

David Mick, Chairperson
Wes Nance, Vice Chairperson
Penny Schultz, Secretary
Lisa Cason
Mike Crawley
Laura F. O'Quinn
C. Andrew Rice
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COMMONWEALTH of VIRGINIA *Board of Juvenile Justice*

DRAFT BOARD MINUTES

August 18, 2025
All-Virtual Public Meeting

Board Members Present: Lisa Cason, Mike Crawley, David Mick, Wes Nance, Penny Schulz, Laura O'Quinn, C. Andrew Rice, and Marsha Tsipitsis

Board Members Absent: None

Department of Juvenile Justice (Department) Staff: Cristina Agee (Attorney General's Office), Ken Davis, Ken Bailey, Katherine Farmer, Mike Favale, Amy Floriano, Angela Haule, Wendy Hoffman, Dale Holden, Nikia Jones, Andrea McMahon, Ashaki McNeil, Linda McWilliams, Guillermo Novo, Wanda Parris-Flanagan, Kristen Peterson, Brian Russell, James Towey, Lisa Walbert (Office of the Secretary of Public Safety and Homeland Security), Rachel Wentworth, and Carmen Williams

Guests: Keyris Manzanares (VPM), Shelesha Taylor (disAbility Law Center of Virginia), and Amy Walters (Legal Aid Justice Center)

CALL TO ORDER

James Towey, Legislative and Regulatory Manager for the Department, called the meeting to order at 9:30 a.m.

Mr. Towey announced the Board currently does not have a chairperson and he will guide the meeting through the first two agenda topics.

The meeting today is an all-virtual public meeting and is authorized pursuant to Virginia Code section 2.2-3708.3 and the Board's policy governing all-virtual public meetings. Specifically, circumstances warrant that the meeting be all virtual based on convenience. The Board has not had more than two all-virtual public meetings during this calendar year, and the Board's last meeting was not all virtual. Public access is being provided by electronic communication, which allows the public to hear all participating members of the Board and audio-visual technology is being used to allow the public to see the members of the Board. An email account, that was provided to the public on the Department's website, will be monitored throughout the meeting, alerting if someone notifies that electronic transmission of the meeting fails. The public is also being afforded the opportunity to comment through electronic means. There cannot be more than two members of the Board

together at one physical location, and that is not the case for today's meeting. Lastly, a member of the Board shall, for the purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails, or during which audio communication otherwise fails. Mr. Towey asked the Board members to keep their cameras on throughout the meeting.

Mr. Towey noted the presence of a quorum and indicated the meeting can move forward with topics that require a vote.

BOARD ELECTIONS

James Towey, Legislative and Regulatory Affairs Manager, Department

The Board of Juvenile Justice elects officers from its membership at its first meeting of the fiscal year to include the Chairperson, Vice-chairperson, and Secretary. The officers can serve for a term of one year and are eligible for re-election each year. There are no term limits.

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

The Board discussed and nominated David Mick as Chairperson. On motion duly made by David Mick and seconded by Wes Nance, the Board approved the nomination of David Mick as Chairperson. All Board members present declared "aye," and the motion carried.

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

The Board discussed and nominated Wes Nance as Vice-chairperson. On motion duly made by David Mick and seconded by Lisa Cason, the Board approved the nomination of Wes Nance as Vice-chairperson. All Board members present declared "aye," and the motion carried.

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

The Board discussed and nominated Penny Schultz as Secretary. On motion duly made by Wes Nance and seconded by Lisa Cason, the Board approved the nomination of Penny Schultz as Secretary. All Board members present declared “aye,” and the motion carried.

Mr. Towey congratulated the newly elected officers and noted the Board appointments take effect immediately with all elected members eligible for reelection.

BOARD BYLAWS

James Towey, Legislative and Regulatory Affairs Manager, Department

The Board’s bylaws are located on pages 4 - 11 of the Board packet and, pursuant to Section 7.01 of the bylaws, the Board shall review the bylaws annually to ensure compliance with any amendments that may have been made to the applicable sections of the Code of Virginia. Many of the provisions in the bylaws are reflective of statutory obligations and requirements pertaining to the Board. Mr. Towey noted his thorough review of amendments to the Code of Virginia from this past General Assembly session and indicated that there were no new amendments that would require any changes to the bylaws this year. Mr. Towey concluded by letting the Board know the bylaws can be otherwise amended, even if it is not for a statutory reason, at any meeting if there is advanced notice to include in the meeting notice. Mr. Towey invited any Board member who would like to request a change to the bylaws to let the Department know prior to a meeting, and staff can work on the language and place it on the public notice and agenda.

PUBLIC COMMENT

Amy Walters from the Legal Aid Justice Center submitted her public comments, which are attached to the meeting minutes.

Director Floriano asked Ms. Walters to give some context for the new Board members, as to which policies, specifically, Ms. Walters was concerned about. Ms. Walters said she was referring to the two regulations being considered by the Board at today’s meeting. Director Floriano asked for clarification of Ms. Walters’ statement about the policies being punitive in nature and moving Virginia backwards and asked which policies were being addressed. Ms. Walters said there are a number of policies affecting kids in the system, from the entry point of contact, both those diverted, and those that go to court. She mentioned that court service units are mandatorily forwarding their cases and have lost some discretion. Director Floriano asked if she was referring to the prohibition to divert juveniles charged with firearm offenses, which is the only policy change that has happened in the past three years. Ms. Walters said that could be one of the issues but explained that it is broader and includes, for example an assault on school-based personnel. Director Floriano asked whether Ms. Walters was referring to affirmative consent, wherein before one of those offenses is diverted, the victim has to be notified as to what the diversion is, in order to comply with the victims’ rights statute. Ms. Walters said she was not talking about something that complies with existing law, but perhaps, policies that Ms. Walters understood to have been changed at the court service unit level.

Director Floriano said that policies are changed statewide, not at the court service unit level and reiterated her intent to make sure the Board understood what policies are being referred to when Ms. Walters made the statement that policies have moved backwards and made Virginia more

punitive. Director Floriano discussed the only policy changes she is aware of: the one to align with victim rights and the one relating to firearms charges. Director Floriano said that everyone could agree, based on statistics, that youth with firearms are a risk factor to themselves and others.. Director Floriano also reminded the board that policies are set by the Board, and procedures are set by the Department, Director Floriano thanked Ms. Walters for answering her questions.

Ms. Walters said her concern is not just about the front-end policies or procedures, but looking at kids at Bon Air on indeterminate commitments. Individual length of stay periods have expanded extensively. Kids are staying longer because of the period they have to remain charge free at Bon Air to be released. Little incremental policies like that accumulate. In addition, the department is not making recommendations at serious offender review hearings.

Director Floriano apologized for interrupting and stated her desire to ensure the new Board understood that there are different divisions in the Department. There is the community side and a residential side. The community side can make recommendations at sentencing, but the residential side cannot, Ms. Walters said that was not happening on the ground and was not her understanding of what is possible. Director Floriano offered to send Ms. Walters the written guidance on that issue.

In response to further comments by Ms. Walters, Director Floriano asked if Ms. Walters was saying that the community treatment model has gone away and shared her belief that Bon Air is still using the community treatment model and has bolstered it with PBIS. Ms. Walters responded that the regulations before the Board today removed the provision that created the community treatment model and speculated that even if it remained a practice, it would not have the legal support behind it. Director Floriano asked if it was more of a question of wanting the Department to have more flexibility in responding as far as removing the regulation.

CONSIDERATION OF BOARD MINUTES

The minutes of the March 31, 2025, Board meeting were offered for approval. On motion duly made by David Mick and seconded by Wes Nance, the Board approved the minutes as presented. All Board members present declared "aye," and the motion carried.

CONSIDERATION OF THE VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA) PLANS

Katherine Farmer, VJCCCA Supervisor, Department

Ms. Farmer referred the Board to the packet, noting the VJCCCA handouts included were the allowable services, programs, and projected number of youth that will be served during this biennium. Ms. Farmer explained the three motions for the Board's consideration.

The first motion is for Norfolk City and Richmond City, who have submitted VJCCCA plans with balanced budgets for fiscal year 2026. These plans have been reviewed by DJJ staff and recommended for approval for fiscal year 2026 of the 2025-2026 biennium.

Vice-chairperson Nance asked if Ms. Farmer or her staff have any concerns about the plan presented. Ms. Farmer responded that she personally worked with both localities to improve and develop their

plans and believed they are in good standing and are meeting the needs of the youth and families of those communities.

On motion duly made by Wes Nance and seconded by Laura O'Quinn, the Board of Juvenile Justice approved the VJCCCA plans for Norfolk City and Richmond City for the 2026 fiscal year. All Board members present declared "aye," and the motion carried.

The second motion related to the Caroline County and Loudoun County plan, which had been revised for the current fiscal year 2026 by adding new programs. Caroline County added specialized program services, and Loudoun County added additional prevention programs. Chairperson Mick asked whether the localities are funding the program or the Department? Ms. Farmer replied there are different funding sources used for the VJCCCA budget. Localities are required to fund maintenance of effort and the state allocates money. Neither plan has additional local money added in; it is just the maintenance of effort and state allocation money. Chairperson Mick asked whether there are any issues regarding the funding. Ms. Farmer responded that there were no changes in the budget, just some additional new programs.

On motion duly made by Penny Schultz and seconded by C. Andrew Rice, the Board of Juvenile Justice approved Caroline County's and Loudoun County's VJCCCA plans for the 2026 fiscal year. All Board members present declared "aye," and the motion carried.

The final motion involved Highland County, which has had a standalone plan but wanted to merge with the Waynesboro Combined Plan. All counties and cities in the combined plan had approved including Highland County through local resolutions.

On motion duly made by Laura O'Quinn and seconded by Lisa Cason, the Board of Juvenile Justice approved the merger of Highland County with the Waynesboro Combined plan. All Board members present declared "aye," and the motion carried.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE REGULATION GOVERNING JUVENILE CORRECTIONAL CENTERS

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson provided a brief overview of the standard regulatory process.

The standard regulatory process allows boards and agencies to utilize a three-part process. The standard process is used most often when regulatory provisions are anticipated to be controversial or when there is a comprehensive overhaul of the regulation. The standard regulatory process has three separate stages. The Notice of Intended Regulatory Action (NOIRA) is the first stage of the regulatory process and puts the public on notice that the agency or board is preparing to amend a regulation, develop a new regulation, or repeal an existing regulation. The Board generally is not provided with proposed text during the NOIRA. The proposed text comes at the second stage of the regulatory process called the Proposed Stage, which gives the Board the opportunity to review the proposed text and determine approval of the proposed amendments. The Final Stage allows for a final adoption period and public comment.

Ms. Peterson directed the Board's attention to the Regulation Governing Juvenile Correctional Centers (6VAC35-71) on page 58 of the packet and requested the Board's approval of the proposed changes and permission to advance this regulation to the Final Stage. This regulation has been in the regulatory process for several years, with the NOIRA and Proposed Stage complete; however, there was a lot of public input and concern with regard to the regulation, and the Department decided to use the optional Revised Proposed Stage before moving on to the Final Stage. The regulation was being reviewed by the Office of the Attorney General at the Final Stage when the Department requested to pull it back to make additional changes set out in the Board memo. The Department underwent several restructuring changes that eliminated the need for certain positions; as a result, some positions set out in the regulation have been abolished, and those changes needed to be addressed in the regulation.

A few provisions were identified as not essential to protect public health and safety. The Department is required when developing regulations to ensure that the provisions are necessary to protect the public health and safety and are necessary to interpret the law because regulations have the force and effect of law. The Department wanted to avoid "overregulating," particularly given the difficulty with changing provisions once they are cemented in the regulation. The Department's other concern is that the proposed amendments to the regulation, in some instances, add regulatory requirements. The Governor has mandated that all state agencies reduce their regulatory requirements by 25%; therefore, the Department rightly does not want to increase regulatory requirements unnecessarily.

Ms. Peterson directed the Board to page 67 of the packet, Section 90, which requires every juvenile correctional center (JCC) to have a Resident Advisory Committee that represents the residents in the facility and provides opportunities for residents to raise concerns about the happenings in the facility. Over time, as this regulation has moved through the process, the Department had various iterations of the Resident Advisory Committee. When the regulation was last amended, Bon Air JCC still had a student government association. The proposed amendments to the regulation sought to memorialize the student government association, impose requirements to develop bylaws and a constitution, and require residents to engage in civic opportunities. It also required the constitution be posted in every housing unit in the facility. Ms. Peterson reiterated the concern about having provisions in the regulation that are not necessary to protect the public health and safety or to interpret the law and explained that while a student government association with various bylaws and a constitution could be beneficial for residents in the JCC, it is not something that should be regulated. Instead, the Department recommends retaining the existing regulatory language with some minor changes.

Under the existing provision, every JCC must have an advisory committee representative of the facility's population that meets with the Superintendent or designees. At such meetings, the residents are given the opportunity to raise concerns and provide input into planning, problem solving, etc. The Department would like to retain the provision because the language is consistent with ensuring protection of public health and safety and providing residents with an opportunity to have a platform to raise issues. Under the proposed amendments that have already been adopted by the Board, the JCC administration is required to provide opportunities for the committee to meet

as a body and with the residents they represent. Additional language has been added that provides, if the JCC administration determines that resident committee meetings would threaten facility safety or security, there may be instances (facility tensions, for example) where the Department needs to reconsider allowing the body to meet as a group. The Department wanted to allow or add that additional language.

The Department also proposed removing several terms and positions that are obsolete because of agency restructuring. One of the positions that has been abolished is the Community Manager defined on page 63 of the packet. That position was abolished and replaced with various directors within the JCC; therefore, that language is not needed in the regulation.

Additionally, Section 110 on pages 67 and 68 of the packet requires the Assistant Superintendent, along with the Community Manager, to visit assigned units regularly, consistently, and frequently. Since the Community Manager position has been abolished, the Department recommended striking that definition and also striking the reference to Community Manager in Section 110 and replacing it with the provision that directs both the Assistant Superintendent and any other designated JCC supervisory staff to make regular, consistent, and frequent visits to the unit. This more generalized language should allow that, if any future restructuring occurs, changes to this particular regulatory provision are not needed.

There are also a few provisions in the proposed amendments to the regulation that address the individual in the JCC two levels above the JCC Superintendent. In the Department's reporting chain of command, the intervening position has been abolished. The position one level above the facility Superintendent is now the targeted position for Section 545 on page 71, addressing lockdowns. The lockdown provision was significantly deliberated by previous Boards who resolved to have the lockdown provision include the language currently displayed, and the Department is only revisiting this provision for purposes of addressing the change in agency structure.

With respect to therapeutic communities, Section 735 on pages 72 and 73, Ms. Peterson provided background and briefly addressed the public comment. The regulation currently does not require the Department to have therapeutic communities; the proposed amendments would have allowed the Department, as part of its behavior management program, to transform many of its housing units into these therapeutic communities. These communities have hallmarks, such as designated staff consistently assigned to a single unit with residents remaining in the same unit throughout commitment, unless facility security or residents' progress would be threatened. The residents would receive daily structured activities in accordance with Section 740 and receive direction, guidance, and monitoring by an interdisciplinary team. This provision is not necessary to protect the public health or safety or to interpret regulatory provisions; and its removal does not preclude the Department, if so desired, from establishing procedures on therapeutic communities.

The Department's other concern is that the language speaks to residents remaining in the same unit throughout commitment, and that may not always be in the best interest of the resident. Similarly, having designated staff consistently assigned to a single unit might not be in the resident's best interest. There may be instances where facility tensions would warrant moving a resident to another housing unit. The Department acknowledged and understood that while therapeutic communities

can be beneficial, they do not require regulation. This is why the Department recommends removing the provision.

Ms. Peterson reminded the Board that this proposed amendment would be adding a regulatory requirement, which is discouraged, particularly if the additional provisions do not protect public health and safety.

With respect to the grievance procedure, in Section 80 on page 66, there is one minor change intended to correct imprecise language. Under the existing regulation, grievance is defined as a written communication by a resident on a DJJ-approved form that reports a condition or situation that relates to DJJ procedures and presents a risk of hardship or harm to a resident. The Board-approved language requires that grievances that do not generate immediate harm to a resident be resolved no later than 30 business days after receipt of the grievance, with resolved meaning that facility staff have addressed, corrected, or referred the issue to an external organizational unit. The problem with this language is that the entities responsible for processing grievances, under the Department's current structure and practice, are Human Rights Coordinators, who are not facility staff. The Department wanted to make this minor change so the Human Rights Coordinators would be the individuals authorized to resolve these types of grievances. The new language will allow for resolution of grievances once the designated facility staff or other Department staff responsible for recording, monitoring, coordinating, and resolving grievances have addressed, corrected, or referred the issue to an external organizational unit.

There is one minor change proposed to Section 1140, M, number 3 to correct an erroneous citation.

Ms. Peterson closed her presentation by explaining that this JCC action was paused at the Final Stage during the Office of the Attorney General's review and that if the Board approved the proposed amendments, the Department would submit the action to the Final Stage, which would initiate executive branch review in the Office of the Attorney General. She noted the timeline on page 61 that addresses how the process works.

Ms. Peterson finished her presentation and asked for questions.

Chairperson Mick asked if these changes give more flexibility to the treatment plans because once incorporated in the regulation, it becomes rigid, and if a youth's treatment plan needs to be changed, it is harder to do because it is set in the regulation. This allows the Department to have more flexibility in giving treatment or other kinds of rehabilitative services to youth at Bon Air.

Ms. Peterson responded that once regulations are in place they have the force and effect of law and would need to go through the regulatory process for amendment. The Department wants to retain some level of discretion when it comes to how to operate its JCC. The Department would like to see staff be able to realistically meet the terms in the regulation and for the regulation to protect the youth placed in facilities. The regulation and the proposed amendments put before the Board strike the right balance of protecting the youth in the facility while ensuring some level of flexibility is given to staff to address various issues.

On motion by C. Andrew Rice and seconded by David Mick, the Board of Juvenile Justice approved the proposed amendments to the Regulation Governing Juvenile Correctional Centers (6VAC35-71), including any modifications agreed upon at the August 18, 2025, meeting and authorized the Department to recommence the action for review at the Final Stage of the Standard Regulatory Process. All Board members present declared “aye,” and the motion carried.

Consideration of Proposed Changes to the Regulation for Nonresidential Services

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson introduced 6VAC35-150 Regulation for Nonresidential Services and requested the Board’s authorization to Initiate a Notice of Intended Regulatory Action (NOIRA).

The NOIRA is the first stage of the regulatory process to amend the Regulation for Nonresidential Services. There are three statutory provisions that currently form the basis for this regulation: §§ 16.1-233, 16.1-235, and 16.1-309.9. These are the governing statutes for the Regulation for Nonresidential Services and collectively impose minimum standards on court service units (CSU) and other nonresidential services.

Section 16.1.233 directs the Board to establish minimum standards for CSU staff and related supportive personnel and to promulgate regulations pertaining to their appointment and function to the end that uniform services, insofar as it is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth. MS. Peterson emphasized the uniformity language and asked the Board to remember this language as the regulation is discussed

The regulation provides minimum requirements regarding administration personnel, reporting requirements, and supervision provisions for the thirty state-operated and two locally operated CSUs. The regulation also sets out requirements for other nonresidential services and programs, including those funded by the VJCCCA. This regulation has been in place for several years and was last amended in 2011. In 2019, the Department conducted a periodic review of this regulation and determined, based on the periodic review evaluation criteria, that this regulatory chapter should be amended. A work group was convened to review the regulatory provisions and develop the amendments now before the Board.

Ms. Peterson described the proposed changes on page 80, beginning with the definitions in the regulation. There are constant references to procedures within this regulation, and Ms. Peterson noted the need to distinguish between procedures applicable statewide, to locally operated CSUs, and to individual CSUs. The work group also wanted to provide clarification in this section. The proposal aligns the definitions with statutory or other regulatory definitions; for example, the chapter for the research regulation contains a definition for human research that is inconsistent with the definition contained in this regulation. The Department also recommended removing terms that are no longer used in the chapter and establishing definitions for undefined terms. Additionally, the Department sought to remove provisions deemed operational and not necessary to protect public health, safety, or welfare. Ms. Peterson asked the Board to keep in mind the regulatory reduction requirement and the department’s goal of not imposing new requirements unless necessary to protect public health and safety.

Ms. Peterson also discussed several administrative-related provisions in this regulation that the Department planned to recommend repealing. There are also duplicative provisions that might also be in other chapters. The Department recommended removing those duplicative and outdated provisions. The Department would like to strike provisions no longer practical based on agency restructuring or changes in practice. For example, one of the regulations in this chapter references the Reception and Diagnostic Center, which was closed in 2015. This JCC was responsible for handling intake of youth committed to the Department.

Additionally, some provisions in this current chapter improperly incorporate external procedures and other documents into the regulation in violation of 1VAC7-10-140. In accordance with that provision, agencies are not permitted to incorporate their own documents by reference unless the documents or circumstances are unique or highly unusual. For instance, several provisions in this regulation require the CSU to comply with DJJ's written procedures. This effectively made those procedures an enforceable part of the regulation, which is not permitted under 1VAC7-10-140. The Administrative Process Act sets out specifically how regulations can be amended; if a separate document is incorporated it then becomes part of the regulation without having to meet the Administrative Process Act requirements. The current regulation also has several provisions that require compliance with written procedures, and the Department would like to remove all such provisions. If there is language in the written procedure that is necessary to protect the public or necessary to interpret statutes, the specific language would be added into the regulation.

The regulation also contains several examples where it requires the agency or the CSU to develop a written procedure that contains certain specified requirements. As an example, a provision in Section 690 says that programs using timeout must have written procedures to provide that the juvenile in timeout shall be able to communicate with staff, have bathroom privileges, etc. This is a regulatory requirement that imposes a specific requirement be added to the procedure. The recommendation of the work group is to impose those requirements outright.

There are several provisions in the regulation that the Department believes are necessary to protect public health or safety but do not have enough detail or there is some confusion around them. The work group thought it best to provide additional guidance in those areas. For example, the work group wanted to establish clearer guidance regarding incident abuse and neglect reporting. Currently, the regulation only governs nonresidential services and programs other than CSUs. As another example, VJCCCA programs have regulatory provisions including a requirement that staff report child abuse and neglect. The provisions that apply specifically to CSUs do not have that requirement. The work group wanted to align those provisions and ensure that the individuals who are required by law to report these incidents of child abuse and neglect are doing so, and the requirements are put in the regulation. The work group also sought to bolster the requirements regarding training, use of force, and medication administration. The existing regulation contains a provision that allows for the use of physical restraints to avoid extreme destruction of property. When the work group reviewed this regulation as part of the periodic review many years ago, the Department received a comment from the disAbility Law Center recommending that the language be removed, and the Department agreed to adopt this recommendation. The Department also

sought to address the types of training staff in nonresidential programs besides CSUs must receive before being authorized to use physical restraints.

In terms of medication administration, the regulation authorizes VJCCCA programs to come up with their own procedures regarding medication administration if they allow staff to administer medication. The Department has regulations in place regarding medication administration for many of its other regulated entities and believe those same minimum requirements should be imposed for these other nonresidential services and programs. The work group recommended proposing additional language to address this issue.

The work group also wanted to establish clearer guidelines regarding deadlines for certain requirements in the regulation. As an example, the existing regulation set out the maximum period for a diversion plan, but that language has been interpreted in several different ways across the agency. Further, the work group wanted to provide clearer guidance regarding timing for volunteers and intern registration. There also should be clear guidance for when social history reports need to be updated, when there needs to be an addendum versus when there needs to be an actual new social history, how frequently case plans need to be reviewed when juveniles are on probation or parole, when CSU staff must make contact with committed juvenile supervisors, and when notifications need to be provided for juveniles who will be released from probation or parole supervision.

Furthermore, the department identified a couple of areas where CSU or VJCCCA regulatory provisions need to align with other regulatory chapters. As an example, there is language in the existing regulation for CSUs that imposes requirements when CSUs are supervising juveniles who are placed in postdispositional detention programs. The Juvenile Detention Center regulation has similar requirements. The work group wanted to make sure those provisions are not inconsistent with one another.

Additional substantive changes the work group proposed to the regulation included clarifying the requirements for making entries into DJJ's electronic data collection system. This is necessary to interpret one of the statutory provisions set out in § 16.1-224 addressing what information needs to be put in DJJ's electronic system for individuals who are not alleged delinquent. The work group wanted to provide additional guidance and clarify the process for assessing whether juveniles will be detained predispositionally. The regulation already addressed that process but does not clearly establish when and what authority and discretion the director has when it comes to the screening tool used to make that determination.

In terms of victim protection, the work group wanted to ensure that additional language be added to the regulation so that victim protections are considered as part of the diversion determination.

With respect to probation and parole violations, the work group proposed adding language to clarify which CSUs are required to file a petition when an individual violates their probation or parole status.

Ms. Peterson then discussed the the Board's November 2024 approval of a variance to the regulatory requirement contained in Section 390 that allows CSUs to transfer supervision to another locality if the supervisor's place of abode is outside the jurisdiction of the originally assigned CSU. This involves cases where a juvenile might be under supervision of one CSU and then have to go to a residential treatment center in another jurisdiction, but placement in that residential treatment center is temporary and their actual legal residence has not changed. The work group wanted to make sure the CSU would maintain the authority to transfer supervision and proposed to incorporate the variance language into the regulation.

Finally, Ms. Peterson explained that if the Board decided to approve these proposed amendments , the next step would be to submit the paperwork through the Virginia Regulatory Town Hall to initiate the first NOIRA stage of the Standard Regulatory Process. The time frames for the action are set out on page 82.

Ms. Peterson finished her presentation and asked for questions.

On motion duly made by David Mick and seconded by Wes Nance, the Board of Juvenile Justice authorized the Department of Juvenile Justice to proceed with the filing of a Notice of Intended Regulatory Action pursuant to § 2.2-4007.01 of the *Code of Virginia* to initiate the process for amending 6VAC35-150, the Regulation for Nonresidential Services. All Board members present declared "aye," and the motion carried.

Consideration of Proposed Amendments to the Court Service Unit Compliance Manual

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson presented the department's request that the Board approve the proposed amendments to the CSU Compliance Manual in accordance with Section 2.2-4101. This is the compliance manual for the Regulation for Nonresidential services that the Board just approved to initiate that first stage of the standard regulatory process. The Department has compliance manuals for each of the residential regulations and various other regulatory chapters, including the Regulation for Nonresidential Services, and that compliance manual is intended to provide interpretive guidance and prepare the regulated entities for their certification audit conducted by the agency's Certification Unit. This document applies specifically and solely to CSUs, while the Regulation for Nonresidential Services applies to VJCCCA programs and services and other nonresidential services.

The Department is seeking amendments solely to comply with the Governor's Executive Order that state agencies reduce the length of their guidance documents by 25%. Typically, with guidance documents that are associated with an underlying regulation that is under amendment, the Department will wait until that action moves through the process in order to make changes to the guidance document. However, because the agency is trying to achieve additional guidance document reduction before the end of the year, and because the standard regulatory process can take several years, the Department thought it made sense to make preliminary changes to this document now, and once the regulation moved through the process, make updates to the document.

After directing the Board to page 141, Ms. Peterson explained that every section and subsection of the regulation is reproduced in the text boxes, and while some areas appear to propose amendments, this is not the format to do that. The Department is seeking to make changes to the interpretive guidance and other information contained within this document. In those areas of the document which contain regulatory text, only changes that have already been made to the regulation are reflected.

The regulation was last updated in 2011 and included a change made to 6VAC 35-150-335 to address diversions for trancies. Under that provision, at the time, if a court service unit wanted to divert a juvenile truancy offense, the diversion period could not extend beyond 90 days. The General Assembly removed that deadline, effective in 2021. The reproduced regulatory text reflects that change.

There was a provision that was inadvertently omitted from the compliance document involving incident reporting in 6VAC35-150-120. The Department alerted the Certification staff to that error, and they have continued with assessing this provision even though it is not contained in the document.

The bulk of proposed changes are intended to simplify the document and to reduce the word count. Every regulatory provision has a goal statement, and the work group recommended removal of those goal statements because much of the language is extraneous and duplicative. In addition, the work group recommended removing terms and applicable definitions listed after each regulatory subsection. There are subsections with corresponding definitions that are reproduced after the subsection and frequently duplicated across multiple sections. Instead of this duplication, the workgroup recommended adding an appendix to include all the definitions. Hyperlinks will be available for electronic viewing.

The work group also wanted to remove instructions and recommendations not supported by regulatory or incorporated procedural language. There are quite a few instructions in this document with no regulatory basis. The work group recommended also eliminating references to repealed regulatory provisions. As an example, there is a provision referenced that was rescinded after the last amendments made back in 2011, and there is no need to continue to reference that provision.

While state agencies should not incorporate their own written procedures into the regulations, because the regulation currently does, this document sets out the actual procedures that are referenced. It is the Department's understanding that until the regulatory amendments take those procedural references out of the regulation, the Department should continue to mandate compliance with those requirements. As a result, it has updated any outdated procedural references.

Additionally, the workgroup recommended changing information and instructions to better align with the regulatory language. The manual contains several incomplete instructions that omit components of the regulation. As an example, there is a provision in the regulation that says that CSUs must have a written organizational chart and a written description of the positions within that CSU. The compliance manual instructs staff to assess the organizational chart, but not the written

description. The Department wanted to make sure the instructions are aligned with the regulatory provisions.

The work group also recommended additional language to reflect the variance the Board approved in November 2024.

Included in the packet is the redlined version showing all the edits, and a copy of the reformatted document. The clean proposed document adds fields to give the Certification Unit a field to document the outcome of the assessment results. The Department hopes this also will help to streamline some of the documents that the Department uses, which was one of the concerns the Office of Regulatory Management raised about guidance documents.

Ms. Peterson concluded her presentation and asked for questions.

On motion duly made by David Mick and seconded by Wes Nance, the Board of Juvenile Justice approved the proposed amendments to the Compliance Manual for the Regulation for Nonresidential Services (Compliance Manual for Court Service Units), including any modifications agreed upon at the August 18, 2025, meeting, and authorized the filing of the amendments in accordance with the guidance document process established in § 2.2-4002.1 of the Code of Virginia. All Board members present declared “aye,” and the motion carried.

Consideration of Proposed Amendments to the Virginia Juvenile Justice Information System (VJJIS) Regulation in the NOIRA Stage

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson next discussed the Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System or the VJJIS contained in 6VAC35-160 and asked the Board for permission to initiate the NOIRA in order to make comprehensive amendments to this chapter. The chapter is governed by §§ 16.1-222 and 223 of the Code of Virginia, which collectively establish the VJJIS within DJJ and task this system with receiving, classifying, and filing data reported to the VJJIS. The statute directs the Board to promulgate regulations governing the security and confidentiality of data that is submitted into the VJJIS. The regulation defines VJJIS as “the equipment, facilities, agreements, and procedures used to collect, process, preserve, or disseminate juvenile record information in accordance with § 16.1-224 of the Code of Virginia. The VJJIS includes the Department's electronic data system, called BADGE, but other systems also come within the broad scope of the definition. The way the regulation is currently structured allows for participating agencies, including the Department and secure juvenile detention centers, to access the information contained in the VJJIS.

The current regulation also establishes the process by which juvenile record information may be disclosed to parties authorized to inspect juvenile record information under § 16.1-300 and the process for storing, retaining, and expunging such records. The chapter is divided into two parts. The first part addresses the rules and requirements for participating agencies accessing the VJJIS. The second part addresses requests for juvenile record information made by individuals authorized to inspect juvenile records under § 16.1-300.

The last periodic review of this regulation was conducted in 2017, and because periodic reviews need to be conducted at least once every four years, the Department is overdue for this review. That is part of the impetus behind reviewing this regulation and seeking to initiate regulatory amendments. The Department also seeks to align the regulation with changes to practices for entities that use the VJJIS and clarify some existing requirements and provisions. As with a few of the other actions addressed today, the Department would like to reduce the number of discretionary regulatory requirements to comply with the Governor's regulatory reduction mandate and fulfill the requirement to conduct periodic reviews.

Ms. Peterson briefly discussed the numerous anticipated changes. The work group wanted to add definitions for terms that are not defined and to strike existing definitions for terms that have multiple meanings. As an example, there is a technical definition for the term "dissemination," but the term is also used in its common meaning throughout the chapter, which may lead to confusion. Also, the work group recommended amendments to clarify terms, remove references to outdated or needlessly incorporated documents within the definitions, and make other changes to simplify definitions.

Additionally, the work group wanted to expand the categories of entities that are automatically designated as participating entities. The regulation has a definition for participating agencies, and the Department, including locally operated and state-operated CSUs, the JCC, and secure detention centers automatically are designated as participating agencies under the existing regulation. Other entities, such as group homes, are eligible to become participating entities if they apply with the Department. The work group wanted to expand the automatic designation to include VJCCCA programs. There are several such programs, and if they need to access the VJJIS, the work group thought it would be potentially burdensome to have to fill out an application.

There are a few operational provisions in this regulation that are not necessary to protect public health, safety, or welfare, and the Department would like to strike these provisions. As examples, there are provisions that address timelines for submitting data into the VJJIS and set out detailed processes for correcting juvenile record information and appealing the outcomes for juvenile record inaccuracies. The Department wanted to be careful about not getting too detailed.

In addition, the workgroup recommended amendments to remove any documents that are improperly incorporated by reference in violation of 1VAC7-10-140. Currently, two technology standards developed by the Commonwealth of Virginia's Information Technology Agency (VITA) are properly incorporated into the regulation. The Board has already approved removing one such document because it is not necessary based on the language in the regulation, and this proposal is moving through the Fast-Track regulatory process and anticipated to take effect in mid-September. The other incorporated document needs the reference to be updated because VITA has replaced the version currently referenced.

There are some provisions in the regulation regarding contractual requirements for participating entities. The regulation directs DJJ to develop agreements with participating agencies, outlining their access to and responsibility for information in the VJJIS. The proposal will amend this language to

clarify which entities are required to execute the contract and establish additional contracts that users must sign to access the VJIS. The Department is also seeking to remove some of the provisions deemed impractical. For example, the provision in Section 180 requires participating agencies that want to charge fees when an authorized entity seeks a juvenile record to enter into a written agreement with that entity. The Department believes the written agreement is unnecessary and does not require regulation.

The current regulation also requires the Department to conduct background checks and deny access to the VJIS to individuals based on the results of those checks. While background checks are essential, particularly when allowing individuals to access confidential juvenile records, the Department believes the onus should be on the participating agency to conduct the background check and to verify whether the individual meets the requirements. The work group recommended modifying the language to take some of that burden off the Department but still require background checks to be completed. The Department would only need to receive some sort of confirmation there was a background check.

The Department plans to amend the timeline for responding to juvenile record requests, so it aligns more closely with the requirements of the Freedom of Information Act.

Additionally, the Department hopes to remove the additional documentation requirements that it believes will create additional records counter to the expungement requirements. As an example, the Department may receive a court order that a juvenile's record needs to be expunged. One of the provisions in the regulation currently requires the department's data owner to notify the participating agencies if they have any records regarding that juvenile and to include the copy of the court order. This creates an additional record to be expunged, which is inconsistent with the expungement requirement. The work group proposed to amend and remove some of those more burdensome requirements that seem to conflict with the need to expunge and remove those juvenile records. Additionally, the work group would like to remove provisions that impose unnecessary burdens on staff. For example, the regulation requires the data owner to call the court and confirm that the expungement has occurred. This is not something that needs to be regulated.

Ms. Peterson noted a couple of statutory requirements listed in the regulation, including one provision that completely recites and provides a summary of the statute. To cut down on that additional language, the Department recommended repealing or striking the provisions that duplicate statutory language.

Ms. Peterson concluded the presentation by explaining that if the Board approves these proposed amendments, the Department would initiate the NOIRA, which would commence executive branch review at the NOIRA stage. Ms. Peterson asked for questions.

Board Member Rice asked if the proposed language contemplated Virginia Code § 19.2-392.5 which goes into effect next year. How will these new regulations or new language reflect the new law. Ms. Peterson responded that she was not familiar with that statutory provision, and it looks like it may involve sealing juvenile records and not expungement. Ms. Peterson was not sure whether that statute would need to be addressed as part of the regulation.

Chairperson Mick said he was going to ask whether the Board should get ahead of the automatic sealing of records because it does seem related. Chairperson Mick acknowledged that expungements and sealings are different, but expressed concern that if the Board passed the regulation and it conflicts with the law, that might be problematic. Director Floriano suggested the Board table this action until the next meeting in October to allow staff to review and address the potential sealing and expungement overlap. Chairperson Mick agreed.

On motion by C. Andrew Rice and seconded by David Mick the Board of Juvenile Justice does not authorize the Department of Juvenile Justice to proceed with the filing of a Notice of Intended Regulatory Action for the Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System, and directs the Department to explore any implications that the new Virginia Code Section 19.2-392.5 may have on the proposed amendments to this regulation. All Board members present declared “aye,” and the motion carried.

CONSIDERATION OF BOARD POLICIES

Ken Davis, Regulatory Affairs Coordinator, Department

The Code of Virginia authorizes the Board to create policies for the Department of Juvenile Justice. Pursuant to that authority, over the years the Board has created 34 active policies that range in subject matter from overall administration of the Department to specific operations within facilities and programs in the Department. Many of these were established in the early 1990s, and some of them are well above 10 years old. The regulatory team started a review in 2022 in an effort for the Board to consider whether to retain them as they are, make amendments to the policies, or to rescind policies no longer needed or that are subsumed in regulations. There are nine policies to review and discuss at today’s meeting.

The first policy is being brought back to the Board for consideration from November and December of 2024 dealing with termination of probation. Each court service unit individually shall develop a process for early termination of probation supervision when supervision is no longer warranted by the circumstances of the case to protect the community and meet the juvenile's needs. The Department has gone through an effort to consolidate court service unit policies and procedures into single procedures from the Department so that youth are not treated differently based on what district they live in. In December, the Department recommended that instead of each community and each court service unit developing its own procedure, that the Department develop a single procedure that would apply to all state-operated court service units. The Board agreed; however, there was concern that the policy did not mention consultation with the court. The regulatory team went back and updated the policy, as proposed on page 205. A statement was added that will direct court service unit personnel to consult with the court of jurisdiction before an early termination of probation supervision. Mr. Davis asked the Board to approve this amendment, and explained that once approved, the policy would take effect immediately.

On motion duly made by David Mick and seconded by C. Andrew Rice, the Board of Juvenile Justice approved the amendment of Board Policy 20-504, as proposed at the August 18, 2025, meeting, to take effect immediately. All Board members present declared “aye,” and the motion carried.

Chairperson Mick expressed appreciation for the policy's language giving the court a say in whether a juvenile is released from probation.

Mr. Davis then discussed the next eight policies, all addressing health care. Mr. Davis explained that he has grouped related policies together and that amendments for six of these policies were minor. Thus, he asked the board to vote on one single motion for those six amendments.

12-001, Health Care Service. This policy says the Department must have health care services to promote the well-being of youth in the Department's care and that are appropriate to meet their medical needs. It also says that services must be provided in accordance with applicable statutes and regulations and prevailing community standards and medical ethics. It goes on to list several procedures the Department should develop pertaining to health care services. Finally, there is a statement of what health care services should encompass.

The first proposed change is to the title of the policy to Health Care Services, which the Department believed was an oversight.

Another proposed change is to add Medical Services Request to the list of required procedures. At the bottom of page 206 where it addresses the scope of Health Care Services, the Department proposes to use in that final paragraph the definition of Health Care Services derived from the Juvenile Correctional Center regulation in 6VAC35-71-10. That would give the full definition of 'health care services' and include everything that was previously listed, as well as a couple of additional items. It is important to note that the work group verified that the Department has all of the procedures required in the policy.

12-002, Health Authority and Responsibility. This requires each facility to have a designated health care authority, responsible for organizing, planning, monitoring and assuring quality, accessible, and timely health care services for all residents. Staff are required to refer for treatment residents with conditions suspected of requiring health care services, and clinical judgments are solely the responsibility of the appropriate health care personnel. There is a minor recommendation for this policy, primarily because the work group thought the language was not as clear as it could be. The work group revised the language to make it clearer. There are no substantive changes recommended for the policy.

12-004, Access to Health Care Services. This policy concerns access to health care services and says all residents must have unimpeded access to request health care services; and information about the availability, and the right of access to health care services must be communicated orally and in writing to residents upon their arrival at the facility. In addition, requests for health care services are to be monitored and responded to daily by qualified health care staff and referred to a physician when necessary. Physician-directed sick call shall be provided in a timely manner and in accordance with applicable national frequency standards and in a clinical setting by qualified health care professionals. After that, a plan of care shall be developed appropriate to the findings. The resident shall receive preventive and follow-up health care services, including gynecological assessment of females as ordered by clinicians and in accordance with the resident's established plan of care. The

first recommendation is to remove the third paragraph referring to gynecological assessment of female residents. Because the full definition of health care services was added in the policy, it already includes gynecological care for females. The work group recommended removing that paragraph as unnecessary. In addition, the work group recommended minor changes for grammar and style. There are no other substantive changes.

12-007, Emergency Health Care Records. This policy does not actually concern records. It states that each facility must provide 24-hour emergency medical, mental health, and dental services. Each facility's written emergency management plan shall address medical emergencies and accommodating residents with special health care needs in an emergency. The plan shall be reviewed annually and updated as necessary. Health care staff shall be prepared to implement the health care aspects of the emergency management plan. Facility personnel must be trained to respond to health care emergencies as dictated by national standards of health care, and facility personnel shall cooperate to ensure that all procedures may be implemented in a way that ensures an appropriate level of security while minimally impeding the emergency transportation of residents. The first recommendation is to change the title to Emergency Health Care Services. In reviewing the Board memo from January 14, 2009, it appears that was the intended title and somehow got changed as the documentation was being recorded and saved to the drive where this information is kept. Additionally, several clarifying changes to grammar and style were recommended, but there are no recommendations for substantive changes.

12-008, Health Care Records. This policy concerns juvenile records and discusses confidentiality and juvenile access. It says that health care records must be maintained for each resident, that all health care records shall be confidential and maintained in accordance with all applicable state and federal laws and regulations. All health care records must be used in a manner that promotes a safe treatment environment, encourages the resident's subsequent use of health care services, and maximizes the success of treatment. Further, residents shall have unimpeded access to their medical information; however, the Department may withhold from inspection information that may be determined detrimental to the resident in accordance with applicable state laws and regulations. The work group thought the policy could be written somewhat more clearly and proposed a version with clearer language. There is no change in the substance of the policy.

12-009, Statistical and Environmental Reporting. Each facility's designated health care authority must meet with the facility Superintendent at least once a quarter and submit to the Department's Health Administrator and the facility Superintendent monthly statistical summaries, quarterly reports, and an annual statistical summary on the health care delivery system and health environment. The Superintendent and administrative staff shall be updated annually on health care-related procedures that require their attention. The work group noticed the title was somewhat vague, and it was not clear that this policy was related to health care. The recommendation is for the title to be changed to Health Services Statistical and Environmental Reporting. There are also minor edits to punctuation and for style and syntax. There are no recommendations for any substantive changes.

Mr. Davis concluded his presentation and asked for questions.

Board Member Rice noted that in Board Policy 20-504, there is no effective date listed. Mr. Davis said he would fix the error and explained that the change would not affect the policy and is an administrative issue.

On motion duly made by David Mick and seconded by C. Andrew Rice, the Board of Juvenile Justice approved the amendment of Board Policy 20-504, as proposed at the August 18, 2025, meeting to take effect immediately. All Board members present declared “aye,” and the motion carried.

On motion duly made by David Mick and seconded by C. Andrew Rice, the Board of Juvenile Justice approved the amendment of Board Policies 12-001, 12-002, 12-004, 12-007, 12-008, and 12-009, as proposed at the August 18, 2025, meeting, to take effect immediately. All Board members present declared “aye,” and the motion carried.

On motion duly made by David Mick and seconded by Wes Nance, the Board of Juvenile Justice approved retaining Board Policies 12-005 and 12-006, as proposed at the August 18, 2025, meeting, to take effect immediately. All Board members present declared “aye,” and the motion carried.

DIRECTOR’S CERTIFICATION ACTIONS: MARCH 31, 2025, APRIL 30, 2025, AND JULY 8, 2025

Ken Bailey, Certification Manager, Department

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director’s certification actions completed March 31, April 30, and July 8.

The Department has an obligation to report to the Board on the certification actions taken by the director, who has the authority to certify programs in accordance with 6VAC35-20-100. The audit reports in the packet provide significant information about the programs and the services provided. The Board does not need to take any action. Mr. Bailey summarized the certification actions as follows:

The Director certified the Judge Patrick D. Molinari Juvenile Shelter to November 13, 2027, with a letter of congratulations for 100% compliance.

The Director certified the Blue Ridge Juvenile Detention Center and Post-dispositional Program until February 20, 2028, with a letter of congratulations for 100% compliance.

Mr. Bailey noted that when he started the certification process in the early 1990s, it was not unusual to see detention homes receive 20 or 30 audit deficiencies. The Department is proud of the community partners and their adherence to regulatory requirements.

The original audit for the Virginia Beach Crisis Intervention Home took place on March 13, 2024. A status visit was conducted in July 2024, which indicated several areas for which compliance could not be determined because the facility had to close temporarily for renovations, and there were no residents present. A follow-up review was conducted on December 17, 2024, and the Certification Team found the facility in compliance with all original regulations with no areas of noncompliance that originally were found in March 2024. The Director certified the Virginia Beach Crisis

Intervention Home to March 21, 2026. At that time, the Certification Unit will conduct a full audit on the program and assess their continued compliance. Mr. Bailey encouraged the Board to read the full audit report of the program, as their executive director provided a detailed update on the challenges they have gone through. The recent review indicated they have implemented a significantly better program. There has been a change in the program director and the Certification Team is pleased with their progress.

Mr. Bailey announced the certification actions for April 30, 2025.

The Director certified the Roanoke Valley Juvenile Detention Center through February 10, 2029, with a letter of congratulations for 100% compliance.

The Director certified the Shenandoah Valley Juvenile Center to June 9, 2028, with a letter of congratulations for their second consecutive 100% compliance.

The Summit Transitional Living Program located in Chesterfield is a very intensive therapeutic program for older youth coming out of the juvenile correctional center. This is operated under contract with Intercept Health. The Director certified Summit Transitional Living Program through April 29, 2028, with a letter of congratulations for 100% compliance.

Tidewater Youth Services Apartment Living Program is a unique program where residents aged 17 and older hold jobs in the community and engage in the therapeutic environment. The residents have their own apartment and learn independent skills. During the Certification Team's audit, there were two residents who saved money to purchase vehicles pending their release from the facility. This was Tidewater Youth Services Apartment Living Program's second consecutive 100% compliance. The Director certified the facility to January 20, 2028, with a letter of congratulations.

Anchor House Group Home is the oldest, continuously operated regulated group home. The audit found one deficiency in medication distribution. The status visit found the corrective action plan to be working, and there were no additional areas of noncompliance. The Director certified the Anchor House Group Home to October 14, 2027.

The Director certified the 4th Court Service Unit to December 1, 2028, for a repeat 100% compliance and a letter of congratulations.

The Director certified the Fairfax Shelter Care II Program to May 9, 2028, for a repeat 100% compliance and a letter of congratulations.

The Director certified the Chesapeake Juvenile Services to November 8, 2027, with a letter of congratulations for 100% compliance and to establish, per their request, a new capacity at 48. Mr. Bailey noted a letter on page 259 from Director Floriano authorizing action by the Chesapeake Juvenile Services in response to an issue with a particular youth that was above the mission range but in need of a brief placement in the juvenile detention center. The letter is attached to the report to memorialize the Director's action.

Director Floriano provided further information about this matter due to its unusual nature. A youth was certified to be tried as an adult and given an adult sentence for a murder charge. The youth was 17 but was certified, convicted as an adult, and therefore, legally treated as an adult from that point forward. The sheriff, at the time had allowed their juvenile certification to lapse in 2014, and therefore, the jail could not house juveniles. Instead of following the regular process, the sheriff refused to follow the court order to take the youth into his custody. The youth had no housing and ended up having to go back into the detention center. Staff made all the appropriate adjustments and worked hard to be able to keep this youth separate and apart from the juveniles in the detention center. This was a new situation that had not happened before because most sheriffs know how to follow the process when they do not have a juvenile housing certification. The Department provided a verbal waiver, which was followed up with subsequent documentation. Because the youth was, in essence, held in isolation, everything was documented as to why the decisions were made at that time. But because it was an unusual situation, stemming, in part, from the current sheriff's possible lack of knowledge of the process, the Department felt this needed to be documented and brought to the Board's attention.

The audit for the New River Valley Juvenile Detention Home and Post-dispositional Detention Program found one area of noncompliance that dealt with proper documentation of suspected child abuse being properly filed. The Certification Unit conducted a follow-up review and found there were no other instances or issues. The Director certified New River Valley Juvenile Detention Home and Post-dispositional Detention Program to June 11, 2028.

The Director certified Prince William County Juvenile Detention Center to April 12, 2028, with a letter of congratulations for 100% compliance.

The audit for the 15th Court Service Unit took place in October 2023, and there were several issues discovered dealing with changes in administration, staff shortages, etc. On December 16, 2024, the Director asked the regional program manager to review the areas of noncompliance and present a status report to the Director for review. The Director reviewed the report on July 8 and certified the 15th District Court Service Unit until September 20, 2026, with continued compliance monitoring by the regional program manager and a full certification audit by the Certification Unit prior to that date. Mr. Bailey said it was important to go back in a year to look at this program to see if they had continued with their corrective action plan put forth in the previous October 2023 audit.

DIRECTOR AND BOARD COMMENTS

Director Floriano expressed her appreciation to the Board for staying for the duration of this unusually long, comprehensive meeting. Director Floriano thanked the Board for their attention to detail and to the information presented, specifically regarding regulations. Regulations are important, in that they do in effect become laws on facility operations. For example, the JCC regulation would have initially added in very specific treatment requirements and approaches to really micromanage that operational aspect of the Department. Some are asking why would the board vote to take the originally proposed suggestions out? The added-in suggestions that were voted against at today's meeting were recommendations associated with the implementation of the Missouri Model in 2015. The Missouri Model was designed for lower-level offenders, not for the offenders that are currently in the JCC. The data showed a substantial drop in treatment completion,

dropping down to less than 70% prior to youth getting back into the community. There was no reduction in recidivism and the recidivism for violent felonies increased 116%. There was a dramatic increase (123%), as well, in rearrest rates for youth who do not complete treatment prior to release. A lot of those factors and suggestions associated with the Missouri Model have been shown by the data to be ineffective. Codifying those specifics would have resulted in implementing a directive that has been shown to be ineffective. Not a single data point supported the Missouri model. In Missouri itself, the recidivism rate has doubled since they implemented this, so why would the Department continue to be tied to those specific processes? However, the Department still supports treatment completion, and still supports therapeutic communities. If you look at the data and what the department has implemented, even what you heard addressed in public comment, has been very effective. The Department has implemented facility-wide PBIS, and between May and June of this year there has been a 46% decline in aggressive incidents in the facility. So clearly being able to adapt and being able to adjust our treatment options to the kids that we are serving now is the important part in looking at what the regulations are requiring. If regulations are too detailed, you cannot adapt or make adjustments to address the treatment needs of the population that we have. Bon Air currently has 63% of residents 18 and older, 75% of them have committed a violent person felony. And there are 27 kids in Bon Air currently who have committed murder and are serving a sentence for it. This is a population that is going to have very specific needs that we need to adjust to. Director Floriano expressed appreciation for the board's vote of confidence in DJJ, allowing the agency to remain flexible to adjust their treatment options and operational elements to address individualized needs.

NEXT MEETING

Chairperson Mick announced the next meeting on October 27 at Knox Hall at the Virginia Public Safety Training Center at 9:30 a.m.

ADJOURNMENT

Chairperson Mick adjourned the meeting at 11:57 a.m.



Department of Juvenile Justice Board Meeting Public Comments August 18, 2025
Amy Walters, Esq., Youth Justice Program, Legal Aid Justice Center, Charlottesville, VA

Good morning, Members of the Board. I am Amy Walters, a Senior Attorney in the Youth Justice Program at Legal Aid Justice Center. I have been here before, along with RISE for Youth and others, to advocate on behalf of the youth housed at Bon Air Juvenile Correctional Center.

My concerns about the conditions at Bon Air JCC remain. I strongly believe the Board and the Department should be making efforts to close Bon Air and move toward community-based, evidence-based, homelike and hospital-like care for those committed youth who cannot remain with their families.

But today I want to focus on the regulations being discussed at today's meeting.

First, I am very concerned that the Department is seeking to remove [the regulations](#) that create therapeutic communities, i.e. the Community Treatment Model. The only justification the Department provided for removing these regulations is that they are "not necessary to protect the public." I suspect the Department has two motivations: first, staffing continues to be a problem and DJJ cannot satisfy the requirements of this regulation for that reason; and second, the Department's policy changes over the past three years are moving Virginia backwards by returning to a more punitive, rather than therapeutic, model of juvenile justice.

There is a wealth of data to support the community treatment model, both locally and nationally. But it's also common sense- youth do better having consistent unit staff who are counselors and mentors. Youth do best in small groups where relationships and trust can be built. Look at the ASPIRE unit at Bon Air right now- it seems to be functioning the best and embodies the values and structure of the Community Treatment Model.

Seriously consider what you are voting to remove:

- Designated staff
- Continuity of housing units
- Daily, structured therapeutic activities, and
- Direction, guidance and monitoring provided by an interdisciplinary team

These are all necessary elements of a program that has any chance of preparing youth to be successful citizens, as is DJJ's mission. Please do not agree to remove these essential therapeutic supports.

Second, because the regulations regarding Lockdowns are on the agenda, I want to address how woefully insufficient they are. First, there is insufficient documentation required to ensure residents are afforded an hour of exercise and showers, and there is an exception that swallows the rule: When residents are in a locked room, they are afforded an hour out "unless the circumstances that required the lockdown justify an exception." Too many times – like in May

of this year – have I heard about multiple day lockdowns with no showers, no exercise. What is required is more specific criteria to delineate what justification is required to refuse residents their hour of exercise and showers; otherwise, the exception becomes the rule.

However, the problems with lockdowns are much bigger than just whether residents get their hour out during a lockdown. There has been nothing done to address repeated lockdowns like the facility experienced over the past two years. What about rights of residents to enrichment and educational materials? What about visitation cancellations and calls home? Lockdowns – that which are by definition not intended to be punitive - *are* severely detrimental to the wellbeing of youth and feel nothing but punitive. They *should* be heavily regulated and restricted, and the Department should be held to a high level of scrutiny in this regard. The absence of meaningful regulations or policies to address these issues harms the youth housed at Bon Air and severely undermines DJJ's mission.

Thank you for your time and attention.