

1 Introduction and Overview

The Department of Juvenile Justice (DJJ) provides services to youth and families. In FY 2021, DJJ operated 32 court services units (CSUs) (see Appendix A) and Bon Air Juvenile Correctional Center (JCC). DJJ audits and certifies the CSUs, including two locally operated units; 24 juvenile detention centers (JDCs); the JCC; nine community placement programs (CPPs); nine detention reentry programs; and 15 group homes, shelter care facilities, and independent living programs. The Board of Juvenile Justice regulates and monitors policies and activities for the programs and facilities for which DJJ is responsible. Additionally, DJJ contracts with providers for a variety of services.

Agency Description

DJJ's mission is to protect the public by preparing court-involved youth to be successful citizens. To accomplish this mission, DJJ uses an integrated approach to juvenile justice, bringing together current research and best practices to target delinquent behavior; meet the needs of court-involved youth, victims, and communities; and manage activities and resources in a responsible and proactive manner. DJJ's primary responsibilities are to hold youth accountable for wrongdoing, prevent further offending, and treat all youth fairly and equitably.

DJJ aims to ensure the *right youth* receive the *right intervention* at the *right time*. Court intervention is not always required to reach this goal. DJJ emphasizes considering diversion for all eligible intake complaints. This practice is based on increasing evidence that the most effective interventions keep low-risk youth out of the court system while receiving services.

When court involvement occurs, DJJ responds to youth by using a positive youth development (PYD) framework and incorporating the Risk-Needs-Responsivity (RNR) principles and trauma-informed care. Using these concepts, DJJ acknowledges youth are capable of changing behaviors if they are provided various pro-social resources to facilitate healthy development. Through this PYD framework, case management plans incorporate strategies to strengthen cognitive skills and positive assets, and service delivery focuses on improving out-

comes by not only restricting opportunities to reoffend but also expanding opportunities to grow. Instead of basing sanctions solely on the offense, DJJ's approach relies on RNR principles by assessing each youth's risk for reoffending, reserving the most intensive monitoring and interventions for those at highest risk, and providing individualized services that address the identified risk factors. DJJ incorporates trauma-informed care by identifying adverse childhood experiences and providing individualized trauma-based interventions to reduce the risk for reoffending and improve positive outcomes. DJJ also uses standardized tools at different decision points, including the initial decision to detain, the recommendation for court disposition, and the assignment to various levels of community probation and parole supervision.

DJJ continues to build a more robust continuum of services that offers programs and treatments to divert youth from further involvement with the juvenile justice system. DJJ contracts with two regional service coordinators (RSCs) to assist in assessing existing programming, developing new service capacity, and selecting and subcontracting with direct service providers (DSPs). DJJ also provides a range of services and placement options for youth in direct care. For example, the CPPs and detention reentry programs in several JDCs provide alternatives to JCC placements. These programs allow committed youth to be placed in smaller settings intended to keep them closer to family, provide individualized services to address criminogenic need, and enhance reentry planning and services.

DJJ's electronic data management system is comprised of modules covering the full range of community-based and direct care services. DJJ uses this data system to better understand the youth population and to become more effective and efficient. DJJ maintains the philosophy that data-driven decision-making enhances sound management of public resources and adherence to DJJ's core mission.

Although DJJ bears the primary responsibility for many aspects of Virginia's juvenile justice system, collaborative partnerships with both the public and private sectors and families are vitally important to its work. DJJ



views family engagement as an important component for youth's success. Involvement in youth probation case planning, visits during commitment, and family inclusion in treatment and reentry services are just a few of the important stages for families to engage with their youth and DJJ. Within each community, DJJ works with law enforcement, behavioral health providers, schools, social services, and other bodies. DJJ also secures services from private providers to assist in meeting the needs of youth, their families, and communities. At the state level, DJJ works with other executive, legislative, and judicial branch agencies in a similar manner.

Guiding Principles

In order to be successful, DJJ recognized the need to focus on both the positive development of youth in the system and the positive development and sustainability of the staff who serve them. DJJ identified four guiding principles to meet the needs of youth and staff:

- » *Safety:* Youth and staff need to feel safe in their environment and need a sense of physical and emotional well-being.
- » *Connection:* Youth and staff need to feel connected to supportive and caring adults, whether they are family, staff, or co-workers.
- » *Purpose:* Youth and staff need to have goals to strive toward, skills to hone, and a sense that they have a valuable role to play in the lives of people and the community around them.
- » *Fairness:* Youth need to perceive their environment and interactions as fair and transparent. They need to be held accountable in a manner proportionate to their offense and offense history and similar to other youth in their situation. Staff need to feel that they are treated fairly, compensated adequately, and supported in their efforts to meet DJJ's expectations.

Agency Transformation

DJJ began a major transformation's initial planning nearly seven years ago. DJJ submitted a plan to the General Assembly in FY 2016 and has implemented a significant number of changes. The goals of this transformation are as follows:

- » *Reduce:* Safely reduce the use of state-operated JCCs by reforming probation practices, utilizing data and research to modify length of stay (LOS) policies, and developing successful alternative placements to JCCs.
- » *Reform:* Expand, improve, and strengthen the services and supports provided to youth in custody both

during their commitment and upon their return to the community.

- » *Replace:* Provide youth across Virginia with opportunities for rehabilitation in the least restrictive setting by replacing large, old JCCs with a statewide continuum of evidence-based services, alternative placements, and new smaller therapeutic correctional settings.
- » *Sustain:* Maintain safe, healthy, inclusive work places; continue to recruit, retain, and develop a team of highly skilled and motivated staff; and align procedures, policies, and resources to support the team in meeting the goals of transformation.

DJJ has achieved progress and successes in all four goals of the Transformation Plan and continues to work toward a more effective and equitable juvenile justice system. In order to focus on sustaining the implemented changes, DJJ continues to invest in resources such as training opportunities and leadership development. DJJ strives to deliver high quality and effective services for youth and families that are equitable and responsive to their individual needs and circumstances.

All CSUs use evidence-based practices from intake through parole, keeping youth in the community and avoiding placement in secure confinement whenever possible. DJJ's procedures and intake-specific training require CSUs to prioritize diversion for eligible youth. CSUs receive training and ongoing coaching to use standardized tools to assist with decision-making. CSU staff receive training in the Youth Assessment and Screening Instrument (YASI), an evidence-based tool to assess risk and needs and assist with decisions regarding recommendations, probation plans, and treatment programs for youth (see Appendix B). DJJ revised the procedure and engaged in more training to guide the use and application of the Detention Assessment Instrument (DAI) (see Appendix C). DJJ also developed and implemented a Standardized Disposition Matrix (SDM) to provide consistent and data-driven disposition recommendations to courts (see Appendix D). Lastly, CSU staff are trained in Effective Practices in Community Supervision (EPICS), an evidence-based structured format to provide intervention and skill-building to court-involved youth.

To further reduce the use of JCCs and ensure secure confinement is used only for as long as is appropriate, the Board of Juvenile Justice revised the LOS Guidelines for Indeterminately Committed Juveniles (LOS Guidelines) effective October 15, 2015, to provide accountability and align with national standards by using data-driven decision-making (see Appendix E). Under the former guidelines, 12-18 months was the most commonly assigned LOS for indeterminate direct care admissions.



Under the current guidelines, 6-9 months is the most commonly assigned LOS. The average LOS for committed youth in Virginia is now more in line with national standards and researched best practices. As alternatives to the JCC, DJJ provides direct care placements, including CPPs, detention reentry programs, and other contracted treatment programs such as group homes and residential treatment centers.

DJJ reformed treatment and rehabilitation practices in JCCs by implementing the Community Treatment Model (CTM). CTM uses a blend of positive peer culture and group processing to address concerns and accomplishments within the unit. Using this approach, staff develop treatment-oriented relationships with the youth and act as advocates. (See page 44 for an overview of CTM).

To align with the CTM, the Division of Education reformed their service delivery model and behavioral approach, a Personalized Learning Model, to improve student outcomes. In 2018, Tier 1 of Positive Behavioral Interventions and Supports (PBIS) was implemented, which identifies proactive strategies for defining, teaching, and supporting appropriate student behaviors to create a positive classroom and school environment. In 2019, the Division of Education began using digital curriculum delivery, providing access to more course offerings across a wider range of disciplines. The Division of Education also established partnerships with the CPPs to support post-secondary programming for youth in those direct care placements.

Research has shown that family engagement is critical for the ongoing success of youth during their commitment and transition back into the community. Therefore, DJJ developed partnerships to provide video visitation and free transportation for families of committed youth. In addition, the JCC visitation procedure was amended to extend visitation to natural supports. DJJ also updated the visitation procedure to prohibit the loss of visitation as a disciplinary sanction. Lastly, DJJ hired a family engagement coordinator and a family advocate to serve as a voice and support for families of youth in direct care.

In 2015, Virginia received a major federal grant to create a model reentry system. This system integrates and accelerates reentry planning, devotes more resources for increased training, and further increases family involvement and reentry planning. DJJ has five reentry advocates who coordinate the reentry process and serve as a link between the JCC and CSUs, with a focus on education and career readiness.

DJJ is working to replace large, outdated JCCs with new facilities that are safer, closer to affected populations, smaller in scale, and designed for rehabilitative treat-

ment and education. Beaumont JCC was closed to youth on June 2, 2017, resulting in DJJ operating only one JCC. Funded in part through DJJ's authority to reinvest savings realized from the closure, DJJ awarded contracts to two RSCs, AMIkids (AMI) and Evidence-Based Associates (EBA), to develop a statewide continuum of evidence-based services and additional alternatives to placement in secure facilities.

Despite the General Assembly's support, the plan to build a small facility in the Eastern region has not yet been realized due to resistance from local communities. DJJ continues to pursue construction of smaller, treatment-oriented facilities, ideally in the Eastern and Central regions. DJJ is working with the Department of General Services (DGS) to explore options.

With these initiatives underway, DJJ is committed to sustaining the positive effects of these reforms. DJJ is dedicated to maintaining safe, healthy, inclusive work places; continuing to recruit, retain, and develop a team of highly skilled and motivated staff; and aligning procedures, policies, and resources to support the goals of transformation. By adapting to current best practices to focus on meeting the needs of youth and their families, DJJ continues to make a difference in the lives of citizens and communities across the Commonwealth. (See page 15 for a summary of Transformation Plan accomplishments during the past year.)

Equity Workgroup

In March 2019, DJJ formed an Equity Workgroup to begin to address racial inequities as evidenced by the over-representation of minorities across the system. The workgroup comprises of diverse representatives from all DJJ divisions. The workgroup's mission is to (i) establish an understanding of race and ethnic equity and inclusion principles, (ii) develop practices and procedures to embed equity and inclusion into DJJ's culture, and (iii) identify and eliminate practices contributing to disparities.

During FY 2021, the workgroup used national best practices and other resources to create the DJJ Race & Ethnicity Equity Assessment Tool (Equity Assessment Tool) to critically examine internal procedures to promote equity and reduce unintended negative consequences (see Appendix F). The workgroup launched a survey to understand how the protests for social justice following the death of George Floyd and several other unarmed Black people at the hands of law enforcement may have impacted staff and their work. Responses from the survey were used to inform and develop DJJ's One Virginia Plan and upcoming efforts. (See page 68 for an overview of the staff survey results and recommendations).



Terminology

Acronyms, abbreviations, and terms commonly used by DJJ are defined below. Terms are referred to by their acronyms or abbreviations throughout the report. (In addition, see Appendix G for a listing of “Other” categories.)

Acronyms and Abbreviations

ADHD: Attention-Deficit/Hyperactivity Disorder

ADP: Average Daily Population

AECF: Annie E. Casey Foundation

AMI: AMIkids

AWOL: Absent Without Leave

BADGE: Balanced Approach Data Gathering Environment

BSU: Behavioral Services Unit

CANS: Child and Adolescent Needs and Strengths

CAP: Central Admission and Placement

CCD: Child Care Days

CCRC: Central Classification and Review Committee

CD: Conduct Disorder

CEST: Classification and Evaluation Staffing Team

CHINS: Child in Need of Services

CHINSup: Child in Need of Supervision

COVID-19: Coronavirus Disease 2019

CPMT: Community Policy and Management Team

CPP: Community Placement Program

CQI: Continuous Quality Improvement

CRCP: Comprehensive Reentry Case Plan

CSA: Children’s Services Act

CSU: Court Service Unit

CTE: Career and Technical Education

CTM: Community Treatment Model

CTST: Classification and Treatment Services Team

CVIU: Cover Virginia Incarcerated Unit

CY: Calendar Year

DAI: Detention Assessment Instrument

DBHDS: Virginia Department of Behavioral Health and Developmental Services

DBT: Dialectical Behavior Therapy

DCJS: Virginia Department of Criminal Justice Services

DGS: Virginia Department of General Services

DJJ: Virginia Department of Juvenile Justice

DARS: Virginia Department of Aging and Rehabilitative Services

DMAS: Virginia Department of Medical Assistance Services

DMV: Virginia Department of Motor Vehicles

DPB: Virginia Department of Planning and Budget

DR/CW: Domestic Relations and Child Welfare

DRG: Data Resource Guide

DSM: Diagnostic and Statistical Manual of Mental Disorders

DSP: Direct Service Provider

DSS: Virginia Department of Social Services

EBA: Evidence-Based Associates

ECO: Emergency Custody Order

EOC: End of Course

EPICS: Effective Practices in Community Supervision

Equity Assessment Tool: Race & Ethnicity Equity Assessment Tool

ERD: Early Release Date

FAPT: Family Assessment and Planning Team

FFT: Functional Family Therapy

FIPS: Federal Information Processing Standards

FY: Fiscal Year

GED®: General Educational Development

HFW: High Fidelity Wraparound

ICJ: Interstate Compact for Juveniles

ICN: Intake Case Number



ICRC: Institutional Classification and Review Committee	RSC: Regional Service Coordinator
IEP: Individualized Education Program	RTI: Response to Intervention
J&DR: Juvenile and Domestic Relations	SDM: Standardized Disposition Matrix
JCC: Juvenile Correctional Center	SGA: Student Government Association
JDAI: Juvenile Detention Alternatives Initiative	SOL: Standards of Learning
JDC: Juvenile Detention Center	SOP: Standard Operating Procedure
JP: Juvenile Profile	SPEP™: Standardized Program Evaluation Protocol
LEA: Local Education Agency	SPSHS: Secretary of Public Safety and Homeland Security
LOS: Length of Stay (used for probation, detention, direct care, and parole)	SY: School Year
LOS Guidelines: LOS Guidelines for Indeterminately Committed Juveniles	TF-CBT: Trauma-Focused Cognitive Behavioral Therapy
LRD: Late Release Date	TDO: Temporary Detention Order
MHSTP: Mental Health Services Transition Plan	VADOC: Virginia Department of Corrections
MOA: Memorandum of Agreement	VCC: Virginia Crime Code
MOE: Maintenance of Effort	VCIN: Virginia Criminal Information Network
MSO: Most Serious Offense	VCSC: Virginia Criminal Sentencing Commission
MST: Multi-Systemic Therapy	VDOE: Virginia Department of Education
OCS: Virginia Office of Children’s Services	VJCCCA: Virginia Juvenile Community Crime Control Act
ODD: Oppositional Defiant Disorder	VLDS: Virginia Longitudinal Data System
OJJDP: United States Office of Juvenile Justice and Delinquency Prevention	VPSTC: Virginia Public Safety Training Center
PBIS: Positive Behavioral Interventions and Supports	VSCC: Virginia State Crime Commission
PREA: Prison Rape Elimination Act	VSP: Virginia Department of State Police
PO: Probation/Parole Officer	VTSS: Virginia Tiered Systems of Supports
Post-D: Post-Dispositional	WRS: Workplace Readiness Skills
Pre-D: Pre-Dispositional	W!SE: Working in Support of Education
PYD: Positive Youth Development	YASI: Youth Assessment and Screening Instrument
QA: Quality Assurance	
RDC: Reception and Diagnostic Center	
RED: Racial and Ethnic Disparities	
RNR: Risk-Needs-Responsivity	
RPIC: Residential Practice Improvement Coach	
RS: Resident Specialist	



Definitions

Admission: the date on which a youth officially enters the direct care population.

Adjudication: the findings of a court on whether a youth is innocent or not innocent based on the evidence presented at the adjudicatory hearing. If the youth is found not innocent, they are adjudicated delinquent for the offense.

Adjudicatory Hearing: a court hearing on the merits of a petition filed alleging a delinquent act, CHINS, CHINSup, or status offense.

Blended Sentence: a sentencing option for a youth convicted in circuit court, which combines a juvenile disposition with an adult sentence. For example, the circuit court may impose an adult sentence with a portion of that sentence to be served in the custody of DJJ; the judge may suspend the adult sentence pending successful completion of the juvenile disposition. See § 16.1-272 of the *Code of Virginia*. The exact use of this term can vary; in this report, blended sentence data reflect youth with an active VADOC sentence at the time of commitment to DJJ.

Certification: when a judge determines after a preliminary hearing that there is probable cause for a youth 16 years of age or older charged with a violent juvenile felony, jurisdiction for the case is transferred to circuit court for trial as an adult. If the pending charges are for aggravated murder, first- or second-degree murder, lynching, or aggravated malicious wounding, the case is automatically certified to circuit court for trial. If the pending charges are for any other violent juvenile felony, the case may be certified to circuit court based on the discretion of the attorney for the Commonwealth. Any youth convicted in circuit court after certification will be treated as an adult in any subsequent offense. Prior to FY 2021, the minimum age for certification to circuit court was 14 years of age. See page 10 and §§ 16.1-269.1 and 16.1-271 of the *Code of Virginia*.

CHINS: a child whose behavior, conduct, or condition presents or results in a serious threat to (i) the well-being and physical safety of that child or, (ii) if under the age of 14, the well-being and physical safety of another person. To meet the definition of CHINS, there must be a clear and substantial danger to the life or health of the child or another person, and the intervention of the court must be found to be essential to provide the treatment, rehabilitation, or services needed by the child or the child's family. See § 16.1-228 of the *Code of Virginia*.

CHINSup: a child who (i) is habitually and without justification absent from school despite opportunity and reasonable effort to maintain school attendance, (ii) runs away from family or lawful custodian on more than one occasion, or (iii) escapes from or leaves a court-ordered residential placement without permission. See § 16.1-228 of the *Code of Virginia*.

Commitment: the court-ordered disposition placing a youth in the custody of DJJ for a determinate or indeterminate period of time. To be eligible for commitment, a youth must be 14 years of age or older and adjudicated delinquent or convicted of a felony offense, a Class 1 misdemeanor and a prior felony, or four Class 1 misdemeanors that were not part of a common act, transaction, or scheme; or be 11 years of age or older and adjudicated delinquent of a violent juvenile felony. See § 16.1-278.8 of the *Code of Virginia*. A commitment to DJJ differs from an admission. An admission may occur days or weeks after the youth is committed to DJJ (during which time the youth is held in a JDC). A single admission could be the result of multiple commitments to DJJ (for example, a youth may be committed to DJJ by more than one court). For these reasons, the number of commitments to DJJ in a FY may be different from the number of admissions.

CPP: a direct care residential program in a JDC. The goal of CPPs is to place youth closer to their home communities. CPPs focus on addressing specific treatment needs and risk factors and developing competency in the areas of education, job readiness, and life and social skills.

CSU: a locally or state-operated entity that provides services to the J&DR district court, including intake, investigations and reports, probation, parole, case management, and other related services in the community. See Appendix A.

Delinquent Offense: an act committed by a youth that would be a felony or misdemeanor offense if committed by an adult as designated under state law, local ordinance, or federal law. Delinquent offenses do not include status offenses. See § 16.1-228 of the *Code of Virginia*.

Detainment: the first admission of a continuous detention stay. A new detainment is not counted if a youth is transferred to another JDC or has a change in dispositional status before being released.



DAI: a detention screening tool used during CSU intake to guide detention decisions using objective criteria. See Appendix C.

Detention Hearing: a judicial hearing held pursuant to § 16.1-250 of the *Code of Virginia* that determines whether a youth should be placed in a JDC, continue to be held in a JDC, or be released with or without conditions until an adjudicatory hearing.

Detention Reentry: a direct care residential program in a JDC. The goal of detention reentry is to allow youth in direct care to begin transitioning back to their community 30 to 120 days before their scheduled release date.

Determinate Commitment: the commitment of a youth 14 years of age or older to DJJ as a serious juvenile offender. The court specifies the length of the commitment, has continuing jurisdiction over the youth, and must conduct periodic reviews if the youth remains in direct care for longer than 24 months. A youth may be committed to DJJ as a serious juvenile offender for up to seven years, not to exceed the youth's 21st birthday. See § 16.1-285.1 of the *Code of Virginia*.

Direct Care: the time during which a youth who is committed to DJJ pursuant to §§ 16.1-272, 16.1-278.8(A)(14), 16.1-278.8(A)(17), or 16.1-285.1 of the *Code of Virginia* is under the supervision of staff in a juvenile residential facility operated by DJJ or an alternative placement.

Disposition: the treatment, conditions, services, and sanctions ordered by the court for a youth adjudicated delinquent or found to be a status offender.

Dispositional Hearing: a hearing in the J&DR district court which occurs after an adjudication. During this hearing, the court may impose treatment, conditions, services, and sanctions. See §§ 16.1-278.4, 16.1-278.5, 16.1-278.6, and 16.1-278.8 of the *Code of Virginia*.

Diversion: the handling of a juvenile intake complaint in an informal manner as an alternative to the official court process. The intake officer must develop a plan for the youth that may include counseling, informal supervision, restitution, community service, or other programs. The youth and parents must agree to the diversion plan. An alleged violent juvenile felony and a complaint after a prior diversion or adjudication on a felony offense cannot be diverted. Beginning in FY 2019, truancy complaints may be diverted unless there has been a prior truancy diversion or truancy adjudication within the

preceding three years or a total of three prior truancy diversions or truancy adjudications. Through FY 2020, such supervision was limited to 90 days for truancy and 120 days for all other offenses. Beginning in FY 2021, supervision for truancy is limited to 120 days. See §§ 16.1-227 and 16.1-260 of the *Code of Virginia*.

Domestic Relations: matters before the J&DR district court having to do with family and child welfare, including child custody, visitation, paternity, and other petitions delineated in § 16.1-241 of the *Code of Virginia*. Criminal and delinquency matters are not included.

FY: the time period measured from July 1 of one year to June 30 of the following year. For example, FY 2021 began July 1, 2020, and ended June 30, 2021.

Group Home: a juvenile residential facility certified by DJJ and at least partially funded through VJCCCA that is a community-based, home-like single dwelling or its acceptable equivalent. Placements can be pre-D or post-D.

Indeterminate Commitment: the commitment of a youth to DJJ in which the youth's LOS range (ERD to LRD) is calculated based on statutory requirements and the LOS Guidelines. The commitment may not exceed 36 continuous months except in cases of murder or manslaughter or extend past a youth's 21st birthday. See §§ 16.1-285 and 16.1-278.8(A)(14) of the *Code of Virginia*.

Intake Case: a youth with one or more intake complaints involving an alleged delinquent act, a CHINS, or a CHINSup.

Intake Complaint: a request for the processing of a petition to initiate a matter that is alleged to fall within the jurisdiction and venue of a particular J&DR district court. An intake officer at the CSU decides whether the complaint will result in no action, diversion, or the filing of a petition initiating formal court action.

JCC: a DJJ secure residential facility with construction fixtures designed to prevent escape and to restrict the movement and activities of youth held in lawful custody. JCCs house youth who have been committed to DJJ. See §§ 16.1-278.8, 16.1-285, and 16.1-285.1 of the *Code of Virginia*.

JDC: a local or regional secure residential facility with construction fixtures designed to prevent escape and to restrict the movement and activities of youth held in lawful custody. JDCs may house pre-D and



post-D youth. See §§ 16.1-248.1, 16.1-278.8, and 16.1-284.1 of the *Code of Virginia*.

LOS Guidelines: a framework established by the Board of Juvenile Justice, as mandated by § 66-10 of the *Code of Virginia*, to determine the length of time a youth indeterminately committed to DJJ will remain in direct care. Factors that affect a youth's LOS include the seriousness of the committing offense(s) and YASI risk level. See Appendix E.

Parole: a period of supervision and monitoring of a youth in the community following release from commitment if ordered by the court or administratively determined by DJJ.

Petition: a document filed with the J&DR district court by the intake officer initiating formal court action. Petitions may allege that a youth is delinquent, a CHINS, a CHINSup, or an abused or neglected child; may be for domestic relations purposes; or may be for other actions over which the J&DR district court has jurisdiction (e.g., protective orders, work permits, a minor seeking judicial consent for medical procedures).

Post-D Detention with Programs: the ordering of a youth by a judge to a JDC for up to six months (or 12 months for felony or Class 1 misdemeanor offenses resulting in death) with structured programs of treatment and services intended to build and maintain community ties. To be eligible for post-D detention, a youth must be 14 years of age or older and found to have committed a non-violent juvenile felony or a Class 1 or Class 2 misdemeanor offense that is punishable by confinement in a state or local secure facility. See §§ 16.1-278.8(A)(16) and 16.1-284.1(B) of the *Code of Virginia*.

Post-D Detention without Programs: the ordering of a youth by a judge to a JDC for up to 30 days without special programs provided. To be eligible for post-D detention, a youth must be 14 years of age or older and found to have committed a non-violent juvenile felony or a Class 1 or Class 2 misdemeanor offense that is punishable by confinement in a state or local secure facility. See §§ 16.1-284.1, 16.1-291, and 16.1-292 of the *Code of Virginia* for statutory criteria that need to be satisfied prior to detainment as a disposition in other limited circumstances.

Pre-D Detention: the confinement of a youth in a JDC while awaiting a dispositional or adjudicatory hearing. Generally, to be eligible for pre-D detention, there must be probable cause establishing that the youth committed an offense that would be a felony or Class 1 misdemeanor offense if committed by

an adult, violated the terms of probation or parole for such an offense, or knowingly and intentionally possessed or transported a firearm. In addition, the youth must be a clear and substantial threat to another person, the property of others, or to self; have threatened to abscond from the court's jurisdiction; or have willfully failed to appear at a court hearing within the last year. A youth may be placed in pre-D detention for other statutorily prescribed circumstances, such as when the youth is a fugitive from another state or failed to comply with conditions of release for what would be a felony or Class 1 misdemeanor charge if committed by an adult. See §§ 16.1-248.1 and 16.1-249 of the *Code of Virginia*.

Pre-D and Post-D Reports: documents prepared (i) within the timelines established by approved procedures when ordered by the court, (ii) for each youth placed on probation supervision, (iii) for each youth committed to DJJ or placed in post-D detention with programs, or (iv) upon written request from another CSU when accompanied by a court order. The report, also known as the social history report, must include identifying and demographic information for the youth, including current offense and prior court involvement; social, medical, psychological, and educational information about the youth; information about the youth's family; and dispositional and treatment recommendations if permitted by the court.

Probable Cause: there are reasonable grounds to believe that an offense has been committed, and the accused is the person who committed it.

Probation: the court-ordered disposition placing a youth under the supervision of a CSU in the community, requiring compliance with specified rules and conditions.

Psychotropic Medication: prescribed drugs that affect the mind, perception, behavior, or mood. Common types include antidepressants, anxiolytics or anti-anxiety agents, antipsychotics, and mood stabilizers.

Quarter: a three-month time period of a FY or CY. For example, the first quarter of FY 2021 began July 1, 2020, and ended September 30, 2020.

Recidivism Rate: the percentage of individuals who commit a subsequent offense, measured in this report by rearrest, reconviction, and reincarceration. See page 77.

Region: DJJ divides Virginia into five regions in order to manage the use of community resources statewide.



See map on page 11 for an overview of DJJ's regions.

Serious Offender: a youth who is committed to DJJ and given a determinate commitment. See § 16.1-285.1 of the *Code of Virginia*.

Shelter Care: a non-secure facility or emergency shelter specifically approved to provide a range of as-needed services on an individual basis. See § 16.1-248.1 of the *Code of Virginia*.

Status Offense: an act prohibited by law that would not be an offense if committed by an adult, such as truancy, curfew violation, or running away. See § 16.1-228 of the *Code of Virginia*.

Subsequent Commitment: commitments to DJJ received after the youth was admitted to direct care that require a recalculation of the original LOS. These commitments may be associated with an offense that occurred prior to admission but was not processed by the court until after admission or with an offense that occurred after admission while in direct care. An offense that occurred while in direct care also may result in an adult jail or prison sentence rather than a subsequent commitment to DJJ.

TDO: issuance of an order by a judge, magistrate, or special justice for the involuntary inpatient mental health treatment of a youth, after an in-person evaluation by a mental health evaluator, when it is found that (i) because of mental illness, the minor (a) presents a serious danger to self or others to the extent that a severe or irreversible injury is likely to result, or (b) is experiencing a serious deterioration of the ability to care for oneself in a developmentally age-appropriate manner; and (ii) the minor is in need of inpatient treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. A TDO is for a brief period of time (up to 96 hours) for treatment and evaluation and pending a subsequent review of the admission (the minor may be released or involuntarily committed at the hearing). See Article 16 of Chapter 11 of Title 16.1 of the *Code of Virginia* (§ 16.1-335 et seq.).

Transfer: the J&DR district court, after consideration of specific statutory factors, determines the J&DR district court is not the proper court for the proceedings involving a youth 14 years of age or older at the time of the offense who is accused of a felony and transfers jurisdiction to the circuit court. See page 10.

Transfer Hearing: a hearing in the J&DR district court wherein the judge determines whether the J&DR

district court should retain jurisdiction or transfer the case for criminal proceedings in circuit court. A transfer hearing is initiated by the attorney for the Commonwealth filing a motion in the J&DR district court for a hearing. The judge must determine that the act would be a felony if committed by an adult and examine issues of competency, the youth's history, and specific statutory factors. Any youth convicted in circuit court after transfer will be treated as an adult in all future criminal cases. See § 16.1-269.1 of the *Code of Virginia*.

Violent Juvenile Felony: any of the delinquent acts enumerated in §§ 16.1-269.1(B) and 16.1-269.1(C) of the *Code of Virginia* when committed by a youth 14 years of age or older. The offenses include murder, felonious injury by mob, abduction, malicious wounding, malicious wounding of a law enforcement officer, felonious poisoning, adulteration of products, carjacking, rape, forcible sodomy, and object sexual penetration. See § 16.1-228 of the *Code of Virginia*.

YASI: a validated tool which provides an objective assessment of an individual's risk of reoffending using both static and dynamic risk and protective factors in 10 distinct functional domains. See Appendix B.

Examples of Juvenile Dispositions

- » Defer disposition for a specified period of time, with or without probation supervision, to consider dismissing the case if the youth exhibits good behavior during the deferral period
- » Impose a fine and/or order restitution
- » Order the youth to complete a public service project
- » Suspend the youth's driver's license
- » Impose a curfew on the youth
- » Order the youth and/or the parent to participate in programs or services
- » Transfer legal custody to an appropriate individual, agency, organization, or local board of social services
- » Place the youth on probation with specified conditions and limitations that may include required participation in programs or services
- » Place the youth in a JDC for 30 days or less
- » Place the youth in a post-D program in a JDC generally for a period not to exceed six months
- » Commit the youth to DJJ for an indeterminate or determinate period of time



Juveniles in Circuit Court

Consideration for Trial in Circuit Court

Pursuant to § 16.1-269.1 et seq. of the *Code of Virginia*, cases involving juveniles that meet certain age and offense criteria may be certified or transferred to circuit court, where the juvenile will be tried as an adult under one of the following circumstances:

Mandatory Certification: If a juvenile 16 years of age or older is charged with aggravated murder, first- or second-degree murder, murder by lynching, or aggravated malicious wounding, the juvenile receives a preliminary hearing in J&DR district court. If probable cause is found, the court certifies the charges, the case is sent to circuit court, and the juvenile is tried as an adult. The certification may not be appealed. Prior to FY 2021, mandatory certification applied to juveniles 14 years of age or older.

Prosecutorial Discretionary Certification: When a juvenile 16 years of age or older is charged with a violent juvenile felony as defined in § 16.1-228 of the *Code of Virginia*, which does not require mandatory certification, the prosecution may elect to certify. The juvenile receives a preliminary hearing in J&DR district court. If probable cause is found, the court certifies the charges, the case is sent to circuit court, and the juvenile is tried as an adult. The certification may not be appealed. Prior to FY 2021, prosecutorial discretionary certification applied to juveniles 14 years of age or older.

Transfer: When a juvenile 14 years of age or older is charged with a felony offense, the prosecutor may ask a J&DR district court judge to transfer the case to circuit court for trial as an adult. The judge receives a transfer report documenting each of the factors that the court must consider in the hearing (e.g., age, seriousness and number of alleged offenses, amenability to treatment and rehabilitation, availability of dispositional alternatives, prior juvenile record, mental capacity and emotional maturity, educational record). The judge decides whether the juvenile is a proper person to remain in the jurisdiction of the J&DR district court. If not, the case goes to the circuit court. The decision may be appealed by either party.

Direct Indictment: In cases proceeding under mandatory or prosecutorial discretionary certification, if the J&DR district court does not find probable cause,

the attorney for the Commonwealth may seek a direct indictment in the circuit court on the offense and all ancillary charges. The direct indictment may not be appealed.

Waiver: A juvenile 14 years of age or older charged with an offense that would be a felony if committed by an adult may waive the jurisdiction of the J&DR district court with the written consent of counsel and have the case heard in the circuit court.

Trial of Juveniles in Circuit Court

Juvenile cases transferred to circuit court are tried in the same manner as adults except youth are not sentenced by a jury. A conviction of a youth as an adult precludes the J&DR district court from taking jurisdiction of such youth for any subsequent offenses allegedly committed by that youth and any pending allegations of delinquency that had not been disposed of by the J&DR district court at the time of the criminal conviction. If a youth is not convicted in circuit court, jurisdiction over that youth for any future alleged delinquent behavior is returned to the J&DR district court.

Sentencing of Juveniles in Circuit Court

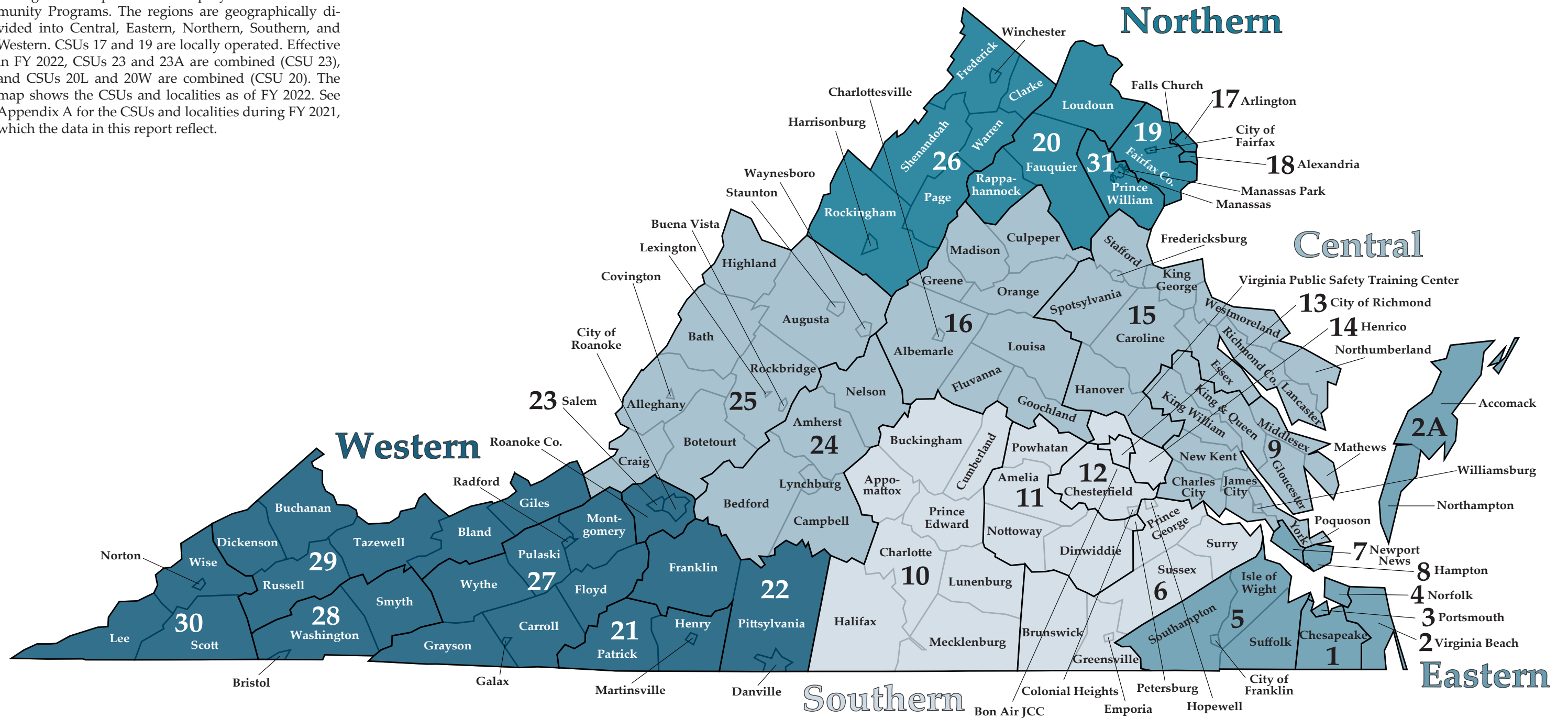
Circuit court judges may sentence youth transferred or certified to their courts to juvenile dispositions, adult sentences, or both. For example, when a youth receives a blended sentence, the court orders the youth to serve the beginning of their sentence with DJJ and a later portion in an adult correctional facility.

According to a VCSC study, one-third of youth convicted of felonies in circuit court in FY 2017 were given a disposition involving DJJ. The other two-thirds of youth were sentenced to prison, jail, or adult probation.



Regional Map

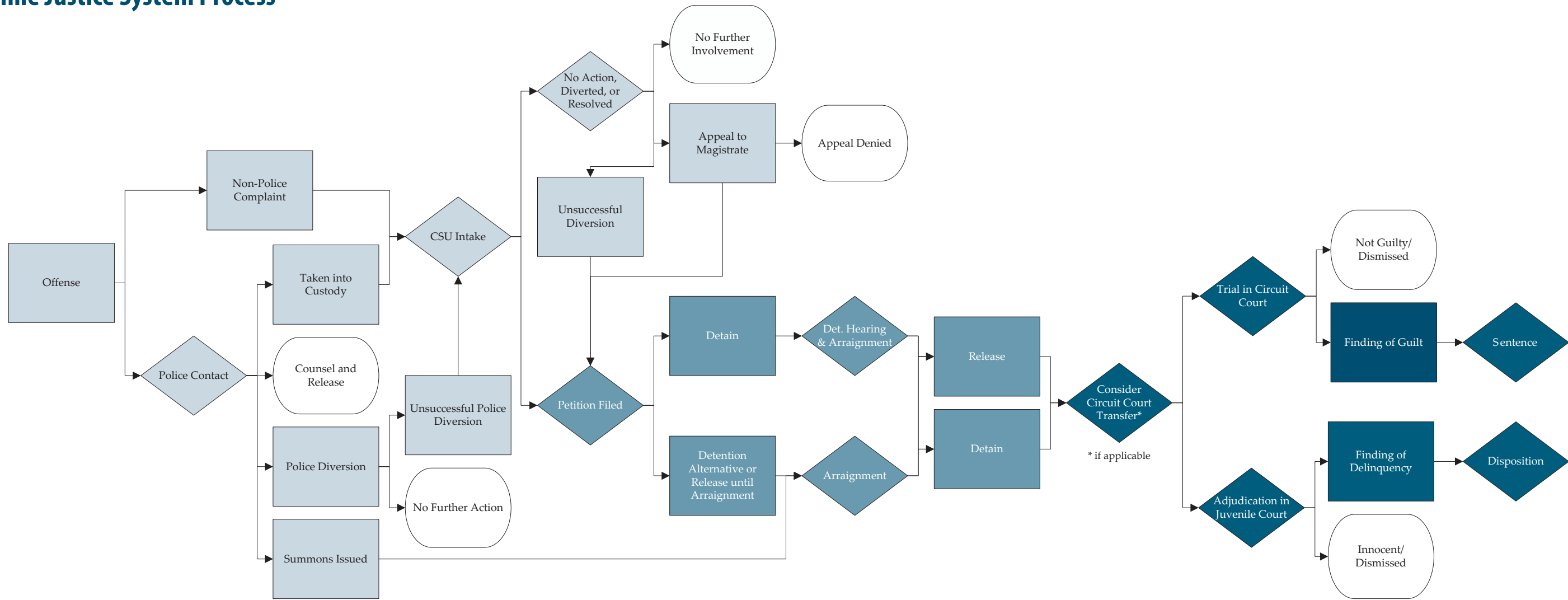
DJJ's Division of Community Programs is organized into five regions, each overseen by a regional program manager who reports to the Deputy Director of Community Programs. The regions are geographically divided into Central, Eastern, Northern, Southern, and Western. CSUs 17 and 19 are locally operated. Effective in FY 2022, CSUs 23 and 23A are combined (CSU 23), and CSUs 20L and 20W are combined (CSU 20). The map shows the CSUs and localities as of FY 2022. See Appendix A for the CSUs and localities during FY 2021, which the data in this report reflect.



Central	Eastern	Northern	Southern	Western
CSUs: 9, 15, 16, 24, 25	CSUs: 1, 2, 2A, 3, 4, 5, 7, 8	CSUs: 17, 18, 19, 20, 26, 31	CSUs: 6, 10, 11, 12, 13, 14	CSUs: 21, 22, 23, 27, 28, 29, 30



Juvenile Justice System Process



Steps in the Juvenile Justice System

Intake

- » When an offense is alleged against a youth, an individual (e.g., parents, agency representatives, law enforcement personnel) may file a complaint with an intake officer.
- » When the youth has contact with law enforcement, the youth may be taken into custody, summonsed and released until a hearing on the matter, diverted, or counseled and released with no further action.
- » The intake officer reviews the circumstances of the complaint to determine whether probable cause exists.
- » If the intake officer finds that no probable cause exists, the complaint is unfounded, and no further action is taken. The complaining party may appeal this decision to the magistrate if the offense is a felony or Class 1 misdemeanor.
- » If probable cause exists, in most cases the intake officer has the discretion to informally process or divert the case, file a petition to initiate court action, or file a petition with an order placing the youth in a JDC.

Petition and Detention

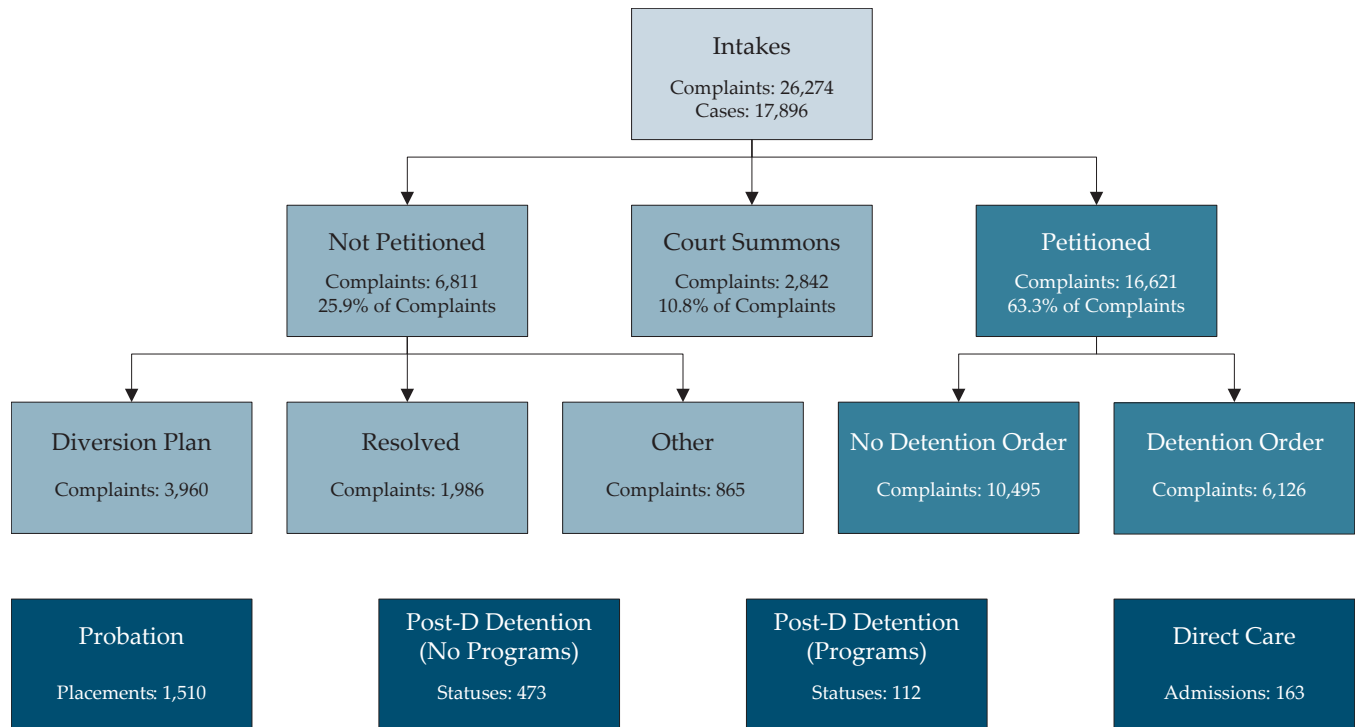
- » The filing of a petition initiates official court action on the complaint.
- » If the intake officer releases the youth, the next court appearance is the arraignment, where the youth is informed of the offenses charged in the petition, advised of the right to an attorney, and may be asked to enter a plea. The youth does not have the right to an attorney at the arraignment hearing.
- » If the youth is detained pending the hearing, a detention hearing must be held within 72 hours of the detainment. At the detention hearing, the youth has the right to an attorney and is arraigned on the offenses charged in the petition. The judge decides whether to hold the youth in a JDC or release the youth, with or without conditions, until the adjudication.

Adjudication or Trial

- » A youth who is adjudicated in J&DR district court does not have the right to a jury trial but has all the other constitutional protections afforded in criminal court, such as the right to an attorney, the right to call and cross-examine witnesses, and the right to refrain from self-incrimination. All delinquency charges must be proven beyond a reasonable doubt.
- » If the judge finds the youth delinquent, the case is usually continued to another day for the judge to make a dispositional decision. The judge's adjudication and dispositional decisions may be appealed by either party to the circuit court for a *de novo* review (as if the first adjudication never occurred).
- » When a youth is tried in circuit court as an adult, the trial is handled in the same manner as a trial of an adult. In the case of a jury trial, the court determines the sentence. The conviction and sentencing in circuit court may be appealed by either party to the Court of Appeals.



DJJ System Flow Chart, FY 2021*



* Not all CSUs receive and enter all court summons paperwork.

* The original intake decision is counted. Unsuccessful diversions with a petition filed are included in the diversion plan category because diversion is the original decision.

* In the chart above, "Other" includes the following intake decisions: adult criminal, accepted by ICJ, consent agreement signed, detention order only, pending, returned to out-of-state, shelter care only, and unfounded.

* Disposition categories (i.e., probation, post-D detention with or without programs, direct care) are not inclusive of all possible options.

* Probation placements, post-D detention statuses, and direct care admissions are counted based on start dates in FY 2021; they do not necessarily connect to the intakes or intake decisions above.

Intakes

- » There were 17,896 juvenile intake cases and 26,274 juvenile intake complaints. Juvenile intake cases may be comprised of one or more intake complaints. In FY 2021, juvenile intake cases had an average of 1.5 complaints.

Intake Decisions

- » A petition was filed for 63.3% of the juvenile intake complaints.
- » 10.8% of juvenile intake complaints were court summonses. A court summons is issued by a law enforcement officer and filed directly with the court rather than pursuing a petition through the CSU. A court summons may be issued to youth only for certain offenses, such as traffic offenses, low-level alcohol offenses, and select violations of local ordinances.
- » Of the remaining juvenile intake complaints, 58.1% had a diversion plan, and 29.2% were resolved.

Dispositions

- » Of probation, post-D detention, and direct care dispositions, probation was the most common.
- » There were 1,510 probation placements, 473 statuses for post-D detention without programs, 112 statuses for post-D detention with programs, and 163 direct care admissions.



DJJ Historical Timeline

The information below presents a history by CY of the juvenile justice system in Virginia since the Department of Youth and Family Services began operations as a separate agency from VADOC. (See DJJ's website for a complete historical timeline.)

1990: The Department of Youth and Family Services began operations as a separate agency from VADOC, along with a State Board of Youth and Family Services.

1991: The Rehabilitative School Authority and the Board of the Rehabilitative School Authority were renamed the Department of Correctional Education and the Board of Correctional Education, respectively, providing a broad array of educational programs to Virginia's state-responsible adult and juvenile populations.

1996: The Department of Youth and Family Services and the Board of Youth and Family Services were renamed DJJ and the Board of Juvenile Justice, respectively. DJJ's learning centers were renamed JCCs.

1999: Culpeper JCC opened in Mitchells, Virginia (Culpeper County), designed for maximum security to house older, higher-risk males.

2000: The criteria for indeterminate commitments were amended from being adjudicated delinquent for two Class 1 misdemeanors to four Class 1 misdemeanors that were not part of a common act, transaction, or scheme.

2003: DJJ implemented the After-Hours Video Intake Program.

2005: Barrett JCC was closed and mothballed.

2010: Natural Bridge JCC was closed and mothballed.

2012: A portion of the former Department of Correctional Education merged with DJJ and became DJJ's Division of Education.

2013: Hanover JCC was closed and repurposed as the VPSTC.

The program serving youth with mental disabilities, developmental delays, and emotional disturbances at Oak Ridge JCC was relocated to an autonomous section of Beaumont JCC, RDC was moved to the former Oak Ridge JCC building, and the former RDC building was repurposed as an administrative building.

2014: Hampton Place and Abraxas House, DJJ's two halfway houses, were closed. (The facilities were closed to youth in December 2013.)

Culpeper JCC was closed and transferred to VADOC.

DJJ partnered with Blue Ridge, Chesapeake, Rappahannock, and Virginia Beach JDCs to establish CPPs as alternative placements for youth in direct care.

2015: RDC was closed and mothballed.

Youth in the Oak Ridge Program were gradually integrated with the general population at Beaumont JCC for educational services and other programming while retaining specialized housing.

The Board of Juvenile Justice revised the LOS Guidelines.

CTM was piloted.

DJJ partnered with Merrimac and Shenandoah Valley JDCs to establish CPPs.

2016: DJJ partnered with Chesterfield and Lynchburg JDCs to establish CPPs.

DJJ contracted with two experienced service coordination agencies, AMI and EBA, to develop a statewide continuum of evidence-based services and additional alternatives to placement in secure facilities.

2017: Beaumont JCC was closed and mothballed.



DJJ partnered with Prince William JDC to establish a CPP.

CTM was fully implemented at Bon Air JCC.

RSCs implemented systems for managing centralized referrals, service coordination, billing, and reporting.

2019: DJJ partnered with Northern Virginia JDC to establish a CPP for females.

2020: Governor Northam declared a state of emergency due to the COVID-19 pandemic on March 12th.

2021: Chesapeake CPP closed.

DJJ Transformation Accomplishments

Since launching the Transformation Plan, DJJ has achieved progress and successes in all four goals of the plan. The full report is available on DJJ's website. Data may not match other sections of the report due to different dates of data download. Highlights of the past year's accomplishments include the following:

Reduce:

- » The juvenile justice system is experiencing all-time lows, and the impacts of COVID-19 accelerated these trends even further. Between FY 2014 and FY 2021, juvenile intake cases decreased 59.1%, probation placements decreased 68.3%, detainments decreased 63.8%, and direct care admissions decreased 55.3%.
- » Due to COVID-19, juvenile intake cases decreased even more in FY 2020 (14.4%) and FY 2021 (38.8%) than in each of the previous five FYs (2.1% to 9.5%), and the decrease was even more substantial for diversion-eligible cases. Meanwhile, the number of diversion plans increased from 13.0% of intake complaints in FY 2014 to 19.4% in FY 2020, then decreased to 14.9% in FY 2021 due in part to fewer diversion-eligible cases.
- » DJJ's efforts continue to show a reduction in rearrests for system-involved youth (first-time diversions, probation placements, and direct care releases), with 12-month rates decreasing from 25.1% in FY 2014 to 15.8% in FY 2020, translating to 1,670 fewer youth rearrested.
- » An increasing percentage of committed youth are being placed in non-correctional center options. July 2021 marked DJJ's highest reported proportion of youth in alternative placements (47.3% of the total direct care population). Almost half of youth (45.4%) released from direct care in FY 2021 received treatment in these types of placements instead of a JCC.

Reform:

- » The therapeutic CTM and other programming improved youth and staff safety. Between FY 2016 and FY 2021, rates of aggressive incidents at Bon Air JCC decreased 76.6%, workers' compensation claims decreased 74.0%, and costs associated with workers' compensation claims decreased 71.0%.
- » The Division of Education transitioned to an online environment that enabled students to take breaks from classes, decreasing disruptive behavior and increasing students' autonomy. As a result, 70.6% of class breaks were proactive check-ins initiated by students.

Replace:

- » Alternatives to JCCs for treatment placement options for youth in direct care continue to expand. These alternatives include nine CPP sites, nine detention reentry programs, 12 residential treatment centers, and 15 group homes, for a total of 45 non-JCC treatment placement options for youth. Of the 207 youth released from direct care in FY 2021, 94 (45.4%) did not enter a JCC during their stay.

Sustain:

- » DJJ built a Family Support Network to sustain increased communication with families and provide networking opportunities for families.
- » In a cross-divisional effort to sustain training and implementation of the evidence-based Aggression Replacement Training, four DJJ staff completed train-the-trainer curriculum and have delivered virtual sessions.
- » DJJ's Training and Organizational Development Unit utilizes online platforms to increase engagement and capacity for training programs offered to DJJ employees.



Data in the DRG

Since 2001, DJJ has published the DRG annually to fulfill General Assembly reporting mandates. While there are many similarities between the current DRG and previous editions, changes have been implemented to report the data more accurately and to align with DJJ's changing operational and data needs. Some revisions and data clarifications are described below:

- » Any changes to the data after the download date are not reflected in this report.
- » Counts, percentages, and ADPs may not add to totals or 100% due to rounding. Decimal values are used in percentage calculations.
- » Rounded percentages less than 0.1% are presented as 0.0%.
- » Expunged cases are included unless otherwise specified.
- » Adult intake, probation, and parole cases are excluded from all data.
- » Not applicable or not available (N/A) is used in tables throughout this report to indicate instances where data cannot be calculated (e.g., groups of zero, offense definitions and classifications, absence of post-D detention with programs, and pending cases in the recidivism analysis).
- » Ethnicity is reported as "Hispanic," "Non-Hispanic," or "Unknown/Missing." A substantial percentage of youth have unknown or missing ethnicity data. Effective FY 2020, ethnicity is a required field but may still be recorded as unknown.
- » Reported ages were expanded to include youth over 20 and under 21. In prior reports, these youth were included in the "Missing" age category; therefore, age data are not comparable to previous reports.
- » Unless otherwise specified, the MSO is determined by a ranking assigned to each type of complaint. Periodically, DJJ uses VCC information published by VCSC to develop the rankings. Felonies are given the highest ranks, ordered first by their statutory maximum penalty and then their highest primary offense score on VCSC's guidelines. Next, misdemeanors are ranked by their statutory maximum penalty. Finally, the remaining complaints are ranked in the following order from most to least severe: technical violations, other offenses, non-delinquent traffic offenses, status offenses, and DR/CW complaints.
- » The DAI ranking of MSOs used by DJJ is checked periodically against the VCSC designation and the *Code of Virginia* to ensure consistency and is updated accordingly.
- » ADPs and LOSs presented for probation and parole exclude time spent by youth on a linking case status. (See Appendix H for an explanation of continuous probation and parole statuses.)
- » Locality-specific CSU data are presented in summary form. More detailed locality-specific CSU data are available on DJJ's website.
- » With the exception of initial YASIs, when risk is reported, the closest risk assessment completed within 180 days before or after the measurement date (e.g., probation start date) is used unless otherwise specified.
- » Some localities utilize multiple JDCs. In the map on page 37, the localities served are determined by the highest number of detainments.
- » Subsequent commitments are excluded unless otherwise specified. An offense that occurred while in direct care also may result in an adult jail or prison sentence rather than a subsequent commitment to DJJ; these sentences are not included.
- » Blended sentences from circuit court are included as a commitment type in this report. Data on blended sentences represent commitments with an active adult sentence at the time of commitment.
- » The categorization of commitment types (i.e., blended, determinate, indeterminate) and assigned LOSs are based on the initial commitment(s) and not subsequent commitment(s) unless otherwise specified.
- » The Division of Education SY starts in September and ends in June of the following year. Credits and credentials earned in the summer are counted toward the previous SY.
- » Canceled, rescinded, and successfully appealed commitments are not included except in the direct care ADP and Division of Education data.
- » Youth in non-JCC placements are not included in the Division of Education data.
- » In the Recidivism chapter, intake cases with diversion plans and intake cases with first-time diversion plans are counted for each intake case with an open diversion, successful diversion, or unsuccessful diversion without a petition filed. Successful diversion plans are counted for each intake case with a successful diversion.

