABG Program 1998–2014



| Total Juvenile Justice Funds to Virginia* | | | | | |
|-------------------------------------------------------------|--------------|-------------------|---------------------|--------------|-------------------|
| Federal Fiscal Year | Amount | % Change Per Year | Federal Fiscal Year | Amount | % Change Per Year |
| 1998 | \$ 7,585,800 | N/A | 2006 | \$ 2,340,850 | -15.9% |
| 1999 | \$ 7,653,799 | +0.9% | 2007 | \$ 2,422,750 | +3.5% |
| 2000 | \$ 7,250,800 | -5.3% | 2008 | \$ 2,431,175 | +0.4% |
| 2001 | \$ 7,505,200 | +3.5% | 2009 | \$ 2,686,386 | +10.5% |
| 2002 | \$ 6,518,800 | -13.1% | 2010 | \$ 2,492,945 | -7.2% |
| 2003 | \$ 4,692,000 | -28.0% | 2011 | \$ 1,923,139 | -22.9% |
| 2004 | \$ 2,918,400 | -37.8% | 2012 | \$ 1,083,730 | -43.7% |
| 2005 | \$ 2,784,400 | -4.6% | 2013 | \$ 977,380 | -9.8% |
| | | | 2014 | \$ 888,875 | -9.1% |
| Percentage Change Federal Fiscal Years 1998 to 2014: -88.2% | | | | | |

*Juvenile Justice & Delinquency Prevention (JJDP) Act Title II Formula Funds, JJDP Act Title V, and Juvenile Accountability Block Grant (JABG) program funds; beginning in 2014, all funds are Title II Formula and PREA funds as other funds are no longer available.

⁸ Title V, a provision in the JJDP Act, funded delinquency prevention efforts in states. As of 2011, all of the Title V funds appropriated by Congress were earmarked, so states have not received a Title V allocation since then. See text for an explanation of its availability in Virginia and other states.



JJDP Act Funds

Title II Formula Funds

Title II of the JJDP Act allocates funds to states by formula, based on the population of youth under the age of 18. To receive funds, states must be in compliance with the four core requirements of the Act. Since 1994, the ACJJ has restricted grant funding for any locality demonstrating an unjustifiable pattern of compliance violations of the JJDP Act's core requirements. A special "compliance improvement" funding category is made available to these localities when deemed necessary. To receive such compliance improvement funds, a locality must establish a corrective action plan, agree to self-report all new violations, and be subject to quarterly on-site compliance monitoring inspections until no violations have occurred for one full fiscal year.

Funds awarded to Virginia under Title II of the JJDP Act have decreased at increasing rates since the FFY2009 appropriation, with the largest decrease, 44.3%, occurring between FFY2011 and FFY2012. At one time, Virginia received over \$2M in Title II funds (1998); in FY2014 that sum decreased to \$870,181.

Title V Funds

As noted earlier, Title V funds ceased being distributed via formula to the states with the FFY2012 appropriation. Previously, Title V of the JJDP Act provided a dedicated source of funds for states to award grants to communities for delinquency prevention programming.

Juvenile Accountability Block Grant (JABG) Funds

The JABG program awards block grants to states for programs that promote greater accountability in the juvenile justice system. The basic premise of the JABG program is that the individual, their families and the juvenile justice system must be accountable for contact with the juvenile justice system and for strengthening their communities. Like Title II funds, JABG funds are allocated to states based on their youth population under age 18.

JABG fund recipients, both states and localities, must establish a planning body, generally referred to as a Juvenile Crime Enforcement Coalition (JCEC). This role is fulfilled by the ACJJ in Virginia. Localities receiving JABG grants through the state must also establish a JCEC and have a coordinated plan.

Since first receiving JABG funds, Virginia has generally adhered to providing direct, non-competitive awards to qualifying localities based on a distribution formula established through the federal JABG program. When funds for Virginia dropped to \$501,475 for FFY2012, a waiver request was granted by OJJDP to the Commonwealth to allow greater flexibility in how the funds are used. Under the distribution formula, only the largest localities qualify for a direct award with the dramatic decrease in funds, leaving the majority of smaller localities unable to benefit from the funds. With the waiver, DCJS and the ACJJ have greater latitude in using funds to serve more areas or individuals working with juvenile offenders. Funds awarded to Virginia in FFY2013 decreased further to \$386,080. In 2014, DCJS requested a waiver, similar to the one awarded by OJJDP in 2012, to continue strengthening the abilities of the localities in enhancing their accountability measures in the juvenile justice system.

Grant Awards

DCJS issues grant solicitations in support of both the JJDP Act and the JABG program. The ACJJ then reviews the responses and makes funding recommendations to the Criminal Justice Services Board for grant projects related to juvenile justice and delinquency prevention.



JJDP Act Core Requirements and Compliance

As noted earlier in this report, states must comply with the following four core requirements to receive federal funding under the JJDP Act:

1. Deinstitutionalization of status offenders;
2. Sight and sound separation of juveniles from adult offenders;
3. Removal of juveniles from adult jails and lockups; and
4. Addressing disproportionate minority contact.

OJJDP establishes compliance standards for each of the four core requirements that are based on the JJDP Act. If Virginia fails to demonstrate compliance, as defined by federal guidelines, the Title II allotment to the state will be reduced by 20% for each core requirement not being met and spending restrictions will be imposed on the remaining funds.

Virginia's Compliance Monitoring Plan

Virginia has created a system of record-keeping and on-site inspection for monitoring compliance with the first three core requirements of the Act.⁹ A compliance monitor at DCJS is responsible for assessing the Commonwealth's overall level of compliance with the JJDP Act and for providing technical assistance and support to facilities that may securely house or hold juveniles.

Compliance monitoring activities are conducted on a year-round basis. Monitoring includes desk audits and site visits of state and local facilities throughout Virginia that may securely house or hold juveniles. A plan is developed each year that includes on-site inspections of at least one-third of Virginia's secure juvenile detention centers, juvenile correctional centers, jails, lockups, and court holding facilities.¹⁰ Facilities with verified compliance violations are provided individualized technical assistance and training about the core requirements of the JJDP Act. To further enhance the understanding of compliance issues, DCJS maintains information specific to compliance monitoring on its website.

During the 2011 compliance monitoring period, all states were asked by OJJDP to transition to a calendar year reporting schedule. The request was made in an attempt to have all states on the same schedule. Virginia had previously been on a state fiscal year monitoring and reporting schedule, and transitioned to the calendar year schedule in 2012.

On-Site Inspections for the Past Three Years

| Facility Type | Total in Virginia | CY2012 Inspections | CY2013 Inspections | CY2014 Inspections |
|--------------------------------|-------------------------------------------|--------------------|---------------------|---------------------|
| Juvenile Detention Centers | 24 | 19 (79.2%) | 20 (83.33%) | 24 (100%) |
| Juvenile Correctional Centers | 6 (2012), 4 (2013), 2 (2014) | 1 (16.7%) | 0 (0.00%) | 2 (100%) |
| Adult Jails | 73 (2012), 73 (2013), 72 (2014) | 29 (39.7%) | 20 (27.40%) | 23 (31.94%) |
| Adult Lock Ups | 107 (2012), 107 (2013), 104 (2014) | 48 (44.9%) | 30 (28.04%) | 30 (28.85%) |
| Approved Co-Located Facilities | 6 | 4 (66.7%) | 5 (83.33%) | 6 (100%) |
| Court Holding Facilities | 97 (2012), 96 (2013), 98 (2014) | 30 (30.92%) | 33 (34.37%) | 34 (34.69%) |
| TOTAL | 313 (2012), 310 (2013), 306 (2014) | 131 (41.9%) | 108 (34.83%) | 119 (38.88%) |

⁹ Compliance with the fourth core requirement, addressing disproportionate minority contact, is based on progress made towards achieving plans specified in Virginia's three-year plan for this element. Intensive on-site monitoring of the fourth core requirement is not part of the monitoring process.

¹⁰ OJJDP requires that each facility identified as part of a state's monitoring universe is inspected once every three years or 10% of the total annually. DCJS typically exceeds OJJDP minimum requirements.



Core Requirements & Compliance

Deinstitutionalization of Status Offenders

Juveniles charged with, or adjudicated for, conduct that would not be criminal if committed by an adult are referred to as status offenders. Neither status offenders nor non-offenders (such as abused and neglected children) may be placed in secure detention or correctional facilities.¹¹ Status offenders include, but are not limited to, truants, minors in possession of tobacco, and runaways. Violations of the JJDP Act occur when accused status offenders are held in secure juvenile detention centers for more than 24 hours (excluding weekends and holidays), when adjudicated status offenders are held for any length of time in secure detention centers, or when accused or adjudicated status offenders are held in any adult jail or municipal lockup. Under no circumstances may children be placed in secure detention facilities solely because of abuse, neglect, or alien status.

Despite prohibitions within the *Code of Virginia*, and federal regulations addressing the deinstitutionalization of status offenders and non-offenders (DSO), occasional violations are recorded. The federal government allows states to have a limited rate of violations and still be found in compliance with the JJDP Act. OJJDP provides states with guidance in determining what constitutes a violation.

Virginia's Compliance with this Core Requirement for CY2012–CY2014:

| Core Requirement | CY2012 Number Violations/Rate of Non-Compliance | CY2013 Number Violations/Rate of Non-Compliance | CY2014 Number Violations/Rate of Non-Compliance |
|------------------|-------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| DSO | 52.42 (2.83) | 27 (1.46) | 30 (1.62) |

The number of violations is below the allowable federal non-compliance rate limit and therefore, Virginia was in compliance for CY2012–CY2014.

Sight and Sound Separation

Under the JJDP Act, during the temporary period that a delinquent juvenile may be held in an adult jail or lockup as described later under “Removal of Juveniles from Adult Jails and Lockups”, no sight or sound contact is permitted between juvenile and adult inmates. This “separation” provision requires that juveniles not be housed next to adult cells, not share space such as dining halls, recreation areas or other common spaces with adults, or not be placed in any circumstance that could expose them to contact with adult inmates, including inmate trustees.

Virginia law further prohibits the placement of a juvenile in any secure adult facility that has not been certified by the Board of Corrections to detain juveniles. In order to be certified, sight and sound separation is required. Facilities exhibiting a pattern of violations are subject to losing their certification to hold juveniles.

Virginia's Compliance with this Core Requirement for CY2012–CY2014:

| Core Requirement | CY2012 Number Violations/Rate of Non-Compliance | CY2013 Number Violations/Rate of Non-Compliance | CY2014 Number Violations/Rate of Non-Compliance |
|------------------|-------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| Separation | 0 (0.00) | 0 (0.00) | 0 (0.00) |

The number of violations is below the allowable federal non-compliance rate limit and therefore, Virginia was in compliance for CY2012–CY2014.

¹¹ Under the provisions of the JJDP Act, status offenders who violate a court order, violate the Youth Handgun Safety Act, or have been held under the Interstate Compact on Juveniles may be placed in secure detention or correctional facilities.



Removal of Juveniles from Adult Jails and Lockups

The JJDP Act specifies that juveniles accused of committing a delinquent act may be held in temporary custody, not to exceed six hours, at an adult jail or lockup for purposes of identification, processing, interrogation, transfer to a juvenile facility, court appearance, or release to parents. This federal jail removal exception includes six-hour time periods both immediately before and after a court appearance, provided that the juvenile has no sight or sound contact with incarcerated adults during this time.¹² This provision does not apply to juveniles who are transferred, certified, or waived to circuit court (these juveniles may be held in adult facilities with adults).

In exceptional circumstances, the *Code of Virginia* permits judges to transfer juveniles charged as juveniles posing safety and security threats to another facility, including an adult jail.¹³ The jail must be certified to hold juveniles and maintain sight and sound separation from the adult population. Currently, the placement of juveniles in adult jails or lock-ups for any reason is rare in Virginia.

| Facility Type | Total in Virginia | CY2012 Juveniles Held in Jails for Safety/Security Reasons | CY2013 Juveniles Held in Jails for Safety/Security Reasons | CY2014 Juveniles Held in Jails for Safety/Security Reasons |
|---------------|-------------------------------------|------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------|
| Adult Jails | 73 (2012) 73 (2013) 72 (2014) | 0 | 0 | 2 |

Virginia's Compliance with this Core Requirement for CY2012–2014:

| Core Requirement | CY2012 Number Violations/ Rate of Non-Compliance | CY2013 Number Violations/ Rate of Non-Compliance | CY2014 Number Violations/ Rate of Non-Compliance |
|------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| Jail Removal | 49.42 (2.67) | 22 (1.19) | 21 (1.13) |

The number of violations is below the allowable federal non-compliance rate limit and therefore, Virginia was in compliance CY2012–CY2014.

Addressing Disproportionate Minority Contact

Nationally, as well as in Virginia, minority youth have been disproportionately represented in the juvenile justice system in comparison to their proportions in the general juvenile population. Under the JJDP Act, states must develop and implement plans to address disproportionate minority contact with multi-pronged intervention strategies including juvenile delinquency prevention efforts and system improvements assuring equal treatment of all youth.

Virginia's plan for addressing disproportionate minority contact (DMC) is included in the three-year plan. Monitoring of this core requirement is done through progress reports made to OJJDP regarding the plan's implementation. During the year, several grants were awarded for continuing projects designed to further the understanding of DMC or to help reduce it.

Virginia's Compliance with this Core Requirement for 2012–2014:

- DCJS began a statewide DMC assessment process in 2010, with a focus on Richmond City, Fairfax County/City, and Norfolk. The assessment was conducted during 2011 and 2012, with a draft report provided by the consultants for review. DCJS staff and representatives from the participating localities reviewed and commented on the results, with a final report presented in December, 2012.
- DCJS continued efforts to promote an understanding of DMC by including a session on the topic, as well as sessions on related topics, at the annual juvenile justice and delinquency prevention conference sponsored by DCJS and the ACJJ.
- DCJS provided support to an annual DMC conference held at Virginia State University.
- Virginia has been found to be in compliance with the DMC core requirement by OJJDP for 2012–2014.

¹² The JJDP Act permits extension of this time for juveniles accused of delinquent offenses who are awaiting an initial court appearance in a jail or lockup that is in a rural area or where conditions of safety do not allow for reasonably safe travel (42 U.S.C §5633, sec.223(13B)). Virginia is not approved by OJJDP to use this exception, therefore it cannot be applied to violations.

¹³ §16.1-249(E) of the *Code of Virginia*.



OJJDP Programmatic Site Visit

Virginia was scheduled for its periodic OJJDP site visit and came in 2012 to review the implementation and progress of the JJDP Act and JABG grant programs. As part of the visit, the OJJDP monitor met with the state advisory group chair and other key state personnel involved in the program administration, as well as with select sub-grantees receiving funds through the various funding streams.

The monitor also reviewed documentation in order to determine compliance with the terms and conditions of the federal funding streams. Documents reviewed by the federal monitor include:

- Timesheets of personnel funded under the grant;
- Copies of signed contracts funding with grant dollars;
- Records maintained for grant administration, including sub-grantee files;
- Written monitoring procedures for sub-grantees;
- Sub-grantee site visit reports and checklists;
- Documentation required by sub-grantees to demonstrate success or progress;
- Supporting documentation for performance measure data;
- Most recent annual report to the Governor;
- State compliance monitoring manual;
- State advisory group members, activities, minutes, and by-laws; and
- Authorizing legislation or Executive Order creating the state advisory group.

The site visit in Virginia was conducted June 25–29, 2012. As part of the site visit, the OJJDP monitor attended Virginia’s annual juvenile justice and delinquency prevention conference and met with sub-grantees from Virginia Beach and the Department of Juvenile Justice. The monitor found the DCJS juvenile justice team knowledgeable about the JJDP Act and “committed to providing strong customer service to sub-grantees and are conscientious in submitting performance and financial reports in a timely and thorough manner.”¹⁴

The monitor also found sub-grant activities in line with Virginia’s stated goals and objectives relevant to addressing the Commonwealth’s juvenile justice needs. She noted that a “clear and thoughtful process exists for setting priorities and for making sub-recipient funding decisions that support the goals and objectives of respective funding streams.” The monitor found that overall, DCJS, in concert with the ACJJ, “continues to administer JJDP Act grants effectively and professionally. Furthermore, the Virginia [ACJJ] was commended for its continued commitment to funding sub-grantees that are implementing evidence based programs.”¹⁵

¹⁴ Letter to Garth Wheeler, Director, DCJS from Elizabeth Wolfe, OJJDP State Representative, August 15, 2012.

¹⁵ Ibid.



Special Projects of the ACJJ

Making a Difference in Juvenile Justice

In 2012, the ACJJ and DCJS co-sponsored the annual conference on juvenile justice and delinquency prevention. Held June 25–27, 2012, in Newport News, Virginia, the event was attended by approximately 260 professionals.

The conference opened with a general session on staying motivated to make a difference in juvenile justice. A second general session held on day two of the conference featured the documentary “Me Facing Life: Cyntoia’s Story” and a question/answer session with the filmmaker, Daniel Birman. Breakout sessions covered topics such as communicating with challenging youth, responding to adolescent problem behavior in school, truancy, DMC, program funding and sustainability, re-entry, and aging out of juvenile justice and social service systems. A special congressional conversation breakout session was held to discuss how funding has been used in Virginia, the future of federal funding, and steps local juvenile justice advocates can take to help support funding. Congressman Bobby Scott (3rd, Virginia) participated as a panel member.

On September 25–26, 2013, DCJS combined the annual “Making a Difference in Juvenile Justice Conference” with the annual “Children’s Justice Act Conference”, and sponsored “Intervening at the Crossroad: Child Abuse and Juvenile Justice Conference”.

In 2014 as a follow up to the conference, DCJS hosted eleven regional intensive two-day trauma trainings. These trainings were sponsored in part by the Virginia Department of Education, and significant support was given by the Departments of Education, Juvenile Justice, and Behavioral Health and Developmental Services.



Appendix A

Total Juvenile Justice Funds to Virginia *

| Federal Fiscal Year | Amount | Percentage Change Per Year |
|---------------------|--------------|----------------------------|
| 1998 | \$ 7,585,800 | N/A |
| 1999 | \$ 7,653,799 | +0.9% |
| 2000 | \$ 7,250,800 | -5.3% |
| 2001 | \$ 7,505,200 | +3.5% |
| 2002 | \$ 6,518,800 | -13.1% |
| 2003 | \$ 4,692,000 | -28.0% |
| 2004 | \$ 2,918,400 | -37.8% |
| 2005 | \$ 2,784,400 | -4.6% |
| 2006 | \$ 2,340,850 | -15.9% |
| 2007 | \$ 2,422,750 | +3.5% |
| 2008 | \$ 2,431,175 | +0.4% |
| 2009 | \$ 2,686,386 | +10.5% |
| 2010 | \$ 2,492,945 | -7.2% |
| 2011 | \$ 1,923,139 | -22.9% |
| 2012 | \$ 1,083,730 | -43.7% |
| 2013 | \$ 977,380 | -9.8% |
| 2014 | \$ 888,875 | -9.1% |

Percentage Change Federal Fiscal Years 1998 to 2014: -88.3%

*Juvenile Justice & Delinquency Prevention (JJDP) Act Title II Formula Funds, JJDP Act Title V, and Juvenile Accountability Block Grant (JABG) program funds; beginning in 2014, all funds are Title II Formula and PREA funds as other funds are no longer available.

JJDP Act Title II: Formula Grants

| Federal Fiscal Year | Amount | Percentage Change Per Year |
|---------------------|--------------|----------------------------|
| 1998 | \$ 2,058,000 | N/A |
| 1999 | \$ 1,590,599 | -22.7% |
| 2000 | \$ 1,554,000 | -2.3% |
| 2001 | \$ 1,554,000 | -- |
| 2002 | \$ 1,584,000 | +1.9% |
| 2003 | \$ 1,392,000 | -12.1% |
| 2004 | \$ 1,491,000 | +7.1% |
| 2005 | \$ 1,454,000 | -2.5% |
| 2006 | \$ 1,365,000 | -6.1% |
| 2007 | \$ 1,428,000 | +4.6% |
| 2008 | \$ 1,412,000 | -1.1% |
| 2009 | \$ 1,556,500 | +10.2% |
| 2010 | \$ 1,357,000 | -12.8% |
| 2011 | \$ 1,045,189 | -23.0% |
| 2012 | \$ 582,255 | -44.3% |
| 2013 | \$ 591,300 | +1.6% |
| 2014 | \$ 870,181 | +47.1% |



Juvenile Accountability Block Grant Program (JABG)

| Federal Fiscal Year | Federal Amount | Percentage Change Per Year |
|---------------------|----------------|----------------------------|
| 1998 | \$ 5,095,800 | N/A |
| 1999 | \$ 5,099,200 | +0.1% |
| 2000 | \$ 4,836,800 | -5.2% |
| 2001 | \$ 5,062,200 | +4.7% |
| 2002 | \$ 4,295,800 | -15.1% |
| 2003 | \$ 3,300,000 | -23.2% |
| 2004 | \$ 1,094,400 | -66.8% |
| 2005 | \$ 994,400 | -9.1% |
| 2006 | \$ 919,600 | -7.5% |
| 2007 | \$ 919,500 | -0.01% |
| 2008 | \$ 961,100 | +4.5% |
| 2009 | \$ 1,096,400 | +14.1% |
| 2010 | \$ 1,051,000 | -4.1% |
| 2011 | \$ 827,950 | -21.2% |
| 2012 | \$ 501,475 | -39.4% |
| 2013 | \$ 386,080 | -23.0% |

Prison Rape Elimination Act Reallocation Funds (PREA)

| Federal Fiscal Year | Federal Amount | Percentage Change Per Year |
|---------------------|----------------|----------------------------|
| 2014 | \$ 18,694 | N/A |

PLEASE NOTE: Past reports of the ACJJ, *Virginia's Three-Year Plan 2012–2014*, and information about grant programs managed and administered by DCJS are available on the agency web site at www.dcjs.virginia.gov.

