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Robert Vilchez, Vice Chair
Dana G. Schrad, Secretary
David R. Hines
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COMMONWEALTH OF VIRGINIA

Board of Juvenile Justice

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MEETING MINUTES

April 29, 2021 ☞ Virtual Meeting

Pursuant to amendments to the Budget Bill approved on April 24, 2020, and set forth in Item 4.0-0.1, and in light of the Governor's declaration of a state emergency to curb the spread of COVID-19, the Board of Juvenile Justice met by videoconference at its April 29, 2021, meeting. The Board considered a virtual meeting necessary due to concerns that the nature and continuing spread of the virus throughout the Commonwealth rendered meeting at a single location unsafe for Board members, Department of Juvenile Justice personnel, and members of the public.

Board Members Present: Tyren Frazier, Scott Kizner, Robyn McDougale, Anita James Price, Dana Schrad, Gregory (Greg) Underwood, and Robert (Tito) Vilchez

Board Members Absent: David Hines and Quwanisha Roman

Department of Juvenile Justice Staff Present: Dhara Amin, Valerie Boykin, Jenna Easton, Mike Favale, Wendy Hoffman, Joyce Holmon, Linda McWilliams, Margaret O'Shea (Attorney General's Office), Jamie Patten, Kristen Peterson, Jessica Schneider, and James Towey

CALL TO ORDER

Chairperson Tyren Frazier called the meeting to order at 9:01 a.m.

INTRODUCTIONS

Chairperson Frazier welcomed those present and asked for Board member introductions. Director Valerie Boykin asked for staff introductions. Due to limitations with the media platform used for the meeting, guests were not able to make introductions.

CONSIDERATION OF MINUTES FOR DECEMBER 1, 2020, AND MARCH 11, 2021

The minutes of the December 1, 2020, and March 11, 2021, Board meetings were provided for approval. On motion duly made by Dana Schrad and seconded by Robert Vilchez, the Board approved the minutes as presented by roll call vote as follows: Tyren Frazier – Aye, Anita James Price – Aye, Dana Schrad – Aye, Greg Underwood – Aye, and Robert Vilchez – Aye. The motion was carried.

CONSIDERATION OF GUIDANCE DOCUMENT REGARDING REVIEW AND APPROVAL OF DATA REQUESTS AND RESEARCH PROPOSALS

Kristen Peterson, Regulatory and Policy Coordinator and Dhara Amin, Senior Research Associate, Department of Juvenile Justice

Ms. Peterson directed the Board to page 52 of the Board packet and noted no PowerPoint will be presented. Ms. Peterson noted the Department of Juvenile Justice (Department)'s request that the Board approve the Guidance Document for submission to the Virginia Register of Regulations in accordance with § 2.2-4002.1 of *the Code of Virginia*.

Pursuant to legislation enacted by the 2018 General Assembly, certain documents that meet the definition of a guidance document are subject to publication in the Virginia Register of Regulations followed by a 30-day public comment period. The legislation seeks to allow public scrutiny of documents that will apply to the general public. The statute defines guidance documents 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's rules or regulations."

Ms. Peterson reminded those members who served on the Board in 2019 of the Department's request for proposed amendments to the regulation that governs data requests and research proposals. That regulation moved through the fast-track regulatory process for an extensive period, and recently became effective on April 15, 2021. The Department has an administrative document on its website that applies to the submission of research and data requests. The Department believes this administrative document meets the definition of a guidance document. It was established by the Department and provides information or guidance on general applicability to the general public. The Department is asking for the Board's permission to submit this guidance document to the Virginia Register of Regulations for the 30-day public comment period.

Ms. Peterson introduced Dr. Dhara Amin, the Department's coordinator of external research. Dr. Amin oversees this process and explained the highlighted provisions.

Dr. Amin explained that the procedure has been turned into a guidance document and updated to reflect the recent proposed changes to the regulation. In addition, the Research Unit modified the guidance document to serve as a "one-stop shop" for external researchers interested in submitting a research proposal or data requests to the Department by creating timelines of the regulatory requirements that acts as a checklist for the submitter. Dr. Amin highlighted the major changes to the guidance document.

Change One: The Virginia Longitudinal Data System (VLDS) option was added to the guidance document to explain the process for submitting a data request through the VLDS.

Change Two: The endorsement process instructions were added to the guidance document. The Research Unit wanted to ensure when sharing data, including survey interviews with staff, family members, and youth, it is generalizable knowledge that has the youth's best interests in mind. The Research Unit wants to avoid overexerting team members and community members for general research and ensure that the requests and data sharing benefit the agency and the system. The Research Unit implemented the endorsement process to

ensure the deputy director for the appropriate division has reviewed and generally supports the data request or research proposal and move it forward to the review committee. This endorsement will confirm these requests align with the agency's priorities.

Change Three: The regulation and the administrative procedure had separate timeline requirements. The Research Unit combined this information in the guidance document to make it a "one-stop shop" that is easier to follow.

Change Four: The most important change is the diversity statement added to the guidance document. The Research Unit has always ensured that the Human Research Review Committee (HRRC) consists of individuals with different expertise and different perspectives who provide insights to ensure youth, staff, and the facility are represented. In line with the Governor's One Virginia inclusion initiative, the Research Unit added a diversity statement that HRRC members shall have diverse backgrounds, races, ethnicities, professions, and experiences. The Research Unit had already been following this principle but wanted to ensure it was explicitly stated in the guidance document.

Board Member Greg Underwood read a section from page 52 of the Board packet that provides, "While the statute does not mandate Board approval of guidance documents, because all such documents will be published in the Virginia Register, the Department is seeking the Board's approval before proceeding with this submission." Board Member Underwood asked why the Department is seeking Board approval if it is not mandated. Ms. Peterson responded that this guidance document will be published in the Virginia Register and the current statutory provision is silent on whether the Board needs to provide approval. The Department wanted to cover all the bases and ensure the Board did approve the guidance document before moving forward.

Board Member Dana Schrad added that this is a way to record in the public record that the Board has reviewed and discussed the document and that the Board had an opportunity to provide input into the process, even though a formal approval is not required. Ms. Peterson agreed.

Board Member Underwood asked whether the purpose was to ensure that the Board has reviewed the materials before sending to the Virginia Register. Ms. Peterson said that was correct.

On motion duly made by Dana Schrad and seconded by Greg Underwood, the Board of Juvenile Justice approved the Guidance Document Interpreting 6VAC35-170, Review and Approval of Data Requests and Research Proposals, submitted in accordance with §2.2-4002.1 of the Code of Virginia and as agreed upon at the April 29, 2021, meeting. The motion was presented by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Robyn McDougale – Aye, Anita James Price – Aye, Dana Schrad – Aye, Greg Underwood – Aye, and Robert Vilchez - Aye. The motion was carried.

CONSIDERATION OF THE PROPOSED AMENDMENTS TO THE STATE REIMBURSEMENT REGULATION

Kristen Peterson, Regulatory and Policy Coordinator, Department of Juvenile Justice

Action Requested

Ms. Peterson stated the Department's request for the Board's approval to amend 6VAC35-30 Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs for advancement to the Proposed Stage of the regulatory process. This regulation governs requests made by localities for reimbursement when engaging in construction, renovation, and similar projects for localities. The Board initiated the advancement of this regulation to the first stage of the standard regulatory process in 2019, which is now completed. The Department would also like the Board to promulgate a new regulatory chapter in 6VAC35-35. This new regulatory chapter will apply specifically and solely to those localities that do not plan to seek reimbursement.

Basis of Regulation

Section 16.1-309.5 contains language that imposes a requirement on the Commonwealth of Virginia to reimburse localities for 50% of the cost incurred when engaging in construction, renovation, and expansion projects for their local juvenile facilities. The statute directs the Board to promulgate regulations that shall establish criteria the Department can use to evaluate reimbursement requests. To the extent there is funding available, the Department and Board also shall ensure that funding is distributed equitably across the Commonwealth to those localities seeking reimbursement funding. Reimbursement funding for construction is contingent on approval by the Governor.

The other statute that gives rise to this regulation is the Appropriation Act. Although the statutory provision requires this reimbursement, under the budget language that has been in place since 2005, a moratorium exists on this reimbursement funding, and the Board may not approve or commit additional funds to the state share for such costs. There is an exception in the budget language for emergency maintenance projects.

Overview of Current Process

Under the current process in the existing regulation, if a locality decided to renovate an existing juvenile detention facility, the locality would be required to submit an overview and a graphic to the Department, which would classify the project according to its scope. For projects that anticipate an impact to the facility's compliance with the regulation, increase square footage, increase capacity, or impact the facility's certification licensure status, the project would fall under Category 1 and be subject to the entire reimbursement regulation. Projects smaller in scope would be classified as Category 2 and subject to only a portion of the regulatory chapter. Minor and routine maintenance projects are subject to the Department's procedure and are classified under Category 3. For those classified as Category 1, the sponsor is required to submit certain documentation to the Department to include a needs assessment and a planning study. A needs assessment is a document that demonstrates a locality's need for a particular facility or a particular change. In addition, the needs assessment evaluates trends and factors and identifies current facilities and programs available to meet the locality's needs. The planning study is the overall description of the project and includes additional information specifically tied to a request for reimbursement funding. The information provided could be the total number of personnel needed and the anticipated operational cost. Under the existing regulation, once the Department reviews and submits the documents to the Board, the Board can either approve, decline, or recommend changes. Ultimately, the recommendation is sent to the Governor's Office for a decision on whether to approve the reimbursement. If the Governor's Office approves the reimbursement, the project must follow the remainder of the regulation:

- The preliminary design document is submitted.
- The project advances to the submission of the construction document phase.

- The sponsor submits monthly progress reports during the construction phase.
- The locality schedules inspections after construction is completed and brings in other regulatory agencies to provide approval as needed.
- The locality submits the final request for reimbursement. Under the existing regulation, that request must be met within 90 days by the Department.

This is the process currently in place for localities engaging in a project that falls under Category 1.

Localities engaged in a project less significant in scope are required to comply with a portion of the regulation. The sponsor under that expedited process submits the project overview and cost estimate to the Board, and once the project is complete, the sponsor submits documentation specified by Department procedures. The Department and the Board may require additional information.

Under the existing regulation, regardless of whether the locality is seeking reimbursement through other channels like an emergency maintenance project or through legislative exception, the locality is required to comply with the state reimbursement regulation. The same is true for localities constructing facilities that have no intention of seeking reimbursement because they are aware of the current moratorium and do not want to go through all the steps necessary to obtain reimbursement.

New Regulatory Chapter

The Department hopes to simplify the process for localities. Those localities seeking reimbursement will continue to comply with the existing state reimbursement regulation. Those localities that have no intention of seeking reimbursement either now or in the future will be subject to this new regulatory chapter. The new regulatory chapter is an expedited, easier, and less cumbersome process for localities engaging in these types of construction projects that have no intention of seeking reimbursement.

Notable Changes to the Regulation

One recommended change involves the process for emergency maintenance projects in Section 45. The budget language currently freezes reimbursement funding. The language in the existing regulation says those localities seeking reimbursement can do so only through separate exceptions. It does not set out a process for emergency maintenance projects. The Department proposes setting out a process for emergency maintenance projects in the regulation. Under this process, the locality will be subject to the same requirements as other projects for which reimbursement funding is being sought. They must begin with the pre-screening process, the Department will determine the project category, and then the locality will proceed with the regulatory requirement based upon the assigned classification.

Another recommendation to the regulation is changing existing deadlines. Under the existing regulation, there are instances when the Department or the Board may be required to provide information within a specified number of business days. The proposal recommends changing this from business days to calendar days.

The Department recommends a 45-day deadline for the completion of the review of certain documents to include the needs assessment and preliminary design documents. Under the existing regulation, there is no regulatory deadline for the Department to review these documents, and the proposed 45-day deadline will

avoid delaying the process for localities. In terms of the Board's deadline for the review of the needs assessment and planning study, the existing regulation says this has to occur at the next regularly scheduled Board meeting. The recommended amendment would require the Board's review as soon as reasonably practicable. This is intended to address issues when the Department's review is completed in close proximity to the next board meeting and would give the Department time to prepare materials to submit to the Board.

Another proposed amendment is to repeal the funding formula. Under the existing regulation, localities engaged in construction and renovation projects must follow the funding formula set out in Section 65. The funding formula provides the basis for the costs that are ultimately subject to reimbursement. It takes into consideration a number of different factors including the area allowance per bed, the national median square foot cost for local jails, and a number of other factors. There are concerns that the existing funding formula is too prescriptive. Other state agencies with comparable regulations have no prescriptive funding formula. The workgroup recommended repealing the funding formula and instead allowing the Architect/Engineer to determine the appropriate construction costs based on their expertise.

Another recommended change is to the Section 110 existing requirement that the Department suspend the review process and require the locality to resubmit their projects during the project development stage if certain triggering events occur. Triggering events could include a substantive change to the project scope, an increase in the estimated construction costs, or a change in the operational staff requirement. The Department is seeking to simplify the process and make it easier for localities with these projects. One of the recommended changes is to make the suspension requirement discretionary so that the Department can decide whether it is appropriate to suspend the review process if any triggering events occur. The second recommendation is to make these requirements apply only when the changes made are tied to reimbursement. If there is an increase to the estimated construction cost during the project development stage, and the locality is not seeking reimbursement for that increase, then this would not trigger a potential suspension of the review process. In addition, the proposal removes changes to the operational staff requirement as a triggering event. Finally, instead of requiring the locality to resubmit their projects if the Department determines a suspension is appropriate under the proposed regulation, the Department would have the authority to determine next steps upon suspension.

The proposal adds a new Section 115 that sets a deadline for entering into a construction contract. The proposed language directs the locality to execute its construction contract within three years of the planning study approval. The locality may request an extension, and the Board can either grant the extension or require the sponsor to amend its needs assessment and planning study.

In Section 130, the existing language addresses substantive changes during the construction phase. The proposed amendment clarifies that a substantive change means an increase in the project cost of \$50,000 or more or accumulative change orders that exceed 25% of the contract.

The final proposed amendment to the state reimbursement regulation deals with construction submissions during the construction process. There is language in the existing regulation requiring the sponsor to submit monthly inspection or progress reports by the 15th of each month. Under the proposed amendments, rather

than submitting one or the other, the locality will need to submit both reports so that the Department has all the information necessary to approve these projects.

New Regulatory Chapter

A new separate regulatory chapter for non-reimbursement projects also is proposed. Those localities not seeking reimbursement either now or in the future would be subject to this new chapter.

- The locality will remain subject to a pre-screening process, meaning the Department would have to categorize the project based upon whether the state reimbursement regulation applies or whether the project falls under this new non-reimbursement chapter. If the new chapter applies, there is no need to complete a needs assessment or planning study. Those documents are tied to establishing a basis for reimbursement funding.
Instead, the sponsor would need to submit a project overview.
- There is still a construction process that involves the bidding stage, but the Department has less involvement in that stage. The Department can review the submitted document but does not have any authority to approve or reject any of the proposals.
- If there is a substantive change in the scope of the project during the project development stage, the Department will have the authority to suspend the review process and determine next steps.
- With respect to the compliance piece of the regulation, language has been added that says if a locality fails to comply with the provisions in this section, it may result in forfeiture of Board certification for approval to house residents at their facility.

Director Valerie Boykin reminded the Board that the Department has not been authorized funding since at least 2005 for reimbursement to support any construction or repair activities. The Board is required to have regulations in place should those funds become available.

Board Member Anita James Price thanked Ms. Peterson for the meticulous detail briefing and commented that the proposed changes would help streamline the process for localities.

Chairperson Frazier wanted clarification on the proposed timeline for the Board's consideration of the needs assessment and planning study. Ms. Peterson explained that the proposed change allows for the board's consideration "as soon as reasonably practicable" to ensure that if there is a small window between the time that the Department completes its review of these documents and the next regularly scheduled Board meeting, the Department would have sufficient time to prepare whatever materials are needed. Ms. Peterson added that in the recommended new regulatory chapter, no reimbursement funding is being sought and therefore, there is less Board involvement. The Board is involved with permitting localities to place youth in their facilities.

Chairperson Frazier said that the Board is relinquishing some of their duties for locally funded projects in a sense. Ms. Peterson agreed.

On motion duly made by Tyren Frazier and seconded by Robyn McDougale, the Board of Juvenile Justice approved amendments to the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs (6VAC35-30) and the promulgation of a new regulatory chapter, Regulation Governing the Process for Planning,

Designing and Constructing Locally Funded Juvenile Residential Facilities (6VAC35-35), as agreed upon at the April 29, 2021, meeting, for advancement to the Proposed Stage of the regulatory process. The motion was presented by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Robyn McDougle – Aye, Anita James Price – Aye, Dana Schrad – Aye, Greg Underwood – Aye, and Robert Vilchez - Aye. The motion was carried.

CONSIDERATION OF THE VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT PLAN CHANGE FOR THE CITY OF ALEXANDRIA

Jenna Easton, Program Manager, Department of Juvenile Justice

Director Boykin pointed out that the Department reorganized within the Community Programs Division to place more emphasis on the Virginia Juvenile Community Crime Control Act (VJCCCA) activities, as well as early intervention, diversion, and prevention. Jenna Easton will lead a team in those areas in a new diversion unit. Director Boykin introduced Ms. Easton to continue with the VJCCCA request.

The City of Alexandria submitted a plan for the biennium, which was approved in 2020. However, due to underutilized programs, the City of Alexandria has requested to amend their plan and budget to now include a prevention program that would serve young people grades 5 through 8 who are at risk of entering the juvenile justice system. Ms. Easton and her team have reviewed their proposed program and have found it to be acceptable and appropriate. Ms. Easton recommends approval of their plan change for the remainder of this fiscal year as well as FY 2022.

On motion duly made by Robyn McDougle and seconded by Dana Schrad, the Board of Juvenile Justice approved the revised proposed VJCCCA plan for the city of Alexandria through June 30, 2022. The motion was presented by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Robyn McDougle – Aye, Anita James Price – Aye, Dana Schrad – Aye, Greg Underwood – Aye, and Robert Vilchez - Aye. The motion was carried.

DATA RESOURCE BRIEFING

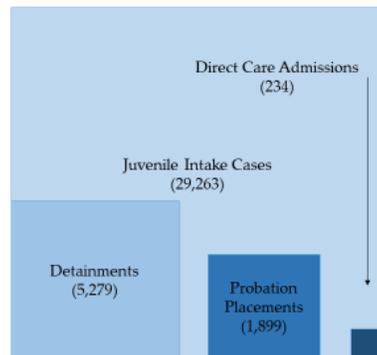
Jessica Schneider, Research Manager, Department of Juvenile Justice

Director Boykin commented that periodically, the Department provides a data briefing on the agency's transformation efforts. There is no required action by the Board. The agency is several years into the transformation, and this is a good opportunity to share some cumulative data with the Board. Dr. Schneider began her presentation.

The agency's transformation has had successes and challenges, and all of it has impacted the agency's data and trends.

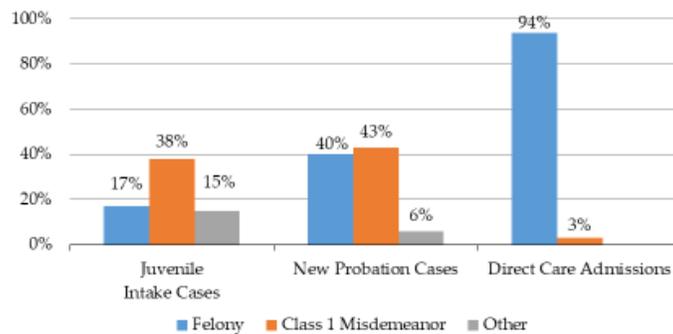
The pandemic had significant impacts to the agency's trends in Fiscal Years (FY) 2020-2021. FY 2020 ended June of last year, only a few months into the pandemic. The greatest impact in the juvenile justice system from COVID-19 will be seen in FY 2021. Individuals were asked to stay at home, so there might be fewer delinquency opportunities for youth; court operations were altered; and schools closed with many school-based activities canceled. The impacts were also seen in secure placements and how youth were admitted or transferred. Moving forward to FY 2022, the agency is not sure of the impacts.

Counts through the System, FY 2020



The above slide lists the significant stages of the system in FY 2020, and shows the number of “front door” juvenile intake cases in relation to direct care admissions. The volume of youth involved shrinks with each step. There are 29,000 juvenile intake cases, but only 234 direct care admissions for FY 2020.

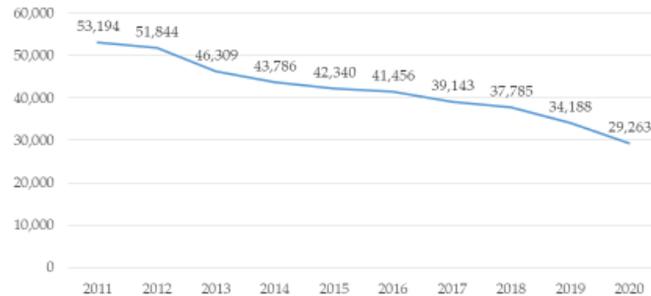
Offense Severities through the System, FY 2020



- Felony offenses account for only 17% of intake cases but 94% of direct care admissions.

The above slide shows offense severities through the system. Seventeen percent of offenses at the intake phase are felonies, but 94% of the direct care admissions are felonies. The system is working to avoid committing youth with low-level offenses, and youth with more severe offenses are progressing.

Juvenile Intake Cases FY 2011 - 2020



- Intake cases decreased 45% (23,931 cases) since FY 2011.

Looking at a ten-year trend, intake cases decreased by almost half. In FY 2020, the slide above shows a more severe drop in juvenile intake cases because of the pandemic.

Intake Cases by Demographics, FY 2020



- Average Age: 15.8 years
- Sex
 - Males: 68%
 - Females: 32%
- Race
 - White: 49%
 - Black: 41%

The average youth with an intake case is 15 to 16 years old, about two-thirds are male, and the racial breakdown is 49% White and 41% Black with the remainder being other races.

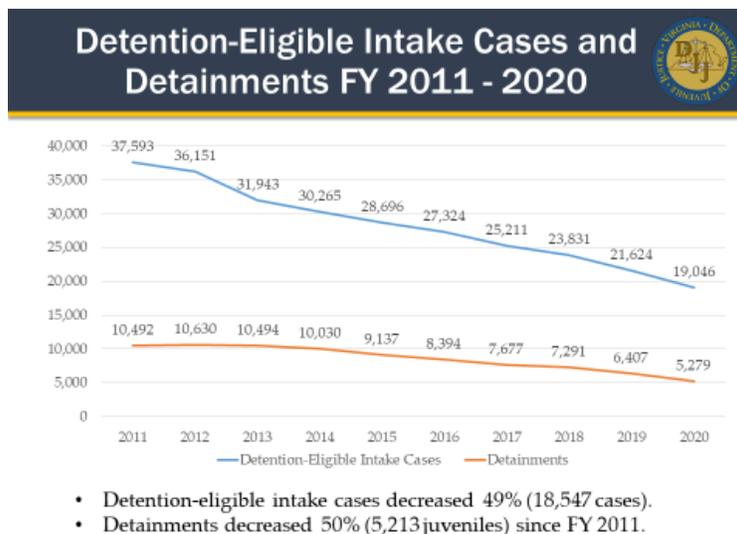
Board Member Schrad remarked that she noticed in law enforcement data collection, at least in arrest data, Hispanic has not specifically been identified as a separate race. Hispanic on arrest documents ends up in the other category or grouped with White. Board Member Schrad asked if the Department has the ability to identify or see the trends when it comes to Hispanic population in youth intake.

Dr. Schneider responded that the Department collects Hispanic data separately from race. Race and ethnicity are captured as separate fields. The challenge the Department has had over the past several years is with staff not filling out the field or if the information is not known. Starting in FY 2020, a change was made to the data entry process so that the Hispanic field is now mandatory to complete with an option of unknown or the

individual declines to offer that information. Dr. Schneider hopes that data improves over the next few years, and there is a better opportunity to track trends.

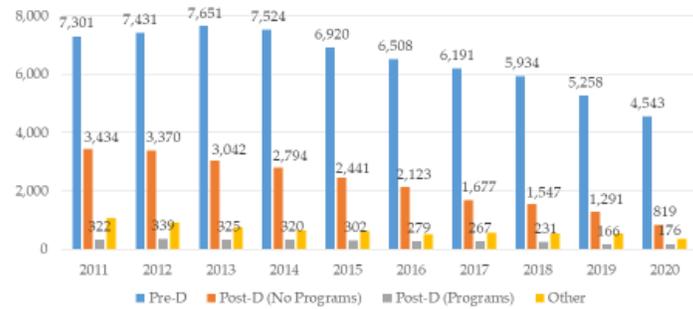
Board Member Schrad said she has started seeing inconsistencies in data collection across several platforms in the criminal justice system, whether on traffic stops, interrogatory stops, or information on warrants for arrest. Data is not being collected consistently in these different areas. There are concerns this may be a warped view of who is in the criminal justice system. Board Member Schrad has talked with police chiefs that have a large Hispanic population, and information is not collected on arrest warrants if the individual is Hispanic. Instead, the person falls in a category of Black, White, or other. Board Member Schrad understands this is not specific to the juvenile population but it is something her team is watching to make sure data collection across the different platforms is consistent.

Director Boykin noted that the Department created an Equity Work Group several years ago, and one of their first tasks, in partnership with the agency's intake work group, was to change the categorization. The Department adopted the list from the Census Bureau in terms of how race ethnicity is captured. The work group learned in conversations with intake officers that oftentimes, they do not know the ethnicity and leave that field blank. The work group wanted to remove the guessing, so the probation officers continue to ask that question to complete the ethnicity question and try to get accurate information whenever possible. Director Boykin acknowledged that the agency has a similar problem, and there is a void in terms of who the agency is actually serving.



Only some intake cases are eligible for detention. The slide above shows detainments decreasing by half since FY 2011. This trend is similar to what was seen for intake cases in general.

Detention Statuses, FY 2011 - 2020

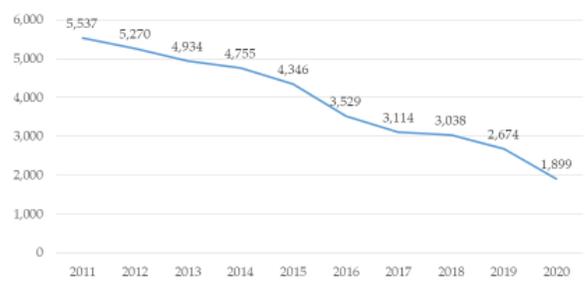
- Pre-D statuses decreased 38% (2,758 youth) since FY 2011.
- Post-D without programs decreased 76% (2,615 youth) since FY 2011.

* Pre-D = Pre-Dispositional, Post-D = Post-Dispositional
 * Youth with status changes during their detention are counted in each status.

Detention serves multiple purposes. The slide above depicts pre-dispositional detention (pre-D), post dispositional (post-D) without programs, and post-D detention with programs, as well as miscellaneous. The majority of youth entering detention are there for pre-D statuses. Across the board, all the statuses have been decreasing over the past decade. However, pre-D has decreased 38%, which is slower compared to post-D without programs, which has decreased significantly at 76%. In FY 2011, 3,434 youth were detained for post-D without programs status, and last year only 819, which is a significant decrease for that type of disposition.

Director Boykin noted that post-D confinement without programming is basically the judge sentencing the youth to detention time. The *Code of Virginia* allows for programs to be operated by local detention centers and can last up to six months. Post-D without programs means time in detention. The Department has no role, as those programs are established by the local detention centers.

Probation Placements, FY 2011 - 2020

- Probation placements decreased 66% (3,638 cases) since FY 2011.

The slide above depicts a 66% decrease in probation placements. There is more of a drop last year that might indicate the beginning of COVID-19 impact. In FY 2021, that number may be lower. Even without COVID-19 impact, the agency has seen a decrease in probation placements over the past ten years.

Probation Characteristics, FY 2020

- Average Age: 15.5 years
- Sex
 - Males: 78%
 - Females: 22%
- Race
 - Black: 46%
 - White: 45%
- Average LOS: 11.8 months



* LOS = Length of Stay
* Percentages may not add to 100% because not all risk levels are not displayed

The above slide provides characteristics of youth placed on probation with an average age of 15 or 16 years, and over three quarters of youth being male. At the intake stage, 41% of youth were Black, and 46% of youth on probation were Black. The youth released from probation in FY 2020 had an average length of stay of almost a year.

The right side of the slide shows risk levels at the beginning of probation, and about half of youth are at moderate risk. The percentage of high risk youth has increased over the last five years, and the percentage of youth with low risk has decreased. Youth at low risk might not need that level of supervision.

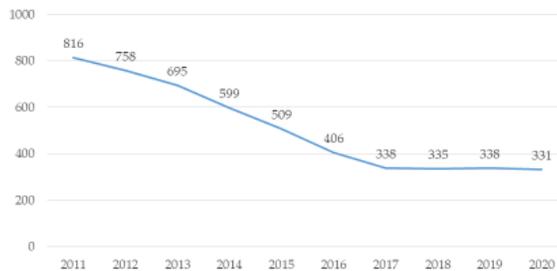
Direct Care Admissions, FY 2011 - 2020



- Admissions decreased 59% (331 juveniles) since FY 2011.

The above slide shows the impact of COVID-19 the most. Direct care admissions decreased 59% since FY 2011. There was a plateau between 2016 and 2019, and then a drop again in FY 2020.

Direct Care ADP, FY 2011 - 2020



- Direct care ADP decreased 59% (485 juveniles) since FY 2010.

The slide above depicts the average daily population in direct care, which is the average number of youth on any given day during the year. The slide shows a decrease of 59%. In the previous slide, there was a plateau in admissions; in the above slide it shows a slight delay. In FY 2020, the average daily population is 331. To provide insight into FY 2021, the graph will look different with an average number today at 219 youth in direct care.

Direct Care Admission Characteristics, FY 2020



- Average Age: 17.0 years
- Sex
 - Males: 97%
 - Females: 3%
- Race
 - White: 26%
 - Black: 68%
- Average LOS:
 - 8.2 months for Ind.
 - 27.2 months for Det./Blended



* LOS = Length of Stay

The above slide shows the average age of direct care admissions at 17 years of age, a bit older than the youth on probation. The sex and racial breakdowns are different with 97% of youth admitted to direct care being male and about two thirds of youth being Black, both increases at this stage. For youth released in FY 2020, the average length of stay was 8.2 months for youth who had indeterminate commitments and 27.2 months for youth with determinate commitments or blended sentences.

Looking at a five-year trend, there is a difference in the risk profile for youth in direct care compared to youth in probation. Half the youth in probation were moderate risk, and the slide above shows the percentages of moderate-risk youth are much lower and high-risk youth are much higher. There is a bit of an increase in the high-risk youth over five years. Few youth admitted to direct care are low-risk.

Most Serious Committing Offenses, FY 2011 – 2020 Direct Care Admissions



	FY 2011	FY 2016	FY 2020
Felony			
Against Persons	46%	54%	67%
Non-Person Felonies	32%	33%	26%
Class 1 Misdemeanors			
Against Persons	10%	4%	2%
Other	7%	4%	2%
Parole Violation	4%	3%	3%

- Admissions for felonies against persons increased since FY 2011 while other offense severities decreased.

* Percentages do not add to 100% because categories with small percentages are not displayed.

Offense severities also get more severe as youth move deeper into the system. In FY 2011, 46% of youth admitted to direct care had a felony against persons as their most serious offense. In FY 2020, about two-thirds of youth have that high level of offense severity.

Direct Care Placement Options



Capacity and ADP, FY 2014*

Facility	Capacity	ADP On-Site	ADP Off-Site	ADP Total
JCCs				
Beaumont	234	201	1	202
Bon Air	280	221	2	223
Culpeper	0	94	1	95
Oak Ridge Program	48	36	0	36
RDC	40	33	2	35
JCC Total	642	585	6	591
Halfway Houses				
Abraxas House	0	1	0	1
Hampton Place	0	1	0	2
Halfway House Total	0	3	0	3
CPPs				
Blue Ridge	10	1	0	1
Chesapeake	10	1	0	1
Rappahannock	10	2	0	2
Virginia Beach	10	0	0	0
CPP Total	40	3	0	3
Detention Re-Entry	N/A	2	0	2
State Total	642	593	6	599

* Capacities are determined on the last day of the FY.

Capacity and ADP, FY 2020*

Facility/Placement	Capacity	ADP Total
Bon Air JCC	272	194
Adm./Eval. in JDCs	N/A	26
CPPs	112	94
Blue Ridge	8	9
Chesapeake	10	7
Chesterfield	8	6
Lynchburg	8	7
Merrimac-Females	5	5
Merrimac-Males	8	8
Northern Virginia	8	6
Prince William	8	7
Rappahannock	16	14
Shenandoah Valley	8	6
Virginia Beach	20	18
Contracted Alternatives	N/A	14
Detention Reentry	N/A	3
Total	384	331

* Capacities are determined on the last day of the FY.

- FY 2014: ADP of 599, with 99% (591) in a JCC.
- FY 2020: ADP of 331, with 59% (194) in a JCC.

A big part of transformation is the change in placement options for youth in direct care. Closing some juvenile correctional centers and expanding other placement options have been one of the bigger focuses of the

transformation plan. The slide above shows a side-by-side of the options and the distribution of youth in direct care in FY 2014 prior to most of the transformation efforts. The right side of the slide shows the options where youth were placed in FY 2020. The left side shows almost all youth in a juvenile correctional center in FY 2014, with 591 youth that year on average. FY 2020 only had 194 youth on average in a juvenile correctional center, which is only 59% of the youth in all direct care. The slide also shows the number of Community Placement Programs (CPPs) available in addition to contract alternatives, detention reentry, and other options.

Family Experiences, FY 2020 Admissions



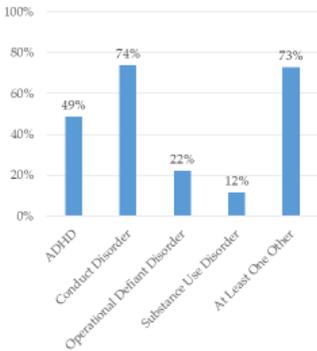
- 59% - parent incarceration
- 56% - parent criminal activity
- 44% - parent substance abuse
- 30% - parent abandonment
- 25% - parent death
- 21% - family domestic violence
 - 83% reported at least one of the above
 - 47% reported 3 or more of the above

The slide above highlights types of experiences and background youth have had entering direct care. The slide shows 83% of the youth admitted to direct care have had at least one of these experiences with their parent or family. Almost half the youth have had three or more of these experiences. The trauma and experiences in a youth's background impact the types of services they need while in direct care.

Mental Health, FY 2020 Admissions



- 95% of youth appeared to have significant symptoms of ADHD, CD, ODD, or substance use disorder.
- 73% appeared to have significant symptoms of at least one other mental health disorder.
- 70% were prescribed psychotropic medications at some point in their lives.



* One juvenile may be included in multiple categories.

Many of these youth have mental health needs. Ninety-five percent of youth admitted to direct care have symptoms of ADHD, conduct disorder, oppositional defiant disorder, or substance use disorder. Almost every youth has at least one of those disorders. The graph above breaks out these disorders. Seventy-three percent of youth also appear to have significant symptoms of at least one other type of mental health disorder. Seventy percent of youth have been prescribed psychotropic medications at some point in their lives by the time they are admitted to direct care.

Parole Placements, FY 2011 – 2020




- Parole placements decreased 36% (157 cases) since FY 2011.

After youth are in direct care, many are placed on parole following their release. The above slide shows a downward trend. This is not quite a severe drop as other stages, but follows the same trend.

Parole Characteristics, FY 2020



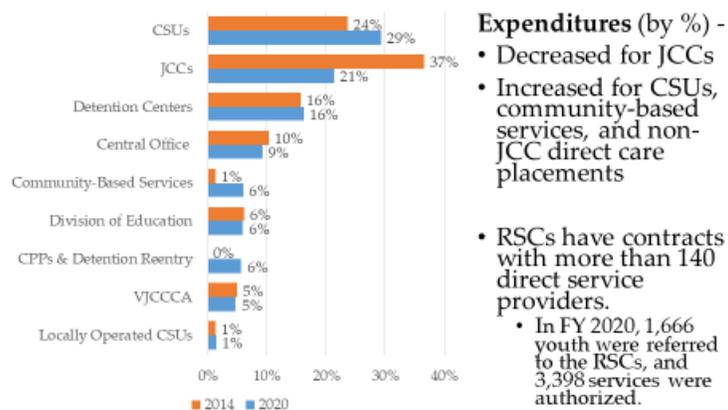
- Average age at placement: 17.2 years
- Average LOS: 10.7 months



* LOS = Length of Stay
* Percentages may not add to 100% because not all risk levels are not displayed

The slide above depicts parole youth characteristics with the average age of 17 years old and the average length of stay for a youth on parole at almost 11 months. The risk breakdown is similar to direct care admissions. Three quarters of youth on parole are high-risk and very few youth are low-risk. The percentage of high-risk youth has been increasing over the past few years.

DJJ Expenditures, FY 2014 and FY 2020



Expenditures (by %) -

- Decreased for JCCs
- Increased for CSUs, community-based services, and non-JCC direct care placements
- RSCs have contracts with more than 140 direct service providers.
 - In FY 2020, 1,666 youth were referred to the RSCs, and 3,398 services were authorized.

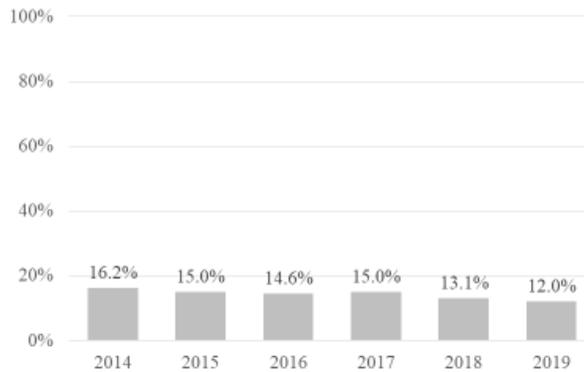
* CSU = Court Service Unit; JCC = Juvenile Correctional Center; CPP = Community Placement Program; VJCCCA = Virginia Juvenile Community Crime Control Act; RSC = Regional Service Coordinator

The slide above shows a substantial decrease in the proportion of money spent on juvenile correctional centers and an increase for court service units, community services, and non-juvenile correctional center direct care placement. There is a shift in where the money is going and the prioritization of services. A primary example are the Regional Service Coordinators, which is the model the Department uses to provide services across the state. The Regional Service Coordinators have contracts with more than 140 direct service providers. In FY 2020, about 1,600 youth were referred to the Regional Service Coordinators, and over 3,000 services were authorized. Director Boykin added that the VJCCCA budget has been cut from \$30 million to \$10 million statewide, which highlights the need for this type of continuum.

Chairperson Frazier asked when the agency transformation started. Director Boykin answered that the planning started in calendar year 2014 and technically in FY 2015. The first change was the length of stay system implemented in October 2015.

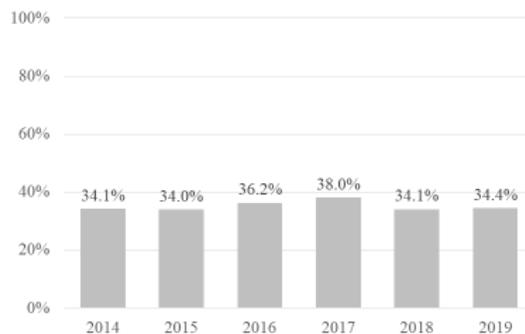
Chairperson Frazier asked if there is anything major coming for transformation. Director Boykin responded there was a legislative change this General Assembly session regarding the age of young people who can be detained. No youth under the age of 11 can be detained without an exceptional circumstance, and no one under the age of 14 can be committed. This will allow the Department to continue to use and grow the robust continuum. The Department is working on prevention and building more capacity in communities. The Department is looking to add to the list of community-based providers that will allow the Department to provide technical assistance to the smaller non-profits and other groups that are not awarded the big contracts. The Department is focused on evidence-based programs but is also interested in working with non-traditional supports within the community. Director Boykin is in discussions with Board Member Schrad on greater diversions with local law enforcement agencies.

12-Month Rearrest Rates for First-Time Diversion Plans, FY 2014-2019



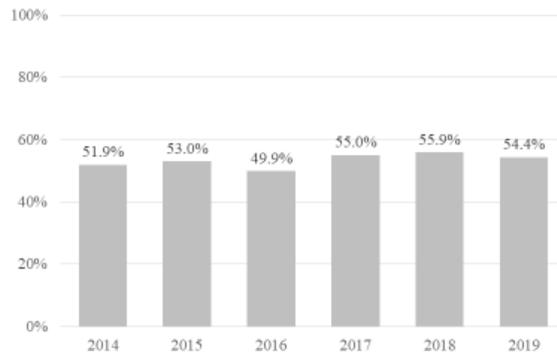
Dr. Schneider continued with her presentation, explaining that outcome measures for youth are not limited to recidivism, but recidivism is something the Department calculates and tracks over a period of time. The data shared on recidivism is focused on 12-month re-arrest rates for different groups of youth. The rates for youth with first-time diversion plans are low and have decreased from over 16% in FY 2014 to 12% in FY 2019. While this does not look like a huge decrease, it is difficult to make recidivism rates budget. Dr. Schneider said this is a great sign, and with Jenna Easton's new diversion unit, hopefully success will continue.

12-Month Rearrest Rates for Probation Placements, FY 2014-2019



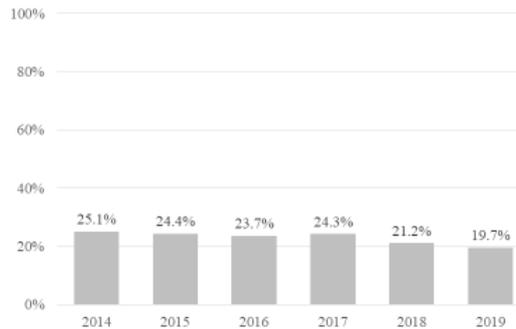
The above slide shows youth that are deeper in the system with higher risk, so there is a higher re-arrest rate for youth on probation. It has hovered and stabilized at 34% over six years. The Department has not seen that same decline for probation youth as was shown for diversion youth.

12-Month Rearrest Rates for Direct Care Releases, FY 2014-2019



The above slide depicts the highest risk youth in the system. The rate has stayed flat in the 50 or mid-50s range. There are fewer youth in this group, so the percentages fluctuate a bit more. These are the highest risk youth with the risk increasing over time. The Department has not seen a decrease in re-arrest rates for this group.

Combined 12-Month Rearrest Rates, FY 2014-2019



* Includes diversion, probation, placement, and direct care youth.

The above slide combines the three groups--diversion, probation, and direct care youth--and shows overall system re-arrest rates with a slight decrease. This downward trend is mainly driven by the diversion youth being a bit more successful over time.

The Department looks at recidivism in many different ways in order to assess the trends. Internally, the Department looks at recidivism by risk level and reacts to trends to improve services for youth who have not seen improvement yet in their recidivism rate.



VIRGINIA DEPARTMENT OF JUVENILE JUSTICE

Protecting the public by preparing court-involved youth to be successful citizens

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LATEST DJJ COVID INFORMATION FOR PARENTS AND STAKEHOLDERS

Director's Message -- February 12, 2021

I am pleased to announce a new initiative for the Department of Juvenile Justice. DJJ, in partnership with the University of Virginia School of Law, will be undertaking a project to research and provide guidance on strategies to strengthen and address gaps in gender responsive treatment services for our female population for both community based and residential services. We hope that through this initiative we will create change in the way services are provided to adolescent female offenders and girls in high risk situations across the state.

Andy Block, former DJJ Director and current Director of the State and Local Government Law Clinic at UVA, has offered the services of the clinic and will lead this effort for the University. We believe that the needs of girls must be addressed in a developmentally appropriate manner and reduce involvement so only those who pose a serious threat to public safety move deeper...

[Read Full Message . . .](#)



DJJ Family Engagement

We know that having your child involved in the juvenile justice system is probably stressful and difficult for you and them. During their time under our supervision or custody we want you to know that DJJ is committed to fostering consistent communication between you, your child, and DJJ staff. This communication and partnership is vital to getting your young person back on the right track and on with their life.

We want to be a resource for you during this challenging time, and support your efforts to continue to serve as a resource for your child, whether they are still at home or placed elsewhere. Clicking on the links below will help you understand more about our system and expectations, and give you more tools to help you through this process.

- [Visitation Now Available](#)
- [Court Do's and Don'ts](#)
- [Juvenile Justice Process](#)
- [Prison Rape Elimination Act \(PREA\) Information](#)
- [Free Transportation to DJJ Facilities](#)
- [JCC Visitation Rules and Privileges](#)
- [Resident Handbook](#)
- [Resident Handbook - Spanish](#)
- [Length of Stay Guidelines](#)

[Read more](#)

[Contact Us](#)

[Additional Resources](#)

DJJ Resources

The more we know about the youth we serve, the more effective we can be in providing services and support that will make them successful. DJJ's Legislative and Research Department designs and coordinates a wide variety of reports, executed via an exhaustive examination of available data and a thorough review of the most up-to-date literature and best practices in the juvenile justice field.

- [COVID-19 Resources for Parents and Stakeholders](#)
- [Bon Air JCC COVID-19 FAQs](#)
- [School Reopening Plan](#)
- [DJJ Strategic Framework](#)
- [Juvenile Correctional Center Task Force - Final Report](#)
- [Department of Juvenile Justice Transformation Plan - 2020 Update](#)
- [Profile of Committed Juveniles](#)
- [Data Resource Guide](#)
- [Requests For Information](#)
- [News Room](#)



Data Resource Guide



- System/Agency Overview
- CSUs
- VJCCCA
- Juvenile Detention Centers
- Direct Care
- Special Topics
- Trends & Forecasts
- Recidivism
- Expenditures & Staffing

* CSU = Court Service Unit; VJCCCA = Virginia Juvenile Community Crime Control Act

The previous slide is the Department's homepage with a green arrow pointing to the location of the Data Resource Guide, which is published every year. It includes court service unit and locality-specific data. Board members may want to dig into their locality's specific data.

Board Member Robert "Tito" Vilchez had concerns with the Latino population not being presented. Board Member Vilchez said that he sees a lot of Latinos and Blacks in detention homes and juvenile correctional centers. Energy and resources need to be spent on the front end, and Latino probation counselors and juvenile correctional center employees need to be hired to work with that population.

Board Member Schrad said that in talking with the police chiefs and recognizing that they might not always properly identify who is in the criminal justice system, they may not be doing what is needed to serve special populations, particularly in the diversion programs.

Director Boykin agreed that more effort and energy is needed on the front end, and being more diverse in hiring practices is part of the Department's goals. The Department has challenges with finding staff in those demographics. The ethnicity question asked at intake began in the spring of 2019, so that specific ethnicity data does not go back very far, but Director Boykin agrees it would be helpful to capture. Board Member Vilchez said that it would help to have a bigger and better picture of the Department's population being served.

Chairperson Frazier thanked Dr. Schneider for her presentation. Looking towards the future, the items talked about at the meeting will outlast some of the Department's leadership, and the next team will need to pick up and take on the torch to continue to improve the system to the point of seeing significant changes to transformation. There is a lot of work left to be done, and Chairperson Frazier asked the Department to use the Board members and bring their voices to the table. The more the Board knows, the more the members can share and talk with their communities and make change occur.

PUBLIC COMMENT

There was no public comment.

DIRECTOR'S CERTIFICATION ACTIONS

Mike Favale, Legislative and Policy Manager, Department

Mr. Favale directed the Board to the Board packet, which contained the individual audit reports and a summary of the Director's certification actions completed for January 11, 2021.

The February 25, 2020, audit for Stepping Stones, a group home, found 13 areas of non-compliance. The vast majority of these dealt with documentation and training issues. A follow-up review on July 21, 2020, reported no areas of continued non-compliance; however, there were a few outstanding issues; therefore, due to the number of deficiencies, the Certification Team requested to re-audit those 13 areas in July 2021.

The Director certified the 11th District Court Service Unit in Petersburg until September 12, 2023. The Regional Program Manager will complete a follow-up visit to ensure the contacts are being appropriately made with

juveniles. Two areas of non-compliance were found during the September 17, 2020, audit. Mr. Favale commended the 11th Court Service Unit for their best audit in a number of years.

The Director certified the 23A District Court Service Unit in Roanoke until October 18, 2023. The Certification Team performed their first virtual audit with the 23A Court Service Unit on September 3, 2020. That went well. The audit found four areas of noncompliance, and the program submitted a corrective action plan. A status review was conducted on December 2, 2020, and showed all deficiencies corrected.

The Director certified the 24th District Court Service Unit in Lynchburg until January 29, 2024. The audit was conducted on November 15, 2020, and found two areas of noncompliance. A corrective action plan was submitted with a status review conducted in December, and the Certification Team determined that the areas were in compliance.

The Director certified the 29th District Court Service Unit in Tazewell until September 14, 2023. The audit was conducted on October 19, 2020, and found two areas of noncompliance. A corrective action plan was submitted, and a status review was conducted in 2020 and showed both areas in compliance.

The Director reviewed an additional seven court service unit audits on April 8, 2021, which were conducted virtually. Three of the court service units demonstrated 100% compliance, and all will be presented at the next Board meeting.

DIRECTOR'S COMMENTS

Valerie P. Boykin, Director, Department

Director Boykin shared additional comments with the Board. Bon Air Juvenile Correctional Center has not had a youth positive for COVID-19 since December; however, staff occasionally have tested positive. A vaccination clinic was held in March at Bon Air, and a number of young people were age-eligible and elected to be vaccinated. Bon Air used the Pfizer vaccine because those could be given to those age 15 and up. Agency staff were also vaccinated.

The Department participated in the Governor's Adjunct Emergency Work Force with staff volunteering in vaccination clinics statewide.

Yvonne B. Miller Graduation is scheduled for June 21 with more information forthcoming as the Department learns who is eligible for graduation. The Division of Education changed to hybrid mode in February 2020, and education continued.

The Department was part of a national study done by the University of Texas of Austin, which looked at prison, jails, and juvenile justice agencies statewide and issued a report titled, "Hidden Figures: Rating the COVID Data Transparency of Prisons, Jails, and Juvenile Agencies Nationwide". The Department received a passing grade, demonstrating that the Department did a good job being transparent and sharing data during the health crisis.

The Department is concerned with a trend involving girls in the juvenile justice system. Typically, the Department receives about six or seven female youth in a given year. This fiscal year started July 1, 2020, and ends June 30, 2021. Within the first six months, eleven girls were committed. This could be attributable to stress related to the pandemic since all of the other numbers are going down. Schools report that remote learning challenges seem to be impacting girls at a greater degree. The Department created a workgroup and asked former Department director Andy Block and two law students from UVA to help look at the data. VCU received a grant to look at this trend and provide training for staff in the coming months and years on how to work with the juvenile female population. This is an interesting phenomenon that suddenly is creeping into the mix, and the Department wants to see what can be done now to help.

The Commission on Youth has requested that the Joint Legislative Audit and Review Committee (JLARC) perform a study on juvenile justice in Virginia. They will look at the Department's system and other entities that impact the juvenile justice system. The JLARC resolution includes a long list of items to review, and the Department's staff has been participating in conversations. JLARC will be talking with detention centers and possibly reaching out to Board members. JLARC has a report completion date of November 2021.

The Department is in the midst of its second round of listening sessions with staff across the Commonwealth. The first round was last fall, and Director Boykin hopes to continue with another session this fall. Listening sessions provide the Director and the executive leadership the opportunity to talk to staff through virtual platforms, share updates, and hear from staff on challenges. This pandemic has impacted Department staff, and staff have risen to the occasion; they show up and do their work in less than ideal circumstances. Leadership wanted to hear from them and be able to support their needs not only with the pandemic but also the social justice issues.

Director Boykin invited the Board to participate in quarterly meetings with the Student Government Association at Bon Air. Bon Air has not opened the facility for visitation, but a virtual means has been provided for youth and their families to continue to visit.

Chairperson Frazier thanked Director Boykin and commented that transparency is key, and he would like to have an opportunity to be part of the listening session across the state.

NEXT MEETING DATE

June 16, 2021, at 9:30 a.m.

ADJOURNMENT

The meeting was adjourned at 10:58 a.m.