

To: The Honorable Brian Moran, Secretary of Public Safety and Homeland Security

From: The Department of Juvenile Justice

Re: Public Comments to Task Force on Juvenile Correctional Centers

Date: June 14, 2016

Below please find a summary of the written public comments submitted for consideration by the Task Force on Juvenile Correctional Centers.

Name of Commenter	Summary of Comments Provided
Janet Areson Virginia Municipal League (VML)	VML supports reform efforts that will allow the state and local governments to work in partnership to better serve youth involved in the juvenile justice system and improve outcomes, as long as those efforts are a true partnership and do not put the onus for funding and administration on local governments.” VML does not have a position on the closing of Beaumont Juvenile Correctional Center (JCC) but supports the City of Chesapeake’s “efforts to work in cooperation with the state to co-locate facilities that will better serve youth in the Hampton Roads region and keep them closer to their families.”
Nora Berson Liz Ryan	Ms. Ryan requested the Commonwealth to “[p]lease invest in their communities, instead of prisons.” Virginia has poor outcomes for committed youth in the traditional prison model (high cost with a three year, three quarter rearrest rate). Youth in “juvenile prison” for more than 15 months are 44 % more likely to be rearrested in a year from release. Last year only 28% of committed youth passed the English standard of learning (SOL) test and 7 % passed the math SOL. “The Task Force must engage individuals and communities most impacted by the current juvenile justice system, and be transparent about its decision making process.” For youth requiring secure confinement, “Virginia should create or renovate small, group home like settings that keep more youth closer to their communities...staffed in a way conducive to individualized treatment, rather than a traditional prison model that utilize a number of correctional officer staff solely for security. Let’s spend our taxpayer dollars on models and alternatives to youth incarceration that we know work. Invest in kids remaining in their homes and in community-based programs and placements rather than prison.”
Blue Ridge Juvenile Detention Commission: Doug Walker Deputy County Executive, County of Albemarle; Michael Murphy, Assistant City Manager	The Blue Ridge Juvenile Detention Commission “supports DJJ’s transformation efforts which are data-driven and guided by national best practices...Blue Ridge Juvenile Detention is currently partnering with DJJ [as a Community Placement Program (CPP)] in their transformation efforts and plans to continue providing programs and services to state-committed youth.” The Task Force should remember “that there are state funding streams that support locally operated programs, including secure detention centers and detention alternative programs. Those funding streams (the block grant for secure detention operations and the Virginia Juvenile Community Crime Control Act funding) need to be preserved.”

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<p>City of Charlottesville; John Egertson County Administrator, Culpeper County; Steven Nichols County Administrator, Fluvanna County; John Barkley County Administrator, Greene County</p>	<p>“[L]ocal programs and services, in part financially supported by the Commonwealth...provide alternatives to commitment...please keep in mind the need for independent local programs tailored to the needs of the youth and families in our communities... it is essential to future success to remember the inherent differences between state-operated juvenile correctional centers and locally operated juvenile detention centers as it pertains to size, staffing, population, available community resources, and the widely varying treatment needs of the juveniles served... DJJ’s new initiatives must also provide a means to maintain the integrity of effective youth correctional services currently provided by our Center and others like it around the Commonwealth.”</p>
<p>Judy Clarke Executive Director Virginia Center for Restorative Justice</p>	<p>“The National Partnership for Juvenile Services (NPJS) believes that youth should be served in the least restrictive environment possible. Repurposing facilities allows local jurisdictions to provide secure care and/or alternatives that may be accessed when such an environment is essential to protect the youth and the community... repurposed facilities create opportunities for programming and education that address the behavioral health needs of the youth and provide access to community resources designed to successfully reintegrate the youth back into society as a productive citizen.” Construction of juvenile correctional centers (JCCs) should “accommodate Sensory Rooms for restorative justice practices... in order to give an immersive sensory experience for people with various abilities... which helps youth de-escalate.” The Sensory Room “should be designed to accommodate dialogue circles for addressing conflict in the facility, victim-offender conferencing and re-entry circles of support.”</p>
<p>Laurie Coleman Director of Community Services County of York</p>	<p>“In general, York County is supportive of the Department of Juvenile Justice’s transformational initiatives and the efforts to place juveniles back into the communities... construction of a new facility in Chesapeake would benefit the region since research has shown that keeping juveniles closer to their communities, where educational and wrap around services can more easily be provided, results in better outcomes and a reduction in recidivism. Smaller facilities located in the community provide for better family engagement in treatment and training programs.” The expansion of community placement programs (CPPs) “offers the potential for an increase in revenues for our local Merrimac Center and has the “potential to reduce some of the [localities] funding liability...The State’s transformational process appears to have enhanced opportunities for these [transitioning from commitment] juveniles and their families without shifting the funding liability for these programs to localities. As long as this support continues, the likelihood of positive outcomes is expected to continue and localities and supporting community organizations remain viable partners in this process.”</p>
<p>Christy Evanko The Virginia Association for Behavior Analysis Public Policy Committee (VABA)</p>	<p>VABA “agree that systems transformation is needed specifically as it pertains to developing a continuum of community-based services that supports in lieu of operating a continuum of restrictive facilities...[and] urges the Commonwealth to consider the current and future research to inform a thoughtful dialogue on the purpose of these facilities, the population to be served and the anticipated</p>

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	<p>outcomes. We also recommend that the majority of youth (including those with disabilities) access interventions and supports in community-based settings not facilities.” To support its position VABA provided a list of resources and stated: (i) residential placement away from home should be a last resort and utilized for only the small number who pose a significant and persistent risk to public safety as informed by a validated risk assessment and not based solely upon the offense charged; (ii) detainment exacerbate pre-existing trauma, disrupt a youth’s development, and “often expose young people to extreme physical and sexual violence, restraint and isolation” with non-violent youth served in the community; (iii) individualized reentry planning should begin at admission with coordination between staff, youth, their families, and other agencies and service providers; (iv) at-risk and delinquent youth grouped together for interventions and residential programs has a detrimental effect; (v) punitive practices and long periods of incarceration are harmful to youth; (vi) Applied Behavioral Analysis is established as the most effective intervention for individuals experiencing developmental delays, and correctional staff who received ongoing behavior analytic supervision were more likely to utilize positive based procedures and use less punishment; (vii) community based interventions are more effective at addressing the developmental needs of justice-involved youth, reducing recidivism, engaging the whole family, and producing long term outcomes; and (viii) examining the research that exists (e.g., “The Morningside Model of Generative Instruction”) is necessary to inform decisions that will affect Virginia youth.</p>
<p>Juvenile and Domestic Relations District Court Judges (submitted anonymously through the Office of the Executive Secretary of the Supreme Court of Virginia)</p>	<p><i>Response 1:</i> Policy makers consider the serious mental health issues in serious delinquency cases in decision-making. “Many traditional correction methods in my experience simply do not, will not and cannot work among such suffering persons.” Sufficient resources should be allocated for effectively rehabilitating. “[T]he problem is the lack of resolve to provide the funding.” “[P]ublic safety (and the safety of juveniles themselves while incarcerated) must always be our number priority. We are nothing if we are not safe. Build facilities and staff them accordingly.” Youth must be kept on track academically and taught skills to enter the workforce.</p> <p><i>Response 2:</i> “Please consider geographically in the construction of any new facilities. Neither Chesapeake nor Ashland are in any way accessible to the children of Southwest Virginia. A facility in Charlottesville or Roanoke would give parents of committed children a reasonable chance of visitation. Impoverished parents cannot drive six hours or more to see their children.”</p> <p><i>Response 3:</i> “In several years the total population of children will increase so the number of children committed will probably increase as well.” Commitment is a last resort for judges and the juvenile crime rate has dropped due to more interventions to “keep children in school and put services in the family and school to support the child.” The level and types of services “will need to be intensive and specialized to the child because the community has exhausted all local services”</p>

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	<p>including residential placements. Regarding housing models, “[c]ottages may give personnel more of a chance to work with [the] child and find [a] way to develop incentive.” “The juvenile system is at the far left of the pendulum swing. It will come back to the center and there has to be a plan of how to handle the uptick in number committed. At least one facility should be centrally located to the state so that the farthest corners can reach it and families can physically visit the child. Probably most detention centers have excess capacity. Those spaces should be utilized. Post-[Dispositional] Detention has been a tremendous success. It keeps the child in the locality with local services.”</p> <p><i>Response 4:</i> “Safety, including the ability to separate codefendants, and to separate younger juveniles from older one. This is particularly important when we realize that delinquent youth are not always automatically transferred to the city jail upon turning 18...the design of the detention centers should envision this and there is a significant developmental difference between a 14 and an 18 year old. Also, the dining space should be designed with this in mind.” “There needs to be sufficient room in the facility to meet these [mental health and substance abuse] needs, to run group programs and for individual counseling. A reasonable place to meet with family members, and to conduct family counseling – crucial in meeting the needs of these juveniles.... It is still critical to have sufficient space to avoid overcrowding” as overcrowding is “a very unsafe and non-rehabilitative environment.” With population decline, facilities are looking to repurpose empty living units (e.g., day treatment, girls’ programs), “[f]or example, a detention center could be built with an eye toward conversion of a portion to a day treatment center by framing out exterior doors which could later be added to the center,” etc. There should be space for artistic endeavors which seem to have therapeutic value and appropriate educational spaces are necessary. “[I]t is still critical to place detention facilities sufficiently close to communities that there can be regular family interaction...because these kids are returning home and the better we can prepare the family for that event the less likelihood that the juvenile will return.”</p> <p><i>Response 5:</i> “I am deeply disturbed by the notion that the new centers should be demographically centered – that is to say in Tidewater or other areas east of I-95. Those of us in the western part of the state are a long, long way away from the east...if I send a child to DJJ in Tidewater, he or she will see [his or her] family rarely if ever. I would urge DJJ to consider either building several facilities in the easily ignored parts of the Commonwealth or repurposing existing detention facilities in the less populated areas to house children committed to the agency.”</p>
<p>LaBravia Jenkins President Virginia Association of Commonwealth’s Attorneys (VACA)</p>	<p>VACA objects to the decision to close Bon Air and Beaumont Juvenile Correctional Centers (JCCs) “containing 549 beds in exchange for the creation of alternative juvenile facilities housing 152 beds.” The present plan [smaller and more conveniently located JCCs] is not to “convert” the JCCs, “it is to eliminate the, with no corresponding secure placement as an alternative for the majority of juvenile offenders... DJJ cannot unilaterally reduce the number of secure</p>

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	<p>placements without creating a serious risk to public safety... The Department is on a path to release (or keep) hundreds [300] of the most dangerous juvenile offenders in our communities without adequate alternatives to assure the safety of the public” with the “same level of supervision and services that failed in preventing the behavior in the first place.” The Department has lost track of the mission of juvenile court (to protect the community and hold offenders accountable). Committed juveniles are either repeat offenders who have not been successful with services in the community or violent offenders. “[T]hese offenders, who need the highest level of security in order to prevent more crimes and more victimizations, will not be secure – and the public will not be protected.”</p>
<p>Jessica Philips Executive Vice President and Chief Operating Officer Commonwealth Autism</p>	<p>“[W]e advocate for the development of a continuum of community-based services and supports in lieu of operating a continuum of restrictive facilities... Commonwealth Autism urges the Commonwealth of Virginia to divert youth including those with developmental disabilities from restrictive facilities to community based settings where they can access interventions and supports... Residential placement away from home should be a last resort and utilized for only the small number who pose a significant and persistent risk to public safety as informed by a validated risk assessment and not based solely on the offenses charged. In these cases, treatment programs should be small, therapeutic and located close to the youth’s home so that the family relationships can be repaired and community supports can be provided.”</p>
<p>Christa Pierpont Public School Educator</p>	<p>“[Y]outh of color and those with disabilities were more likely to be suspended (often without alternative educational programming) or expelled from school. The Task Force should consider the recent Just Children report “Suspend Progress” which includes facts about Virginia’s school suspension and expulsion during the 2014 and 2015, interventions and alternatives to suspensions and expulsions, and recommendations for the legislative and policy makers. “[W]here it becomes necessary to detain youth, a strong educational and workforce preparation strategy would go a long way toward strengthening youth towards goals that will serve them well in the future.” DJJ should employ three strategies: (i) preventative strategies like those outlined in “Suspended Progress;” (ii) alternative school settings and/or staff at student’s assigned school with class assignments for a few students who they mentor through challenging times; and (iii) strong educational and workforce training options for students who are detained.</p>
<p>Donna Sayegh City of Portsmouth</p>	<p>Ms. Sayegh provided comments presented to the Portsmouth City Council on the future capital and operational requirements for Virginia’s juvenile correctional centers. Ms. Sayegh recommends focusing on prevention and not construction as “using the ‘Whole School Change’ program model, [in schools] will assist in repairing the harm and restoring the relationships with students in the public schools. It will create a dramatic drop in the use of detention centers and spending of taxpayers’ dollars.”</p> <p>Ms. Sayegh recommended the Task Force meetings have a mechanism to engage the attendees such as setting up the agenda in “classroom style” and having work</p>

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	<p>groups discuss and report out recommendations using an Action Work Sheet and a facilitator.</p> <p>Ms. Sayegh also provided comments and questions as follows: (i) why are we having the Task Force; (ii) how are we going to implement what is being discussed; (iii) what is being presented that is considered to be implemented; and (iv) the Task Force should consider a fair process with engagement, explanation and expectation clarity.</p> <p>Ms. Sayegh also provided public comments provided to the Portsmouth School District and documents on whole-school change through restorative practices, a “How are you feeling today” face chart; a document on the logical, emotional, and survival brain; and “Defining Restorative” by the International Institute for Restorative Practices.</p>
<p>Dana Schrad Executive Director Virginia Association of Chiefs of Police Foundation Member Board of Juvenile Justice</p>	<p>“State budget cuts over the past ten years have systematically eliminated the Department’s continuum of alternatives that allowed it to individualize placement and programming needs for each juvenile offender... It can be easy to lean towards what appears to be the economic efficiency of larger facilities, but what that leads to is the very thing we know doesn’t work, and that’s the warehousing of our youth. The larger facilities are more difficult to manage, and are less amenable to a good environment for rehabilitative programming. A network of a few large facilities creates greater distances for family members to travel to maintain contact with their children... The plan to create a new and improved facility in Chesapeake and to either renovate or replace the Bon Air JCC gives the Commonwealth the opportunity to place modernized facilities in the places where they are most needed. That approach will facilitate the connections between incarcerated youth and their families that is critical to their rehabilitation. The Bon Air and Beaumont facilities were built on a correctional model that is not optimal for deploying best practices to rehabilitate incarcerated youth. There is not enough treatment, education, and career readiness space for appropriate services, and the unit sizes are not appropriate (20+) for effective interventions, supervision, and group processing. Modern facilities should not be constructed for double-bunking, but instead should use either a single cell approach or a limited use of step-down group bunking. We need to ensure that we are following a rehabilitative model as we move forward with the construction and renovation plans for Virginia juvenile correctional centers... Currently, 75% of our direct care youth are rearrested within 3 years of release from commitment. This is the direct result of our failure to provide sufficient education, treatment and transitional services in our facilities, and our under-utilization of pre-trial diversion and alternative community placement. Having community placement programs is a great alternative to incarceration when appropriate for some juvenile offenders. However, for high-risk and longest commitment durations, we still require state-operated facilities to address these youths’ needs, and most of our juvenile detention centers are not equipped with the space and services needed to</p>

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	effectively serve higher-risk youth. In the end, improved juvenile correction facilities with step-down and continuum alternatives improve our chances of successfully preparing these juveniles to return to the community, which is the optimal concern of our public safety professionals...”
Joseph Scislowicz Chair Community Criminal Justice Board City of Chesapeake	<p>“We fully support the building of a new community-based facility in our city, as we understand the ‘one size fits all’ model is no longer effective. This type of facility will provide our residents a strong continuum of services, treatment and placement, while focusing strongly on family engagement, education, re-entry planning and services, as well as being more conveniently located to the resident’ families... we believe the proposed facility will greatly enhance the future of our children returning to their communities to become productive citizens.”</p> <p>“Community-based interventions are more effective at addressing the developmental needs of justice-involved youth, reducing recidivism, engaging the whole family, and producing positive, long-term outcomes.” The Department should consider the Family Home Program (FHP) at Boys and Girls Town as a model for addressing maladaptive behavior. “Outcome data report that the dependence upon punitive practices and long periods of incarceration [are] harmful to young people. These factors are related to increased rates of reoffending, harmful effects to family relationships, decreased educational and academic attainment, and further incarceration later in life.</p>
Anne Smith A.B. Smith Consulting, L.L.C.	<p>Beaumont and Bon Air Juvenile Correctional Centers (JCCs) are “fraught with design and operational problems” which convinced policy and funding decision makers “that as few of your youthful offenders as possible” were sent to the JCCs. The JCCs “are oversized, inadequate for treatment purposes and costly to maintain and operate...serve less than 10% of the juveniles supervised by DJJ but account for almost 40% of the DJJ budget...[and] are historically ineffective – approximately 80% of youth re-arrest in the three year period after returning home.” The Department’s plan to replace the existing JCCs with “smaller, more effective and efficient facilities in these locations close to those localities that send the greatest number of youth in state custody...with the intent to reinvigorate the state and local partnership and re-invest savings in community placements and support of locally operated services...represents a possible and much needed transformation” of juvenile justice in the Commonwealth. “It is my hope and that of many others...that you will support construction projects that have the potential to provide better services in a far more cost-effective manner.”</p>
Jeree Thomas Re-Invest in Supportive Environments (RISE) for Youth	<p>The Task Force membership “should reflect the diverse stakeholders impacted by the Task Force’s decision to build new facilities for committed youth” as over 67% of committed youth are African American and the highest committing communities are Newport News and Hampton Roads. The Task Force neither includes parents of youth in the juvenile justice system nor formerly incarcerated youth. “Recruiting diverse and directly impacted youth and families to serve as members of the Task Force will be key to transforming the system in a way that reflects the needs and feedback of those most impacted by new juvenile facilities.” The Task Force process should be open and transparent through July 2017 with</p>

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	<p>public given notice of the date, time, and location of meetings a minimum of one-week in advance. The meeting should be accessible to the public such as being held outside normal business hours. “The interim and final reports “should be publicly accountable for review and accountability purposes.” The model for new juvenile correctional centers (JCCs) does not have to align with “the traditional prison model” and “should align its model to best practices and implement effective elements of nationally recognized and researched models like the ‘Missouri Model’” which reduced recidivism in Missouri and follows six premises: (i) youth stay in small, regional facilities close to their family; (ii) youth are given treatment; (iii) healthy peer and staff relationships are achieved through group interaction rather than coercive techniques; (iv) youth have the opportunity to work toward academic and career goals; (v) families are partners in treatment and planning; and (vi) planning for reentry begins at entry and reentry support follows into the community. The Department’s current plan [close existing JCCs and replace with a facility in the City of Chesapeake (112 beds with 64 for committed youth) and Hanover County (88 beds for committed youth)] is projected to cost \$90.5 million with nearly \$700,000 allotted on secure perimeter fencing. The largest secure facility in Missouri has 50 beds with the average bed capacity of 20 to 30 beds even with a higher average daily population of committed youth than Virginia. Smaller facilities assist to individualize the relationship between youth and staff. Also, the Missouri facilities do not resemble prisons and are not run like prisons including having few locked doors inside the facility and less security hardware and do not employ armed guards, cells, pepper spray, prolonged isolation, etc. “The Task Force should consider how to implement the Missouri model to replace Virginia’s current model. . . . Shift in how Virginia has traditionally run its secure youth facilities” (e.g., running multiple small facilities). Beaumont and Bon Air JCCs cost \$408 and \$367, respectively, per day per youth to operate, with an average of \$140,000 for each youth committed per year. In Missouri, secure facilities cost an estimated \$375 per youth per day with an average of \$137,000 per youth per year. The Department’s proposed JCCs will not only cost \$90 million to build but will cost over \$200,000 per youth per year to operate. “Virginia can and should put in place more effective Missouri model facilities around the Commonwealth for less costs than DJJ’s proposed plan. Not only would these kinds of facilities cost less in the short term, but they would also save the Commonwealth in costs related to recidivism in the long term.”</p>
<p>William C. Tignor Rappahannock Juvenile Detention Commission</p>	<p>Rappahannock Juvenile Detention Center (JDC) is an 80 bed facility with 45-65 % local-placement utilization. Rappahannock JDC operates a community placement program for transitioning and low-risk committed youth where individuals “in secure facilities away from the large state facilities closer to their families. . . . The expansion of this program to include females is a positive development. . . .” I think we do a disservice to the taxpayers of our state if we do not assess the current facilities under the purview of DJJ and determine the viability of those facilities to house these [our most challenging] juvenile offenders. Renovations of existing</p>

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	facilities must be more cost effective than buying land and constructing new buildings.” Mr. Tignor further stated that “if facilities under the jurisdiction of local governments are part of the equation, attention MUST be made to state allocated resources being available to local facilities.”