

# **LONG-RANGE YOUTH SERVICES POLICY**

Amended April 8, 2009

Adopted June 8, 2005

## **PREAMBLE**

Virginia Code § 66-10 (2) gives the Board of Juvenile Justice the power and the duty "to ensure the development and implementation of a long-range youth services policy" to guide the Commonwealth's juvenile justice system.

Virginia Code § 9.1-111 establishes an Advisory Committee on Juvenile Justice, which is charged with advising and assisting all agencies, departments, boards and institutions of the Commonwealth, and units of local government, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth.

In developing a comprehensive long-range policy to guide the Commonwealth's juvenile justice system, the Board and the Department of Juvenile Justice will consult with and coordinate planning with the Advisory Committee on Juvenile Justice and the Department of Criminal Justice Services.

Virginia's juvenile justice system, at all stages, should balance concern for the welfare of the child, community safety, and victims' rights. These concerns should be balanced not only at the program level but also in individual case management and treatment decisions. Programs, sanctions, and services should (i) provide for community protection; (ii) be designed to hold juveniles accountable for their actions; (iii) consider juveniles' rehabilitative needs; (iv) reduce delinquency through partnerships with families, schools, communities, law enforcement, and others; and (v) assist juveniles in developing competencies so that they may become responsible and productive citizens in their home communities.

At all stages of Virginia's juvenile justice system:

- Family involvement and parental responsibility should be given high priority.
- Efforts should be made to facilitate the informed participation of all offenders and their families, including provision of materials or translations in their own language if they do not understand English.
- Partnerships with local and state government agencies and the private sector should be utilized to obtain the maximum services for juveniles.
- Priority should be given to developing programs and services that are evidence-based and outcome-driven.
- Juvenile offenders should be dealt with in the least restrictive setting that is appropriate for their needs and consistent with protecting the community.

## **COMMUNITY PROGRAMS AND SERVICES**

### **Delinquency Prevention**

Delinquency prevention and youth development programs should be an integral part of the Commonwealth's juvenile justice system. Such programs should focus on early and effective interventions for preventing violence and gang activity by addressing known risk factors and by providing life skills training to help juveniles and their families learn alternatives to delinquent behavior.

The Department should work through collaborative partnerships with state and local agencies and programs, as well as with private sector providers, with a focus on meeting the needs of juvenile offenders and their families, enabling successful functioning in the juvenile's home community, and enhancing public safety. Sufficient state and local funding should be provided to maintain and expand delinquency prevention and gang reduction efforts across the Commonwealth.

### **Community-Based Sanctions, Incentives and Controls**

Virginia's citizens have a right to safe and secure communities. To protect our communities, offenders must be monitored, supervised, and controlled using the least restrictive alternatives that are consistent with the severity of

the offense and the risk to public safety. Graduated sanctions should be used to respond to offense behaviors, and graduated incentives should be used to encourage juveniles to meet established treatment objectives.

Local plans developed under the Virginia Juvenile Community Crime Control Act (Virginia Code § 16.1-309.2 et seq.) should include progressive sanctions, incentives and services that correspond to the severity of offense, the juvenile's risk of re-offending, and individual treatment needs; emphasize parental responsibility; and balance offender accountability, public protection, and the development of competency-based skills. Public and private non-profit partnerships should be encouraged in designing and delivering services for juveniles.

**Diversion at Intake**

Children who can be cared for or treated outside the juvenile justice system should be diverted at intake, as permitted by law and consistent with protecting the public safety.

**Pre-Dispositional Detention**

Detained juveniles should be confined in a humane and secure setting, separate from adult offenders.

Because secure detention facilities are a costly and limited resource, and because the confinement of children has a profound impact on the child, the family and the community, only those juvenile offenders who are a danger to themselves or the community should be confined in such facilities.

**Probation**

Probation resources should be concentrated on juveniles who pose the greatest threat to the public safety. Risk-based assessments, automated work load systems and objective instruments to assess juveniles' needs should be used to allocate probation resources consistently across the Commonwealth. Juveniles should be referred to other local or state agencies for ancillary services whenever these are locally available.

Probation supervision requirements should be the minimum needed to ensure compliance with the orders of the court.

Probation should not be used as a sanction for neglected or dependent children, or any other persons who are not accused or charged with delinquent or criminal behavior.

**Post-Dispositional Detention**

Post-dispositional detention programs of from 30 days to six months, as provided for in Virginia Code § 16.1-284.1, are an integral part of the Commonwealth's juvenile justice system, providing confinement and treatment short of commitment to the Department. Such post-dispositional detention programs should be available to courts across the Commonwealth, so that juveniles may receive treatment services in or close to their communities. However, such post-dispositional detention programs should be operated only when they do not cause a secure detention facility to exceed its rated capacity.

**Parole**

Parole supervision should emphasize a planned and prepared transition from direct care with a focus on a successful reintegration of the offender into the community.

Parole supervision should ensure public safety, promote accountability, and strengthen juveniles' skills and competencies.

As appropriate to the needs of the offender and the safety of the community, parole plans should help offenders secure needed mental health and substance abuse services; re-enroll in school or enter a vocational training program; and secure meaningful employment in order to maximize the opportunities for offenders to become productive, law-abiding citizens. Such services should be identified and provided through partnerships that are available in the offender's home community.

Parole resources should be allocated based on a parolee's relative risk to the public safety.

Supervision should be provided at the minimum level needed to ensure compliance with the terms and conditions of parole.

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## STATE-OPERATED FACILITIES AND PROGRAMS

### **Committed Juveniles**

Each juvenile correctional center should have a distinct role within the Department's direct care system, and residents will be placed in an appropriate facility based on a classification plan that considers age, size, offense behavior, treatment needs, and other appropriate criteria.

Direct care facilities should provide humane, secure and therapeutic confinement to residents in a climate that encourages positive growth and responsible behavior.

Treatment services should be provided that address residents' individual needs. Whenever possible, treatment and intervention should address a resident's specific offense behavior.

Residents who become adults while in juvenile correctional centers may present management and treatment challenges; separate housing and special programming should be available for adult residents.

Virginia will comply with federal law and policy on whether adult residents who were convicted in circuit court be kept "sight and sound separate" from juvenile residents.

### **Transitioning from Direct Care**

In addition to juvenile correctional centers, a range of alternative and transitional placements should be available for residents, especially when such placements provide access to services that are not available in state facilities. Whenever possible, transitional placements should be close to the youth's community and family, and should provide a range of community-based and facility-based programs.

Residents should be prepared to return to their communities through a range of job-training, educational, life-skills and independent living programs as appropriate to their age, custody classification, and parole plan.

The residents should have a plan for re-entry to the community that addresses transitioning of work, school, housing, and treatment needs. The Department should work through partnerships with state and local agencies and the private sector in accessing services in the community.

### **Length-of-Stay for Indeterminate Commitments**

The length of time an indeterminately committed juvenile will spend in confinement should be proportionate to the number and seriousness of offenses and should be based on multiple criteria, including the harm done to the victim, the need to protect the public and the opportunity to provide programs that will reduce recidivism.

## EDUCATIONAL AND VOCATIONAL PROGRAMS

Education plays a significant role in the rehabilitation efforts of juvenile offenders; accordingly, the Departments of Juvenile Justice and Correctional Education should continue to work cooperatively to provide a balanced educational program that gives residents of all ages the opportunity to participate in educational and vocational programs appropriate to their needs and interests.

### **Juvenile Industries and Work Training Programs**

Juvenile work programs provide young offenders with job skills and training that can be helpful in obtaining and maintaining employment. Juvenile industries and related job training programs should be continued and expanded in collaboration with community employers, labor, agencies and organizations to overcome barriers to successful re-entry, so that when juveniles ultimately leave the system, they will be equipped to enter the work force as productive members of society.

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**SYSTEM-WIDE CONCERNS****Disproportionate Minority Contact with the Juvenile Justice System**

The disproportionate representation of minorities must be reduced at every stage of Virginia's juvenile justice system. Race-neutral and ethnic-neutral risk assessment instruments should be used in making decisions about detention, probation supervision, and parole supervision.

**Sentencing Options**

The Commonwealth's juvenile justice system should give judges a wide range of dispositional and sentencing options so that courts will have the flexibility to hold offenders accountable for their actions while providing for the public safety as well as for the individual offenders' needs for protection, rehabilitation, and treatment.

**Correctional Mental Health Care**

Juvenile offenders diagnosed with mental illnesses should be treated by the mental health system. When juvenile offenders with mental health problems are confined in a state or local secure facility, they should have access to mental health services, -- including assessment, treatment and crisis intervention -- throughout the period of their confinement, including while they are in segregation or isolation status. The mental health screenings and assessments required for detained juveniles by Virginia Code § 16.1-248.2 should be continued, as should the thorough examination of committed wards required by Virginia Code § 66-19.

Mental health screening and assessment instruments should be race-, gender-, and ethnic-sensitive. Treatment should focus on addressing the criminogenic factors associated with recidivism by delivering appropriate treatment services that will assist the juvenile's re-entry to the community. Board regulations will continue to require juvenile facilities to implement suicide prevention strategies and prevention and treatment methods.

**Crowding in Secure Facilities**

To minimize crowding problems that may contribute to disciplinary incidents, higher rates of assault and suicide, and decreased effectiveness in programs and services, secure juvenile residential facilities should operate within safe and humane population limits.

Secure detention should be reserved for juveniles who pose a threat to themselves or to others. Juveniles should not be detained on the basis of a status offense alone. When circumstances warrant, detained juveniles should be transferred to a less secure setting, consistent with the protection of the public safety.

**Female Offender Services**

Female juvenile offenders should have access to programs and services that are equivalent to those provided to males, as well as to services that meet the unique needs of the female offender population.

**Information Systems and Information Sharing**

All entities in Virginia's juvenile justice system should facilitate the sharing of juvenile record information, consistent with statutory and regulatory limitations on the dissemination of juvenile record information.

Automated information systems should be developed and expanded to permit the real-time gathering, storing and transmission of information, recognizing that the primary purpose of such systems is to support and enhance the delivery of services to juveniles and their families.

**Workforce Issues**

A knowledgeable, highly skilled, motivated, and professional work force is essential to fulfill the purpose of Virginia's juvenile justice system. Staff members are the primary agents for promoting health, welfare, security and safety in correctional institutions and community supervision programs. To enhance the professionalism and effectiveness of personnel, state and local agencies should partner to address current and emerging workforce issues in juvenile corrections, including but not limited to:

- identifying the critical needs and challenges facing professionals in juvenile justice in the 21<sup>st</sup> century;
- developing strategies for staff recruitment and retention;
- developing strategies for professional development and advancement;

- developing strategies for managing a multi-generational workforce.

Pay scales for juvenile justice employees should be competitive.

Employees should agree to abide by an appropriate code of ethics and should be held accountable to appropriate standards of conduct.

**Standards and Accreditation**

To ensure that juvenile justice programs implement the best correctional practices, Board regulations should continue to be patterned after nationally accepted standards. Juvenile residential facilities should consider seeking accreditation by a national organization; programs so accredited will be deemed to be in compliance with regulations issued by the Board.

**Use of Force**

In order to protect the safety of juvenile residents and staff and to maintain facility security, it may be necessary for correctional staff to use legally authorized force to maintain or regain control of a secure facility, or when there is imminent danger of escape, injury to self or others or damage to property. Any use of force must be the minimum force necessary to bring the situation under control. Force should never be used as a retaliatory or disciplinary measure. Staff should be trained to anticipate, stabilize and diffuse situations that might give rise to conflict, so as to minimize the use of force.

Pepper spray and other chemical agents will not be used in juvenile facilities.

**Victims of Juvenile Crime**

Victims of juvenile crime will be treated with respect and compassion at every stage of the juvenile justice process. They will be given the greatest opportunity permitted by law to participate in juvenile justice processes; to be heard at, to participate in, or to attend juvenile hearings; and to receive notice of a resident's escape or impending release. Victim impact statements should be considered in making decisions at all stages of the juvenile justice process.

Juvenile offenders should provide restitution to victims as well as providing service and compensation to the community through restorative justice programs.