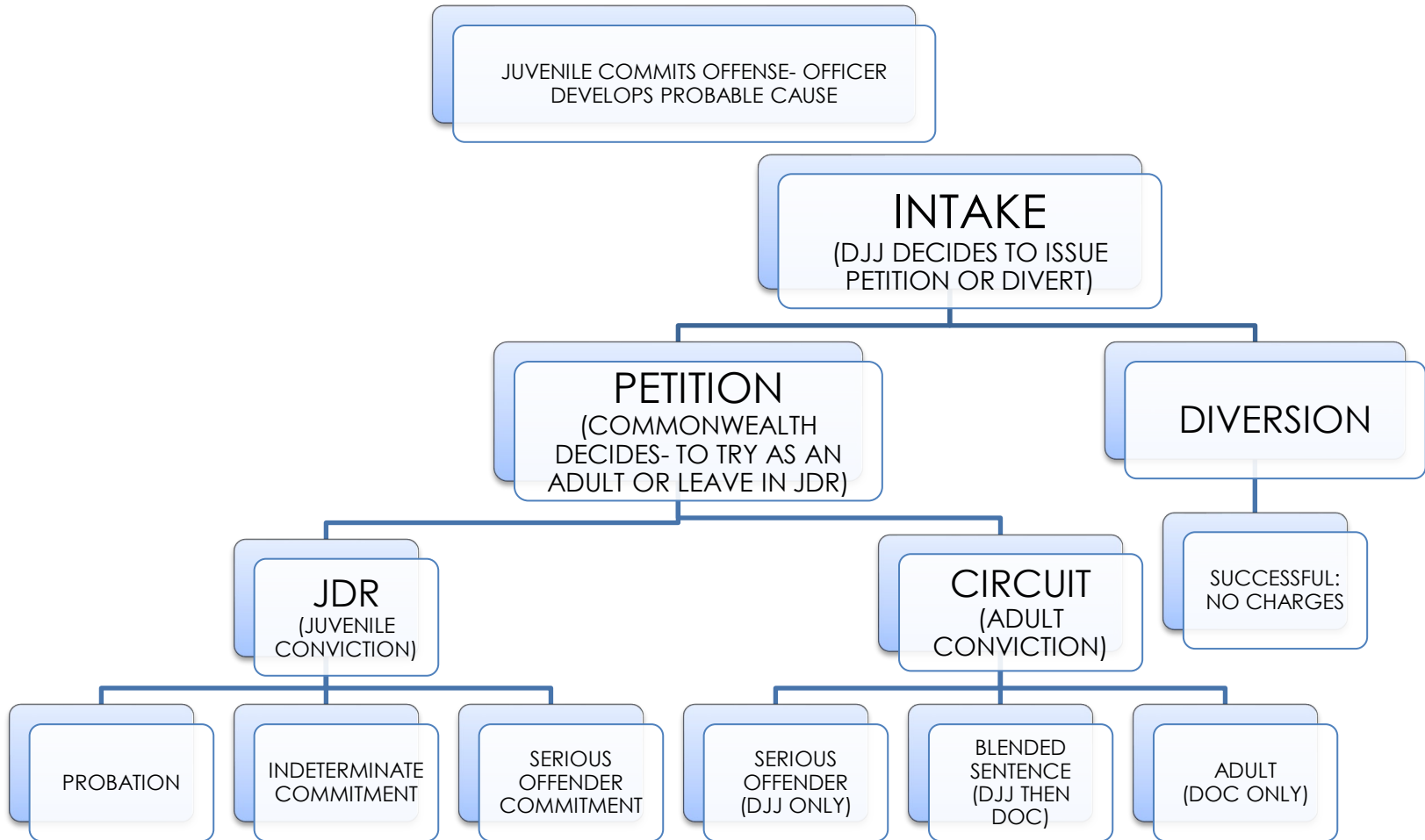


Length of Stay (LOS)



- 16.1-285
 - “The Department shall have the authority to discharge any juvenile or person from its custody, including releasing a juvenile or person to parole supervision, in accordance with policies and procedures established by the State Board and with other provisions of law.”
 - For all commitments that are not “serious offender commitments” under 16.1-285.1.
 - 36 months OR 21 years of age

System Overview



Direct Care Admissions Average Ages, FY 2021



- First Behavior Problems: 11.3
- First Community Intervention: 12.6
- First Adjudication: 13.8
- Direct Care Admission: 17.0
- AVERAGE OF 3 YEARS, 4 MONTHS BETWEEN FIRST CONVICTION AND JUDGE COMMITTING TO DJJ.

2001 LOS Guidelines



- Referred to the youth as “wards”.
- Combined the instant offense PLUS the past offense, for a two numbered tiered system.
- Broke the offenses down by classification of the offense in the statute (class 1, class 4, 5, 6; class 3; etc.).
- Adjusted up for “chronic behavior”.
- Increased for new commitments for ENTIRE new LOS.
- Included clear guidelines for release considerations.
- Automatic increase for institutional infractions, 3-6 months.

2001 LOS Breakdown



TABLE 2. INITIAL LOS STEPS AND ADJUSTMENTS TO DETERMINE FINAL LOS RANGE

Offense Severity determines the initial LOS Step, followed by adjustments (*) for chronic offense behavior and aggravating or mitigating circumstances:	RELEASE DATES Early - Late
<p style="text-align: center;">1-1</p>	<p style="text-align: center;">Exceptional LOS of 3 - 6 months</p>
<p style="text-align: center;">1-2, 1-3, 2-1, 2-2 *</p>	<p style="text-align: center;">6 months - 12 months</p>
<p style="text-align: center;">*</p>	<p style="text-align: center;">9 months - 15 months</p>
<p style="text-align: center;">1-4, 2-3, 2-4, 3-1, 3-2, 3-3 *</p>	<p style="text-align: center;">12 months - 18 months</p>
<p style="text-align: center;">*</p>	<p style="text-align: center;">15 months - 21 months</p>
<p style="text-align: center;">*</p>	<p style="text-align: center;">18 months - 24 months</p>
<p style="text-align: center;">3-4, 4-1, 4-2, 4-3, 4-4</p>	<p style="text-align: center;">18 months - 36 months</p>
<p style="text-align: center;">*</p>	<p style="text-align: center;">21 months - 36 months</p>
<p style="text-align: center;">*</p>	<p style="text-align: center;">24 months - 36 months</p>

2008 LOS Amendments



- Started using the terminology “residents”.
- Adjusted the time for the subsequent commitments to run concurrently as opposed to consecutively.
- Adjusted the matrix for “unclassified felonies”.
- Left the treatment ranges consistent with 2001.
- Specified increases for “chronicity”.
- Adjusted requirements for release dates.
- Allowed for administrative adjustments to LOS.

2015 LOS Guidelines Changes



- Consulting firm assisted with a system overhaul.
- Introduced a risk vs. offense matrix, assigning tiers, as opposed to using previous offense history.
- Subsequent commitments adjusted by facility review team.
- Removed requirements for release eligibility.
- 12-month release, 15-month cap for most indeterminate commitments (Tier Four: Murder, Aggravation Malicious Wounding)
- Violations of parole treated as Tier One.

Problems With 2015 LOS



- Developed by outside consultants, unfamiliar with the system.
- Tiers were not properly sorted.
- Treatment requirements did not match up with LOS (30 days before low date).
- No identifiable release guidelines to guide objective release decisions and benchmarks.

Outcomes of 2015 LOS Changes



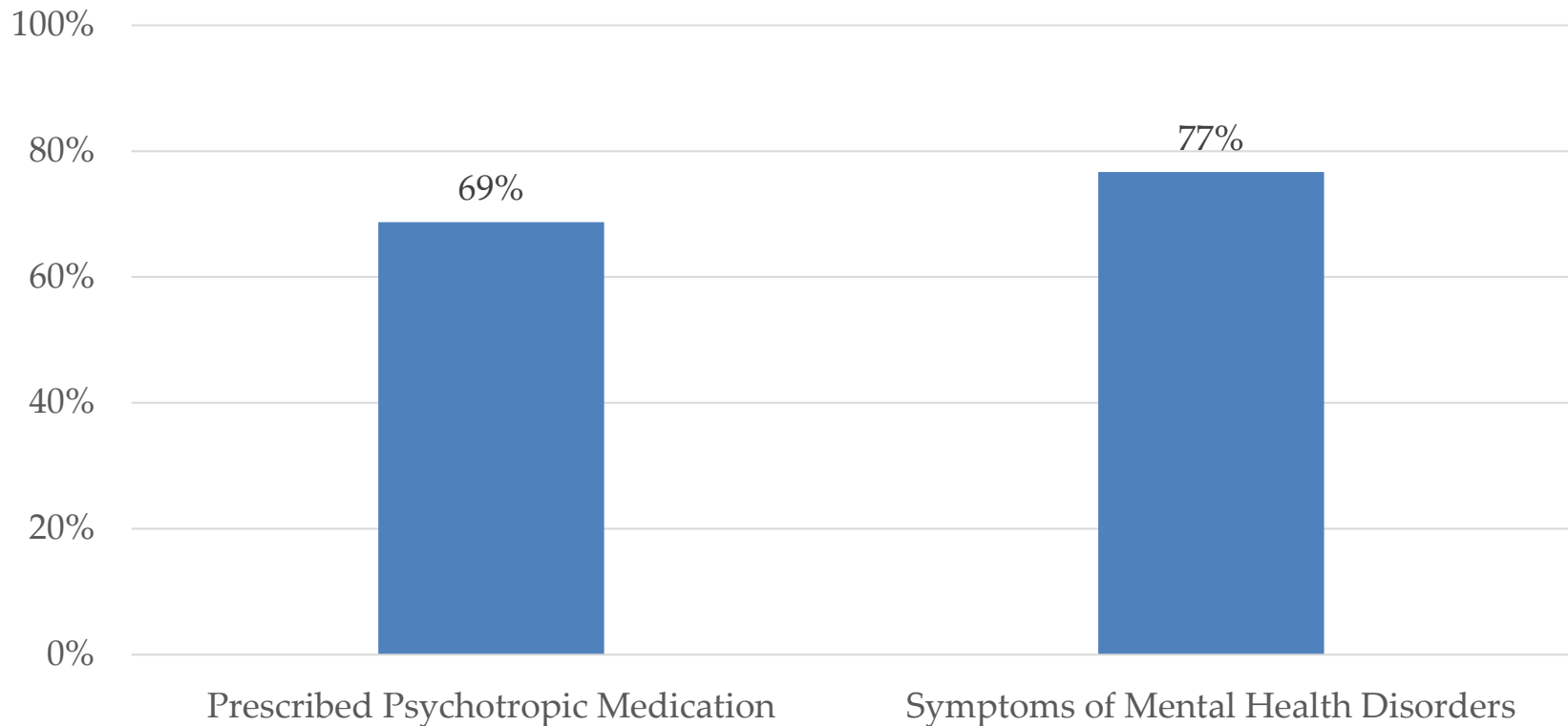
- Kids were released unprepared, with no change to their skillset, and increasingly without their treatment needs being met, or change in their life or family arrangements before commitment.
- DJJ lost the faith of our community partners, police, Commonwealth Attorneys, Judges. Even those in our agency.
- High, violent recidivism, resulting in more juveniles entering the adult system.



Direct Care Admissions Family Experiences, FY 2021

- 59% - parent incarceration
- 66% - parent criminal violence
- 48% - parent substance abuse
- 6% - parent abandonment
- 18% - parent death
- 24% - family domestic violence
 - *77% reported at least one of the above*
 - *44% reported 3 or more of the above*

Direct Care Admissions Other Mental Health, FY 2021



- The majority of youth had a history of psychotropic medication use and/or appeared to have significant symptoms of a mental health disorder (other than those displayed on the previous slide).

* Data include youth who appear to have significant symptoms of a mental health disorder, according to diagnostic criteria in the DSM, excluding ADHD, conduct disorder, oppositional defiant disorder, and substance use disorder.

TOO SHORT FOR TREATMENT TIMES



- Lower proportions of aggression management and substance use treatment completion following the 2015 changes in LOS Guidelines.
- Under the previous Guidelines
 - Aggression management treatment 83.4% completed.
 - Substance use treatment needs 82.8% completed.
- Under the 2015 Guidelines
 - Aggression management treatment 70% completed.
 - Substance use treatment needs only 68.8% under the current LOS Guidelines completed.

Losing Our Kids



- Carjacking: committed 8 months 2 days, within 4 months absconded and carjacked a woman. Guidelines: 17 years to 26 years, mid 23.
- Armed Robbery: committed 8 months, released, charged 3 separate times for firearm offenses, day after released to bond, shot a young man twice in the back. Guidelines: 15 years to 35 years, mid 29

DJJ Feedback



- Short LOS timeframes (6 months) are difficult for the youth to complete necessary programs as part of their commitment.
- The current LOS lacks credibility with the Judges (Juvenile and Domestic Relations Court (JDRC) and Circuit Court) resulting in serious offender commitments from both JDRC and Circuit Court, including blended sentence (DJJ/DOC). It should be noted that the CSU has spent years cultivating meaningful and impactful relationship with the courts, Commonwealth Attorneys, Judges, law enforcement, and our community, especially when it comes to serving youth and families across the Commonwealth. The current LOS has impacted those relationships.
- Current LOS have increased parole caseloads with serious offender commitments to DJJ.

DJJ Feedback



- Many youth who are committed in Newport News have had the benefit of the Post-Dispositional Program (Post-D), some more than once. Since this program is a 6-month program in detention, many times the current LOS at Community Placement Programs (CPPs) is mimicking the Post-D Program which has been unsuccessful in the youth's past.
- As a result of the LOS Guidelines, our Commonwealth Attorney's Office has certified more youth to Circuit Court and requested more youth be committed as serious offenders or with blended sentences to ensure they remain incarcerated for longer periods of time.
- Judges and Commonwealth Attorneys are concerned about alternative placements like CPPs (as they look like our Post D Program locally) and short timeframes, so they will attempt to utilize serious offender commitments to place the juvenile at Bon Air.
- Per our Judges, the current LOS lacks accountability for more serious offenses, i.e., Robbery, Malicious Wounding, Carjacking, etc. as the youth returns to the community within 8-9 months.



DJJ Feedback

- Rushing youth through treatment services to be released at the early LOS. The youth does not get the full benefit of treatment because it is presented in a hasty fashion.
- Rushing youth to complete, or mostly complete their education. Targeting the early LOS, Merrimac was rushing my client to get through classes to be released in May 2022. We had them pump the breaks because targeting the early LOS wasn't agreed upon by all of the treatment team members, nor the mother. In the end, the youth earned her diploma in June because she had gotten behind in one of her classes by being rushed to complete assignments.

DJJ Feedback



When it was proposed, Probation Officers stated to "the powers that be", that the Commonwealth would seek adult sentences, and that returning the youth early to the community would not give them enough time to truly rehabilitate. The majority of youth committed with shortened LOSs returned to the community and immediately resumed their criminal activities. They had no technical training or life skills, and many had not even completed their education. **It seems to be a system for failure.**

System Impact Since 2015



- The use of indeterminate commitments has proportionally decreased (82.7% of commitment orders in FY 2014 compared to 69.2% in FY 2022).
- The use of determinate commitments has proportionally increased over time (14.2% of commitment orders in FY 2014 compared to 25.8% in FY 2022).
- INCREASE IN YOUTHFUL OFFENDER AND DOC COMMITMENTS.

LOS Impact on Court Decision Points



- Certification (CWA) and transfer decisions (CWA and JDR Judges)
- As a sampling, five major certification offenses would not be eligible in JDR for serious offender commitment
 - Maiming by mob in violation of § 18.2-41;
 - Malicious wounding in violation of § 18.2-51;
 - Felonious poisoning in violation of § 18.2-54.1;
 - Adulteration of products in violation of § 18.2-54.2;
 - Robbery in violation of sub. B 2 of § 18.2-58

All start at a MINIMUM of 2 and 3 years in DOC, with high recommendation of five years 10 months, and a midpoint of 4 years. MINIMUM



Case Example

- Facts: 15-year-old gang member gets together with three of his friends and decides to attack the 7-year-old brother of a rival gang member. The three of them overpower the 7-year-old, restrain him, and proceed to beat him over the course of three hours, taking breaks to smoke weed. After three hours of beating the 7-year-old, they urinate on him, and leave him bleeding profusely, tied up in the shed. Four hours later, the 7-year-old is found. He spends two nights in the Children's Hospital, with internal injuries, but heals with no external.
- 15-year-old is charged with Maiming by Mob, Abduction, and Gang Participation.
- JDR: Not serious offender eligible. Tier Three, moderate risk, estimated LOS 7-10 months, by procedure six months to release.
- Circuit: Violent offense serious offender three sentence options per statute. **Guidelines:** 2 years, 4 months to 6 years, 1 month, mid of 4 years, 5 months. Eligible for serious offender commitment

DOC Numbers Increased



State Responsible New Court Commitments by Age at Offense and Age at Sentencing* (FY2011-FY2021)

New Commit Date	Sentenced <18yo Offenses		Sentenced >=18yo Offenses		Total Offenses		Total
	Offenses Committed	Committed Both <18yo & >=18yo	Offenses Committed	Committed Both <18yo & >=18yo	Offenses Committed	Committed Both <18yo & >=18yo	
	<18yo Only	& >=18yo	<18yo Only	& >=18yo	<18yo Only	& >=18yo	
FY2011	9	15	0	33	9	48	57
FY2012	4	10	0	30	4	40	44
FY2013	6	8	0	27	6	35	41
FY2014	6	17	0	35	6	52	58
FY2015	8	10	0	35	8	45	53
FY2016	7	14	2	32	9	46	55
FY2017	11	19	0	34	11	53	64
FY2018	15	31	2	58	17	89	106
FY2019	18	42	1	53	19	95	114
FY2020	9	37	0	45	9	82	91
FY2021	8	34	0	55	8	89	97
Total	101	237	5	437	106	674	780

*Age at sentencing is inmate's age on the date the inmate was sentenced to a term of State Responsible (SR) incarceration.

SOURCE: VADOC Research Unit, March 14, 2022

Youthful Offender



State Responsible New Court Commitments Sentenced Under Youthful Offender Statute (§19.2-311) by Age at Offense (FY2011-FY2021)

New Commit Date	Offenses Committed		Total
	Offenses Committed <18yo Only	Offenses Committed Both <18yo & >=18yo	
FY2011	0	0	0
FY2012	0	0	0
FY2013	0	0	0
FY2014	0	0	0
FY2015	0	0	0
FY2016	0	0	0
FY2017	1	0	1
FY2018	1	0	1
FY2019	5	1	6
FY2020	5	0	5
FY2021	6	0	6
Total	18	1	19

SOURCE: VADOC Research Unit, March 14, 2022



JLARC Concerns

- **RECOMMENDATION 24:** The Department of Juvenile Justice should establish a process to ensure indeterminately committed youths' treatment needs and progress are adequately and fully considered before youth are released.

Goals For 2022 LOS Guidelines



- Match treatment and programming needs with appropriate range.
- Fix and resort the charge tiers to align with intent and severity.
- Provide transparent release guidelines and ranges to the youth, family, and courts.
- Provide programming, services, and intervention methods aimed towards success and self-sufficiency upon release.
- Involve the youth in the process of his/her commitment outcomes, creating a path and clear goals from the beginning of commitment time period, preparing for successful re-entry.

REDUCE THE NUMBER OF KIDS BEING SENT TO DOC

2022: What We Changed



- Looked at what worked and what didn't work and adjusted accordingly.
- Continue to prioritize risk assessment in programming needs.
- Re-organized the tiers of offenses to match treatment needs and severity.
- Re-aligned times to match treatment and programming needs.
- Clear release goals for objective determinations.
- **Focus on acquiring vocational skills for successful self-reliance and identity development.**
- Built in process for early release, instead of adding on time due to past history (incentivizing instead of punishing).

Focus On Vocation and Future Success



- Allan and Steffensmeier (1989) found that **employment, like education, significantly reduces recidivism among juveniles.**
- Bernburg and Krohn (2003) found that employment in early adulthood significantly reduces crime after adolescent criminal involvement.
- Sampson and Laub (1993) found that **employment significantly decreased criminal behavior.** Further, after adolescent crime and delinquency, job stability from ages 17 to 25 significantly decreased crime during those years, as well as from ages 25 to 32. Thus, the effect of job stability on crime continued well beyond the period of employment.
- Mulvey et al. (2004), **found that programs focusing on adolescent “human capital development (jobs and job skills)” are more effective than punitive interventions** (See, for example, Andrews et al., 1990; Lipsey & Wilson, 1998; Aos, Phipps, Barnoski & Leib, 1999).

2022 LOS Guidelines



- Four Tiers, match risk and offense level under tiers that reflect the intent and severity of the offense and associated treatment needs.
- Clear Guidelines for release (complete mental health treatment, vocational programming, no serious behavioral infractions for a specific period).
- Built in **option for early release**, to incentivize internalization of pro-social behaviors.
- Stronger re-entry provisions to include step-down, work release, and furloughs to gradually re-entry the community with complete continuity of care.

Wrap Around Services In Place To Support



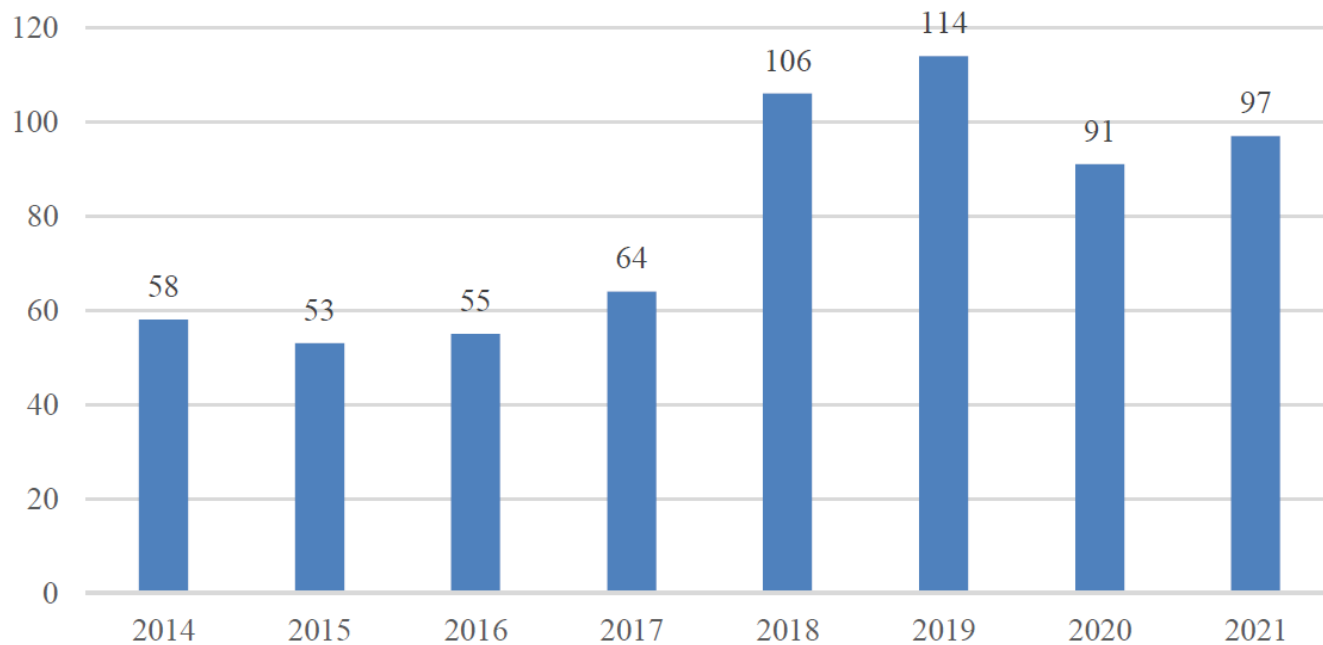
- Workforce Development Center
- Workforce Development Coordinator
- Request for Proposal (RFP) for workforce development community partnerships.
- Statement of needs and memorandum of agreement (MOA) revisions for the CPPS, work release, furloughs.
- Revision of education plans to offer vocational as elective.
- Counseling, mentors, and vocational supports for financial needs.

Keeping Kids Out of DOC



- The real need for these changes to happen.
- Commonwealth Attorneys and Judges vocally lost faith in DJJ as a sentencing option. The numbers directly increased for kids being sent to DOC instead of DJJ.
- From FY 2014 to FY 2019, the number of youth committed to DOC increased from 58 to 114 and then decreased to 97 in FY 2021.

VADOC State Responsible New Court Commitments for Offenses Committed As A Minor (FY 2014-2021)



Plan Moving Forward



- We are asking for the guidelines today to be adopted by the Board.
- The next step is implementation of services to the kids immediately, and full implementation of the new Guidelines as soon as possible, July 1, 2023.
- Director will start an education campaign to rebuild trust with the Commonwealth Attorneys and Judges, send the kids to DJJ, NOT DOC.