

David Mick, Chairperson
Wes Nance, Vice Chairperson
Penny Schultz, Secretary
Lisa Cason
Mike Crawley
Laura F. O'Quinn
C. Andrew Rice
Kayla Robinson
Marsha E. Tsipitsis



Post Office Box 1110
Richmond, VA 23218-1110
804.588.3903

COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

BOARD AGENDA

December 2, 2025
All-Virtual Public Meeting

9:30 a.m. Board Meeting

1. **Call To Order and Introductions**
2. **All-Virtual Public Meeting Announcement**
James Towey, Legislative and Regulatory Affairs Manager, Department
3. **Public Comment**
4. **Consideration of August 18, 2025 (Pages 2-26), and October 27, 2025 (Pages 27-38), Board Minutes**
5. **New Business**
 1. **Request Authorization to Extend Variance for Tidewater Youth Services Commission Apartment Living Program (Pages 39-47)**
Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice
6. **Director Remarks and Board Comments**
7. **Next Meeting:** Pending the 2026 Board Meeting Schedule
8. **Adjournment**

The DJJ Human Research and De-Identified Case Specific Data Requests Annual Report FY 2025 is attached.

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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 VJJIS. 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 VJJIS 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.

David Mick, Chairperson
Wes Nance, Vice Chairperson
Penny Schultz, Secretary
Lisa Cason
Michael Crawley
Laura F. O'Quinn
C. Andrew Rice
Kayla Robinson
Marsha E. Tsipitsis



Post Office Box 1110
Richmond, VA 23218-1110
804.588.3903

COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

DRAFT BOARD MINUTES

October 27, 2025

Virginia Public Safety Training Center – Knox Hall

Board Members Present: Mike Crawley, Wes Nance, Kayla Robinson, Penny Schulz, Laura O'Quinn, and Marsha Tsipitsis

Board Members Absent: Lisa Cason, David Mick, and C. Andrew Rice

Department of Juvenile Justice (Department) Staff: Ken Bailey, Ken Davis, Wendy Hoffman, Andrea McMahon, Linda McWilliams, Guillermo Novo, Kristen Peterson, Lara Todd, James Towey, Rachel Wentworth

Guests: Nicole Deyo

CALL TO ORDER

Vice Chair Wes Nance called the meeting to order at 9:35 a.m.

CONSIDERATION OF REMOTE PARTICIPATION

The Board was notified that Board Member Kayla Robinson requested to participate in the meeting remotely because of illness and lack of transportation. This reason is authorized by the board policy governing remote participation, and she participated at her residence. The Board had no objections.

On motion duly made by Mike Crawley and seconded by Penny Schultz, the Board of Juvenile Justice approved (1) the Chair's proposal to allow Board Member Kayla Robinson to participate from a remote location on the grounds of illness, and (2) affirmed that her voice could be heard by all persons at the primary meeting location. All Board members present declared "aye," and the motion carried.

PUBLIC COMMENT

Nicole Deyo, CEO and Executive Director of Bending the Bars located in Richmond, said she was attending the Board meeting to learn about the juvenile justice process. Ms. Deyo talked about her experience visiting the Chesterfield Juvenile Detention Center and the human side of placing kids in a facility versus potentially looking for preventive or alternative measures. Ms. Deyo encouraged the Board to think of other ways besides incarceration to help and support these children.

NEW BUSINESS

Presentation on Executive Order 51

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson explained that the Board will be impacted by Executive Order (EO) 51 and offered a brief presentation to help them understand the new process. In July 2025, the current administration issued EO 51 with the idea to leverage available artificial intelligence (AI) to help state agencies and boards perform reviews of their regulations and guidance documents. AI has become an issue in terms of the number of people using it, and it has been utilized as a resource for several entities..

At the start of this administration, state agencies and boards were directed to reduce their regulatory requirements by 25% collectively by December 31, 2025. In July, the administration announced that agencies collectively have reached that goal and are on pace to accomplish even more reduction. As a result, the administration increased the regulatory reduction requirement from 25% to 35%. State agencies are now required to continue looking for more areas of regulatory reduction.

The EO imposes three separate requirements. One deals specifically with the AI-generated Regulatory Reduction Report. The Commonwealth entered into an agreement with a third-party AI producer to help generate this AI Regulatory Reduction Report. The idea behind the report is to identify areas for additional regulatory and guidance document reduction. The report identifies potentially unnecessary regulatory requirements and highlights language in the regulations and guidance documents that might be streamlined and simplified. It is an extremely dense report. The Department has about 14 regulatory chapters and each of those have numerous regulatory provisions, which have numerous subsets for each of those subsections. There are tools to conduct an analysis on whether the requirements imposed by each chapter are discretionary or mandated. The tool then recommends changes to simplify the language and in some cases to accomplish additional regulatory reduction. State agencies were given four weeks from the date the report was received to indicate their intended actions to the Office of Regulatory Management, and four weeks from that date to initiate whatever actions were proposed in response to the AI reduction report. State agencies were directed to use the Fast-Track Regulatory Process whenever possible to implement the regulatory changes.

The second component requires agencies to use AI for their periodic regulatory review process. State agencies are required to conduct a review of their regulations at least once every four years in accordance with statute. Beginning after December 31, 2025, agencies are required to utilize AI as a tool to assist with the periodic review process. In addition to the analysis that is required under current law, when agencies are conducting the periodic review, the EO requires them to consider whether surrounding states impose similar requirements and to look for ways to eliminate excess verbiage. This will help eliminate some of the burdens on regulated entities by reducing word counts and simplifying language.

The Order's final requirement is that agencies establish guidance document review processes that utilize AI and human review. There is a periodic review process statutorily mandated for

regulations, but there is not a similar process in place, currently, for guidance documents. Agencies are supposed to establish a schedule to review all guidance documents at least once every four years. Under the Order, they should utilize AI to conduct an analysis and take into consideration whether the requirements exceed those in state or federal statutes, regulations, or other binding authority, whether the requirements are consistent with state or federal statutes, and opportunities to streamline the text. This is to reduce words and the numerous requirements that are part of the existing guidance documents. Based on this analysis, agencies are directed to remove provisions that create binding legal requirements not already established in existing statutes and regulations, and to ensure that documents reflect relevant legal provisions while minimizing word counts.

Ms. Peterson noted one flaw the department identified with the Regulatory Reduction Report. For several years, the department has moved many regulatory actions through the process. The Department has always been a proponent of regulatory reduction, and when the regulations are reviewed, there has been a focus on areas that can be reduced, even before the administration mandated reduction. The regulatory actions currently underway propose amendments, many of which are intended to reduce the regulatory requirements, but the current reduction report did not consider any of those proposed amendments. That created a challenge for the Department as this meant it had three separate items to analyze. In several cases where recommendations were made, the Department had already changed the language, so the recommendations no longer made sense.

As another challenge created by the report, Ms. Peterson addressed the regulatory actions currently undergoing executive branch review and noted the department's desire not to disrupt or delay the process currently underway, given how arduous and lengthy the process is.

Ms. Peterson ended her presentation and no questions were asked.

Reconsideration of Request to Initiate a Notice of Intended Regulatory Action to Amend Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160)

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson explained this reconsideration of a request initially presented at the August 18th Board meeting and requested the Board to authorize a Notice of Intended Regulatory Action (NOIRA) to amend 6VAC35-160 Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (VJJIS).

The VJJIS was established within the Department in accordance with § 16.1-222 of the Code, and § 16.1-223 provides that the system is tasked with receiving, classifying, and filing certain data reported to it and maintained by the Department. There is an expansive definition of the VJJIS in the regulation, which includes the equipment, facilities, agreements, and procedures used to collect, process, preserve, or disseminate juvenile record information in accordance with § 16.1-224 or § 16.1-300 of the Code. Historically, the Department has interpreted the VJJIS to include the Balanced Approach Data Gathering Environment, which the agency calls BADGE. However, the expansive definition encompasses other information systems that are used to collect and maintain juvenile record information. Section 16.1-222, in addition to establishing and describing the VJJIS, also

directs the Board to promulgate regulations that govern the security and confidentiality of data submitted into the VJJIS. In accordance with those statutory requirements, the regulation currently sets up a system that allows for certain entities, called participating entities, to directly access the VJJIS. In addition to addressing the requirements imposed on these participating entities, the regulatory chapter also addresses how juvenile records should be disclosed to other entities authorized to inspect juvenile records under § 16.1-300 of the Code.

Ms. Peterson reminded the Board that at its August meeting, the Department presented these conceptual proposed amendments to initiate the first stage of the regulatory process, the Notice of Intended Regulatory Action. It seemed the Board was mostly in agreement with the conceptual amendments, but a question was raised as to whether the Department had contemplated in its proposed amendments recently enacted legislation that will create a mechanism for certain criminal records to be sealed under Chapter 23.2 of Title 19.2 (specifically § 19.2-392.5) of the Code of Virginia. Because the Department had not included or acknowledged that particular statutory section in its review of the VJJIS regulation, the Board asked the Department to go back, review, and analyze that statutory provision and bring the action back to the Board. Thus, the Department is now seeking to initiate the Notice of Intended Regulatory Action with additional conceptual amendments to incorporate some of the requirements included in Chapter 23.2 of Title 19.2 of the Code. The Department has referred to this act as the Sealed Records Act, although this is not the official title.

The Sealed Records Act was originally enacted during the 2021 General Assembly Special session. It had a delayed effective date scheduled for July 1, 2025, or when the automated systems that were supposed to help carry out the statutory provisions were developed, whichever occurred first. During the 2025 legislative session, the General Assembly extended the effective date to July 2026. The Sealed Records Act has not yet taken effect, but when it does, it will allow for the sealing of certain records related to an arrest, charge, or conviction and ancillary matters as defined by the statute. The statute has clear definitions for each of those terms. The statute applies to records that are held by the Central Criminal Records Exchange and any court, police department, campus police, sheriff's department, or DMV. The statute does not specifically name DJJ as an entity holding these records; however, it does indicate that the state police must electronically notify any other agencies and individuals known to maintain or have obtained such record that the record has been ordered sealed and may only be disseminated in accordance with the statutory exceptions available.

The Act also provides that state and local agencies that disseminate sealed records in violation of the statute may be subject to criminal penalties. With respect to juvenile records specifically, the statute applies to adults who have been charged, arrested, or convicted, and it also applies to juveniles who have been tried in Circuit Court in accordance with § 16.1-269.1. The Department believes there may be instances where it maintains some records that might end up being sealed. Thus, for purposes of ensuring that our VJJIS regulation aligns with the statute, the Department is anticipating adopting some additional amendments to the regulatory text in order to address some of these issues.

Ms. Peterson shared the department's goal of expanding the definitions section to capture some of the relevant terms used in the statute. Adding language to prohibit disclosure of juvenile record

information when disclosure would violate the provisions of the Sealed Records Act, spelling out various provisions to ensure that the VJJIS regulations comply with the statute, and imposing certain requirements on participating entities that are notified of sealed records.

Ms. Peterson then reminded the board that the standard regulatory process involves three separate stages, and for the first, Notice of Intended Regulatory Action stage, which puts the public on notice that the chapter will be amended, the Department typically does not provide the Board with proposed text.

Ms. Peterson concluded her presentation and the Board had no questions.

On motion duly made by Michael Crawley and seconded by Penny Schultz, 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 6VAC35-160, Regulation Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160). All Board members present declared “aye,” and the motion carried.

Consideration of Request to Initiate the Proposed Stage for the Comprehensive Review of 6VAC35-20 (Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities) and to initiate a Fast-Track Action for 6VAC35-20-61

Ken Davis, Regulatory Affairs Coordinator, Department

In December 2024, the Board authorized the initiation of the Notice of Intended Regulatory Action for the comprehensive review of 6VAC 35-20, Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities. The Department submitted the action for executive branch review in December, and it was approved by the Governor in April and published in the Virginia Register on April 21, 2025. The public comment period ended on May 21, and there were no public comments related to this action. The work group completed their work on the amendments this summer and are pleased to say the changes being made create some reduction in the length of the regulation.

The work group changed almost every section in the regulation, but many of those changes were minor changes of grammar and syntax. The definitions are in Section 10 on page 9 of the Board packet. The work group decided to add a definition for “administrative probation,” which is not a new term, but will allow for a common understanding of what the term means. Administrative probation means that the director places a program or facility on probationary certification status for up to six months, pending review by the Board pursuant to 6VAC35-20-115.

Another definition that changed was for “audit team leader.” The work group wanted to clarify that findings of noncompliance can happen in circumstances other than certification audits, particularly in regulatory inquiries.

The definitions also propose to change language in the definition of ‘certification’ or certified “for a specified time” to “under specified conditions.” This allows for flexibility and acknowledges that

certifications include not only a specified period of time, but also such things as maximum capacity and whether or not a juvenile detention center is allowed to have youth in a community placement program.

The work group removed from the definition of “certification audit,” the requirement that the audit include an on-site visit. Since the pandemic, the Certification Unit has been using electronic means to conduct portions of these audits, and that has worked well. The work group wanted to allow in the regulation for that use of electronic means to continue.

The work group changed the definition of “compliance” by changing the word “standard” to “regulation.” Standard is a former term for regulation; since regulation is the current term, the work group wanted to make sure that the current terminology is used.

The term “monitoring visit” was replaced with the term “regulatory inquiry” throughout the text. The work group determined that the new term is more accurate and less likely to cause confusion. Regulatory inquiry means a review of applicable regulations conducted on-site or by electronic means following the report for potential regulatory violation.

The definition for “preliminary summary suspension order” was removed throughout the text. The term is not used in the sections of the Code of Virginia referencing summary suspension orders, and the work group deemed the term unnecessary and potentially confusing.

The work group removed the definition of “VJCCA program or Office on Youth Audit report” because the term is not used anywhere else in the regulation.

There was a purpose statement in Section 30 that was removed on advice from the Office of the Registrar of Regulations. Instead, Section 31 was created, called Department Responsibility; this made minor modifications to some of the information that was in the previous statement and moved it into a section that includes actual requirements.

Mr. Davis drew the Board’s attention to Page 11, Section 37, Director’s Authority to take immediate administrative action. This is the section with the biggest change. As it currently exists, it is lengthy and describes the process the director must follow in issuing a summary suspension order. Many of the provisions that currently exist are procedural in nature and not appropriate for regulations. Additionally, it uses the term “preliminary summary suspension order,” which is not included in the Code and therefore, is not a term that has any defined meaning. The work group ultimately wound up removing most of the procedural language and replacing it with references to the summary suspension order process as defined in the Code of Virginia, § 66-24 E and F.

Those Code sections include a lot of what the removed language talked about, particularly notification requirements for the director to make, if she has decided on a summary suspension order, as well as a hearing process and an appeal process. This makes that section briefer.

Section 30 discusses the pre-audit process for certification audits. The section was deemed to be procedural in nature and therefore, the recommendation is to remove the entire section.

Several changes have been made to Section 100 Certification Action. In subsection A, the work group recommended adding language to allow a program or facility administrator to appear via video conference at a certification action meeting. It also clarified that the administrator may be represented by counsel at the meeting.

In that same section, in B 3, the work group recommended revising the language pertaining to unresolved health, welfare, or safety violations to be more specific and more consistent with language included elsewhere in the chapter.

In that same section, C 5 subdivision b, the work group recommended replacing the requirement that a program or facility be decertified upon a status report finding of less than 100% compliance with critical regulatory requirements, or less than 90% compliance for noncritical regulatory requirements, with language that says they may be placed on probationary certification status or decertified. This gives the Department more discretion in deciding what to do in those cases.

The work group recommended in D 1 that the improper incorporation by reference of Department procedures be removed. Referring to Department documents is not allowed and to imply they need to be adhered to is known as an improper incorporation by reference. Instead, any mention of Department procedures, Department guidance documents, or any other documents the Department has written need to be removed from the regulation. The work group has done that in this section and several other sections throughout this chapter.

Mr. Davis asked the Board to authorize the Department to move the amendments to this regulation to the Proposed Stage of the standard regulatory process

On motion duly made by Wes Nance and seconded by Marsha Tsipsis, the Board of Juvenile Justice approved the proposed amendments to 6VAC35-20, Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, including any modifications agreed upon at the October 27, 2025, meeting, and authorized the department to proceed with filing the Proposed Stage of the standard regulatory process. All Board members present declared "aye," and the motion carried.

Mr. Davis said this regulation will go through the standard regulatory process, but in light of the increased percentage for regulatory reduction, the agency is under pressure to make further reductions. The Department decided that Section 61 would be appropriate for a Fast-Track action because it offered greater reduction than other places in the chapter. The work group recommended the removal of the document incorporated by reference entitled Guidance Document Self-Audits, Evaluations, September 2013. The document needs to be removed because it constitutes an improper reference and also, at 12 years old, the document is outdated. Finally, the document is no longer required because the Certification Unit provides forms to programs and facilities for their use in completing self-audits. The work group also made recommendations for various changes for style and clarity.

On motion duly made by Wes Nance and seconded by Michael Crawley, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-20-61 in the Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with filing the amendments in accordance with the Fast-Track regulatory process pursuant to § 2.2-4012.1 of the Code of Virginia. All Board members present declared “aye,” and the motion carried.

Consideration of Request for Omnibus Fast-Track Action for Additional Regulatory Reduction and Other Amendments

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson opened the presentation by requesting authorization to amend multiple regulatory chapters through the Fast-Track regulatory process to accomplish additional regulatory reductions before the December 31, 2025, deadline. She described the department’s use of the regulatory reduction tool to assist in conducting reviews and identifying additional areas for regulatory reduction in guidance documents and explained that some of the proposed amendments before the Board align with some of the tool’s recommendations, while others are included in comprehensive regulatory actions already underway that the Department feels can be expedited. These proposed amendments can be accomplished through the Fast-Track regulatory process.

Fast-Track regulatory actions are those that are not anticipated to be controversial. If there is a provision in a chapter or an amendment the Department thinks might generate some controversy, the standard regulatory process would be used.

Ms. Peterson summarized the Department’s request to make minor amendments to four chapters of the Board’s regulations: the Regulation Governing Juvenile Group Homes and Halfway Houses, the Regulation Governing Juvenile Correctional Centers, the Regulation Governing Juvenile Secure Detention Centers, and the Regulation for Non-residential Services. The AI report did not account for proposed regulatory or guidance document amendments already underway. Given the compressed time frame for identifying the various regulatory provisions and the need to ensure the process was not delayed for actions already underway, the Department took a different strategy in its analysis of the AI reduction report. The Department looked for provisions that were not part of an actions already underway or were part of an existing action that had not moved past the Notice of Intended Regulatory Action stage. Typically, there is more flexibility when the proposal has not reached the Proposed Stage of the regulatory process. Provisions with governing statutes that require consultation with external entities in order to amend the chapter also were excluded, as this would involve bringing together work groups, conducting an analysis of regulatory provisions, and ensuring stakeholders are not impacted in a negative way. There simply was not enough time to do all those things in an expedient manner. The Department also omitted regulatory provisions that would require review, analysis, or feedback by internal Department units.

The first proposed change is to the provision involving Internet access for group home residents in Section 30 of the regulation. The proposed text is on page 54 of the Board packet. Currently, the regulation directs juvenile group home facilities that allow residents access to the Internet to have

procedures in place governing Internet usage. The AI reduction report recommended amendments to this provision so that the facilities would be authorized, but not required, to maintain such procedures. The proposal would allow facilities that provide residents access to the Internet to have procedures in place that govern Internet usage. This change is consistent with The Office of Regulatory Management's directive to eliminate regulatory requirements not necessary to interpret the law or protect public health or safety. One indicator that the requirement is not necessary to protect public health or safety is that the regulations governing juvenile correctional centers and detention centers do not contain similar provisions. Thus, the Department is asking the Board to allow the language to be amended in accordance with the AI reduction tool recommendation so that the procedures are no longer a requirement, but are permissible. The Department is also seeking to adopt additional changes to add a reasonableness standard to the provision. This was also language recommended by the AI reduction tool.

The second area for regulatory change is the provision regarding reading materials. Currently, there is a provision in both the juvenile correctional centers and the juvenile detention centers regulations that requires facilities to have reading materials appropriate to the residents, ages, and levels of competency and made available to residents. The detention center regulation goes a step further. Section 750 requires the development and implementation of written procedures governing residents' access to publications. These written procedures, while potentially beneficial to residents, are not necessary to protect public health or to interpret the law. The Department believes that simply because an entity adopts procedures, it does not mean that the requirements in them would necessarily serve to protect the residents in the facility. The AI report recommends amendments to the juvenile detention center provision in Section 750 that would make these written procedures permissible but not required, and that would ensure that these procedures are reasonable and are authorized for adoption by appropriate facility staff.

The Department proposes additional nonsubstantive changes to the juvenile correctional center provision for simplification and word reduction.

With respect to outside workers, both in group homes and juvenile detention centers, there is language in Section 940 of the group home regulation and 910 of the juvenile detention center regulation that directs staff in the facilities to monitor situations in which personnel from outside the relevant facility work in the presence of facility residents; both of those provisions indicate that adult inmates shall not work in the immediate presence of residents. The Department follows the Virginia Register of Regulations, Form, Style and Procedure Manual for Publication of Virginia Regulations in the development of regulations. The manual indicates that "may not" is the more appropriate terminology to use when imposing a prohibition or ban; "shall not" negates the obligation, but not the permission to act. The intent of the provision is for facilities to prohibit adult inmates from working in the immediate presence of residents in those facilities. The Department recommends amending this language utilizing the stronger "may not" language. Although this was not a recommendation of the AI tool, the department thought it was an appropriate time to make the change.

At the last Board meeting, the Department proposed amendments to the regulation for non residential services, 6VAC35-150, for the first stage of the standard regulatory process. At the time,

the Department identified conceptual amendments for removal that were operational in nature and not necessary to public health and safety. The Department is now seeking to expedite two provisions specifically flagged for repeal as part of that comprehensive action, by pulling them out of the comprehensive action and instead utilizing the Fast-Track process to accomplish reduction more quickly.

The first provision is Section 60, Organizational Structure. The current regulation requires state and locally operated court service units to maintain a written description and organizational chart of their units that show current lines of authority, responsibility, and accountability. The Department thinks this provision is operational in nature and does not require regulation.

The second provision is Section 320, concerning notice when juveniles are transferred from one residential facility to another. Currently, the regulation requires state and local court service unit staff to notify the juvenile's parent or legal guardian within 24 hours of becoming aware of a juvenile being transferred to another residential facility, unless they know the juvenile parent or legal guardian has already been advised of the transfer. Ms. Peterson listed several concerns with the existing regulatory provision. First, the work group reviewing the provision felt the onus for notifying the parent should fall on the residential facility conducting the transfer and not the court service unit. The residential facility likely would have more information about the details surrounding the transfer. Second, was the concern around assessing the provision for compliance. The workgroup questioned how to determine whether the court service unit had knowledge that the parent did or did not know of the transfer. That information might not be readily available in BADGE or elsewhere.. Nothing prevents a court service unit from including such language in a procedure or having it as practice as a courtesy to residential facilities; but ownership should fall on those entities.

Board Member Schultz asked for clarification on Internet access and whether the word "usage," means setting rules on the ability and time of juveniles to access the internet, or on governing what they are accessing. Ms. Peterson responded, stating her belief that usage describes the entire process, including the timing, how frequently, and what information residents are accessing. She cautioned the board that the proposal would not prevent facilities from having procedures; it just indicates that the procedures do not need to be a regulatory requirement.

Group Home Regulation Motion (6VAC35-41)

On motion duly made by Laura O'Quinn and seconded by Wes Nance, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-41-530 and 6VAC35-41-940 in the Regulation Governing Juvenile Group Homes and Halfway Houses, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with the filing through the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared "aye," and the motion carried.

JCC Regulation Motion (6VAC35-71)

On motion duly made by Laura O'Quinn and seconded by Penny Schultz, the Board of Juvenile Justice approves the proposed amendment to 6VAC35-71-640 in the Regulation Governing Juvenile Correctional Centers, including any modifications agreed upon at the October 27, 2025, meeting,

and authorizes the department to proceed with filing the amendments in accordance with the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared “aye,” and the motion carried.

IDC Regulation Motion (6VAC35-101)

On motion duly made by Wes Nance and seconded by Michael Crawley, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-101-750 and 6VAC35-101-910 in the Regulation Governing Juvenile Secure Detention Centers, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with filing the amendments in accordance with the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared “aye,” and the motion carried.

Nonresidential Services Regulation Motion (6VAC35-150)

On motion duly made by Laura O’Quinn and seconded by Wes Nance, the Board of Juvenile Justice approves the proposed amendments to 6VAC35-150-60 and 6VAC35-150-320 in the Regulation for Nonresidential Services, including any modifications agreed upon at the October 27, 2025, meeting, and authorizes the department to proceed with filing the amendments in accordance with the fast-track regulatory process pursuant to § 2.2-4012.1 of the *Code of Virginia*. All Board members present declared “aye,” and the motion carried.

DIRECTOR’S CERTIFICATION ACTIONS

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 action completed up to October 6, 2025.

The audit of Chesterfield Juvenile Detention Home and Post-dispositional Detention Program was completed on August 19, 2025, with 100% compliance and a letter of congratulations. This was their second consecutive 100% compliance. The Director certified the facility to October 27, 2028. In addition, the Director approved a new age range of 11 to 17 for the facility. They had an age range of 7 to 17, which is not consistent with the Code, and the changes were made to bring it back in line.

The audit for the Richmond Juvenile Detention Center was completed July 23, 2025, with 100% compliance and a letter of congratulations. Their previous audit only had two deficiencies. It is interesting to note that Richmond has been able to maintain a good compliance level through at least three superintendents in the past several years. The Director certified the facility until June 12, 2028.

The Virginia Beach Crisis Intervention Home is a shelter care facility. They have redesigned their structure and better used available space to increase their ability to have a couple more residents in their program. They only had 12 residents, and this increase moved them to 16 residents. The Director authorized this increased capacity and issued a new certificate for that facility.

The audit for Bon Air Juvenile Correctional Center dates to September 18, 2025, and found several deficiencies. The Certification Team conducted a monitoring visit on August 1, 2024, and it was

determined there was one area of noncompliance that dealt with not documenting the actions taken by staff when medications were used. The recent review of that one particular regulation found Bon Air to be in compliance with their corrective action plan. The Director certified the facility to April 12, 2027. The Certification Unit will continue to conduct monitoring visits in the area of medical compliance.

DIRECTOR AND BOARD COMMENTS

Mr. Towey noted that Director Floriano could not attend the meeting and had no comments. Mr. Towey remarked on how nice it was to meet the Board members in person, given that the only previous meeting with the new members was virtual. and expressed that the Department looks forward to working with the Board in the years to come.

NEXT MEETING

The next meeting is scheduled for December 2, 2025, and will be an all-virtual public meeting.

ADJOURNMENT

Vice Chair Nance adjourned the meeting at 10:48 a.m.

David Mick, Chairperson
Wes Nance, Vice Chairperson
Penny Schultz, Secretary
Lisa Cason
Mike Crawley
Laura F. O'Quinn
C. Andrew Rice
Kayla Robinson
Marsha E. Tsipstis



Post Office Box 1110
Richmond, VA 23218-1110
804.588.3903

COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Authorization to Extend Variance for Tidewater Youth Services Commission, Apartment Living Program

DATE: December 2, 2025

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (department) respectfully requests that the State Board of Juvenile Justice (board) approve the extension of three active variances originally issued to the Tidewater Youth Services Commission's (TYSC) Apartment Living Program (ALP) in 2016 and last extended in 2020. The variances provide relief from three regulatory requirements contained in the Regulations Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) related to menus, meals, and staffing for youth in the ALP. The regulatory provisions at issue are as follows:

6VAC35-41-650. Nutrition...

(C) Menus of actual meals served shall be kept on file for at least six months...

(E) There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

6VAC35-41-920. Staff Supervision of Residents...

(D) There shall be at least one trained direct care staff member on duty and actively supervising residents at all times that one or more residents are present.

II. BACKGROUND

ALP is an independent living environment operated by the TYSC that allows residents who are prescreened and meet certain eligibility requirements to live with a roommate in an apartment setting with moderate staff supervision. The department considers ALP an independent living program subject to the Regulations Governing Juvenile Group Homes and Halfway Houses set out in 6VAC35-41.

The purpose of the ALP program is to enable residents to develop the skills necessary to become independent decision makers and self-sufficient adults, and to live successfully on their own following completion of such programs.

The unique nature of this apartment-style program and the facility staff's need to ensure that residents develop and cultivate independent decision making and living skills would render compliance with several existing regulatory provisions extremely difficult. Because of this concern, in January 2016, TYSC sought and the board granted the ALP variances to the aforementioned regulatory requirements for a five-year period, effective beginning January 11, 2016. The variances were renewed at the December 1, 2020, board meeting. Because the active variances have relieved the ALP of its duty to comply with the applicable regulatory provisions and because proposed amendments to 6VAC35-41 currently underway seek to adopt the provisions of the variance, the ALP has not taken additional action to comply with the applicable regulatory requirements. ALP respectfully seeks an extension to these variances so that they can continue operating this program that prepares residents for successful independent living.

III. REQUESTED VARIANCES

Retention of menus for six-month period

Subsection C of 6VAC35-41-650 directs group homes and similar nonresidential programs to retain in their files for a period of at least six months menus of actual meals served. The ALP does not have a Food Technician or Manager on the premises. As part of its objectives to promote the development and application of independent living skills, residents are responsible for completing a weekly menu projecting the meals they anticipate eating each week and adjusting mealtimes with the times the resident works or attends school. Residents are responsible for cooking for themselves, and up to two times each week, must cook with staff to ensure they are eating a nutritional meal. Staff place the weekly plan and the grocery receipts in the resident's case record, where they are maintained for the duration of the resident's placement. While these protocols are intended to enable residents to plan and prepare healthy meals, extended and unpredictable work and school schedules make it impractical to adhere to the planned menus, as well as to monitor, document, and verify the actual meals consumed. The existing variance excuses staff from this regulatory requirement while permitting them to retain the menus of projected meals in accordance with their own practices.

Maximum time between meals

Subsection E of 6VAC35-41-650 directs group homes and similar nonsecure juvenile residential facilities to ensure that no more than 15 hours pass between the evening meal and breakfast the following day unless the facility administrator approves an extension on weekends and holidays. Even when such extensions are granted, subsection E prohibits facility staff from allowing more than 17 hours between the evening meal and the next day's breakfast.

The ALP has many of the same concerns as with the menu retention requirement in subsection C of Section 650. Residents in the ALP have varied schedules, making it impossible for staff to accurately track exactly when each resident eats. As such, ALP requests an extension of the variance to this requirement that would continue to relieve staff from the prohibition of allowing more than 15 hours to pass between the evening meal and the next day's breakfast (or 17 hours on weekends and holidays).

Staff supervision of residents

Subsection D of 6VAC35-41-920 directs group homes and other nonsecure juvenile residential facilities to have at least one trained direct care staff on duty who is actively supervising residents whenever one or more residents are present. Occasionally, an employee at TYSC's ALP may be on a single coverage shift and may need to travel offsite to assist a resident in need of emergency transportation or who has encountered some other emergency offsite that may pose a community safety concern greater than the risk to those residents left temporarily unsupervised onsite. In these circumstances, the existing variance allows staff to notify the supervisor on duty, post notice and contact information to the onsite residents, and leave the campus for a maximum one-hour period to attend to the resident in the community. Since the program's inception, staff

have utilized this variance as frequently as monthly to respond to a variety of offsite resident emergencies, including assisting residents who are stranded in the community due to inclement weather, facing a medical emergency, or otherwise in need of transportation in the community. While the number of residents left onsite varies, the ALP staff never leave more than seven residents alone at any given time.

Proposed Scope of Variance

The proposed variance would continue to excuse TYSC's ALP from meeting the regulatory requirements related to the retention of menus, the maximum period between dinner and breakfast, and the number of direct care staff required, as set out below:

6VAC35-41-650. Nutrition...

(C) Menus of actual meals served shall be kept on file for at least six months.

(E) There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

(F) The requirements of subsections (C) and (E) shall not apply to the Tidewater Youth Services Apartment Living Program.

6VAC35-41-920. Staff Supervision of Residents...

(D) There shall be at least one trained direct care staff member on duty and actively supervising residents at all times that one or more residents are present. Notwithstanding this requirement, a trained direct care staff who is on single coverage and actively supervising residents in the Tidewater Youth Services Apartment Living Program shall be authorized, in emergencies, to leave the facility for no longer than one hour to attend to a resident who is away from the facility and is in need of immediate assistance, provided the program observes the following rules:

1. The direct care staff must provide notice to the facility administrator or other supervisor before leaving the facility; and
2. Residents who remain at the facility shall be provided with an emergency telephone number or other means of immediately communicating with a staff member.

The TYSC is requesting that the board extend these variances for an additional five years or until the exceptions in the variances are adopted into the Regulations Governing Juvenile Group Homes and Halfway Houses (6VAC35-41), whichever occurs first. In May 2019, the board approved amendments to this chapter that incorporate the exceptions permitted by this variance for advancement to the Proposed Stage of the Standard Regulatory Process. The board has since approved the action for advancement to the Final Stage of the standard process.

IV. CONCLUSION

The department believes the existing variances have allowed the TYSC's ALP to balance residents' need for independence with the need to ensure their safety and health. The board has consistently approved these variance requests since 2016 and has endorsed the related proposed regulatory amendments adopting these concepts. Accordingly, the department respectfully requests the board's approval for an additional extension of these variances for a five-year period or until the terms of the variances are adopted into 6VAC35-41.

November 4, 2025

Attn: Chairman

Board of Juvenile Justice

PO Box 1110

Richmond, VA 23218-1110

Re: REQUEST EXTENSION OF VARIANCE

Virginia Department of Juvenile Justice

Please be advised that The Apartment Living Program currently has three approved variances in place that are scheduled to expire on December 2, 2025. The variances exempt the Tidewater Youth Services Commission's Apartment Living Program from various nutrition and staffing requirements contained in the Regulations Governing Juvenile Group Homes and Halfway Houses (6VAC35-41). The Apartment Living Program has attached a formal variance request for each of the following regulations:

6VAC-35-41-920 (D) Staff Supervision of Residents

6VAC35-41-650 (C) Nutrition

6VAC35-41-650 (E) Nutrition

The Tidewater Youth Services Commission is respectfully requesting that the Department approve the continued variances that are currently in effect. The variances have assisted in servicing the youth and meeting the needs of our residents. In order to provide you an opportunity to become fully aware of our intention, we have attached three formal variance requests for you to review. The requests include the rationale for each variance.

Nurturing Potential, Promoting Change, Preserving Families

Respectfully submitted,



William Wimbish

Deputy Director

Tidewater Youth Services Commission

Cc:

Program Director

Apartment Living Program

DEPARTMENT OF JUVENILE JUSTICE

VARIANCE REQUEST

This request is forwarded to the Board of Juvenile Justice for review pursuant to 6VAC35-20-92(C), which provides, "A requested variance shall not be implemented prior to obtaining approval of the board."

Program: Tidewater Youth Services Commission's Apartment Living Program

Regulations: 6VAC-35-41-920 (D) Staff Supervision of Residents

There shall be at least one trained direct care staff on duty and actively supervising residents at all times that one or more residents are present.

Reason for Variance: The Apartment Living Program (ALP) is an independent living environment where residents are pre-screened and appropriate candidates should demonstrate a level of functioning that would enable them to live with a roommate in an apartment setting with moderate supervision. These clients are able to think in a logical and rational manner, are capable of being a good neighbor, have demonstrated a willingness to participate in the program, comply with program conditions and supervision requirements. The rationale for this request is that a staff member working on a single coverage shift may have to go off site to assist a resident that may be in need of emergency transportation to get home or is stranded in the community. The Residents in the community could be in predicaments that poses a community safety concern that is a greater safety risk than the client(s) at the program in their apartment setting without a staff on site. For example, a resident who is at a doctor's office and has completed significantly earlier than staff was advised and needs a ride back to the program. Instead of

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allowing the resident to be unsupervised in the community for several hours, staff on duty would notify the supervisor on duty, lock the program main office and leave a printed sign that advises that staff will return in no longer than an hour. The sign would list phone numbers to the program administration along with the staff cell phone number that the staff on duty will take with them if the need to leave the program arises. Additional examples of emergency assistance in which a staff member may have to leave the program to assist a client may include inclement weather as it regards to the resident's use of the public transportation system and a bicycle to travel back and forth to work; an emergency occurred in which a resident must be accompanied to the hospital and a secondary staff is en route to the program; staff assists residents with transportation as a safety precaution or diversion from traveling among large crowds of people in the area for events at the oceanfront (Large events, Unlawful gatherings at the oceanfront, etc.) In a residential program, each day is never the same and emergencies could arise when there is a single staff on duty. The variance allows the staff member to leave the program for a short period of time (no longer than an hour) to assist a resident in an emergency situation only.

During the time that ALP has been open, staff has utilized the currently approved variance at least one time a month. ALP administration are contacted immediately by staff on duty and the ALP administration determines if the resident remaining in the community unsupervised is a greater risk than staff leaving the program for up to an hour to assist the client. The number of residents remaining at the program varies due to employment and daily task. However it would never be more than 7 residents at any given time.

Any actions taken to come into compliance:

6VAC-35-41-920 (D) Staff Supervision of Residents variance was initially approved on January 11, 2016 and was extended on December 2, 2020.

The person and agency responsible for such action:

Director of the Tidewater Youth Services Commission's Apartment Living Program

The date at which time compliance is expected:

Currently in compliance with previously approved variance.

Expected renewal of variance date is December 2, 2025

The specific time period requested for this variance:

For 5 years or until the currently approved variance is adopted into Regulations Governing Juvenile Group Homes and Halfway House (6VAC35-41).

DEPARTMENT OF JUVENILE JUSTICE

VARIANCE REQUEST

This request is forwarded to the Board of Juvenile Justice for review pursuant to 6VAC35-20-92(C), which provides, "A requested variance shall not be implemented prior to obtaining approval of the board."

Program: Tidewater Youth Services Commission's Apartment Living Program

Regulations: 6VAC35-41-650 (C) Nutrition

Menus of actual meals shall be kept on file for at least six months.

Reason for Variance:

The rationale for this request is that residents at the Apartment Living Program are expected to learn, develop and apply independent living skills that they have been introduced to. Depending on the approved hours that the Resident is in the community, whether at school or work, the staff would not necessarily be able to monitor or verify what the Client has consumed or eaten within the 15 hours following the evening meal to the breakfast meal. To establish a record of the meals that each resident's plans, all young adults are required to complete a weekly menu projecting their meals adjusting meal times with the times that they work or go to school. Staff maintains the resident's receipt from their weekly grocery shopping trip and their weekly meal planner in the resident's case record file. The resident's grocery receipt and weekly meal planner are placed in the client's file for the duration of their placement. When the young adult is discharged, their file is stored according to the Department of Juvenile Justice Regulations.

Any actions taken to come into compliance: Variance 6VAC35-41-650 (C) Nutrition was initially approved on January 11, 2016 and was extended on December 2, 2020.

The person and agency responsible for such action:

Director of the Tidewater Youth Services Commission's Apartment Living Program.

The date at which time compliance is expected:

Currently in compliance with the existing approved variance.

Expected renewal of variance date is December 2, 2025.

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The specific time period requested for this variance: For 5 years or until the currently approved variance is adopted into Regulations Governing Juvenile Group Homes and Halfway House (6VAC35-41)

DEPARTMENT OF JUVENILE JUSTICE

VARIANCE REQUEST

This request is forwarded to the Board of Juvenile Justice for review pursuant to 6VAC35-20-92(C), which provides, "A requested variance shall not be implemented prior to obtaining approval of the board."

Program: Tidewater Youth Services Commission's Apartment Living Program

Regulations: 6VAC35-41-650 (E) Nutrition

There shall be no more than 15 hours between evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

Reason for Variance: The Apartment Living Program does not have a Food Technician/Manager on the premises. The program works with all Resident/young adults to develop, strengthen and apply independent living skills such as cooking, nutritional eating, kitchen safety, proper food handling, etc. Residents are required to complete a weekly menu projecting what they plan on eating for the week prior to grocery shopping. Residents have varying schedules (school, work, etc) and it is difficult for staff to routinely monitor meal times. Residents are responsible for menu planning and cooking for themselves. Up to two times a week, the Residents are required to cook with staff to ensure that they know how to properly cook for themselves and that they are eating a nutritional meal. As Residents all keep different work and school schedules, there is no accurate way of ALP staff to track exactly what and when each Resident eats.

With staff's assistance, residents complete workshops on nutrition, grocery shopping and preparing healthy meals. Residents are expected to cook using fresh meat and vegetables and are limited in purchasing processed foods. All grocery purchases are reviewed and approved by staff weekly.

Any actions taken to come into compliance: Variance 6VAC35-41-650 (E) Nutrition was initially approved on January 11, 2016 and was extended on December 2, 2020.

The person and agency responsible for such action: Director of the Tidewater Youth Services Commission's Apartment Living Program

The date at which time compliance is expected: Currently in compliance.

Expected renewal of variance date is December 2, 2025

The specific time period requested for this variance: For 5 years or until the currently approved variance is adopted into the Regulations Governing Juvenile Group Homes and Halfway House (6VAC35-41).

Department of Juvenile Justice
Human Research & De-Identified Case Specific Data Requests
Annual Report FY 2025

Administrative Code

On February 9, 2005, 6 VAC 35-170, *Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice*, adopted by the Board of Juvenile Justice, became effective. The Administrative Code was most recently amended on April 15, 2021, requires the establishment of a Human Research Review Committee (HRRC), and sets out the conditions required for approval of external research proposals. Select sections of the regulations are included below to provide an overview of the review process:

6VAC35-170-130. Human Research Review Committee

A. In accordance with § 32.1-162.19 of the *Code of Virginia*, the department shall establish an HRRC composed of persons of various backgrounds to ensure the competent, complete, and professional review of human research activities conducted or proposed to be conducted or authorized by the department. No member of the HRRC shall be directly involved in the proposed human research or have administrative approval authority over the proposed research except in connection with his role on the HRRC.

6VAC35-170-150. Committee review of human research proposals.

In reviewing the human research proposal, the HRRC shall consider the potential benefits and risks to the human subjects and shall recommend approval only when:

1. The benefits to the human subjects outweigh the risks;
2. The methodology is adequate for the proposed research;
3. The research, if nontherapeutic, presents no more than a minimal risk to the human subjects;
4. The rights and welfare of the human subjects are adequately protected;
5. Appropriate provisions have been made to get informed consent from the human subjects, as detailed in 6VAC35-170-160;
6. The researchers are appropriately qualified;
7. The criteria and means for selecting human subjects are valid and equitable; and
8. The research complies with the requirements set out in this chapter.

6VAC35-170-50. Conditions for department approval of external research and data requests.

A. The department may approve research projects and data requests only when it determines, in its sole discretion, that the following conditions have been met:

1. The department has sufficient financial and staff resources to support the request, and, on balance, the benefits of the request justify the department's involvement;
2. The request will not interfere significantly with department programs or operations, particularly those of the operating units that would participate in the proposed research; and
3. The request is compatible with the purposes and goals of the juvenile justice system and with the department's organization, operations, and resources.

6 VAC 35-170-190. Committee reports required.

A. In accordance with § 66-10.1 of the *Code of Virginia*, the HRRC shall submit to the Governor, the General Assembly, and the director at least annually a report on human research projects approved by the HRRC and the status of such research, including any significant deviations from the proposals as approved.

B. The HRRC also shall submit annually to the Board of Juvenile Justice the same report as required by subsection A of this section.

Human Research Review Committee

During fiscal year (FY) 2025, the Department of Juvenile Justice's (DJJ) HRRC was comprised of members from various backgrounds. The following members were active as of June 30, 2025:

- Nina Hyland (Chair) – Research Manager, DJJ*
- Robin Binford-Weaver, Ph.D. – Director, Behavioral Services Unit, DJJ*
- Lara Todd – Deputy Director of Education and Rehabilitative Care, DJJ*
- Rebecca Westfall – Resident Rights and Legal Support Manager, DJJ*
- William Stanley – Director, 12th Court Service Unit, DJJ*
- Will Egen – Policy Analyst, Virginia Commission on Youth
- Rebecca Smith, Ph.D. – Program Manager for Undergraduate Research, Institute for Research on Behavioral and Emotional Health at Virginia Commonwealth University
- Erin K. Maloney – Superintendent, Northwestern Regional Juvenile Detention Home

*Members also served on the internal sub-committee that reviewed de-identified case-specific data requests.

DJJ Senior Research Associate, Peter Gregory, Ph.D., served as the Coordinator of External Research.

In addition to reviewing the human subjects research studies as defined in the Administrative Code, an internal sub-committee reviews requests for de-identified case-specific data, including those made through the Virginia Longitudinal Data System (VLDS) where DJJ is the sponsoring agency. The following report includes projects involving either human subjects research or de-identified case-specific data.

During FY 2025, the Deputy Director of Community Programs and the Deputy Director of Education and Rehabilitative Care reviewed only one new human research proposal due to the need to focus on other agency priorities. During the year, DJJ approved one de-identified case-specific data proposal, and, as of June 30, 2025, there was also one human research proposal under review. The following sections summarize the 12 studies that were active during FY 2025, including those approved in prior years and/or closed this year, as well as one proposed/pending study. (Amendment dates indicate the most recently approved amendment; several projects involve multiple amendments over the course of the project.) The Research Unit also reviewed eight VLDS studies in which DJJ was not the sponsoring agency. These studies are not included in the report.

In accordance with *Code of Virginia* § 32.1-162.19, *Human research review committees*, an executive summary of completed projects can be found in Appendix A. Five projects were completed in FY 2025.

I. Active Studies

Evaluation of a Comprehensive Community-Level Approach to Youth Violence Prevention

Researchers: Derek Chapman and Diane Bishop

Institution: Virginia Commonwealth University

Study Type: De-Identified Case-Specific Data Request

Approval Date: November 28, 2017; amended December 30, 2024

Most Recent Progress Report Received: December 5, 2024

The study is part of a larger project aimed at learning more about youth violence in low-income neighborhoods of Richmond, Virginia. The researchers are examining de-identified data for youth between the ages of 10 and 24 associated with intake cases at Richmond City Court Service Unit (CSU) between January 2012 and December 2026. The researchers requested data on intake decisions, youth demographics, offense information, Detention Assessment Instrument (DAI) ranking, select Youth Assessment & Screening Instrument (YASI) items, length of stay (if applicable), and recidivism rates. The researchers are interested in studying low-income neighborhoods in Richmond (e.g., Mosby Court, Gilpin Court, Creighton Court), and requested individual block-level geographical data to do so. In 2024, the researchers submitted a study amendment to extend the length of the study period through 2026. This amendment was approved, and updated data were shared with the researchers in June of 2025.

Exploring Perceptions of Juvenile Court Service Personnel: Do Cognitive-Communicative Skills Impact Outcomes for Juvenile Offenders?

Researcher: Allison Chappell

Institution: Old Dominion University

Study Type: Human Research

Approval Date: December 9, 2021

Final Report Received: February 28, 2025 (See Appendix A)

The purpose of the study was to examine CSU staff's views on the relationship between youth's communication skills and the legal process, including outcomes and decision-making. Existing research found that nearly half of juvenile offenders have a cognitive-communicative disorder that can impact their ability to communicate effectively and appropriately. The researcher gathered qualitative data at CSUs 2 (Virginia Beach) and 4 (Norfolk) on staff and other stakeholders' views on cognitive-communicative impairments and their impacts. Data analysis is complete. Findings and recommendations were provided to DJJ in a final report in February 2025.

OJJDP Juvenile Justice System Reform Initiative: Virginia

Researcher: Rebecca Cohen

Institution: Council of State Governments (CSG) Justice Center

Study Type: De-Identified Case-Specific Data Request

Approval Date: November 15, 2022

Final Report Received: August 14, 2025 (See Appendix A)

The purpose of this study was to support DJJ in conducting a comprehensive assessment of the “front-end” (e.g., diversion and intake) of Virginia’s juvenile justice system. The assessment aimed to identify system strengths and support DJJ in coming to consensus on opportunities to better align system referral, screening, and diversion policies, practices, and funding with what research shows works to improve community safety, improve youth outcomes, and reduce disparities. Findings from the quantitative and qualitative data analysis were included in a presentation to DJJ on June 28, 2023. The researchers submitted an executive summary of key findings and recommendations in August 2025.

Multi-State Assessment of Juvenile Reoffending

Researcher: Zachary Hamilton

Institution: Nebraska Center for Justice Research, University of Nebraska – Omaha

Study Type: De-Identified Case-Specific Data Request

Approval Date: August 31, 2022; amended March 7, 2025

Most Recent Progress Report Received: July 16, 2025

The purpose of this study is to examine YASI risk and needs profiles in relation to gender, race, ethnicity, family structure/type, rural and urban settings, and poverty. The study aims to advance the researcher’s original work in a previously approved project by analyzing additional variables. The original study examined data from 10 states’ risk assessments and identified advancements for state, agency, or youth-specific gender responsiveness and outcomes. In addition to the main goals, the researcher will provide DJJ with a state recidivism comparison, a task which DJJ’s Research Unit is unable to complete due to various barriers that the researcher can overcome with direct access to other states’ data. The researcher requested data from FY 2015-2021, to include risk assessment, demographic, offense history, treatment need, supervision location, case management, and recidivism data. Data cleaning was initiated in 2023, prior to merging with data from other states included in the study. Additional data were requested via a study amendment in FY 2025. This amendment was approved, and updated data were shared with the researchers in June of 2025. Next steps include merging Virginia’s data with data from other states and working with Virginia to ensure the proper interpretation of study findings. The researchers estimate the project will be completed in December 2026.

Identifying Variation in Juvenile Judicial Sentencing

Researcher: Karen Kitchens

Institution: Virginia Tech

Study Type: De-Identified Case-Specific Data Request through VLDS

Approval Date: October 19, 2022

Most Recent Progress Report Received: October 31, 2024

The purpose of this study is to use existing BADGE and VLDS data to identify if variation in sentencing exists, and if so, which sentencing/programs lead to the best outcomes. The study population is juveniles in the state of Virginia who interacted with the court system as identified through the BADGE system during the years 2010 to 2020. To account for changes in the court system as a result of COVID-19, the study does not include juveniles whose first encounter with DJJ occurred after the start of the pandemic. In 2023, the researchers received data, created basic models, and met with the members of the Research Unit to determine the plausibility of adding judge-level information to the VLDS system. In 2024, the researchers met again with several key stakeholders to find a way to access and collect judge-level data; however, those discussions did not yield any solutions despite stakeholders' general support for the project. Next steps involve determining alternative pathways to move the project forward, finalizing models, and utilizing models as a proof of concept for grant funding.

Process Evaluation of the Virginia Department of Juvenile Justice Regional Service Coordinator Model

Researcher: Kelly Murphy

Institution: Child Trends

Study Type: Human Research

Approval Date: August 10, 2018; amended August 26, 2022

Final Report Received: September 6, 2024 (See Appendix A)

The purpose of the study was to conduct an in-depth evaluation of DJJ's Regional Service Coordinator (RSC) model by conducting focus groups and semi-structured interviews with CSU staff, RSC staff, and youth as well as analyzing administrative data. The study had three primary objectives: (i) conduct a process evaluation of the RSC model to understand the extent to which it is being implemented as intended; (ii) provide an initial assessment of the extent to which implementation of RSC model is associated with youth outcomes; and (iii) translate and disseminate findings to target audiences, such as DJJ, other systems that are interested in similar models, and stakeholders. The researcher conducted 17 interviews with direct service providers and 14 focus groups with CSU staff. The researcher worked with the Deputy Director of Community Programs to increase recruitment efforts with the CSU staff. The researcher was unsuccessful in recruiting youth to be interviewed. In addition, after some outreach assistance from DJJ, the researcher paused judge interviews due to COVID-related limitations. Findings and recommendations were provided to DJJ in a final report in September 2024.

Rigorous Evaluation of the Virginia Department of Juvenile Justice's Second Chance Act Reentry Reform

Researcher: Kelly Murphy

Institution: Child Trends

Study Type: Human Research

Approval Date: October 30, 2019; amended May 24, 2023

Final Report Received: January 8, 2025 (See Appendix A)

The purpose of the study was to conduct an evaluation of DJJ's reentry reform efforts. The researcher aimed to examine (i) the extent to which DJJ is implementing the recommendations developed during the Second Chance Act Juvenile Reentry Reform Planning Grant, (ii) the extent to which the agency's services align with the youth's needs, (iii) what the youth's participation in reentry services look like, and (iv) how the implementation of the reforms have impacted youth outcomes. The evaluation was conducted over a four-year period, including a pilot period. The evaluation included focus groups with various stakeholders, such as DJJ's reentry advocates, parole officers, juvenile correctional center (JCC) counselors, and more. The researcher also created a VLDS data request to examine long-term outcomes for youth involved with the juvenile justice system, which was submitted and approved as a separate project proposal. Findings and recommendations were provided to DJJ in a final report in January 2025.

Rigorous Evaluation of the Virginia Department of Juvenile Justice's Second Chance Act Reentry Reform (VLDS)

Researcher: Kelly Murphy

Institution: Child Trends

Study Type: De-Identified Case-Specific Data Request through VLDS

Approval Date: October 19, 2022

Most Recent Progress Report Received: August 16, 2024

The researchers conducted an in-depth evaluation of DJJ's Second Chance Act reentry reform efforts to better understand the quality of implementation and effectiveness. The purpose of this project was to add VLDS data to the analysis to investigate educational outcomes through data matched with the Department of Education. Although the process of requesting VLDS data was started, no subsequent action was ever taken to procure VLDS data. The researchers elected not to move forward with the investigation of educational outcomes with VLDS data, resulting in a voluntary closeout of the project by the researchers.

Analysis of DAI in Fairfax County

Researcher: Courtney Porter

Institution: Marymount University

Study Type: De-Identified Case-Specific Data Request

Approval Date: October 25, 2023; amended March 15, 2024

Most Recent Progress Report Received: October 24, 2024

The purpose of this study is to evaluate the public safety impact of the Detention Assessment Instrument (DAI) in Fairfax County. The public safety impact will be examined by looking at the rates of new offenses and failures to appear in court for the youth released or under various forms of community supervision as detention alternatives. The researcher notes that it is important to reassess whether the instrument continues to be used correctly with minimal bias. The researcher requested data from FY 2013-2022, to include intake, demographic, DAI, and offense data. Since receiving the data, the researcher has focused on cleaning and recoding the data in preparation for analysis. The researcher anticipates providing preliminary reports in fall of 2025 and providing a final report in spring of 2026.

The Trauma to Prison Pipeline: Exploring the Nexus of Childhood Adversity, the K-12 Education System, and the Risk of Incarceration

Researcher: Charol Shakeshaft and Dana Ainsworth

Institution: Virginia Commonwealth University

Study Type: De-Identified Case-Specific Data Request

Approval Date: September 24, 2024; amended March 7, 2025

This study proposes an expansion of the school-to-prison-pipeline metaphor to include discussion of the intersection of childhood adversity, student behavior in schools, exclusionary discipline, and the heightened risk of incarceration. The research aims to highlight the role of schools in mitigating or mediating the impact of adversity and the socioeconomic variables that increase the risk of trauma exposure. Data shared with the researchers primarily included items from the Adverse Childhood Experience (ACE) questionnaire and items from the YASI risk assessment pertaining to youths' family, peers, and experiences in school.

National Juvenile Court Data Archive Project

Researchers: Charles Puzzanchera and Sarah Hockenberry

Institution: National Center for Juvenile Justice

Study Type: De-Identified Case-Specific Data Request

Approval Date: August 15, 2022; amended April 2, 2025

Most Recent Progress Report Received: July 16, 2025

This study is not a traditional research study. Rather, its purpose is to contribute data to an archive that creates national estimates of juvenile court delinquency, status offenses, and case processing. Historically, DJJ has participated in the data archive project; however, due to revised internal processes, the HRRC requested an updated amendment packet for consideration, which it subsequently received and approved. Data for calendar year 2023 were approved for aggregate release in May 2025, and the team hopes to include them in the fall 2025 release of *Juvenile Court*

Statistics 2023. In October 2024, archive staff were awarded a grant to continue data collection through 2027.

Optimizing Supervision and Services Strategies to Reduce Reoffending: Accounting for Risks, Strengths, and Developmental Differences

Researcher: Gina Vincent

Institution: University of Massachusetts Medical School

Study Type: De-Identified Case-Specific Data Request

Approval Date: December 30, 2021; amended May 10, 2022

Final Report Received: May 6, 2025 (See Appendix A)

The purpose of the study was to (i) identify which risk and protective factors are most strongly associated with reduction in recidivism to inform supervision practices, (ii) examine which services and supervision practices facilitate positive youth development and reduce reoffending, and (iii) assist with capturing data regarding protective factors, service usage, and reoffending to inform decision-making. The researcher requested archival data from 2015-2017 to serve as a baseline, to include risk assessment, demographic, offense history, case management, service, and recidivism data. The researcher also requested prospective data from five CSUs, which piloted a protective factors survey for comparison purposes and to understand how services impact youth outcomes. After receiving the data, the researchers shared a brief summary of preliminary study findings with DJJ in July of 2024. Final findings and recommendations were provided to DJJ in a final report in May 2025.

II. Proposed / Pending Studies as of June 30, 2025

Improving Reentry Outcomes for Justice-involved Adults with Behavioral Health Disorders

Researcher: Gary Cuddeback

Institution: Virginia Commonwealth University

Study Type: Human Research

Approval Date: Pending

The purpose of this study is to track outcomes associated with the provision of services to high-risk young adults with behavioral health disorders who are transitioning from Bon Air Juvenile Correctional Center. Services will include supported employment, access to peer recovery specialists, comprehensive case management, and trauma-informed care. All services will be provided by appropriately credentialed professionals at Virginia Commonwealth University. Data for the study will be collected through interviews at recruitment and at 6- and 12-month follow-up periods. The researchers plan to observe the following outcomes over the course of the study period: employment, behavioral health, housing and social support, and recidivism. As of June 30, 2025, this study was under review by the HRRC.

III. Denied Proposals

One research proposal was denied during this fiscal year. Projects withdrawn by the researcher are not included in this report.

Prevalence Estimation of Co-occurring Disorders in Juvenile Justice Facilities

Researcher: Ashlin Oglesby-Neal and Sarah Aukuamp

Institution: Urban Institute

Study Type: De-Identified Case-Specific Data Request

Denied Date: September 25, 2024

The purpose of this study was to estimate the prevalence of youth with co-occurring mental health and substance use disorders (COD) in select state juvenile justice residential facilities and examine disparities in diagnoses and treatment by race and ethnicity. The study had three main objectives: 1) determine the prevalence of youth with COD in particular juvenile justice residential facilities in five selected states over a multi-year period, as determined by a clinical assessment; 2) examine variation in prevalence rates by race and ethnicity and other demographics, time period, and agency facility type through statistical analyses; and 3) assess the approaches, attitudes, and perceptions of juvenile justice agency staff and behavioral health professionals in identifying and treating youth with mental health and substance use disorders via a process evaluation. The proposal for this project was denied after the HRRC determined that the data being requested were too broad and that the project did not align with the conditions set out in 6VAC35-170-50.

IV. Administratively Closed Proposals and Studies

Administratively closed proposals and studies include proposal packets the Coordinator of External Research or the HRRC reviewed, but the agency did not hear back from the researcher(s) after providing feedback and/or requesting revisions. They also include studies for which no significant progress has been reported and for which DJJ determined it could not continue to provide resources. There were no administratively closed studies during this fiscal year.

Appendix A: Executive Summaries of Completed External Projects

Note: Executive summaries are completed by the researchers, and the content is not revised by DJJ.

Exploring Perceptions of Juvenile Court Service Personnel: Do Cognitive-Communicative Skills Impact Outcomes for Juvenile Offenders?

Researcher: Allison Chappell

Institution: Old Dominion University

Study Type: Human Research

Approval Date: December 9, 2021

Final Report Received: February 28, 2025

Statement of the Problem and Study Aims

International research suggests that upwards of 50% of youth offenders have a cognitive communication disorder (CCD), but little research exists on CCD in the United States. CCD can have behavioral manifestations that are common amongst system-involved youth, such as impulsivity and impaired decision making, making it difficult for some youth to benefit from programming and treatment. Through interviews with Department of Juvenile Justice (DJJ) personnel, our study aimed to improve our understanding of the incidence of system-involved youths' problems with communication and language, and how they shape experiences, opportunities, and outcomes for youth in the juvenile justice system (JJS).

Key Findings

- Overall, environment is the primary predictor of success/failure in the JJS as identified by DJJ personnel
 - Family (and presence/absence of other support) are main environmental factors
 - Other factors include peers, neighborhoods, mental health, and trauma
- Communication and language issues are prevalent among system-involved youth
 - Rarely seen as a disorder
 - Attributed to educational deficits, role modeling, fear
- Communication and language can affect outcomes and decision making in the JJS
 - It may dictate case planning and programming
 - Cognitive communication skills can be interpreted as disrespect or noncompliance and lead to harsher punishments, such as detention
- JJS personnel rely on their training, education, and experiential knowledge to address communication difficulties when they encounter them
 - Trust and rapport are keyways in which personnel "meet [the youth] where they are" to address communication problems
 - Most staff consider it their responsibility to ensure that youth and families understand JJS processes and other information relevant to their case.

Recommendations

- Increase awareness
 - Studies show that simply increasing awareness of CCD can alter the way that staff perceive and respond to youth behavior
- Staff Training
 - Staff training is a low investment/high yield strategy shown to have positive outcomes for both youth and staff
- Screening and Assessment

- Youth should be screened for CCD
 - Current risk assessment instruments may need to be reviewed
- Communication Intermediaries
 - Speech language pathologists (SLP) who work with offenders, victims, and witnesses to ensure understanding of processes and facilitate communication

OJJDP Juvenile Justice System Reform Initiative: Virginia

Researcher: Rebecca Cohen

Institution: Council of State Governments (CSG) Justice Center

Study Type: De-Identified Case-Specific Data Request

Approval Date: November 15, 2022

Final Report Received: January 23, 2025

Background and Project Overview

The Council of State Governments Justice Center conducted a comprehensive assessment of Virginia's juvenile justice intake and diversion practices as part of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) System Reform Improvement Initiative. This analysis examined complaint handling, diversion decisions, and petition practices across Virginia's Court Service Units (CSUs) from fiscal years 2016-2021.

The study combined multiple methodologies including:

- Review of statutes and administrative policies
- Statewide listening sessions with CSU supervisors and intake staff
- Analysis of case-level data covering over 200,000 juvenile intake complaints
- Descriptive analyses of complaint trends and predictive modeling to estimate petition likelihood for first-time system-involved youth

The primary goal was to identify opportunities for statewide intake and diversion improvements that would enhance public safety, improve youth outcomes, reduce disparities, and increase system efficiencies.

Key Findings

Key Finding #1: Complaints have declined substantially since 2020, including felony/person cases, though the proportion of felony complaints that are against a person has increased as overall felonies declined.

Key Finding #2: Status offenses are the single largest category of complaints (17-23% annually), contributing to a broad perception that DJJ is the "dumping ground" for youth in need of services statewide.

Key Finding #3: Status complaints are petitioned at a high rate and CSUs differ significantly on the frequency and nature of how these complaints are handled.

Key Finding #4: Diversion decisions are generally guided by the nature of youth's offense.

Key Finding #5: Petition rates vary widely across CSUs, driven by both internal and external factors. CSUs differ in their policies and practices, including procedures for establishing probable cause, diversion agreement requirements, discretionary decision-making authority, and the extent to

which judges and prosecutors dictate diversion policies. The probability of receiving a petition for first-time complaints varies dramatically between CSUs.

Key Finding #6: DJJ petition practices don't substantially exacerbate racial and ethnic disparities, but males have a higher probability of receiving a petition than females. Black youth are twice as likely to be referred to DJJ compared to White youth. Black males have a significantly higher probability of receiving a petition on first-time complaint compared to similar female and non-Black peers.

Key Finding #7: Diversion practices and services vary statewide, and Virginia lacks a clear vision and criteria for maximizing the use of VJCCCA funding.

Key Finding #8: Youth are generally successful on diversion (nearly 90% completion rates for most offense types), but youth diverted on status complaints and youth of color have a lower probability of success compared to their peers.

Key Finding #9: The probability of a subsequent complaint within one year for diverted youth is low overall, but higher for youth diverted on status complaints.

Recommendations

System Reform Initiatives

1. **Restructure status offense handling:** Rethink structure of status offense cases, whether these cases (as well as youth 12 and under) should be referred to DJJ, and if so what types (CHINS services?), and develop/pilot alternative service/responder systems, more robust and well-funded service/support initiatives, as well as structures (such as 988 and assessment centers) for families to learn about/receive services without system involvement.
2. **Establish formal referral criteria:** Create statewide statutory requirements for status offense complaints, including mandatory interventions schools must complete before making complaints.
3. **Reform CSU structure:** Rethink current structure of CSU diversion/intake units including probable cause responsibilities, domestic case responsibilities, and personnel authority of judiciary over CSU leadership.
4. **Clarify governmental roles:** Define clear lines of authority across branches of government for intake/diversion decisions, ensuring DJJ has final discretion over diversion.
5. **Restructure VJCCCA funding:** Dedicate funding specifically for diversion programs overseen by DJJ, emphasizing evidence-based practices and restorative justice.

DJJ Policy and Practice Improvements

1. **Standardize diversion policies:** Establish detailed statewide policies for diversion eligibility, decision-making processes, supervision expectations, and success criteria while maintaining CSU discretion.
2. **Implement evidence-based screening:** Utilize validated risk assessment tools (YASI pre-screening) and trauma/mental health screening to guide diversion decisions and service referrals.
3. **Enhance staff training:** Develop comprehensive initial and ongoing training programs covering policies, Risk-Need-Responsivity principles, family engagement, restorative justice, and cultural competence.
4. **Formalize stakeholder engagement:** Establish regular meetings with schools, service providers, and other systems for information sharing, joint decision-making, and system improvement initiatives.
5. **Strengthen intake working group:** Formalize DJJ's intake working group to lead statewide diversion improvements, pilot programs, restorative justice expansion, and VJCCCA funding oversight.

Process Evaluation of the Virginia Department of Juvenile Justice Regional Service Coordinator Model

Researcher: Kelly Murphy

Institution: Child Trends

Study Type: Human Research

Approval Date: August 10, 2018; amended August 26, 2022

Final Report Received: September 6, 2024

Project Summary

In 2017, the Virginia Department of Juvenile Justice (DJJ) initiated the Regional Service Coordination (RSC) model as part of its broader Transformation Plan. The primary goal of this initiative was to establish a statewide continuum of community-based services and alternatives to incarceration for youth involved in Virginia's juvenile justice system. The RSC model aimed to reduce reliance on restrictive interventions, increase service availability, and address disparities in service access between rural and non-rural areas.

To support this transformative effort, DJJ partnered with Child Trends to conduct a comprehensive six-year process evaluation. The study aimed to evaluate the effectiveness of DJJ in implementing the RSC model and to assess how it affects service delivery and outcomes for youth involved in the juvenile justice system. Child Trends' evaluation of the RSC model focused on assessing four key aspects of the model's implementation: Adherence to the model; Quality of implementation; Service access and youth participation; and Youth outcomes.

The study had four core research questions:

1. To what extent is the RSC model being implemented as intended? If changes have been made, why were they made?
2. To what extent are the services provided to youth aligned with their needs?
3. What does youth participation in the services received through the RSC model look like?

How, if at all, are youth outcomes associated with implementation of RSC Model?

Methodology and Data

Child Trends adopted a utilization-focused evaluation approach to conduct the evaluation—an approach designed to support evidence-informed decision-making by fostering a close partnership between the evaluator (Child Trends) and the intended users of the evaluation results (DJJ). To ensure that the evaluation served DJJ's specific needs, Child Trends actively involved DJJ in all phases of the evaluation process.

Child Trends employed a mixed-methods approach, combining qualitative and quantitative data to provide a comprehensive analysis of the RSC model. Qualitative data were gathered through interviews and focus groups with key partners, including Court Service Unit (CSU) staff, Regional Service Coordinators (RSCs), judges, and direct service providers. Unfortunately, Child Trends was unable to recruit youth to participate in this study, which was a significant limitation. Quantitative data included administrative datasets regarding youth background characteristics, Youth

Assessment and Screening Instrument (YASI) data, and youth participation in RSC model-funded programs and services.

Study Findings

Overall, Child Trends found that the implementation of the Regional Service Coordination (RSC) model has been a pivotal shift in Virginia's juvenile justice landscape. This change required the coordinated adoption of a complex, statewide systems-change intervention across a diverse array of organizations and partners, including state-level authorities such as the State Assembly, the governor, the Virginia Department of Juvenile Justice (DJJ), local Juvenile & Domestic Relations courts, Court Service Units (CSUs), the Central Admission and Placement (CAP) Unit, Regional Service Coordinators (RSCs), and various contracted direct service providers. Given the complexity and range of entities involved, some variation in the adoption and implementation of the model was anticipated.

Key findings from the study are summarized below. For a comprehensive account of the findings, see the study's final report (Murphy et al., 2023).

Implementation Success: The RSC model, which integrates multiple partners across autonomous agencies, has largely operated as intended. This success persisted even during the COVID-19 pandemic.

Efficiency and Improved Service Access: CSU staff praised the model's efficiency in connecting youth with services, reducing administrative burdens, and increasing the range of services available to youth and families. The pandemic-induced shift to telehealth has also enhanced service accessibility—a practice that both DJJ and RSCs plan to sustain moving forward.

Collaboration and Funding: The model fostered improved collaboration and trust among stakeholders, particularly RSCs and CSU staff. Guaranteed funding streamlined service initiation and referrals, addressing previous uncertainties and administrative delays.

Responsive Improvement and Challenges: The RSC model demonstrated adaptability to feedback, especially in streamlining referral processes. However, several implementation challenges arose, including initial knowledge gaps among judges and service providers regarding the model's purpose and implementation; concerns about the continuation of services post-supervision; and ongoing skepticism and limited buy-in from judges.

YASI Implementation: The Youth Assessment and Screening Instrument (YASI) is central to the RSC model, helping standardize goal setting and case planning and creating a “common language” among different stakeholder groups. However, concerns were raised about its comprehensiveness. Further discussions with DJJ revealed the availability additional tools and resources, indicating a need for better awareness, support, and training among staff.

Service Expansion and Efficacy: The model significantly expanded the number and range of services available to youth and families, particularly evidence-based programs such as Multisystemic Therapy (MST) and Functional Family Therapy (FFT). High approval and initiation rates for service referrals were also observed. However, challenges with service availability persisted, particularly for youth and families in rural areas, non-English speakers, and youth transitioning from direct care placements.

Recidivism Rates and Service Impact: Recidivism remains a challenge, with rearrest rates of youth who have received one or more services funded through the RSC model reaching 37.5%

within 12 months and 52.2% by 24 months. However, completing at least one RSC-funded service significantly reduced the likelihood of rearrest and reconviction, underscoring the importance of service engagement. Specifically, youth who completed a service had 29% lower odds of being rearrested (OR = 0.71, $p < .01$) and 33% lower odds of reconviction (OR = 0.67, $p < .001$) within 12 months of service initiation.

Recommendations

The shift to the Regional Service Coordination (RSC) model marks a significant advancement in Virginia's approach to juvenile justice, focusing on community-centered practices that prioritize rehabilitation and support over punitive measures. The insights from this study offer a valuable framework for other states seeking to transform their juvenile justice systems. Continued commitment to implementing the recommendations from this study will be essential for ensuring sustainable impact and ongoing improvements in the system.

Based on the evaluation findings and identified limitations, we propose the following recommendations to enhance the implementation and impact of the RSC model:

- **Strengthen Supervisory Support:** Engaging supervisors more actively in the implementation process can provide Court Service Unit (CSU) staff with focused guidance, helping ensure adherence to policies, procedures, and greater awareness of resources, such as assessments and tools that complement the YASI.
- **Enhance Communication:** Initial communication challenges between Regional Service Coordinators (RSCs) and CSU staff were overcome through additional outreach, community-building, and sharing evidence of program effectiveness. In addition to these efforts, RSCs also built trust by adapting procedures based on CSU staff feedback. These initiatives should be continued and extended to judges, many of whom expressed skepticism or misunderstandings about the RSC model. Although some resistance may persist, much of it can be mitigated with an inclusive, participatory approach that respects professional judgment while clearly conveying the rationale behind the change, supported by research evidence.
- **Incorporate Youth and Family Perspectives:** A key gap in the evaluation was the absence of direct input from youth and families affected by the RSC model. DJJ should prioritize including these perspectives in future assessments and program improvements. Youth and family feedback is critical for understanding participation barriers and ensuring services are aligned with their needs.
- **Continuous Monitoring and Evaluation:** By 2022, a rigorous quality assurance process was established to monitor and enhance the quality of direct service providers funded through the RSC model. Ongoing internal performance monitoring as well as external research partnerships are vital for identifying areas of improvement and strengthening the model.
- **Address Disparities in Service Access:** The evaluation revealed disparities in service access, particularly for youth released from direct care, those in rural areas, and non-English speakers. DJJ should develop targeted strategies to ensure equitable access to services, focusing on overcoming barriers specific to these communities. This may involve expanding

resources in underserved areas and enhancing cultural responsiveness in service delivery. Thoughtfully engaging youth and families in identifying and addressing these barriers is crucial to overcoming this challenge.

Conclusion

Through innovative financing, data-driven strategies, and collaboration, the Virginia Department of Juvenile Justice's (DJJ) Regional Service Coordination (RSC) model offers key lessons for states transitioning to community-centered treatment models. Virginia's approach, focused on reducing incarceration and increasing local investment to address service disparities, engaged a wide range of stakeholders, including policymakers, probation offices, the judiciary, service coordinators, and community providers.

Despite the challenges posed by the COVID-19 pandemic, our evaluation of the RSC model yielded positive results and practical recommendations for juvenile justice reform. The model has demonstrated its potential to improve the efficiency and effectiveness of community-based treatment services, with a significant link between completed services and reduced recidivism. For sustained impact, it is essential to continue internal performance monitoring—disaggregating data by youth demographics to ensure equity—and foster external research partnerships. These steps will help the RSC model evolve into a more equitable, efficient, and impactful system. Virginia's shift to the RSC model represents a major advancement in youth justice reform, emphasizing the importance of community engagement and trust-building among stakeholders. This model holds the potential to inspire similar transformations in other states, benefiting both youth and their communities.

Disclaimers

This project was supported by Grant # 2017-JF-FX-0062 awarded by the Office of Juvenile Justice and Delinquency Prevention and was transferred to and managed by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the Department of Justice.

Further, the findings of this study are the responsibility of the researchers, and cooperation by the Virginia Department of Juvenile Justice in facilitating this research should not be construed as an endorsement of the conclusions drawn by the researchers.

Finally, portions of this report received copy editing support from OpenAI's Chat GPT, a machine learning model. While Chat GPT assisted in refining the text for clarity and readability, the content, analysis, and conclusions presented in this report are solely those of the authors and do not reflect the views or opinions of OpenAI.

Rigorous Evaluation of the Virginia Department of Juvenile Justice's Second Chance Act Reentry Reform

Researcher: Kelly Murphy

Institution: Child Trends

Study Type: Human Research

Approval Date: October 30, 2019; amended May 24, 2023

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To achieve better outcomes for the youth, families, and communities it serves, the Virginia Department of Juvenile Justice (DJJ) has spent the past decade since 2015 transforming its juvenile justice system. In response to persistently high recidivism rates among youth returning home from correctional placements, DJJ implemented significant changes to reentry policies, programs, and practices to better prepare young people for successful reintegration to their communities.

In 2014, DJJ was chosen as one of six state agencies to receive a federal Second Chance Act grant to develop a Comprehensive Statewide Juvenile Reentry System Reform Planning Program. DJJ used this planning grant—in conjunction with additional support from the Annie E. Casey Foundation and Evidence Based Associates—to comprehensively assess its reentry policies, practices, and procedures, ultimately developing a strategic plan for reform. DJJ's Second Chance Act planning grant culminated in a report outlining recommendations to improve outcomes for youth who experience incarceration or “direct care” placement in Virginia (Edwards & Yeager, 2015). The recommendations are organized around four “Core Principles” designed to enhance outcomes in juvenile reentry, with each principle offering specific, actionable strategies aligned with DJJ’s reform goals. The next year, DJJ received an implementation grant through the federal Second Chance Act to operationalize this strategic plan.

Four Core Principles Guiding Virginia’s Second Chance Act Reforms

Principle 1: Base supervision, service, and resource-allocation decisions on the results of validated risk and needs assessments.

Principle 2: Adopt and effectively implement programs and services demonstrated to reduce recidivism and improve other youth outcomes, and use data to evaluate system performance and direct system improvements.

Principle 3: Employ a coordinated approach across service systems to address youth’s needs.

Principle 4: Tailor system policies, programs, and supervision to reflect the distinct developmental needs of adolescent.

Source: Edwards, D., & Yeager, C. (2015). Improving reentry outcomes for youth in Virginia’s juvenile justice system: Assessment findings and recommendations.

This executive summary provides an overview of a multi-year evaluation, conducted by Child Trends, of DJJ’s Second Chance Act reforms. This evaluation used state administrative data and qualitative insights from key stakeholders—including parole officers, residential facility staff,

reentry advocates, and representatives from state agencies that DJJ partners with—to answer four questions:

- To what extent is DJJ implementing the recommendations developed during the Second Chance Act Juvenile Reentry Systems Reform Planning Grant?
- What does youth participation in reentry services look like?
- To what extent are services—including those provided in detention and when youth return to their communities—aligned with the needs of youth?
- How are youth outcomes impacted by implementation of reforms made under the Second Chance Act grant?

Four Critical Elements of Virginia’s Juvenile Justice Reform Efforts

The findings of this evaluation hold significant promise for enhancing reentry practices within the juvenile justice system and informing broader policy frameworks. Best practices in reentry have long emphasized the need for programs that begin prior to release and [ensure a sustained continuum of care](#). By highlighting the roles of community-based alternatives, continuous service provision, and data-driven decision making, Virginia’s DJJ lays the foundation for transformative changes in juvenile justice policies and practices. These efforts, particularly those to expand alternatives to incarceration and reduce barriers to service access, provide a model that can be adapted by other jurisdictions striving to enhance youth outcomes. Ultimately, these foster a more supportive and rehabilitative environment for youth in transition, enabling them to reintegrate successfully into their communities without increasing the likelihood of recidivism.

Below, we provide additional detail regarding the most critical elements of Virginia’s practice, and recent reforms.

Risk assessment and screening

The Youth Assessment and Screening Instrument (YASI; see box at right) is a well-established and [validated risk and needs assessment tool](#). It evaluates two key aspects of risk: the likelihood of youth reoffending and the presence of risk and protective factors across 10 domains. These domains are legal history, community and peers, family, school, alcohol and drugs, mental health, violence and aggression, attitudes, adaptive skills, and use of free time and employment. DJJ has used this tool to inform case planning since 2008. Over the years, DJJ has engaged in three validation studies, all of which have demonstrated that the YASI, as administered by DJJ, meets the field standards for [accurately predicting youth reoffending](#). While the YASI itself is not a recent reform, it does serve as the foundation for much of Virginia’s reform efforts: It delivers on the first core principle identified during DJJ’s Second Chance Act planning grant. (i.e., “Base supervision, service, and resource-allocation decisions on the results of validated risk and needs assessments.”)

Changes to the length of stay policy

Youth committed to DJJ fall into two categories: indeterminate commitments, where the judge grants DJJ discretion to determine a youth’s release date within a specified time window (an earliest and latest release date are provided); and determinate commitments, which are for youth who have committed more severe offenses and for whom [the court maintains discretion over their release and](#)

[specifies a specific length of stay](#). In 2015, the Board of Juvenile Justice updated its guidelines for [assigning lengths of stay to youth with indeterminant commitments](#)—that is, commitments where a judge grants DJJ discretion to determine a youth’s release date within a specified time window. Previously, the most commonly assigned length of stay for indeterminate admissions was 12 to 18 months; following the 2015 revisions, however, 6 to 9 months became the most common assignment.

Continuum of direct care placements

Like [many jurisdictions](#) across the country, the overall population of youth committed to direct care in Virginia has [significantly decreased over time](#). In response to the declining direct care population, DJJ [closed four of its five state-run juvenile correctional centers](#) from 2014 to 2017. Therefore, the Virginia General Assembly and governor granted DJJ the authority to [reinvest savings from the closures](#) in support of DJJ’s transformation goals.^{iv} Funding for maintaining two of the four closed juvenile correctional centers (JCCs) was primarily reallocated to support the implementation of DJJ’s Regional Service Coordination (RSC) model, while the funding from the closure of the other two JCCs was reallocated toward staff training and programming and treatment services for youth in direct care placements. The reallocation of these resources helped expand the continuum of placement options in Virginia’s DJJ system.

Regional Service Coordination (RSC) model

Finally, a cornerstone of [DJJ’s Transformation Plan](#) was the establishment of the Regional Service Coordination (RSC) model, launched in 2016. The [RSC model](#) was designed to leverage funding from the closure of JCCs to create and maintain a comprehensive, statewide continuum of community-based services and alternatives to incarceration. As part of this effort, DJJ partnered with two service coordination agencies, AMIkids and Evidence Based Associates, to do the following:

- Identify service needs and gaps across DJJ’s five administrative regions.
- Select and contract with direct service providers to meet those needs.
- Review and approve youth service plans.
- Provide technical assistance and supports to direct service providers and Court Service Unit (CSU) staff (e.g., probation and parole officers).
- Monitor service quality and utilize data for continuous improvement.

Key Findings

This section reviews key findings from the evaluation of each of the study’s four research questions.

To what extent is DJJ implementing the recommendations developed during the Second Chance Act Juvenile Reentry Systems Reform Planning Grant?

DJJ’s YASI tool plays a central role in DJJ’s decision-making process, guiding interventions from adjudication through post-release supervision. Administration is supported by a wide array of staff, including probation/parole officers and residential facility staff.

The YASI has increasingly informed disposition decisions, with higher-risk youth targeted for direct care. Prior to the reentry reforms, 75 percent of youth placed in direct care were identified as high-risk for recidivism based on their YASI risk score at admission. Following the reforms, this percentage rose to 81 percent, accompanied by a significant decrease in placements of youth classified as low or moderate risk.

The reforms significantly expanded placement options, with more youth placed in alternatives to juvenile correctional centers JCCs. Placements in JCCs decreased from 92 percent to 35 percent during the fiscal years included in the study. This shift has allowed more youth to remain closer to their home environments. The introduction of the RSC model in 2016 further broadened placement options, adding other alternatives—such as residential treatment facilities, group homes, and independent and transitional living programs—to serve older youth. These changes have enhanced access to community-based services and increased opportunities for family engagement.

The percentage of determinant commitments nearly doubled, increasing from 12 percent to 21 percent following the implementation of reentry reforms. To further explore this trend, we analyzed changes in the types of offenses youth committed before and after the reentry reforms. This analysis revealed no significant changes in the nature of offenses during the fiscal years included in the study. However, the length of stay in indeterminant commitments were statistically reduced from pre-reentry reform to the reentry implementation period. There was only a slight increase (<2%) in indeterminant commitments for felony offenses, such as offenses against persons, weapons-related crimes, and narcotics distribution.

Youth at all risk levels spent less time in direct care following implementation of the reentry reforms, with youth identified as low risk on the YASI experiencing the greatest reductions in their length of stay. Overall, the length of stay in direct care placements significantly decreased following implementation of the revised guidelines, which also aligned with the timeline for reentry reforms ($p < .001$). During fiscal years (FYs) 2012–2015, the average length of stay for youth in direct care was 16 months, which decreased to 12 months from FYs 2017–2020.

What does youth participation in reentry services look like?

Almost half of the direct care releases received at least a service referral, and most referrals resulted in service initiation. From FYS 2018-2020, 425 out of 927 direct care releases (46%) received at least one RSC service referral during their reentry service period. While only half of direct care releases received at least a service referral, most referrals resulted in service initiation. Once a referral is approved, the regional service coordinator supports a parole officer in identifying an appropriate local service provider within the RSC model network. Among approved referrals, 78 percent resulted in services being initiated.

Of the approved referrals resulting in services, 20 percent of services began within two weeks of referral while an additional 31 percent began between two weeks and a month after referral. The median duration to service initiation was 29 days, indicating that most youth began receiving services within a month of their release from direct care.

Of the 566 services that began, 67 percent (n=377) were recorded as completed. The highest completion rates were observed for services targeting the mental health (76%) and alcohol and drugs (75%) domains. Services that targeted the family domain had a 68 percent completion rate, followed closely by 62 percent completed services in the community and peers domain and 58 percent in the employment and free time domain. However, services in the remaining four domains—skills, school, attitudes, and aggression—had minimal initiation or completion rates, indicating significant gaps in these areas.

To what extent are services—including those provided in detention and when youth return to their communities—aligned with the needs of youth?

At direct care admission, aggression and skills were the most commonly identified youth needs, while employment/leisure, school, and mental health were rarely identified. The two most common needs identified at direct care admission were aggression (74%) and skills (66%), followed by attitudes (53%), alcohol and drugs (50%), and community and peers (46%). Less than 15 percent of youth were identified as needing services to address family concerns (13%), employment/free time (8%), school (7%), and mental health (1%). While each youth can have up to three distinct priority areas, these needs are not mutually exclusive.

There is significant variability across the percentage of direct care releases matched to services based on youth's priority needs, with some of the highest priority needs experiencing the least match.¹ Youth with a priority need in the mental health domain had a 100 percent match, but this finding was based on a sample size of just two releases. The employment and free time and family domains had match rates of 54 percent and 42 percent, respectively, with sample sizes less than 50. Larger groups, such as community and peers (n=164) and alcohol and drugs (n=172), had lower match rates of 34 percent and 27 percent, respectively. Aggression and skills, the two most commonly identified youth needs, had match rates of 0.4 percent and 0.0 percent, respectively.

How are youth outcomes impacted by implementation of reforms made under the Second Chance Act grant?

Reentry reforms had a small but positive trend toward reducing reconviction and recommitment rates (although not rearrest rates), but these treatment effects were not statistically significant. This finding indicates that the reforms neither increased nor decreased the likelihood of recidivism among youth released during the implementation period. Notably, given that the reentry reforms coincided with reduced lengths of stay due to changes in guidance, these results also suggest that shorter lengths of stay did not lead to increased recidivism. This finding highlights the potential for reentry reforms to achieve at least comparable outcomes while reducing the time youth spend in direct care.

¹ This finding should be interpreted with caution. The service alignment matrix we used to code youth services relies on a conservative approach to service mapping—coding each service for a single priority need domain—to avoid the risk of inappropriate referrals. This is important to note because, although a service could potentially impact multiple domains—a workforce development program, for example, that addresses employment and skill development—each service is only aligned to a single priority need domain.

Policy and Practice Implications

Below, we outline the study's implications for the Virginia DJJ and for members of the broader research, practice, and policy communities who are interested in pursuing similar transformative efforts.

Implications for Virginia

DJJ successfully reduced the average length of stay in direct care, despite the number of determinant commitments having increased. This reduction suggests that reentry reforms are fostering quicker reintegration into the community, which is vital for youth who may face challenges in adjusting to post-release life. By maintaining a focus on timely transitions and effective discharge planning, DJJ can further improve outcomes for youth and help them navigate the complexities of reentry with greater support.

The increase in higher-risk youth entering direct care reflects DJJ's strategic focus on identifying and serving youth who require intensive interventions. This targeted approach aligns with reentry reforms aimed at reducing recidivism, ensuring that resources are allocated effectively to support the most vulnerable populations. By continually refining risk assessment tools, DJJ can enhance its capacity to prioritize interventions based on individual needs.

Early identification of youth needs—such as housing, employment, and mental health support—should be integrated into reentry case planning to ensure timely referrals that are better aligned with youth needs. With services mismatched to the priority needs identified by the YASI, DJJ may want to explore improved methods for service mapping, ensuring that youth receive interventions targeting their highest-risk areas. The two most common priority needs identified—aggression and skills—should guide DJJ's future reentry programming. Efforts to expand services that target these areas may lead to more effective reentry outcomes. By establishing collaborative efforts among parole officers, direct care staff, and reentry advocates, DJJ can create individualized, transparent, and accountable reentry plans that facilitate smoother transitions into the community and mitigate potential service gaps. By leveraging data from the YASI to match services to identified needs, DJJ can enhance the effectiveness of reentry services and support youth in their reintegration efforts.

Implications for broader research, policy, and practice

The findings underscore the need for juvenile justice systems to adopt evidence-based practices in reentry services and a service coordination model to efficiently connect youth to services. By demonstrating the positive impact of structured interventions and comprehensive service delivery on youth outcomes, this evaluation may encourage policymakers and practitioners to prioritize data-driven approaches in program development and implementation.

The success of DJJ's transition to community-based services for high-risk youth highlights the potential for broader policy reforms. This shift illustrates the benefits of reducing reliance on

incarceration in favor of alternatives that foster family engagement and reintegration, and could encourage other jurisdictions to adopt similar approaches. By showcasing successful models of community-based interventions, this research can serve as a blueprint for other states, promoting a cultural shift within juvenile justice systems.

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Optimizing Supervision and Services Strategies to Reduce Reoffending: Accounting for Risks, Strengths, and Developmental Differences

Researcher: Gina Vincent

Institution: University of Massachusetts Medical School

Study Type: De-Identified Case-Specific Data Request

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EXECUTIVE SUMMARY

The Youth Protective Factors Study is an unprecedented multistate, multiyear examination of the risk- need-responsivity (RNR) and positive youth justice (PYJ) approaches, that also examined whether the effectiveness of these approaches differed by youths' age among 10 to 13 year-olds. This was a collaboration between the research labs at UMass Chan Medical and UC-Berkeley, the Council of State Governments Justice Center, and juvenile justice (JJ) agencies in three states. Overall, across three states, the project examined violent recidivism after youths' JJ involvement via two studies: 1) a retrospective study (N = > 30,000) to lengthen follow-up periods, and 2) a prospective study of youth referred to the JJ systems (N = 3,380) to obtain novel measures of protective factors and service participation. The prospective study involved unparalleled tracking of all services (risk-reduction and strengths-based services), results of risk /needs assessments and protective factors. The primary outcome measure was long-term (up to two years) violent recidivism (new petitions) after youths' first completion of juvenile justice involvement (post-supervision violent recidivism). This report provides only the findings for the Virginia Department of Juvenile Justice (VA DJJ).

A slight majority of youth referred to the system were low risk--48.2% of the retrospective sample of 12,904 youth, and 43.9% of the prospective sample of 817 youth, according to the Youth Assessment Screening Instrument (YASI) pre-screen. In the retrospective sample, post-supervision recidivism rates for any recidivism were 37% and 16.3% for violent recidivism specifically, with the highest rates for the high-risk youth. However, 25% of low-risk youth recidivated and 10% of them engaged in violent recidivism. Recidivism rates were lower in the prospective sample with 25% having any post- supervision recidivism and 14.8% having violent recidivism specifically. The YASI risk level accurately predicted recidivism in both studies with low risk youth having the smallest recidivism rates. The YASI risk domains most strongly predictive of violent recidivism post-supervision that were replicable across both studies were family-related problems, aggression, community and negative peers, and school-related behavioral problems. Other risk domains (e.g., attitudes supporting crime) only predicted post-supervision violent recidivism in the retrospective sample, which had a longer follow-up period. Substance misuse was the weakest predictor of violent recidivism in both samples and was the only risk domain that showed developmental differences in its relevance to recidivism. It was most predictive for younger youth.

Protective factors were measured in only the prospective study. The most common protective factors among youth referred to the VA DJJ were Prosocial Identity (> 79%) and Self-Efficacy (> 60%), with Prosocial Engagements being the least common (13.6%). Two protective factors were consistently protective (across all states) against post-supervision violent recidivism despite youths' risk levels: self- control and self-efficacy. This was especially true for younger youth. Other

protective factors appeared to be protective only for younger youth—having a supportive caregiver and school connectedness.

Among the 817 youth in the prospective sample, 424 received at least one rehabilitative service. VA DJJ had a higher proportion of youth receiving risk-reduction services than any other state in the study (68.9%), most commonly EPICS or Anger Management, and had the highest proportion of youth receiving services that would be considered evidence-based (18.9%). Low risk youth, appropriately, rarely received these services but there was no difference in the dosage of risk-reduction services between moderate and high risk youth. A sizeable percentage of youth (40%) received at least one strengths-based service, most commonly prosocial skills training, life skills, or mentoring. Similar to the other states, the most common service received by all youth was generic mental health counseling, even though the lack of effect for these services on recidivism is well-known. In robust, well-controlled analyses, participation in any strengths-based services significantly increased the likelihood of both any and violent recidivism post-supervision, while risk-reduction services had no effect. However, the most common services youth received were mental health and very few services were evidence-based. More research is needed to develop guidance for effective implementation of PYJ.

The report provides several recommendations. A few of the key recommendations are:

1. For the study counties, youth referred to CSUs were 71% first-time offenders and 44% were assessed as low risk. For all youth referred, 24% appear to have received no or minor sanction and another 41% received an informal disposition. For low-risk youth, particularly, 86% received no or minor sanction or an informal disposition. Additionally, as described below, 43.5% of all referred youth did not receive or engage in services during the study period. Taken together, these findings—along with research on the harms caused by formal system processing—support the need for Virginia to explore alternative pathways for youth to obtain needed services/supports outside of an arrest and DJJ involvement.
2. Half of all youth referred to the participating CSUs spent time in placement, most commonly detention. Given the lower risk nature of the referred population, this use of placement should be reevaluated.
3. Case plans should target the risk domains that mattered most—Family, Aggression, Community and peers, and School—which were not necessarily the most common risk factors among the population of youth referred to DJJ. Similarly, we recommend DJJ consider services that will bolster the protective factors that matter most—self-control and self-efficacy.
4. DJJ should review the evidence-base of the services for which it contracts; explore if and how Medicaid could be used to fund and expand evidence-based service capacity across the state; identify what if any steps are needed to train providers in EBPs and related techniques; and consider adopting a more formal service quality assessment instrument such as the SPEP to measure and promote service matching, dosage, and quality.

5. The most common service that youth received—mental health counseling—does not target the risk factors that best predict long-term, serious reoffending for VA youth (family, aggression and violence, community and peers, and school). In addition, while it's important to address mental health as a responsivity factor when indicated, mental health counseling on its own generally has no impact on recidivism. DJJ should review CSU's use of these services, particularly since a mental health screening is not conducted at intake across most CSUs to help identify the need for further evaluation and potential mental health services.

6. The aggregate data available raises questions on whether youth are consistently matched to services based on their individualized risk factors. It appears that some types of risk reduction services are used more frequently than expected given the prevalence of related risk factors in the population served by DJJ, particularly alcohol/drug services when this risk factor seems to influence only younger youth's reoffending. DJJ should explore opportunities to strengthen its case planning and service matching policies and to develop service matrices for each CSU to clearly identify what services are available and the risk/responsivity/protective factors these services address