



# **BOARD OF JUVENILE JUSTICE**

January 11, 2022

# CALL TO ORDER

- Chairman Frazier calls the meeting to order.
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# INTRODUCTIONS

- Chairman Frazier calls on Board Members for introductions.
- Director Boykin calls on Department of Juvenile Justice personnel for introductions.



# PUBLIC COMMENT

- No individuals signed up for public comment.



# DIRECTOR'S CERTIFICATION ACTIONS

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Ken Bailey, Certifications Manager,  
Department of Juvenile Justice



# HUMAN RESEARCH AND DE-IDENTIFIED CASE SPECIFIC DATA REQUEST ANNUAL REPORT FY 2021

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Dhara Amin, Senior Research Associate,  
Department of Juvenile Justice



# REGULATORY UPDATE

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Ken Davis, Regulatory Affairs Coordinator,  
Department of Juvenile Justice



# SCREENING FOR EXPERIENCES AND STRENGTHS (SEAS): NEW TRAUMA SCREENING TOOL

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Introduction by: Linda McWilliams, Deputy  
Director of Community Programs, Department of  
Juvenile Justice



# SEAS

## Screening for Experiences And Strengths



Jenna Easton, Program Manager

Regina Harris, Southern Region Program Manager



- A product of the VA HEALS Trauma-Informed Model of Service Delivery for Children, Youth, and Families

[www.virginiaheals.com](http://www.virginiaheals.com)

- A brief screening tool that identifies trauma and victimization experiences & symptoms in youth served by DJJ
- Physical & sexual abuse, community violence, trafficking, domestic violence, bullying, etc.



- DJJ will be implementing 2 versions of the tool:
  - Ages 7-12
  - Ages 13-21
- A series of 34 questions that ask about victimization, the perpetrator(s), and the timeline of victimization
- Identifies protective factors so that responses can be build upon and utilize those strengths & supports
- Referral & Response Protocol developed to give guidance to staff on how to respond



# IMPLEMENTATION TIMELINE

Currently: Working to finalize the SEAS procedure

Fall-Winter 2021: Working to introduce the SEAS to staff and partner stakeholders

Late-January 2022: Training to begin; New Social History template and procedure to be released

April 2022: Full implementation



# JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (JLARC)

Report on Virginia's Juvenile Justice System

(A Summary of JLARC's Findings)

Valerie P. Boykin  
Director



Virginia Department of Juvenile  
Justice

# JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC)



- JLARC conducts program evaluation, policy analysis, and oversight of state agencies on behalf of the Virginia General Assembly. The duties of the Commission are authorized by the *Code of Virginia*.
- Goals:
  - An Informed Legislature
  - Compliance With Legislative Intent
  - Effectiveness, Efficiency, Cost Savings

# JLARC STUDY RESOLUTION



Review Virginia's juvenile justice system, including:

- Juvenile justice processes
- Racial and regional disparities
- Department of Juvenile Justice's (DJJ) oversight and recent reforms
- Rehabilitative and educational services at state correctional center and local / regional juvenile detention centers
- Future facility needs

# JLARC FINDINGS – IN BRIEF



- Not all youth receive quality legal representation, and Black youth are referred to the system at higher rates.
- Local and regional juvenile detention centers meet safety and security standards but appear less than fully equipped to provide effective rehabilitative services.
- DJJ comprehensively assesses youth risks and needs, but rehabilitative programming appears unlikely to reduce reoffending.
- DJJ's re-entry efforts have improved, though youth released from custody still lack fully adequate step-down supports.
- State has substantial excess juvenile detention center capacity, and opportunities exist to more efficiently use resources.



# DJJ RESPONSE

- DJJ represents one component of Virginia's Juvenile Justice System - Report highlights other components.
- DJJ is a learning organization and will learn from the recommendations.
- DJJ agrees with many of the recommendations regarding our work and were already working on a number of them.
- DJJ has made progress in a number of areas and routinely reports on our progress and challenges in our annual transformation report to the General Assembly and in presentations.



# PRIMARY RESEARCH ACTIVITIES



- Analyzed data on youth needs, services, recidivism.
- Conducted four surveys.
- Interviewed key stakeholders in Virginia and nationally:
  - Staff at DJJ, other state agencies, juvenile detention centers
  - Probation officers and supervisors
  - Judges, commonwealth's attorneys, defense attorneys
  - Advocates for youth and families
  - National experts and U.S. Department of Justice
- Reviewed existing research and other states' approaches.

# ATTORNEY REPRESENTATION FOR YOUTH



## Findings:

- Youth usually receive legal representation, but some may not receive quality representation because of several factors, including low compensation and minimal training requirements for court-appointed attorneys.
- Training requirements for court-appointed attorneys do not reflect the complexity of juvenile cases.

# ATTORNEY REPRESENTATION FOR YOUTH



## RECOMMENDATIONS

The General Assembly may wish to consider:

- Increasing the maximum compensation for court-appointed attorneys in juvenile delinquency cases.
- Directing the Virginia Indigent Defense Commission (VIDC) to develop a plan to strengthen training requirements for court-appointed counsel in juvenile delinquency cases.
- Strengthening training requirements for certification of court appointed attorneys in juvenile delinquency cases.

# RACIAL DISPARITIES



## Findings:

- Black youth are more likely than White youth to be referred to the juvenile justice system.
- Higher likelihood of Black youth being referred holds true for all types of offenses (e.g., felonies, misdemeanors, status offenses).
- Referrals from law enforcement contribute most to overall disproportionality.
- Similar to national patterns.

# RACIAL DISPARITIES



Within juvenile justice system, disparities also exist, but are less substantial than in referrals to the juvenile justice system.

- Black and White youth are generally equally likely to be charged (“petitioned”) by Court Service Unit (CSU) staff.
- Black youth are somewhat more likely to be detained, adjudicated delinquent, or committed by judges.
- Quality of representation could play a role in disparities.
- Available data indicates that Black youth more likely to be represented by court-appointed attorneys.
- Other states starting to make implicit bias and cultural competency training available to judges and attorneys.

# RACIAL DISPARITIES



## RECOMMENDATIONS

The General Assembly may wish to consider requiring the Department of Criminal Justice Services (DCJS) to amend law enforcement training standards to address implicit bias, cultural diversity, and protective responses specifically when interacting with juveniles.

DJJ should:

- Publish a report of the findings from its recent grant award and changes in disproportionality of school referrals.
  - Assess the effectiveness of its Standardized Disposition Matrix statewide and refine the tool, as appropriate.
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- DCJS should collect and regularly report data on disparities by offense type; region, CSU, or locality; and decision point in the system.

# REGIONAL DISPARITIES



## Findings:

- Separately from race, youth in different regions are treated differently for similar offenses.
- Several factors appear to contribute to inconsistent treatment of youth across regions:
  - Variation in community-based services available to intake officers and judges e.g., shelter care programs, substance abuse programs.
  - Variation in CSU policies (e.g., policies on diversion).
  - Variation in judicial preferences and awareness of disposition options.

# REGIONAL DISPARITIES



## RECOMMENDATIONS

The General Assembly may wish to consider directing the DJJ to conduct a needs assessment for community-based services across the state.

DJJ should:

- Develop and implement statewide policies for CSUs to use in making diversion and probation and parole violation decisions.
- Require CSUs to (i) maintain inventory of available services within their jurisdictions and (ii) recommend specific programs that align with disposition recommendations provided to judges.



# PROBATION



## Findings:

- DJJ uses a nationally recognized community supervision model, but not all youth respond.
- More services now available for youth on probation, though reviews of the quality of these services were only recently formalized by DJJ.
- Recidivism has remained mostly stable over past decade, although recent data indicates a slight decrease.



# PROBATION

- DJJ uses Effective Practices in Community Supervision (EPICS), which addresses risk factors and provides probation officers clear guidance.
- Probation officers reported receiving good guidance and being held accountable for effective case management.
- Not all youth respond to EPICS as implemented.
- In survey, 87% of probation officers reported being able to access services that match youths' needs and to access these services in a timely manner.

# PROBATION



## RECOMMENDATIONS

- DJJ should ensure all probation officers receive adequate guidance and coaching on how to use the full range of tools included in the EPICS case management model.
- DJJ should require all CSU staff to participate in implicit bias and cultural competency training.
- DJJ should implement a pilot program to evaluate the impact of providing more comprehensive motivational interviewing training to probation officers.

# REHABILITATION PROGRAMS FOR YOUTH IN DIRECT CARE



## Findings:

- Effectiveness of DJJ’s core rehabilitation approach—the Community Treatment Model (CTM)—has not been verified and may be compromised by training, recruitment, and retention issues with key frontline DJJ staff.
- CTM is an improvement over prior model, but DJJ is facing implementation challenges.
- Although no program can be fully effective, rehabilitative programming provided by DJJ appears unlikely to reduce reoffending.
- DJJ’s rehabilitative program has some, but not all, elements necessary for effectiveness.

# REHABILITATION PROGRAMS FOR YOUTH IN DIRECT CARE



## RECOMMENDATION

- DJJ should update and improve training for residential specialists (RS) to address the therapeutic aspects of the role.
- DJJ should work with Department of Human Resource Management (DHRM) to identify and address RS position recruitment and retention challenges.

### Option:

- If the General Assembly authorizes salary increases for corrections officers at the Department of Corrections, it could also increase salaries for DJJ's RS staff.

# REHABILITATION PROGRAMS FOR YOUTH IN DIRECT CARE



DJJ should:

- Establish a process to ensure indeterminately committed youths' treatment needs and progress in treatment are adequately and fully considered before youth are released.
- Evaluate and improve the effectiveness of its rehabilitative programming for DJJ-committed youth.

The General Assembly may wish to consider requiring DJJ to provide rehabilitative treatment programs for youth in its custody that are based on the best available evidence of effectiveness.

# COMMUNITY PLACEMENT PROGRAMS



## Findings:

- Community placement programs (CPPs) move youth closer to home communities but are not contributing to lower recidivism.
- As part of recent reforms, DJJ has increasingly placed youth committed to its custody in juvenile detention centers (JDCs).
- Youth released from CPPs reconvicted at higher rate than youth from juvenile correctional centers (JCCs) (FY15-FY19 releases).
- DJJ started evaluating CPPs in 2018, which appears useful and should continue.

# COMMUNITY PLACEMENT PROGRAMS



## RECOMMENDATION

The General Assembly may wish to consider:

- Creating and funding a position at DJJ to manage and oversee use of CPPs.
- Requiring DJJ to continue to monitor the performance of CPPs, hold programs accountable for low performance, and report annually on the performance of CPPs.



# REENTRY



## Findings:

- Effective re-entry planning and supports help maximize likelihood of successful transition.
- DJJ's re-entry efforts have improved, but barriers to effective reentry remain.
- Youth released from DJJ custody have limited access to step-down opportunities, including housing and other beneficial programming.
- Currently, records of felony equivalent offenses of youth adjudicated delinquent in J&DR court cannot be sealed or expunged.
- State law now more lenient for adults than youth.
- All nearby states allow at least some juvenile felony equivalent records to be expunged or sealed.

# REENTRY



## RECOMMENDATION

- DJJ should develop and implement a plan to improve its reentry programming, including expansion of step-down opportunities.
- General Assembly may wish to consider establishing a process to allow certain less serious, non-violent felony equivalent offenses for youth adjudicated delinquent in juvenile and domestic relations district court to be eventually expunged.

# JUVENILE DETENTION CENTERS



## Findings:

- Virginia JDCs generally meet requirements and address health and safety problems in a timely manner.
- Virginia JDCs appear ill-equipped to provide effective rehabilitative programming.
- Educational programming at JDCs lacks adequate oversight, continuity, and vocational services.

# JUVENILE DETENTION CENTERS



- Youth at JDCs appear to have more challenging needs than a decade ago, and some JDCs are increasingly supporting youth who would otherwise be in a correctional center.
- Minimum training requirements much lower than in a JCC.
  - JDC staff: 40 hours initial training
  - JCC staff: 120 hours initial training
- JDC training requirements lower than national standards.

# JUVENILE DETENTION CENTERS



## RECOMMENDATIONS

The General Assembly may wish to consider:

- Specifying that if a JDC provides post-dispositional rehabilitative programming, the center shall use evidence based programs to the maximum extent practicable.
- Directing the Board of Juvenile Justice to promulgate specific training requirements for front-line JDC staff supporting youth in rehabilitative programs.
- Authorizing DJJ to conduct quality assurance reviews of JDCs' rehabilitative programs and provide technical assistance.

# EDUCATION IN JDCS



## Findings:

- VDOE contracts with school divisions to provide educational programming at JDCs.
- Opportunities exist to improve oversight and availability of educational programming at JDCs .

## **RECOMMENDATION**

The General Assembly may wish to consider:

- Directing the Virginia Department of Education (VDOE) to improve its oversight of educational programming at JDCs and resume on-site quality reviews.
- Directing VDOE to develop a plan for an extended school year to provide structured summer educational programming in JDCs.

# JDC CAPACITY



## Findings:

- Virginia has substantial excess JDC capacity and continuing to maintain such levels of excess capacity is not an efficient use of limited resources.
- Virginia's approach to educational programming in JDCs could likely be more efficient.



# JDC CAPACITY

DJJ and VDOE provides substantial funds to JDCs, though they are locally owned and operated.

- State provided \$74M to the state's 24 JDCs in FY20.
- Large portion of state funding is for educational programming.
- State pays 100% of educational programming costs.
- \$25M in FY20, equivalent to \$23,000 to \$88,000 per youth on educational programming.
- 70% of JDC beds across state not used, and state contributes to maintaining 1,000+ vacant beds.
- Compared with nearby states, Virginia has highest juvenile detention center capacity.





# JDC CAPACITY

Consolidating or closing JDCs would likely reduce total costs, including state costs.

- JLARC staff estimate that at least three JDCs within a 45-minute drive of other JDCs could be closed or consolidated.
- State does not have direct control or fully fund JDC operations, which makes closure and consolidations more difficult.



# JDC CAPACITY

## Options for General Assembly to consider:

- Establish a two-tiered reimbursement rate so regional JDCs could receive more funding than those operated by a single locality (similar to regional jail model).
- Direct DJJ and VDOE to provide less funding for JDCs operated by a single locality and are
  - consistently well below capacity and
  - within a certain distance of other JDCs also under capacity
- Implement a process to identify a list of specific JDCs that should be closed or consolidated to better align facility capacities with regional needs (similar to federal BRAC process).
- Direct DJJ to evaluate the costs, benefits, and feasibility of transitioning juvenile detention centers to either specialize in
  - short-term detention or
  - longer-term rehabilitative programming (regional service model)



## RECOMMENDATION

The General Assembly may wish to consider directing VDOE to work with the Department of Planning and Budget (DPB) to determine the extent to which each JDC currently implements or could further implement cost-effective educational programming strategies.

# REPLACE BON AIR JCC



## Findings:

- Bon Air JCC should be replaced with smaller facilities, but full needs are currently unclear.
- Bon Air JCC larger than those in other states and does not support effective treatment.
- Among the largest secure juvenile facilities in the region and nationally.
- Bon Air JCC's capacity (272 beds) is 6x larger than median among nearby states (45 beds).

# REPLACE BON AIR JCC



## RECOMMENDATION

DJJ should build a smaller juvenile treatment facility on the Bon Air JCC campus while locations for other facilities are being determined.

# DJJ NEXT STEPS



- In depth Review of Study Recommendations
- Work Plan Development
  - Procedures
  - Practices
  - Training
  - Infrastructure Adjustments
- Support to Board regarding Regulatory Recommendations
- Collaboration With Other Agencies

# DIRECTOR REMARKS

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Valerie P. Boykin  
Department of Juvenile Justice



# BOARD COMMENTS

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Board Members





## **NEXT MEETING**

- April 20, 2022, at 9:30 a.m. (In-Person To Be Decided)
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## **ADJOURNMENT**

- Chairman Frazier adjourns the meeting.

