



BOARD OF JUVENILE JUSTICE

June 16, 2021

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.



CONSIDERATION OF THE APRIL 29, 2021, MINUTES

Proposed Motion: The Board of Juvenile Justice approves the April 29, 2021, minutes as presented.



PUBLIC COMMENT

- No individuals signed up for public comment.



DIRECTOR'S CERTIFICATION ACTIONS

Ken Bailey, Certifications Manager,
Department of Juvenile Justice



CONSIDERATION OF THE FY 2021-2022 VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA) PLANS

Jenna Easton, Program Manager,
Department of Juvenile Justice



The following localities (7) have submitted a VJCCCA Plan for FY 2022 with a balanced budget. The plans have been reviewed by DJJ staff and are recommended for approval by the Board for year two (July 1, 2020 through June 30, 2022) of the 2021-2022 biennium:

Charlottesville (combined plan)

(City of Charlottesville, Albemarle County)

Danville

(City of Danville)

Hampton

(City of Hampton)

Henrico

(Henrico County)

Manassas

(City of Manassas)

Martinsville (combined plan)

(City of Martinsville, Henry County, Patrick County)

Surry

(Surry County)



Proposed Motion: The Board of Juvenile Justice approves the following VJCCCA plans for year two of the 2021-2022 biennium: Charlottesville Combined Plan, City of Danville, City of Hampton, Henrico County, City of Manassas, Martinsville Combined Plan, and Surry County.



The following localities (4) have submitted a revised VJCCCA Plan for FY 2022 with a balanced budget. The plans have been reviewed by DJJ staff and are recommended for approval by the Board for year two (July 1, 2020 through June 30, 2022) of the 2021-2022 biennium:

Fauquier

(Fauquier County)

Rappahannock

(Rappahannock County)

Shenandoah

(Shenandoah County)

Wythe

(Wythe County)



Proposed Motion: The Board of Juvenile Justice approves the following **revised** VJCCCA plans for year two of the 2021-2022 biennium: Fauquier County, Rappahannock County, Shenandoah County, and Wythe County.



The following localities (3) have not yet met all proposed plan submission requirements and/or have not completed all required planning activities. It is recommended that the FY21 plans are carried forward for one additional quarter, through September 30, 2021. This will allow time for the localities to convene their planning teams and, with the assistance of DJJ staff, develop a revised plan. The revised plans will be presented during the September 2021 meeting of the Board of Juvenile Justice.

Lynchburg

(City of Lynchburg)

Richmond

(City of Richmond)

Frederick (combined plan)

(Frederick County, Clarke County, City of Winchester)



Proposed Motion: The Board of Juvenile Justice approves the VJCCCA plans for the City of Lynchburg, the City of Richmond, and the Frederick Combined Plan for one additional quarter through September 30, 2021.



Legislative Update
2021 Session
of the
General Assembly of Virginia



Virginia Department of
Juvenile Justice

DJJ Legislation



Eligibility Ages (SB 1456)



- Currently, there is no age requirement for pre-dispositional confinement in a secure facility.
- Establishes an eligibility age of 11 for pre-dispositional confinement in a secure facility.
- Those that are 10 and under charged with a violent juvenile felony, enumerated in subsections § 16.1-269.1(B) and (C), may initially be detained in a secure facility but may not remain in a secure facility.

Eligibility Ages (SB 1456)



- Currently, a juvenile must be at least 11 to be eligible for commitment to DJJ.
- Increases the eligibility age for commitment to 14.
- Juveniles 11-13 charged with a violent juvenile felony, enumerated in § 16.1-269.1(B) and (C), may be committed to DJJ.

Eligibility Ages (SB 1456)



- Governor's Amendment to HB 1936.
- HB 1936 – Creates degrees of punishment corresponding to the severity of a robbery offense.
 - Robbery + causes serious bodily injury or death of any other person = Class 2 felony.
 - Robbery by using or displaying a firearm in a threatening manner = Class 3 felony.
 - Robbery by using physical force not resulting in serious bodily injury or by using or displaying a deadly weapon other than a firearm in a threatening manner = Class 5 felony.
 - Robbery by using threat or intimidation or any means not involving a deadly weapon = Class 6 felony.

Eligibility Ages (SB 1456)



- Governor's Amendment amends § 16.1-269.1(C) to only include among the enumerated offenses the Class 2 and Class 3 robbery offenses.
- Thus, the Class 5 and Class 6 robbery categories are extracted from § 16.1-269.1(C) and, consequently, are extracted from the definition of "violent juvenile felony," defined in § 16.1-228 as any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

“Appeal” to Magistrate (HB 1878)



- Section 16.1-260(E) - if the intake officer refuses to authorize a petition relating to an offense that would be a Class 1 misdemeanor or a felony, the complainant shall be notified of the right to apply to a magistrate for a warrant.
- If the magistrate determines that probable cause exists, he shall issue a warrant returnable to the JDR court. The intake officer must then accept and file a petition founded upon the warrant.

“Appeal” to Magistrate (HB 1878)



- If the intake officer finds PC but diverts the case based on information about the youth and the offense, the diversion decision can thus be “appealed” to a magistrate.
- When appealed, the magistrate may only consider PC. So the magistrate must overturn the diversion decision if there is PC, regardless of considerations for alternatives that might better rehabilitate the juvenile.
- The complainant can obtain a warrant even after the 120 day period, after the youth has successfully completed diversion.

“Appeal” to Magistrate (HB 1878)



- Limits a complainant’s ability to apply for a warrant to the magistrate to cases in which the intake officer has made a finding of no PC.
- The complainant may still address concerns with the CA and may still appeal PC decisions to the magistrate.
- The application to the magistrate shall be filed within 10 days of the issuance of written notification of the right to appeal to a magistrate at the time of the intake officer’s finding of no PC. The written notification will indicate that a decision was made that no PC exists and shall inform the complainant that he/she has 10 days to apply for a warrant to the magistrate.
- The complainant shall provide the magistrate with a copy of the written notification upon application.

Naloxone (HB 1894)



- Section 54.1-3408(X) – Certain state agency employees may possess and administer naloxone for life-threatening overdoses.
- HB 1894 expands list to include DJJ probation and parole officers and juvenile correctional officers.
 - Must complete training program to possess and administer.
 - DBHDS will provide “train the trainer” sessions to state agencies.

Additional Impactful Legislation



Child Support (HB 1912)



- Section § 16.1-290(D) provides that whenever a juvenile is placed in the temporary custody of or committed to DJJ, DJJ shall apply for child support with DSS. The parents shall be responsible for child support from the date DJJ receives the juvenile.
- Eliminates this requirement so that DJJ is no longer required to apply for child support, and the parent of a juvenile is no longer responsible to pay child support, for a juvenile who is in the temporary custody of or committed to DJJ.

Serious Offenders (HB 1991)



- The court may modify the punishment for youth committed as serious offenders despite the terms of any plea agreement or order.
 - Bill resolves concerns that courts are bound to and cannot modify the terms of the plea agreement.
- DJJ retains its discretion and obligation to petition the court for review hearings for such youth, despite the terms of a plea agreement or commitment order.

Youth Justice Diversion Programs (HB 2017)



- Authorizes any jurisdiction to establish a youth justice diversion program.
 - Monitored by an advisory committee.
 - Uses juvenile volunteers as lawyers and jurors.
 - Uses volunteer attorneys as judges.
 - Conducts peer trials of juveniles referred by intake officers.
 - Sentences emphasize restitution and rehabilitation, not incarceration.

Youth Justice Diversion Programs (HB 2017)



- Requires establishment of a local youth justice diversion advisory committee and approval of the program by the chief judge of the JDR court.
- Advisory committee duties:
 - Establish criteria for program eligibility; and
 - Establish policies and procedures for program operation.
- Advisory committee may include DJJ representative from local office serving the jurisdiction and a representative of juvenile court services.

Youth Justice Diversion Programs (HB 2017)



- Class 1 misdemeanors and felonies ineligible.
- Requires consent of alleged juvenile offender's parent or legal guardian and referral by an intake officer.
- Juvenile's failure to comply with program sentence within 180 days may result in filing of the petition.
 - Intake officer must provide required advisement.

Confidentiality of DJJ Records (HB 1206)



- Amends § 16.1-300 to provide that social, medical, psychiatric, and psychological reports and records shall be open for inspection to:
- DSS that is providing services, care, a family assessment or investigation regarding a juvenile who is the subject of the records, and
- DBHDS that is providing treatment, services, or care for a juvenile who is the subject of the record.

Confidentiality of DJJ Records (HB 1206)



- Contingent upon entry of a formal agreement with DJJ to provide coordinated services to juveniles who are the subject of the records.
- Prior to making any report or record open for inspection, the CSU or DJJ shall determine which reports or records are relevant to the treatment, services, or care of the juvenile and shall limit the inspection to such relevant reports or records.
- Any local agency that inspects the reports and records shall not disseminate any information received unless required by law.

Confidentiality of DJJ Records (HB 1206)



- Enactment clause: Commission on Youth shall convene a work group that will review current data and record sharing provisions with regard to youth served by the juvenile justice and child welfare systems and make recommendations on best practices for the sharing, collection, and use of such data and records while respecting the privacy interests of youth and families by November 1.
- The work group will include representatives from DJJ.

DIRECTOR REMARKS

Valerie P. Boykin
Department of Juvenile Justice



BOARD COMMENTS

Board Members



NEXT MEETING

- September 1, 2021, at 9:30 a.m. at Virginia Public Safety Training Center (In-Person To Be Decided)
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ADJOURN

- Chairman Frazier adjourns the meeting.

