



Virginia's Three-Year Plan 2015-2017

Juvenile Justice and Delinquency Prevention Act



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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 designated as the planning and coordinating agency responsible for implementing and administering programs and initiatives for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention throughout the Commonwealth. 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 or sheriff departments.

DCJS is responsible for promulgating law enforcement training standards and monitoring compliance with training by all law enforcement individuals and training academies. Training specific to the handling of juveniles and juvenile information is required under the standards. 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. Though not mandated by statute or training standards, training for school resource officers is available through the DCJS 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 social services agency.

Juvenile and domestic relations (JDR) 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 JDR districts in the Commonwealth served by 117 authorized judgeships. 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,

in addition to protecting the public and holding juvenile offenders accountable for their actions. All cases are heard by a judge and these courts are not considered “courts of record”.

Cases may be appealed to circuit court or jurisdiction may be transferred under certain circumstances.

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 correctional facilities. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

These varied programs are supported by a variety of funding sources. Locally, management structures vary between private, municipal, and state control. The benefit of this system is that programs can be developed in response to local needs, interests, and available resources. The disadvantage is that many localities do not, or cannot, provide a full continuum of services which would be responsive to individual needs of juveniles.

Court Services Units (CSU) are responsible for juvenile intake, investigations and reports, probation, and parole. Each JDR court is served by a court service unit (CSU). The majority of CSUs are operated by the Department of Juvenile Justice (DJJ); two CSUs are operated by the locality. 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. Intake must be available 24 hours per day. Based on the information gathered, a determination is made by an intake officer 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 in need of services, in need of supervision, or delinquent (under certain circumstances). When informal action is taken, the intake officer will develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint. 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.

Status and non-offenders 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).

See Appendix 1 for more information on the structure and function of the juvenile justice system, as well as options available to intake and courts for cases.

Coordination of State Efforts

Virginia has a number of state agencies, crossing multiple secretariats, responsible for youth development and well-being. These secretariats and agencies include:

Secretary of Education:

- Department of Education (DOE)

Secretary of Health and Human Resources:

- Department of Behavioral Health and Developmental Services (DBHDS)
- Department of Health (VDH)
- Department of Social Services (DSS)
- Office of the Comprehensive Services Act (CSA)
- Virginia Foundation for Healthy Youth (FHY)

Secretary of Public Safety and Homeland Security

- Department of Criminal Justice Services (DCJS)
- Department of Juvenile Justice (DJJ)
- Department of Alcoholic Beverage Control, Virginia Office of Substance Abuse Prevention (VOSAP)

Several cross-agency initiatives are underway in Virginia addressing topics directly linked to delinquency and delinquency prevention including homelessness, reentry, trauma and exposure to violence, substance abuse, and others. Through formal partnerships, representatives from each of the above noted agencies, and others, participate on various advisory committees and workgroups to share information, leverage resources, and facilitate coordination and joint decision-making. The DOE, DBHDS, DSS, DJJ and, effective July 1, 2015, VDH, have representatives on the Advisory Committee on Juvenile Justice and Prevention (ACJJP).¹ By participating on the ACJJP, they are able to help ensure that funding priorities are not duplicative of other efforts and are able to help support them where most needed.

To further ensure collaboration, shared visions, and work, DCJS partners with many system and non-justice system agencies. As part of this, the juvenile justice specialist formally participates in the following:

- DOE, Attendance Advisory Committee
- DOE, State Management Group for Project AWARE (Advancing Wellness and Resilience in Education)
- DJJ, Reentry Task Force
- DBHDS, Trauma Task Force

¹ Formerly called the Advisory Committee on Juvenile Justice (ACJJ). Effective July 1, 2015, the name was changed per amendments to §9.1-111 of the *Code of Virginia*. The name has been updated in *Virginia's Three-Year Juvenile Justice and Delinquency Prevention Act (JJDP) Plan 2015-2017* as published.

- DSS, State Management Group for Vision 21, Linking Systems of Care of Children and Youth
- VOSAP, Collaborative
- DBHDS, Strategic Prevention Framework–State Incentive Grant Advisory Committee
- Governor’s Children’s Cabinet, Challenging Schools Workgroup
- Governor’s Coordinating Council on Homelessness, Interagency Partnership to End Youth Homelessness

In addition to the above, DCJS has partnered with various agencies to facilitate the provision of training and information including:

- Addressing truancy with DOE
- School climate with DOE
- Restorative justice/practices with DOE
- DMC with DOE
- Trauma and youth with DBHDS, DJJ, DSS, and DOE

In 2014 Virginia was awarded significant grants from the U.S. Department of Education (School Climate Transformation), Substance Abuse and Mental Health Services Administration (Project AWARE), and Office for Victims of Crime (Vision 21). The project managers coordinate efforts where possible to maximize resources on the various projects.

Also in 2014, Virginia’s Governor Terry McAuliffe signed an Executive Order creating a cabinet solely dedicated to the education, health, safety, and welfare of Virginia’s children and youth. The newly launched Children’s Cabinet will develop and implement a policy agenda that will help better serve Virginia’s children and will also foster collaboration between state and local agencies. The Children’s Cabinet focuses on five specific priority areas:

- Eradicating the achievement gap in schools in high poverty communities;
- Increasing access to basic needs including housing, healthcare, and proper nutrition;
- Improving outcomes for youth transitioning out of Virginia’s juvenile justice, mental health and foster care systems;
- Increasing workforce opportunities for parents and for youth as they transition out of high school; and
- Improving early childhood care and education.

As a part of this effort, the Governor also signed a second Executive Order establishing the Commonwealth Council on Childhood Success. This Council will focus on improving the health, education, and well-being of young children.

One of the primary challenges that has emerged is the amount of work underway and the number of meetings that the same individuals are required to attend. Conveners of the various groups are attempting to be cognizant of schedules and, where possible, limit meetings and convene meetings that can serve multiple purposes. Another challenge that has come to light is that busy schedules often become barriers to information sharing *within* individual organizations. This is a challenge that individuals must address within their own organizations by sharing information on the meetings they attend and the direction of the projects they advise on or lead.

Youth Crime Analysis

According to the U.S. Census Bureau, the estimated population for Virginia is 8,260,405 for 2013. This represents a slight increase (3.2%) in the census figure reported for 2010 of 8,001,024. Between the 2000 census and that taken in 2010, the total population of Virginia increased by 13%, outpacing the national figure of 9.7%. Virginia's population is projected to continue growing, reaching over 9 million people by 2025.²

The percentage of males and females in Virginia is almost evenly divided with 49.2% male and 50.8% female. The majority of Virginia residents are white, though the percentage distribution is lower than the national figure – 70.8% in Virginia, whereas nationally the figure is 77.7%. Black is the next largest racial category, making up 19.7% of Virginia's population compared to 13.2% of the national population. Persons under age 18 account for approximately one-fourth of the total population – 22.6% in Virginia compared to 23.3% nationally.

The age group of particular concern in regard to juvenile delinquency and prevention issues is the youth population ages 10 to 17. With a number exceeding 829,000, this sub-population represents approximately 10% of the total population in Virginia.³ This figure has grown from previous years and is 4% higher than the estimate for 2009.

Despite the growth in the population of 10 to 17 year olds, there has been a noticeable decline of this age group throughout Virginia's criminal justice system, starting at the first point of contact. 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 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 cover multiple localities. Special requests can often be made 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 JJDPA Plan 2015–2017*, 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; the fiscal year is based on the June 30 year).

Arrest Data

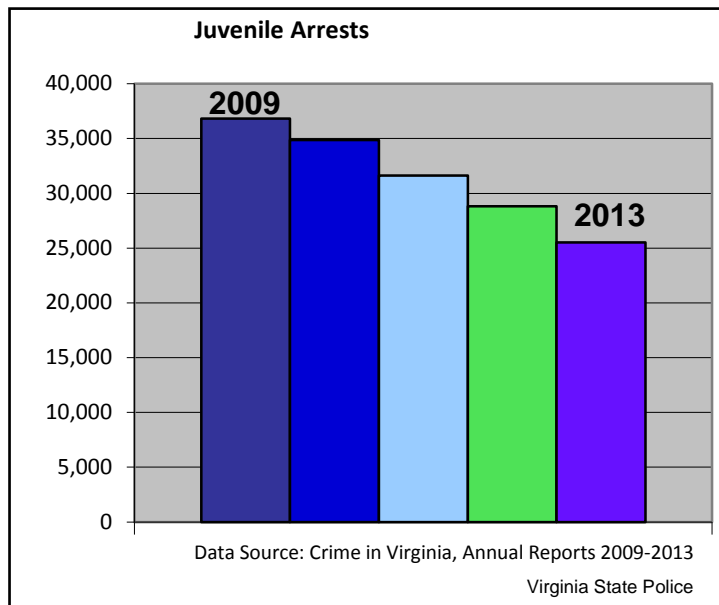
Arrest data are obtained from the Virginia State Police (VSP), which serves as a central repository for data from around the state. Data is aggregated and published by VSP on a calendar year basis.

² Data source for projections: U.S. Census Bureau, Population Division, Interim State Population Projections, 2005. Note: Though these figures were released in 2005, the actual difference between the estimate for 2010 and the actual figure was 0.13%. According to the 2005 report, the projected figure for 2025 is 9,364,304.

³ Data source for other Census data: <http://quickfacts.census.gov/qfd/states/51000.html>

Each year, VSP publishes *Crime in Virginia*, which provides incident-based reporting statistics. Arrest data on a statewide basis and by police department is included in the VSP publication.

Arrest figures “cannot be directly compared to offense figures. Several persons, for example, could be arrested for the same offense or the arrest of one person could solve several offenses. Arrests are primarily a measure of police activity as it relates to crime. Although law enforcement arrest policies vary, particularly with respect to juveniles, agencies are instructed to count one arrest each time an individual is taken into custody for committing one or more offenses. 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.”⁴



Arrests reported to the Virginia State Police for juveniles have limitations 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 do provide a general picture of arrest activity worthy of review.

Arrests of juveniles reported in *Crime in Virginia* decreased by almost 31% between 2009 and 2013. They also accounted for a smaller proportion of all arrests, dropping to under 8% in 2013.⁵

Annual reports show that between 73% and 76% of juvenile arrests each year are ages 15, 16, or 17. As seen on the following table, there has been a slight increase in representation of younger ages in the most recent years among juvenile arrests.

Juvenile Arrests by Age								
	<10	10–12	13–14	Subtotal 14/under	15	16	17	Subtotal 15–17
2009	0.4%	4.9%	18.7%	24%	19.3%	25.3%	31.4%	76%
2010	0.5%	5.2%	19.2%	24.9%	18.7%	25.9%	30.6%	75.1%
2011	0.6%	5.3%	19.4%	25.4%	19.2%	25%	30.4%	74.7%
2012	0.6%	5.3%	20.1%	26%	18.5%	25.4%	30%	74%
2013	0.7%	5%	20.8%	26.5%	18.9%	24.7%	29.9%	73.5%

⁴ *Crime in Virginia 2013*, Virginia State Police, p63.

⁵ As of May 2015, *Crime in Virginia 2014*, has not yet been published.

Though small, the increase in the representation of younger ages is a concern. The increase could be due to a number of things such as the accumulation of local policy changes, the increased presence of school resource officers in middle schools (a result of additional state funding), the implementation of threat assessment teams in all public schools (as a result of state law), or some other reason. It is a trend that will continue to be examined.

In regard to offenses, there has been little change in the top offenses for which juveniles are arrested when examining 2011 thru 2013.⁶

Top 10 Juvenile Arrest Offenses		
2011	2012	2013
1. Simple assault	1. Simple assault	1. Simple assault
2. Runaway	2. Runaway	2. Runaway
3. Drugs/Narcotics	3. Drugs/Narcotics	3. Drugs/Narcotics
4. Shoplifting	4. Shoplifting	4. Larceny (nonspecific)
5. Larceny (nonspecific)	5. Larceny (nonspecific)	5. Shoplifting
6. Curfew/Loitering/Vagrancy	6. Curfew/Loitering/Vagrancy	6. Curfew/Loitering/Vagrancy
7. Liquor law violations	7. Liquor law violations	7. Liquor law violations
8. Disorderly conduct	8. Trespass	8. Vandalism
9. Vandalism	9. Disorderly conduct	9. Trespass
10. Trespass	10. Vandalism	10. Burglary/B&E

The majority of juvenile arrests are of males, approximately 68% for each year 2011 through 2013. The average racial representation for the three-year period is 45.5% black juveniles and 53.3% white juveniles.⁷

Intake⁸

Juveniles are brought to the attention of intake officers based in 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.

⁶ Does not include “other” offenses.

⁷ Data generated by the Department of Criminal Justice Services using data files from the Virginia Incident-Based Crime Reporting Repository System administered by the Virginia Department of State Police.

⁸ Data used in this sub-section (“Intake”) not attributed to the *Data Resource Guide* or other sources is taken from data provided to the 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.

Data regarding all intakes is collected and maintained by DJJ. Because juveniles come to intake from multiple sources, and the data is more strictly managed, **intake data is considered a more accurate reflection of juveniles entering Virginia's justice system than arrest data.**

Virginia has experienced a significant decrease in the number of juvenile complaints and cases. As reported in *Virginia's Three-Year Plan 2012–2014*, complaints decreased by 19% and intakes decreased by 17% between FY2009 and FY2011. The decline has continued for each of the past three state fiscal years (FY2012–FY2014), with an additional decrease in complaints of almost 17% and a decrease in intakes of almost 16%.⁹

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 1.3 for FY2014.¹⁰

Complaints & Intake			
	FY2012	FY2013	FY2014
Complaints	70,152	61,488	58,455
Intakes	51,849	46,324	43,811

The gender, age, and race distribution of juvenile intake cases has remained fairly consistent during the past three years.¹¹

Intake Demographics			
	FY2012	FY2013	FY2014
Race			
<i>Black</i>	42.6%	42.4%	43.5%
<i>White</i>	50.0%	48.4%	47.7%
<i>Asian</i>	1.1%	1.1%	1.0%
<i>Other/Unknown</i>	6.3%	8.0%	7.8%
Ethnicity – Hispanic	7.8%	8.0%	8.4%
Gender			
<i>Male</i>	67.8%	67.6%	68.6%
<i>Female</i>	32.2%	32.4%	31.4%
Age			
<i>8–12</i>	6.7%	6.4%	6.4%
<i>13</i>	7.2%	7.4%	7.5%
<i>14</i>	12.1%	12.0%	12.7%
<i>15</i>	17.3%	17.7%	17.7%
<i>16</i>	23.5%	23.0%	23.3%
<i>17</i>	28.4%	28.5%	27.5%
<i>18–20</i>	3.7%	3.9%	3.6%
<i>Error/missing</i>	1.1%	1.1%	1.2%

⁹ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, pp16-17.

¹⁰ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, pp16-17.

¹¹ Data table source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, p17.

Over 65% of juvenile intake complaints each year are for delinquent offenses (felony or Class 1–4 misdemeanor). Complaints for Class 1 misdemeanors make up approximately 39%–42% of all juvenile complaints and complaints for felonies account for approximately 18–19% throughout the three-year period. Complaints for status and other non-delinquent offenses (CHINS/CHINSup) account for approximately 14.5% of all complaints. Technical violations of probation or parole supervision account for 12.2%–14.3% of complaints throughout the three-year period.

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 such as status offenses, technical violations, or traffic offenses; however, the most serious complaint is for a delinquent offense.

The top delinquent offenses at intake were consistent for several years with assault, larceny, narcotics, alcohol offenses, and vandalism as the top five offense groupings for a number of consecutive years. Though assault, larceny, alcohol offenses, and vandalism remain as top contenders for each of the last three years (accounting for between 61.9% and 63.3% of all intakes), there have been differences each year for the fifth offense: ¹²

2012 – Burglary
2013 – Disorderly Conduct
2014 – Traffic

The majority of intakes for delinquent offenses are male, with the representation accounting for between 69.3% and 70.9% of intakes each of the past three years. The racial breakdown for delinquent intakes shows a slight trend down in youth categorized as white from 47.5% in FY2012 to 46.2% in FY2013 and 45% in FY2014. During the FY2009–FY2011 period, 49% were categorized as white. The representation categorized as black continued at 45% from the last plan period through FY2013, then increased to 47% for FY2014.

In FY2005, approximately 30% of delinquent intakes were age 14 or younger. This was a noted area of concern in *Virginia’s Three-Year Plan 2006–2008* that resulted in a prioritization of JJDP Act funding for at-risk children and young juvenile offenders. By FY2008, the representation had dropped by four percentage points (26.1%). In FY2009, the representation dropped further, reaching its lowest point in recent years of 24.3%. However, the last planning period saw the representation begin to climb. It has continued to climb each of the past three years, reaching the 30% mark again for FY2014.

Status Cases

Status cases include purchase/possession of tobacco by a minor, children in need of services (CHINS), runaway complaints, and truancy. Intakes classified as status cases have only status complaints. Status intake offenses account for 17.3% of juvenile intake cases in FY2014, which is reflective of activity in prior years.

¹² Based on most serious offense. Where multiple offenses occur, the most serious offense is counted. Data source: Virginia Department of Juvenile Justice. Due to data run dates, data may differ from other published data.

Truancy is the primary status complaint brought to intake. For the past three years, truancy cases account for 47.4%, 49.9%, and 47.5% of all status cases respectively. This is slightly elevated from what was reported in the last three-year plan. In FY2010, the representation dipped to 42%, similar to what was reported for FY2006. Runaways account for between 11.9% and 13.7% of status cases during the past three years.

The representation of male and female intakes for status cases has been fairly stable over the years, with males accounting for between 55.4% and 57.7% of all status intake cases. Differences in regard to the gender distribution of status cases are more evident when examining specific status offenses. Though males make up the majority of cases in most status offense categories, females account for a higher representation of runaway cases.

Status Case Distribution – Primary Gender		
Truancy		
FY2012	FY2013	FY2014
55.6% males	55.4% males	56.2% males
<i>The trend for FY2006 to FY2008 showed a decrease in male representation from 54% to 51.7%. This reversed during the last three-year period and has continued.</i>		
Curfew violations		
FY2012	FY2013	FY2014
67.1% males	69% males	68.2% males
<i>The trend for FY2006 to FY2008 showed a decrease in male representation from 72% to 66.7%. This ranged from 67% to 70% during the last three-year period and continues to be in the same range.</i>		
Tobacco offenses		
FY2012	FY2013	FY2014
85.8% males	82.6% males	91.1% males
<i>The trend for tobacco offenses has increased since FY2006, with males accounting for a higher representation of intakes for tobacco offenses.</i>		
Runaway		
FY2012	FY2013	FY2014
56.3% females	56% females	56% females
<i>The percentage representation of females is fairly consistent, though it has declined somewhat when examining the past nine years. A slight trend downward from 61% to 58.3% was noted for FY2006 to FY2008. During the FY2009 to FY2011 period the representation ranged from 60.2%–61.5%.</i>		

White youth account for a higher percentage of status cases than black youth (53.1% in FY2014). As with gender, differences in regard to racial distribution are more evident when examining specific status offenses. As can be seen on the next grid, truancy, curfew violations, and tobacco offenses reveal notable distribution differences, with black youth accounting for a much higher representation of intakes for curfew violations and white youth accounting for a much higher representation of intakes for tobacco offenses.

Status Case Distribution – Primary Races		
Truancy		
FY2012	FY2013	FY2014
31% Black 58.2% White	31.8% Black 55.5% White	30% Black 58.2% White
<i>The racial representation for truancy cases is reflective of all status offenses, with white youth accounting for a higher representation. A slight trend upward was noted from F2009 and FY2011, with white youth accounting for 61.9% by FY2011. This trend has not continued.</i>		
Curfew violations		
FY2012	FY2013	FY2014
68.2% Black 27.5% White	68.8% Black 25.1% White	70.1% Black 22.3% White
<i>Black youth account for a noticeable majority of intakes for curfew violations, though figures for the FY2012–FY2014 period are lower than those for the last three-year period which ranged from 71.2% to 75.1%.</i>		
Tobacco offenses		
FY2012	FY2013	FY2014
16.1% Black 79.4% White	18.4% Black 73.7% White	19.4% Black 72.8% White
<i>White youth account for a noticeable majority of intakes for tobacco offenses, though the current period indicates a downward trend. During the last three-year period, white youth accounted for between 72.2% and 81% of intakes for tobacco offenses.</i>		
Runaway		
FY2012	FY2013	FY2014
47% Black 44.9% White	44.9% Black 41.7% White	47.5% Black 43.7% White
<i>Current figures are representative of the prior three-year period.</i>		

Technical Violation Cases

Like all intakes, those where the most serious offense is a technical violation have declined during the past three years. The percentage of intakes for technical violations of probation or parole supervision have increased over the years. As reported in the last plan, they accounted for between 49% and 50% of such cases between FY2009 and FY2011. This has increased slightly each of the past three years, accounting for 53% of such cases in FY2014. Contempt of court is the next highest charge with 46–47% of technical violation intakes.

Very few intakes for technical violations are of young offenders. During the FY2009–FY2011 period, it was noted that less than 14% of all such intakes were age 14 or under. Though still low, the figure rose to 17% in FY2014.

Males account for approximately 71% of technical violation intakes, which has remained unchanged since the last plan. The racial breakdown is 47% black, 46% white, and the remainder “other” or “unknown” for FY2014 which is similar to the prior two years and what was reported in the last plan.

Case Disposition¹³

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 FY2014, over 17% of juvenile complaints were resolved or diverted without a petition being filed.¹⁴

Diverted and Petitioned Delinquent Cases

The use of diversion for delinquency intake cases has remained fairly constant for each of the past three years, averaging approximately 30%. In FY2008, delinquent cases petitioned to court dropped below 70%. The figure has stayed at 70–71% for the past three years.

The distribution of delinquent cases has shifted slightly in regard to racial distribution for blacks/unknowns when examining data reported in *Virginia’s Three-Year Plan 2012–2015* for FY2011 and current data for FY2014. For FY2011, 44.7% of cases were categorized as black. This has increased to 47% for FY2014 and those categorized as unknown increased from 1.8% in FY2011 to 3.5% in FY2014. There has been no apparent change in the gender distribution of delinquent cases of the past three years, or in comparison to that reported in the last plan.

Differences in race and gender distribution continue to exist between cases diverted and cases petitioned. As can be seen on the following tables, white juveniles and females have higher distributions of diverted than petitioned cases.

Racial Distribution of Delinquent Cases			
FY2014	Case Distribution	Cases Diverted	Cases Petitioned
Race			
<i>Black</i>	47%	38.2%	51.1%
<i>White</i>	45.2%	50.4%	42.8%
<i>Other</i>	4.3%	4.9%	4.2%
<i>Unknown</i>	3.5%	6.5%	1.9%
Gender Distribution of Delinquent Cases			
FY2014	Case Distribution	Cases Diverted	Cases Petitioned
Gender			
<i>Male</i>	70.9%	60.2%	74.5%
<i>Female</i>	29.1%	39.8%	25.5%

¹³ 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 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.

¹⁴ Data source: *Data Resource Guide*, annual reports FY2014, Virginia Department of Juvenile Justice.

Males are more likely to be petitioned for a delinquent offense, whereas females are more likely to be diverted. Though all youth are more likely to be petitioned than diverted for a delinquent offense, black juveniles are more likely than white juveniles to be petitioned and white juveniles are more likely than black juveniles to be diverted.

Diverted and Petitioned Status Cases

During the past three years, 50.5–59.4% of status cases have been petitioned. This is higher than what was reported in the prior plan and is believed to be, at least in part, due to data reporting changes, including how diversions are reported.

Formal diversions account for between 11.7% and 14.2% of status cases in the past three years. During this period a revised interpretation of the diversion statute and use of informal processes have increased.

Racial Distribution of Status Cases			
FY2014	Case Distribution	Cases Diverted	Cases Petitioned
Race			
<i>Black</i>	36.5%	31.6%	32.5%
<i>White</i>	53.1%	55.8%	57.5%
<i>Other</i>	5.9%	5.2%	6.6%
<i>Unknown</i>	4.5%	7.4%	3.6%
Gender Distribution of Status Cases			
FY2014	Case Distribution	Cases Diverted	Cases Petitioned
Gender			
<i>Male</i>	57.7%	59.6%	56.1%
<i>Female</i>	42.3%	40.4%	43.9%

Court Disposition

The average length of time from intake to adjudication was 129 days in FY2013. This is the same as reported for FY2012. The figures represent an increase over 116 days for FY2011.¹⁵

Once a case is petitioned and goes to court, judges have several options available to them. Detailed information on post-detention and commitments to the state is presented in the next segment of this section (Detention and Juvenile Correctional Facility Admissions). Probation is the most frequently used justice system option by judges. In FY2014, 4,872 new juvenile probation placements were made.¹⁶

As in prior years, assault and larceny account for a large proportion of the offenses for which new probation cases are opened, over 36% of all new probation cases in FY2014. Cases for vandalism,

¹⁵ Data source: Data Resource Guides FY2012-FY2014, Virginia Department of Juvenile Justice.

¹⁶ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, p19.

narcotics offenses, status offenses, and burglary follow. Approximately 36% of new probation cases are for felony or misdemeanor crimes against persons.¹⁷

Detention and State Direct Care Admissions¹⁸

Secure Detention

Secure detention facilities provide confinement for juveniles who are awaiting adjudication, disposition, or placement (pre-dispositional) as well as for certain adjudicated (post-dispositional) juveniles.

There have been a number of efforts to reduce reliance on detention in Virginia. In 2002, DJJ instituted the DAI to provide for a more structured decision process for intake officers when determining whether to detain or release a youth pre-trial. The instrument was developed with researchers under a juvenile justice sub-grant from DCJS. This was followed in 2003 with the implementation of the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative in targeted areas with disproportionately high detention rates. The results were significant.

Efforts to reduce the use of detention continue as efforts to improve detention data reporting are being made. Prior to FY2012, annual reports of DJJ reported admissions included each time a juvenile entered a juvenile detention center, transferred between facilities, or changed dispositional status. Reporting is changing to reflect “detainments” which count the first admission of a continuous detention stay. Transfers and status changes are not counted. Because of this change, data cannot be compared to that reported in prior plans.

Detainments have decreased 5.6% in the past three years, from 10,630 in FY2012 to 10,038 in FY2014.

Slight shifts in the age distribution of detainments are evident during the past three years, with younger juveniles (14 and under) accounting for a higher representation in FY2014 than in previous years. This correlates to the arrest data previously presented.

Juvenile Detention Center Detainment Demographics¹⁹			
	FY2012	FY2013	FY2014
Race			
<i>Black</i>	52.0%	53.3%	53.5%
<i>White</i>	41.7%	40.7%	40.0%
<i>Asian</i>	0.8%	0.6%	0.5%
<i>Other/Unknown</i>	5.4%	5.4%	6.0%
Ethnicity – Hispanic	8.8%	8.8%	9.6%

¹⁷ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, p18-19.

¹⁸ 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 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.

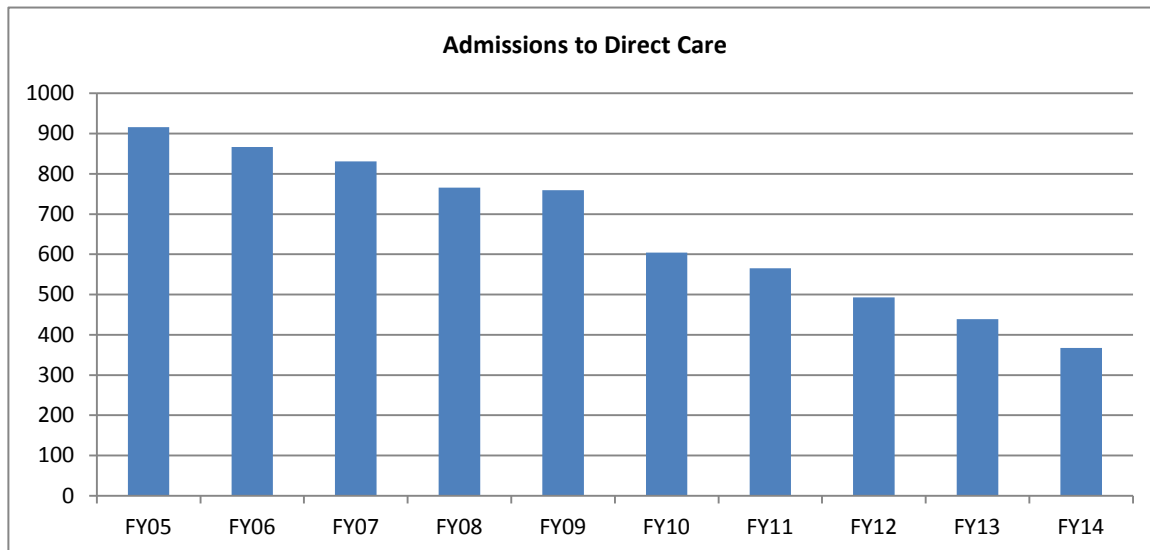
¹⁹ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, p28.

	FY2012	FY2013	FY2014
Gender			
Male	76.6%	75.6%	76.9%
Female	23.4%	24.4%	23.1%
Age			
8–12	1.7%	1.6%	2.0%
13	4.4%	5.0%	5.8%
14	10.9%	11.0%	12.4%
15	18.6%	20.0%	20.0%
16	28.1%	27.0%	27.0%
17	35.8%	35.2%	32.4%
18–20	0.3%	0.3%	0.2%
Missing	0.1%	0.0%	0.0%

As the data were reviewed, it was determined that the most serious offense could not be accurately reported based on how data is tracked. Efforts are underway to identify how data accuracy could be improved and what would be needed to make changes to automated reporting systems.

State Direct Care²⁰

The number of juveniles admitted to state direct care has declined considerably in the past decade and a half. In FY1998, over 1,600 juveniles were admitted to state care. By FY2014, this number decreased by over 77% to 367. Since just FY2005, the number of admissions has decreased almost 60%, from 916 to 367.²¹



²⁰ 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.

²¹ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, p36.

Over 90% of all admissions are male. The racial distribution of admissions is clearly disproportionate, with at least 65% of annual admissions classified as black.²²

State Direct Care Admission Demographics			
	FY2012	FY2013	FY2014
Race			
<i>Black</i>	69.6%	65.1%	70.6%
<i>White</i>	26.4%	29.2%	24.8%
<i>Asian</i>	0.4%	0.5%	0.3%
<i>Other</i>	3.7%	5.2%	4.4%
Ethnicity – Hispanic	5.5%	5.2%	8.7%
Gender			
<i>Male</i>	91.7%	90.2%	91.8%
<i>Female</i>	8.3%	9.8%	8.2%
Age			
<i><14</i>	1.8%	0.9%	1.4%
<i>14</i>	7.1%	6.4%	6.0%
<i>15</i>	17.0%	13.0%	13.4%
<i>16</i>	28.4%	23.0%	26.7%
<i>17</i>	36.5%	43.5%	38.1%
<i>18</i>	8.5%	11.4%	13.1%
<i>19–20</i>	0.6%	1.8%	1.4%

In the last three-year plan, it was noted that younger offenders made up a lower percentage of admissions. In FY2008, 8.4% of admissions were age 14 or younger, a decrease from the 10% reported for FY2006. This continued through FY2011 with under 6% of admissions age 14 or younger. As seen on the table above, the representation rose to 8.9% in FY2012 and then decreased each of the following years, with 7.4% in FY2014. Though the differences are slight, the age of the juveniles deems it worthy of careful consideration.

Other Information, Conditions, and Data

Funding

Reductions in federal funding for juvenile justice and delinquency prevention efforts have had an impact on DCJS' ability to provide support for state and local initiatives in recent years. As recently as FFY2002, Virginia received over \$6.5 million in funds for juvenile justice and delinquency prevention through the JJDP Act and JABG Program. These funds have dropped more than 70% in the past ten years to just over \$870,000 for FFY2014.

²² Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, p37.

Total Juvenile Justice Funds to Virginia *		
Federal Fiscal Year (FFY)	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%
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	\$870,181	-11%
Percentage Change Federal Fiscal Years 1998 to 2014:		-88.5%
Percentage Change Federal Fiscal Years 2004 to 2014:		-70.2%
<i>* JJDP Act Title II and Title V plus JABG funds</i>		

These funds have been essential to maintaining compliance with the JJDP Act core requirements, as well as funding various juvenile justice and delinquency prevention projects which have led to increased prevention efforts and vital system reforms. The drastic reductions have limited DCJS' ability to award funds for new projects, including those which may help reduce disproportionate minority contact (DMC) in localities. Should reductions continue, maintaining compliance with the Act's core and other requirements could be jeopardized.

Profiles of Committed Juveniles

In 2010, DJJ published *Profiles of Committed Juveniles Fiscal Years 2004–2008*. This report provides data on juveniles committed to state direct care collected by multi-disciplinary teams during the evaluation period prior to a juvenile’s placement in a specific facility. Multi-disciplinary teams include counselors, psychologists, juvenile correctional officers, medical personnel, and educational evaluators. Select findings for the four-year period (unless otherwise noted) included in the report follow:

Living Situations Prior to Admission
<ul style="list-style-type: none"> • 10–12% of juveniles reported living with both biological parents as their current living situation. • 7–10% of juveniles reported living in an out-of-home setting as their current living situation.
History of Abuse/Assault
<ul style="list-style-type: none"> • 9–12% of juveniles reported experiencing sexual abuse/assault. • Of those reporting sexual abuse/assault, the most commonly reported alleged perpetrator was another family member or trusted adult (28–42%). • Of those reporting physical abuse, the most commonly reported alleged perpetrators were fathers (28–42%) or another family member or trusted adult (31–43%). • A higher percentage of females (28–35%) reported experiencing sexual abuse/ assault than males (7–9%). • A higher percentage of females (20–31%) reported experiencing physical abuse than males (13–17%). • A higher percentage of females (66–78%) reported experiencing parental abandonment/rejection than males (52–66%).
Substance Abuse
<ul style="list-style-type: none"> • 49–56% of juveniles were categorized as either “abusive” or “dependent,” meaning that they had a high probability of having a substance abuse or dependence disorder (for FY2006–FY2008).
Delinquent and Criminal Activity
<ul style="list-style-type: none"> • The average age at first community intervention was 12, and the average age at first delinquent adjudication was 14. • 34–40% of juveniles reported sibling criminal activity, 56–66% of juveniles reported parental criminal activity, and 44–55% of juveniles reported ever having a parental figure incarcerated. • 20–28% of juveniles reported experiencing a family history of domestic violence.
High Risk Sexual Behavior
<ul style="list-style-type: none"> • 88–92% of juveniles reported that they previously had sexual intercourse. • Of those reporting previous sexual intercourse, the most commonly reported age at first sexual intercourse was 14 for FY2004–2005 (24–29%) and 13 for FY2006–2008 (20–26%). • 6–11% of juveniles had an STI. • 15–19% reported more than 10 partners. • 9–11% of juveniles reported that they have children of their own.

Education/Intellectual Functioning
<ul style="list-style-type: none"> • 37–41% of juveniles were recommended for special education services. • More than three-fourths of juveniles reported a history of moderate or severe problems in [school] attendance (79–84%), behavior (82–87%), peer interactions (76–83%), or staff relationships (75–80%). • The average FSIQ score among juveniles was between 84 and 86; in comparison, the average FSIQ score in the general population is 100. • 58–65% of juveniles had an FSIQ score of 89 or below (low average or below); in comparison, 25% of the general population has an FSIQ score of 89 or below. • 87–94% of juveniles had a moderate or high educational need for independent living skills. • 64–75% of juveniles were identified with a moderate or high need for transition services.
Psychological Information
<ul style="list-style-type: none"> • 23–30% of juveniles were prescribed at least one psychotropic medication at the time of admission. • 49–55% of juveniles had previously been prescribed at least one psychotropic medication. • An average of 23% of juveniles had documented suicidal ideation. • 25–28% of juveniles had a history of at least one documented self-injurious behavior. • Conduct disorder (70.2%) was the most common disorder for which juveniles appeared to have significant symptoms at the time of admission. • 42.5% of all juveniles had an onset of conduct problems before age 12. • 86.1% of juveniles appeared to have significant symptoms of at least one Attention Deficit and Disruptive Behavior Disorder at time of admission. • 29.8% of juveniles appeared to have significant symptoms of at least one mood disorder at the time of admission, including Bipolar Disorder (2.5%) and Depressive Disorder (28.4%).

More recent data on those admitted to the direct care of DJJ during FY2014 reveal:²³

- 76.8% — mental health treatment need
- 91.6% — aggression management treatment need
- 85.3% — substance abuse treatment need
- 13.9% — sex offender treatment need
- 61.9% — prescribed psychotropic medications at some time in life

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 activity from 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.

²³ Data source: *Data Resource Guide FY2014*, Virginia Department of Juvenile Justice, pp39.

Almost 41% of juveniles released from the direct care of DJJ in FY2010 were reconvicted for a new offense occurring within 12 months of release. This increases to almost 74% for an offense occurring within 36 months. Figures for those on probation supervision are more encouraging. Almost 25% of juveniles placed on probation in FY2010 were reconvicted of a new offense occurring within 12 months. This increases to almost 52% for offenses occurring within 36 months.²⁴

Forecast

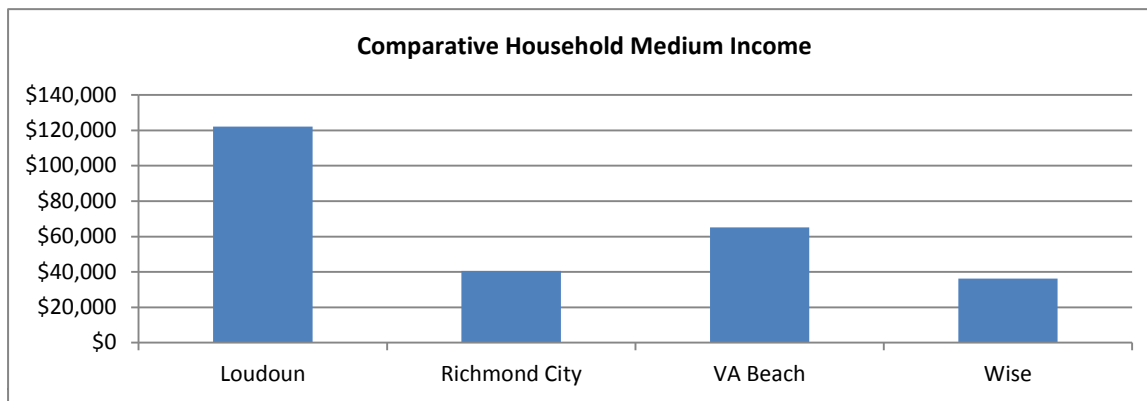
Each year, the Secretary of Public Safety and Homeland Security oversees an offender forecasting process. The resulting forecasts are essential to facility planning and budgeting. Forecasting methodologies are also used to determine the potential impact of certain policy decisions. Virginia utilizes 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.

The juvenile state-responsible offender population refers to juveniles committed to DJJ direct care. The forecast for this group includes projected admissions and the average daily population (ADP) projected for June of a given year. The most recent forecast includes a continued decline in admissions through FY2015 and a flattening of admissions through F2020 of 303 per year. The average daily population, which was 599 for FY2014, is expected to decline through FY2018 to 402 and remain fairly flat through FY2020.

The juvenile local-responsible offender population refers to juveniles held in locally-operated detention facilities throughout the state. The forecast for this group is the ADP projected for a given fiscal year. The ADP was 735 for FY2014. The most recent forecast projects a slight continued decline in the ADP through 2020, in which it is projected to be 713.²⁵

Socioeconomic Indicators

The U.S. Census Bureau reports the median household income in Virginia at \$63,907 (for the 2009–2013 period). This is \$10,861 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.²⁶



Data source: U.S. Census Bureau

²⁴ Data source: *Data Resource Guide FY2014, Virginia Department of Juvenile Justice*.

²⁵ Data source for forecast figures: *Data Resource Guide FY2014, Virginia Department of Juvenile Justice*, pp44-47.

²⁶ U.S. Census data source: <http://quickfacts.census.gov/qfd/states/51000.html>.

State Profile of Child Well-Being

The Annie E. Casey Foundation maintains a website devoted to providing data regarding the status of children nationally and on a state-by-state basis. Profiles are developed by the Foundation of child well-being using the best available data to measure the educational, social, economic, and physical well-being of children. Key indicators are used to capture most of the yearly variation in child well-being reflected in other indices that utilize a much larger number of indicators. These indicators reflect a wide range of factors and reflect experiences across a range of developmental stages.

The Foundation uses data from key indicators to develop a composite index of child well-being for each state. In 2014, Virginia ranked ninth among all states for the composite index. This is an improvement over prior years. In most areas, Virginia rates better or on par with the national average for many individual indicators.²⁷

Economic Well-Being	
<i>Children in poverty</i>	
2005	2012
13%	15%
Virginia's percentage is below the 2012 national average of 23%	
<i>Children whose parents lack secure employment</i>	
2008	2012
23%	25%
Virginia's percentage is below the 2012 national average of 31%	
<i>Children living in households with a high housing cost burden</i>	
2005	2012
33%	35%
Virginia's percentage is below the 2012 national average of 37%	
<i>Teens not in school and not working</i>	
2008	2012
7%	7%
Virginia's percentage is below the 2012 national average of 8%	
<i>Children without a vehicle at home</i>	
2009	2013
4%	4%
Virginia's percentage is better the 2013 national average of 6%	

²⁷ Data source: the Annie E. Casey Foundation, KIDS COUNT Data Center, <http://datacenter.kidscount.org>. Data is for varying years due to reporting practices. The most recent data published by the Foundation is included.

Education	
<i>Children not attending preschool</i>	
2005–2007	2010–2012
55%	52%
Virginia's percentage is better than the national average of 54%	
<i>Fourth graders not proficient in reading</i>	
2005	2013
63%	57%
Virginia's percentage is better than the 2013 national average of 66%	
<i>Eighth graders not proficient in math</i>	
2005	2013
67%	62%
Virginia's percentage is better than the 2013 national average of 66%	
<i>High school students not graduating on time</i>	
2005/06	2011/12
26%	16%
Virginia's percentage is better than the 2011/12 national average of 19%	
<i>Children who missed 11 or more days of school due to injury or illness</i>	
2003	2011/12
4.9%	4.4%
Virginia's percentage is lower than the 2011/12 national average of 6.2%	
Health	
<i>Low-birth weight babies</i>	
2005	2012
8.2%	8.1%
Virginia's percentage is on par with the national average of 8.0%	
<i>Children without health insurance</i>	
2008	2012
8%	6%
Virginia's percentage is slightly better than the national average of 7%	
<i>Child and teen deaths per 100,000</i>	
2005	2010
30	22
Virginia's rate is better that the national rate of 26	

<i>Teens who abuse alcohol or drugs</i>	
2005–06	2011–12
8%	6%
Virginia's percentage is on par with the national average of 6%	
Family and Community	
<i>Children in single-parent families</i>	
2005	2012
29%	31%
Virginia's percentage is lower than the national average of 35%	
<i>Children in families where the household head lacks a high school diploma</i>	
2005	2012
13%	9%
Virginia's percentage is better than the national average of 15%	
<i>Children living in high-poverty areas</i>	
2000	2008–12
3%	5%
Virginia's percentage is on better than the national average of 13%	
<i>Teen births per 1,000</i>	
2005	2012
34	23
Virginia's rate is better than the national rate of 29	
Safety and Risky Behaviors	
<i>Children confirmed by child investigative services as victims of child maltreatment (rate per 1,000)</i>	
2008	2012
3	3
Virginia's rate is better than the 2012 national average of 9	
<i>Children 0–17 in foster care (rate per 1,000)</i>	
2009	2013
3	2
Virginia's rate is better than the 2013 national average of 5	

Perceptions from the Field

As part of the three-year planning process, DCJS surveys various stakeholder individuals and organizations, including those representing or serving system involved youth and families, for their perspectives on juvenile crime and delinquency issues. Results are presented to the ACJJP which serves as the state advisory group, and used to formulate the priorities and activities in the three-year plan.

Stakeholder groups were notified of the survey and asked to respond and send it to others for response. The survey allowed for open participation and was available through the DCJS website. One-hundred and eighty-four responses were received.

The survey asked stakeholders to identify a number of significant issues regarding juvenile justice for funding prioritization. The results for the top issues follow:

1. Community-based prevention programs/projects for families (n=116)
2. Community-based intervention programs/projects for families (n=114)
3. Programs/projects designed to keep kids in school and out of court (n=110)
4. School-based alternatives to zero-tolerance policies (n=74)
5. Programs/projects designed to enhance reentry efforts for youth leaving custody (n=66)
6. Training for juvenile justice workers (n=55)
7. Evaluating effectiveness and fidelity of juvenile justice practices (n=45)
8. Programs/projects designed to reduce disproportionate minority contact (n=41)
9. Programs/projects to reduce use of detention for status offenders (including those held for violating a court order) (n=37)
10. Programs/projects designed to reduce use of detention in general (n=29)
11. Programs/projects for youth held in detention (n=28)
12. Police-based diversion (n=23)
13. Programming specific to girls (n=22)
14. Projects designed to improve indigent defense services for youth (n=11)
15. Other (n=40)

The ACJJP reviewed the survey results and considered them when establishing priorities for the 2015–2017 planning period.

State Priorities for Funding

Every three years, priority areas for focus and funding are identified based on data trends, results of a constituent survey, and the experience and perspectives of expert staff and ACJJP members. The order of the priorities is established each year of the three-year planning period. The priority order for the first year of the 2015–2017 plan period is as follows:

1. Compliance monitoring
2. Reducing behavioral health issues of 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
5. Increasing family engagement and community involvement for youth

Due to timing of federal planning cycles and funds, these priorities are expected to guide activities for the following three state fiscal years (2016, 2017, and 2018 covering July 1, 2015–June 30, 2018). However, priorities may change or the order may shift during the three-year planning period. Changes are reported in annual plan updates. It should also be noted that should funds be extended into additional state fiscal years, the plan for the funding year will continue to guide how funds are used. Therefore, a plan for FFY2015 funding could extend well into FY2018.

1: Compliance Monitoring

The JJDP Act requires states to provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and non-secure facilities to ensure that the first three core requirements of the Act are met. These core requirements are:

1. Deinstitutionalization of status offenders
2. Separation of juveniles from adult offenders
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 continuously possible. A strong compliance monitoring process is credited for Virginia’s compliance with the core requirements and is necessary to maintain this.

To ensure quality and consistency, DCJS has designated compliance monitors with the sole responsibility of ensuring compliance with the JJDP Act’s first three core requirements. The compliance monitors 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 local facility. DCJS also maintains a web site including information regarding the JJDP Act and compliance with the 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.

More detail on Virginia's compliance monitoring process is included in Appendix II: Core Requirements Plan.

Because the first three of the four core requirements are essential to the safety and well-being of juveniles involved in the criminal justice system, the ACJJP has deemed compliance monitoring as its top priority. Compliance monitoring is critical to maintaining compliance and the JJDP Act requires states to provide for a monitoring system.

2: Reducing behavioral health issues of at-risk and system-involved youth

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 abuse 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.

As the data presented earlier indicate, the youth committed to the direct care of DJJ have significant histories of physical and sexual abuse or assault, substance use, and mental health issues. Additionally, in Virginia, disparities exist throughout the state as to the availability of services for youth in communities.

A number of efforts are currently underway by a number of 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.

3: Reducing disproportionality in the juvenile justice system

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 need to address DMC is made even clearer by relative rate indices, which provide the rate at which the disproportionate contact occurs and are discussed in detail in the attached More detail on Virginia's compliance monitoring process is included in Appendix II: Core Requirements Plan.

The continued inclusion of this priority in Virginia’s three-year plan is necessary to continue the work in progress and implement recommendations of formal DMC assessments. DMC is another core requirement of the JJDP Act and therefore should be included to ensure continued emphasis on maintaining compliance with this provision of the Act.

4: Serving at-risk and system-involved youth in their home 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 and 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 juvenile and adult offenders has been a focus of Virginia for a number of years. A new 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 expert 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 and school-based issues, as well as DMC 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 those faced in rural areas or gender-specific issues within a particular area 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 prior stakeholder survey, work being conducted as part of the DJJ

transformation project and experience of expert 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.

Specific activities to be accomplished during the three-year planning period are identified for each goal and objective established. 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.

Goals, objectives, and implementation activities for the 2015–2017 planning period are listed on the following pages.

Priority 1: Compliance Monitoring
<p>OJJDP Program Area Codes and Titles:</p> <ul style="list-style-type: none"> - Compliance Monitoring (19)
<p>Goal 1.1:</p> <p>To maintain compliance with the following core requirements of the JJDPA 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.</p>
<p>Objectives:</p> <p>1.1.1 Monitor facilities for compliance with the JJDPA Act and provide training and technical assistance to facility staff and others as necessary on achieving and maintaining compliance.</p> <p>Activities:</p> <ul style="list-style-type: none"> 1.1.1(1): Identify and classify all facilities for monitoring purposes and develop annual inspection and review agendas. 1.1.1(2): Perform on-site facility inspections and review data reports as needed. 1.1.1(3): Identify, verify, and report violations. 1.1.1(4): Work with facilities to develop corrective action plans if needed. 1.1.1(5): Provide information and materials to facilities regarding compliance and the JJDPA Act. 1.1.1(6): Identify trends in violations and work with Virginia’s juvenile justice specialist as needed to address potential problems. 1.1.1(7): Prepare and submit the OJJDP compliance monitoring report to the juvenile justice specialist and OJJDP.
Priority 2: Reducing behavioral health issues for at-risk and system-involved youth
<p>OJJDP Program Area Codes and Titles:</p> <ul style="list-style-type: none"> - Mental health services (12) - Substance abuse (18)
<p>Goal 2.1:</p> <p>To reduce behavioral health issues of at-risk youth and those involved in the justice system.</p>
<p>Objectives:</p> <p>2.1.1 Provide funding for behavioral health programs for at-risk youth and those involved in the juvenile justice system addressing one or more of the following specific issues: mental health; substance abuse; co-occurring disorders; trauma; exposure to violence.</p> <p>Activities:</p> <ul style="list-style-type: none"> 2.1.1(1): Solicit applications for behavioral health programs that are evidence-based or utilize best practices in dealing with mental health, substance abuse, co-occurring disorders, trauma, and/or exposure to violence for at-risk youth and those involved in the juvenile justice

system.

- 2.1.1(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

Priority 3: Reducing disproportionality in the juvenile justice system

OJJDP Program Area Codes and Titles:

- Disproportionate minority contact (21)
- School programs (17)

Goal 3.1:

To reduce disproportionality in Virginia's juvenile justice system

Objectives:

- 3.1.1 Continue the statewide DMC juvenile justice assessment process and implement recommendations.

Activities:

- 3.1.1(1): Complete the 2014/2015 assessment.
- 3.1.1(2): Provide assessment results to local and state partners.
- 3.1.1(3): Review recommendations and identify possible implementation strategies.
- 3.1.1(4) Identify localities for a new assessment to begin in FY2018, funding permitting.

- 3.1.2 Provide funding to implement recommendations from the DMC assessment(s) as identified in Objective 3.1.1.

Activities:

- 3.1.2(1): Solicit applications for projects which implement specified DMC reduction recommendations.
- 3.1.2(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

- 3.1.3 Provide funding to implement alternatives to the use of school disciplinary and zero-tolerance policies promoting arrest and/or school suspension or expulsion. (Prioritize schools in improvement.)

Activities:

- 3.1.3(1): Solicit applications for projects to implement alternatives to the use of school disciplinary/zero tolerance policies that promote school suspension or expulsion.
- 3.1.3(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

- 3.1.4 Provide training and information on DMC.

Activities:

- 3.1.4(1): Identify potential venues for additional DMC conferences.

3.1.4(2):	Hold DMC specific conference(s).
3.1.4(3):	Identify other conferences in which DMC sessions can be included.
3.1.5	Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.
Activities:	
3.1.5(1):	Review sub-grants for compliance and progress.
3.1.5(2):	Solicit continuation applications for projects.
3.1.5(3):	Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

Priority 4: Serving at-risk and system-involved youth in their home communities

OJJDP Program Area Codes and Titles:	
-	Aftercare/reentry (1)
-	Alternatives to detention (3)
-	Delinquency prevention (6)
-	School programs (17)
-	Deinstitutionalization of status offenders (20)
-	Diversion (22)

Goal 4.1:
To serve at-risk and system-involved youth in their home communities.

Objectives:	
4.1.1	Provide funding for community-based programs that divert youth from the juvenile justice system.
Activities:	
4.1.1(1):	Solicit applications for community-based diversion projects.
4.1.1(2):	Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.
4.1.2	Provide funding to pilot intermediate sanctioning options for juvenile probationers and parolees supervised by Court Service Units.
Activities:	
4.1.2(1):	Solicit applications for projects that pilot intermediate sanctioning options for juvenile probationers and parolees under the supervision of Court Service Units.
4.1.2(2):	Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.
4.1.3	Provide funding for local, community-based agencies to provide reentry support services for youth returning from state direct care or detention facility.

<p>Activities:</p> <p>4.1.3(1): Solicit applications for community-based prevention projects to provide reentry support services for youth returning from state direct care or a detention facility.</p> <p>4.1.3(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p> <p>4.1.4 Provide continuation funding for eligible sub-grantee projects previously approved for that have demonstrated compliance and progress with their grant objectives.</p> <p>Activities:</p> <p>4.1.4(1): Review sub-grants for compliance and progress.</p> <p>4.1.4(2): Solicit continuation applications for projects.</p> <p>4.1.4(3): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p>	
<p>Goal 4.2: To promote evidence-based prevention programs and strategies for youth and families.</p>	
<p>Objectives:</p> <p>4.2.1 Provide funding for local, community-based prevention programs that emphasize one or more of the following: truancy prevention; school engagement; conflict resolution; bullying prevention; gang prevention.</p> <p>Activities:</p> <p>3.1.1(1): Solicit applications for behavioral health programs that are evidence-based or utilize best practices in dealing with mental health, substance abuse, co-occurring disorders, trauma, and/or exposure to violence for at-risk youth and those involved in the juvenile justice system.</p> <p>3.1.1(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p> <p>4.2.2 Support activities that promote evidence-based prevention programs and strategies for youth and families.</p> <p>Activities:</p> <p>4.2.2(1): Emphasize evidence-based prevention programs and strategies in grant solicitations.</p> <p>4.2.2(2): Promote such programs and strategies on DCJS website.</p> <p>4.2.2(3): Work with other state agencies on initiatives to promote evidence-based prevention programs and strategies.</p> <p>4.2.3 Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.</p> <p>Activities:</p>	

<p>4.2.3(1): Review sub-grants for compliance and progress.</p> <p>4.2.3(2): Solicit continuation applications for projects.</p> <p>4.2.3(3): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p>
<p>Goal 4.3: To reduce use of detention for status offenders violating valid court orders (“VCO exception”).</p>
<p>Objectives:</p> <p>4.3.1 Provide funding to implement alternatives to the use of school disciplinary and zero-tolerance policies that result in school suspension or expulsion. (Prioritize schools in improvement.)</p> <p>Activities:</p> <p>4.3.1(1): Solicit applications for alternatives to the use of school disciplinary and zero-tolerance policies promoting in school suspension or expulsion.</p> <p>4.3.1(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board. Schools in improvement will be prioritized.</p> <p>4.3.2 Provide funding for community-based programs that divert youth from the juvenile justice system.</p> <p>Activities:</p> <p>4.3.2(1): Solicit applications for community-based programs that divert youth from the juvenile justice system.</p> <p>4.3.2(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p> <p>4.3.3 Provide funding for local, community-based intervention programs that emphasize one or more of the following: truancy prevention; school engagement; conflict resolution.</p> <p>Activities:</p> <p>4.3.3(1): Solicit applications for community-based programs that emphasize one or more of the following: truancy prevention; school engagement; conflict resolution.</p> <p>4.3.3(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p> <p>4.3.4 Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.</p> <p>Activities:</p> <p>4.3.4(1): Review sub-grants for compliance and progress.</p> <p>4.3.4(2): Solicit continuation applications for projects.</p> <p>4.3.4(3): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.</p>

Priority 5: Increasing family engagement and community involvement for youth

OJJDP Program Area Codes and Titles:

- Aftercare/reentry (1)
- Community-based programs and services (5)

Goal 5.1:

To increase and strengthen family engagement and community involvement for youth while in detention, a correctional center, on probation/parole, or in a diversion program.

Objectives:

5.1.1 Provide funding for projects that increase and strengthen family engagement for youth who are in custody, on probation/parole, or in a diversion program.

Activities:

- 5.1.1(1): Solicit applications for projects that increase and strengthen family engagement for youth who are in custody, on probation/parole, or in a diversion program.
- 5.1.1(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

5.1.2 Provide funding for projects that increase and strengthen community involvement for youth who are in detention, a correctional center, on probation/parole, or in a diversion program.

Activities:

- 5.1.2(1): Solicit applications for projects that increase and strengthen community involvement for youth who are in custody, on probation/parole, or in a diversion program.
- 5.1.2(2): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

5.1.3 Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.

Activities:

- 5.1.3(1): Review sub-grants for compliance and progress.
- 5.1.3(2): Solicit continuation applications for projects.
- 5.1.3(3): Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

State Advisory Group (Advisory Committee on Juvenile Justice and Prevention)²⁸

OJJDP Program Area Codes and Titles:

- State advisory group (32)

Goal 6.1:

To support and promote youth development, the prevention of juvenile delinquency, and the needs of juveniles involved in the criminal justice system.

Objectives:

6.1.1 Provide information for Advisory Committee members at each meeting on juvenile justice and delinquency prevention topics.

Activities:

6.1.1(1): Identify topics to include on meeting agendas throughout the planning period.

6.1.1(2): Schedule at least one of the identified topics at each meeting for presentation and/or discussion.

6.1.1(3): Identify and schedule presentations as needed.

6.1.2 Sponsor trainings and conferences.

Activities:

6.1.2(1): With DCJS staff, identify topics to support/include on agendas.

6.1.2(2): Provide assistance to DCJS staff as needed in planning process.

6.1.2(3): Promote events within Advisory Committee member distribution groups.

6.1.3 Monitor the following issues and related activity in Virginia: juvenile waiver and transfer to adult court; underage drinking; youth gang prevention and intervention activities.

Activities:

6.1.3(1): Include the specified issues on meeting agendas as information becomes available.

6.1.4 Identify ways to encourage a stronger “voice” from youth.

Activities:

6.1.4(1): Establish youth committee.

6.1.5 Ensure the development of new projects across the Commonwealth that address priority areas.

Activities:

6.1.5(1): Annually review the priority areas and determine what, if any, changes are needed for funding purposes.

²⁸ Effective July 1, 2015, the name of the Advisory Committee on Juvenile Justice will change to the Advisory Committee on Juvenile Justice and Prevention.

6.1.5(2):	Maintain a grants subcommittee to review proposals, ensure they are in line with plan priorities, and present sub-grantee funding recommendations to the Criminal Justice Services Board.
6.1.6	Ensure that juveniles in the juvenile justice system are safe and treated in accordance with the JJDP Act.
Activities:	
6.1.6(1):	Monitor reauthorization of the JJDP Act for its potential impact on Virginia.
6.1.6(2):	Make recommendations to the Governor as needed regarding the impact of changes to the JJDP Act in Virginia.
6.1.6(3):	Receive reports on Virginia’s compliance with the JJDP Act core requirements.
6.1.6(4):	Maintain a DMC subcommittee to review and make suggestions to Virginia’s DMC plan and DMC efforts.

Administration

OJJDP Program Area Codes and Titles:
 - Planning and administration (23)

Goal 7.1:
 To administer and coordinate activities as they relate to the JJDP Act.

Objectives:	
7.1.1	Ensure that Virginia complies with all JJDP Act and federal administrative mandates and requirements.
Activities:	
7.1.1(1):	Complete and submit required monitoring and performance reports to OJJDP.
7.1.1(2):	Complete and submit the three-year plan, updates, and state advisory group annual reports to OJJDP.
7.1.1(3):	Provide OJJDP with required grant and sub-grant documentation.
7.1.1(4):	Provide information regarding the JJDP Act mandates to the Department of Juvenile Justice, state and local law enforcement agencies, and other relevant agencies, organizations, and citizen groups.
7.1.1(5):	Maintain compliance monitoring capacity for facilities.
7.1.2	Identify and promote effective programs and services, ensuring that all grant-funded projects have strong accountability measures and are evidence-based.
Activities:	
7.1.2(1):	Develop and disseminate requests for proposals/grant application solicitations for JJDP Act funds in accordance with the three-year plan priorities and as funding allows.
7.1.2(2):	Include requirements for data reporting, program evaluation, and the use of evidence- or empirically-based programming and tools in requests for proposals/grant application

	solicitations.
7.1.2(3):	Provide technical assistance to applicants and sub-grantees on program development and management.
7.1.2(4):	Monitor funded programs for adherence to project implementation and delivery plans.
7.1.2(5):	Promote effective programming that includes model programs and promising strategies through request for proposals/grant application solicitations and DCJS website.
7.1.3	Maintain a financial management process for managing JJDP Act funds responsibly.
	Activities:
7.1.3(1):	Maintain a financial accounting system for federal funds dispersed to state agencies and localities.
7.1.3(2):	Develop and disseminate fiscal guidelines detailing the appropriate use of JJDP Act funds.
7.1.3(3):	Provide technical assistance to sub-grantees on the financial management of grant funds.
7.1.3(4):	Monitor compliance with grant award conditions.
7.1.4	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.
	Activities:
7.1.4(1):	Participate in study committee and policy analysis activities.
7.1.4(2):	Respond to information requests.
7.1.4(3):	Review proposed state legislation for potential conflict with the JJDP Act and provide written reviews to the Secretary's office.
7.1.4(4):	Review changes to federal law, specifically the JJDP Act, for potential implications in Virginia and provide necessary information to the Secretary.
7.1.4(5):	Serve on advisory committees, state management teams, etc. assembled by other state agencies.
7.1.5	Provide information, technical assistance, and support to child-serving professionals on issues related to juvenile justice and delinquency prevention.
	Activities:
7.1.5(1):	Sponsor conferences/trainings as funding allows.
7.1.5(2):	Maintain information regarding the JJDP Act, compliance with the JJDP Act requirements, and evidence-based practices on the DCJS website.
7.1.5(3):	Post the annual report of the Advisory Committee, the three-year plan and annual updates on the DCJS website.
7.1.5(4):	Provide technical assistance as requested.
7.1.6	Sustain a state advisory group (Advisory Committee on Juvenile Justice and Prevention).

Activities:

7.1.6(1): Work with the Secretary's office(s) to assure that appointments to the Advisory Committee fulfill the position mandates of the JJDP Act.

7.1.6(2): Convene a minimum of one meeting annually, working with the Chair to develop each agenda.

7.1.6(3): Convene grants subcommittee meetings as necessary to review grant proposals and make recommendations.

7.1.6(4): Convene a planning meeting in preparation of submitting the three-year plan for the 2018–2020 planning period.

7.1.6(5): Respond to requests from members.

7.1.6(6): Maintain official records of meetings.

7.1.7 Identify and implement processes which ease the burden of the traditional grants process where allowable.

Activities:

7.1.7(1): Review each potential request for proposals/grant application solicitation for ways to ease application burdens.

Status of Reform Efforts and Specific Issues

Youth in Confinement

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 the past ten years, DJJ has implemented a Detention Assessment Instrument to help ensure research-based, objective decision making at intake, as well as the YASI™ (Youth Assessment and Screening Instrument). Under new leadership, the Department is furthering its reform efforts and undergoing a system transformation. Helping guide the transformation is the Annie E. Casey Foundation, which is reviewing DJJ processes, staffing, and organization. Complementing this is work under a Second Chance reentry planning grant. At this time, the recommendations are still in development and not available. However, the following areas are examples of what is under review and for what recommendations are expected for:

- Mental health services regulations/utilization
- Education reenrollment regulations/utilization
- Facility utilization
- Juvenile housing and transition
- Coordinated care
- EBP/developmentally appropriate services
- Staff readiness for change
- Staffing utilization, job descriptions, and training

Some of the transformation work has already begun. As an example, in 2014, DCJS sponsored several Trauma & Youth sessions throughout the Commonwealth. Recognizing that correctional officers spend more time with youth than counselors or teachers, DJJ sent over 200 staff working in correctional centers to these trainings. This represented the first time that correctional officers were sent to an outside training focusing on youth development and youth-specific issues.

As part of the transformation, the length-of-stay guidelines for youth in state care are under revision, options to place youth in state care closer to home are being implemented, and reentry planning and services are being enhanced.

Several of the goals, objectives, and activities described for the Title II funding, such as those tied to reentry, compliment 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.

Positive School Discipline

DOE is engaging in reform efforts, though somewhat differently than DJJ. Unlike DJJ, DOE does not have direct operational control. 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 Department 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, and DMC. Several initiatives are underway to promote 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. Funding, training, and other supports are in place for Positive Behavior Interventions and Supports, Tiered Systems of Support, and Project AWARE. In addition to these initiatives, DOE provides training on school climate and restorative practices; training on working with special education populations and DMC issues; and, with the Children’s Cabinet, is leading a workgroup focusing on the most challenging schools.

Several of the goals, objectives, and activities described for the Title II funding, such as DMC, compliment 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.

DSS

For several years, DSS has been working on a transformation plan specific to youth in foster care. Though Virginia has a low number of youth placed in foster care compared to the national average (2.5 per 1,000 compared to 5.4 per 1,000), the percentage of youth aging out is the highest in the nation at 25%. Virginia also has one of the highest average wait times between the termination of rights from the original guardians and finalization of adoption. The “average wait time of 16.4 months means that children who have lost their parents spend more time in foster care, on average, than their peers in nearly every other state.”²⁹

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

In related projects, DCJS is leading an evaluation of cross-system youth issues and both DSS and DJJ are working to improve information and processes for youth involved in both systems.

PREA

A portion of Title II funds has been set aside through OJJDP as a separate grant to Virginia. The funds are sub-granted to DJJ to support Prison Rape Elimination Act (PREA) compliance efforts.

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 often apply for gender-specific prevention or intervention services and funds have been approved based on the strength of the application in sub-grant solicitations.

Rural Areas

Rural areas are considered when reviewing applications in sub-grant solicitations. Efforts are made to ensure that funding awards are distributed geographically when applications exceed funding limitations. Virginia has specific rural areas in its geographic distribution. When DCJS conducted Trauma & Youth sessions in 2014, sessions were held throughout the Commonwealth to ensure easy access for those in rural areas as well as more populous areas.

²⁹ Virginia Performs, www.vaperforms.virginia.gov/indicators/healthFamily/fosterCare.php.

Mental Health Services

As noted in the goals, objectives, and activities presented for *Virginia's Three-Year JJDPa Plan: 2015–2017*, behavioral health services, with specific mention of mental health services, is a priority for funding.

The provision of mental health services for youth in direct care is required of DJJ and met by a behavioral health unit that conducts initial screenings and assessments of youth entering direct care. As part of the enhanced reentry planning, DJJ is focusing on the coordinated continuation of mental health services for youth transitioning to the community. As part of this work, a team has been established to review existing state regulations governing mental health services transition plans for incarcerated juveniles, as well as how those regulations are practically applied and followed.

SAG Membership

Pursuant to Section 223(a)(3)(A) of the JJDP Act, the state advisory group shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state. The JJDP Act identifies specific membership qualifications including: at least one member shall be a locally elected official representing general purpose government; at least one-fifth of the members shall be younger than 24 years at the time of appointment; at least three members shall have been or currently be under the jurisdiction of the juvenile justice system; and a majority of the members, including the chairperson, shall not be full-time employees of federal, state, or local government.

The ACJJP serves as the state advisory group and is established in accordance with the *Code of Virginia* (§9.1-111). The majority of members are appointed by the Governor. Ex-officio members are specified in the *Code of Virginia* or appointed by the state legislature. The ACJJP is not a supervisory board, but strictly advisory in its capacity. The supervisory board is the Criminal Justice Services Board (CJSB), a separate board appointed by the Governor for the Department of Criminal Justice Services. Three members of the CJSB serve as cross-over members to the ACJJP.

An updated SAG membership roster follows.

Gubernatorial Appointees (as of May 1, 2015)

	Name	Represents ⁺	F/T Gov't	Youth Member	Current Appoint Date	Residence
1	Rita Bishop rdbishop@rcps.info	C, G, H	X		7/21/11	Roanoke
2	Craig Branch cbranch@germanna.edu	B, C	X		11/14/13	Chesterfield
3	Marilyn Brown brownmag@chesterfield.gov	B, C	X		8/1/14	Richmond
4	Lorenzo Collins lorenzo@lcollins.com	E			8/1/14	Glen Allen
5	Uley Damiani udamiani@courts.state.va.us	B	X		1/30/15	Alexandria
6	John Dougherty jdougherty@vhbg.org	D, F			8/1/14	Richmond
7	Keith Farmer keith@straightstreet.org	D, F			1/10/14	Roanoke
8	Lindsay R. Fisher, Chair fisher.lindsay@gmail.com	E			8/1/14	Chester
9	Terone Green tgreen@cvhn.com	D			7/19/11	Richmond
10	Hilary Griffith hilarydgriffith@gmail.com	B			7/21/11	Salem
11	Quentin Hicks quentin.hicks@cpschools.com	C, G, H	X		7/21/11	Chesapeake
12	Quwanisha Hines quanishah@yahoo.com	E		X	12/11/13	Newport News
13	Melvin Johnson johnsonmt6@vcu.edu			X	8/1/14	Richmond

	Name	Represents ⁺	F/T Gov't	Youth Member	Current Appoint Date	Residence
14	Jerrauld Jones jcjones@courts.state.va.us	B, E, G, H	X		7/15/11	Norfolk
15	Sarah Lewis lsarah4@vt.edu			X	8/1/14	Blacksburg
16	Anne Tucker Obenshain atobenshain@gmail.com			X	11/22/13	Harrisonburg
17	Regina O'Brien robrien-ydc@verizon.net	D			8/1/14	Stephens City
18	C. Shane Ringressy sringressy@vt.edu			X	8/1/14	Blacksburg
19	Debbie Smith* robandedeb@hughes.net	O			8/1/14	Williamsburg
20	Deirdre Smith dsmith@charlottesville.org	A			8/7/14	Charlottesville
21	Michael Wade wad52@co.henrico.va.us	B	X		1/8/13	Henrico
22	Diana Harris Wheeler dwheeler@orangecountyva.gov	B	X		11/14/13	Orange
23	Kim Slayton White kwhite@courts.state.va.us	B	X		7/21/11	Halifax
24	To be appointed*				pending	

**Also a member of the Department of Criminal Justice Services supervisory board*

+Key: A–locally elected official representing general purpose local government; B–representatives of law enforcement and juvenile justice agencies; C–representatives of public agencies concerned with delinquency prevention or treatment; D–representatives of private nonprofit organizations; E–volunteers who work with juvenile justice; F–youth workers involved with programs that are alternatives to confinement, including organized recreational activities; G–persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; H–persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties child abuse and neglect, and youth violence; O–victims groups.

- Youth Representation: 23% of named individuals.
- Juvenile Justice System Representation: Two of the above meet the juvenile justice jurisdictional provisions. For confidentiality purposes, they are not identified here. Efforts are underway to identify a third representative. An individual has been approached and is considering the nomination. To recruit nominees, various groups are contacted.
- Full Time Government: 41% of named individuals.

Ex-Officio Members

	Name	Represents⁺	F/T Gov't	Youth Member	Current Appoint Date	Location
25	Delegate Robert Bell				Ex-Officio	Charlottesville
26	Commissioner, Dept. of Social Services	C, H	X		Ex-Officio	Richmond
27	Director, Dept. of Juvenile Justice*	B, C	X		Ex-Officio	Richmond
28	Commissioner, Dept. of Behavioral Health and Developmental Services	C	X		Ex-Officio	Richmond
29	Senator Bryce Reeves				Ex-Officio	
30	Superintendent of Public Instruction	C, G, H	X		Ex-Officio	Richmond

**Also a member of the Department of Criminal Justice Services supervisory board*

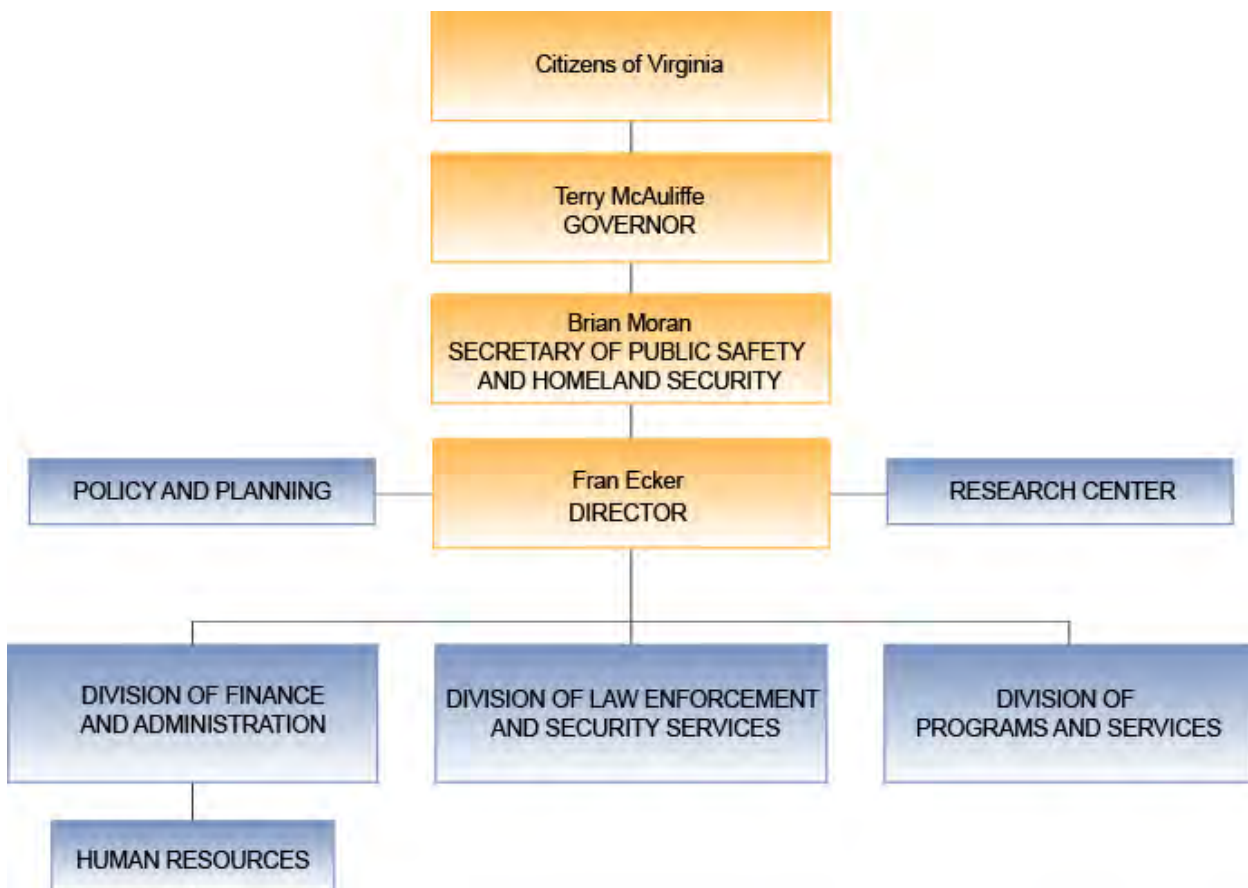
Effective July 1, 2015, the name of the Advisory Committee changed to the Advisory Committee on Juvenile Justice and Delinquency Prevention. The name change was due to action taken by the Virginia General Assembly during the 2015 legislative session to ensure that “prevention” is given due consideration, as well as to ensure that the Advisory Committee is positioned to serve as the advisory board should funds from federal or state prevention programs, such as those that are proposed under the Youth PROMISE Act, become available.³⁰

³⁰ Virginia Acts of Assembly, Chapter 419, 2015.

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. (§9.1-109, *Code of Virginia*) Through this authority, DCJS is responsible for administering the Title II Formula Grants Program and ensuring compliance with the JJDP Act.

Organizational Chart of DCJS



Other Programs Administered by DCJS

DCJS administers a number of federal and state programs. Among these are:

Federal

- Byrne/Justice Assistance Grant Program
- Court-Appointed Special Advocates (CASA) Program
- Children's Justice Act Program
- John R. Justice Grant Program
- Juvenile Accountability Block Grant Program
- JJDP Act Title II Formula Grant Program
- JJDP Act Title V Delinquency Prevention Grant Program (when funded)
- Residential Substance Abuse Treatment (RSAT) Grant Program
- Victims of Crime Act (VOCA) Program
- Violence Against Women (V-Stop) Program

State

- Certified Crime Prevention Community Program
- Comprehensive Community Corrections Act/Pretrial Services Act
- Forfeited Asset Sharing Program
- Internet Crimes Against Children Program
- School Resource Officers/Security Grant Program
- Virginia Crime Prevention Center
- Virginia Center for School Safety
- Virginia Sexual Assault & Domestic Violence Victim Fund
- Virginia Victim Assistance Academy
- 599 Program (State formula grants to localities for law enforcement)

In addition to the federal and state programs listed, DCJS is responsible for law enforcement certification; licensure of private security agents/businesses, bail bondsmen, and locksmiths; and registration of tow truck drivers.

Staffing and Management Plan

The JJDP Formula Grant Program is managed by the Division of Programs & 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 and JABG funds.

- Tracey Jenkins serves as the juvenile justice specialist and DMC 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. Ms. Jenkins also serves as the agency legislative liaison and works on various criminal justice policy issues. Her position is full time and supported by Title II, JABG, and other state general funds. Approximately 75% of her time is devoted to juvenile justice and delinquency prevention efforts.
- Laurel Marks is the manager for Juvenile and Adult Juvenile Services in the Programs & Services Division and oversees the juvenile services work of the agency. Her position is full time and supported by Title II, JABG, and other federal and state general funds. Approximately 25% of her time is devoted to juvenile justice and delinquency prevention efforts. Ms. Marks is also responsible for child welfare and adult corrections programs administered by the agency.
- Candace Miles is the administrative assistant for the Programs & Services Division. 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 the division handles including adult and victim services. Her position is full time and supported by various federal and non-federal funds. Approximately 10% of her time supports juvenile justice and delinquency prevention efforts.
- Kenneth Stables and Curtis Stevens 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 compliance efforts. Their positions are supported by a Title II sub-grant.

Additional Information (Data Resources)

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 on-line which are easily accessible. Additional data may be available through special requests if all collected data is not included in annual reports. The VSP 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 are constantly working to fill data gaps when they are identified.

The most notable barriers at this point tend to be in regard to time, staff resources, and funding necessary to improve or enhance data collection efforts. Virginia operates on a July–June fiscal year. Following the end of a fiscal year, agencies begin the process of data cleaning and mining for year-end reports. This is often accompanied by reporting requirements to the Governor and General Assembly by the end of the calendar year. When the General Assembly convenes in January, continuous requests for data are made in order to determine the impact of pending legislation. A typical due date of March for the three-year plan and annual updates only adds to an otherwise hectic time, as it is usually January before the most recent year of data can be obtained.

As with most states across the nation, Virginia has slowed the rate at which vacant positions are filled, often leaving positions unfilled for months, or filled at lower levels (such as part-time) in order to avoid future lay-offs. Many state agencies have also cut staffing or hours in light of ongoing economic issues. Staffing issues could lead to delays in data availability and report publication.

Agencies continuously review data for reliability and validity. When discrepancies are found, corrections may necessitate extensive work. As noted earlier, in a review of detention data, DJJ discovered that the data historically reported was not an accurate reflection of activity. At this time, the data is no longer available and options for future reporting are under consideration.

Appendix I

Expanded Information on Virginia's System Description

Transfer of Jurisdiction

The *Code of Virginia* permits the transfer of jurisdiction for juveniles from JDR court to circuit court. According to §16.1-269.1, the court shall, on a motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer jurisdiction to the appropriate circuit court provided that certain conditions are met:

1. The child is fourteen years of age or older at the time of the alleged commission of the felony offense;
2. Notice as prescribed in §§16.1-263 and 16.1-264 is given to the child and his parent, guardian, legal custodian or other person standing in loco parentis, or attorney;
3. The juvenile court finds that there is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act, which would be a felony if committed by an adult;
4. The juvenile is competent to stand trial; and
5. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. Several factors relating this determination are further specified in the *Code of Virginia*.

The *Code of Virginia* further specifies offenses and instances in which the JDR court must conduct a preliminary hearing and, upon a finding of probable cause, certify the charge to the grand jury and divest itself of jurisdiction as to the charge and any ancillary charges. If the JDR court does not find probable cause, the Commonwealth's Attorney may still seek direct indictment in circuit court for the offenses specified.

Court of Appeals

There is an appeal of right from the JDR court to the circuit court on a de novo basis. This means that an appeal of a juvenile court order is re-tried from the beginning (*de novo*) in the circuit court. An appeal of a circuit court order may then be noted in the Court of Appeals. A case is overturned on appeal, from a court of record, when the person bringing the appeal can show that there was a judicial error committed in circuit court.

For more information on Virginia's court system, go to: www.courts.state.va.us.

Prosecutors

There are 120 elected Commonwealth's Attorneys and approximately 645 state and locally funded Assistant Commonwealth's Attorney positions in Virginia. Jurisdictions may have prosecutors specifically assigned to juvenile court or they may assign cases on a rotating basis. Most jurisdictions use the system of vertical prosecution, whereby once a prosecutor is assigned to a case, he or she follows that case through the entire court process.

The Commonwealth's Attorneys Services Council (CASC) is the state agency responsible for providing training, education and services for Virginia's prosecutors. Each year, the Council provides at least six extensive training programs. Additionally, the Council provides access to appellate briefs, legal memoranda, court forms, training outlines, information about expert witnesses, and weekly updates from the Court of Appeals and Supreme Court, along with legislative updates both during and following the General Assembly session.

For more information on the CASC, go to: www.cas.state.va.us.

Defense Attorneys

The availability of legal counsel varies between court jurisdictions. Public defender offices are located in 27 localities throughout Virginia. In jurisdictions without public defender offices, the judge or the court clerk appoints a lawyer to represent the juvenile from a roster of local attorneys certified by the Virginia Indigent Defense Commission. Attorneys appointed by the court are paid based on a fee scale established by the Virginia Supreme Court. If the court determines that the family is financially able to pay for the attorney, it will assess a fee against the parent(s) for all or part of the attorneys' fees.

Prior to a detention hearing, §16.1-266(B) of the *Code of Virginia* requires the court to appoint a qualified and competent attorney to represent the child, unless an attorney has been retained and appears on behalf of the child. The *Code of Virginia* further specifies the qualifications for court-appointed attorneys representing juvenile and domestic relations cases which include specific legal training and/or JDR court experience related to juveniles. (§19.2-163.03(C), *Code of Virginia*)

All attorneys wishing to represent accused persons entitled to court appointed counsel must be certified by the Virginia Indigent Defense Commission. It is the Commission's responsibility to carry out the Commonwealth's constitutional obligation to provide attorneys for indigent persons accused of crimes that carry a potential penalty of incarceration or death. The Commission is statutorily mandated to oversee the certification and recertification of all court appointed attorneys providing criminal indigent defense services, to enforce standards of practice and to directly oversee the state public defender offices. The Commission maintains a list of attorneys qualified to represent indigent persons.

The Commission provides training to attorneys, investigators, and sentencing advocates from public defender offices through training conferences, as well as through funding for these individuals to attend specialized training sponsored by other agencies and organizations. Training opportunities are also made available to members of the private bar. Training specific to juvenile issues is included in the Commission's certification training curriculum.

For more information on the Virginia Indigent Defense Commission, go to: www.indigentdefense.virginia.gov.

Guardians ad litem

In any case involving allegations of abuse or neglect, entrustment, or termination of parental rights, the *Code of Virginia* provides for the appointment of a competent attorney as guardian ad litem to represent the interests and welfare of the child, or, in cases of adult abuse, the adult. The Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, maintains standards for attorneys appointed as guardians ad litem. Attorneys must complete

specific training and apply for approval as a guardian ad litem. The Judicial Council maintains a list of qualified and approved guardians ad litem.

Court Appointment Special Advocates (CASA)

Virginia has established a statewide network of 27 locally-operated Court Appointed Special Advocate (CASA) programs with a state-level advisory committee and administrative support from DCJS. Specially trained CASA volunteers are appointed at the court's discretion in cases involving allegations of child abuse or neglect and children in need of services or supervision. Duties of the volunteers include case investigation, the provision of factual information and a report of the investigation to the court, and case monitoring for compliance with court orders. Volunteers also assist the guardian ad litem, if one is appointed. CASA volunteers are mandatory reporters, that is, they are required by the *Code of Virginia* to report suspected child abuse or neglect.

For more information on CASA, go to: www.dcjs.virginia.gov/juvenile-services/grants/casa.

Court Improvement Program

The Court Improvement Program is a national initiative funded by the Omnibus Budget Reconciliation Act of 1993 to improve the response of the country's juvenile court systems in handling abuse, neglect, foster care and adoption litigation. Funding for this program has continued, most notably through the Adoption and Safe Family Act of 1997. Virginia's program is housed in the Office of the Executive Secretary of the Supreme Court of Virginia. This program focuses on improving the ability of the court system to manage and resolve cases of child abuse, neglect, and foster care.

The Best Practices Court Program began in 2002. The initiative builds on the efforts of many JDR courts to follow the *Resource Guidelines: Improving Court Practices in Child Abuse and Neglect Cases* strategies published by the National Council of Juvenile and Family Court Judges (1995). Participating courts commit to a series of local activities and receive specialized training and technical support. There are 40 Best Practice Court Teams in Virginia.

For more information on the Court Improvement Program, as well as the Best Practices Court Program, go to: www.courts.state.va.us/courtadmin/aoc/cip/home.html.

Pre-Dispositional Options

For juveniles who are not diverted from the system and require court processing, an intake officer must determine who will supervise the child prior to the court hearing. In most instances the child is released under the supervision of his or her parent or guardian. When the parent or guardian is not available or appropriate, an alternate placement must be identified. Alternative placements are determined by using the least restrictive setting as a guide. The placement options available to an intake officer depend on many factors, including the nature of the instant offense, the child's age, the youth's behavior during the intake process, the number and nature of prior offenses, whether the youth is currently on probation, the parent's willingness to assume supervision, the child's potential to harm himself or herself, the danger the child presents to the community, and the availability of alternative placements in the community. To ensure the presence of a child at court proceedings, and/or to protect the public or the child, it is occasionally necessary to detain some children in secure settings.

In 2002, DJJ instituted the Detention Assessment Instrument (DAI), a structured decision making tool used to guide detention decisions by all intake officers. This objective instrument is designed to enhance consistency and equity in the detention decision making process and to ensure that only those juveniles who represent a serious threat to public safety or failure to appear in court are held in secure pre-trial detention. The development of this instrument was supported by a DCJS Juvenile Accountability Incentive Block Grant sub-grant to DJJ.

Various pre-dispositional options are 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. Included among the options are:

1. *Release to Parental Custody:* The youth returns to the home of his or her parent(s)/guardian(s) while awaiting the court hearing. The parent or guardian assumes responsibility for the child's appearance in court. The youth generally resumes his or her normal daily routine (for example, school, sports, and social activities) with whatever restrictions are imposed as a result of the intake hearing.
2. *Family Preservation Programs:* These are private programs designed to provide intense intervention services to a family to prevent the removal of a child from the home, or to reintegrate a child back into the home after a period of confinement.
3. *Family Shelter Care:* The youth is placed with a family other than his or her own during the pre-disposition period. Typically, these placements are made close to the child's home community so that disruption to the child's daily routine is minimal. In Virginia, these shelters are typically called Family Oriented Group Homes.
4. *Crisis Shelter:* These are coeducational facilities providing a home-like environment with 24-hour staff supervision. Assessment, counseling, recreation, and other support services are provided. Although the average length of stay is brief, placement in a crisis shelter frequently entails at least a temporary interruption in the child's education.
5. *Outreach Detention/Intensive Supervision:* These programs provide intensive supervision while the youth resides at his or her own or a surrogate home. Each week, a minimum number of face-to-face contacts with a counselor occurs. Some localities have access to a more intensive "house arrest" model incorporating electronic monitoring.
6. *Electronic Monitoring:* This is a tool used in supervising juveniles either pre- or post-adjudication. It is an effective way of monitoring compliance with a curfew imposed on a child or as a way to curtail the activities of a chronic runaway. Various types of equipment are used throughout Virginia to assist in electronic monitoring activities. The most commonly known equipment uses a transmitter that sends a signal to a monitoring facility to ensure that a child is at his or her designated place. More elaborate equipment allows for real-time tracking. Less invasive options include voice recognition calling systems.
7. *Less-Secure Shelter Homes:* These homes provide custodial group living arrangements pending the youth's appearance in court. The primary function of such a placement is to provide a less restrictive alternative to secure detention for youth who do not pose a security or safety risk, but who do require a high level of supervision. Many localities operate a variety of other "staff secure" residential placements for this purpose. This is also an option for status offenders.

8. *Secure Detention*: Secure detention facilities are community-based and physically restricting, residential options used for pre- and post-dispositional detention. A locked environment and constant sight and sound supervision serve to restrict the youth's activities. Services provided in secure detention include education, emergency medical services, recreation, and provisions for parent/guardian visitations. Children classified as status offenders can be held in secure detention after an arrest for up to 24 hours prior to, and 24 hours after, an initial court hearing, excluding weekends and holidays. An adjudicated juvenile status offender accused of violating a valid court order must have a probable cause hearing within 24 hours and a violation hearing with 72 hours of being placed in detention. The maximum sentence for violating a court order is 10 days.

There are 24 secure detention facilities in Virginia; all are owned and operated by localities or commissions. The state provides approximately 50% of funding for detention construction and funding for operating costs on a utilization-based funding formula. Local appropriations and per diem payments provide the balance of necessary funding. Localities that neither operate a facility nor belong to a commission must purchase bed space, on a per diem basis, from neighboring localities.

The Board of Juvenile Justice is responsible for issuing regulations governing the operation of detention facilities. Each facility must submit to a regular certification process through DJJ. Additionally, each facility is monitored for compliance with the Juvenile Justice and Delinquency Prevention Act by DCJS.

9. *Jails*: Jails are locally operated, physically restricting, locked facilities that provide services tailored to adults. Juvenile offenders, by federal and state law, must be separated by sight and sound from adults housed in the same facility. Placement of delinquent youth in jail while awaiting disposition is guided by §16.1-249 of the *Code of Virginia* and occurs only in exceptional circumstances.

The Board of Corrections is responsible for regulations regarding life, health and safety for local jails and lockups, as well as certifying facilities for operation. Only jails specifically certified to hold juveniles may do so. In order for a jail facility to be certified to hold juveniles, a cell block or ward providing sight and sound separation from adult inmates must be specified. Maintaining separation standards often has the effect of excluding youth from those educational, recreational, and other treatment programs that exist for adults due to low juvenile populations, even in jails certified to hold them.

Deputy sheriffs and jail officers receive training through the state's system of training academies as described earlier. Included in the curriculum are specific objectives to be met dealing with juvenile offenders and the juvenile justice system, juvenile law, and the minimum standards required for handling and housing of juveniles. Proficiency with all objectives must be demonstrated for certification. In addition, jailers and custodial officers must also complete a minimum of 24 hours of in-service training during each subsequent 2-year period. Of the 24 training hours required, four must be related to legal issues, and the other 20 can be on a variety of subjects. None of the 24 hours are required to be directed toward juvenile issues. If any changes in the minimum standards for handling juveniles arise, the trainers incorporate these changes in their curriculum.

Post-Dispositional Options

Once a child has been adjudicated delinquent by the court the case moves to the next phase: the disposition. Sometimes the disposition hearing is held at the same time as the adjudicatory hearing, but at other times the procedure is bifurcated. In those instances when a judge wants further information prior to disposition, the judge orders completion of a social history for consideration in formulating a dispositional order.

Judges are given great flexibility with juvenile dispositions and they have a variety of post-dispositional options from which to choose. Services available within a specified option may vary from locality to locality depending on available resources. The most commonly available options include:

1. *Order the youth and/or family members to receive needed community-based services:* The court may order the youth and his or her parent(s) or guardian(s) to participate in and cooperate with available community-based programs and treatment services such as individual and family counseling and/or therapy.
2. *Release to parental custody subject to limitations imposed by the court:* The youth can be released to the custody of his or her parents subject to special conditions or requirements of the court. Special conditions may include good behavior, requirements for regular school attendance, or participation in counseling or other community-based programs with or without court supervision.
3. *Place the youth on probation:* The youth is assigned a probation officer to whom he or she must report regularly regarding compliance with probation rules. These rules usually include, but are not limited to, adhering to curfew, restriction on persons with whom the child may associate, school attendance, and obeying all laws. Treatment plans are developed jointly by the officer, or a treatment professional, with the juvenile and his or her family. They reflect the service needs of the probationer concerning his or her family, adjustment in the community and school involvement. Examples of services provided include: investigation and diagnostic units, intensive supervision, high risk drug programs, community service, special programs (such as conservation), wilderness programs, domestic violence programs, mediation, restitution, law-related education, family and group counseling, mental/psychological evaluations, education or tutorial programs, and volunteer programs. The treatment plan also stipulates the frequency of contacts that the youth is to maintain with the probation officer.
4. *Defer disposition:* The court may impose defer adjudication pending the successful completion of treatment or services ordered. If the child completes the terms of his or her probation successfully, the court will discharge the child and dismiss the proceedings without a delinquent adjudication. Alternatively, the court may defer the disposition and, after a specified time, the charge may be dismissed if the child has shown good behavior. In either instance, the court establishes a specified period of deferral based on the gravity of the offense and the child's history.
5. *Monetary fine:* A fine of up to \$500 may be imposed on the youth.
6. *Suspend the motor vehicle operator's license:* A juvenile's motor vehicle license may be suspended for a period of time. This is required for certain offenses.

7. *Require restitution:* The youth may be required to repay actual damages when his or her offense has been against the property of others. This can be monetary restitution or restitution in the form of participation in a public service project, as authorized by the *Code of Virginia*.
8. *Order community service:* Juveniles work without pay, typically in a governmental or non-profit agency as symbolic, rather than monetary, restitution.
9. *Impose adult penalties:* Juveniles who have committed traffic offenses may have any penalty authorized for adults imposed upon them; however, confinement in jail would be subject to special conditions.
10. *Order participation in day/evening reporting center/program:* A day or evening reporting center/program provides supervision to juvenile offenders during the hours in which they are most often without parental supervision and during the hours when juveniles are most likely to commit crimes, the hours after school until early evening. Services such as tutoring, vocational counseling and substance abuse counseling can be provided.
11. *Community confinement:* A child for whom community confinement is ordered is placed in a non-secure, small, community-based facility that offers intensive treatment and rehabilitation services. Services available typically include individual and group counseling, educational programs and medical services. Intensive staff supervision is characteristic in such a setting.
12. *Transfer custody:* Custody of a juvenile may be transferred to a relative, guardian, child welfare agency or the local Department of Social Services.
13. *Placement in a secure detention facility:* A juvenile offender who is found to have committed an offense which, if committed by an adult would be punishable by confinement in a state or local correctional facility, may, if certain circumstances exist, be ordered confined in detention or other secure facility for up to six months in accordance with the *Code of Virginia*. §16.1-284.1 specifies the terms and conditions regarding confinement and how it is to be ordered (for example, when commitment to the Department of Juvenile Justice takes precedence).
14. *Commit the child to the Department of Juvenile Justice (DJJ):* A juvenile who is adjudicated delinquent and is 11 years of age or older may be committed to DJJ if the current offense is (i) an offense that would be a felony if committed by an adult, (ii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent on an offense that would a felony if committed by an adult, or (iii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult.

Upon commitment to DJJ, youth are transferred to the Reception and Diagnostic Center (RDC) for assessment. Typically, a youth stays at the RDC for up to 30 days while he or she undergoes medical, educational/vocational, psychological, and behavioral evaluations. The outcome of this process is the determination of custody classification, length of stay, treatment needs, and placement. DJJ may place youth committed to its care in one of the

seven state-operated juvenile correctional centers (JCCs) or, when appropriate, in a private residential program.

The JCCs provide minimum to maximum secure confinement for youth needing structured placements and a high level of supervision while receiving treatment services. These services include academic and vocational education, remedial tutoring, psychological and psychiatric treatment, substance abuse treatment, recreation, life skills training, programs for independent living, and other treatment or specialized programs. JCCs provide youth access to religious services, visitation, and volunteer activities.

DJJ operates two halfway houses designed to provide transitional skills to juveniles leaving juvenile correctional centers. Each halfway house program is designed to take advantage of the unique resources available in its community to meet the needs of the residents. Upon completion of the program, the resident will have gained additional skills to promote a continued positive adjustment and reduce the risk of recidivism.

Parole services are provided by CSUs. Planning for re-entry and post-release parole services is initiated when a youth is committed to state care. The committing officer provides input to the RDC evaluation process and, within a limited period of a child's transfer to a JCC, an assigned parole officer meets with the juvenile and the JCC staff to develop a comprehensive service plan. This plan addresses the child's treatment needs while at the JCC as well as the period of supervision following release.

Larger CSUs operate discrete parole units while smaller CSUs may assign an individual worker to manage the parole caseload or may assign probation counselors a mixed caseload of youth on probation and parole. Increasing court-related responsibilities, increasing probation caseloads and increasing commitments to JCCs have adversely impacted CSU workloads. These trends have left less time available for the comprehensive planning and implementation of parole services.

The success of parole is also affected by variations in local service continuums. As discussed earlier, service delivery systems vary greatly among localities. Even in areas rich with community resources and services, staff involvement in the transition of youth back into their communities is frequently hampered by time constraints resulting from heavy caseloads and lack of coordination of services.

15. *Commit the child to the Department of Corrections (DOC) or to a blended term:* The Code of Virginia grants circuit court judges the authority to order juveniles transferred to their courts and convicted of a violent juvenile felony to (i) serve a portion of the sentence as a serious juvenile offender and the remainder of such sentence in the same manner as provided for adults; (ii) to serve the entire sentence in the same manner as provided for adults; or (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court, including commitment to DJJ.

DOC does not maintain separate regulations governing inmates who, by age, are juveniles. Once the court process is complete, the offender will be brought into DOC within sixty days from the date of receipt of the final sentencing court order. Intake into the system will be in one of the Department's reception and classification facilities. While there, the offender will

be evaluated, tested, interviewed, and classified to one of six security levels. The offender's institutional assignment will be to a prison that corresponds to the security level assigned. The offender's security level, good conduct earning level, program assignment and institutional assignment will be re-evaluated once each year at the annual review. The driving forces behind all classification decisions are offense, length of sentence, and behavior.

The assigned institution will determine where within the facility the offender will be housed. This decision considers the specific physical needs of the offender, background, treatment needs, and other issues. A treatment plan developed by the offender's treatment team outlines the programs deemed most appropriate to meet the offender's needs. Program offerings can range from a fulltime therapeutic community to work programs, education/vocational programs, and medical/psychological services. An offender who refuses to participate in assigned programming becomes ineligible to earn good conduct credit. In addition to treatment programs offered, the offender has access to religious services, recreational programs, medical services, and individual counseling services.

Comprehensive Services Act

The Comprehensive Services Act (CSA), enacted in 1992 and implemented in 1993, is a focal point for many of the services provided for and to children and families at risk. Services may be provided prior to a youth's involvement with the juvenile justice system as well as during, and subsequent to, supervision or commitment. The intent of the legislation is "to create a collaborative system of services and funding that is child centered, family focused and community based when addressing the strengths and needs of troubled and at-risk youth and their families". (§2.2-5200, *Code of Virginia*) The *Code of Virginia* specifies the purposes of the CSA to:

- Ensure services and funding consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment while protecting the welfare of children and maintaining the safety of the public;
- Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems or both due to environmental, physical, or psychological stress;
- Design and provide services that are responsive to the unique and diverse needs and strengths of troubled youth and families;
- Increase interagency collaboration and family involvement in service delivery and management;
- Encourage a public and private partnership in the delivery of services to troubled youth and their families; and
- Permit flexibility to communities in the use of funds by authorizing them to make decisions and be accountable for providing services.

The CSA originally pooled funds from seven funding streams that were generally used to purchase residential and non-residential services for children. Since 1993, significant additional appropriations have been added to these existing funds. CSA funds, which must be matched, are distributed to localities on the basis of a formula.

The CSA established a State Executive Council, composed of agency heads of the major state child serving agencies, and an Office of Comprehensive Services. At the local level, there are Community

Policy and Management Teams, responsible for program oversight, and Family Assessment and Planning Teams, responsible for reviewing cases, formulating individual case plans, and ensuring case management.

Options for Status and Non-Offenders

Status and non-offenders also come before the JDR courts. Allegations of abused, neglected, and abandoned children are heard by JDR court judges, but the welfare of the child falls to the Department of Social Services. Child Protective Services units are administered locally under state standards. Children who need to be removed from the home for their protection are entrusted to appropriate facilities or individuals, not a detention facility or juvenile correctional center. Other non-offenders and status offenders are usually categorized as either a child in need of services (CHINS) or child in need of supervision (CHINSup).

A child in need of services (CHINS) is defined in the *Code of Virginia* as one whose "behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child" or, if the child is 14 years or under, another person. (§16.1-288, *Code of Virginia*) The CSU is responsible for filing CHINS petitions with the court. The distinction between an abuse or neglect case and a CHINS case is often a subtle one determined partially by the behavior of the child and/or family members, partially by the availability of services in the community, and partially by the service philosophies of the local agencies involved.

If a child is found to be in need of services, the juvenile court or the circuit court may make any of a number of dispositional orders for the "supervision, care and rehabilitation of the child." (§16.1-278.4, *Code of Virginia*) The judge has discretion to:

- Order the cooperation of agencies in the community in providing services;
- Permit the child to remain with his or her parent or legal custodian, with conditions or limitations;
- Order the parent with whom the child is living to participate in services or treatment or abide by conditions or limitations imposed by the court;
- Relieve a child 14 years or older from compliance with compulsory education, if the court decides that the child cannot benefit from school, and authorize the child to work as long as the employment is not deemed to be hazardous to anyone under the age of eighteen;
- Transfer legal custody to any of the following:
 - a relative or other individual,
 - a licensed or authorized child welfare agency, or
 - a local welfare board/social service department, and/or
- Require the child to participate in a public service project.

If a child is alleged to be a status offender, the *Code of Virginia* authorizes the court to make any order of disposition as authorized for a child in need of services (§16.1-278.4).

A child in need of supervision (CHINSup) is defined by §16-1-288 of the *Code of Virginia* as a child who "habitually and without justification is absent from school; or habitually deserts or abandons his family or lawful custodian or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life and health, (ii) the child or his family is in need of

treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family."

If the child is found to be in need of supervision, The *Code of Virginia* requires that the court refer the child to a community interdisciplinary team for an evaluation of the child's service needs prior to issuing a final disposition. (§16.1-278.5, *Code of Virginia*) The report of that team is filed with the court. The court may then enter any of the following orders:

- Require the cooperation of agencies in the community in providing services;
- Place the child on probation with conditions;
- Order the child and/or parents to participate in programs, cooperate in treatment or abide by conditions;
- Require the child to participate in a public service project; and/or
- Impose a fine on parents found to be in violation of the court's order concerning compulsory school attendance.

The *Code of Virginia* provides that a child who is 14 years of age or older and who has been found to be a child in need of supervision, may be placed in a secure juvenile detention facility for a violation of the court's order of disposition. (§16.1-292(E), *Code of Virginia*) Such placement may be made if the court finds that placement in a foster care home, group home, or other non-secure facility is not likely to meet the child's service needs and that all other treatment options in the community have been exhausted. The period of detention may not exceed 10 consecutive days during which time the community interdisciplinary team is reconvened for the purpose of developing further treatment plans covering the period during and/or following the child's detention. Intake officers have discretionary authority, within established guidelines, to file a petition on the juvenile. In a case where a petition is filed, this authority extends to decisions made concerning the child's placement while awaiting the court hearing.

Appendix II: Core Requirements Plan

Plan for Compliance: First Three Core Requirements of the JJDP

The Office on Juvenile Justice and Delinquency Prevention (OJJDP) has consistently found Virginia in compliance with the first three core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act. Compliance determination letters sent to the Virginia Department of Criminal Justice Services (DCJS) indicate that Virginia has been found in compliance through federal fiscal year 2015. The first three core requirements of the Juvenile Justice and Delinquency Prevention (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.

(1) Plan for Deinstitutionalization of Status Offenders (DSO)

Pursuant to Section 223(a)(11) of the JJDP Act, states must develop plans to ensure that status and non-offenders are not placed in secure detention or secure correctional facilities, except as allowed under the exceptions set forth in Section 223(a)(11)(A). Virginia law is specific regarding the detention of juveniles and has been amended over the years to ensure compliance with the JJDP Act core requirements. Sections 16.1-248.1 and 16.1-249 of the *Code of Virginia* outline the criteria for detention or shelter care, and the places of confinement of juveniles. Options for courts to use with status offenders are the same as those for children considered “in need of services” (CHINS) and do not include secure detention. (§16.1-278.4, *Code of Virginia*) Virginia law also allows only those adjudicated delinquent to be committed to a juvenile correctional center operated by the Department of Juvenile Justice. (§16.1-278.7, *Code of Virginia*) In order to further protect status and non-offenders, the statewide risk assessment instrument (DAI) utilized by intake officers does not prescribe pre-trial detention for status offenses.

Virginia continues to maintain full compliance (with de minimis exceptions) with the deinstitutionalization of status offenders (DSO) provision of the JJDP Act. Occasional violations of the DSO provision are recorded:

Deinstitutionalization of Status Offenders Compliance			
	FY2011	CY2012 ³¹	CY2013
Number of DSO violations	40	52.42	27
DSO violation rate	2.19	2.83	1.46
Held for VCO violations	297	262	254

³¹ In 2012, OJJDP changed monitoring requirements in order to put all states on the same reporting schedule. Virginia transitioned to calendar year reported for 2012 in response to the request from OJJDP.

The majority of DSO violations in CY2012 (44.42) occurred in jail lock-ups, with the remaining violations occurring in juvenile detention centers. All DSO violations in CY2013 were in jail lock-ups. There is no notable trend when considering the past three years of DSO violation rates. The rates continue to be below a recent high of 3.94 reported for FY2009.

As seen in the table, data reflects a slight decrease in juveniles held for valid court order (VCO) violations. A review of 30 CY2013 cases was conducted to ensure that those held for VCOs met the criteria set forth in the JJDP Act for exceptions.³² In conducting this review, Virginia's compliance monitor reviewed all court orders, orders of disposition, parent and child summons, petitions, placement orders, detention orders, child development team reports, notification of rights forms, attorney appointment forms, CHINS orders, and other documentation for each case. The review of each case concluded that:

- The juvenile had been brought before the court and made subject to such order;
- The juvenile received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States;
- The court order regulated the future conduct of the juvenile;
- The juvenile received adequate and fair warnings of the consequences of the violation of the order at the time it was issued;
- The warning was provided to the juvenile and to his attorney and/or his legal guardian in writing;
- The warning was reflected in the court record;
- There was a judicial determination based on a hearing that there was probable cause to believe the juvenile had violated the valid court order; and
- A judicial determination that the juvenile was being held in the most appropriate placement pending disposition of the violation was based upon an assessment submitted by an appropriate public agency representative after reviewing the needs of the juvenile.

Maintaining Compliance

DCJS continues to encourage diversion and non-detention options for status offenders through funding solicitation options, training, conferences, and technical assistance. When DSO violations do occur, Virginia's compliance monitor carefully reviews them and related data to help identify potential problem areas or jurisdictions. This information is provided to the juvenile justice manager and the juvenile justice specialist. Together, the three develop appropriate strategies in addressing concerns that could jeopardize Virginia's overall compliance standing.

DCJS and the Advisory Committee on Juvenile Justice (ACJJ) closely monitor legislation that could impact Virginia's compliance with the DSO provision of the JJDP Act. Should legislation be introduced in the Virginia General Assembly that could impact compliance, DCJS prepares a legislative action summary that is forwarded to the Secretary of Public Safety and Homeland Security for the Governor's Policy Office. Information may also be provided to individual legislators and legislative committees. The ACJJ, which serves as the state advisory group, provides input as necessary. No legislation that could negatively impact Virginia's compliance with the DSO provision has been approved in recent years.

³² OJJDP requires case review of 10% of those held for VCO violations. For CY2013, DCJS reviewed 11.8%.

Virginia’s compliance with the DSO provision could be in jeopardy should the valid court order (VCO) exception be eliminated without adequate time to implement such a change. Judges are accustomed to using detention for status offenders who violate court orders, such as in truancy cases when the youth continues to be truant from school. This practice is supported by many school officials. Judges and school officials have expressed their beliefs that a bit of time in detention for these cases produces positive results.

Should the VCO exception be eliminated, it will take time and resources to bring about state-wide change in judicial practices. Planning efforts are underway by DCJS to prepare for the potential elimination. In 2014, a solicitation was issued to encourage the use of restorative justice practices in schools. One school division applied for, and was awarded, funds. DCJS is also working closely with the Virginia Department of Education to encourage the use of supportive school discipline practices and with the Executive Children’s Cabinet to address schools deemed to be the most “challenging” in regard to testing scores and discipline practices.

(2) Plan for Separation of Juveniles from Adult Offenders

Pursuant to Section 223(a)(12) of the JJDP Act, states must develop plans to ensure that juveniles alleged or found to be delinquent and status offenders do not have contact with adult inmates, whether convicted or awaiting trial on criminal charges. Virginia has established legislative and operational policy safeguards that prohibit contact between juveniles and adults held in the same facility (§16.1-249, *Code of Virginia* and *Virginia Administrative Code* sections 6VAC15-40-1190, 6VAC15-40-1193, 6VAC15-40-1280, and 6VAC15-40-1290). The state is in full compliance with the separation provision of the JJDP Act:

Separation Compliance			
	FY2011	CY2012	CY2013
Number of separation violations	0	0	0

In 2003 the Office of Juvenile Justice and Delinquency Prevention (OJJDP) revised sight and sound separation guidelines requiring that juveniles transferred, certified or waived into the adult criminal justice system while detained in juvenile facilities, be separated from the juvenile population within six months of reaching the age of full criminal responsibility (18 in Virginia, thus requiring separation by age 18.5). OJJDP concluded that those convicted in juvenile court could stay with the under 18 population until their release, but those convicted in circuit court must be separated. In 2008, OJJDP reinterpreted their definition of “adult inmate” and now allows for juveniles held under “continuous stay” to be held in juvenile facilities until they reach age 21. In Virginia, convicted juveniles can be confined in a juvenile correctional facility until they reach the age of 21 regardless of whether they are convicted in juvenile or circuit court.³³

³³ In Virginia, juveniles can be held in juvenile correctional facilities until the age of 21 if they are convicted in juvenile or circuit court. Virginia allows for “blended sentencing” which gives circuit court judges authority to determine the best sentencing placement for juveniles which may be a juvenile facility, an adult facility, or an adult facility following a term in a juvenile facility.

Maintaining Compliance

Virginia's ongoing compliance monitoring, which includes the provision of information and on-site technical assistance, is a critical component of maintaining compliance with the sight and sound provision of the JJDP Act. To ensure continued compliance, when the compliance monitor inspects facilities, staff is reminded of sight and sound separation requirements, potential places that the requirements could be breached are identified, and facility policies and procedures regarding separation are reviewed. Additionally, the compliance monitor provides training at meetings and conferences. Virginia's jail administrators are cognizant of the potential problems that can occur when sight and sound separation is not maintained between adults and juveniles and therefore take appropriate measures to ensure the separation, often going beyond what is minimally required. The implementation of the Prison Rape Elimination Act (PREA) has further raised awareness among jail administrators of potential problems.

In regard to collocated facilities, Virginia has included criteria that must be met in order for collocated facilities to be approved in *Virginia's Compliance Monitoring Policy and Procedures Manual*. DCJS is unaware of any instances in which the collocated facilities in Virginia share staff serving both adult and juvenile populations. Therefore, no statewide policies regarding joint training are in effect. Juvenile facilities, including those that may be collocated with an adult facility, must follow regulations approved by the Board of Juvenile Justice (6VAC35-140, *Virginia Administrative Code*).

DCJS and the ACJJ also closely monitor legislation that could impact Virginia's compliance with the sight and sound provision of the JJDP Act. Should legislation be introduced in the Virginia General Assembly that could impact compliance, DCJS prepares a legislative action summary that is forwarded to the Secretary of Public Safety and Homeland Security for the Governor's Policy Office. Information may also be provided to legislative committees. The ACJJ provides input as necessary. During the 2010 General Assembly Session, legislation was passed regarding the pretrial placement of juveniles. The new language amended §16.1-249 of the *Code of Virginia*, specifying that juveniles transferred to adult criminal court "shall be placed in a juvenile secure facility, unless the court determines that the juvenile is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case the court may transfer the juvenile to a jail or other facility for the detention of adults and need no longer be entirely separate and removed from adults" (2010 Acts of Assembly, Chapter 739). The legislation went into effect July 1, 2010.

(3) Plan for Removal of Juveniles from Adult Jails and Lock-ups

Pursuant to Section 223(a)(13) of the JJDP Act, states must develop plans to ensure that juveniles are not detained or confined in any adult jail or lock-up, except as the *OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised October 2010) allows. Virginia legislation is consistent with the provisions and requirements of the JJDP Act (§§16.1-247, 16.1-248.1, 16.1-249, *Code of Virginia*).

Virginia is in compliance with the jail removal provision of the JJDP Act, allowing for the numerical de minimis exceptions. Virginia does not use the rural removal exception. A small number of violations have occurred over the past several years:

APPENDIX II

Separation Compliance			
	FY2011	CY2012	CY2013
Number of jail removal violations	39	49.42	22
Jail removal violation rate	2.14	2.67	1.19
# of Jails in Monitoring Universe	77	73	73
# of Lock-ups in Monitoring Universe	84	107	107

A notable increase in the number of jail removal violations occurred between FY2010 and FY2011. The primary reason for this increase is attributed to the number of lock-ups in Virginia’s monitoring universe, which expanded significantly. Most facilities were not keeping data prior to 2008. Virginia’s compliance monitor has worked closely with the lock-ups since 2007 to improve reporting practices and educate these facilities and localities on the proper housing of juveniles. In 2011 the number of law enforcement lock-ups reporting data for the first time greatly increased. For the first time, data were received from 100% of the lock-ups. Logically, the additional data led and to additional violations being identified. As can be seen, the number of violations decreased in CY2013.

All but five of the jail removal violations for CY2012 were status offenders held securely in law enforcement lock-ups. Of the other five, four were juveniles who lied about their age upon arrest and were initially placed in an adult jail. Once it was determined that the juveniles had lied about their ages, they were transferred to a juvenile facility. The fifth case involved a rare case in which a juvenile was placed in an adult jail by the juvenile court, in accordance with the *Code of Virginia*, for safety and security reasons. The juvenile was placed in a jail certified by the Virginia Board of Corrections to hold juveniles and provide for sight and sound separation. For CY2013, all violations involved status offenders.

Maintaining Compliance

Virginia’s ongoing compliance monitoring, which includes the provision of information and on-site technical assistance, is a critical component of maintaining compliance with the jail removal provision of the JJDP Act. Additionally, the compliance monitor provides training during meetings and conferences. DCJS and the ACJJ also closely monitor legislation that could impact Virginia’s compliance with the jail removal provision of the JJDP Act. Should legislation be introduced in the Virginia General Assembly that could impact compliance, DCJS prepares a legislative action summary which is forwarded to the Secretary of Public Safety and Homeland Security for the Governor’s Policy Office. Information may also be provided to legislative committees. The ACJJ provides input as necessary. No legislation that could negatively impact compliance with the jail removal provision has been introduced in Virginia in recent years.

Plan for Compliance Monitoring: First Three Core Requirements of the JJDP Act

Pursuant to Section 223(a)(14) of the JJDP Act, states must provide for an adequate system of monitoring jails, lock-ups, detention facilities, correctional facilities, and non-secure facilities to ensure that the first three core requirements of the Act are met. DCJS is the designated state agency in Virginia responsible for compliance monitoring. To ensure quality and consistency, DCJS does not contract with a third party for monitoring, but has designated a compliance monitor on staff with the sole responsibility of ensuring compliance with the JJDP Act's first three core requirements.

The compliance monitor conducts compliance monitoring activities, including on-site inspections, on a year-round basis. Together, the compliance monitor and the juvenile justice manager and specialist assess the Commonwealth's level of compliance and develop strategies as may be necessary to ensure compliance and address violations.

On-going technical assistance is a valuable element of Virginia's compliance monitor's duties. In addition to providing detailed technical assistance and informative documents during on-site visits, the compliance monitor is readily available to answer questions and provide direction to facilities throughout the Commonwealth regarding best practices for complying with the JJDP Act's core requirements. Besides visiting facilities as part of the annual compliance monitoring inspection schedule, the compliance monitor makes site visits upon request of the local facility. DCJS also maintains a web site including information regarding the JJDP Act and compliance with the first three core requirements.

(1) Policy and Procedures

In July 2008, DCJS completed a revised, comprehensive policy and procedures manual. *Virginia's Compliance Monitoring Policy and Procedures Manual* describes the monitoring universe, the classification and inspection of facilities, and data collection and verification in detail. The manual's update is pending release of a new guidance manual from OJJDP. A copy of the DCJS manual is included as Attachment H-1.

(2) Monitoring Authority

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 and control throughout the Commonwealth (§9.1-109). Through this authority, DCJS is responsible for administering the Title II Formula Grants Program and ensuring compliance with the JJDP Act. The Department's enacting legislation also includes specific language regarding the ACJJ, which serves as the state advisory group for the JJDP Act (§9.1-111). A copy of the authorizing *Code* is included as Attachment H-2.

(3) Monitoring Timeline

The compliance monitor maintains an annual calendar which outlines the monitoring timeline. Included in this schedule is the identification of facilities to inspect. Though some facilities are typically inspected annually, most facilities are inspected on a rotating basis. Scheduling site visits is a complicated task and must account for distance and travel time, and weather, which could

impact travel. Additional time must be allotted for follow-up. Dates and locations for site visits are scheduled throughout the monitoring year. For several years, the monitoring schedule was based on the state's fiscal year calendar. Virginia moved to a calendar year schedule in 2012 based on a request from OJJDP. When OJJDP releases the anticipated update of the guidance manual, the Virginia manual will be updated to reflect the change in the monitoring timeline. Information regarding the annual monitoring timeline can be found in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp10–11).

(4) Violation Procedures

The compliance monitor is responsible for identifying, investigating, documenting, and reporting violations of the JJDP Act's first three core requirements. This is done through the compliance monitoring process described in this section and *Virginia's Compliance Monitoring Policy and Procedures Manual*. Should another agency or certification team uncover a potential violation, DCJS is notified and the compliance monitor investigates the claim.

Most potential violations are identified by the compliance monitor through reviews of detention logs and other data. When investigating a potential violation, the compliance monitor reviews the juvenile's case file held at the facility. Other files, such as additional court records, may also be reviewed.

All violations are discussed with the facility administrator or contact to explain why the event constitutes a violation and what remedial actions may be taken to prevent future violations. A summary of the violation is made in the facility file maintained by the compliance monitor. Intensive follow-up on-site visits are made to facilities where compliance is a problem. On-going or patterns of violations are followed closely and may result in additional actions, including corrective action plans or targeted grant use for a specific locality. The Boards of Corrections and Juvenile Justice may also decertify facilities for on-going violations that violate certification standards.

Violations are reported to the juvenile justice manager and specialist and as part of an annual report to OJJDP. Regular reports of compliance monitoring activities are provided to the state's advisory group, the ACJJ. Statewide concerns with compliance may be brought to the attention of the Secretary of Public Safety and Homeland Security, the Governor's office, and state legislature should contributing factors involve state policies or laws.

A detailed description of Virginia's violation procedures is included in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp7–8).

(5) Barriers and Strategies

Implementing and maintaining an adequate system of compliance monitoring is an on-going task that can be challenging for various reasons. One of the largest barriers is maintaining a comprehensive list of facilities in the monitoring universe that includes identifying and classifying new facilities. This is a continuous process impacted each time a facility is opened, staffing changes, relevant state laws or policies are amended, or OJJDP guidance change. Fortunately, DCJS has a designated compliance monitor who has held the position for the past several years. This consistency has allowed the compliance monitor to identify specific barriers and develop strategies to overcome them.

One barrier is the potential change in how a lock-up is used when local conditions change or new law enforcement administrators are put in place. In order to assist in the identification of secure lock-ups, the compliance monitor utilizes a survey that is reissued on a regular basis.

Another barrier has been the addition and identification of court holding facilities to the monitoring universe. As a centralized list of court holding facilities does not exist elsewhere, the compliance monitor has had to identify where these are. The number of court holding facilities included as part of the monitoring universe grew quickly as a result of the compliance monitor's initial work – from approximately 20 to 100.

A significant barrier for any state is a change in compliance monitors. Being positioned to identify barriers and strategies that may exist elsewhere is best done by someone who has the proper training, experience, and tools. DCJS ensures that the compliance monitor is provided with initial and ongoing training, including that offered by OJJDP.

A description of Virginia's approach to barriers is included in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp5–6).

(6) Definition of Terms

Regardless of state definitions or interpretations, those used for purposes of monitoring facilities for compliance with the JJDP Act are the same as those prescribed by the Act, federal regulations, and the *OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised October 2010). Definitions used for monitoring purposes can be found in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp13–17).

Virginia currently goes beyond the federal definition and considers several facilities collocated which share only a tract of land. For monitoring purposes, these facilities are classified as collocated facilities.

(7) Identification of the Monitoring Universe

The compliance monitoring universe includes all facilities that have the potential to hold juveniles pursuant to public authority, regardless of the reason for housing juveniles. The compliance monitor maintains a compliance monitoring universe master list that contains listings of all facilities which might hold juveniles pursuant to public authority. This list is updated annually and changes periodically.

Virginia's monitoring universe includes 862 facilities³⁴. Among these are secure facilities holding juveniles which include: 24 secure juvenile detention centers, 4 juvenile correctional centers, 73 jails, 107 lock-ups, and 96 court holding facilities. The Board of Corrections is legislatively responsible for developing regulations and certifying state prisons and local jails. As part of this process, they certify adult facilities for holding juveniles in a manner consistent with JJDP Act mandates. The Board of Juvenile Justice develops regulations and certifies facilities operating as part of the juvenile justice system.

A detailed description of Virginia's identification process is included in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp19–20).

³⁴ Based on the CY2013 compliance monitoring universe, as the CY2014 report is in development.

(8) Classification of the Monitoring Universe

The compliance monitor classifies and/or reclassifies all facilities listed on the compliance monitoring universe master list annually. There are four categories for classification used for each facility:

1. Public or private (owned by state, local agency or owned by a private non or for profit agency);
2. Juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults;
3. Secure or non-secure; and
4. Residential or non-residential.

A detailed description of Virginia's classification process is included in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp21–23).

(9) Inspection of Facilities

Facilities must be inspected in order to classify them and to determine compliance with Sections 223(a)(11)(12)(13) of the JJDP Act. Such inspections are necessary to provide the protections required by the JJDP Act and to determine if adequate data are maintained to determine compliance with the first three core requirements of the JJDP Act.

Virginia has gone beyond the federal requirements by creating a dual system review including desk-top monitoring of records and on-site inspection. This process ensures that all facilities are reviewed and/or visited annually. Annual site visit plans include all of Virginia's secure juvenile detention centers and at least one-third of the juvenile correctional centers, jails, lock-ups, and juvenile court holding facilities in the current monitoring universe.

A detailed description of Virginia's inspection process is included in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp24–26).

(10) Data Collection and Verification

DCJS collects and reviews data from a variety of sources in order to determine compliance with the first three core requirements of the JJDP Act.

Juvenile Tracking System: All secure juvenile detention facilities and juvenile correctional facilities in Virginia utilize an automated statewide data system which is maintained and audited by DJJ. This system provides offense and demographic information. Data is provided to DCJS by DJJ annually. The compliance monitor reviews all data reported to identify potential violations of the JJDP Act.

Local Inmate Data System: All jails in Virginia utilize an automated statewide data system known as the Local Inmate Data System (LIDS). LIDS is maintained by the State Compensation Board which regularly audits the data entered by local jails. This system includes demographic, offense, admission, and release data on juveniles and adults who are held by a jail. Data is provided to DCJS by the State Compensation Board annually. The compliance monitor reviews all data reported to ensure that individuals under age 18 are held in accordance with state law and federal regulations.

Admission/Detention Logs: Lock-ups do not report admissions to any central state authority. The compliance monitor reviews logs maintained by the lock-up to identify potential violations of the JJDP Act's core protections. The compliance monitor has requested lock-ups to maintain juvenile detention logs for all juveniles securely detained and to make these logs available for inspection annually. All lock-ups are subject to on-site compliance monitoring inspections by the DCJS compliance monitor in addition to on-site inspections by certification teams from the Departments of Juvenile Justice and Corrections.

Case Files: Following the identification of potential violations through the review of data obtained from either DJJ or the State Compensation Board, the compliance monitor will review individual case files maintained at the facility. Concerns that cannot be resolved at the facility are investigated further through the juvenile court service unit of the locality. Court records, transportation orders, and other documents in the juvenile's files are carefully reviewed in order to determine if a violation has occurred.

A detailed description of Virginia's data collection and verification process is included in *Virginia's Compliance Monitoring Policy and Procedures Manual* (pp27–30).

Plan for Compliance: Disproportionate Minority Contact (DMC) Core Requirement

Pursuant to Section 223(a)(22) of the JJDP Act of 2002, states and territories must address specific delinquency prevention and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of minorities who come into contact with the juvenile justice system. Disproportionate minority contact (DMC) exists if the rate of contact with the juvenile justice system of specific minority groups is significantly different than the rate of contact for non-Hispanic whites or other minority groups. The purpose of this core requirement is to ensure equal and fair treatment for every youth, regardless of membership in any minority or majority population group, involved in the juvenile justice system.

A state achieves compliance with this core requirement when it addresses DMC on an ongoing basis through:

- Identification of the extent to which DMC exists;
- Assessment to examine and determine the factors that contribute to DMC, if it exists;
- Intervention by developing and implementing strategies to reduce DMC;
- Evaluation of the efficacy of intervention strategies; and
- Monitoring changes in DMC trends over time.

Phase I: Identification

DMC is a complicated issue. A key method that OJJDP has selected for use in determining the presence and extent of DMC is the *relative rate index* (RRI). This method involves comparing the relative rate of activity for each major stage of the juvenile justice system for minority and majority youth. A single index number indicates the extent to which the rate of a particular contact or activity differs for minority and majority youth. It does not calculate the odds of particular types of contact. Rates above 1.0 indicate that the incidence ratio is higher for the given population group

than for the comparative group; rates below 1.0 indicate that the incidence ratio is below that for the comparative group. Results may be skewed or unable to be calculated due to low raw numbers.

The RRI is a helpful indicator in measuring DMC. It is important to remember that it is an *indicator*. Changes in data reporting over years, including how juveniles are classified in regard to race and ethnicity, may influence how the measure looks over time. Concerted efforts to reduce the number of youth entering the juvenile justice system, as well as to reduce DMC, may also show little impact on actual RRI figures. When this is evident, more rigorous case-based research is in order.

(1) Updated DMC Identification Spreadsheets

OJJDP maintains a web-based DMC Data Entry System which produces RRI and several other related calculations from data entered by states receiving JJDP Act Title II formula funding. States are required to enter the statewide data and data for at least three local jurisdictions at least every three years.

Virginia has entered data for several localities, as well as the state as a whole, into the OJJDP DMC Data Entry System annually since 2008, adding additional localities each year. Our goal is to maintain data entry on an annual basis. For FY2011, data was entered for 29 different cities and counties plus statewide data. One additional locality was added for FY2012 and one more for FY2013. For FY2014, data has been entered for 34 localities. Beginning with FY2011, data for localities is entered if: data for the locality had been entered for a previous year; the youth population (ages 10–17) is 10,000 or higher for the locality; or the number of juveniles admitted to a DJJ correctional center from a particular locality is five or more for the year.³⁵ Data is also entered upon a special request of a locality. Localities with focused DMC-reduction efforts are included. White youth are the default majority population in Virginia, though there are several localities with a majority population of black.

Data is entered for seven contact points. Intake data collected by Court Service Units are considered a more accurate reflection of juveniles entering the criminal justice system; therefore, arrest data is not entered into the OJJDP DMC Data Entry System. Cases transferred to adult court are also not entered due to limited availability. Efforts continue to improve data on transfer cases.

DMC spreadsheets for FY2014 are available from DCJS upon request.

(2) DMC Data Discussion

DMC has been an ongoing issue identified in prior three-year plans and disproportionality continues to be evident at many key contact points for multiple minority groups. The RRI is an indicator that is useful in helping identify where potential inequalities exist. It can easily fluctuate if numbers are low, and it cannot substitute for a rigorous research model utilizing case matching on individuals.

As noted previously, Virginia enters data for seven contact points into OJJDP's DMC Data Entry System. Intake data (court referral) is considered a more accurate reflection of juveniles entering

³⁵ Data entered into the DMC Data Entry System is provided to the Department of Criminal Justice Services by the Virginia Department of Juvenile Justice. In order to comply with data entry requirements and DMC analysis guidelines, data for Hispanic is used. For all other reporting purposes in this document, Hispanic is considered an ethnicity and therefore, figures reported for race may not agree with those included in the DMC discussion.

Virginia’s justice system; therefore, arrest data is not entered. Juvenile transfer data is not entered at this time.

All system contact data used is provided by the Department of Juvenile Justice (DJJ) and is a duplicate count. Data used is case based. One intake (“juvenile court referral”) can include multiple complaints and one case can include multiple offenses if they apply to the individual juvenile. However, if the juvenile comes back to intake at a later time for new offenses, a new intake is initiated.

Continued evidence of DMC and a growing understanding of it led to the prioritization of DMC in *Virginia’s Three-Year Plan 2009–2011* and again in *Virginia’s Three-Year Plan 2012–2014*. The priority continues into the new 2015–2017 planning period.

In 2012, a statewide DMC assessment was completed featuring three localities: Norfolk, Fairfax County/City, and Richmond City. Data and relative rate index tracking sheets are included herein for these three jurisdictions.

Statewide Data

U.S. Census Bureau population estimates and updates of Virginia’s juvenile population ages 10–17 are used as the base from which the RRI are developed. Between the 2008 and 2010 estimates, there was overall increase in the youth population ages 10–17 in Virginia and a decrease in the percentage representation of white juveniles. The 2014 estimates show a slight decline in the overall youth population ages 10–17 when compared to the 2010 figures, but a similar racial distribution.

Classification	Census Population Estimates – Juveniles 10–17			
	2010		2013	
Asian	42,840	5.2%	48,447	5.8%
Black	182,987	22.0%	173,471	20.9%
Hispanic/Latino	79,415	9.5%	89,073	10.7%
American Indian	2,212	0.3%	2,069	0.3%
White	490,434	58.9%	478,673	57.7%
Other	34,260	4.1%	37,794	4.6%
TOTAL	832,148	100%	829,527	100%

Overall, the number of youth coming in contact with the juvenile justice system and committed to DJJ continues to decline for both minority and white youth. An improvement was noted in the RRI for referrals to juvenile court of all minorities and of black juveniles when examining the FY2009 to FY2011 period.

However, when examining the FY2012 to FY2014 period, the RRI trend reverses, with minority youth more likely to be referred to intake than their white youth counterparts. Proportionately, for FY2014, minority youth make up 42.3% of the youth population, yet account for 58.6% of those referred to intake.

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Statewide Totals and RRIs				
	All Minority Youth			White Youth
	FY2012	FY2013	FY2014	FY2014
Refer to Juvenile Court (Intake)	26,913 1.74	24,970 1.87	24,256 1.93	17,157 1.00
Cases Diverted	3,781 0.80	3,493 0.87	3,068 0.79	2,741 1.00
Cases Involving Secure Detention	4,965 1.67	5,221 1.63	5,211 1.61	2,287 1.00
Cases Petitioned	18,142 1.06	17,148 1.04	17,221 1.06	11,476 1.00
Cases Resulting in Delinquent Finding	6,328 1.32	5,908 1.29	6,272 1.31	3,199 1.00
Cases Resulting in Probation Placement	2,973 0.79	2,847 0.79	2,736 0.72	1,927 1.00
Cases Resulting in DJJ Commitment	407 1.97	371 1.72	319 2.32	70 1.00

RRI calculations are from the OJJDP DMC Data Entry System.

The RRIs for minority and black youth committed to DJJ fluctuate during the three-year period, but are highest in FY2014. Proportionately, the figures are significantly different with 82% of those committed to DJJ falling into a minority group. There is relatively little change in RRI figures in the other categories.

Statewide RRIs for Black Juveniles			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	2.57	2.74	2.92
Cases Diverted	0.74	0.78	0.71
Cases Involving Secure Detention	1.80	1.81	1.75
Cases Petitioned	1.08	1.07	1.10
Cases Resulting in Delinquent Finding	1.34	1.31	1.32
Cases Resulting in Probation Placement	0.76	0.75	0.70
Cases Resulting in DJJ Commitment	2.26	1.98	2.53

RRI calculations are from the OJJDP DMC Data Entry System.

The relative rate index tracking sheet shows the RRIs by minority group and contact point. All contact points Virginia includes are deemed statistically significant for black juveniles, thus rendering all points statistically significant when examining all minorities.

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Statewide Relative Rate Index (RRI) Tracking Sheet						
FY2014	Black	Hispanic/ Latino	Asian	American Indian	Other	All Minorities
Arrests	–	–	–	–	–	–
Referrals to Juvenile Court (intake)	2.92 S,M,V,C	1.11 S,C	0.23 S	*	1.58 S,M,C	1.93 S,M,V,C
Cases Diverted	0.71 S,C	0.84 S,M,C	1.49 S,C	*	1.28 S,M,C	0.79 S,M,C
Cases Involving Secure Detention	1.75 S,M,V,C	1.49 S,M,C	0.75	*	0.78 S,M	1.61 S,M,V,C
Cases Petitioned	1.10 S,V	1.07 S,V	0.86 S	*	0.78 S,M	1.06 S,V
Cases Resulting in Delinquent Findings (adjudicated)	1.32 S,M,V	1.38 S,M,V	1.11	*	1.00	1.31 S,M,V
Cases Resulting in Probation Placement	0.70 S,M,C	0.73 S,M,V,C	1.49 S	*	0.87	0.72 S,M,C
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities (commitment)	2.53 S,M,V,C	1.68 S,M,V	Cannot calculate	*	1.61 M,V	2.32 S,M,V,C
Cases Transferred to Adult Court	–	–	–	–	–	

RRI calculations are from the OJJDP DMC Data Entry System.

* Though there is an American Indian population in Virginia, the group is less than 1% of the youth population; therefore, results are not calculated.

Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations (more feasible target populations for activities designed to reduce DMC)

Changes to the OJJDP DMC Data Entry System produced new information beginning in 2012 regarding what would be needed to reach statistical parity among youth populations. This data can be a helpful reference point for state and local planning use, and can certainly be useful in educational efforts surrounding DMC. In order to reach statistical parity with white juveniles in Virginia, for FY2014 data, the OJJDP generated data indicates that:

- Referrals to intake need to decrease by 11,918 black juveniles and 358 Hispanic/Latino juveniles;
- Diversions from court need to increase by 839 black juveniles;
- Cases involving secure detention need to decrease for both black and Hispanic/Latino juveniles by 1,820 and 231 cases respectively;
- Cases resulting in a probation placement need to increase by 874 black juveniles; and
- Cases resulting in DJJ commitment need to decrease by 164 black juveniles.

As with the RRI, these figures must be thoughtfully considered. Because of the low number of Asian youth overall, the same report that generates the above noted figures also shows that the number of referrals to intake needs to increase by 1,345 Asian juveniles and 39 American Indian juveniles.

Comparing Virginia’s RRI values with national data or other states is generally not applicable to the state’s DMC planning efforts. The following table provides a comparison of statewide RRIs for black juveniles among several other states utilizing *intake* as the first point of contact for calculation

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purposes. As can be seen, Virginia has a lower RRI score than three of the four comparison states in the area of intake. Virginia’s disproportionality in regard to the use of detention is similar to the other states.

Comparison of Statewide RRIs for Black Juveniles (Utilizing intake as first point of contact)					
	VA FY2014	NC FY2014	TN CY2012	NJ CY2012	CT CY2013
Arrest	N/A	N/A	N/A	N/A	N/A
Refer to Juvenile Court (Intake)	2.92	3.93	2.07	3.65	4.65
Cases Diverted	0.71	0.81	1.84	0.74	0.52
Cases Involving Secure Detention	1.75	1.49	1.95	Cannot calculate	1.79
Cases Petitioned	1.10	1.13	0.76	Cannot calculate	1.38
Cases Resulting in Delinquent Finding	1.32	0.82	1.42	1.25	1.07
Cases Resulting in Probation Placement	0.70	0.98	0.59	1.15	0.96
Cases Resulting in DJJ Commitment	2.53	1.98	Cannot calculate	4.60	3.39

RRI calculations are from the OJJDP DMC Data Entry System. Statewide data for comparison states is based on the most recent data available through the OJJDP DMC Data Entry System.

The following table provides a comparison of statewide RRIs for black juveniles among several other states utilizing *arrest* as the first point of contact for calculation purposes. Since Virginia does not utilize arrest as the first point of contact, it is difficult to compare the first few elements. As can be seen, Virginia has a lower RRI score than two of the three comparison states in the area of detention. Virginia shows the lowest RRI score for the utilization of probation and the second highest for commitment to a state-run juvenile correctional center.

Comparison of Statewide RRIs for Black Juveniles (Compared to states utilizing arrest as first point of contact)				
	VA FY2014	MD FY2014	SC CY2012	PA CY2012
Arrest	N/A	2.36	2.54	3.78
Refer to Juvenile Court (Intake)	2.92	1.23	0.91	1.12
Cases Diverted	0.71	0.68	0.96	0.69
Cases Involving Secure Detention	1.75	2.44	1.30	2.98
Cases Petitioned	1.10	1.47	1.03	1.26
Cases Resulting in Delinquent Finding	1.32	0.90	0.97	0.93
Cases Resulting in Probation Placement	0.70	0.90	1.04	0.79
Cases Resulting in DJJ Commitment	2.53	3.81	1.20	1.32

RRI calculations are from the OJJDP DMC Data Entry System. Statewide data for comparative states is based on the most recent data available through the OJJDP DMC Data Entry System.

Fairfax County/City

Fairfax is home to over 14.5% of juveniles ages 10–17 in Virginia (n=120,900; 2013 Census est.). White youth make up approximately 48.2% of those ages 10–17. The county’s minority youth population distribution is much different than the state’s as a whole. The percentage of juveniles classified as Asian or Hispanic is significantly higher than the statewide figure (36.3% vs. 16.5%), but those classified as black is less than half (10% vs. 20.9%).

FY2014 Fairfax/Statewide Comparison			
	Fairfax	Statewide	%
Refer to Juvenile Court (Intake)	3,252	41,413	7.9%
Cases Diverted	730	5,809	12.6%
Cases Involving Secure Detention	430	7,498	5.7%
Cases Petitioned	1,929	28,697	7.0%
Cases Resulting in Delinquent Finding	517	9,471	6.7%
Cases Resulting in Probation Placement	416	4,663	8.9%
Cases Resulting in DJJ Commitment	12	389	3.1%

Despite Fairfax’s large youth population, they have a smaller representation in the juvenile justice system as a whole. Of particular note, the number of youth referred to intake in FY2014 was only 7.9% of the state total and those committed to a state-run juvenile correctional center was only 3.1% of the state total.

In examining RRI figures for minorities as a whole across FY2012, FY2013, and FY2014, Fairfax shows little trending change for most contact points. Even though the RRI trend figures for cases involving secure detention appears promising for minorities in whole, and for black youth.

Fairfax RRIs for All Minorities			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	1.70	1.97	1.80
Cases Diverted	0.59	0.57	0.62
Cases Involving Secure Detention	2.23	2.03	1.99
Cases Petitioned	1.40	1.32	1.29
Cases Resulting in Delinquent Finding	1.37	1.24	1.23
Cases Resulting in Probation Placement	0.65	0.64	0.66
Cases Resulting in DJJ Commitment	**	**	**
Fairfax RRIs for Black Juveniles			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	3.53	4.18	3.61
Cases Diverted	0.54	0.55	0.57
Cases Involving Secure Detention	2.63	2.26	2.05
Cases Petitioned	1.52	1.40	1.37
Cases Resulting in Delinquent Finding	1.38	1.18	1.27
Cases Resulting in Probation Placement	0.60	0.57	0.69
Cases Resulting in DJJ Commitment	**	**	**

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Fairfax RRIs for Hispanic/Latino Juveniles			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	2.10	2.23	2.35
Cases Diverted	0.49	0.45	0.53
Cases Involving Secure Detention	2.30	2.38	2.36
Cases Petitioned	1.44	1.47	1.38
Cases Resulting in Delinquent Finding	1.39	1.36	1.26
Cases Resulting in Probation Placement	0.67	0.58	0.56
Cases Resulting in DJJ Commitment	**	**	**
Fairfax RRIs for Asian Juveniles			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	0.41	0.48	0.37
Cases Diverted	0.90	0.90	1.06
Cases Involving Secure Detention	1.07	1.01	0.63
Cases Petitioned	1.06	1.16	1.01
Cases Resulting in Delinquent Finding	1.22	1.05	1.21
Cases Resulting in Probation Placement	**	**	**
Cases Resulting in DJJ Commitment	**	**	**

RRI calculations are from the OJJDP DMC Data Entry System

**Insufficient number of cases for analysis

The following relative rate index tracking sheet shows the RRIs by minority group and contact point for FY2014 data.

Fairfax County Relative Rate Index Tracking Sheet						
FY2014	Black	Hispanic/ Latino	Asian	American Indian	Other	All Minorities
Arrest	-	-	-	-	-	-
Referrals to Juvenile Court (intake)	3.61 S,M,V,C	2.35 S,M,V,C	0.37 S,M	*	1.53 S,M,V,C	1.80 S,M,V,C
Cases Diverted	0.57 S,M,C	0.53 S,M,C	1.06	*	1.01	0.62 S,M,C
Cases Involving Secure Detention	2.05 S,M,V,C	2.36 S,M,V,C	1.63	*	0.94	1.99 S,M,V,C
Cases Petitioned	1.37 S,M,V	1.38 S, M,V	1.01	*	0.71 S	1.29 S,M,V
Cases Resulting in Delinquent Findings (adjudicated)	1.27 S,M,V	1.26 S,M,V	1.21	*	0.66	1.23 S,M,V
Cases Resulting in Probation Placement	0.69 S,M,C	0.58 S,M,C	Cannot calculate	*	Cannot calculate	0.66 S,M,C
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities (commitment)	Cannot calculate	Cannot calculate	Cannot calculate	*	Cannot calculate	Cannot calculate
Cases Transferred to Adult Court	-	-	-	-	-	-

RRI calculations are from the OJJDP DMC Data Entry System.

* Though there is an American Indian population in Virginia, the group is less than 1% of the youth population; therefore, results are not calculated.

Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations (more feasible target populations for activities designed to reduce DMC)

Changes to the OJJDP DMC Data Entry System produced new information beginning in 2012 regarding what would be needed to reach statistical parity among youth populations. This data can be a helpful reference point for state and local planning use, and can certainly be useful in educational efforts surrounding DMC. In order to reach statistical parity with white juveniles in Fairfax, for FY2014 data, the OJJDP generated data indicates that:

- Referrals to intake need to decrease by 599 black juveniles and 555 Hispanic/Latino juveniles;
- Diversions from court need to increase by 107 black juveniles and 136 Hispanic/Latino juveniles;
- Cases involving secure detention need to decrease for both black and Hispanic juveniles by 69 and 105 cases respectively; and
- Cases resulting in probation placement need to increase by 56 black juveniles and 92 Hispanic/Latino juveniles.

As with the RRI figures, this information needs to be thoughtfully considered. Because of the low number of Asian youth overall, the same report that generates the above noted figures also shows that the number of referrals to intake needs to increase by 265 Asian juveniles.

Fairfax is unique in Virginia, both in size and in population structure. No other jurisdictions in the state have youth populations equivalent to Fairfax. Due to the similar racial structure of Fairfax and Prince William County the two are compared for RRI differences, though their population size differences are notable.³⁶ As can be seen on the following table, the two jurisdictions differ most in referrals to intake and cases involving secure detention, with Prince William showing RRIs more favorable to black youth than Fairfax. All other contact points are quite similar. However, it should be cautioned that RRIs can be easily influenced by population changes and one year’s worth of data should not be used as the sole base of comparison.

FY2014 Locality RRI Comparison		
	Black Juveniles	
	Fairfax	Prince William
Refer to Juvenile Court (Intake)	3.61	2.80
Cases Diverted	0.57	0.64
Cases Involving Secure Detention	2.05	1.77
Cases Petitioned	1.37	1.26
Cases Resulting in Delinquent Finding	1.27	1.20
Cases Resulting in Probation Placement	0.69	0.64
Cases Resulting in DJJ Commitment	**	**

³⁶ According to U.S. Census Bureau estimates for 2013, the total population of youth ages 10-17 was 120,900 for Fairfax and 53,692 for Prince William.

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	Hispanic/Latino Juveniles	
	Fairfax	Prince William
Refer to Juvenile Court (Intake)	2.35	1.79
Cases Diverted	0.53	0.57
Cases Involving Secure Detention	2.36	1.52
Cases Petitioned	1.38	1.29
Cases Resulting in Delinquent Finding	1.26	1.55
Cases Resulting in Probation Placement	0.56	0.45
Cases Resulting in DJJ Commitment	**	**

RRI calculations are from the OJJDP DMC Data Entry System.

Fairfax has prioritized addressing DMC within their jurisdiction. They have broadened their DMC committee, engaged consultants to provide technical assistance, focused on DMC through their local learning initiatives, and implemented various programs. In addition to the efforts among juvenile justice stakeholders, the school system engages restorative justice and restorative practices. A new partnership with the school system and juvenile justice system to expand restorative justice to the community was formed in 2014.

Norfolk City

Norfolk is home to approximately 2.3% of juveniles ages 10–17 in Virginia (n=18,743; 2013 Census est.). The total juvenile 10–17 population distribution in Norfolk is quite different from the statewide distribution. Approximately 54.5% of juveniles are classified as black in Norfolk and 28.7% are classified as white, whereas the statewide distribution is 20.9% and 57.7% respectively.

When comparing figures from Norfolk to statewide totals, the youth in the juvenile justice system from Norfolk has a higher representation in all contact points that their representation in the overall youth population. This is most notable when examining the DJJ commitment figure in which Norfolk youth account for 8.7% of all commitments.

FY2013 Norfolk/Statewide Comparison			
	Norfolk	Statewide	%
Refer to Juvenile Court (Intake)	1,784	41,413	4.4%
Cases Diverted	224	5,809	3.9%
Cases Involving Secure Detention	461	7,498	5.1%
Cases Petitioned	1,225	28,697	4.3%
Cases Resulting in Delinquent Finding	480	9,471	5.1%
Cases Resulting in Probation Placement	173	4,663	3.7%
Cases Resulting in DJJ Commitment	34	389	8.7%

As shown on the following tables, there has been some consistent change in the RRI for the intake contact point when looking at Norfolk data for the past few years. This continues from the prior review period and will continue to be monitored in future years. (The RRI data contained herein uses Virginia’s default majority population for historical comparison purposes.)

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Norfolk RRI for All Minorities			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	3.03	2.43	2.23
Cases Diverted	1.00	0.83	0.98
Cases Involving Secure Detention	1.10	1.92	2.20
Cases Petitioned	1.00	1.12	1.15
Cases Resulting in Delinquent Finding	1.40	1.62	2.35
Cases Resulting in Probation Placement	0.68	1.32	**
Cases Resulting in DJJ Commitment	**	**	**
Norfolk RRI for Black Juveniles			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	3.56	2.79	2.65
Cases Diverted	0.99	0.80	0.95
Cases Involving Secure Detention	1.16	2.02	2.27
Cases Petitioned	1.01	1.15	1.18
Cases Resulting in Delinquent Finding	1.44	1.67	2.36
Cases Resulting in Probation Placement	0.69	1.33	**
Cases Resulting in DJJ Commitment	**	**	**

RRI calculations are from the OJJDP DMC Data Entry System

**Insufficient number of cases for analysis

The following relative rate index tracking sheet shows the RRIs by minority group and contact point for FY2014 data. For this table, black is used as the default majority population to reflect Norfolk’s population.

Norfolk Relative Rate Index Tracking Sheet						
FY2014	White	Hispanic/ Latino	Asian	American Indian	Other	All Minorities
Arrests	–	–	–	–	–	–
Referrals to Juvenile Court (intake)	0.38 S,M	0.19 S	0.13 S	*	0.62 S	0.36 S,M
Cases Diverted	1.06 M	Cannot calculate	Cannot calculate	*	1.67 S, V, M	1.15 M
Cases Involving Secure Detention	0.44 S,M	0.65	Cannot calculate	*	0.65	0.50 S,M,V
Cases Petitioned	0.85 S	0.64	Cannot calculate	*	0.72 S	0.81 S
Cases Resulting in Delinquent Findings (adjudicated)	0.42 S	Cannot calculate	Cannot calculate	*	1.12	0.57 S
Cases Resulting in Probation Placement	Cannot calculate	Cannot calculate	Cannot calculate	*	Cannot calculate	1.23
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities (commitment)	Cannot calculate	Cannot calculate	Cannot calculate	*	Cannot calculate	1.56
Cases Transferred to Adult Court	–	–	–	–	–	–

RRI calculations are from the OJJDP DMC Data Entry System.

* Though there is an American Indian population in Virginia, the group is less than 1% of the youth population; therefore, results are not calculated.

Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations (more feasible target populations for activities designed to reduce DMC)

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Changes to the OJJDP DMC Data Entry System produced new information beginning in 2012 regarding what would be needed to reach statistical parity among youth populations. This data can be a helpful reference point for state and local planning use, and can certainly be useful in educational efforts surrounding DMC. In order to reach statistical parity with white juveniles in Norfolk, for FY2014 data, the OJJDP generated data indicates that:

- Referrals to intake need to decrease by 857 black juveniles;
- Cases involving secure detention need to decrease for black juveniles by 225;
- Cases resulting in probation placement need to increase by 91 black juveniles; and
- Cases resulting in confinement in secure juvenile correctional facilities need to decrease by 28 black juveniles.

Due to the similar racial structure of Norfolk and Richmond City the two are compared for RRI differences. As can be seen on the following table, the two cities differ most in referrals to intake and cases involving secure detention, with Norfolk showing RRIs more favorable to black youth than Richmond. All other contact points are quite similar. However, it should be cautioned that RRIs can be easily influenced by population changes and one year’s worth of data should not be used as the sole base of comparison.

FY2014 Locality RRI Comparison		
	Norfolk	Richmond
Refer to Juvenile Court (Intake)	2.65	6.64
Cases Diverted	0.95	0.95
Cases Involving Secure Detention	2.27	3.62
Cases Petitioned	1.18	1.24
Cases Resulting in Delinquent Finding	2.36	2.81
Cases Resulting in Probation Placement	**	**
Cases Resulting in DJJ Commitment	**	**

RRI calculations are from the OJJDP DMC Data Entry System.

Norfolk’s recent efforts to address DMC center on staff training and skill building, as recommended in the statewide assessment. From a state level, several Norfolk City schools are part of a school improvement initiative.

Richmond City

Richmond City is home to approximately 1.8% of juveniles ages 10–17 in Virginia (n=14,567; 2013 Census est.) The total juvenile 10–17 population distribution in Richmond is quite different from the statewide distribution. Approximately 68% of juveniles are classified as black in Richmond and approximately 21% are classified as white, whereas the statewide distribution is 20.9% and 57.7% respectively.

Figures regarding Richmond’s juvenile justice population are disproportionate to the representative total youth population for all contact points. Most notable are the figures for cases involving secure detention or resulting in commitment to a state-run juvenile justice correctional

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center, which are 6.6% and 6.1% respectively. However, it should also be noted that the representation of commitments to a state-run juvenile justice correctional center has decreased from FY2013 when the figure was 10.4%.

FY2014 Richmond/Statewide Comparison			
	Richmond	Statewide	%
Refer to Juvenile Court (Intake)	1,352	41,413	3.3%
Cases Diverted	196	5,809	3.4%
Cases Involving Secure Detention	494	7,498	6.6%
Cases Petitioned	1,015	28,697	3.5%
Cases Resulting in Delinquent Finding	476	9,471	5.0%
Cases Resulting in Probation Placement	222	4,663	4.8%
Cases Resulting in DJJ Commitment	24	389	6.1%

When examining FY2009, FY2010, and FY2011 RRI figures for the 2013 Update, Richmond City demonstrated a noticeable change in RRIs for several contact points. Though the RRIs for initial referral continued to be much lower than those reported for minorities and black juveniles in FY2009 and FY2010, those for cases involving secure detention had risen to their highest levels when looking at the past five years with a noticeable spike in FY2013. This has decreased in FY2014. The drastic differences could, in part, be due to reporting and the re-opening of the Richmond detention center in 2013. The significant spike for juvenile court intake is due to unknown reasons at this time and will be explored with the jurisdiction. These elements will continue to be monitored. (The RRI data contained herein uses Virginia’s default majority population for historical comparison purposes.)

Richmond City RRIs for All Minorities			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	3.46	3.72	6.21
Cases Diverted	1.30	1.33	0.88
Cases Involving Secure Detention	2.02	5.50	3.45
Cases Petitioned	0.90	0.96	1.19
Cases Resulting in Delinquent Finding	3.96	**	2.80
Cases Resulting in Probation Placement	**	**	**
Cases Resulting in DJJ Commitment	**	**	**
Richmond City RRIs for Black Juveniles			
	FY2012	FY2013	FY2014
Refer to Juvenile Court (Intake)	3.72	3.97	6.64
Cases Diverted	1.33	1.36	0.95
Cases Involving Secure Detention	2.04	5.91	3.62
Cases Petitioned	0.90	0.98	1.24
Cases Resulting in Delinquent Finding	4.01	**	2.81
Cases Resulting in Probation Placement	**	**	**
Cases Resulting in DJJ Commitment	**	**	**

RRI calculations are from the OJJDP DMC Data Entry System
 **Insufficient number of cases for analysis

APPENDIX II

The following relative rate index tracking sheet shows the RRIs by minority group and contact point for FY2014 data. For this table, back is used as the default majority population to reflect Richmond’s population.

Richmond City Relative Rate Index Tracking Sheet						
FY2015	White	Hispanic	Asian	American Indian	Other	All Minorities
Arrests	–	–	–	–	–	–
Referrals to Juvenile Court (intake)	0.15 S,V	0.36 S,V	Cannot calculate	*	1.39	0.29 S
Cases Diverted	1.06 V	Cannot calculate	Cannot calculate	*	Cannot calculate	0.48 V
Cases Involving Secure Detention	0.28 S	0.90	Cannot calculate	*	Cannot calculate	0.37 S
Cases Petitioned	0.81	0.99	Cannot calculate	*	0.14 S	0.61
Cases Resulting in Delinquent Findings (adjudicated)	0.36 S	1.07	Cannot calculate	*	Cannot calculate	0.67 S
Cases Resulting in Probation Placement	Cannot calculate	Cannot calculate	Cannot calculate	*	Cannot calculate	Cannot calculate
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities (commitment)	Cannot calculate	Cannot calculate	Cannot calculate	*	Cannot calculate	Cannot calculate
Cases Transferred to Adult Court	–	–	–	–	–	–

RRI calculations are from the OJJDP DMC Data Entry System.

* Though there is an American Indian population in Virginia, the group is less than 1% of the youth population; therefore, results are not calculated.

Key: S=Statistically Significant; M=Magnitude of RRI; V=Volume of Activity; C=Contextual Considerations (more feasible target populations for activities designed to reduce DMC)

Changes to the OJJDP DMC Data Entry System produced new information beginning in 2012 regarding what would be needed to reach statistical parity among youth populations. This data can be a helpful reference point for state and local planning use, and can certainly be useful in educational efforts surrounding DMC. In order to reach statistical parity with white juveniles in Richmond, for FY2014 data, the OJJDP generated data indicates that:

- Referrals to intake need to decrease by 1,010 black juveniles;
- Cases involving secure detention need to decrease for black juveniles by 340;
- Cases resulting in probation placement need to increase by 548 black juveniles; and
- Cases resulting in confinement in secure juvenile correctional facilities need to decrease by 24 black juveniles.

Due to the similar racial structure of Norfolk and Richmond City the two are compared for RRI differences. As shown on the comparison table in the prior section, the two cities differ most in referrals to intake and cases involving secure detention, with Norfolk showing RRIs more favorable to black youth than Richmond. All other contact points are quite similar. However, it should be cautioned that RRIs can be easily influenced by population changes and one year’s worth of data should not be used as the sole base of comparison.

To help address DMC, Richmond has formed a new juvenile justice committee and brought in consultants to provide technical assistance for strategic planning. The committee has included broad representation from justice, social services, and schools. Additional efforts are underway within the school system, which is under new leadership. From the state level, several Richmond City schools are part of school improvement initiatives.

Phase II: Assessment/Diagnosis

When a state determines DMC exists, OJJDP requires the state to conduct an assessment. Additionally, targeted assessments should be conducted when significant changes in the RRI are noted at particular decision points or after the implementation of significant changes in laws, procedures, or policies within the juvenile justice system that may negatively impact DMC.

A DMC assessment is a comprehensive analysis utilizing advanced research methodologies to identify the contributing factors, examine minority over-representation, and explain differences at all contact stages of the juvenile justice system. It should also include recommendations for specific delinquency prevention, intervention, and systems improvement strategies.

Virginia completed a statewide DMC assessment in December, 2012. The project included two major components: (1) qualitative interviews with juvenile justice practitioners in three jurisdictions and (2) a quantitative analysis on the processing of juveniles at various juvenile justice contact points in the participating jurisdictions. A review of RRI data for various jurisdictions and collaboration with Virginia's DMC coordinator led to the selection of Fairfax, Norfolk, and Richmond City for the assessment.

Site visits were conducted in each participating jurisdiction and various stakeholders were interviewed. Interviewees included those who routinely make decisions about arrests, detention, diversion, referral to court, prosecution and defense, adjudication, probation sanctions, and correctional commitments. A total of 55 interview sessions were held across the three sites with approximately 88 individuals. The data include all juveniles processed in the three participating jurisdictions during a three-year period. Approximately 26,000 intake cases were represented, including snapshots of the intake, detention, probation, and commitment contact points.

The final report included a number of recommendations for statewide implementation, as well as locality-specific recommendations for each of the three participating jurisdictions. In accordance with OJJDP guidance, the final report was forwarded to OJJDP. Recommendations from the report include the following:

Statewide Recommendations

1. It is recommended that Virginia review a) the effectiveness of existing prevention programming, b) the extent to which existing programming targets (and is successful with) minority populations, and c) the areas where more programming is needed.
2. The Commonwealth should review and assess criteria for access to diversion programs, potentially increasing the number of times a youth may participate in these programs (currently the limit is one time). That review should also examine Fairfax County's decision-making tool for diversion intake and consider making such a tool, based on objective criteria, available for all jurisdictions.

3. The Commonwealth should increase restorative justice options, such as victim–offender mediation, youth courts, and reconciliation programs; and encourage jurisdictions to collaborate with their respective police agencies to encourage the establishment of police diversion programs.
4. All the jurisdictions studied had some, or many, detention alternative programs—alternatives such as expanded use of advocates, electronic monitoring, house arrest, shelter care, and day reporting centers. However, we recommend that the increased use of such detention alternatives be encouraged. We also recommend increased use of advocacy at the detention hearing.
5. The Commonwealth of Virginia should consider altering its juvenile arrest reporting and data dissemination, and integrating that arrest data with other juvenile justice information available to the cities and counties for use in DMC RRI measurement and further assessment studies.
6. It is recommended that the Commonwealth expand the analytic versatility of its juvenile justice databases, especially to ensure that all relevant decision-makers and decisions are fully represented. The Commonwealth should modify the Juvenile Tracking System to add the category of SRO under “Petitioner Type.”
7. In terms of the threshold value for felony theft, the Commonwealth should inform jurisdictions of the appropriate valuation methodology and ensure that offenders are appropriately charged. It is also important that the legislature review the appropriateness of the \$200 threshold in the contemporary economy and consider raising it.
8. The Commonwealth should consider elevating the State DMC Coordinator position to full-time status. In addition, the Commonwealth should consider providing some level of support for local DMC efforts with federal juvenile justice funds. Each jurisdiction should strive to establish and maintain a local DMC Committee or similar group focused on implementing the OJJDP DMC–Reduction Model.
9. DMC statistics for local communities should be prepared and examined both in terms of the jurisdiction in which the offending occurs and in terms of the youth’s home jurisdiction.
10. The Commonwealth should continue and extend DMC assessment efforts in each of its major jurisdictions (beyond the three studies here) to ensure the fair and equal treatment of youth by the juvenile justice system.

Recommendations for Norfolk

1. Norfolk should deepen its concentration on DMC within its JDAI work and committees.
2. Juvenile justice administrators should ensure that the data collected at certain decision points—particularly at the arrest, probation, and detention stages—are not affected by the presence of youth from jurisdictions outside of Norfolk.
3. Clarification and training should be made available for practitioners who are involved in the decision-making process regarding the \$200 felony threshold in larceny cases.

4. Officials in Norfolk should encourage full representation and participation from the Office of the Commonwealth's Attorney and the Public Defender's Office in the Detention Review.
5. A considerable number of minority youths have been arrested for trespassing at public housing facilities in Norfolk. It is recommended that the jurisdiction examine whether arrest is the only viable option for these cases, or whether there is another option that can be exercised by officials.
6. Staff interacting with youth should receive training in how to better communicate and work with young people, including how to interpret teenagers' body language, because this training could be helpful in building understanding and possibly in reducing DMC.
7. Deeper examination of racial disparities at adjudication is recommended.
8. Among adjudicated youths, Norfolk handled more of its youths as adults than Fairfax and Richmond, and nearly all of these youths were African American. Norfolk judges, Commonwealth's Attorneys, public defenders, Court Service Unit (CSU) staff, and other juvenile justice stakeholders and decision-makers should review the extent to which racial disparity differs by transfer type (judicial discretion, automatic transfer, and prosecutorial waiver) and what steps can be taken to reduce the overall number of transfers as well as existing racial disparities.

Recommendations for Richmond

1. To ensure an overall reduction in the numbers of youths in the system, existing programming for youth should be analyzed for accessibility and effectiveness.
2. Richmond officials should make concerted efforts to improve the completeness of data at the intake stage, to include School Resource Officer as a distinct category, and to develop quality-control measures to reduce missing information.
3. Richmond should explore the option of developing a post-dispositional program for appropriate adjudicated youth.
4. Both schools and police should strive to dramatically reduce the numbers of school-based incidents that result in arrest and court referral. Schools and the police should revisit their expectations for the presence of SROs in schools. The police should evaluate the cultural competency components of its SRO training curriculum, and consider including juvenile Probation Officers as trainers to provide a particular emphasis on adolescent contact and supervision. The schools should prepare offense-specific protocols outlining what the recommended school disciplinary process should be; these protocols should be incorporated into SRO training and school/police operating agreements.
5. Richmond officials should incorporate an objective assessment into diversion decisions. Policies and practices should be written and regularly monitored for implementation fidelity.

Recommendations for Fairfax

1. Because of the extensive diversity of the Fairfax population, agency leaders should review and discuss with staff a set of standard rules for classification/coding for each racial and ethnic group that is likely to be encountered in the community.
2. It is recommended that Fairfax consider implementing or expanding evidence-based gang intervention programs.
3. Language issues need additional attention. It is recommended that the community ensure that bilingual School Resource Officers are assigned to those schools with significant Hispanic student enrollment; that Intake staff and Public Defenders have ready access to interpreters; that various information guides, forms, and other system paperwork are provided to youth and their families in relevant languages; and that program offerings are culturally competent for clients.
4. Fairfax should explore the adoption of an “Expeditor” position or other means of actively seeking alternatives to detention and facilitating the advancement of cases through the system, as is done in Richmond and many other JDAI sites.
5. It is recommended that the Fairfax CSU examine the court’s docket scheduling process to ensure the timeliest processing of detention cases.
6. Local policy denies diversion if restitution in a case will be more than \$500. It is recommended that the CSU examine ways of facilitating and assisting youths’ efforts to meet restitution obligations and potentially increase access to diversion programs.
7. As a means of reducing Failure to Appear actions, it is recommended that Fairfax County examine the many possible ways of addressing transportation issues, including, for example, satellite court options, the use of video technology, scheduling innovations, and transportation assistance.
8. The Fairfax Police Department should investigate the feasibility of implementing a police diversion program to reduce the number of youths penetrating into the juvenile justice system.
9. It is recommended that Fairfax implement new programs to reduce recidivism among first-time, younger offenders.

Following completion of the final report, each participating locality was offered the opportunity to participate in a one-day follow-up meeting with the assessors. Meetings were held in Richmond and Norfolk to review the assessment findings and begin strategizing plans to address recommendations. (Fairfax did not participate due to their other efforts in progress.)

Phase III: Intervention

Virginia recognizes that DMC exists within the juvenile justice system and has prioritized funding for projects regarding DMC for several years. Data, RRI calculations, and other research and information, including the professional expertise of ACJJ members, are used to develop strategies targeting DMC.

(1) Progress made in 2014

Reducing disproportionality in the juvenile justice system was identified as a priority in *Virginia's Three-Year Plan 2012–2014*. Several goals, objectives, and activities were identified for the period. The DMC Subcommittee of the ACJJ continues to meet and ACJJ members voted to make the funding of DMC initiatives through JJDP Act Title II funds a priority throughout the plan period. The ACJJ completed or made progress on all activities. Below is a list of objectives and the related activities completed in the past year as they relate to the DMC reduction goal:

Objective 1: Continue the statewide DMC juvenile justice assessment process and implement recommendations.

Activities:

- Local teams continued implementing recommendations;
- A RFP for a new assessment was issued and awarded. The project began mid-2014; and
- A solicitation prioritizing DMC projects tied to recommendations of a formal assessment was issued and several new projects were funded.

Objective 2: Provide funding to implement recommendations from the DMC assessment(s) as identified in Objective 1.

Activities:

- Funds were awarded to several jurisdictions to implement specific DMC reduction recommendations of formal assessments, including:
 - o Charlottesville for implementing police-specific training (Strategies for Youth);
 - o Norfolk for juvenile probation staff training and evaluation; and
 - o Fairfax for expanding restorative justice to communities.

Objective 3: Provide funding to implement alternatives to the use of school disciplinary and zero-tolerance policies resulting in arrest and/or school suspension or expulsion.

Activities:

- A solicitation prioritizing restorative justice projects was issued. One jurisdiction applied and was awarded funding; and
- Discussions began with the Department of Education regarding ways to increase school interest in grant projects and restorative justice.

Objective 4: Provide continuation funding for eligible sub-grantee projects approved prior to 2012 demonstrating compliance and progress with their grant objectives.

Activities:

- Identified sub-grantees eligible for continuation funding;
- Reviewed project progress to determine if continuation is appropriate; and
- Recommended continuation of funds to the Criminal Justice Services Board as appropriate. Continuation funding was awarded.

Objective 5: Provide training and information on DMC.

Activities:

- Updated the DCJS website with DMC information; and
- Applied for and received a technical assistance grant for the Connecticut Model police training.

Additional training and information activities were anticipated for 2014, however, staff resources were limited due to staff turnover. Furthermore, a successful roll out of regional Trauma & Youth sessions expanded to 11 sessions held within a four-month period, thereby limiting the inclusion of other trainings.

(2) DMC Reduction Sites

The state does not have specifically identified DMC reduction sites.

Phase IV: Evaluation

All intervention strategies to reduce DMC are managed through sub-grants to localities or other state agencies. Each intervention project includes specific goals, objectives, activities, and selected performance measures. Data relating to performance measures for each sub-grant is entered into a data system (DCTAT) as directed by OJJDP. No formal process and/or outcome evaluations are conducted at the state-level other than monitoring RRIs.

Mandatory output and outcomes performance measures include:

- Number/percent of program staff trained
- Number of program staff training hours
- Number of planning activities conducted
- Number of assessment studies conducted
- Substance use (short term/long term)
- School attendance (short term/long term)
- Family relationships (short term/long term)
- Antisocial behavior (short term/long term)
- Number of data improvement projects implemented
- Number of objective decision-making tools developed
- Number of program youth served
- Number/percent of program youth who offend (short term/long term)
- Number/percent of program youth who re-offend (short term/long term)

Phase V: Monitoring

Virginia has several data sources that improve each year in terms of quality and quantity of data. DJJ accommodates data requests from DCJS that provide us with data helpful in monitoring and tracking changes in DMC trends over time. During the course of the last three-year plan period, DCJS developed a more detailed DMC monitoring and tracking process by reviewing figures annually and entering data into the OJJDP DMC Data Entry System for target localities and reviewing the system reports.

Most activities related to the annual review of DMC data are tied to the development of the three-year plan and DMC compliance report. These annual activities include:

- Review of data submitted to DCJS by DJJ;
- Identification of localities for inclusion in data entry into OJJDP's DMC Data Entry System;
- Review and analysis of statewide data (done as part of DMC compliance plan) for current year and comparison with past years;
- Review and analysis of data from at least three localities (done as part of DMC compliance plan) for current year and comparison with past years; and
- Provide copies of OJJDP DMC Data Entry System results to localities upon request (should a locality request RRI data, but they are not already entered into the system, special effort will be made to enter their data and run the report).

Virginia has entered data for several localities, as well as the state as a whole, into the OJJDP DMC Data Entry System annually since 2008, adding additional localities each year. For FY2011, data was entered for 29 different cities and counties plus statewide data. One additional locality was added for FY2012 and one more for FY2013. For FY2014, data for 34 localities was entered. Beginning with FY2011, data for localities is entered if: data for the locality had been entered for a previous year; the youth population (ages 10–17) is 10,000 or higher for the locality; or the number of juveniles admitted to a DJJ correctional center from a particular locality is 5 or more for the year.³⁷ Data is also entered upon a special request of a locality. Localities with focused DMC reduction efforts are included. White youth are the default majority population in Virginia, though there are several localities in which black youth comprise the majority.

In addition to annual activities, the following related activities are planned for the coming months:

- April/May: Preliminary work on DMC conference; DMC subcommittee meeting; continue work on the 2014/2015 DMC Assessment;
- June–August: DMC conference committee/planning; continue work on the 2014/2015 DMC Assessment;
- September/October: DMC conference; 2014/2015 DMC Assessment finalized
- November/December: DMC subcommittee planning meeting

DCJS formally monitors all sub-grants it awards through progress reports and site visits, including those delinquency prevention, intervention, and systems improvement activities implemented to reduce DMC. Sub-grantees are required to submit quarterly progress reports to update DCJS staff on the status of the project. Grant monitors conduct at least one site visit during the project’s grant funded lifespan.³⁸ Sub-grantees showing little or no progress are offered technical assistance by program staff. The DMC coordinator with either directly monitor, or work with the grant monitor, on all DMC-specific sub-grant projects.

The DMC coordinator tries to stay informed of related projects, not funded by DCJS, underway in other state agencies or localities which may reduce DMC in the justice system through websites, articles, meetings, and individual contact.

The majority of DMC monitoring efforts will fall to Tracey Jenkins, the designated DMC coordinator. Ms. Jenkins is a full time employee of DCJS, but she has other responsibilities including serving as the juvenile justice specialist and the department’s legislative liaison. A recent addition to the juvenile team at DCJS, Ed Holmes, will assist in various areas.

Monitoring activities occur throughout the year:

- January–December: Conduct site visits as needed (DMC coordinator and/or grants monitor)
- January–December: Monitor other state agencies for DMC related activities; attend meetings and make contacts as needed
- January: Receive/review sub-grant progress reports

³⁷ Data entered into the DMC Data Entry System is provided to the Department of Criminal Justice Services by the Virginia Department of Juvenile Justice. In order to comply with data entry requirements and DMC analysis guidelines, data for Hispanic is used. For all other reporting purposes in this document, Hispanic is considered an ethnicity and therefore, figures reported for race may not agree with those included in the DMC discussion.

³⁸ Site visits may or may not be conducted on sub-awards that are for a single year.

- TBD annually (requested by February 1): Receive annual data
- TBD annually (ideally in February): Enter data into OJJDP's DMC Data Entry System
- TBD annually (ideally in March): Analyze statewide data and select site data in comparison to prior years for three-year plan and DMC compliance report
- April: Receive/review sub-grant progress reports
- July: Receive/review sub-grant progress reports
- October: Receive/review sub-grant progress reports

DMC Reduction Plan for FY2015–2017

In preparation for developing *Virginia's Three-Year Plan 2015–2017*, the ACJJ held a planning retreat and follow up meetings to identify priorities and review proposed activities. Reducing disproportionality in the juvenile justice system continues to be a priority for the ACJJ.

The following objectives and activities are specific to the DMC reduction goal and will guide activities for state fiscal years 2015–2017 (July 1, 2015–June 30, 2017). Timelines and funding information is included:

Objective 1: Continue the statewide DMC juvenile justice assessment process and implement recommendations.

Activities:

- Complete the 2014/2015 assessment.
- Provide assessment results to local and state partners.
- Review recommendations and identify possible implementation strategies.
- Identify localities for a new assessment to begin in state FY2018, funding permitting.

Year(s): 2015, 2016, 2017 (state fiscal years 2016, 2017, 2018)

Funding: Amount TBD; Title II

Objective 2: Provide funding to implement recommendations from the DMC assessment(s) as identified in Objective 1.

Activities:

- Solicit applications for projects which implement specified DMC reduction recommendations.
- Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

Year(s): 2015, 2016, 2017 (state fiscal years 2016, 2017, 2018)

Funding: Amount TBD; Title II

Objective 3: Provide funding to implement alternatives to the use of school disciplinary and zero-tolerance policies promoting arrest and/or school suspension or expulsion (prioritize schools in improvement).

Activities:

- Solicit applications for projects to implement alternatives to the use of school disciplinary/zero-tolerance policies that promote school suspension or expulsion.
- Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

Year(s): 2015, 2016, 2017 (state fiscal years 2016, 2017, 2018)

Funding: Amount TBD; Title II

Objective 4: Provide training and information on DMC.

Activities:

- Identify potential new venues for additional DMC conferences.
- Hold DMC specific conference(s).
- Identify other conferences in which DMC sessions can be included.

Year(s): 2015, 2016, 2017 (state fiscal years 2016, 2017, 2018)

Funding: Amount TBD; Title II SAG Funds and OJJDP TA Requests

Objective 5: Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.

Activities:

- Review sub-grants for compliance and progress.
- Solicit continuation applications for projects.
- Working within funding allowances, recommend funding for projects meeting specified criteria to the Criminal Justice Services Board.

Attachment H-1: Monitoring Manual

Virginia's Compliance Monitoring Policy and Procedures Manual

June 2015

Compliance Monitoring Policies and Procedures INTRODUCTION

Pursuant to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, “the state agency designated to administer the Formula Grants Program must provide for an adequate system of monitoring jails, lockups, juvenile detention facilities, juvenile correctional centers, court holding facilities and non-secure facilities to insure that the core requirements of the Act are being upheld”. The Virginia Department of Criminal Justice Services (DCJS) is the state agency designated to administer the Formula Grants Program, and as such, the Juvenile Services Section at DCJS has been responsible for establishing the Compliance Monitoring Program.

The state, through DCJS, is required to make annual reports to the Administrator of Office of Juvenile Justice and Delinquency Prevention on the results of our monitoring efforts. The report must demonstrate the extent of Virginia's compliance with the Deinstitutionalization of Status Offenders, Sight and Sound Separation, and Jail Removal core requirements of the JJDP Act. If Virginia fails to demonstrate compliance, as defined by federal guidelines, the Federal Formula Grants allotment to the state will be reduced by 20% for each core requirement not being met.

For these monitoring purposes the following policy and procedures manual will be utilized in carrying out these tasks. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) require that States participating in the JJDP Act have an adequate compliance monitoring system which includes annual:

- Identification of the Monitoring Universe,
- Classification of Facilities,
- Inspection of Facilities, and
- Data Collection and Data Verification.

Virginia's Compliance Monitoring Policy and Procedures Manual will describe each of these elements in detail and will be included in the Compliance Monitor's Desk Manual. Copies of this policies and procedures manual are provided to OJJDP and to Virginia's Juvenile Justice Specialist, and are made available to other interested parties. This manual will be reviewed and updated annually by Virginia's Compliance Monitor.

1.0 COMPLIANCE MONITORING PLAN

Policy:

Virginia is required by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to have a written plan which provides for an adequate system of monitoring secure and non-secure facilities to ensure that the core protections of the Juvenile Justice and Delinquency Prevention (JJDP) Act and Formula Grant Regulations are being complied with.

Assessing compliance affects eligibility for formula grant funding and participation in various programs offered through OJJDP. Noncompliance with any of the four core requirements results in a 20% reduction of the funds awarded to the state.

The monitoring plan must describe:

1. The barriers faced in implementing and maintaining a monitoring system and the strategies and plan to overcome such barriers.
2. The legislative and/or administrative procedures which have been established for the state to receive, investigate, and respond to reports of compliance violations.
3. The detailed description of monitoring tasks which includes the identification of the agency responsible for each task.
4. The monitoring authority granted to the State Planning Agency in order to perform the compliance monitoring tasks.
5. The definition of terms the State Planning Agency will use when conducting the compliance monitoring.

Procedures:

The monitoring barriers, the administrative violation procedures, the detailed description of the monitoring tasks, the monitoring authority and the use of the federal definitions exclusively in compliance monitoring are addressed in the following policies.

The Compliance Monitoring policies and procedures should be reviewed each year by the Compliance Monitor and the Juvenile Justice Specialist and updated as needed.

1.1 COMPLIANCE MONITORING BARRIERS AND STRATEGIES

Policy:

A description of the barriers faced by Virginia in implementing a monitoring system as well as the state and local strategies and plans to overcome those barriers are necessary to maintain integrity within the compliance monitoring plan and system. The following procedures to identify barriers and the plans to overcome those barriers will insure that the state maintains a monitoring system with integrity that is reviewed annually.

Procedures:

1. The Department of Criminal Justice Services will annually plan and organize a State Advisory Group (SAG) retreat or meeting. A portion of the agenda will be set aside to discuss current compliance status, the barriers to compliance, and to develop state and local strategies to overcome the barriers. Discussions will be recorded in the meeting.
2. The Compliance Monitor will submit for SAG discussion and action at the retreat a written and oral report on:
 - A. Barriers faced in implementing and maintaining a monitoring system and barriers faced in maintaining compliance with the JJDP Act.
 - B. Recommendations for state and local strategies and plans to overcome those barriers.
 - C. An annual report on the number of violations by the type of facility. The Compliance Monitor will report the number of DSO, Sight and Sound, and Jail Removal violations that occurred across Virginia during the monitoring period. The SAG will also be informed of any other pertinent issues that were included in the Annual Report to OJJDP.
3. From SAG discussion and staff input a written plan will be developed, if needed, to address the barriers in the coming year and will be reflected in the SAG minutes.
4. The DCJS and the Compliance Monitor will implement the written plan and will provide written and oral updates to the SAG, as requested, during regular SAG meetings which are held at least four times a year.
5. The written plans may include, but are not limited to, the following activities:
 - A. Training for those agencies involved in monitoring or implementation of the JJDP Act.
 - B. Administrative meetings with those agencies involved in monitoring or implementation of the JJDP Act.
 - C. Pursuit of state legislation to overcome barriers to monitoring.
 - D. Local coordination, i.e., intensive problem solving and planning for agencies requiring assistance to realize compliance with the JJDP Act core requirements.

1.2 VIOLATION PROCEDURES

Policy:

The DCJS Compliance Monitor shall monitor all facilities in Virginia's Monitoring Universe for compliance with the JJDP Act. Facility files shall be maintained for all facilities and reports shall be made for all site visits at these facilities.

All compliance violations shall be noted and fully investigated and documented in the facility files. Violations will be documented and shall be kept on record as part of the facility file. This documentation shall include the date and time of the violation and all pertinent information concerning the violation.

Technical assistance will be provided and the action taken to correct the violation shall also be documented in the facility file. Violations shall be brought to the attention of the Juvenile Justice Specialist. While the compliance monitor is responsible for the compliance violation investigation and follow-up, the Juvenile Justice Specialist retains primary responsibility and merely delegates this task to the compliance monitor.

Procedures:

1. The Compliance Monitor will perform statewide monitoring; a detailed description of the process and tasks is contained in these policies.
2. The Compliance Monitor will be the primary agent to discover and report compliance violations throughout the state, and to investigate the violations. Violations are most usually found through the detailed review of juvenile detention logs and other data that is reviewed by the compliance monitor. The review may occur either onsite when the Compliance Monitor reviews the logs or when the facility mails or faxes the logs to the Compliance Monitor at DCJS.
3. When DCJS receives an independent compliance violation report they will utilize the Compliance Monitor to investigate it.
 - A. Independent sources may include:
 - The State Advisory Group;
 - The Department of Juvenile Justice;
 - Administrators of public and private agencies;
 - Interested citizens and/or parents;
 - Youth.
4. The process used to receive, investigate and respond to compliance violation reports is as follows:
 - A. All reports of violations will be turned over to the Compliance Monitor. The report may be received through an independent source or from review of data, such as Juvenile Tracking System (JTS) reports, LIDS reports, or juvenile detention logs.

- B. If a violation of DSO, Jail Removal or Sight and Sound is reported or discovered, the Compliance Monitor will fully investigate the violation. The investigation will always involve a review of the juvenile's case file at the facility to confirm that a violation actually occurred. In many cases, incorrect information may be recorded on the JTS Report and the entry may appear to be a violation. Upon further investigation it may be revealed that the times or charges were recorded incorrectly. All violations will be discussed with the facility administrator or contact to explain why they were violations and what remedial actions may be taken to prevent future violations. A summary of the violation will be made in the facility file.
 - C. The Compliance Monitor will provide intensive follow-up onsite visits to facilities where compliance is a problem. Intensive follow-up may include additional onsite visits to ensure compliance with the JJDP Act.
 - D. The Compliance Monitor will provide compliance monitoring progress reports which shall be included in the Facility File.
5. DCJS may follow-up a compliance violation with any action that is deemed responsible and appropriate.
6. For internal tracking purposes, the following steps will be taken on every violation:
- A. Violation will be recorded in the facility file.
 - B. The violations are then recorded for yearly reporting to OJJDP.
 - C. Violations and patterns of violations shall be discussed with the Juvenile Justice Specialist to determine if further action is needed, if future grants to localities are placed in jeopardy, or if the SAG should be notified.

1.3 DESCRIPTION OF THE REQUIRED OJJDP COMPLIANCE MONITORING TASKS

Policy:

A detailed description of the monitoring tasks as well as the identification of the agency or agencies responsible for those tasks is a necessary element to a monitoring system. The following policy describes in general terms Virginia's compliance monitoring system. The Compliance Monitor working for the Virginia Department of Criminal Justice Services is responsible for monitoring and reporting under the Juvenile Justice and Delinquency Prevention (JJDP) Act.

The Juvenile Justice Specialist will annually review with the Compliance Monitor the monitoring tasks to be accomplished during the year as outlined in this policy.

Procedures:

1. The Compliance Monitor will schedule a meeting with the Juvenile Justice Specialist to discuss compliance plans and strategies.
2. A work plan outlining the tasks, the start and completion date, and other duties will be formalized. The SAG will be kept abreast of compliance tasks being conducted.
3. The monitoring tasks, at a minimum, will include:
 - A. Identification of the Monitoring Universe.
 - B. Classification of the Monitoring Universe.
 - C. Inspection of Facilities.
 - D. Data Collection and Verification.
 - E. Either written or verbal quarterly progress reports to the SAG and Juvenile Justice Specialist.
 - F. Completion of the OJJDP Annual Monitoring Report each year, the due date to be determined by the Juvenile Justice Specialist, Compliance Monitor and OJJDP State Representative. The report determines funding eligibility based on compliance with three of the four core requirements (Deinstitutionalization of Status Offenders, Sight and Sound Separation and Jail Removal).
 - G. Other related duties as described.
4. The Juvenile Justice Specialist will supervise the Compliance Monitor and will ensure that all of the monitoring tasks are accomplished.

1.3.1 COMPLIANCE MONITORING TIMETABLE

- 1.1 Compliance Monitoring Barriers and Strategies
October – December
 - Identify barriers
 - Prepare SAG report
 - Prepare materials for retreat
 - Discuss barriers at SAG retreat
 - Discussion at retreat to be included in minutes

- 1.2 Compliance Violation Reporting Procedures
July – June – On-Going
 - Receive and investigate compliance violation reports
 - Document violations in Facility Files
 - Discuss patterns of violation with Juvenile Justice Specialist
 - Prepare compliance violation report
 - Report violations to OJJDP
 - Report compliance status to SAG

- 1.3 Description of the Required CM Tasks
March – December
 - Monitoring planning begins – March
 - Monitoring task and strategies identified
 - Meeting with Juvenile Justice Specialist to discuss monitoring tasks and plan
 - Begin annual compliance monitoring cycle –July
 - Monitoring task completed
 - Annual Compliance Monitoring Report submitted to OJJDP – December

- 2. Identification of the Monitoring Universe
July – June – On-going
 - Query agency contacts and localities
 - Send certification letters and questionnaires to law enforcement agencies
 - Obtain Facility Certifications from DJJ, DSS, DMHMRSAS, DOC
 - Documentation and updating of Compliance Monitoring Universe Master List
 - Question contacts during site visits to identify other local facilities

- 2.2 Classification of the Monitoring Universe
July – June – On-Going
 - Initial classification will be conducted at time of identification
 - Identification is an on-going process
 - Classification confirmed during site visits

2.3 Inspection of Facilities

July – June

- Inspection occurs throughout the monitoring year
- Site visits to facilities are typically conducted April – November

2.4 Data Collection and Data Verification

July – June

- Data is collected and verified during the entire monitoring period
- JTS, BADGE, LIDS, and Juvenile Detention Log data are received in January – May
- Data is reviewed – January – May
- Data verification is an on-going process
- Verification through site visits to facilities and courts

2.5 Annual Compliance Monitoring Report

January – June

- Report due date: June 30th of each year
- Compliance data is compiled, reviewed, verified, all through the year
- Report completed by Compliance Monitor
- Annual Compliance Monitoring Report reviewed by Juvenile Justice Specialist
- Report submitted to OJJDP

4.0 Title V Certification

March

- Compliance certification is required prior to receipt of a Title V application
- The compliance monitor will provide the Title V Coordinator with a list of facilities that are out of compliance

Other Significant Tasks

- Update Virginia's Compliance Monitoring Policy and Procedures Manual – January – December
- Monitor newly proposed General Assembly legislation – January – March
- Provide technical assistance to localities and facility staff – January – December
- Assist with JJDP State Training Conference – March – June

1.4 COMPLIANCE MONITORING AUTHORITY

Policy:

The agency responsible for monitoring, the Virginia Department of Criminal Justice Services (DCJS), should have legal authority to monitor all facilities in which juveniles might be placed under public authority. The monitoring authority should be sufficiently broad to permit the monitoring agency to require each facility that could be classified as secure to be inspected for classification purposes, to maintain specific juvenile admission and release records and permit the designated compliance monitor to review these records at selected intervals during the year.

1. The basic authority should give DCJS the authority, pursuant to state statutes, to inspect the facilities for compliance, to cite facilities for violations, and to impose sanctions when violations are not corrected.
2. The Compliance Monitor should be permitted to review records containing detention information with the verbal agreement that the monitors will respect the confidential nature of the information and will not knowingly record or divulge information which might identify a specific child except as may be required to protect the child.
3. Effective monitoring and enforcement can only be fully implemented when the agency's legal responsibility is defined in clear terms and is known to all parties.

Procedures:

1. State statutes usually define the responsibility of agencies who may be holding juveniles securely with regard to the development and implementation of licensing requirements or other standards for operation. The Compliance Monitor will utilize existing statutorily defined requirements and standards in determining and reporting compliance violations. The Virginia Department of Juvenile Justice is the state agency which inspects, regulates, licenses and certifies juvenile detention and correctional facilities. As such, DJJ may sanction these facilities for violations. The Compliance Monitor will work closely with DJJ staff to address JJDP Act violations.
2. The compliance monitor will make available during all onsite inspections a copy of the Virginia statutes which define the basis of authority for monitoring. The compliance monitor will report directly to the Juvenile Justice Specialist and the SAG. The Juvenile Justice Specialist retains the accountability for the overall performance of the monitoring tasks.

1.5 FEDERAL DEFINITIONS OF TERMS

Policy:

For the purposes of monitoring facilities for compliance with the JJDP Act, the definitions of terms used must be identical to those found in the Formula Grant Regulations.

DCJS will adopt and follow Federal definitions for monitoring purposes. These definitions will be used exclusively for compliance monitoring and when training or providing technical assistance.

Procedures:

The following definitions from the Formula Grant Regulations, the JJDP Act, and the OJJDP Guideline Manual will take precedence and will be used for monitoring purposes.

I. FORMULA GRANT REGULATION DEFINITIONS

Secure Custody – 31.304(b):

As used to define a detention or correctional facility this term includes residential facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Facility – 31.304(c):

A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

Adult Jail – 31.304(m):

A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

Adult Lockup – 31.304(n):

Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Juvenile who is accused of having committed an offense – 31.304(d):

A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal type

offender or a status offender and no final adjudication has been made by the juvenile court.

Juvenile who has been adjudicated as having committed an offense – 31.304(e):

A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender.

Status Offender – 31.304(h):

A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. (Status offenses include truancy, violations of curfew, runaway, underage possession of alcohol or tobacco, underage alcohol offenses).

Non-Offender – 31.304(I):

A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

Valid Court Order – 31.304(o):

The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word “valid” permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.

Private Agency – 31.304(a):

A private non-profit agency, organization or institution is:

- A. Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control.
- B. Any other agency, organization, or institution which operates primarily for scientific, education, service charitable or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax exempt under the provisions of section 501 (c)(3) of the 1954 Internal Revenue Code.

Sight and Sound Separation – 31.303 (d)(I)(I):

Secure custody status is when a juvenile offender is physically detained or confined in a locked room or area. Secure detention or confinement may result either from being placed in such a room or area and/or being physically secured to a cuffing rail or other stationary object. Separation must be accomplished architecturally or through policies and procedures in all secured areas. Sight contact is when a juvenile has clear visual contact with an incarcerated adult within close proximity. Sound contact is when a juvenile can have direct oral communication with an incarcerated adult. In accordance with OJJDP policy the state must assure that no juvenile offender shall enter, under public authority, for any amount of time, into a secure setting or secure section of any

jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

Non-Secure Custody:

The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility: (1) the area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes; (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility; (3) the use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court; (4) in no event can the area be designed or intended to be used for residential purposes; and (5) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

Court Holding:

A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearing, or other court proceedings. Court holding facilities, where they do not detail individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223 (a)(14) of the JJDP Act. However, such facilities remain subject to the section 223 (a)(13)(42 U.S.C. 5633 (a)(13)) separation requirement of the Act.

Collocated Facility – 31.303 (e)(3)(I)(c)(1)-(4):

Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.

- A. Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time phasing of common use nonresidential areas and;
- B. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides a full range of separate program services. No program activities may be shared by juveniles and adult inmates. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and

- C. If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and
- D. In states that have established standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and be licensed as appropriate. If there are no state standards or licensing requirements, OJJDP encourages states to establish administrative requirements that authorize the state to review the facility's physical plant, staffing patterns, and programs in order to approve the collocated facility based on prevailing national juvenile detention standards.

II. JJDP ACT DEFINITIONS

Secure Detention Facility – 103 (12)(A)(B):

The term “secure detention facility” means any public or private residential facility which:

- A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.
- B. Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense.

Secure correctional facility – 103 (13)(A)(B):

The term “secure correctional facility” means any public or private residential facility which:

- A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.
- B. Is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense.

Public Agency – 103 (11):

The term “public agency” means any State, unit of local government, combination of such States or Units, or any department, agency or instrumentality of any of the forgoing.

III. OJJDP GUIDELINE MANUAL

Delinquent

- A. Juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed be a crime if committed by an adult.

2.0

OVERVIEW OF THE COMPLIANCE MONITORING TASKS

Policy:

The JJDP Act states in section 223(15) that states must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the core protections of paragraph (A)(11)(a), D.S.O.; paragraph (12), sight and sound separation; and paragraph (13), jail removal; are met. Additionally, states must provide for annual reporting of the results for such monitoring to the OJJDP Administrator.

The four major monitoring tasks are as follows: These monitoring tasks are addressed in policies in this manual.

1. Identification of the Monitoring Universe.
2. Classification of the Monitoring Universe.
3. Inspection of facilities.
4. Data Collection and Verification.

The following areas related to reporting and violation issues are also addressed in this manual.

1. The OJJDP annual Compliance Monitoring report period.
2. The method of reporting.
3. Compliance violation issues and the legislative and administrative procedures used to enforce compliance.

Procedures:

To complete the four monitoring task requirements and the three additional tasks please refer to these policies which are included in this manual.

2.1

IDENTIFICATION OF THE MONITORING UNIVERSE

Policy:

OJJDP requires States (Formula Grant recipients) participating in the JJDP Act, as amended, to establish and maintain an adequate monitoring plan and system for purposes of compliance with the Act and for OJJDP audits. There are four elements to a compliance monitoring system: identification of the monitoring universe, classification of facilities in the monitoring universe, inspection of facilities and data collection/data verification. OJJDP requires that each task be completed annually. This policy addresses the annual identification of the monitoring universe.

The Compliance Monitor will maintain a Compliance Monitoring Universe Master List which will contain listings of all facilities in Virginia which might hold juveniles pursuant to public authority. The Compliance Monitoring Universe Master List will be located in the Compliance Monitor's office. The DCJS Compliance Monitor will annually update Virginia's Compliance Monitoring Universe Master List.

As defined in the Federal Register, May 31, 1995, page 28445, the identification of the monitoring universe refers to: "The identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public or private agencies."

As defined in the OJP Guideline Manual, page 2, states: "This refers to the identification of all facilities which might hold juveniles pursuant to public authority.... This list should include all jails, lockups, detention centers, juvenile correctional facilities, group homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may need to include public or private mental health facilities, chemical dependency programs, and detoxification centers."

Procedures:

1. To identify facilities that should be included in Virginia's monitoring universe, the DCJS Compliance Monitor will query and seek information that is available from local police and sheriff's offices, jail and detention facilities, and State agencies which include the Department of Corrections, Department of Juvenile Justice, Department of Social Services, Department of Mental Health Mental Retardation and Substance Abuse Services, the Supreme Court of Virginia, and the State Compensation Board.
2. The query will include identification information related to: current facilities, planned facilities, and contracts with private facilities. Newly identified facilities will be added to the Compliance Monitoring Universe.
3. The Compliance Monitoring Universe Master List will be available during each OJJDP compliance monitoring audit.

4. The identification of the monitoring universe is an on-going process. During onsite visits to facilities, the compliance monitor should ask questions during the interview with the administrator or contact regarding new construction, remodeling of current facilities, and proposed construction. In addition, when monitoring a law enforcement agency the Compliance Monitor asks about other current facilities that should be a part of the monitoring universe. If a police department, jail, or other facility has recently become operational, or is being proposed, it is placed on the list of facilities within the respective section of the Compliance Monitoring Universe Master List and is subject to the classification, inspection, and data collection/data verification tasks.

2.2

CLASSIFICATION OF THE MONITORING UNIVERSE

Policy:

OJJDP requires that states, (Formula Grant recipients) participating in the JJDP Act establish and maintain an adequate monitoring system and plan for purposes of compliance with the Act and for OJJDP compliance audits. There are four elements to a compliance monitoring system: identification of the monitoring universe, classification of facilities in the monitoring universe, inspection of facilities and data collection/data verification. OJJDP requires that each task be completed annually. This policy relates to the annual classification process of the monitoring universe.

The Compliance Monitor will annually classify and/or reclassify, all facilities listed in the Compliance Monitoring Universe Master List.

As defined in the Federal Register, June 20, 1985, page 25558, "This is the classification of all facilities to determine which ones should be considered as a secure detention or correctional facility, an adult correctional facility, an adult correctional institution, jail, lockup, or other type of secure or non-secure facility."

The OJJDP Guideline Manual states: "The classification of all facilities to determine which should be considered secure detention or correctional facilities, adult correctional institutions, jails, lockups, or other types of secure facilities and thus should be monitored, requires an assessment of each facility based on the OJJDP regulations. Generally all jails, lockups, juvenile detention centers, training schools and other public and private facilities should be subject to classification."

For purposes of this Policy, and per federal requirements, there will be four categories for classification of each facility:

1. Public or Private (owned by State, local agency or owned by a private non or for profit agency)
2. Juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults.
3. Secure or Non-Secure
4. Residential or non-residential

Please refer to the Definitions of Federal terms policy, for definitions of the additional following terms which may be needed for classification purposes:

- | | |
|---------------------------------|-------------------------------|
| 1. Secure | 7. Private and Public agency |
| 2. Facility | 8. Collocated facility |
| 3. Adult jail | 9. Temporary holding facility |
| 4. Adult lockup | 10. Court Holding facility |
| 5. Secure detention facility | 11. Staff Secure Facility |
| 6. Secure correctional facility | |

For purposes of this policy and for classification purposes only Federal definitions will be used.

Procedures:

1. All facilities listed in the Compliance Monitoring Universe Master List must be classified pursuant to the above definitions (secure or non-secure; residential or non-residential, public or private; adult, juvenile or used for both).
2. Based up the classification, the list of facilities requiring an onsite inspection during the monitoring year will be generated.
3. The classification of current facilities will/or may have occurred during the previous monitoring year. For example, while conducting an onsite visit to a Sheriff's Department the compliance monitor may learn of a new court holding facility that was recently constructed. That is added to the Compliance Monitoring Universe and is subject to classification and inspection. Or, the compliance monitor may learn of a police department that has just become operational during the previous year. Again, the new police department is subject to classification and inspection.
4. The classification of facilities is not a one-time occurrence at a specified time during the course of the year. Rather, it is an on-going process. The classification is verified through on-site inspections as required.
5. The Compliance Monitor will annually review state standards and new legislation, judicial practices and administrative rules for classification purposes. Based on the standards, judicial practices and administrative rules some facilities may be excluded from inspection.
6. When an existing facility is re-classified it is noted in the Facility File and in the Compliance Monitoring Universe Master List. Using this method, it is an easy task to update the information annually.
7. The Compliance Monitor will annually classify all jails, court holding facilities, secure lockups, and juvenile detention facilities as public, secure facilities that may be used for the incarceration of juveniles and/or adults. All of these facilities will be subject to onsite inspection and data collection/data verification.
8. Law enforcement facilities classified as non-secure will receive spot checks to determine if they remain non-secure. It will be the responsibility of the compliance monitor to maintain contact with non-secure law enforcement agencies to ensure and have certified their secure/non-secure status. In addition, a Non-Secure Certification form will be completed and kept on file in the Compliance Monitor's Office. This will provide written verification that the facility is non-secure and does not require an annual inspection. Typically, visits to court holding facilities occur when the Compliance Monitor conducts inspections at their respective jurisdictions.
9. The classification of facilities is placed in the Compliance Monitoring Universe Master List. The classification describes a facility as being residential or non-residential, public or private, secure or non-secure, juvenile, adult or both. Based on the classification, the Compliance Monitor will be ready to compile the list of facilities requiring an annual inspection.

2.3 INSPECTION OF FACILITIES

Policy:

Inspection of facilities is required to classify according to federal regulations and to review whether adequate sight and sound separation occurs for juveniles housed in facilities which also confine adult offenders. Such inspections are necessary to provide the protections required by the JJDP Act and to determine whether adequate data are maintained to determine compliance with the three statutory core requirements. The inspection process should include a method of reporting compliance with the separation core protection for each secure facility which holds both juvenile and adult offenders. Reports on each facility's compliance or non-compliance will be made available to the facility as a record of findings of the inspection.

Each facility will have an individual file, located at the Compliance Monitor's office called a Facility File that will contain all pertinent information relating to the onsite visit and the compliance status of the facility. Any compliance related issues or potential problems will be documented in the Facility File. A summary will be made of the technical assistance that was provided and any corrective action that should be taken. Compliance violations will be documented in the Facility File for reporting in the Annual Report to OJJDP.

It is important that all facility administrators or contacts be provided with all applicable information on compliance with the JJDP Act and related regulations. During each on-site inspection, the Compliance Monitor will make available information concerning the Juvenile Justice and Delinquency Prevention Act as well as copies of the *Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 2002*. This information and other information about the compliance monitoring program in Virginia are available to all facilities and are downloadable from the DCJS web site.

In addition, the compliance monitor represents DCJS, and as such, should have available during on-site visits information regarding funding opportunities through the DCJS or other resources that the Juvenile Justice Specialist deems appropriate. This not only provides the facility contact with valuable information but serves to develop and maintain the very important working relationships between the facility and Compliance Monitor.

Procedures:

The Compliance Monitor will annually inspect facilities to ensure an accurate assessment of each facility's classification and record keeping. The inspection will include:

1. A review of the physical accommodations to determine whether it is a secure or non-secure facility.
2. A "walk-through" of the facility as if the Compliance Monitor was a juveniles to determine the level of sight and sound separation between juveniles and incarcerated adults.

3. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with 223 (a) (11), (12), (13), and (23).
4. An exit interview with the facility administrator or contact to share onsite findings and concerns, to discuss methods to realize compliance if issues are present, to provide technical assistance, and to discuss concerns the facility administrator or contact has.

The following guidelines will be used in determining which facilities will receive an onsite inspection:

All Detention Homes will receive onsite visits annually to review detention files and verify data contained in the Juvenile Tracking System (JTS) Reports. Jails, secure lockups, juvenile correctional centers, and court holding facilities will receive onsite visits at the rate of 100% every three years. Non secure law enforcement facilities and non-secure children group homes will be spot checked. In addition, certifications will be received from non-secure facilities annually to ensure their non-secure status.

1. The compliance monitor, at least 15 days prior to an on-site inspection, will notify the facility administrator or contact of the date and time of inspection. If the date and time is inconvenient, another time will be scheduled.
 - A. The compliance monitor will be responsible for maintaining records of when facilities were visited. They will be included with the data obtained for that monitoring year and included in the Annual OJJDP Monitoring Report.
2. At all inspections a report will be completed documenting the visit at the facility which will be included in the Facility File that is maintained in the Compliance Monitor's office at DCJS.
 - A. The Compliance Monitor will determine how records are kept at the facility on juveniles held securely and verify that the records are accurate. OJJDP requires data verification which is unique to each facility; however, the Compliance Monitor is always able to verify data by reviewing a juvenile's detention file. A thorough record keeping review will be conducted to ensure all facilities keep records consistent with OJJDP Rules and Regulations and should, at a minimum, include:
 - a. Name or ID number (in order to review a file if needed to verify compliance)
 - b. Date of Birth/Sex/Race/Ethnicity (to determine age and for Disproportionate Minority Contact reports)
 - c. Most serious offense juvenile is being detained on (to determine compliance with DSO in the event a juvenile was picked up, for example, on both runaway and shoplifting charges).
 - d. Date and time of admission (to determine compliance with Jail Removal)
 - e. Date and time of release (to determine compliance with Jail Removal)
 - f. Court times if applicable (to determine compliance with Jail Removal)
3. During the inspection of facilities separation questions will be asked. For example, a juvenile detention center may be located near an adult jail. Inmates may be asked to perform grounds work at the juvenile detention center in which case sight and sound separation would be an issue. The Compliance Monitor should obtain policies and procedures on how the facility ensures sight and sound separation.

4. The compliance monitor will provide technical assistance to those facilities not in compliance with record keeping and/or with sight and separation requirements. Facilities should be told that the Compliance Monitor is available to review proposed facility plans prior to construction to ensure that sight and sound will be complied with.
5. All lockups that do not have secure holding capabilities will be classified as non-secure. The Law Enforcement Certification of Non-Secure Classification form will be completed and filed and retained in the Compliance Monitor's Office. Contact should be maintained with these facilities and they should receive spot check visits to ensure that they remain non-secure. The compliance monitor is responsible for maintaining records on which facilities were monitored during the compliance monitoring year.

2.4

DATA COLLECTION AND VERIFICATION

Policy:

The Compliance Monitor will be responsible for collecting and verifying data on every youth held in those facilities subject to inspections following OJJDP rules and regulations on data collection. Data on all juveniles held securely will be obtained. The fiscal year, January 1 through December 31, will be used for each annual monitoring cycle. The following data sets will be obtained:

1. Data sets to be reviewed during collection/verification. (See also federal regulations)
 - A. Juvenile Detention Centers
 - a. Accused status offenders held for more than 24 hours (excluding weekends and holidays), prior to an initial court appearance, excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act or a similar state law. *(These juveniles are violations of the DSO core requirement).*
 - b. Accused status offenders held for more than 24 hours (excluding weekends and holidays), immediately following an initial court appearance excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act. *(These juveniles are violations of the DSO core requirement).*
 - c. Adjudicated status and non-offenders held for any length of time. *(Any nonoffender sentenced to detention, or any status offender held without benefit of the Valid Court Order, are violations).*
 - d. Status offenders held pursuant to a violation of a Valid Court Orders. *(These are not violations of the DSO core requirement but states must verify that the federal requirements for using the VCO was followed).*
 - e. Out-of-State runaways held over the 24 hour reporting exception *(If held pursuant to the Interstate Compact rules and regulations they do not count as violations).*
 - f. Federal wards held over the 24 hour reporting exception. *(OJJDP excludes them if the allowable rate is exceeded).*
 - g. Nonoffenders held for any period of time. *(All nonoffenders held securely are violations).*
 - h. Total number of juvenile offenders held pursuant to the Youth Handgun Safety Act or similar state law. *(These juveniles are not violations but the total number is reported in the Annual Compliance Monitoring Report).*

B. Adult Jails and Adult Lockups

- a. Accused status and non-offenders held for any period of time. (They are violations of the DSO and Jail Removal core requirements, therefore, if a status offender or non-offender is held securely for any period of time they count as two violations).
- b. Adjudicated Status and non-offenders held for any length of time (including VCOs). (Again, they are violations of the DSO and Jail Removal core requirements and are counted as two violations).
- c. Separation violations. (They are violations of the Separation core requirement).
- d. Accused juvenile criminal-type offenders held in excess of six hours. (They are counted as Jail Removal violations).
- e. Adjudicated juvenile criminal-type offenders held in excess of six hours prior to or following a court appearance, or for any period of time not related to a court appearance. These are juveniles who are sentenced to an adult jail or lockup. (They are violations of the Jail Removal core requirement).
- f. Number of accused juvenile criminal-type offenders held for less than 6 hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody. (These are violations of the Jail Removal core requirement).
- g. Juveniles held in an adult jail or lockup pursuant to public authority as a disposition or as a means of correcting their behavior and in sight and sound contact with incarcerated adults. These programs are commonly referred to as Scared Straight. (These are violation of Sight and Sound Separation).

C. Adult Correctional Facilities

- a. Any juvenile brought inside an adult correctional facility pursuant to public authority as a disposition or as a means of correcting their behavior. Commonly referred to as Scared Straight. (*Violation of Sight and Sound Separation*).

Procedures:

1. Adult Jails and Adult Lockups

- A. During on-site inspections the Compliance Monitor will collect and verify data on juveniles held securely. Lockups will also be asked to fax copies of their juvenile detention logs to the DCJS Compliance Monitor for review.
- B. Juvenile Detention logs will be reviewed at each inspection and should document each juvenile that is securely held. Juvenile Detention Logs should be filled out each time a juvenile is placed in secure custody by the arresting officer. The Compliance Monitor will review the logs on-site and verify them for compliance with the JJDP Act. Lockups will also be asked to fax or email copies of their juvenile detention logs to the DCJS Compliance Monitor for review.

- C. Information on juveniles held as adults should be kept by the facility in the facility's detention file. This information that is maintained in the detention files should be reviewed for compliance with the JJDP Act.
 - D. In cases where additional information is required, the Compliance Monitor will verify the log entries against individual case files at the facility or at the court.
 - E. The Compliance Monitor will retain copies of the Juvenile Detention Logs for reporting purposes and they will become part of the individual Facility File.
2. Juvenile Detention and Correctional Facilities
- A. These types of facilities usually maintain a computer program which documents all juveniles entering and exiting their facilities
 - B. The Compliance Monitor will collect data as outlined under the "data sets" of this policy for those facilities that qualify as a juvenile detention or juvenile correctional facility.
 - C. These facilities will receive inspections for data verification annually. Once the data is collected, the Compliance Monitor will schedule on-site visits to verify the data. Individual case files are pulled from records, in the case of a status offender who has been sentenced to detention, information will be recorded so that VCO's may be verified with the court records.
 - D. Information concerning compliance with the JJDP Act will be shared with Detention Superintendents annually through reports provided by the Compliance Monitor to the Virginia Council on Juvenile Detention.
3. Courts to verify the Valid Court Order
- A. Once information is obtained on status offenders who have been sentenced to Juvenile Detention Centers for violating a court order related to a prior status offense, the Compliance Monitor will schedule a records review with the Juvenile Court clerk to review court files to determine that the proper procedures for utilizing the VCO exclusion established by the JJDP Act has been followed.
 - B. Individual case files must be reviewed to ensure that the VCO is followed. Ten percent of VCO's should be verified annually.
4. Other Facilities
- A. Other facilities classified as secure, public or private, juvenile facilities will be subject to the same data collection sets as juvenile detention centers.
 - B. Other facilities classified as secure, public or private, juvenile or adult facilities, will be subject to the same procedures and data sets as jails and lockups.
5. Non-Reporting Facilities
- A. Facilities that refuse to provide the Compliance Monitor with records on juveniles held securely will be classified as non-reporting. The numbers of juveniles held and the number of violations will therefore be "projected" using the following procedure.

- B. The Compliance Monitor should determine which county or city is most similar to the non-reporting facility. Criteria used will be: size, location (urban, suburban, rural), number of juveniles residing within the county or city, and number of law enforcement officers employed by the county or city.
- C. The number of violations and number of juveniles held securely from the similar county or city will be used to determine the same numbers for the non-reporting facility and will be documented in all compliance monitoring charts as "projected".
- D. The projection technique will be documented in the Annual Compliance Monitoring Report.

2.4.1

DEINSTITUTIONALIZATION OF STATUS OFFENDERS \ DSO

Statement of Purpose:

The JJDP Act states that no status or non-offender may be held in secure facilities. However, the JJDP Act provides statutory exceptions and the federal regulations provide a regulatory exception. Both exceptions only apply to Juvenile Detention Centers. It is clearly the intent of the JJDP Act that these are the exceptions and not the rule.

Intent of the DSO Core Requirement

The DSO Core Requirement has been part of the JJDP Act since its inception in 1974. The principles are as follows:

- Holding status and non-offenders in secure confinement, although expedient, is an inappropriate strategy for handling juveniles who have not engaged in any criminal behavior.
- Historically, status offenders, when handled as delinquents, have been placed in environments that lead to physical and emotional harm.
- The punishment of status offenders and nonoffenders, often abused and neglected children, simply represents a continuation of the cycle of mistreatment.

The JJDP Act does not ignore the problems of status and non-offenders. Instead, the JJDP Act has supplied federal funds to the states that meet the core requirement to develop a comprehensive continuum of care. The JJDP Act encourages the creation and implementation of community based treatment, diversion and delinquency prevention programs as appropriate, cost effective alternatives to secure confinement. The maintenance of this requirement promotes just policies concerning status and non-offenders, and it upholds the necessary distinction in treatment strategies for the status and non-offenders versus the more serious juvenile offender.

OJJDP, which regulates compliance, provides for two primary types of exceptions. These exceptions are statutory exceptions and reporting exceptions.

Reporting exceptions are violations of this core requirement which the Federal Regulations allow states to subtract from the total number of violations via regulatory definitions. Where the JJDP Act is silent on an issue, reporting exceptions define the limited circumstances under which a state will not be penalized. Statutory exceptions are defined in the JJDP Act and established by Congress. Their interpretation is strictly defined by statute.

There are three statutory exceptions. The first is possession of a handgun, the second is the Valid Court Order, and the third is Out of State runaways when held pursuant to the Interstate Compact. Statutory exceptions allow states to remove from consideration, for compliance purposes, offenses that constitute the violation of a Valid Court Order or a violation of Section 922(X) of Title 18 or similar State laws (handgun possession). Juveniles held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements in total.

2.4.2 SIGHT AND SOUND SEPARATION

Statement of Purpose:

The JJDP Act provides that no juvenile will be confined in circumstances where they have contact with incarcerated adults in a secure custody status. The exact wording in the JJDP Act is: "juveniles alleged to be or found to be delinquent, as well as status offenders and nonoffenders, will not be detained or confined in any institution in which they have contact with adult inmates." The JJDP Act of 2002 further requires that "there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, to have been trained and certified to work with juveniles."

In addition, in accordance with OJJDP policy and regulation, the state must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Scared Straight or Shape Up).

Intent of the Separation Core Requirement

This requirement has been part of the JJDP Act since its inception in 1974. It was passed by Congress in response to the fact that juveniles placed in adult facilities where they had contact with adult inmates and correctional staff were frequently victims of physical, mental, sexual and emotional abuse, and the discovery that juveniles in contact with adult prisoners were exposed to the tools and training necessary to engage in criminal behavior.

In addition to protecting juveniles against abuse and corruption, sight and sound separation reinforces acceptable professional guidelines. The separation of juveniles from adults allow for the immediate mobilization of effective, appropriate services for juveniles. The separation requirement maintains the safety of juveniles while focusing attention on their diversion to community resources.

The American Correctional Association, the American Bar Association, and the Bureau of Indian Affairs support standards requiring separation; therefore, the sight and sound separation requirement represents the minimum standard for safe jail policy.

Separation does not apply, nor do any of the requirements apply, to juveniles direct filed or waived to adult court.

The consolidated federal regulation states: "The term contact is defined to include any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. A juvenile offender in a secure custody status is one who is physically detained or confined in a locked room or other area set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being

placed in such a room or area and/or from being physically secured to a cuffing rail or other stationary object. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders. Separation must be accomplished architecturally or through policies and procedures in all secure areas of the facility which include, but are not limited to, such areas as admissions, sleeping, and shower and toilet areas. Brief and inadvertent or accidental contact between juvenile offenders in a secure custody status and incarcerated adults in secure areas of a facility that are not dedicated to use by juvenile offenders and which are nonresidential, which may include dining, recreational, education, vocational, health care, sally ports or other entry areas, and passageways (hallways), would not require a facility or the State to document or report such contact as a violation. However, any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and incarcerated adults would be a reportable violation." Juveniles are not to have any "contact" with incarcerated adults while they are in "secure" custody.

Added during the 2002 reauthorization is a prohibition of "Scared Straight or Shape Up" type of programming. In accordance with current OJJDP policy and proposed regulation, the state must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

2.4.3

THE REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

Statement of Purpose:

The JJDP Act states “that no juvenile shall be detained or confined in any jail or lockup for adults.” There are two reporting exceptions that Virginia follows which are contained in the consolidated federal register. The first states that accused criminal-type offenders may be held in a sight and sound separated area for up to 6 hours for processing purposes only. The second states that alleged or adjudicated juvenile criminal-type offenders may be held for up to 6 hours prior to or following a court appearance.

Intent of the Jail Removal Core Requirement

The Jail Removal requirement was added to the JJDP Act in 1980, in part as a method of addressing the unintended consequence of the separation requirement. In order to meet the separation requirement, many juveniles were held in solitary confinement for long periods of time. Research indicated an increase of suicides of those juveniles held in adult jails versus juvenile detention centers.

In order to provide consistent protection of juveniles, the sight and sound separation requirement necessitated the addition of the jail removal requirement. The removal of juveniles from adult jails and lockups is supported by widespread consensus on the appropriate handling of juveniles.

Juveniles held in adult jails and lockups remain at risk for physical, mental and sexual abuse at the hands of adults. In addition, they are frequently exposed to and educated about how to become better criminals.

The National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Sheriffs Association, the Institute for Judicial Administration, the National Advisory Commission on Law Enforcement, and essentially every national organization representing law enforcement and the judicial system, recommends or mandates standards that forbid the jailing of children.

The intent of jail removal is not to release juveniles who, because of their offenses and their history, need to be securely detained but to promote the appropriate secure confinement of these juveniles in juvenile facilities. Juvenile facilities can provide both public safety and specific evaluation and treatment needs of juveniles.

Statutory Exception

Juveniles who are waived into adult court or have their cases filed directly in adult court are not considered juveniles under the JJDP Act and are therefore excluded from the regulations.

Reporting Exception – Six Hour Rule

Juvenile delinquents (accused and adjudicated) may be held (if separated from incarcerated adults) for up to six hours for identification, processing, and to arrange for release to parents or transfer to a juvenile facility. They may also be held an additional six hours following an initial court appearance. This exception only allows for the short term secure holding of juvenile offenders for the purposes of identification, processing, investigation and to arrange release. Prohibited is the sentencing of juveniles to the jail or lockup. The purpose of this exception is to detain juveniles only long enough to “process” their case.

A. Six Hour Rule

The six hour clock starts the moment a juvenile is placed into secure custody status. Once the clock starts, it cannot be turned off, even if the juvenile is removed briefly from the locked setting (bathroom break, interview, etc.).

The Six Hour Rule does not apply when:

- a. The juvenile is placed into a locked squad car; or
 - b. The juvenile is handcuffed to him or herself; or
 - c. The juvenile is in a secure booking area for processing purposes and is under continuous “in-person” supervision and is removed from the secure booking area immediately following the booking process; or
 - d. The juvenile is placed into an unlocked room with freedom of movement from the facility.
- B. The six hours before and after a court appearance cannot be “traded.” The rules allow for up to six hours before court and six hours after court. You may not detain a juvenile for four hours before court and then eight hours after court.

Juveniles in non-secure custody are not subject to the OJJDP regulations.

2.5

ANNUAL COMPLIANCE MONITORING REPORT PERIOD

Statement of Purpose:

A designated monitoring report period is essential in providing accurate year to year monitoring reports. A 12-month report period is the soundest method and leaves no room for statistical errors. In the event a facility will not provide data, a statistically sound method of projecting the data must be used.

Policy:

The monitoring period selected for Virginia is from July 1 through June 30 of each year. Therefore, FY 07/08 data will be used for the 2008 Monitoring Report and so on.

Procedures:

1. All data collected for the OJJDP Annual Compliance Monitoring report will reflect that it has been collected from July 1 through June 30 of the respective year of the report.
2. In the event a facility will not report data the following method will be used to statistically project the data: A similar type of facility (if police, a police department will be used) with similar demographics (urban, rural or suburban), similar juvenile population and similar number of officers (or staff) will be located. The data from that facility will be used in the OJJDP report, and the compliance monitor will note that the data has been projected.
3. The OJJDP Compliance Monitoring Report is located on their web site and should be completed electronically.

2.6

ANNUAL METHOD OF REPORTING ON THE STATUS OF COMPLIANCE WITH THE JJDP ACT

Statement of Purpose:

The data and information collected throughout the year must be analyzed, reviewed, and written up in the form of the Annual Compliance Monitoring Report, which must be received by OJJDP no later than December 31 of each year.

Policy:

It is the Compliance Monitor's responsibility to collect, verify, and compile the data each year. The Compliance Monitor will complete the narrative for the report; however, the Juvenile Justice Specialist retains the primary responsibility for the report.

Procedures:

1. On or before June 1 of each year the Compliance Monitor will have collected and verified the data as listed under data sets.
2. After all data has been collected and verified the Compliance Monitor will extract the data that relates to the Annual Compliance Monitoring Report and will complete the report. The OJJDP template report is on Microsoft Excel; the form can also be downloaded from the OJJDP web site.
3. The Compliance Monitor will provide the statistical tables and/or charts needed for the report.
4. The Compliance Monitor will submit a draft of the report to the Juvenile Justice Specialist for review and revisions. On or before June 30 of each year, two copies of the OJJDP Annual Compliance Monitoring Report will be submitted to the OJJDP Compliance Monitor Coordinator and to Virginia's OJJDP State Representative.
5. The OJJDP Annual Compliance Monitoring Report will also be made available to the Juvenile Justice Specialist, SAG, and other interested parties.

3.0

CORE REQUIREMENTS AND OJJDP REGULATIONS BY TYPE OF FACILITY

Policy:

States must use only the federal definitions when monitoring for compliance with the JJDP Act and related regulations. Each type of facility must meet certain criteria in order to be classified as such. Each type of facility complies with the regulations in different ways. This policy is intended to provide the Compliance Monitor with compliance monitoring direction as it relates to each type of facility recognized by OJJDP. All facilities must fit into one of these categories.

Within this policy, a summary of the JJDP Act/regulations by type of facility and type of juvenile are provided.

Procedures:

The compliance monitor will refer to these policies and procedures when assessing compliance at facilities.

3.1 SECURE AND NON-SECURE CUSTODY

Policy:

This policy is intended to provide the Compliance Monitor with direction for monitoring secure and non-secure facilities.

During Classification of Facilities the compliance monitor will make an initial determination based on regulations, licensing requirements or from previous onsite inspections whether the facility is secure or non-secure. The only method to confirm the classification is through an onsite inspection. This policy provides guidance on what constitutes a secure facility and what constitutes a nonsecure facility. Data and compliance are linked to secure facilities only. If during an inspection it is determined that a facility has changed classification status from non-secure to secure, the Compliance Monitor should reclassify the facility as secure and immediately ensure that data is being collected.

Procedures:

Secure Custody

Secure custody is used to define a detention or correctional facility, or residential facilities having construction features designed to physically restrict the movements and activities of persons in custody (e.g., locked rooms and buildings, fences, or other physical structures). It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (i.e., staff secure). Further guidance in distinguishing non-secure custody from secure custody comes from the November 2, 1988, Federal Register announcement, Policy Guidance for Non- Secure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy.

Also considered secure are those facilities that contain doors with delayed egress devices that have not received written approval by the authority having jurisdiction over fire codes and/or fire inspections in the area in which the facility is located. The egress delay must never exceed the time delay allowed by the fire code applicable to the area in which the facility is located, and the maximum time delay allowed must be specified on the written approval. Facilities that contain devices that exceed a 30-second delay are always considered secure, even though local code may allow for a longer time delay.

As examples, a juvenile placed in the following situations would be considered in a secure custody status:

1. A juvenile placed in a cell within an adult jail or lockup, whether or not the cell door is locked.
2. A juvenile placed in an unlocked room within the secure perimeter of an adult jail or lockup or a juvenile detention center.
3. A juvenile left in a secure booking area after being photographed and fingerprinted.

4. A juvenile being processed in a secure booking area where an un-secure booking area is available within a facility.
5. A juvenile handcuffed to a rail in an unlocked lobby area of an adult jail or lockup.
6. A juvenile handcuffed to a stationary object in any area of the facility.
7. A juvenile placed in a room that contains egress doors with unapproved delayed egress devices or approved delayed egress devices with a delay of more than 30 seconds.

Non-Secure Custody

A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility but not be in a secure detention or confinement status. OJJDP's Policy Guidance states that all of the following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in an adult jail or lockup facility:

1. The area where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room that is not designated, set aside or used as a secure detention area or is not part of such an area, or if a secure area, is used for processing purposes;
2. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
3. The use of the area is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
4. In no event can the area be designated or intended to be used for residential purposes; and
5. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody. In addition, a juvenile placed in the following situations would be considered in a non-secure status:
 - a. A juvenile handcuffed to a non-stationary object, if the five criteria listed above are adhered to; handcuffing techniques that do not involve cuffing rails or other stationary objects are considered non-secure.
 - b. A juvenile being processed through a secure booking area: Where a secure booking area is all that is available and continuous visual supervision is provided throughout the booking process and the juvenile remains in the booking area only long enough to be photographed and fingerprinted, the juvenile is not considered to be in a secure detention status. Continued non-secure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.
 - c. A juvenile placed in a secure police car for transportation. The JJDP Act applies only to secure detention facilities and secure correctional facilities; therefore, a juvenile placed in a police car for transportation would be in a non-secure status.

- d. A juvenile placed in a non-secure runaway shelter but prevented from leaving because of staff restricting access to exits. A facility may be non-secure (i.e., staff secure) if physical restriction of movement or activity is provided solely through facility staff.
- e. A juvenile placed in a room that contains doors with delayed egress devices which have received written approval (including a specification of the maximum time delay allowed) by the authority having jurisdiction over fire codes and fire inspections in the area in which the facility is located and which comply with the egress delay established by the authority having jurisdiction over fire codes and fire inspections. In no case shall this delay exceed 30 seconds.

3.2

TRANSFERRED AND WAIVED JUVENILES

Policy:

The Compliance Monitor should exclude juveniles under the age of 18 who have been certified, waived or transferred and are being tried for criminal charges as adults. It is the responsibility of the Compliance Monitor to determine if a juvenile's case is in juvenile or in adult court.

Procedures:

If criminal felony charges have been filed against a juvenile in a court exercising criminal jurisdiction, the juvenile can be detained in an adult jail or lockup. The jail and lockup removal requirement does not apply to those juveniles formally waived or transferred to criminal court and against whom criminal felony charges have been filed or to juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been invoked through the filing of criminal felony charges. Note that waiver or transfer and the filing of criminal felony charges does not transform a juvenile into an adult. Therefore, such a juvenile can be detained (or confined after conviction) in a juvenile facility and commingled with juvenile offenders.

A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court does not have to be separated from adult criminal offenders. This is due to the fact that such a juvenile is not alleged to be or found to be delinquent (i.e., the juvenile is under a criminal proceeding, not a delinquency proceeding). Likewise, an adult held in an adult jail or lockup for delinquency proceeding (generally related to a crime committed before reaching the age of full criminal responsibility) can be held securely in an adult jail or lockup because the adult is not juvenile alleged to be or found to be delinquent. Both types of individuals can be placed wherever the legislature or courts, where authorized, deem appropriate.

3.3 COLLOCATED FACILITIES

Policy:

The Compliance Monitor needs to understand what constitutes a Collocated Facility in order to monitor this type of facility for compliance with the JJDP Act core protections.

This policy will serve as guidance when monitoring Collocated Facilities.

Procedures:

A Collocated Facility is a juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance and engineering. An approved Collocated Facility is a facility that has been approved by DCJS after meeting the following four criteria:

The facility must ensure separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time-phasing of common use nonresidential areas; and

The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and

If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and

In States that have established standards for licensing requirements for juvenile detention facilities, the juvenile facility must meet the standards (on the same basis as a free standing juvenile detention center) and must be licensed as appropriate. If there are no State standards or licensing requirements, OJJDP encourages States to establish administrative requirements that authorize the State to review the facility's physical plan, staffing patterns, and programs in order to approve the collocated facility based upon prevailing national juvenile detention standards.

The State must determine that the four criteria are fully met via an on-site visit and through the exercise of its oversight responsibility, must ensure that the separate character of the juvenile detention facility is maintained by continuing to fully meet the four criteria set forth. Annual inspections and certifications are required.

In 2002, the collocated requirements were changed substantially to allow staff to work with both juveniles and adults. After a facility has been certified as being Collocated, the same rules and regulations that apply to a Juvenile Detention Center apply to a Collocated facility.

3.4 COURT HOLDING FACILITIES

Policy:

The Compliance Monitor needs to understand what constitutes a Court Holding Facility in order to monitor this type of facility for compliance with the JJDP Act core protections. This policy will serve as guidance when monitoring Court Holding Facilities.

Procedures:

1. A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court holding facilities, where they do not detain individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to court appearances, are not considered adult jails or lockups. However, such facilities remain subject to the sight and sound separation requirement of section 223(a)(12) of the Act.
2. If it is a facility that is used for purposes other than court holding or is used for punitive purposes it no longer qualifies as a court holding facility and should be classified as an adult jail or lockup.
3. The Compliance Monitor must monitor court holding facilities to ensure that they continue to meet the definition and purpose listed above.
4. A status offender or delinquent placed in a court holding facility is exempt from the DSO requirement if the facility meets the criteria listed above.
5. It is important to note that court holding facilities impose an inherent or practical time limitation in that juveniles must be brought to and removed from the facility during the same judicial day.

3.5 OTHER TYPES OF FACILITIES

Policy:

The Compliance Monitor needs to understand what constitutes other types of facilities in order to monitor this type of facility for compliance with the JJDP Act core protections. This policy will serve as guidance when monitoring other types of facilities.

Procedures:

Adult Prisons

1. An adult prison includes any institution used for the post-conviction confinement of adult criminal offenders, including work camps and secure facilities located in the community.
2. The JJDP Act prohibits the placement of status offenders and non-offenders in secure detention facilities or secure correctional facilities. Holding status offenders or non-offenders in an adult prison would be an immediate violation of the JJDP Act.
3. The JJDP Act states that no juvenile shall be detained or confined in any jail or lockup for adults; therefore the JJDP Act limits the facilities from which juveniles must be removed to adult jails and lockups. The requirement does not apply to adult prisons. Therefore, holding a delinquent offender in an adult prison is not a violation of the jail removal core requirement.
4. Complete separation must be provided between juvenile delinquent offenders and adult inmates and trustees.
5. Shape Up or Scared Straight programs, where juveniles are brought inside adult prisons to discuss a life of crime with adult inmates as an intervention program, are violations of the separation core protection when the juvenile is required to participate in this program as part of a court order, including probation or diversion requirements. The DCJS Compliance Monitor must annually check with adult prisons to determine if they are participating in this type of program.

Secure Mental Health Facilities

1. A juvenile committed to a mental health facility under a separate State law governing civil commitment of individuals for mental health treatment or evaluation would be considered outside the class of juvenile status offenders and non-offenders. For monitoring purposes, this distinction does not permit placement of status offenders or non-offenders in a secure mental health facility where the court is exercising its juvenile status offender or non-offender jurisdiction. The State must ensure that juveniles alleged to be or found to be juvenile status or non-offenders are not committed under State mental health laws to circumvent the intent of DSO.

2. There are no restrictions to placing delinquent offenders in a mental health treatment center. The separation requirement does not apply if the juvenile and adults are held in a mental health facility solely because of a mental health civil commitment.
3. The DCJS Compliance Monitor must work closely with the Virginia Department of Mental Health Mental Retardation Substance Abuse Services (DMHMRSAS) to ensure that all juveniles detained in secure mental health facilities are being held specifically for mental evaluations and mental health treatment purposes only. DMHMRSAS inspects, regulates, certifies, and licenses these facilities annually, and they will certify to the DCJS Compliance Monitor that the above requirements of the JJDP Act are being complied with.

Non-secure Temporary Holding Facilities, Staff Secure Facilities, Non-secure Shelter or Group Homes

1. Non-secure, community based programs or facilities are exempt for the purposes of monitoring for compliance with the core requirements. The core protections only apply to secure facilities. For example, a non-secure residential program for treatment of substance abuse could include both juvenile delinquent or status offenders and adult offenders who are under a sentence for the conviction of a crime.
2. The compliance monitor should monitor non-secure facilities that hold juveniles to verify their non-secure status. If the facility's status should change from non-secure to secure, the facility must be monitored as an adult jail or lockup if it holds both juvenile and adult offenders. If it holds only juveniles it must be monitored as a juvenile detention center.
3. The DCJS Compliance Monitor must work closely with the Virginia Department of Juvenile Justice, Virginia Department of Social Services, and Virginia Department of Mental Health Mental Retardation and Substance Abuse Services which regulate and license non-secure group homes to ensure the non-secure status of these facilities. The DCJS Compliance Monitor will receive annual certification from the above agencies that the non-secure facilities which they regulate continue to remain non-secure.

4.0 CERTIFICATION FOR COMPLIANCE WITH TITLE V

Policy:

In 1994, Congress stipulated that for a unit of general local government to be eligible to apply to the state for Title V Community Prevention Grant funds, the unit must be certified by the State Advisory Group as in compliance with the four core requirements. The unit of local government must obtain this certification prior to applying for an award of funds. In certifying, the unit of local government must be within the de minimus parameters provided in the OJJDP regulations; this determination is based on the locality's most current census data.

The compliance certification applies to all facilities operated by or contracted by the unit of local government. This certification is not limited to a specific area, therefore this certification must also include any facility that is owned, operated or contracted with by the unit of local government.

In order to be in compliance with the DMC requirement, the unit of local government must be cooperating with data gathering and must be making an adequate effort toward addressing, or assisting the State to address, this issue. The level of cooperation must be satisfactory to support efforts to achieve the goals of the DMC requirement.

After awards are made, the Compliance Monitor must ensure that these communities continue to comply. As part of the Title V grants program, a plan must be in place which will identify and discontinue all Title V grants that fall out of compliance.

Procedures:

1. When an announcement is made regarding the available type funds, it will stipulate that prior to receiving an application the locality must submit a Certification of Compliance. A list of communities wishing to receive an application will be forwarded to the Compliance Monitor.
2. The Compliance Monitor will complete the certification based on the most recent 12 months of compliance monitoring data using the most current census figures available.
3. Once the certification is complete, it will be forwarded to the Juvenile Justice Specialist.
4. It is critical that the Compliance Monitor inform the facility administrator or contact of these funding requirements at all on-site visits so they may make every effort to comply.
6. If an applicant agency falls out of compliance, the Compliance Monitor will notify the Juvenile Justice Specialist and remedial action will be taken. That action may include technical assistance and training.

Attachments: Title V Certification of Compliance

**VIRGINIA CERTIFICATION OF COMPLIANCE FORM
REQUIRED FOR TITLE V OR JABG FUNDING
JJDP ACT OF 2002, SECTIONS (A)(11)(A), (12), (13), (23)**

To be eligible for Title V Delinquency Prevention funds, the applicant community must be certified by the Juvenile Justice and Delinquency Prevention (JJDP) Council as being in compliance with Sections 223 (a)(11)(A) (*Deinstitutionalization of Status Offenders*); (12) (*Separation*); (13) (*Jail Removal*); and (23) (*Disproportionate Minority Confinement*) of the JJDP Act, as amended. If the community defined in the grant application includes multiple law enforcement jurisdictions, all facilities operated by or under contract to each local unit of government included in the defined community will be included in this certification. After the Compliance Monitor from the Department of Criminal Justice Services completes this form and obtains necessary signatures, it will be given to the contact person listed below. It must then be submitted with the application.

Applicant Agency _____ Contact Person _____

Phone _____ Fax _____ E-mail _____

Description of this community's area boundaries:

Total juvenile population for this area: (age 0-18, include source)

Facilities to be monitored for compliance under this application: This includes all county jails, municipal lock ups and juvenile detention facilities accessible to the agencies and courts serving this community.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Reporting period (must equal 12 months): _____

CERTIFICATION: The applicant agency and all agencies in the defined community are (check one):

- _____ In compliance with the core requirements
- _____ NOT in compliance with the core requirements, but the attached plan to achieve compliance is acceptable and will be monitored for implementation throughout the grant period.
- _____ NOT in compliance with the core requirements and no plan for compliance has been approved.

_____ Date
DCJS Compliance Monitor

_____ Date
DCJS Juvenile Justice Specialist

_____ Date
Chair, Virginia SAG

(Title V Cert. Rev. 2008)

5.0

PROCESS FOR A FACILITY TO REQUEST AN OJJDP OPINION

Policy:

On occasion, there will be situations or issues that arise when an opinion from OJJDP is required. This might be to reinforce the Compliance Monitor's opinion and ruling or might be a request for assistance in interpreting the regulations. For this reason the following policy is provided.

A request for an OJJDP opinion should be directed in writing to the OJJDP State Representative from the Compliance Monitor through the Juvenile Justice Specialist. Or, in the case where a facility is requesting an opinion, they may submit that request after discussing it with the Compliance Monitor and DCJS should be provided a copy of the request for the Facility File.

Procedures:

1. Prior to writing a letter, the Compliance Monitor should discuss the situation with the Juvenile Justice Specialist.
2. If the Juvenile Justice Specialist concurs that a letter requesting an opinion is needed, the Compliance Monitor will write the letter and copy it to the Juvenile Justice Specialist.
3. When a response is received from OJJDP, the Compliance Monitor will copy the response for the Juvenile Justice Specialist. A copy of the letter will be included in the Facility File.
4. If the response results in changes in the way compliance monitoring is performed in Virginia, the changes will be reflected in *Virginia's Compliance Monitoring Policy and Procedure Manual* when it is updated.

Attachment H-2: Authorizing Legislation

Authorizing Legislation: *Code of Virginia*

§ 9.1-111. Advisory Committee on Juvenile Justice; membership; terms; quorum; compensation and expenses; duties.

- A. The Advisory Committee on Juvenile Justice (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The Advisory Committee shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth.

The membership of the Advisory Committee shall comply with the membership requirements contained in the Juvenile Justice and Delinquency Prevention Act pursuant to 42 U.S.C. § 5633, as amended, and shall consist of: the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department 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 appointed by the Senate Committee on Rules after consideration of the recommendation of the Chairman of the Senate Committee for Courts of Justice; one member of the House Committee on Health, Welfare and Institutions appointed by the Speaker of the House of Delegates after consideration of the recommendation of the Chairman of the House Committee on Health, Welfare and Institutions; and such number of nonlegislative citizen members appointed by the Governor to comply with the membership range established by such federal act.

Legislative members, the Superintendent of Public Instruction, and the agency directors shall serve terms coincident with their terms of office. All other members shall be citizens of the Commonwealth and be appointed by the Governor for a term of four years. However, no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment.

The Advisory Committee shall elect its chairman and vice-chairman from among its members.

- B. Gubernatorial appointed members of the Advisory Committee shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.
- C. The majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.
- D. The Advisory Committee may adopt bylaws for its operation.

ATTACHMENT H-2: Authorizing Legislation

- E. Members of the Advisory Committee shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of the expenses shall be provided from federal funds received for such purposes by the Department of Criminal Justice Services.
- F. The Advisory Committee shall have the following duties and responsibilities to:
 - 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.
- G. The Department of Criminal Justice Services shall provide staff support to the Advisory Committee. Upon request, each administrative entity or collegial body within the executive branch of the state government shall cooperate with the Advisory Committee as it carries out its responsibilities.

(1981, c. 632, § 9-168; 1984, cc. 30, 515, 538, 734; 1986, c. 519; 1987, c. 144; 1989, c. 733; 1990, c. 98; 1991, cc. 59, 685; 1993, c. 415; 1994, cc. 20, 226; 1997, cc. 32, 795, 883; 1999, c. 495; 2001, c. 844; 2004, c. 1000.)