

Vacant, Chair
Robert Vilchez, Vice Chair
Scott Kizner, Secretary
Eric English
Tyren Frazier
William Johnson
David Mick
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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

BOARD MEETING

November 15, 2023

Virginia Public Safety Training Center, Smyth Hall, Room 401

9:30 a.m. Board Meeting

1. CALL TO ORDER and INTRODUCTIONS

2. ELECTION OF OFFICERS (Pages 1-9)

James Towey, Legislative & Regulatory Affairs Manager, Department of Juvenile Justice

3. CONSIDERATION OF THE JUNE 21, 2023, MINUTES (Pages 10-30)

4. PUBLIC COMMENT

5. NEW BUSINESS

Consideration of Policy for All-Virtual Public Meetings and Consideration of Policy for the Remote Participation of Members (Pages 31-35)

James Towey, Legislative & Regulatory Affairs Manager, Department of Juvenile Justice

Consideration of Amendment of Two Policies: 02-004 (Communication of Serious Incidents) and 20-105 (Graduated Community Reentry) (Pages 36-40)

Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice

6. Director's Certification Actions (Pages 41-52)

Ken Bailey, Certifications Manager, Department of Juvenile Justice

7. DIRECTOR REMARKS and BOARD COMMENTS

Introduction of new Bon Air Juvenile Correctional Center Superintendent

8. NEXT MEETING: December 13, 2023, 9:30 a.m., Virginia Public Safety Training Center

9. ADJOURNMENT



COMMONWEALTH of VIRGINIA Board of Juvenile Justice

§ 5.01. Officers Elected from the Board.

The Officers of the Board elected from its membership shall be the Chairperson, Vice-chairperson and Secretary, who shall each be elected by the Board at its first regular meeting of the fiscal year. Officers shall serve for a term of one year and shall be eligible for re-election. Should an Officer vacancy occur, the vacancy may be filled at the next meeting of the Board, unless such vacancy occurs within 10 days of the next meeting, in which case it may be filled at the subsequent meeting.

§ 5.02. Chairperson.

The Chairperson shall be the presiding officer of the Board at its meetings. Upon request of the Board, the Chairperson shall act as its spokesperson or representative and shall perform such additional duties as may be imposed on that position by an Act of the General Assembly or by direction of the Board. The Chairperson shall be an ex-officio member of all Committees of the Board.

§ 5.03. Vice-chairperson.

In the absence of the Chairperson at any meeting or in the event of disability or of a vacancy in the office, all the powers and duties of the Chairperson shall be vested in the Vice-chairperson. The Vice-chairperson shall also perform such other duties as may be imposed by the Board or the Chairperson.

§ 5.04. Secretary.

The Secretary shall (1) review and recommend improvements to Board meeting procedures and other relevant Board business so as to facilitate the administrative efficiency of the Board; (2) ensure the development of appropriate resolutions, etc., which are needed by the Board from time to time; (3) serve as the Board's parliamentarian; (4) work closely with the Department staff who are assigned to provide administrative assistance to the Board to review and sign minutes and policy documents, etc.; and (5) to ensure that unique or non-routine materials and equipment are available for the Board to carry out its functions. In the event that both the Chairperson and Vice-chairperson are absent at any meeting, the Secretary shall preside over the meeting.

STATE BOARD OF JUVENILE JUSTICE

BY-LAWS

Revised June 21, 2023

Article 1.

§ 1.01. Establishment and Composition.

The State Board of Juvenile Justice (the “Board”) is established by § 66-4 of the Code of Virginia. The Board consists of nine members appointed by the Governor and confirmed by the General Assembly if in session and, if not, at its next succeeding session. Two of the nine members shall be experienced educators.

Article 2.

§ 2.01. Term of Office.

In accordance with § 66-5 of the Code of Virginia, the term of office of Board members shall be for four years, except that appointments to fill vacancies shall be for the remainder of the unexpired terms. No person shall be eligible to serve more than two successive four-year terms, except that a person appointed to fill a vacancy may be eligible for two additional, successive four-year terms after the term of the vacancy for which the person was appointed has expired.

§ 2.02. Orientation.

In accordance with § 2.2-3702 of the Code of Virginia, within two weeks of their appointment or re-appointment, members of the Board shall (i) be furnished by the Board's administrator or legal counsel with a copy of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and (ii) read and become familiar with the provisions of that Act.

§ 2.03. Meetings.

Section 66-8 of the Code of Virginia requires that the Board meet at least four times each calendar year. The Board shall meet as follows:

- (a) Regular Meetings - Meet once during each calendar quarter at such times and places as it deems appropriate.
- (b) Special Meetings - Special meetings of the Board may be called by the Chairperson or, if the Chairperson is absent or disabled, by the Vice chairperson or by any four members of the Board at such dates, times and places as may be specified in the call for the meeting.

§ 2.04. Notice.

At least five days' notice in writing shall be given to a Board member of the date, time, and place of all meetings. In accordance with § 2.2-3707 of the Code of Virginia, notice including the time, date and place of each meeting shall be furnished to any citizen of the Commonwealth who requests such information. Notices for meetings shall state whether or not public comment will be received at the meeting, and, if so, the approximate points during the meeting public comment will be received. Any requests to be notified of Board meetings on a continual basis shall be made at least once a year, in writing and shall include the requester's name, address, zip code, daytime telephone number, email address (if available) and organization, if applicable. Notice to any citizen of the Commonwealth who requests such information, reasonable under the circumstance, of special or emergency meetings shall be given contemporaneously with the notice provided Board members.

§ 2.05. Board Materials.

With the exception of any materials that are exempt from public disclosure pursuant to § 2.2-3705 of the Code of Virginia, at least one copy of all agenda packets and materials furnished to Board members for a meeting shall be made available for inspection by the public at the same time such documents are furnished to the members of the Board.

§ 2.06. Cancellation or Rescheduling of Meetings.

The Chairperson may, with the concurrence of a majority of the Board, cancel or postpone a meeting. The Director of the Department of Juvenile Justice (the "Director") shall ensure that proper and immediate public notice is given. In an emergency, the Chairperson is authorized to cancel, significantly alter, or postpone the meeting time.

§ 2.07. Quorum.

In accordance with § 66-9 of the Code of Virginia, a majority of the current membership of the Board shall constitute a quorum for all purposes.

§ 2.08. Attendance.

Participation is essential to the fulfillment of the function of membership. The absence of any member impedes the business of the Board and deprives the Department of Juvenile Justice (the "Department") of the overall policy direction this Board is responsible for providing. Should any member miss three consecutive regular meetings, or a total of five or more regular meetings during a calendar year, the Chairperson, following consultation with the member, is authorized to advise the appropriate Executive Branch official(s). In accordance with § 66-5 of the Code of Virginia, members of the Board may be suspended or removed by the Governor at his pleasure.

§ 2.09. Conduct of Business

The Board actively encourages and welcomes public participation in all its public deliberations. All meetings of the Board, including meetings and work sessions during which no votes are cast or any decisions made, shall be public meetings, and shall be conducted in accordance with § 2.2-3707 of the Code of Virginia. Votes shall not be

taken by written or secret ballot in an open meeting, and minutes shall be recorded at all public meetings. All meetings shall be conducted in accordance with the principles of procedures prescribed in Roberts' Rules of Order.

Article 3. Powers and Duties.

§ 3.01. General Powers and Duties.

Section 66-10 of the Code of Virginia gives the Board the following general powers and duties:

- a) To establish and monitor policies for programs and facilities for which the Department is responsible by law;
- b) To ensure the development of a long-range youth services policy;
- c) To monitor the activities of the Department and its effectiveness in implementing the policies of the Board;
- d) To advise the Governor and Director on matters relating to youth services;
- e) To promulgate such regulations as may be necessary to carry out the provisions of Title 66 of the Code of Virginia and other laws of the Commonwealth;
- f) To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;
- g) To establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment;
- h) To adopt all necessary regulations for the management and operation of the schools in the Department, provided that any such regulations do not conflict with regulations relating to security of the institutions in which the juveniles are committed; and
- i) To establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as juvenile correctional officers employed at a juvenile correctional facility as defined in § 66-25.3. For juvenile correctional officers who may have contact with pregnant residents, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant residents and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant residents, and the impact of body cavity searches on pregnant residents.

§ 3.02. Additional Specific Powers and Duties.

Various sections of the Code of Virginia give the Board additional specific powers and duties, both mandatory and discretionary. Such sections of the Code of Virginia include, but are not limited to, the following:

- a) Section 2.2-4007.02 of the Code of Virginia requires the Board to promulgate regulations for public participation in the formation and development of regulations.

STATE BOARD OF JUVENILE JUSTICE
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- b) Section 16.1-223 of the Code of Virginia requires the Board to promulgate regulations governing the security and confidentiality of data in the Virginia Juvenile Justice Information System.
- c) Section 16.1-233 of the Code of Virginia requires the Board to establish minimum standards for court service unit staff and related supportive personnel and to promulgate regulations pertaining to their appointment and functions to the end that uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth.
- d) Section 16.1-284.1 of the Code of Virginia requires the standards established by the Board for secure juvenile detention centers to require separate services for the rehabilitation of juveniles placed in post-dispositional detention programs for greater than 30 calendar days.
- e) Section 16.1-293.1 of the Code of Virginia requires the Board to promulgate regulations for the planning and provision of mental health, substance abuse, or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or post-dispositional detention program.
- f) Section 16.1-309.3 of the Code of Virginia authorizes the Board to approve local plans for the development, implementation, and operation of a community-based system of services under the Virginia Juvenile Community Crime Control Act (Article 12.1 of Title 16.1 of the Code of Virginia). This section also requires the Board to solicit written comments on the plan from the judge or judges of the juvenile and domestic relations court, the director of the court service unit, and if applicable, the director of programs established under the Delinquency Preventions and Youth Development Act (Chapter 3 of Title 66 of the Code of Virginia).
- g) Section 16.1-309.5 of the Code of Virginia requires the Board to promulgate regulations to serve as guidelines in evaluating requests for reimbursement of one-half the cost of construction, enlargement, renovation, purchase, or rental of a secure juvenile detention center or other home and to ensure the geographically equitable distribution of state funds provided for such purpose.
- h) Section 16.1-309.9 of the Code of Virginia requires the following:
 - a. The Board to develop, promulgate, and approve standards for the development, implementation, operation, and evaluation of a range of community-based programs, services, and facilities authorized by the Virginia Juvenile Community Crime Control Act (Article 12.1 of Title 16.1 of the Code of Virginia)
 - b. The Board to approve minimum standards for the construction and equipment of secure juvenile detention centers or other facilities and for the provision of food, clothing, medical attention, and supervision of juveniles to be housed in these facilities and programs.
- i) Section 16.1-309.10 of the Code of Virginia authorizes the Board to visit, inspect, and regulate any secure juvenile detention center, group home, or the residential care facility for children in need of services, delinquent, or alleged delinquent that is established by a city, county, or any combination thereof.

STATE BOARD OF JUVENILE JUSTICE
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- j) Section 16.1-322.5 of the Code of Virginia requires the Board to approve those localities creating a Commission for the purpose of financing and constructing a regional detention or group home. This section also requires the Board to approve contracts for construction of such facilities.
- k) Section 16.1-322.7 of the Code of Virginia requires the Board to make, adopt, and promulgate regulations governing specific aspects of the private management and operation of local or regional secure juvenile detention centers or other secure facilities.
- l) Section 66-10.1 of the Code of Virginia requires the Board to promulgate regulations to effectuate the purposes of Chapter 5.1 (§32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia governing any human research conducted or authorized by the Department.
- m) Section 66-10.2 of the Code of Virginia requires the Board to promulgate regulations governing the housing of youth who are detained in a juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.
- n) Section 66-23 authorizes the Board to promulgate regulations to govern the process by which superintendents of juvenile correctional centers consent to residents applying for driver's licenses and issue employment certificates;
- o) Section 66-24 of the Code of Virginia requires the Board to promulgate regulations for the certification of community group homes or other residential care facilities that contract with or are rented for the care of juveniles in direct state care.
- p) Section 66-25.1 of the Code of Virginia requires the Board to promulgate regulations governing the form and review process for any agreement with a public or private entity for the operation of a work program for juveniles committed to the Department.
- q) Section 66-25.6 of the Code of Virginia requires the Board to promulgate regulations governing the private management and operation of juvenile correctional facilities.
- r) Section 66-28 of the Code of Virginia requires the Board to prescribe policies governing applications for grants pursuant to the Delinquency Prevention and Youth Development Act (Chapter 3 of Title 66 of the Code of Virginia) and standards for the operation of programs developed and implemented under the grants.

Article 4.
Committees.

§ 4.01. Special or Ad Hoc Committees

Special or Ad Hoc Committees may be constituted at any time by action of the Board or the Chairperson. At the time a Special Committee is created, its mission shall be specifically established by action of the Board or by the Chairperson. In creating such Special Committees, the Chairperson shall specify the time within which the Committee is to make its report to the Board

§ 4.04. Other Appointments.

The Chairperson may designate members of the Board from time to time to serve on various task forces, advisory councils, and other committees and to serve as liaison with Department functions and state organizations or associations.

Article 5.
Officers.

§ 5.01. Officers Elected from the Board.

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§ 5.02. Chairperson.

The Chairperson shall be the presiding officer of the Board at its meetings. Upon request of the Board, the Chairperson shall act as its spokesperson or representative and shall perform such additional duties as may be imposed on that position by an Act of the General Assembly or by direction of the Board. The Chairperson shall be an ex-officio member of all Committees of the Board.

§ 5.03. Vice-chairperson.

In the absence of the Chairperson at any meeting or in the event of disability or of a vacancy in the office, all the powers and duties of the Chairperson shall be vested in the Vice-chairperson. The Vice-chairperson shall also perform such other duties as may be imposed by the Board or the Chairperson.

§ 5.04. Secretary.

The Secretary shall (1) review and recommend improvements to Board meeting procedures and other relevant Board business so as to facilitate the administrative efficiency of the Board; (2) ensure the development of appropriate resolutions, etc., which are needed by the Board from time to time; (3) serve as the Board's parliamentarian; (4) work closely with the Department staff who are assigned to provide administrative assistance to the Board to review and sign minutes and policy documents, etc.; and (5) to ensure that unique or non-routine materials and equipment are available for the Board to carry out its functions. In the event that both the Chairperson and Vice-chairperson are absent at any meeting, the Secretary shall preside over the meeting.

§5.05. Order of Succession in Absence of Officers

In the event that the Chairperson, Vice-chairperson, and Secretary all are absent from a meeting, the Board member in attendance with the longest tenure on the Board shall be authorized to preside over the meeting. In the event that two or more such members in

attendance have served identical terms, the Director shall be authorized to designate one of the two Board members to preside over the meeting.

Article 6.

Department of Juvenile Justice.

§ 6.01. Director.

§ 66-1 of the Code of Virginia establishes the Department of Juvenile Justice under the immediate supervision of a Director who is appointed by the Governor, subject to confirmation by the General Assembly. In accordance with § 66-2 of the Code of Virginia, the Director is responsible for supervising the Department and for exercising such other powers and performing such other duties as may be provided by law or as may be required of the Director by the Governor and the Secretary of Public Safety. The Director shall implement such standards and goals of the Board as formulated for local and community programs and facilities. In accordance with § 16.1-234 of the Code of Virginia, it shall be the duty of the Department to ensure that minimum standards established by the Board for court service and other state-operated programs are adhered to.

§ 6.02. Relationship of the Board and Department.

In keeping with the powers and duties imposed upon the Board and upon the Director by law, the Board shall regularly meet with the Director in order that the responsibilities of each are carried out efficiently and cooperatively. The Board shall periodically assess its needs for administrative assistance and how well those needs are being met, and shall so advise the Director. In accordance with § 16.1-309.4 of the Code of Virginia, the Department shall submit to the Board on or before July 1 of odd-numbered years, a statewide plan for the establishment and maintenance of a range of institutional and community-based, diversion, predispositional and postdispositional services to be reasonably accessible to each court. The Department shall establish procedures to ensure (i) the superior quality and timeliness of materials submitted to the Board and (ii) that the Board is informed as early as possible of individuals attending Board meetings.

§ 6.03. Administrative Assistance.

The Department shall provide staff assistance to the Board in carrying out its administrative duties.

Article 7.

Amendments and Procedural Irregularities.

§ 7.01. Annual Review.

The Board shall review the By-Laws annually to ensure compliance with any amendments that may have been made to applicable sections of the Code of Virginia.

STATE BOARD OF JUVENILE JUSTICE
BY-LAWS

§ 7.02. Amendments.

The By-Laws may be amended at any regular or special meeting of the Board by an affirmative vote of the majority of the Board, provided that the proposed amendment was included in the notice of the meeting.

§ 7.03. Procedural Irregularities.

Failure to observe procedural provisions of the By-Laws does not affect the validity of Board actions.

§ 7.04. Effective Date.

The foregoing By-Laws are adopted by the Board and are effective as amended, June 21, 2023.

Dana Schrad, Chair
Robert Vilchez, Vice Chair
Scott Kizner, Secretary
Eric English
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Synethia White



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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

DRAFT Meeting Minutes

June 21, 2023

Virginia Public Safety Training Center, Smyth Hall, 7093 Broad Neck Road, Hanover, VA 23069

Board Members Present: Tyren Frazier, William (Will) Johnson, Scott Kizner, David Mick, Dana Schrad, Robert (Tito) Vilchez, and Synethia White

Board Members Absent: Eric English

Department of Juvenile Justice (Department) Staff: Ken Bailey, Ken Davis, Katherine Farmer, Mike Favale, Amy Floriano, Wendy Hoffman, Dale Holden, Joyce Holmon, Jerri Jackson, Nikia Jones, Melodie Martin, Ashaki McNeil, Linda McWilliams, Margaret O'Shea (Office of the Attorney General), Kristen Peterson, Lara Todd, James Towey, Robin Binford Weaver, and Rachel Wentworth

Guests: Libby Humphries, Office of the Fredericksburg Commonwealth's Attorney, Virginia Association of Commonwealth's Attorneys (VACA)

CALL TO ORDER AND INTRODUCTIONS

Chairperson Dana Schrad called the meeting to order at 9:33 a.m. Chairperson Schrad welcomed those present and asked for introductions.

CONSIDERATION OF BOARD MINUTES

The minutes of the March 22, 2023, Board meeting were provided for approval. On a motion duly made by Scott Kizner and seconded by Tyren Frazier, the Board approved the minutes as presented. All Board members present declared "aye," and the motion carried.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

Consideration of Amendments to the Board Bylaws Regarding Vacancies in Chair, Vice-Chair, and Secretary Positions

James Towey, Legislative and Regulatory Affairs Manager, Department

On page 15 of the Board packet, the Board of Juvenile Justice Bylaws describes the Order of Succession in Absence of Officers. The Department realized last spring when the Board's Secretary resigned that a

system was not set up for when an officer leaves. The language in section 5.01 Officers Elected from the Board stated that the only time of year to elect officers (Chair, Vice-chair, and Secretary) was at the first meeting of the fiscal year, which is in September. The Department became aware there could be a situation where a vacancy could affect the order of succession, and the Board would be without an officer for long periods of time. For example, if an officer resigned from the Board in November, it would take until next September to fill the position.

The Department recommended adding flexible language in article 5, section 5.01 that says the vacancy may be filled at the next meeting unless such vacancy occurs within ten days of the next meeting. This allows the Board packet, including the meeting agenda, to be provided to members ten days before the meeting and posted to Town Hall. If an officer resigns days before the meeting, it could create an issue with having to republish the Board packet and make changes to Town Hall regarding the agenda. The Department added flexibility by using the term “may” twice, so that the vacancy would not need to be filled at any particular meeting. If a vacancy occurs in March and the Board wants to wait until September to fill the vacancy, this can be done; however, the Board need not wait until the September meeting to fill the vacancy.

On motion duly made by Will Johnson and seconded by Tyren Frazier, the Board of Juvenile Justice approved the proposed amendments to Article 5, section 5.01 of the State Board of Juvenile Justice Bylaws, last revised on September 21, 2022, including any additional amendments adopted to said Bylaws at the June 21, 2023, Board meeting. All Board members present declared “aye,” and the motion carried.

Because the motion took effect immediately, the Board decided to elect a Secretary from among the majority membership present. Chairperson Schrad nominated Scott Kizner to serve as Secretary, and all Board members present agreed.

On motion duly made by Dana Schrad and seconded by David Mick, Board Member Scott Kizner was elected as Secretary for the State Board of Juvenile Justice. All Board members present declared “aye,” and the motion carried.

Mr. Towey noted that the Freedom of Information Act (FOIA) Council developed a model policy to be adopted by state agencies to have full virtual meetings. In addition, there are options for individual members who are unable to attend meetings in person. Mr. Towey will present this policy to the Board at their September meeting for consideration.

Chairperson Schrad said these types of hybrid meetings are helpful for members who travel long distances.

Request Approval to Begin the Guidance Document Process on the Virginia Juvenile Community Crime Control Act (VJCCCA) Manual

Ken Davis, Regulatory Affairs Coordinator, Department

This manual is a guidance document that provides services to youth through VJCCCA. In 2018, the General Assembly enacted legislation requiring guidance documents be published in the Virginia Register and go through a 30-day public comment period. For purposes of the statute, a guidance document is described as any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency rules or

regulations, excluding agency minutes or documents that pertain only to the internal management of agencies. The VJCCCA Manual meets this definition and, therefore, needs to undergo this process of being published in the Virginia Register and going through the 30-day public comment period. The statute does not mandate that the Board approve, but the Department plans to continue to give the Board an opportunity to approve before publishing the guidance document on Town Hall. This will be considered a public document.

The manual provides guidance on a broad range of topics for those providing services through VJCCCA, which are listed on page 19 of the Board packet. It covers allowable and prohibited programs and services, state funding information as well as other funding sources, and maintenance of effort requirements. Also included is information on VJCCCA plan development, plan review and approval, plan management and reporting, program evaluation, technical assistance, and monitoring.

The Department requested the Board's approval for the Department to publish the VJCCCA Manual in the Virginia Register and complete the 30-day public comment period. The manual has not been updated for ten years.

On motion duly made by Tyren Frazier and seconded by Will Johnson, the Board of Juvenile Justice approved the publication in the Virginia Register of the VJCCCA Manual guidance document, and a subsequent invitation for public comment, submitted in accordance with section 2.2-4002.1 of the Code of Virginia. All Board members present declared "aye," and the motion carried.

Consideration of the Fiscal Year (FY) 2024 VJCCCA Plans

Katherine Farmer, VJCCCA Supervisor, Department

The General Assembly enacted the VJCCCA in 1995 to establish a community-based system of services that corresponded to the severity of offense and treatment needs. Originally, this was to deter crime by providing immediate effective punishment that emphasizes accountability of the juvenile offender for his or her actions as well as to reduce the pattern of offending. It is based on Code section 16.1-309.2, which enables localities to develop and implement their own plans based on data.

The Code emphasizes funding for detention alternatives, as well as front-end programming to address diversion, prevention, and early intervention needs. This funding source is only available to courts and localities, and is primarily a funding source for diversion to pre-court services. This may be the only funding source that those youth have.

Under the legislation, state and local dollars were combined to fund community-based programs for youth. Since 1996, state funding has been allocated to localities through a formula based on factors such as the number of types of offenses and arrests. Some localities are required to contribute a maintenance of effort (MOE), but not every locality has an MOE. The MOE is a match to the grant of the state allocation. The MOE originally required the locality to expend the same amount it did in FY 1995 to receive state funding. As of July 1, 2011, a locality can reduce its MOE to an amount equal to the state funds. Last year in September, a motion was approved for Richmond to lower their MOE to match their state allocation. Currently, every locality has opted to reduce their MOE.

The current state allocation is approximately \$10.4 million and the total annual budget that includes the MOE and additional local funds is approximately \$20 million.

Participation in the VJCCCA funding is voluntary; however, all 133 localities in Virginia participate. There are 76 plans with some localities opting to participate by combining their money to have a combined plan.

Pages 69-72 of the Board packet, break down the localities' state allocation and required MOE. The state allocation is provided by the General Assembly, and that money has not been reduced for several years.

For the locality to participate in VJCCCA and receive funding, they are required to develop a biennial plan for utilization of the funds. VJCCCA staff from the Department provide technical assistance and help guide localities to use the data on current trends to decide which programs and services should be included in their plan. Every year, program evaluation reports are completed by the localities using data from the Data Resource Guide to help guide them toward decisions, planning programs, and services that will meet the needs of the community.

Per the Code, there are certain individuals who must be included in the plan development and who must provide a letter of support for the plan. These individuals are the judges, the court service unit directors, and the Community Policy Management Team (CPMT) Chair. The Department also encourages each locality to develop a collaborative team so that the communities are working together to develop a good local plan to meet their communities' needs.

Prior to FY 22, all the funding was for intake on complaints or court order petitions alleging that a juvenile is a child in need of services, a child in need of supervision, or a delinquent based on Code section 16.1.309.2. However, in 2020 the General Assembly amended the Code to allow for prevention services. Localities do not have to participate in prevention services, and there is no additional money provided. The revised Code specified that an assessment of needs be conducted in order for youth to receive prevention services, and the VJCCCA staff researched good evidence-based assessment tools that could be used.

A list of allowable services is located on pages 75-83 of the Board packet. This list provides considerably more detail than was provided to the Board last year and now shows clear, concise definitions, examples, and different target populations, as well as how services could be used and what guidelines are available. These allowable services can help the locality develop their plans.

In FY 22, 4,401 youth were placed in VJCCCA programs for a total of 6,662 placements. Seventy-nine percent of youth placed in VJCCCA programs and services were eligible for detention. On average, there were 1.5 placements per youth, since each youth could go into multiple placements during the year. Sixty-eight percent of placements were pre-dispositional and non-residential, while 29% of the placements were post-dispositional and non-residential. The majority of funding is used for the pre-dispositional youth and detention alternatives. Eight percent of the placements were residential, and 72% were pre-dispositional and most likely detention alternatives.

Page 67 of the Board packet includes a three-year comparison of service categories for utilization. The utilization decreased mainly due to the pandemic, but in the current fiscal year referrals and placements have risen, returning to pre-pandemic trends.

Chairperson Schrad said the Virginia Association of Chiefs of Police partnered with the Virginia Hospital Healthcare Association and the Virginia Organized Interfaith Community Engagement last year and was successful in getting government focused on health services. The group is now focused on mental health and other services for youth. The group has coordinated an event in Prince William County that the Governor is attending on July 9 to showcase the immediate need of mental health services and youth. Chairperson Schrad asked Ms. Farmer for any guidance in that area.

Ms. Farmer responded that one of the allowable services is clinical services that can help a youth at diversion, at the pre-court stage, or during probation and parole. Localities can also use the agency's regional services if they find a high need in their area. Substance abuse is another area in high demand. Across the state, especially in northern Virginia, there is a difficulty finding service providers to help youth specifically with fentanyl. The VJCCCA staff try to help the locality look at their needs, and if mental health or substance abuse is a need, there could be a possibility to add additional money from the locality for that need. Ms. Farmer visited Prince William County recently, and all their funding is going to the Molinari Shelter, a crisis receiving center. The Department defines prevention differently than other agencies: per Code, prevention means to prevent a youth from becoming court involved. VJCCCA staff are working with localities on prevention for such things as truancy, gang intervention, and anything happening in schools preventing youth from being suspended for vaping or drugs. Some localities do have prevention services so that those youth, while they are suspended from school, can receive additional services.

Chairperson Schrad noted that localities may be trying to find the balance between ensuring crime is addressed while keeping youth out of the criminal justice system through diversion, treatment, or other kinds of service programs.

Board Member Johnson asked about the last time funding was increased?

Ms. Farmer responded that the VJCCCA state allocation was slashed 50% by the General Assembly in 1992 and it has not been increased. If a locality had an MOE, then they reduced it to match their state allocation. Some localities have additional money to support their needs, and some have additional monies to go above and beyond the state and the amount of the MOE.

Board Member Johnson asked why localities are not lobbying the General Assembly directly for increased funding given their sway with the General Assembly, and noted his desire for more of a focused effort to work together to increase the state funding.

Director Floriano reminded the Board that the Regional Services Coordinator model, funded by the closure of the agency's correctional facilities during the transformation, is another funding source. The Department has an internal workgroup focused on looking at services statewide to help localities that do not have access to service providers. This would include possible virtual means statewide for youth that need acute provider care that is not found in their community as well as the pre-release services in detention centers and the juvenile correctional center.

Ms. Farmer noted that during the COVID years, money was returned to the state that was unused. The Department would have liked to use that money to reinvest back into the agency.

Board Member White asked whom the localities choose on their team that is representative of the community.

Ms. Farmer responded that the three mandated representatives include the locality's court service unit director, CPMT chair, and the chief judge. Ms. Farmer also suggested that the community, who should know their children and needs the best, invite the school, mental health, social services, police, and health. Some collaborative teams have agency partners that can discuss issues in their community, while other communities are working to expand and develop their collaborative teams.

Board Member White asked whether at any point in the process the community teams are hearing from impacted families or getting real life testimonials from communities with youth who have gone through the system.

Ms. Farmer responded that it would be great to have a parent voice or a youth at the table. Localities would need to discuss confidentiality, but having that voice at the table would be beneficial.

Board Member White said often we do not understand what a young person has experienced being in the system. Board Member White would like to see people have that opportunity who have previously been involved in the system but who are now adults or parents willing to share their experiences and give feedback. There are a lot of young people in need of services, and although a service provider may be good, it may not be culturally relevant or may not look at the whole young person. Board Member White thinks having the ability to utilize the experiences of young people who have gone through the juvenile justice system will help prevent other young people from becoming involved.

Ms. Farmer agreed and thought it might be helpful to develop a youth and parent survey for after the youth has left the agency's care to get beneficial feedback. The VJCCCA staff ask the service providers to look at barriers and the needs of the youth and place them with the best service. Some localities complete an exit interview as the youth is leaving the VJCCCA service. This is something the community incorporates into their goals, objectives, and outcome measures.

Chairperson Schrad asked Board Member White if she knew of any statewide organization that focused on family members that had children go through the criminal justice system. Board Member White responded RISE for Youth, Hampton Roads Opportunity Foundation which is a community-based organization that works with groups of young people and their parents to help navigate their experiences, not necessarily services.

Chairperson Schrad said that culturally relevant services are what is strived for and are difficult to find.

Ms. Farmer shared with the Board that VJCCCA plans are created on a biennium. The plan development is a living, breathing document and can be revised. There are certain conditions that when a revision occurs, it must come before the Board for approval.

Ms. Farmer presented the motions.

Four localities have submitted VJCCCA plans for the FY 24 biennium that have balanced budgets, have been reviewed by the staff, and are recommended for Board approval for FY 2024 of the biennium 2023-2024. Those four plans are Highland, Lexington Combined (Botetourt, Rockbridge, Buena Vista, Alleghany, Covington), Prince William, and Richmond City. These four plans were only approved for one year of the biennium and are now moving forward with the second year of the biennium.

On motion duly made by Will Johnson and seconded by Scott Kizner, the Board of Juvenile Justice approved the VJCCCA plans for Highland, Lexington Combined (includes Botetourt, Buena Vista, Alleghany, Covington), Prince William, and Richmond City for the 2024 fiscal year. All Board members present declared "aye," and the motion carried.

Eight localities chose to revise their VJCCCA plan by adding new programs and services to their plan. These localities have submitted revised VJCCCA plans with a balanced budget for fiscal year 2024. These plans have been reviewed by staff and are recommended for approval by the Board for the 2024 fiscal year of the 2023-24 biennium. Those plans are Accomack Combined (includes Northampton), Danville, Fluvanna, Goochland, Lynchburg, Prince George, Waynesboro Combined (includes Augusta and Staunton), and Norfolk.

Chairperson Schrad asked if the revisions to these plans include an increase and no decreases in services.

Ms. Farmer responded these localities changed their plan by adding at least one new program or service. The exception is Accomack; their plan had a local position providing services, and Accomack no longer has that local position and had to contract out for services. Danville removed the gang intervention and prevention program of their plan because it was being funded locally, which included a program they trained in called Cell Dreamers. Fluvanna and Goochland have plans with specialized program services. This is like an umbrella of services in which they can add any allowable service. They now have specific, individualized plans like detention alternatives, mentoring, substance abuse, and anger management. Lynchburg added gang intervention and anger management; Prince George added law related education; Waynesboro added substance abuse and anger management; and Norfolk added clinical services.

Chairperson Schrad said the three localities, Danville, Lynchburg, and Norfolk are identified as higher crime communities and have been awarded Project Safe Neighborhood funds. Danville is working with the police department and US Attorney's Office on gang issues with their grant. Lynchburg allocated some of their dollars to support gang intervention programs. Ms. Farmer followed up saying Lynchburg is going to hire a local position to provide those gang services, and they will also go through the Gang Resistance Education And Training (GREAT) program.

Board Member White asked if the clinical services in Norfolk are clinical medical services. Ms. Farmer affirmed.

On motion duly made by Will Johnson and seconded by Tyren Frazier, the Board of Juvenile Justice approved VJCCCA plans Accomack Combined (includes Northampton), Danville, Fluvanna, Goochland, Lynchburg, Prince George, Waynesboro Combined (includes Augusta and Staunton), and Norfolk for the 2024 fiscal year. All Board members present declared "aye," and the motion carried.

Three communities were not able to present a new FY 24 plan due to internal barriers that prevented them from completing the plans. These three localities have not met all the proposed plan submission requirements. It is recommended that their current FY 23 plan be carried forward for an additional quarter through September 30, 2023, to allow additional time for proposed plan development and submission. The new plan will be presented at the September Board meeting. Those three localities are Amelia, Nottoway, and Powhatan.

Chairperson Schrad asked if Ms. Farmer felt those localities could accomplish the revisions by that date. Ms. Farmer responded that her staff is working diligently with those three localities to create a stronger and better plan for their communities and hopes to have final plans by that date.

Chairperson Schrad asked if there was a common thread, such as a resource issue that is causing this delay.

Ms. Farmer responded that there are personnel issues and a court service unit director out on leave, so that has been a barrier to moving the plan forward. The VJCCCA Coordinator for that region is working closely with the localities who have a small amount of money, but the VJCCCA staff are trying to find service providers in the community to provide the needed services.

Chairperson Schrad asked if the localities are primarily looking for clinical mental health services.

Ms. Farmer answered that the localities are looking for many different things and may be similar in what they need. They review the Data Resource Guide to identify the top three crimes being committed and the highest risk need area to determine what the community needs. It might mean prevention services.

On motion duly made by Tyren Frazier and seconded by Tito Vilchez, the Board of Juvenile Justice approved the FY 2023 plan for Amelia, Nottoway, and Powhatan for one additional quarter through September 30, 2023. All Board members present declared "aye," and the motion carried.

Request Authorization to Advance 6VAC35-180 (Regulation Governing Mental Health Services Transition Plans for Incarcerated Juveniles) to the Proposed Stage of the Standard Regulatory Process
Ken Davis, Regulatory Affairs Coordinator, Department

6VAC35-180 Regulations Governing Mental Health Services Transition Plans (MHSTP) for Incarcerated Juveniles looks at mental health services when youth are about to be released and during their time post-release. The request is for the Board to approve the proposed language and move it to the Proposed Stage of the standard regulatory process. The Board is required by statute, section 16.1-293.1 of the Code, to promulgate regulations for the planning and provision of post-release services for certain youth that are identified as having recognized mental health, substance abuse, or other therapeutic treatment needs. The youth targeted include those that are committed to the Department as well as those placed in post-dispositional detention programs. This regulation initially took effect January 1, 2008, and has not been updated. The Department is behind on the statutorily-mandated four-year review. This regulation was reviewed in 2019, and a periodic review report regarding the chapter was issued. That report recommended the chapter be amended to address some inconsistent, obsolete, and ambiguous provisions, to clean up the language, and correct some items that were inaccurate or misleading.

Mr Davis noted that the Board packet has two versions of the regulation, one with the marked-up changes and the other version with clean text for easier reading.

The Board approved the Notice of Intended Regulatory Action (NOIRA) in November 2019, and it took a lengthy time to go through the executive branch review, but this was finally completed in January 2022. The Policy Team has since worked to finalize the language and present it to the Board.

Mr. Davis presented the important highlights from the proposed changes to the regulation.

There are many changes to the definition section. The word “resident” was replaced where it occurred in the regulation with “juvenile” both in the definition section and throughout the chapter. The definition of “juvenile” was updated to include both those youth currently incarcerated and those released. The current version of the regulation uses “resident” and “juvenile” as separate terms. The workgroup felt that it would be cleaner to use a single term that would be inclusive of both populations.

Mr. Davis reminded the Board of the discussion around replacing the term qualified mental health professional (QMHP) with mental health clinician in the Regulations Governing Juvenile Detention Centers (JDC). QMHP is defined in both the Board of Counseling regulations and in the Code, but the workgroup decided that the definition of QMHP was too broad for our purpose. The workgroup recommended this same change the Board approved in the JDC regulation.

Mr Davis clarified that the term, “juvenile,” does not include individuals who were sentenced and then released directly from the Department to an adult correctional facility or jail to complete a blended sentence.

Board Member White asked for a rationale for the change and whether the change impacts services?

Mr. Davis answered that the youth would no longer be in a situation under the Department; they would be under the Department of Corrections (DOC), who would be responsible for what happens to them once they enter the adult portion of their sentence.

Section 50 - Interagency memorandum of understanding (MOU). As the regulation stands, it requires an MOU be put in place for each jurisdiction covered by a court service unit or a JDC operating a post-dispositional program. The workgroup raised concerns that some JDCs and court service units either did not fully understand the requirement to do the MOU or encountered delays related to the involvement of the locality’s attorney. The workgroup recommended a provision be added to allow jurisdictions not to do the MOU if they certify to using a Family Assessment and Planning team (FAPT), and that is specifically set out in the Code of Virginia. If they are using the FAPT to develop and monitor the MHSTP, then they will certify to that, and that would replace the need for the MOU.

In addition, in the case where MOUs are used, a requirement has been added that those MOUs be reviewed every five years and updated as needed. That is in accordance with the existing practice.

A new section was added to clarify that the facility determines eligibility for MHSTP prior to the facility case review meeting and not at the time of that meeting. The language indicated it happened at the time of the meeting, and the workgroup wanted to make sure clarity was provided.

The workgroup removed a provision in section 180-70 that allowed the facility case review meeting to take place no later than 30 days after the resident's release. The reason for that is that the Code requires the plan to be completed prior to the person's release. There is no option for the Department to hold the meeting and do the plan 30 days after release or at any other point after release. The Department removed this language to make it clear that the plan must be done prior to the juvenile's release.

Mr. Davis noted an amendment to the language in section 150 to provide clarity on discontinuing a juvenile's treatment. The treatment can be discontinued if the treatment providers submit written documentation to the probation or parole officer that the juvenile's treatment need has been met. Currently, it is not required to be written. The amendment also added a provision on discontinuation of treatment at the discretion of the probation or parole officer if they determine sufficient progress has not been made or if the service provider is not effective. This gives the Department some discretion not to prolong ineffective treatment unnecessarily.

The workgroup recommended adding a provider self-assessment requirement for MHSTP because currently, there is no mechanism for ensuring compliance with the provisions. This would set out a self-audit process similar to the one all facilities and programs undergo pursuant to the certification regulation. The difference is this self-assessment would not be part of the facility's formal certification audit but would provide a mechanism to ensure the requirements laid out in this chapter are met.

Board Member Kizner asked regarding the discontinuation of services, what happens if the juvenile is not making progress.

The agency's Behavioral Health Unit Director Robin Binford Weaver responded that staff would pivot to something different. If this particular service was identified from the beginning to help the youth, and now it is not working or is not a good fit or match, staff will need to rethink a different service but not leave the youth without services.

If concerns are revealed from the public comment period, the workgroup will review one final time before the regulation comes back before the Board to advance to the Final Stage. This is not the last opportunity.

Board Member Schrad asked based on Town Hall scheduling, whether public comment will be closed by the September Board meeting. Mr. Davis answered he thought that might be aggressive. There is a lengthy amount of paperwork to be completed prior to the submission to Town Hall and then it goes through the executive branch review process before it gets to publication and public comment. Mr. Davis estimated the regulation will probably be in executive branch review by the September meeting but that it will not have been opened to public comment yet.

Board Member Johnson had a concern with section 150: the continuation of services does not seem evident. Mr. Davis said he would look at the wording.

Some of the Board Members were concerned with the public not being informed or have the wherewithal to know to review the product on Town Hall.

Mr. Davis responded that the Town Hall process is automatic. Once the executive branch review is completed, the Department will submit for publication in the Virginia Register and, at that point, a system notification is delivered to those individuals who signed up in Town Hall. This notification will say that a regulatory action is out for public comment. The Policy Team can make the Board aware when this step has been completed. It might take several months until the executive branch review is completed. The Virginia Register has a publication schedule with certain markers that must be made before the regulation is published. So even if the submission were today, it might be a couple weeks before it would be published. The public can sign up for Town Hall notifications. This is the purpose of the Administrative Process Act, to ensure transparency and public involvement.

On motion duly made by Synethia White and seconded by Will Johnson, the Board of Juvenile Justice approved the proposed language for the Regulation Governing Mental Health Services Transition Plans for Incarcerated Juveniles (6VAC35-180), including any additional amendments adopted at the June 21, 2023, Board meeting, and grants the Department of Juvenile Justice permission to advance the regulation to the Proposed Stage of the standard regulatory process. All Board members present declared "aye," and the motion carried.

Mr. Davis noted that the full regulatory update is located at the end of the Board packet.

Consideration of Board Policies

Kristen Peterson, Regulatory Affairs Coordinator, Department

The Department informed the Board in April 2022 of its intent to conduct a comprehensive review of all Board policies. The Board has reviewed and acted on 12 policies thus far and will discuss three policies at today's meeting.

Ms. Peterson addressed the department's recommendation to amend Board policy 20-001, Treatment Programs and Services. The policy deals with treatment programs and services and directs the Department to provide and make available to residents in direct care mental health treatment and crisis intervention and a range of programs and services to address individual treatment needs. The policy says that the Department must provide a continuum of programs and services for the treatment of committed juvenile sex offenders, residents who have been identified for substance abuse problems, and residents who have been identified with aggression management problems. The policy goes on to require the Department and the Director to develop an internal committee tasked with ensuring these mental health and other services are provided and accessible to all direct care residents and the programs and services are applied consistently across all facilities. There is also a requirement that the internal committee provide oversight and quality control.

The Department recommended a few minor amendments. Page 122 of the Board packet discusses treatment services provided for committed juvenile sex offenders. The Department is asking for a minor revision for purposes of clarity. The current language could be interpreted as saying these treatment programs need only be available to youth committed for a specific sex offense. That is inconsistent with the Department's current practices. Currently, treatment programs are provided to youth who have been assessed as having sex offending behaviors. The Department wanted to clarify that these services and programs are intended to be provided to any youth who exhibits sex offending behaviors, regardless of their committing offense.

Ms. Peterson also discussed the policy's reference to the internal committee. Historically, when the Department had multiple juvenile correctional centers located across the state, there was an internal committee tasked with meeting the requirements set out in this policy. The Department experienced several juvenile correctional center closures in recent years, and currently operates one facility, rendering an internal committee unnecessary. There was a restructuring such that requirements in this policy could be carried with various positions within the facility, and the need for an internal oversight committee diminished. There are now several alternative direct care programs, and it makes sense for the agency to bring back the internal committee to provide a level of oversight, to ensure quality control, and ensure youth are receiving programs and services consistently. The Department plans to re-establish this internal committee.

Chairperson Schrad asked how the Department regards a Board policy, whether it is advisory or considered to have more weight.

Ms. Peterson responded that over the years, the Department has lost sight of Board policies, but the overall objective is to put these policies before the Board and ask for determinations. While Board policies do not have the same force as a regulation, they are enforceable and will take effect immediately. The Policy Team will make sure they are consistent with statutory and regulatory language. Part of this exercise is to eliminate policies that are no longer useful or are obsolete and to bring to light Board policies that have not historically been addressed.

Chairperson Schrad said that was reassuring and did not want to think of it as a paper exercise, but the ability to provide guidance to the Department, especially when there is a lack of clear language either in regulation or law so that the Board can fill that gap.

Board Member White inquired about the frequency of the internal committee's meetings.

Director Floriano responded that the committee has already started meeting and will meet with some regularity. Director Floriano went on to discuss hiring a community placement program (CPP) manager to align all the CPPs and hiring a new deputy director for placement and program implementation to combine service funding streams, service providers, and to enable one point of contact to ensure the services across the state are effective and needed.

On motion duly made by Tyren Frazier and seconded by Tito Vilchez, the Board of Juvenile Justice approved the amendment of Board Policy 20-001 (Treatment Programs and Services), as proposed at the June 21, 2023, meeting to take effect immediately. All Board members present declared "aye," and the motion carried.

Ms. Peterson continued her presentation on the next two Board policies recommended for rescission.

04-111, Fees for Psychological Services: This policy currently requires the Director to annually publish the amounts set aside for funds appropriated from the General Appropriation Act to the Department for purposes of providing reimbursement funding for court-ordered psychological evaluations. This is in accordance with section 16.1-275 of the Code of Virginia. The statutory provision currently says that juvenile and circuit courts have the authority to order these various types of psychological and other

evaluations. The language in the statute currently allows the Department to pay for these psychological evaluations in accordance with standards and rates adopted by the Board. The policy uses the language, "in accordance with procedures adopted by the Department." Prior to 2012, the language said that, if provided, this payment/funding had to accord with standards adopted by the Board. Legislation introduced in 2012 as part of an omnibus package introduced by the Secretary of Public Safety and Homeland Security sought to modify some of the powers of the Board of Juvenile Justice and to place some responsibilities that previously were in the Board's hands with the Department. Based on that statutory language, this policy needs to be rescinded.

The Department's practices are not currently consistent with this policy. Historically, the language in the statute provides that these payments need to be made only in the instances in which the parent or guardian is not able to afford to pay for the evaluation. But because of the agency's new Regional Services Coordinator Model, additional funding, and funds saved from the closure of Beaumont Juvenile Correctional Center, the Department has been able to fund services fully for youth who are not indigent. This policy is no longer consistent with current practices, and the Department recommended this Board policy be rescinded.

On motion duly made by Will Johnson and seconded by Scott Kizner, the Board of Juvenile Justice approved the rescission of Board Policy 04-111, Fees for Psychological Services, as proposed at the June 21, 2023, meeting to take effect immediately. All Board members present declared "aye," and the motion carried.

20-105, Graduated Community Reentry: The policy gives the Department the authority to promote activities that would ease residents' transition from a structured setting to a less structured setting, give residents access to services and programs not otherwise available, and provide incentives in the behavior management program. Before this policy was amended in 2008, it contained all of this language but referred specifically to furloughs. The regulatory definition for furlough currently is a temporary short-term authorized absence from the facility for a specific purpose. It is not clear what the policy is speaking to, if not on the temporary absences from the facility without specific permission. Part of the reason the Department is recommending rescission is the need for policies to be clear without confusion. The policy's objective is to allow for programming services and other opportunities that would ease the resident's transition from a structured settings to less structured settings. The Department believes there is nothing in current statute or current regulations that would prohibit this from happening. The Department does not think an additional Board policy is needed, particularly one where the language is vague and does not provide additional guidance. The Department respectfully requested the Board rescind this policy.

Chairperson Schrad asked if the Department felt this policy needed to be replaced with current best practices, or not replaced at all.

Ms. Peterson believes the Board does not need this policy- since its meaning is not clear. The most important part of the policy highlights furlough opportunities for residents to leave the facility. Those opportunities are already permitted by virtue of the current regulation and current statutory language. The policy for graduated community reentry is providing incremental opportunities for residents to be in a less structured setting, so unless the policy has some clear direction on what is meant by that language, then there is no need for this policy.

Board Member Johnson asked if another policy referenced these other statutory opportunities for release for educational purposes. Ms. Peterson responded the policies themselves do not make reference, but the regulations do.

Chairperson Schrad is trying to understand how extensive and expansive Board policies should be; do board policies need to basically support legal and regulatory objectives. It is important the Board stay within their purview but have policies impactful for the Department's direction. If this issue is adequately covered in regulation and law, then yes, it would be redundant.

Board Member Johnson asked if people look to Board policy to educate themselves on what is available. Board policies might be helpful to direct a family member whose family is incarcerated to a program or opportunity. Someone might not find something in regulation or law but could go look at a Board policy. Board Member Johnson is worried that removing any reference from policy regarding opportunities for release in reentry is concerning.

Chairperson Schrad does not want to create a gap in terms of what the Board addresses and the agency's goals. Are the policies adequately addressed on the website?

Ms. Peterson responded that the website does not contain current Board policies.

Board Member White asked whether there is a way to help align the policy with what the Department is doing rather than rescinding it. These are the types of changes as a representative for this Board, that are concerning. The public will get the "abbreviated version and wonder why this has been done, which might bring attention to the Board for something that is not necessary. Board Member White recommended updating the policy rather than rescinding it.

Ms. Peterson offered to modify the language and bring it back before the Board in September. All Board members present agreed.

Director's Certification Actions

Ken Bailey, Certifications Manager, Department

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director's certification actions completed on May 9 and April 27, 2023.

Mr. Bailey noted that the audits during this period were great, with six out of the seven audits receiving 100% compliance.

The 1st District Court Service Unit received a 100% compliance on their audit with a letter of congratulations, and the Director certified them until April 14, 2026.

The 12th District Court Service Unit received a 100% compliance on their audit with a letter of congratulations, and the Director certified them until May 9, 2023.

Mr. Bailey noted that all court service unit audits continue to be conducted virtually, which has proven to be efficient, a good process, and a cost-saving for the agency.

The audit for the 13th District Court Service Unit had two areas of non-compliance. A follow-up review of those areas showed significant progress in remedying the problems, and the Director certified them until March 16, 2026. The two areas of non-compliance involved three of seven applicable cases reviewed not having face-to-face visits for at least 90 days. The follow-up review was in relation to probation and parole, and there were no applicable cases to review at that time, but the unit had a reasonable corrective action plan in place to take care of the matter. Additionally, four out of eight applicable cases reviewed did not have a level three or level four case staffing. The follow-up review had two cases and showed the required staffing. The 13th District Court Service unit has corrected that issue.

The 29th District Court Service Unit received a 100% compliance on their audit with a letter of congratulations, and the Director certified them until September 15, 2026.

The 30th District Court Service Unit received a 100% compliance on their audit with a letter of congratulations, and the Director certified them until June 18, 2026.

The Crater Juvenile Detention Center received a 100% on their audit with a letter of congratulations, and the Director certified them until May 9, 2026. This was the last audit for Jack Scott, the superintendent who brought the facility back from the verge of shutting down to a level of compliance. This facility is not modern but does a remarkable job. Mr. Bailey hopes Mr. Scott's successor will keep up the great work when Mr. Scott retires.

The Northwestern Regional Juvenile Detention Center and Post-dispositional Program received a 100% compliance on their audit with a letter of congratulations, and the Director certified them until April 14, 2025. Since their last audit, this detention center has signed an agreement with the Department of Homeland Security to hold residents detained by ICE, but only in a temporary placement status and with only one or two ICE residents at a time. The Office of Refugee Resettlement (ORR) program at Shenandoah Juvenile Detention Center has terminated its contract with the federal government, and ORR no longer operates a program at Shenandoah.

Loudoun County opened their youth services center funded by the locality for \$23 million with no assistance from state money. The building contains a detention center where the locality moved their certified detention program and contains a family resource center. The family resource center helps identify resources. The Certification Unit certifies the RISE Youth Shelter which is part of the complex. On April 27, the Director granted a conditional certification to RISE Youth Shelter effective April 27 to October 26, 2023. Mr. Bailey explained that with a new program, a conditional certification is granted for six months then followed up with a full audit to review how they provide services such as medical, nutrition, and case management. This report will be presented to the Director in October, and she will decide on their continued certification status.

Chairperson Schrad said that Prince William County seems to be making a concerted effort to align services with law enforcement on mental health with the larger criminal justice system pushing juvenile justice to provide these kinds of services. Chairperson Schrad is hoping Prince William County is creating a model that can be replicated in other areas of the state.

Mr. Bailey responded that Prince William has visited Loudoun and is looking at implementing something similar, along with Chesapeake. The Loudoun facility is getting a lot of recognition and interest. The Superintendent advised that Loudoun will be a trauma-informed certified facility, and all staff have trained in dealing with youth going through trauma.

Board Member Vilchez asked how many juvenile detention centers are holding ICE youth, and Mr. Bailey responded Northwestern is the only one.

Legislative Update

James Towey, Legislative and Regulatory Affairs Manager, Department

The 2023 General Assembly session was busy for the Department with hundreds of bills being dropped each day. The Department's ten-member legislative team had a daily task of reviewing bills on the impact they might have on the Department, the juvenile justice system, or general crime. The team identified 484 bills relating to juvenile justice or crime that needed tracking to ensure the Department and the Board were aware of the outcome. Because of the composition of the General Assembly, with one party controlling the Senate and another party controlling the House, there were many bills that did not survive crossover. Of the 484 bills, two-thirds failed.

Mr. Towey develops the legislative manual to describe the passed bills, which stands at 160; but there are some bills that do not warrant appearing in the manual, so there will be around 100 bills in the manual. This is lower than in previous years. The manual should be published by June 30 with an online presentation the Board can view. The Governor's Office moved up deadlines for legislative proposals by two months this year which caused some projects to be delayed.

The Department closely followed 15 bills, two-thirds of which passed. Mr. Towey presented highlights of some of the legislation.

Drone (HB2020 / SB 1073) legislation was an agency bill to address a real and ongoing problem. In 2019, the Virginia State Police (VSP) published a report that discussed how drones dropped contraband at correctional facilities and for other purposes. At the beginning of 2022, the Department was contacted by a news station that wanted to take drone footage of the Bon Air Juvenile Correctional Center (JCC). Some drones have high resolution cameras that could have zoomed in to focus on identifiable facial features of juveniles. The Department must be able to protect these juveniles' confidentiality. The Department realized it did not have the authority to tell the media outlet they could not fly their drone over the JCC, so the agency politely asked them not to because of privacy concerns. Fortunately, the media outlet agreed and did not fly a drone over the JCC.

The initial drone legislation prohibited the flying of drones over correctional centers and included DOC, DJJ, and criminal jails. The drone lobby is one of the most powerful lobbies in the General Assembly that includes Google, and the agency was met with some opposition. The legislation makes it a Class 1 misdemeanor knowingly and intentionally to cause a drone to drop any items within the boundaries of, or obtain any videographic or still image of any identifiable inmate or resident at, any state or local correctional facility or juvenile correctional center. This will help prevent news stations from obtaining high resolution images of protected juveniles. Increasing technology for obstructing the use of drones, and

drones with protection devices, are issues the agency will look at in the future and seek stronger legislation if needed.

Gangs (HB 1478/SB 1207): One bill that will have an impact on the juvenile justice system as well as the adult system relates to gangs. The bill modifies the gang statute by adding offenses listed in subsection C of 17.1-805 of the Code to the definition of act of violence in the gang statute. As a result, they are included in the definition of predicate criminal act.

The definition of predicate criminal act includes a list of crimes, and as offenses are added, it broadens what can be identified legally as a gang. Part of the definition of a gang involves having members who committed one or more predicate criminal acts, at least one of which is an act of violence. It also increases the breadth of the gang participation statute because that statute makes it a crime if a member of a gang, or someone on behalf of that gang, commits a predicate criminal act. The definition of predicate criminal act carries a lot of weight, so as offenses are added, it expands the whole scope of the statutory sequence of the gang statutes. Examples of the offenses added include: solicitation to commit murder, armed burglary of a bank, discharging firearms in public, felony brandishing and use of machine guns for criminal purpose, and possession or production of child pornography.

That same bill also increased the penalties for criminal street gang participation, which occurs when a gang member commits a predicate criminal act on behalf of a gang. The bill increases the penalty from a Class 5 to Class 4 or 3 felony. The bill makes it a Class 3 felony if it is proven that the gang includes a juvenile member. The bill also increases the penalty for a third or subsequent conviction on criminal street gang crimes from a Class 3 to a Class 2 felony, and the penalty for gang activity in a gang-free zone increased from a Class 5 to a Class 4 felony.

Board Member Kizner wanted to know if this results in a longer length of stay when the penalties become more severe.

Director Floriano responded that the classification of Class 2 through 6 felonies typically depends upon the gravity of the case. The length of stay is a matrix of charges with a risk level, and in addition there is a risk level of the individual child that matches up. Increasing the adult penalty does not automatically increase the length of stay for the youth because the offense itself is still classified by that level of risk and intention of therapeutic rehabilitation. This would increase, more specifically, for things like how long adults spend in prison or for various triggering events. It would not necessarily automatically increase the length of stay of the child because the gang statute is assigned based on tiers of that activity level; look at intent and psychological factors.

Notifications (SB 1264): 16.1-309.1 pertains to exceptions to confidentiality. Confidentiality is important to the Department. The bill will allow the Department or court service unit when a case is diverted to disclose information necessary to enforce a provision of the diversion program to any law enforcement officer, school principal where the juvenile attends school, or the known victim. Also, a court service unit may provide information regarding availability of a protective order and restitution and dispositional information to the victim. Sometimes certain information is not known. For example, Johnny and Suzie go to the same high school, Suzie has a protective order out against Johnny, if the school principal knows this information, they can ensure the protective order is adhered to in order to protect Suzie; otherwise, if the school principal does not know, it could create a dangerous situation. There are some situations

where certain individuals have to know, and this amendment was tailored to those who need to know information to make sure certain things are enforced.

DYPDA (SB 485, 2022): The Delinquency Prevention and Youth Development Act has been in place since 1979 and allows the Department to make grants to counties and cities to promote efficiency and economy in the delivery of youth services and to provide support to localities seeking to respond to juvenile delinquency. The Board adopts policies governing applications for grants and standards for the operation of programs developed and implemented under the grants. A locality participating in a program funded by a grant must set up a youth services citizen board. This board shall cooperate with community representatives in the formation of a comprehensive plan for the development, coordination, and evaluation of the youth services program and shall make recommendations to the governing authority on the plan and its implementation. The Department has sustained 43 such programs since 1979.

The Delinquency Prevention and Youth Development Act was last funded in FY 2001. Even though it calls on the Department to provide grants to localities that want one of these programs, there is no money in the budget. There are a few other amendments made to tweak the statutory sequence. Last year, this bill was accompanied by a budget amendment in the amount of \$3 million. Oddly, the statutory changes to this act passed, but the budget amendment to fund the grants did not. There is a \$2.8 million proposal for grants in the FY 24 budget and another \$200,000 for administration by the Department. Currently, the budget is still being considered.

Mr. Towey will notify the Board when the legislative manual is published, and the Board will receive an invitation to the legislative webinar.

Chairperson Schrad asked if the Length of Stay Guidelines were having any problems in the budget negotiations. Director Floriano said the Guidelines are still in the Senate Finance version of the budget. The Administration and Senator Marsden have come out in support of what the Department is doing.

Office of Regulatory Management and Regulatory Reduction

Ken Davis and Kristen Peterson, Regulatory Affair Coordinators, Department

Mr. Davis began the presentation. Preparations have been happening behind the scenes for the past year, and the Department is now ready to present to the Board the new process for reducing regulations.

When a new governor comes into office, they are required by statute to issue a new executive order to lay out how they will approach the regulatory process and how they will enforce those portions of the statute. Governor Youngkin enacted Executive Order 19 issued June 30, 2022, which creates a new Office of Regulatory Management (ORM) that did not exist previously. It requires an enhanced regulatory package that includes an expanded economic analysis for any regulatory action; requires annual submission of a unified regulatory plan; requires a 25% reduction in regulatory requirements; and requires all regulatory activities be posted to Town Hall.

The ORM is responsible for several items, with the primary being providing regulatory review for any new and existing regulations and guidance documents. ORM has been added as a reviewer during the Executive Branch review portion of the regulatory process, joining the Office of the Attorney General, the Secretary's Office, the Department of Planning and Budget (DPB), and the Governor's Office. This is

an additional step. ORM will serve as a focal point for regulatory management, regulatory reduction, and the requirement for an expanded economic evaluation. They will also be involved in permit streamlining, grants distribution, and coordination of multi-state agreements. The Department is most concerned with the regulatory responsibilities.

DPB performs an economic analysis on each regulatory action. ORM believes this needs to be more extensive and is now requiring each agency to perform their own expanded economic analysis for each regulatory action and each step of the process. With the proposed stage of the MHSTP regulations that were discussed at the meeting today, the Department will need to conduct an economic impact analysis. It includes cost benefit analysis, any impact on local partners, economic impacts on families, regulatory impacts on small businesses, and the number of regulatory requirements imposed.

The Board will not “see” this happening but may notice the process slowed down until the agency gets a firm handle on what it takes to complete an economic analysis and get some feedback. The Department has done a few analyses but has not yet received feedback from ORM on whether there are things we need to change or do differently.

The unified regulatory plan requires no action from the Board. Each year by the 1st of July, the Department must submit the unified regulatory plan to ORM. This plan lays out all the regulatory actions that the agency intends to take in the next fiscal year. For instance, the MHSTP regulation discussed at the meeting today will appear on this plan. Once it is submitted to ORM, they have the right to approve it, modify it, or request changes. This was done last year, but things were moving quickly, and the Policy Team was not able to bring the regulatory plan to the Board for review, which was an oversight. The Policy Team was trying to learn the new process. ORM did not request any modifications. The approved plan is posted to Town Hall, but the plan can still be changed when published in Town Hall. If something comes up, and the Department realizes a problem, there is an opportunity to ask ORM if the plan can be modified in order for the agency to take action. The plan will be available to the Board once it has been approved and published in Town Hall. The plan is a working plan or project plan, and there are no consequences if a marker is missed. If the agency sets a deadline for itself in the plan and cannot hit that mark due to an issue, the agency can update those efforts in the following year plan. There are no penalties for the agency or board if those markers are not met. The new plan will be finished and submitted by June 30.

Mr. Davis concluded his remarks, and Ms. Peterson began her presentation.

The agency has embarked on reducing its regulatory footprint in accordance with Executive Order 19. In 2018, the General Assembly established a pilot program and identified two agencies to participate – the Department of Professional and Occupational Regulations (DPOR) and the Department of Criminal Justice Services (DCJS). They were tasked with reducing their regulatory requirements by 25% and had a three-year period to accomplish the reduction. They were supposed to demonstrate this through the development of a baseline regulatory catalog.

Of the two agencies, the DPOR was able to accomplish their goal and exceeded the 25% regulatory reduction requirement. They accomplished a 26% regulatory reduction. But the DCJS did not meet their goal. They were able to reduce 14% of their regulatory requirements. In the reports that were done after the pilot program completed, the DCJS pointed out they were a public safety organization. The ability to reduce their regulatory requirements would not necessarily be dependent upon satisfying a formula. They

had to review the regulatory requirements and decide whether these changes will be in the best interest of the entities regulated by DCJS because this agency is a public safety organization. That created some challenges to comply with that regulatory reduction requirement. The pandemic had some impact on that as well.

Other state agencies, including the Department, were required to develop a baseline regulatory catalog by July 1, 2020. This was a spreadsheet that set out the specific 12 regulatory chapters currently under the Board with individual sections listed. The Policy Team was required to look at the provisions to determine to what extent the provisions constituted a regulatory requirement and then note the count on that specific spreadsheet in the required field. The DPB was required to oversee the entire process, and the Department needed to classify the regulations or the requirements into four categories.

The agency also had documents incorporated by reference (DIBR) into the regulation that needed to be counted and noted on the spreadsheet. The agency submitted this to the DPB, and they published the information and posted it on the Virginia Regulatory Town Hall. All state agencies were asked to complete a 2020 baseline catalog except for those state agencies that are exempt from the process. The statutory provision also required a review of whether agencies were compliant with the periodic review process, which mandates a review of every regulatory chapter at least once every four years. Only 12 agencies were in full compliance with the periodic review requirement; 22 agencies, including DJJ were in partial compliance, and 11 agencies did not comply.

The Department has completed the baseline catalog, but the ORM provided the agency with additional information specifically on how to carry out this reduction. The agency has been asked to update its regulatory counts based on those specific instructions. Those updated counts are due on July 31, 2023.

The 25% reduction is measured as an aggregate of regulatory requirements, not by individual chapters. The agency may have a few regulatory chapters where provisions cannot be deleted because they are needed; but the agency could still accomplish the 25% reduction effort by having more reduction (e.g., 60%) in another chapter. There are some areas the agency will not have leeway to make a lot of regulatory reductions.

The reduction will only include discretionary requirements that bind external entities. The Regulations Governing Juvenile Correctional Centers are imposed on the agency and its staff, thus, there is not much that can be done for reduction in that area because the regulations bind an internal entity, the state agency. The only areas where regulatory reductions will count is with discretionary provisions on the regulated party rather than a state agency.

The Department will need to classify regulatory requirements into four classifications when updating the baseline catalog. If the regulation mirrors a statutory provision or if the statute itself mandates that provision be placed in the regulation, it will not count towards the reduction if that provision is deleted. It is only those provisions that are discretionary for the agency and that bind the regulated party.

Agencies will be able to receive partial credit if they reduce burdens to regulated entities. As an example, the proposed amendments made to the state reimbursement regulation include additional provisions to allow for a streamlined process for those local entities that choose not to seek state reimbursement either now or in the future. Even though this expedited process will create new regulatory requirements, the

agency will receive some partial credit because it is reducing the burden on the regulated community, in this case the localities that are engaging in these construction projects.

ORM has identified target dates for the regulatory reduction to help monitor agency's progress towards reaching the overall 25% goal. By January 5, 2024, the agency must achieve 10% regulatory reduction, another 10% by January 3, 2025, and wrap up at the end of December 2025 with 5%.

The reduction counts only when changes complete the entire regulatory process. These regulatory actions move through the process slowly. The Department will make every effort to move proposed reductions through the process as quickly as possible, but it is going to be difficult to meet the January 5 deadline. Expedited stages with noncontroversial regulations can be done, but again, as an agency there is no control over what happens once the regulation goes into executive branch review. There are some executive branch entities that do not have deadlines on reviews and could take additional time. The Department will do its best and strive to meet the 25% goal.

If the Board wants to view any information such as the 2020 Baseline Catalog, the Unified Regulatory Plan, the updated Baseline Catalog, Executive Order 19, and the Regulatory Reduction Guide issued by ORM, all information is contained on the Virginia Regulatory Town Hall.

Board members expressed their gratitude for Ms. Peterson and Mr. Davis on their professionalism towards this whole difficult process.

DIRECTOR REMARKS AND BOARD COMMENTS

Amy M. Floriano, Director

Chairperson Schrad was presented with a resolution for her long and distinguished service on the Board of Juvenile Justice. Director Floriano and the Board wished her well as her term expired.

NEXT MEETING

The next meeting of the Board will be September 20 at Hanover.

ADJOURNMENT

Chairperson Schrad adjourned the meeting at 12:15 p.m.

**The State Board of Juvenile Justice
POLICY FOR ALL-VIRTUAL PUBLIC MEETINGS**

1. AUTHORITY AND SCOPE

- a. This policy is adopted pursuant to the authorization of Va. Code § 2.2- 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

2. DEFINITIONS

- a. "Board" means the State Board of Juvenile Justice, or any committee, subcommittee, or other entity of said Board.
- b. "Member" means any member of the Board.
- c. "All-virtual public meeting", means a public meeting conducted by the Board using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.
- d. "Meeting" means a meeting as defined by Va. Code § 2.2-3701.
- e. "Notify" or "notifies," for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.

3. WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED

An all-virtual public meeting may be held under the following circumstances:

- a. It is impracticable or unsafe to assemble a quorum of the Board in a single location, but a state of emergency has not been declared by the Governor or Board of Supervisors; or
- b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
- c. The Board has not had more than two all-virtual public meetings, or more than 25 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and;
- d. The Board's last meeting was not an all-virtual public meeting.

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4. PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING

- a. The Board may schedule its all-virtual public meetings at the same time and using the same procedures used by the Board to set its meetings calendar for the calendar year; or
- b. If the Board wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the Board Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

5. ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS

The following applies to any all-virtual public meeting of the Board that is scheduled in conformance with this Policy:

- a. The meeting notice indicates that the public meeting will be all-virtual and the Board will not change the method by which the Board chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the Board;
- c. Audio-visual technology, if available, is used to allow the public to see the members of the Board;
- d. A phone number, email address, or other live contact information is provided to the public to alert the Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the Board takes a recess until public access is restored;
- e. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the Board;
- f. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and
- g. There are no more than two members of the Board together in one physical location.

6. RECORDING IN MINUTES

Minutes are taken as required by VFOIA and must include the fact that the meeting was held by electronic communication means and the type of electronic communication means used.

7. CLOSED SESSION

If the Board goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

**The State Board of Juvenile Justice
POLICY FOR THE REMOTE PARTICIPATION OF MEMBERS**

1. AUTHORITY AND SCOPE

- a. This policy is adopted pursuant to the authorization of Va. Code § 2.2- 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.
- b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

2. DEFINITIONS

- a. "Board" means the State Board of Juvenile Justice or any committee, subcommittee, or other entity of said Board.
- b. "Member" means any member of the Board.
- c. "Remote participation" means participation by an individual member of the Board by electronic communication means in a public meeting where a quorum of the Board is physically assembled, as defined by Va. Code § 2.2-3701.
- d. "Meeting" means a meeting as defined by Va. Code § 2.2-3701.
- e. "Notify" or "notifies," for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

3. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

- a. A quorum of the Board must be physically assembled at the primary or central meeting location; and
- b. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

4. PROCESS TO REQUEST REMOTE PARTICIPATION

- a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Board Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent

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disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

- b. The requesting member shall also notify the Board's staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.
- c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i)– (iii) above.
- d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents their physical attendance at the meeting.
- e. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Board has assembled for the meeting, the Board shall vote to determine whether:

- a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy, and
- b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. RECORDING IN MINUTES

- a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the Board shall record in its minutes (1) the Board's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.
- b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.

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- c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. CLOSED SESSION

If the Board goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.



Amy M. Floriano
Director

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TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Amendment of Two Policies: 02-004 (Communication of Serious Incidents), and 20-105 (Graduated Community Reentry)

DATE: November 15, 2023

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the department) respectfully requests that the State Board of Juvenile Justice (the board) approve the amendment of two board policies pursuant to the authority established in *Code of Virginia* § 66-10.

II. BACKGROUND OF THE REQUEST

Code of Virginia § 66-10 contains three provisions that empower the board to establish certain policies and give rise to duties related to policies. The statute provides in pertinent part:

The board shall have the following powers and duties:

1. To establish and monitor policies for the programs and facilities for which the Department is responsible under this law;
2. To ensure the development of a long-range youth services policy;
3. To monitor the activities of the Department and its effectiveness in implementing the policies developed by the Board...

Pursuant to this statutory authority, the board currently has 34 active policies in place ranging in subject matter from overall administration of the department to operations within facilities and programs regulated by the department. Many of these policies were established in the early 1990s and were last reviewed or updated more than ten years ago.

At the April 2022 board meeting, the department informed the board of its intent to conduct a comprehensive review of each existing board policy and to make a formal recommendation to the board to retain, amend, or rescind each one based upon that review. The department described its plan to recommend retaining or amending those policies that are mandated by statute or that provide guidance above and beyond what is

required by regulation and to recommend rescinding those policies that have been subsumed into regulation, that duplicate existing law, or that are obsolete.

Including those presented at the June 2023 board meeting, the department has made recommendations and the board has acted on 14 policies to date. The department is recommending action on two additional policies today. The policies and summaries are contained in Parts IV and V of this memorandum.

III. DIFFERENCES BETWEEN BOARD POLICIES AND BOARD REGULATIONS

Code of Virginia § 2.2-4001, which provides definitions for terms used in the Administrative Process Act (§ 2.2-4000 et. seq.) (the Act), defines the term “regulation” as “any statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by applicable basic laws.” The Act makes it clear that all regulations are subject to the requirements contained in the Act unless an exception or exemption applies.

In contrast, policies are neither defined nor expressly addressed in the Act. Furthermore, while policies may be enforced by the authorized body to the extent that they do not collide with a law or regulation, they do not have the same force and effect of law afforded to regulations.¹ It is the Department’s understanding, therefore, that policies are not regulations subject to the requirements of the Act. This means that the authority to establish, amend, and rescind board policies rests solely with the board, and additional involvement or approval by other executive branch agencies is not required, nor must the board consider any public comments before taking action to amend or rescind such policies.

IV. POLICIES IDENTIFIED FOR AMENDMENT

Current Policy

20-105 Graduated Community Reentry

The Department shall have the ability to promote activities which would ease residents’ transition from a structured setting to less structured settings, give residents access to services and programs not otherwise available, and provide an incentive in behavior management programs.

Effective Date: August 26, 1991 *Most Recent Review:* September 17, 2008

Recommendation: Amend

Proposed Amended Policy

20-105 Programming Opportunities for Rehabilitation

It is the policy of the Commonwealth of Virginia to provide residents committed to the department with meaningful opportunities to participate in job training, educational activities, and other activities, either in the community or within the facility, that will facilitate their reintegration into the community as successful citizens

¹ 2011 Op. Va. Att’y Gen. 99, 102.

upon release from commitment. Any such activities shall be implemented in a manner consistent with the protection of public safety.

Effective Date: November 15, 2023

Most Recent Review: November 15, 2023

Rationale for Recommendation:

The department is recommending this amendment pursuant to the board's instructions at the June 2023 meeting. Due to uncertainty regarding the intent of the language and a concern that current state statutory and regulatory provisions render the existing policy unnecessary, in June, the department recommended rescinding the policy. Because the policy addressed resident reentry into the community and could be an alternative resource for the public when determining board and department objectives, the board declined to rescind the policy and asked the department to develop amendments that would clarify its intent.

The proposed changes align with current statutory and regulatory provisions that allow the department to provide opportunities for residents to participate in work and educational opportunities both within and outside the direct care facility. Section 66-25.1 of the Code vests the DJJ director or their designee with the authority to contract with public or private entities to operate work programs primarily to provide relevant work training for committed youth. Section 66-25.1:2 directs the department to provide committed juveniles with opportunities to work and participate in career training or technical education programs operated by the department and gives DJJ discretion to develop interagency linkages with state and local agencies, public and private institutions of education and various other entities to assist the juvenile in developing work skills. Section 66-25.1:3 allows the director to establish work or educational release programs wherein eligible juveniles may leave the facility for employment with private individuals, corporations, or state agencies, or for participation in educational and other related community activity programs not available in the juvenile correctional center. Similar statutory authorizations are in place that enable eligible committed juveniles to participate in work, educational, or other programming provided in a local detention facility through certified postdispositional detention programs. Additionally, § 66-25.1:4 allows the director to permit committed youth participating in a work release program subject to the director's authority a furlough for up to three days to visit the youth's home or family. Finally, 6VAC35-190-20 sets out the policy and purpose of the Juvenile Work and Educational Release program. The language in that policy statement is consistent with the proposed amendments to this board policy.

The proposed changes resolve the department's concerns expressed at the June 2023 board meeting by expressly and clearly announcing the board's intent to ensure that committed residents have opportunities for job training, educational programming, and other activities consistent with public safety. The policy leaves room for the board to retain or modify the regulatory language within the parameters of current law.

Current Policy

02-004 Communication of Serious Incidents

The effective and efficient operation of the Department and the Board depends on the expeditious communication of information on serious incidents. Incidents affecting the health and safety of citizens, persons under the Department's supervision, and staff must be reported by the operational unit involved with such incidents to the highest appropriate organizational level of the Department and the Board.

The Department shall assure that all units within the Department, and all facilities and programs regulated by this Board, report serious incidents in a timely manner. The Director or his designee shall advise the Board at its next meeting of any serious incidents that may result in litigation against the Department or which may require the Board to take action concerning a facility or program it regulates.

Effective Date: July 14, 1994

Most Recent Review: June 11, 2008

Recommendation: Amend

Proposed Amended Policy:

02-004 Communication of Serious Incidents

The effective and efficient operation of the department and the board depends on the expeditious communication of information on serious incidents. Incidents affecting the health and safety of citizens, persons under the department's supervision or care, and staff must be reported by the operational unit involved with such incidents to the highest appropriate organizational level of the department.

The department shall ensure that all facilities and programs regulated by the board report serious incidents in a timely manner. The director or the director's designee shall advise the board at its next regular meeting of any serious incidents that may result in litigation against the department or a facility or program regulated by the board or which may require the board to act concerning a facility or program it regulates.

Effective Date: September 20, 2023 *Most Recent Review:* September 20, 2023

Rationale for Recommendation: The board has several regulatory provisions in place that establish notification requirements when incidents that are deemed serious in nature occur in or involve board-regulated facilities and programs. While the residential regulations, regulations that govern court service units, and regulations governing various nonresidential programs differ with respect to which incidents are deemed serious and subject to specified reporting requirements, none of the provisions require notification to the board for incidents affecting the health and safety of citizens, persons under the department's supervision, or staff. The department is concerned that the scope of this provision is too broad considering current regulatory provisions and agency and program practices.

The current CSU regulations (6VAC35-150-120) require that staff report events or incidents identified in CSU procedures in a manner consistent with the procedural provisions, which mandate notification to the director. Both the detention center regulations (6VAC35-101-80; 6VAC35-101-510) and the group home regulations (6VAC35-41-90; 6VAC35-41-490) contain similar provisions directing staff to notify the DJJ director and various other parties, but not the board, of serious incidents, emergencies, and other incidents that may jeopardize the health, safety, and welfare of residents. The regulations that address juvenile correctional centers currently contain language requiring such facilities to notify the board when disasters, fires, emergencies, or other conditions occur that may jeopardize the health, safety, and welfare of residents and to do so within 72 hours of the event. The board policy requiring reporting of incidents affecting the health and safety of citizens, persons under DJJ's supervision or care, and staff, is far more expansive and would result in an unmanageable

and burdensome number of reports to the board. Furthermore, because the board is not an entity authorized to inspect juvenile record information in accordance with § 16.1-300 of the Code, the department would need to redact any identifying information before disseminating the serious incident materials to the board. Board-regulated facilities and programs have not complied with this provision in the policy since the General Assembly restricted the board's powers in 2012. Accordingly, the department recommends removing the language requiring that DJJ notify the board of incidents affecting the health and safety of citizens, persons under DJJ's care, and staff.

The policy also mandates that the director or designee advise the board at its next regular meeting of any serious incidents that may result in litigation against the department or which may require the board to act concerning a facility or program it regulates. The department recommends expanding this language to require reporting of incidents that may result in litigation against a facility or program regulated by the board, as well as the department. The department believes this change will ensure that the board has sufficient information to act when a serious incident may result in litigation or require some additional action from the board.

V. IMPACT AND EFFECTIVE DATE OF BOARD ACTION

If the board votes in support of the department's recommendations in Part IV of this memorandum, the proposed changes will take effect immediately. Amending the board policy addressing serious incidents will ensure that the board receives the appropriate information needed to address potential litigation and other incidents that require board action, while preventing an influx of unnecessary reports. Amending Board Policy 20-105 will reinforce the department's statutory and regulatory authorization to provide job training and educational programming for committed youth.

SUMMARY
DIRECTOR'S CERTIFICATION ACTIONS
August 2, 2023

DIRECTOR'S CERTIFICATION ACTION August 2, 2023: Certified W.W. Moore, Jr. Juvenile Detention Center and Post-dispositional Program to October 14, 2026, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

DIRECTOR'S CERTIFICATION ACTION August 2, 2023: Certified Steppingstones Group Home to July 14, 2025, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

DIRECTOR'S CERTIFICATION ACTION August 2, 2023: Certified Westhaven Group Home to July 10, 2026.

Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

W.W. Moore, Jr. Juvenile Detention Center
603 Colquhoun Street
Danville, Virginia 24541
Phone (434) 799-5295
Michelle Johnson, Superintendent
johnsmo@ci.danville.va.us

AUDIT DATE:

May 8, 2023

CERTIFICATION ANALYST:

Shelia L. Hinton

CURRENT TERM OF CERTIFICATION:

October 14, 2020 – October 13, 2023

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

PREVIOUS AUDIT FINDINGS – May 10, 2021:

100% Compliance Rating

CURRENT AUDIT FINDINGS – May 8, 2023:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION August 2, 2023: Certified W.W. Moore, Jr. Juvenile Detention Center and Post-dispositional Program to October 14, 2026, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:

Shelia L. Palmer, Team Leader
Learna Harris, Central Office
Priscilla Boggs, Central Office
John Adams, Central Office
Dakota Tomlin, Central Office
Spring Johnson, Piedmont Juvenile Detention Center
Kasey France, Roanoke Juvenile Detention Center

POPULATION SERVED:

W. W. Moore, Jr. Juvenile Detention Center is a secure custody facility operated by the City of Danville. The facility serves a capacity of 60 male and female residents ages ten through 18. There is also a post-dispositional detention program for 12 male and female residents ages 14 through 18 included in the rated capacity. The primary users of the facility include the cities of Danville and Martinsville and the counties of Halifax, Henry, Mecklenburg, Patrick, and Pittsylvania.

PROGRAMS AND SERVICES PROVIDED:

In addition to all mandated services, W. W. Moore, Jr. Juvenile Detention Center provides the following:

- An array of services in the detention facility to include arts and crafts; social skills development; and basic reading, writing, and math. Counseling, case management, and mental health are made available to all residents.
- Within the scheduled and structured environment, the primary focus is on behavioral management and teaching appropriate behaviors and positive reinforcement. Residents earn privileges by participating within the program and following staff directions.
- Another important concept for the behavioral management program is relationship building. Staff are encouraged to develop professional relationships with the residents. These relationships encourage open communication and have prevented many behaviors from escalating to more serious behaviors.
- In situations where a resident is unable to function within the boundaries of the normal program, a special behavior program is developed. Special behavior programs are designed to meet the individual needs of the resident. Alternatives to the normal program are designed to meet the needs of the resident while providing opportunities to participate in the program as much as possible. This is primarily the responsibility of the Program Coordinator and direct care staff.
- Residents in the Post-dispositional Program have specific service plans developed in coordination with the court service units. These plans may include employment outside the facility. The Post-dispositional Program works closely with various community agencies. The agencies include Danville Public Schools, Habitat for Humanity, Danville Humane Society, Dan River Basin Association, and the Danville Science Center. Also, Danville-Pittsylvania Community Services provides a full-time Mental Health Case Manager and a part-time Mental Health Clinician on-site to the detention home to address the needs of the residents through individual and group counseling. The Post-dispositional Program also work closely with the Social Service agencies and Court Service Units within our participating jurisdictions. Services are offered to the detention home by various city departments and divisions, such as Public Works, Human Resources, Utilities, Water & Gas, IT, Finance, Police, Fire, Emergency Management Services, and Community Development.
- The City of Danville School System operates the educational program. The school has nine full-time teachers. Each resident is tested to determine reading and math levels. The resident's home school is contacted to determine the academic work in relationship to the school's curriculum. In addition, teachers update and follow the students' individualized education plan or 504 plan as required by state law for residents with special needs. Academic services are under the direction of the school's principal. There is also a secretary who provides administrative support.
- In May of 2020, W.W. Moore JDC, entered into a contract with the Department of Juvenile Justice to offer the Central Admission and Placement (CAP) program. The Program Coordinator is the contact for CAP.
- The food service contract was put out for bid. The contract covers Juvenile Detention, Adult Detention, and the City Jail. The new contract should become effective July 1, 2023. The Juvenile Detention menu is being revised to increase the weekly average calories, include more variety and youth friendly meals, and address grievance issues from the juveniles regarding the food.
- The Youth Engagement Division of the Danville Police Department has been visiting the detention home to speak and interact with the residents to promote a more positive relationship between the officers and residents.

- Michy Morillo, an inspirational youth coach travels around the county promoting her program. She was in juvenile detention four times, dropped out of high school, and made poor decisions. Ms. Morillo offers the Cell Dreamer Academy program and works with schools, detention centers and other programs for youth. Cell Dreamer is an 8-week program exploring Self-Reflection, Self-Awareness, Self-Sabotage, Self-Doubt, Self-Esteem, Self-Discipline, Self-Discovery, and Self-Motivation. Ms. Morillo visited the detention home and spent time with the residents and shared her story with them.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Steppingstones
10650 Page Avenue
Fairfax, Virginia 22030
Misty Zdanski, Program Director
misty.zdanski@fairfaxcounty.gov

AUDIT DATES:

May 9, 2023

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

July 14, 2020 – July 13, 2023

REGULATIONS AUDITED:

6VAC35-41 Regulation Governing Juvenile Group Homes

PREVIOUS AUDIT FINDINGS: February 25, 2020

96.04% Compliance Rating

One deficiency from previous audit*

6VAC35-41-90 (D) Serious Incident Reports

6VAC35-41-210 (C) Required Retraining

6VAC35-41-210 (H) Required Retraining

***6VAC35-41-300 (A) Orientation and training for volunteers or interns**

6VAC35-41-300 (B) Orientation and training for volunteers or interns

6VAC35-41-350 (B) Buildings and inspections CRITICAL

6VAC35-41-490 (D) Emergency and evacuation procedures

6VAC35-41-490 (I) Emergency and evacuation procedures CRITICAL

6VAC35-41-680 (C) Recreation

6VAC35-41-860 (B) Individual Service Plan

6VAC35-41-1220 (B) Medical examinations and treatment CRITICAL

6VAC35-41-1280 (H) Medication CRITICAL

6VAC35-41-1320 (D) Physical restraint

CURRENT AUDIT FINDINGS – May 9, 2023:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION August 2, 2023: Certified Steppingstones Group Home to July 14, 2025, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:

Wanda Parris-Flanagan, Team Leader
John Adams, Central Office
Priscilla Boggs, Central Office
Tim Clark, Fairfax Sheltercare

POPULATION SERVED:

- Service Area: Fairfax County
- Certified Capacity: 12 residents
- Gender: Male
- Age Range: 14-18 years of age

SERVICES PROVIDED:

- Services offered by facility and staff:
 - Weekly Individual and Family therapy sessions facilitated by clinical staff.
 - Skill building.
 - Education – school is onsite with two Fairfax County Public Teachers.
 - Community service projects.
 - Individual, group, and family counseling designed to decrease criminogenic risk while increasing functional strengths.
 - Case Management.
 - Individualized Treatment Team and Service Planning.
 - Individualized Education Services.
 - Basic Food Preparation and Sanitation Skills.
 - Recreational Programming.
 - Community/Home Based Counseling and Case Management.
 - Various groups on topics such as but not limited to Life Skills; Prosocial Skills Training; Gender Specific Psychoeducation.
 - Supplemental Mental Health and Substance Abuse Counseling by staff who hold appropriate certifications, licensure, or are under licensure supervision.
 - Community supervision on outings, home passes, and transition phase.
- Services offered by community agencies and resources:
 - Community Services Board – provides weekly ADS group counseling services.
 - Venture Scouts – provides weekly life skills and plans 2-3 camping trips per year.
 - Mental Health Services.
 - Summer Reading Program.
 - Summer Academy.
 - Therapeutic Recreational Programming.
 - Caring Angels Therapy Dogs.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Westhaven Boys' Home
3515 Race Street
Portsmouth, Virginia 23707
(757) 397-5371
Carlos Hooker, Director
chooker@tyscommission.org

AUDIT DATE:

February 7, 2023

CERTIFICATION ANALYST:

Learna R. Harris

CURRENT TERM OF CERTIFICATION:

July 10, 2020 – July 9, 2023

REGULATIONS AUDITED:

6VAC35-41 Regulation Governing Juvenile Group Homes and Halfway Houses

PREVIOUS AUDIT FINDINGS – February 10-11, 2020

98.59% Compliance Rating

6VAC35-41-90 (D). Serious incident reports.

6VAC35-41-110 (A). Grievance procedure.

6VAC35-41-1210 (A). Tuberculosis screening. CRITICAL

6VAC35-41-1280 (H). Medication. CRITICAL

CURRENT AUDIT FINDINGS – February 7, 2023

98.93% Compliance Rating

6VAC35-41-90 (A). Serious incident reports. CRITICAL

***6VAC35-41-1210 (A). Tuberculosis screening. CRITICAL**

*Repeat deficiency from previous audit.

DIRECTOR'S CERTIFICATION ACTION August 2, 2023: Certified Westhaven Group Home to July 10, 2026.

Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:

Learna Harris, Team Leader
John Adams, Central Office
Shelia Hinton, Central Office
Michael Sayles, Central Office

POPULATION SERVED:

Westhaven Boys' Home is a 12-bed residential facility that serves pre-dispositional and post-dispositional males 12 to 17 years of age who are referred by the Juvenile Court and/or Social Services. The program is sponsored by the Tidewater Youth Services Commission and serves the cities of Portsmouth, Chesapeake, Virginia Beach, Suffolk, Franklin, and Isle of Wight County.

The facility is a two-story brick building. Sleeping quarters are located upstairs. The kitchen,

dining area, TV lounge, recreation room, administration offices and laundry facilities are located downstairs. There are two bathrooms consisting of a sink, toilet, and shower upstairs and two bathrooms consisting of a sink and toilet downstairs.

PROGRAMS AND SERVICES PROVIDED:

Westhaven Boys' Home provides a structured environment where immediate feedback and counseling is provided to encourage growth in the areas of social skills and positive behavior. WBH utilize a point sheet which is broken down in time frames that corresponds to WBH's daily schedule. This provides the resident the opportunity to turn his behavior around without it affecting his entire day. Residents earning 90 out of a hundred daily points, earn extra privileges such as playing video games and having extra phone privileges. The merit system rewards noted effort on the residents' part to exhibit appropriate and helpful behavior. The primary focus of the program is to provide a safe and secure setting for youth awaiting a court hearing and to help them learn to control and accept responsibility for their behavior. The program is also designed to provide supervision and individualized treatment that addresses the individual needs of each resident.

Westhaven Boys' Home's educational component is provided by the Portsmouth Public Schools. Most of the youth are allowed to stay in their assigned school district if it is within a twenty-mile radius of the group home. They will be enrolled in the Portsmouth Public School system if they are outside of that radius. Westhaven provides transportation to and from school. Any resident who has been suspended from school is required to do assigned homework and community projects.

Westhaven Boys' Home has a strong recreational program that includes educational, cultural, recreational, and therapeutic components. Activities can range from going to the museum to taking first aid and CPR classes to going ziplining and indoor rock climbing.

Upon completion of the Westhaven Boys' Home program, the residents are prepared for reunification with family or placed in a less restrictive setting such as a foster home or independent living program.

SERVICES PROVIDED:

- Direct:
 - Case Management
 - Individual Counseling
 - Family Counseling
 - Education
 - Community/Volunteer Service
 - Independent Living Skills
 - Aggression Replacement Training (ART)
 - Skill Streaming
 - Anger Control Training
 - Moral Reasoning Training
 - Community Group
 - Book Club
- Community
 - Therapeutic Recreation and Summer Program

- Recreation Centers
- Museums
- Local festivals
- Cultural and Educational growth
- Music Theory Group
- Muse Writing Group

**CORRECTIVE ACTION PLAN
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

FACILITY/PROGRAM: Westhaven Boys Home
SUBMITTED BY: Carlos Hooker, Group Home Manager
CERTIFICATION AUDIT DATES: February 7, 2023
CERTIFICATION ANALYST: Learna R. Harris

Under Planned Corrective Action indicate; 1) The cause of the identified area of non-compliance. 2) The effect on the program. 3) Action that has been taken/will be taken to correct the standard cited. 4) Action that will be taken to ensure that the problem does not recur.

6VAC35-41-90 (A). Serious incident reports. CRITICAL

A. The following events shall be reported within 24 hours to: (i) to the placing agency, (ii) to the parent or legal guardian, or both, as applicable and appropriate, and (iii) the director or designee:

1. Any serious incident, accident, illness, or injury to the resident;
2. Any overnight absence from the facility without permission;
3. Any runaway;
4. Any fire, hostage, or emergency situations, or natural disaster that jeopardizes the health, safety, and welfare of the residents, and
5. Any suspected case of child abuse or neglect at the facility, on a facility event or excursion, or involving facility center staff as provided in 6VAC35-41-100 (suspected child abuse or neglect).

The 24-hour reporting requirement may be extended when the emergency situation or natural disaster has made such communication impossible (e.g., modes of communication are not functioning). In such cases, notice shall be provided as soon as feasible thereafter.

Audit Finding:

Six of six applicable cases reviewed did not report the serious incident to the director or designee within 24 hours.

Program Response

Cause:

The Director of WBH did not consistently make sure that serious incident reports were reported to the Department of Juvenile Justice within their 24-hour time limit.

Effect on Program:

When serious incidents take place within our facility and the proper authorities have not been notified in a timely manner, it has the potential of reflecting negatively on the Department of Juvenile Justice, Tidewater Youth Services Commission and Westhaven Boys Home.

Planned Corrective Action: The Director of WBH has the on-call telephone number for the Department of Juvenile Justice and the work telephone number of our certification analyst (Learna

Harris) when serious incidents take place. Having these telephone numbers with me 24 hours a day, will allow me to notify someone within our 24-hour window.

Completion Date:

February 7, 2023

Person Responsible:

Carlos Hooker, Director of WBH

Current Status on June 20, 2023: Compliant

All serious incidents that have taken place have been reported to the director or designee within 24 hours.

6VAC35-41-1210 (A). Tuberculosis screening. CRITICAL

B. Within seven days of placement each resident shall have had a screening assessment for tuberculosis. The screening assessment can be no older than 30 days.

Audit Finding:

Three of five applicable cases reviewed did not have a tuberculosis screening within seven days.

Program Response

Cause:

The Director of WBH did not consistently review the medical intake paperwork of each new resident to ensure that their Tuberculosis screening form was compliant with TYSC and DJJ standards.

Effect on Program:

When a new resident is admitted to our program and they are not properly screened within seven (7) days by a medical professional, that individual has the potential of exposing residents and staff to this serious illness.

Planned Corrective Action:

When a new resident is admitted to our program from detention, their Tuberculosis screening form will be reviewed immediately to see if it is more than 30 days old. If it is more than 30 days old, then another TB screening will be completed by an outside medical facility before the 7-day window expires. When a new resident is admitted to our program from another program or from their home, they will be taken to an outside medical facility within two days of their admittance. The resident will receive a TB screening at that time.

Completion Date:

February 7, 2023

Person Responsible:

Carlos Hooker, Director of WBH

Current Status on June 20, 2023: Compliant

Six of six applicable cases reviewed had a tuberculosis screening within seven days.