



Virginia's Three-Year Juvenile Justice and
Delinquency Prevention Act (JJDP A) Plan:
2021–2023
PROGRAM NARRATIVE

A. Statement of the Problem

1. System Description: Structure and Function of the Juvenile Justice System. The Virginia Department of Criminal Justice Services (DCJS), an Executive Branch agency within the Secretariat of Public Safety and Homeland Security, provides comprehensive planning and technical and support services for the criminal justice system to improve and promote public safety in the Commonwealth. DCJS is charged with planning and carrying out programs and initiatives to improve the functioning and effectiveness of the criminal justice system as a whole (*Code of Virginia § 9.1-102*). Among its responsibilities, DCJS administers several federal funding streams available to the state, including those stemming from the Juvenile Justice and Delinquency Prevention (JJDP) Act. DCJS also monitors for compliance with the core requirements of the JJDP Act and maintains the state advisory group as required by the Act.

The juvenile justice system in Virginia can be viewed through three major components:
law enforcement, the courts, and supervision/rehabilitation services.

Law enforcement agencies may serve as a youth's first contact with the justice system. Except for the Virginia State Police, law enforcement agencies throughout the Commonwealth are operated locally through either police departments or sheriff's offices.

DCJS is responsible for developing law enforcement training standards and monitoring compliance with training by all law enforcement individuals and training academies. The standards require specific training on handling juveniles and juvenile information. Each officer must

demonstrate knowledge of the legal procedures for handling juveniles, special crimes against juveniles, the psychological effects of such crimes, and referral resources. DCJS also provides training for school resource officers through the Virginia Center for School and Campus Safety.

Model law enforcement policies published by DCJS include procedures related to informal handling of juvenile matters (police diversion), formal handling, taking juveniles into custody, transportation of juveniles, legal aspects related to confinement of juveniles, questioning juveniles, confidentiality of juvenile information, status offenses, and interviewing.

Diversion of youth from the juvenile justice system in Virginia occurs at both the law enforcement and court intake levels. At the law enforcement level, the decision to divert is an informal and discretionary one. If the officer deems that it is in the best interest of the youth to handle the case more informally, he or she may elect to release the youth to the custody of parents or guardians, or release the youth with a warning. The officer may also refer the family to a community-based or human services agency.

Juvenile and domestic relations (JDR) district courts are part of the district court system in Virginia and have jurisdiction over various matters including juveniles alleged to be delinquent and children in need of supervision or services. There are 32 Judicial Districts in Virginia served by 127 presiding judges. JDR courts differ from other courts in their duty to protect the confidentiality and privacy of juveniles and in their commitment to provide rehabilitative options, while still protecting the public and holding juvenile offenders accountable for their actions. All

cases are heard by a judge; these courts are not courts of record. Cases may be appealed to circuit court or jurisdiction may be transferred to circuit court under certain circumstances.

Court Services Units (CSU) are responsible for juvenile intake, investigations and reports, probation, and parole. Each JDR court is served by a CSU. The majority of CSUs are operated by the Department of Juvenile Justice (DJJ) with the exception of three that are locally operated. Regardless of operational standing, all CSUs are subject to standards and regulations issued by the Board of Juvenile Justice.

Intake functions mandated by the *Code of Virginia* require that each CSU receive, review, and process complaints, determine whether a petition should be filed with the court, establish whether to release or detain youth, and provide services to youth and families including diversion and referral to other community resources. In addition to youth charged with delinquent offenses, those charged with status offenses and nonoffenders also come before the JDR courts and are usually categorized as either a child in need of services (CHINS) or child in need of supervision (CHINSup). Intake must be available 24 hours per day. Based on the information gathered, an intake officer makes a determination whether a petition should be filed with the juvenile court and, if so, whether the juvenile should be released to the parents or detained pending a court hearing.

Intake officers have the option of diverting juveniles and proceeding informally without filing a petition on a complaint alleging a child is a CHINS, a CHINSup, or delinquent (under certain circumstances). When informal action is taken, the intake officer will develop an individual service plan for the juvenile. The scope of services available to intake officers varies across the state.

There are various pre-dispositional and post-dispositional options available in Virginia. These options range from a least restrictive to most restrictive environment and include a mix of state, local, and privately funded facilities and programs.

Virginia's supervision and rehabilitation component of the juvenile justice system is a broad network of locally, privately, and state-operated agencies, programs, and services that has developed over several decades. Programs range from community based services aimed at youth at risk for delinquent behavior to secure and highly structured state-run juvenile facilities. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

Impact of COVID-19

The COVID-19 pandemic has impacted the landscape of juvenile justice in Virginia. Since March of 2020, we have seen a dramatic drop in intake cases, detention, and direct care populations. Additionally, external community stressors were elevated with stay home orders, social distancing and school closures. Prior to the pandemic, Virginia was already experiencing reductions in the juvenile justice population; the impact of COVID-19 expedited an additional increase in the drop. The COVID-19 pandemic does not necessarily give a true indication of juvenile justice trends in Virginia for 2020. As we look towards the future, the impact of the COVID-19 pandemic is currently unknown as it pertains to trends and juvenile outcomes.

2. Analysis of Juvenile Delinquency Problems (Youth Crime) and Needs

(a) Analysis of Juvenile Crime Problems

Virginia spans a total of 42,775 square miles. According to the U.S. Census Bureau, the estimated population for Virginia was 8,535,519 for 2019.¹ The percentage of males and females in Virginia is almost evenly divided, with 49.2% of the population male and 50.8% female. The majority of Virginia residents are white, though the percentage distribution is lower than the national figure – 70% in Virginia, whereas nationally the figure is 76.9%. Black is the next largest racial category, making up 20% of Virginia’s population compared to 13.4% of the national population. Persons under age 18 account for approximately one-fifth of the total population – 21.8% in Virginia compared to 22.3% nationally.

The age group of particular concern in regard to juvenile delinquency and prevention issues is the youth population ages 10 to 17. Numbering 1,860,848, this sub-population represents approximately 21% of the total population in Virginia.² The analysis of the data surrounding this population helps guide funding decisions.

Virginia is fortunate to have a variety of sophisticated criminal justice data sources that allow data to be analyzed in multiple ways. Much data is readily available through published reports offered in hard copy and/or on agency websites. Data is also generally available by locality. However, data by locality is often published in different ways. For example, arrest data is published by each of the individual localities in the state, but juvenile intake data is published by district, which may

¹ Data source: <https://www.census.gov/quickfacts/fact/table/VA,US/PST045217>.

² Data source for other Census data: <http://quickfacts.census.gov/qfd/states/51000.html>.

cover multiple localities. Localities can make special requests to state agencies to obtain all of the locality specific data needed for a particular purpose, and local agencies may also have access to additional locality-specific data sources. Because locality-specific data is available, sub-grantees are required to provide data driven justifications for funding requests. For purposes of *Virginia's Three-Year JJDP A Plan*, statewide aggregate data is used for the general analysis. Depending on the source, data may be presented on a calendar year basis (noted as CY, January 1 thru December 31) or a state fiscal year basis (noted as FY, July 1 thru June 30).

i. Arrest Data

The Virginia State Police (VSP) serves as a central repository for arrest data from around the state. Data is aggregated and published by VSP on a calendar year basis. Each year, VSP publishes *Crime in Virginia*, which provides incident-based reporting statistics. Arrest data on a statewide basis and by police departments and sheriff's offices are included in the VSP publication. A juvenile arrest is counted when an offense is committed and the circumstances are such that if the juvenile had been an adult, an arrest would have been made.³

Arrests reported to the Virginia State Police for juveniles do not provide a full depiction of juvenile crime because of varying policies, including local policies related to diverting juveniles from a formalized arrest process. Intake data, presented later, is considered a more accurate reflection of juveniles entering the criminal justice system. However, the arrest data on juveniles provides a general picture of arrest activity worthy of review.

³ *Crime in Virginia 2019*, Virginia State Police, p65

Arrests of juveniles reported in *Crime in Virginia* remains consistent with some slight variations amongst juvenile arrests. The below chart shows a steady 6% decline in juvenile arrest in Virginia over a three year period.

Figure 1: Juvenile Arrests by Age

Year	2017	2018	2019
Total Arrest	18,794 ⁴	18,085 ⁵	17,640 ⁶

In regard to offenses, there has been little change in the top offenses⁷ for which juveniles are arrested when examining 2017 through 2019.⁸

Figure 2: Juvenile Arrest

Top 10 Juvenile Arrest Offenses		
2017 ⁹	2018 ¹⁰	2019 ¹¹
1. Simple Assault	1. Simple Assault	1. Simple Assault
2. Drugs/Narcotics	2. Drugs/ Narcotics	2. Drugs/ Narcotics
3. Larceny (nonspecific)	3. Runaway	3. Larceny (nonspecific)
4. Runaway	4. Larceny (nonspecific)	4. Shoplifting
5. Shoplifting	5. Shoplifting	5. Curfew/ Loitering/ Vagrancy
6. Curfew/Loitering/ Vagrancy	6. Curfew/ Loitering/ Vagrancy	6. Liquor law violations
7. Vandalism	7. Disorderly conduct	7. Runaway
8. Liquor law violations	8. Vandalism	8. Disorderly Conduct
9. Trespass	9. Liquor law violations	9. Vandalism
10. Disorderly Conduct	10. Trespass	10. Trespass

⁴ *Crime in Virginia 2017*, Virginia State Police, p64
⁵ *Crime in Virginia 2018*, Virginia State Police, p65
⁶ *Crime in Virginia 2019*, Virginia State Police, p65
⁷ Does not include “other” offenses.
⁸ *Crime in Virginia 2019*, Virginia State Police, pp67-69.
⁹ *Crime in Virginia 2017*, Virginia State Police, pp67-68
¹⁰ *Crime in Virginia 2018*, Virginia State Police, pp68-69
¹¹ *Crime in Virginia 2019*, Virginia State Police, pp68-69

ii. Intake¹²

Juveniles are brought to the attention of intake officers based in Court Services Units (CSUs) by police, parents, victims, and other agencies. An intake officer reviews and processes the complaint, determining whether a petition should be filed with the court or if the juvenile can be diverted and handled informally. An intake officer will also make a determination as to whether or not the juvenile should be released to a parent or another responsible adult, diverted, or detained pending a court hearing. Detention decisions are guided by the completion of the Detention Assessment Instrument (DAI), a standardized tool utilized by all CSUs.

DJJ collects and maintains data regarding all intakes. Because juveniles come to intake from multiple sources, and the data is more strictly managed, intake data is considered a more complete reflection of juveniles entering Virginia's justice system than arrest data.

Virginia has experienced a significant decrease in the number of juvenile complaints and intake cases. The Department of Juvenile Justice has undergone a vast transformation and has closed all but one state operated juvenile correctional center (JCC), leaving only Bon Air JCC in full operation.

Each intake case is comprised of one or more complaints, meaning that one intake could include multiple offenses, or complaints. The average number of complaints per juvenile intake is 1.4 for

¹² Data used in this sub-section ("Intake") not attributed to the *Data Resource Guide* or other sources is taken from data provided to the Virginia Department of Criminal Justice Services by the Virginia Department of Juvenile Justice in Excel format and may differ slightly from other documents depending on the data run dates. All data is reported on a state fiscal year basis.

FY 2019¹³. Complaints have seen a small yet steady decline from 2018 to 2020, going from 50,949 in 2018, to 46,248 in FY 2019, and to 41,667 in FY 2020. The following figure displays the number of juvenile intakes from 2018 through 2020.¹⁴ Intakes have also seen a similar trend and have gone from 37,809 in 2018, to 34,199 in 2019, and to 29,263 in 2020.

The gender, age, and race distribution of juvenile intake cases have remained fairly consistent during the past three years.

Figure 3: Juvenile Intake Case Demographics FY 2017–2019

Demographics	2018	2019	2020
Race			
Asian	1.0%	1.0%	1.2%
Black	41.7%	40.8%	40.9%
White	47.5%	47.9%	48.6%
Other/Unknown	9.9%	10.2%	9.2%
Ethnicity			
Hispanic	10.7%	11.4%	12.4%
Non-Hispanic	30.6%	36.7%	61.4%
Unknown/Missing	58.7%	51.9%	26.2%
Sex			
Female	33.3%	32.7%	33.6%
Male	66.7%	67.3%	66.4%
Age			
8-12	7.6%	8.0%	7.3%
13	7.6%	7.7%	7.7%
14	12.6%	12.7%	12.7%
15	17.4%	17.5%	18.3%
16	22.5%	22.45	23.3%
17	27.3%	26.8%	26.3%
<i>Total Juvenile Intake Cases</i>	<i>37,785</i>	<i>34,188</i>	<i>26,263</i>

¹³ Data source: *Data Resource Guide FY2019*, Virginia Department of Juvenile Justice, p13

¹⁴ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p20.

Delinquent Cases

Delinquent cases are those for which a child is brought to intake for a complaint of a felony or misdemeanor offense. Cases classified as delinquent may have other complaints against the child as well, such as status offenses, technical violations, or traffic offenses; however, the most serious complaint is for a delinquent offense.

The top five delinquent offenses at intake were assault, larceny, narcotics, vandalism and weapons in FY 2020¹⁵. The majority of intakes for delinquent offenses are for males, representing 66% of intakes. In FY 2018, black youth accounted for 42% and white youth 47.5% of delinquent intakes. In FY 2020, 40.9% of juvenile intake cases were for black youth and 48.6% for white youth. Males continue to make up the majority of the juveniles with delinquency cases, at 66.7% of this population.¹⁶ Since FY 2018, the average age of juvenile intake cases has been approximately 16 to 17 years of age. In FY 2020, the average age for juvenile intake cases was 15.8.¹⁷

Status Cases

Status cases include purchase/possession of tobacco by a minor, children in need of services (CHINS), runaway complaints, and truancy. Because cases are classified by their most serious offense, intakes classified as status cases have only status complaints. Status intake offenses account for 14% of juvenile intake cases in FY 2020, which is consistent with prior years.¹⁸

¹⁵ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p23

¹⁶ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p21.

¹⁷ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p21.

¹⁸ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p20.

Figure 4 provides an overview of the total number of juvenile complaints for status offense categories (CHINS/CHINSup) for the years of FY 2018, FY 2019 or FY 2020.

Figure 4: Juvenile Complaint Status Offense Category

Offense/Year	CHINS/CHINSup 2018	CHINS/CHINSup 2019	CHINS/CHINSup 2020
Total #	8775	7661	6055
Percentage	17%	16%	14%

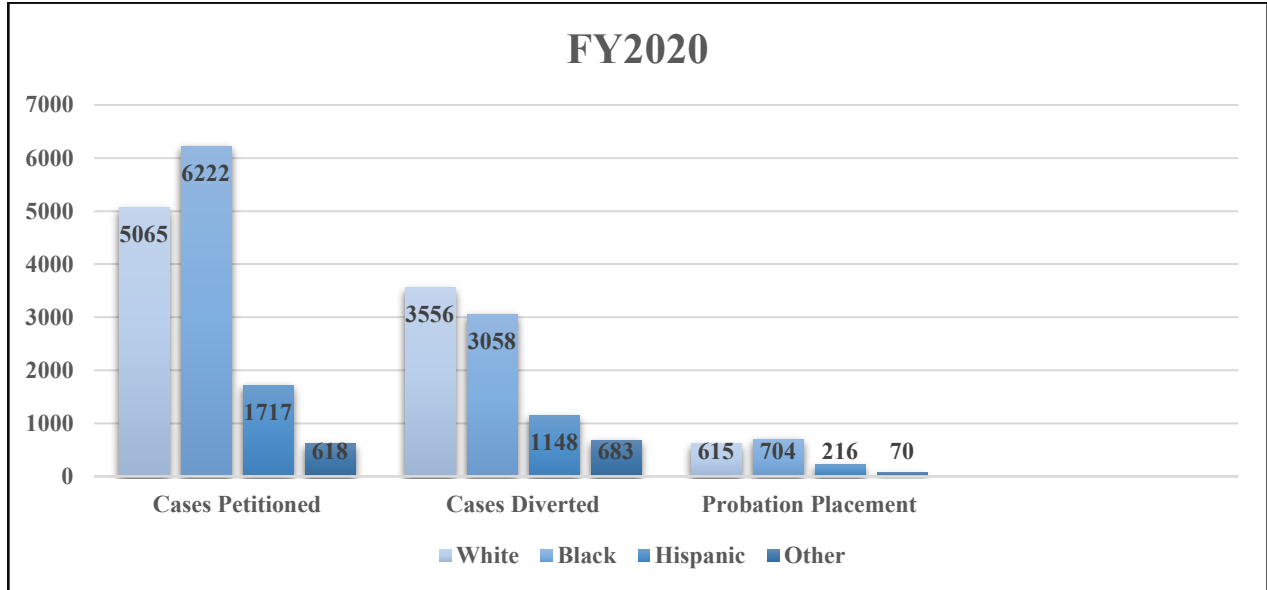
iii. Case Disposition

Cases can be diverted, petitioned, or resolved in another manner (such as returned to probation supervision, considered an unfounded complaint, returned to out-of-state supervision, or a consent agreement signed). During FY 2020, 28.4% of juvenile complaints were resolved or diverted without a petition being filed.¹⁹

Diverted and Petitioned Delinquent Cases

The use of diversion for delinquency intake cases has remained fairly constant for each of the past several years, averaging approximately 30%. Differences in race and gender distribution continue to exist between cases diverted and cases petitioned. As can be seen on the following table, white juveniles have higher rates of diversion than petitioned cases.

¹⁹ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p20

Figure 5: Racial Distribution of Delinquent Cases

Delinquent case distribution by race and gender remained fairly consistent with the distribution in previous years. Black juvenile cases are petitioned more and diverted less than others.

Court Disposition

The average length of time from intake to adjudication was 147 days in FY 2019. Data for 2020 is not available due to pending adjudications.²⁰

Once a case is petitioned and goes to court, judges have several options available to them. Detailed information on post-dispositional detention and commitments to the state is presented in the next segment of this section. Probation is the most common dispositional option used by judges. In

²⁰ Data source: *Data Resource Guides FY2019*, Virginia Department of Juvenile Justice, p24.

FY 2019, 2675 new juvenile probation placements were made.²¹ This number is a decrease from the 2040 new juvenile probation placements made in 2018.²²

iv. Detention and State Direct Care Admissions²³

Secure Detention

Secure detention facilities provide temporary confinement for juveniles who are awaiting adjudication, disposition, or placement (pre-dispositional) as well as for certain adjudicated (post-dispositional) juveniles. Over the years there have been a number of efforts to reduce reliance on detention in Virginia. As mentioned previously, Detention decisions by intake officers are guided by the juvenile Detention Assessment Instrument (DAI), screening tool. All juvenile detention centers provide post-D detention without programs for up to 30 days, while some provide post-D detention with programs for up to 180 days for most offenses pursuant to the *Code of Virginia* § 16.1-284.1. Out of 1,445 certified JDC beds on the last day of FY 2019, 233 beds were dedicated to post-D detention with programs.

Virginia has seen a steady decline in juvenile detainments since 2018, down 28% from 7291 in FY 2018 to 5279 in FY 2020²⁴.

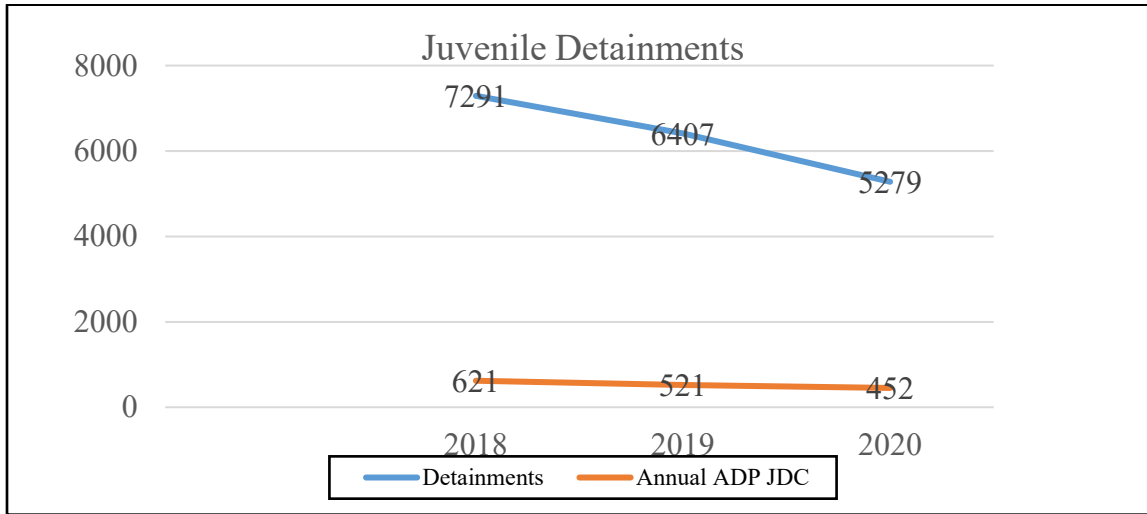
²¹ FY 2019, Data Resource Guide (Court Service Units)

²² FY 2018, Data Resource Guide (Court Service Units)

²³ Data used in this sub-section (“Case Disposition”) not attributed to the *Data Resource Guide* or other sources is taken from data provided to the Virginia Department of Criminal Justice Services by the Virginia Department of Juvenile Justice in Excel format and may differ slightly from other documents depending on the data run dates. All data is reported on a federal fiscal year basis.

²⁴ Data Source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p69

Figure 6: Juvenile Detention Admissions



The demographics of the detention center population in FY 2020 shows that the age group most represented in detention centers is juveniles ages 15–17. This correlates to the arrest data previously presented.

Figure 7: Juvenile Detention Center Demographics²⁵

Demographics	2018	2019	2020
Race			
Asian	0.4%	0.7%	0.9%
Black	54%	55%	57%
White	39%	36%	35%
Other/Unknown	6%	8%	7%
Ethnicity			
Hispanic	12%	13%	12%
Non-Hispanic	44.%	53%	70%
Unknown/Missing	44.%	34%	17%
Sex			
Female	22%	22%	21%
Male	78%	78%	79%
Age			
8-12	1.5%	2%	2%
13	5%	5%	5%
14	11%	11%	11%
15	19%	19%	21%
16	28%	27%	27%
17	35%	35%	32%
<i>Total Detainments</i>	<i>7,291</i>	<i>6407</i>	<i>5,279</i>

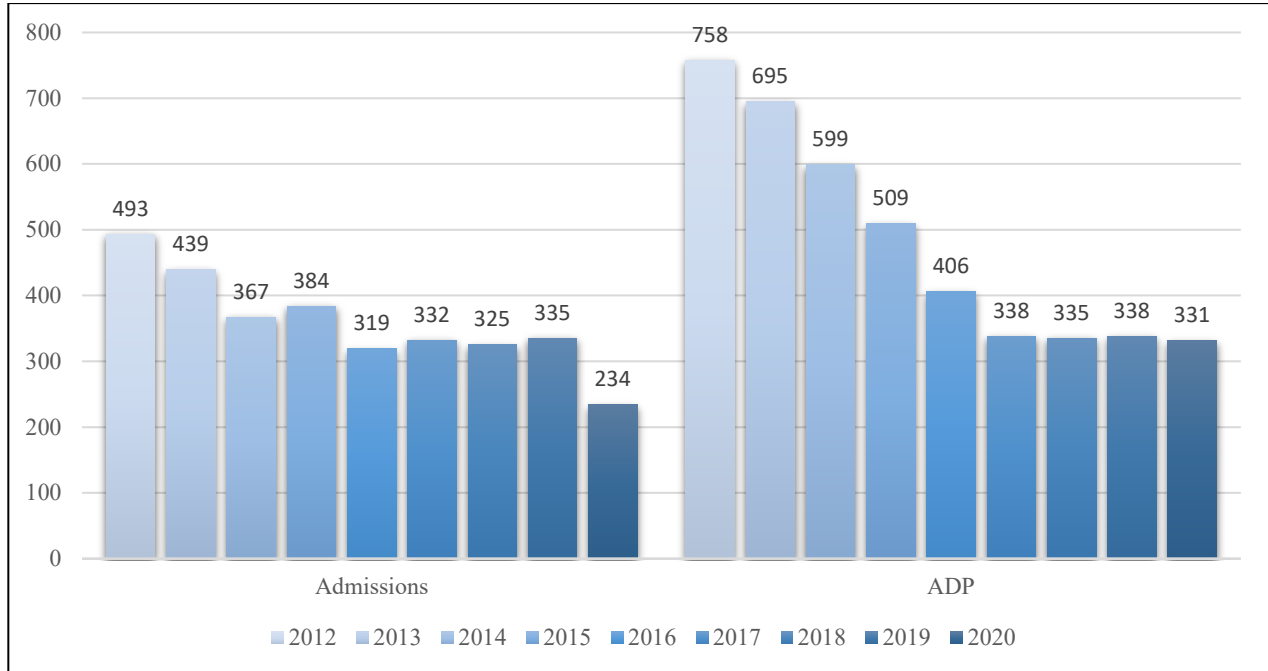
State Direct Care²⁶

The number of juveniles admitted to state direct care has declined considerably, with a 59% ADP reduction between FY 2012 and FY 2020.²⁷

²⁵ Data Source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p38

²⁶ State direct care refers to juvenile state-responsible offenders committed by a court to the Department of Juvenile Justice. They may be housed in a juvenile correctional center, halfway house, community placement program, or detention re-entry program.

²⁷ Data Source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p69

Figure 8: State Direct Care Admissions and ADP

v. Other Information, Conditions, and Data

Virginia received over \$2M in Title II funds (1998) and has seen an overall decrease of 49%. However, since 2018, Virginia has seen a slight increase (25%) in Title II funding. Because Virginia bears the burden of the majority of expenditures for juvenile justice, DCJS has requested and been granted a waiver of the requirement that 66 2/3 percent of funds received by the state be passed through as subawards.

Recidivism

Recidivism is an important measure to consider when determining adult or juvenile correctional priorities. DJJ reports on the re-arrest, re-conviction, and re-commitment of juveniles released from direct care or placed on probation. The follow-up period ranges from three months to three years from the date the juvenile was released or placed, and includes both juvenile and adult arrests

that occur in the follow-up period. The official definition of recidivism used by DJJ is based on measures of reconviction. Each year, the reoffense data are updated for the entire sample. Rates may increase when re-examined next year because of updated final case dispositions. Due to cases still pending at the time of analysis, reconviction and reincarceration rates for FY 2020 groups are unavailable.

Rates for juveniles released from the direct care of DJJ and reconvicted for a new offense occurring within 12 months, since 2015, have fluctuated between 40.1% and 45.6%. This increases to 74% for an offense occurring within 36 months of release from direct care.²⁸ Figures for those on probation supervision are more encouraging. Almost 21% of juveniles placed on probation since FY 2015 were reconvicted of a new offense occurring within 12 months. This increases to almost 49% for offenses occurring within 36 months.²⁹

Forecast

Each year, the Secretary of Public Safety and Homeland Security oversees an offender forecasting process. The resulting forecasts are essential to facility planning and budgeting. Forecasting methodologies are also used to determine the potential impact of certain policy decisions. Virginia utilizes a “consensus forecasting” approach which brings together policy makers, administrators, and technical experts from many agencies across all branches of state government. This multi-level structured approach to forecasting and review has been used in Virginia since the late 1980s.

²⁸ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice p78

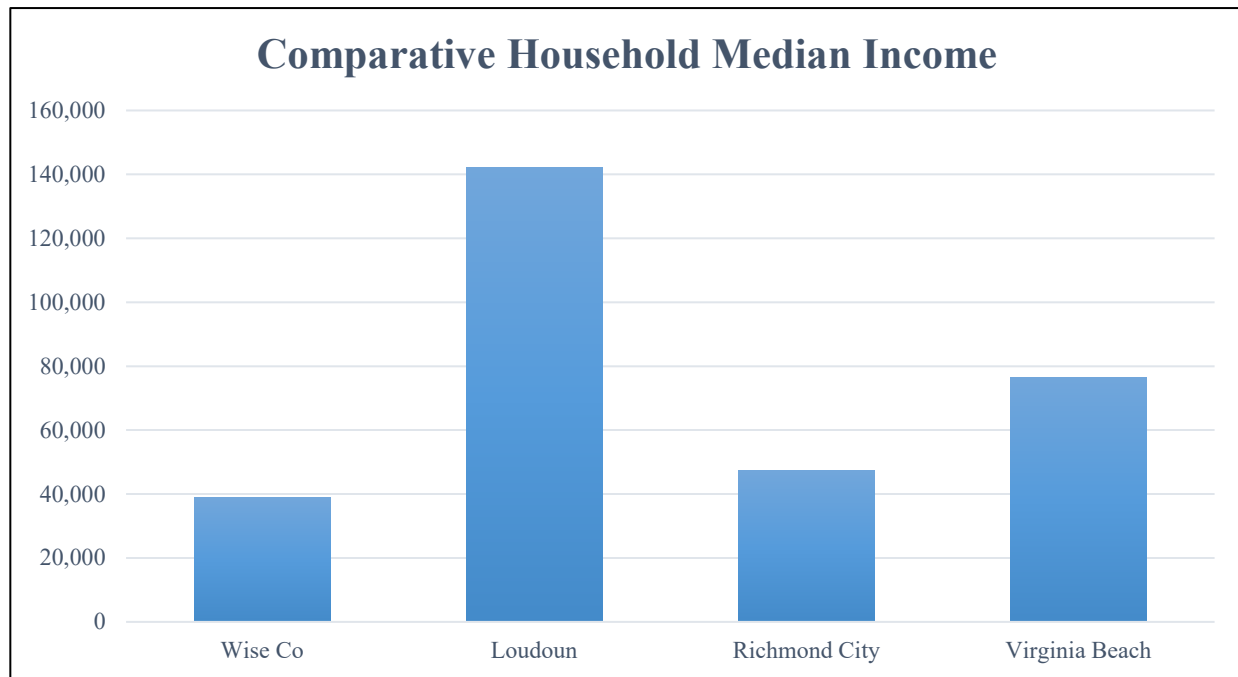
²⁹ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, p76.

The juvenile state-responsible offender population refers to juveniles committed to DJJ direct care. The forecast anticipates the direct care average daily population to begin increasing slightly through 2023.

Socioeconomic Indicators

The U.S. Census Bureau reports the median household income in Virginia at \$74,222 for the 2015–2019 period, which is \$9,898 higher than the national average. However, median income can vary significantly by locality in Virginia. The following chart depicts this variance by comparing the median household income of four diverse areas in Virginia as reported by the U.S. Census Bureau.³⁰

Figure 8: Household Median Income



³⁰ Census data source: <https://www.census.gov/quickfacts/fact/table/wisecountyvirginia,virginiabeachcityvirginia,richmondcityvirginia,loudouncountyvirginia,VA,US/PST045219U.S>

Perceptions from the Field

As part of the three-year planning process, DCJS hosts a planning session with the state advisory group (SAG), the Advisory Committee on Juvenile Justice and Prevention (ACJJP) in Virginia. As is true with all ACJJP meetings, this planning session is open to the public. Various stakeholders are afforded the opportunity to attend, including those representing or serving system-involved youth and families, to provide their perspectives on juvenile crime and delinquency issues. A draft plan is generated with recommendations received from the ACJJP and is used to formulate the priorities and activities in the final three-year plan as required by OJJDP. ACJJP members are also given the opportunity to review and comment on grant application summaries within 30 days of their receipt and prior to awards being made. The grant review process allows members to view the needs of the community, gain perspective from the viewpoint of the applicant, and witness outcomes.

(b) Project Goals and Objectives

Every three years, DCJS and the ACJJP identify priority areas on which to focus based on data trends, recommendations from the ACJJP's annual strategy and planning session, and the experience and perspectives of DCJS staff. The order of the priorities is revisited each year during the three-year planning period. A new requirement in this three year plan is that all programs and systems change offerings must speak to how they will work to reverse any disproportionate impact previously existing and ensure no further negative disproportionate impact on juveniles based on race, ethnicity, gender and disability.

The priority order for the first year of the 2021–2023 planning period is as follows:

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

These priorities are expected to guide activities for the following three state fiscal years but are revisited annually. Changes are reported in annual plan updates.

1: Reducing disproportionality in the juvenile justice system

Various explanations have emerged for the Racial and Ethnic Disparities (RED) in the justice system ranging from jurisdictional issues, certain police practices, and pervasive crime in some urban areas. Questions about the equality of minority treatment by police, courts and other personnel in the justice system have prompted state policymakers to address this important issue. Over-representation of minorities is evident in the various contact points of Virginia’s juvenile justice system. The raw numbers and percentages previously presented clearly indicate disproportionate contact at various contact points in the system. In the most simple of examples, though black youth account for only 20.9% of the population ages 10–17 in Virginia, they account for 71% of all admissions to DJJ direct care. The Juvenile Justice Reform Act of 2018 (JJRA) broadened the scope of the RED initiative from “disproportionate minority contact” to “racial and ethnic disparities,” requiring an examination of not only potential disproportionate representation at all decision points within the juvenile justice continuum and implementation of data-based prevention and system improvement efforts, but also the disparate outcomes for similarly situated youth.

Figure 9: 2020 Population data, Contact Points³¹

	RACE	WHITE	BLACK	AMERICAN INDIAN	ASIAN	HISPANIC	Other
Total Youth	Population	452972	168245	1944	58276	113099	45949
	Percentage³²	54%	20%	0.2%	7%	13%	5%
Intake	Number	13215	15584	36	381	4358	1919
	Percentage	37%	44%	0.1%	1%	12%	5%
Diversion	Number	3556	3058	6	111	1143	683
	Percentage	41%	36%	0.07%	1%	13%	8%
Detention	Number	987	2393	6	42	565	133
	Percentage	24%	58%	0.14%	1%	14%	3%
Secure Confinement³³	Number	350	464	1	5	91	48
	Percentage	36%	48%	0.1%	.5%	9%	5%

Virginia has made great strides in our efforts to address Racial and Ethnic Disparities. DCJS has provided training and technical assistance opportunities to state and local stakeholders. Statewide training initiatives have proven effective in bringing awareness to practices that have not yielded the desired results. With the use of local data, localities were able to build cross system analysis to explore progressive service delivery with the intent of reducing and eliminating racial and ethnic disparities. Together these activities supported local governments' strategic objectives to deliberately build capacity and implement juvenile justice reform.

The continued inclusion of this priority in Virginia's three-year plan is necessary to continue the work and to implement recommendations of formal RED assessments. RED is one of the four core requirements of the JJDP Act and therefore must be included to ensure continued emphasis on maintaining and demonstrating compliance with this provision of the Act.

³¹ Data used in this sub-section ("Intake") not attributed to the *Data Resource Guide* or other sources is taken from data provided to the Virginia Department of Criminal Justice Services by the Virginia Department of Juvenile Justice in Excel format and may differ slightly from other documents depending on the data run dates. All data is reported on a state fiscal year basis.

³² This number is less than 100% due to rounding

³³ Secure Commitments includes JCC commitments and post-d detentions

2: Compliance Monitoring

Virginia strives to remain in compliance with the JJDP Act and has consistently been found in compliance with the four core requirements of the Act, as evidenced by the compliance determination letters sent to the Department of Criminal Justice Services (DCJS). In addition to RED, the other three core requirements of the JJDP Act include:

1. Deinstitutionalization of status offenders;
2. Separation of juveniles from adult offenders; and
3. Removal of juveniles from adult jails and lock ups.

The monitoring process includes data review and on-site inspection of secure juvenile detention centers, juvenile correctional centers, jails, lock-ups, and juvenile court holding facilities. With the number of youth, delinquent, and status offenders as noted earlier, and facilities in Virginia, potential violations are possible. A strong compliance monitoring process is credited for Virginia's compliance with the core requirements; it is necessary to maintain this.

To ensure quality and consistency, DCJS has designated two part-time compliance monitors with the sole responsibility of ensuring compliance with the JJDP Act's first three core requirements. The compliance monitors, whose combined time is roughly a full-time equivalent, conduct compliance monitoring activities, including on-site inspections, on a year-round basis. On-going technical assistance is a valuable element of Virginia's compliance monitors' duties. In addition to providing detailed technical assistance and informative documents during on-site visits, the compliance monitors are readily available to answer questions and provide direction to facilities throughout the Commonwealth regarding best practices for complying with the JJDP Act's core

protections. Besides visiting facilities as part of the annual compliance monitoring inspection schedule, the compliance monitors make site visits upon request of the facility. DCJS also maintains a web site including information regarding the JJDP Act and compliance with its first three core requirements. Together, the compliance monitors, the juvenile justice manager, and the juvenile justice specialist assess the Commonwealth's level of compliance and develop strategies as may be necessary to ensure compliance and address violations before they become a problem for overall compliance.

Because these three four core requirements are essential to the safety and well-being of juveniles involved in the criminal justice system, and because maintaining compliance is required for the receipt of federal funds, the Advisory Committee on Juvenile Justice and Prevention (ACJJP) has deemed compliance monitoring as a priority.

3: Reducing behavioral health issues

Behavioral health issues have been included as a priority for Virginia in a number of three-year plans. Historical plans have been specific to substance use and mental health problems. However, a growing understanding of the breadth of behavioral health concerns, and changes in terminology, necessitate a more comprehensive approach to the problem. Research is clear that, left unaddressed, substance use and mental health issues are key risk factors for criminal justice system involvement and recidivism. Research also supports the impact of trauma and exposure to violence as risk factors.

A number of efforts are currently underway by various state agencies to help address behavioral health issues in youth. By maintaining the topic as a priority, funding, if available, can be used to leverage against other efforts for potentially greater system impacts.

Most recent data on juveniles admitted to the direct care of DJJ during FY 2020 show:³⁴

- 73% – mental health treatment need;
- 98% – aggression management treatment need;
- 80% – substance abuse treatment need;
- 13% – sex offender treatment need; and
- 70% – prescribed psychotropic medications at some time in life.

4: Serving youth and system involved youth in their communities

Virginia has made tremendous strides in reducing the number of youth coming in contact with the juvenile justice system. As indicated earlier, as well as in prior three-year plans, arrests, complaints, intakes, and admissions to detention and DJJ direct care are significantly lower than they were just ten or fifteen years ago. The reductions are attributed to a number of trends and efforts, including those that have focused on prevention and early intervention. These activities are generally accomplished in the community. To maintain low numbers of youth coming in contact with the justice system, and to ideally reduce the numbers further, prevention and early intervention efforts must continue.

Data of particular note is that related to recidivism. The reconviction rates of youth leaving the direct care of DJJ are high and have shown little change over the years. Improving reentry for

³⁴ Data source: *Data Resource Guide FY2020*, Virginia Department of Juvenile Justice, pp54.

juvenile and adult offenders has been a focus of Virginia for a number of years. A Second Chance grant for DJJ, as well as related system transformation efforts, has allowed the agency to increase their strategic planning efforts around reentry and tackle barriers that have continued. However, despite the work of DJJ, the research shows that community and family involvement and community-based services are needed for reentry efforts to succeed. Other data of concern is the increased representation of younger juveniles at various system contact points.

The data review and analysis, stakeholder survey, and experience of staff and ACJJP members indicate that many issues and concerns are best addressed in the juveniles' home communities. Realizing the commonalities among the issues, the ACJJP decided that the priority goal should be serving youth in their home communities, and individual objectives would address the specific concerns. These concerns include:

- Diverting youth from the juvenile justice system – to address the volume of cases at intake and that are petitioned to court, and younger offenders;
- Expanding prevention programs emphasizing truancy prevention, school engagement, conflict resolution, bullying prevention, and gang prevention – to address the volume of cases referred to intake for school-based issues, as well as RED and the increased representation of younger offenders; and
- Providing community-based re-entry support services for youth returning from a juvenile correctional center or detention facility to address the high rate of recidivism.

By prioritizing in this manner, special issues such as gender-specific issues, mental health issues, or those faced in rural areas, can be addressed.

5: Increasing family engagement and community involvement for youth

In addition to the importance of community-based services in prevention, early intervention, and improved reentry efforts, a stakeholder survey, work being conducted as part of the DJJ transformation project, and experience of staff and ACJJP members indicate that family engagement and community involvement are necessary.

This perspective of a greater need for community and family involvement is not unique to Virginia. National efforts are aimed at engaging communities and involving faith based and community-based organizations in developing approaches to working with initiatives such as re-entry. Research supports the need for strong family and community involvement for successful re-entry and recidivism reduction. It is also an essential component in minimizing how far a juvenile penetrates the criminal justice system.

The ACJJP decided to continue a priority goal to increase family engagement and community involvement. This priority potentially addresses a number of considerations and requirements specified within the JJDP Act, but most specifically addresses that related to strengthening families.

Priority 1: Reducing disproportionality in the juvenile justice system	
OJJDP Program Area Codes and Titles:	
<ul style="list-style-type: none"> - Disproportionate minority contact (21) - School programs (17) 	
Program Goals	<ul style="list-style-type: none"> • To reduce disproportionality in Virginia’s juvenile justice system.
Program Objectives	<ul style="list-style-type: none"> • Develop an Equity Impact Statement for Title II initiatives. • Identify and implement proven, evidence based programs in Virginia that address the ongoing issue of RED • Educate those in the juvenile justice field about RED and provide strategies for improvement. • Provide funding to implement alternatives to school disciplinary and zero-tolerance policies that promote arrest and/or school suspension or expulsion. (Prioritize schools in improvement.)
Priority 2: Compliance Monitoring	
OJJDP Program Area Codes and Titles:	
<ul style="list-style-type: none"> - Compliance Monitoring (19) 	
Program Goals	<ul style="list-style-type: none"> • To maintain compliance with the following core requirements of the JJDP Act: the deinstitutionalization of status offenders, the sight and sound separation of juveniles from adult inmates, and the removal of juveniles from adult jails and lock-ups.
Program Objectives	<ul style="list-style-type: none"> • Monitor facilities for compliance with the JJDP Act and provide training and technical assistance to facility staff and others as necessary on achieving and maintaining compliance. • Address JJRA of 2018 requirements for jail removal core requirement.
Priority 3: Reducing behavioral health issues	
OJJDP Program Area Codes and Titles:	
<ul style="list-style-type: none"> - Mental health services (12) - Substance use (18) 	
Program Goals	<ul style="list-style-type: none"> • To reduce behavioral health issues of youth and those involved in the justice system.
Program Objectives	<ul style="list-style-type: none"> • Provide funding for behavioral health programs for youth and those involved in the juvenile justice system addressing one or more of the following specific issues: mental health; substance use; co-occurring disorders; trauma and exposure to trauma; exposure to violence; homelessness and chaotic situations in households; and poverty.

Priority 4: Serving youth and system-involved youth in their home communities	
OJJDP Program Area Codes and Titles:	
<ul style="list-style-type: none"> - Aftercare/reentry (1) - Alternatives to detention (3) - Delinquency prevention (6) - School programs (17) - Deinstitutionalization of status offenders (20) - Diversion (22) 	
Program Goals	<ul style="list-style-type: none"> • To serve youth and system-involved youth in their home communities. • To promote evidence-based prevention and trauma informed programs and strategies for youth and families. • To reduce use of detention for status offenders violating valid court orders (“VCO exception”).
Program Objectives	<ul style="list-style-type: none"> • Provide funding for community-based programs that divert youth from the juvenile justice system. • Provide funding for local juvenile justice prevention, intervention and reentry programs. • Support activities which promote evidence-based prevention programs and strategies for youth and families. • Provide continuation funding for sub-grantee projects previously approved that have demonstrated compliance and progress with their grant objectives. • Provide funding for community-based programs that divert youth from the juvenile justice system. • Continue the work of the multi-agency group to address strategies to reduce the use of the VCO exception.
Priority 5: Increasing family engagement and community involvement for youth	
OJJDP Program Area Codes and Titles:	
<ul style="list-style-type: none"> - Aftercare/reentry (1) - Community-based programs and services (5) 	
Program Goals	<ul style="list-style-type: none"> • To increase and strengthen family engagement and community involvement for youth while in detention, a correctional center, on probation/parole, or in a prevention, diversion, or transitional program.
Program Objectives	<ul style="list-style-type: none"> • Provide funding for projects which increase and strengthen family engagement for youth who are in custody, on probation/parole, or in a diversion program. • Provide funding for projects which increase and strengthen community involvement for youth who are in detention, a correctional center, on probation/parole, or in a diversion program. • Provide continuation funding for sub-grantee projects previously approved that have demonstrated compliance and progress with their grant objectives.

Priority 6: State Advisory Group (Advisory Committee on Juvenile Justice and Prevention)	
OJJDP Program Area Codes and Titles: - State advisory group (32)	
Program Goals	<ul style="list-style-type: none"> • To support and promote youth development, the prevention of juvenile delinquency, and the needs of juveniles involved in the criminal justice system.
Program Objectives	<ul style="list-style-type: none"> • Provide information for Advisory Committee members at each meeting on juvenile justice and delinquency prevention topics. • Sponsor trainings and conferences. • Monitor current issues and related activity in Virginia, like fairness in the juvenile justice system, human trafficking, and crossover youth. • Identify ways to encourage a stronger “voice” from youth. • Ensure the development of new projects across the Commonwealth that address priority areas. • Ensure that juveniles in the juvenile justice system are safe and treated in accordance with the JJDP Act.
Priority 7: Administration	
OJJDP Program Area Codes and Titles: - Planning and administration (23)	
Program Goals	<ul style="list-style-type: none"> • To administer and coordinate activities as they relate to the JJDP Act. • Ensure that Virginia complies with all JJDP Act and federal administrative mandates and requirements. • Identify and promote effective programs and services, ensuring that all grant-funded projects have strong accountability measures and are evidence-based. • Maintain a financial management process for managing JJDP Act funds responsibly. • Provide input and support to the Secretary of Public Safety and Homeland Security, as well as other state agencies, legislative groups, and the judiciary, on efforts to improve the juvenile justice system in Virginia. • Provide information, technical assistance, and support to child-serving professionals on issues related to juvenile justice and delinquency prevention.

(c) Project Design and Implementation

Throughout the grant process, we strive to ensure fairness and that youth are treated equitably on the basis of gender, race, family income, and disability. The other assurances in place by DCJS also remain in place. Specific activities to be accomplished during the three-year plan period are identified for each goal and objective. The status of activities is tracked throughout the three-year period. Status reports are presented to the ACJJP and used when determining new priorities and projects.

(d) Plan for Collecting the Data Required for This Solicitation’s Performance Measures

DCJS understands OJJDP’s performance measure reporting requirements and the process for reporting remain the same for subgrantees. Subgrantees will continue to report directly; DCJS will verify the data reported. Reporting will be handled in a timely manner

Legislative Update

In Virginia, the legislative body known as the Virginia General Assembly is responsible for representing the citizens of their respective legislative districts in the formulation of public policy in the legislative process. Over the years, Virginia has made progress in enacting juvenile justice legislation to ensure a fair and equitable juvenile justice system. Enacted legislation since 2019 include:

- Increasing the minimum age at which a juvenile must be tried as an adult in circuit court for offenses involving murder or aggravated malicious wounding.
- Increasing the diversion period for truancy from 90 days to 120 days.
- An amendment to the current statute on confinement for valid court orders for status offenses.

- Decriminalization of disorderly conduct on school property
- Local school truancy diversion expansion, increasing from one local diversion to three opportunities for diversion.
- Exceptions for confidentiality of juvenile court records.
- Enhancing the provisions of services for court involved youth.

Other assurances:

DCJS grant conditions require subrecipients to comply with federal and state confidentiality requirements and all regulations, including those of the Social Security Administration.

- Virginia is a right to work state, and thus does not have unions.
- Welfare and social service agencies are in frequent contact with the Juvenile and Domestic Relations (JDR) District Court in certain types of cases and perform investigations in child abuse and neglect cases. This includes local Departments of Social Services which are supervised by Virginia's Department of Social Services, and may also be involved in court ordered placements outside of the home.
- *Code of Virginia* § 16.1-273 states that the JDR Court or Circuit Court may require an investigation of social history and preparation of victim impact statements. *Virginia Administrative Code* Section 6VAC35-150-336 states that a social history shall be prepared in accordance with approved procedures when ordered by the court, for each juvenile placed on probation supervision with the unit, for each juvenile committed to the Department of Juvenile Justice, for each juvenile placed in a postdispositional detention program for more than 30 days pursuant to § 16.1-284-1 of the *Code of Virginia*, or upon written request from another unit when accompanied by a court order. The social history

may include identifying and demographic information, current offense and prior court involvement, social medical, psychological, and educational information about the juvenile, information about the family, and dispositional recommendations if permitted by the court.

- Section 16.1-281 of the *Code of Virginia* assures juveniles the foster care protections under the Social Security Act.
- Virginia's Child Protection Accountability System is established in the *Code of Virginia* § 63.2-1530 and makes information available by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System.
- DCJS grant conditions govern fiscal control and accounting procedures and require subgrantees to follow the Virginia Procurement Act if they do not have applicable local policies.
- Grant guidelines and awards include nonsupplanting language.
- DCJS grant guidelines have required replication of model or evidence-based programs or strategies for many years, and indicate that continued funding is based in part on performance.
- DCJS grant guidelines ask applicants to state how the proposed plan meets a need identified locally.
- Funds were not made available to reduce the caseload of probation officers within units of general local government.
- DJJ standards and policy govern the incorporation of child welfare records in the juvenile justice case.

- Virginia has signed and completed the Financial Management and Internal Controls questionnaire.
- Virginia affirms that any assistance provided under this Act will not cause the displacement of any currently employed employee; activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.

Status of Reform Efforts and Specific Issues

System Involved Youth

Virginia assures that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, disability; this is practiced by DJJ. As has been noted, Virginia has made tremendous progress in reducing the number of youth entering the juvenile justice system. Arrests and intakes have decreased, and commitments to state direct care have declined significantly. In 2016, with the General Assembly's support, DJJ released a Transformation Plan to reallocate resources to a wider range of rehabilitative services. The plan aimed to use evidence-based practices to more effectively serve youth, their families, and communities and centered around three core operational strategies: (1) *reduce* the use of juvenile correctional centers by transforming intake, probation, and commitment practices; (2) *reform* supervision, rehabilitation, and treatment practices for youth in custody; and (3) replace large, outdated juvenile correctional centers with support from a statewide continuum of alternative placements and evidence-based

services. A new goal, to “sustain,” was later added to focus on continuing progress toward the transformation goals.

Continuum of Care

In 1995, the Virginia General Assembly passed the Virginia Juvenile Community Crime Control Act (VJCCCA) “to establish a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs.” (*Code of Virginia*, § 16.1-309.2) The purpose of the VJCCCA is “to deter crime by providing immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending.” ([Code of Virginia § 16.1-309.2](#)) VJCCCA is meant to:

- Be a community-based system;
- Be made up of progressively intensive sanctions and services;
- Correspond with the severity of the offense and treatment needs; encourage communities to develop, implement, operate and evaluate programs and services responsive to juvenile offender needs and crime trends in their community;
- Provide an adequate level of services available to every Juvenile and Domestic Relations District Court;
- Allow local autonomy and flexibility in addressing juvenile crime;
- Encourage public and private partnership in the design and delivery of services;
- Emphasize parental responsibility, through services that hold juveniles and families accountable for their behavior;
- Facilitate a locally driven statewide planning process; and
- Provide adequate service capacity.

Participation in VJCCCA is voluntary. In order to receive funding, the locality must contribute the same amount of funding they did in 1995 and they must have a plan for how they will use the funding approved by the Board of Juvenile Justice. All 133 cities and counties in Virginia participate in VJCCCA. There are no specific types of programs or services required. The intent is for programs and services to be developed to fit the needs of each particular locality.

Positive Aspects and Benefits of VJCCCA

- Judges have additional alternative sentencing options;
- Communities have received additional funding to create or enhance programs that they have needed for some time;
- Localities have greater flexibility to design programs to meet the needs of their communities;
- The number and variety of programs and services available for youth has increased in most communities; and
- Programs and services appear to be serving more youth in their own community.

DJJ identified service gaps and set out to address the differences and by building a continuum of services and alternative placements that will offer programs and treatments needs. Additionally, these efforts are complemented by enhanced diversion options for youth, reducing further involvement with the juvenile justice system and providing appropriate dispositional options for youth under supervision. In an effort to offer a full continuum of service options across the state, DJJ contracted with two service coordination agencies, AMIkids, and Evidence-Based Associates

(EBA). These regional service coordinators (RSCs) coordinate service options for youth. The goals of the RSC service delivery model are:

- 1) to reduce an over-reliance on more restrictive placements, supervision, and compliance strategies that may not adequately address risk or needs;
- 2) to provide services to youth at multiple stages of court and/or DJJ involvement;
- 3) to increase the array and availability of services for youth and families across the Commonwealth;
- 4) to create geographic equity;
- 5) to build the capacity to provide more evidence-based and evidence-informed services that have demonstrated effectiveness;
- 6) to adopt performance measures and develop the capacity to monitor and enhance the quality of services and adherence to evidence-based principles; and
- 7) to increase efficiency and streamline processes.

By FY 2017, the RSCs implemented systems for centralized billing and referrals and contracted with Direct Service Providers (DSPs) for basic services to include assessments and evaluations; intensive care coordination; individual, group, and family therapy; intensive in-home services; substance abuse treatment; treatment for youth with sexualized behaviors; life skills coaching; gang intervention services; anger management; workforce services; and independent living. By FY 2018, the RSCs also began to roll out two new complex evidence-based programs, Functional Family Therapy (FFT) and Multi-Systemic Therapy (MST), launching an initial cohort of 10 new FFT and MST teams to join two existing MST teams. In addition to the cohort of 10 DJJ-launched teams, a public provider relaunched an MST team that had become dormant. By the end of

FY 2018, there were 12 FFT or MST treatment teams in Virginia, and those teams had a combined reach of 85% of cities and counties in Virginia.³⁵

Virginia has made strides in closing service gaps and providing evidence-based programming for court-involved youth. The services and local initiatives represent efforts that address delinquency prevention, detention alternatives, family engagement, behavioral health needs, and other locality-led programming.

Reentry Planning

Several of the goals, objectives, and activities described for the Title II funding, such as those tied to reentry, complement these reform efforts. Within the allowable limits, funds may be used to help implement state-level reform efforts. However, funds awarded to localities often support state-level efforts by implementing supports and services needed at the local level.

In 2016, DJJ held its first annual Reentry Summit with staff from all related divisions. DJJ has also partnered with four state agencies to streamline the transition process for youth. That process consist of developing appropriate assessment and treatment resources, seamless community transition of committed youth³⁶.

- **Virginia Department of Social Services** worked with DJJ to develop specialized plans for youth who come to DJJ from foster care. In 2017, the MOA between departments was

³⁵ Virginia Department of Juvenile Justice; Transformation Plan 2019, Update, Chapter 854 of the 2019 Acts of Assembly 2019, Appropriation Act, Item 412 (B)(3), p 5

³⁶ Transformation Plan 2020 Update, Virginia Department of Juvenile Justice, p34

revised to include the Fostering Futures program, which provides financial, housing, and educational assistance to young adults.

- The **Department of Medical Assistance Services** supported DJJ in helping youth apply for Medicaid health insurance prior to their release, including acting as a liaison for local departments of social services and eligible youth on their applications.
- The **Virginia Department of Motor Vehicles (DMV)** allows the learner's permit test to be administered to committed youth at Bon Air JCC. Non-driving photo IDs are available for youth and are processed through DMV.
- In 2018, DJJ entered into an MOA with the **Virginia Department of Corrections (VADOC)** to provide instruction and guidance on how each department can best support the transition of youth with blended sentences.

Positive School Discipline

The Virginia Department of Education (DOE) is engaging in reform efforts, though somewhat differently than DJJ. Unlike DJJ, DOE does not have direct operational control over juveniles in local detention facilities. School divisions are locally operated under elected school boards and division superintendents. The state department has limited direct authority. To encourage change, DOE provides training, information, and incentives. The Virginia Department of Education has greater influence over schools demonstrating the poorest testing results. Data shows that these schools are often also highest in crime and discipline reporting, school absences, out-of-school suspensions. Several initiatives are underway to promote positive school climate, focus on social/emotional well-being, and reduce out-of-school suspensions, the leading indicator of school dropout rates and school-to-prison pipeline concerns.

In 2020, DCJS awarded Title II funds to DOE for an initiative to address disproportionate suspension rates for black and brown females across the Commonwealth. According to DOE, 41 school districts suspension rates exceed 2% of the risk ratio for black females. In order to address the disparate suspension rate, DOE developed a pilot alternative suspension program for black females in three school districts.

DSS

For several years, DSS has been working on a transformation plan specific to youth in foster care. Between 2010 and 2020, the overall number of children in foster care has been reduced by 6.3%. Virginia started witnessing a slight increase in placement beginning in 2016, which was a result of the expansion of foster care to include youth in Fostering Futures up to age 21.

As part of the transformation, laws in Virginia have changed to allow youth under foster care more time in independent living. In 2017, the General Assembly extended the age a youth may stay under foster care. Efforts are underway to fill gaps created when a youth is committed to DJJ direct care and leaves foster care.

Gender-Specific Services

State and local agencies are sensitive to the need for gender-specific services and provide them where possible. DJJ offers gender-specific reentry services for those in direct care. Sub-grantees occasionally apply for gender-specific prevention or intervention services and funds have been approved based on the strength of the applications. As mentioned previously, through a Title II grant, DCJS has partnered with DOE to launch a statewide alternative school suspension initiative

targeting black and brown female students. This initiative will assist local school divisions with best practices via restorative justice in order to reduce and eliminate disproportionate school suspension.

Use of Restraints on Known Pregnant Juveniles

In 2020, DJJ develop a workgroup to review the current residential standards for juvenile facilities. To ensure DJJ is in compliance with the Juvenile Justice Reform Act 2018, the workgroup added language to the current residential standards that bans the use of certain mechanical and physical restraints and the use of protective equipment on certain pregnant females.

Reducing Isolation in Youth Facilities

DJJ has made major strides in reducing the use of isolation as a punitive measure. Through the efforts of technical assistance and a newly established workgroup, DJJ reported a 92% reduction in the use of isolation from FY 2015–FY 2019. The workgroup has continued their efforts by updating policy, annual training and awareness via various messaging formats, including posters and digital messaging. Additional efforts have been focused on developing alternative strategies for staff to use with youth.

Behavior Management Techniques

In an effort to improve the current behavior management model, DJJ focused its attention in enhancing the current Community Treatment Model (CTM). A new version of the CTM manual was developed in 2019, followed by training for new and current residential staff. To accompany the updated CTM manual and ensure youth were aware of all changes that directly affected them, a new resident handbook was published in both English and Spanish in fall 2019

to coincide with the CTM manual revisions. Both versions of the handbook were sent to parents, as well as posted on the DJJ website for reference.

Rural Areas

Rural areas are given consideration when reviewing applications in sub-grant solicitations and efforts are made to ensure that funding awards are distributed geographically when applications exceed funding limitations.

Mental Health and Substance Use Disorder Services

Mental health services continue to be a funding priority in Virginia. Mental health services are provided by DJJ to youth in state custody through DJJ's behavioral services unit (BSU).

DCJS anticipates the need for funding to support mental health services will remain, as the issue is ongoing. DCJS provides technical assistance on evidence-based practices to staff and stakeholders as needed.

Mental Health and Substance Use Screening/Assessment

In response to the changes in the federal law, DCJS requested and received technical assistance from the Center for Coordinated Assistance to States (CCAS) to help Virginia move towards compliance with JJRA of 2018. Through these efforts, CCAS and DCJS planned a series of roundtable discussions throughout the state in partnership with DJJ's Court Service Units (CSUs). The purpose of the roundtables is to provide an overview of key amendments related to the use of the VCO exception, explore national as well as state and local use of the VCO exception, share the alternatives that jurisdictions around the country and in Virginia are using, and learn the resources available to assist jurisdictions in expanding available alternatives. Further, during the roundtables,

DCJS and DJJ seek to understand the barriers to reducing the use of the VCO exception within the CSUs and collectively brainstorm potential solutions with roundtable attendees. The ultimate goal of the roundtables and charge of the multidisciplinary stakeholder groups invited is to explore strategies for reducing the use of and find alternatives to the VCO exception in response to youth who engage in behaviors considered status offenses.

Virginia passed legislation during the 2020 General Assembly session that significantly aligns Virginia law with the new requirements of the JJRA regarding the use of the VCO exception³⁷. While the legislation addresses the new requirements by JJRA relating to VCO, there are still some practice changes needed to come into full alignment, namely around the assessment process outlined in Section 223 (a)(23) of the JJRA. Currently, 23 of Virginia's 24 locally operated juvenile detention centers have a local community service board representative assigned to the facility. The local community service board is responsible for behavioral health services. According to the Department of Behavioral Health and Developmental Services (DBHDS), each youth entering a local facility is given a comprehensive assessment by the local representative of the community service board; additionally these youth also receive the Massachusetts Youth Screening Instrument (MAYSI). The MAYSI, a self-report screening tool, is specifically designed for use in juvenile detention centers. DCJS is currently working with our partner agencies DJJ and DBHDS in addressing the assessment requirement, most notably the transfer of assessment information to the detaining judge.

³⁷ House Bill 1437, 2020 General Assembly Session, Del. Patron J. Jones

Virginia has made strides in our efforts to reduce (and, we hope, ultimately eliminate) the detention of status offenders. Through the work done thus far, we have already heard from judges in some jurisdictions that were among the high users of the VCO exception that practices are changing, or that they are exploring changes, understanding that they need to think differently about the detention of status offenders. Furthermore, Virginia has provided Title II funds to four localities through our funding solicitation, *Alternative Interventions for Status Offenders*. Our hope is that through ground level local initiatives we will see a decline in the number of detained status offenders in these localities.

Problem Solving Courts

The General Assembly enacted the Virginia Drug Treatment Court Act (*Code of Virginia* § 18.2-254.1) in 2004. The Act authorizes the Supreme Court of Virginia to provide administrative oversight to all drug treatment courts and established the statewide Drug Treatment Court Advisory Committee chaired by the Chief Justice. The Advisory Committee provides guidance on the implementation and operation of local drug treatment courts. In FY 2020, there were seven operational Juvenile Drug Treatment Courts throughout Virginia, additionally there is one Juvenile Behavioral Health docket and four Family Drug Treatment Court programs. As the number of docket programs grows and the number of Virginians served increases, the Commonwealth continues to save costs compared to traditional case processing. Virginia drug treatment court dockets continue to improve their development and utilization of evidence-based practices.

Human Trafficking

The Commonwealth of Virginia is diligently working on the issue of juvenile sex trafficking and is proactively creating structures to identify and respond to these juvenile victims. The Governor

and General Assembly created a State Trafficking Response Coordinator position for the Commonwealth that was effective on July 1, 2019. This individual began working with DCJS in August 2019.

DCJS was awarded a FY 2020 grant through the Office for Victims of Crime (OVC) in the amount of \$1,684,000 for the development of a coordinated response to juvenile sex trafficking within the western region of Virginia. This award is a 12-month grant with three 12-month renewal options available. This grant project allows DCJS to work closely with six victim service partners and three legal partners to implement a comprehensive and coordinated county-level response to identify juveniles who are being trafficked, provide those individuals with services, assist in the development of multi-disciplinary teams (MDT) within these service areas, and to support legal case development at no-cost to these individuals. Through this grant, DCJS will also be opening the only dedicated residential treatment facility for juvenile sex trafficking victims in Virginia and will be developing a Host Home program for trafficked youth who are not system involved. These programs will assist with reducing the number of youth who need to become system involved. Additionally, this project will allow for specialized training programs to be implemented for a variety of professionals on how to work with trafficked youth.

DCJS is working on beginning training opportunities for an approved screening tool to identify individuals ages 10 and older who have been trafficked or who are at high risk of having been trafficked. This will be offered to all professionals who work with youth.

A data collection project is being researched as well to assist in understanding the true scope of sex trafficking in Virginia and to continue to build capacity in the correct areas of Virginia.

E. Plans for Compliance and Monitoring

Plans for compliance and monitoring were submitted separately from the other plan elements as required by OJJDP. Included within the submitted plans are plans for:

- Compliance with the first three core requirements;
- Compliance monitoring for the first three core requirements; and
- Compliance with the RED core requirement.

Other supporting documentation is also included.

F. Additional Requirements

(1) SAG Membership (see attached document)

(2) Formula Grants Program Staff

DCJS is an executive branch agency within the Secretariat of Public Safety and Homeland Security. The authority and responsibilities of DCJS are specified in Title 9.1, Chapter 1 of the *Code of Virginia*. Among its responsibilities, DCJS is designated as the planning and coordinating agency responsible for implementing and administering any federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention throughout the Commonwealth (*Code of Virginia* § 9.1109). Through this authority, DCJS is responsible for administering the Title II Formula Grants Program and ensuring compliance with the JJDP Act.

Staffing and Management Plan

The JJDP Formula Grant Program is managed by the Division of Programs and Services of DCJS. Information specific to the juvenile justice specialist and other juvenile justice and delinquency prevention staff follows:

- Ed Holmes is responsible for juvenile justice grants monitoring and related technical assistance to funded sub-grantees. He works closely with the juvenile justice specialist, and provides staff support to the grants subcommittee of the ACJJP. One hundred percent of his time is devoted to juvenile justice and delinquency prevention related grants. His position is supported by Title II funds.
- Greg Hopkins is Virginia's juvenile justice specialist and RED coordinator and is responsible for: analyzing juvenile justice data; preparing and submitting the three-year plan and annual updates for Title II funding; preparing the ACJJP annual report; monitoring legislation that could impact JJDP Act compliance; coordinating plans with the compliance monitor, grant monitor, and manager; working with the ACJJP; providing information and technical assistance on matters related to the JJDP Act; advising on grant solicitations and funding use; and coordinating on projects held in common with other state agencies. His position is full time and supported by Title II, through administrative funds and, for RED coordination, through a Title II sub-grant. One-hundred percent of his time is devoted to juvenile justice and delinquency prevention efforts.
- Laurel Marks is the manager of the Juvenile and Child Welfare Section in the Division of Programs and Services and oversees the juvenile services work of the agency. Her position is full-time and supported by state general and other federal funds. Approximately 50% of her

time is devoted to juvenile justice and delinquency prevention efforts. Ms. Marks is also responsible for the CASA and CJA programs administered by the agency.

- Candace Miles is the administrative assistant for the Division of Programs and Services. She provides support as needed for juvenile justice matters related to the administration of the three-year plan and related juvenile justice funding streams. She also provides assistance for other matters within the division including adult and victim services. Her position is full-time and supported by various federal and nonfederal funds.
- Kenneth Stables (up to 28 hours per week) and Curtis Stevens (up to 10 hours per week) are Virginia's compliance monitors, ensuring compliance with the JJDP Act, providing technical assistance as needed to help remain in compliance, and developing and submitting reports to OJJDP. One-hundred percent of their time is devoted to compliance efforts. Their positions are supported by a Title II sub-grant.

G. Additional Information

The primary source of juvenile justice data in Virginia is DJJ. The agency utilizes a functional management information system to maintain data on juveniles from the moment they enter the system at intake until they exit the system. Locally operated CSUs and detention facilities are required to utilize this system as well as state-run CSUs and direct care facilities.

DJJ accommodates requests from DCJS for data as needed for compliance monitoring, development and updates of the three-year plan, legislative analyses, and other special requests. Additionally, DJJ publishes an annual *Data Resource Guide*, containing valuable data on a statewide basis. This tool is used by state agencies and localities in a variety of ways.

Virginia state agencies responsible for maintaining data publish a number of reports online which are easily accessible. Additional data may be available through special requests if all collected data are not included in annual reports. The Virginia State Police provides DCJS with a copy of their raw data for in-house analyses.

Many of the barriers encountered in past years in collecting and analyzing data for the three-year plan have been overcome as data sources have improved their computer based systems and the understanding of what is available has expanded. Organizations work to fill data gaps when they are identified.

The most notable barriers at this point tend to be in regard to time, and funding necessary to improve or enhance data collection efforts. Virginia operates on a July to June fiscal year. Following the end of a fiscal year, agencies begin the process of data cleaning for year-end reports.

Agencies continuously review data for reliability and validity. When discrepancies are found, corrections may necessitate extensive work. Efforts to improve cross agency information efforts were heightened under the last gubernatorial administration and are anticipated to continue amongst partnering agencies and beyond.