

2022

# Virginia Department of Juvenile Justice



## **TRANSFORMATION PLAN 2022 UPDATE**

In response to Chapter 552 of the 2022 Virginia Acts of Assembly  
2022 Appropriation Act, Item 423 (B)(3)

## PREFACE

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Chapter 732 of the 2016 Appropriation Act of the Virginia Acts of Assembly, Item 406 (D) required the Department of Juvenile Justice (DJJ) to develop “a transformation plan to provide more effective and efficient services for juveniles, using data-based decision-making, that improves outcomes, including reducing recidivism, and to reduce the number of juveniles housed in state-operated juvenile correctional centers, consistent with public safety.” DJJ established its Transformation Plan in June 2016.

This report of DJJ’s Transformation Plan progress addresses the language required in Chapter 552 of the 2022 Appropriation Act of the Virginia Acts of Assembly, Item 423 (B)(3):

*“No later than November 1 of each year, the Department of Juvenile Justice shall provide a report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security and the Director, Department of Planning and Budget, assessing the impact and results of the transformation plan and its related actions. The report shall include, but is not limited to, assessing juvenile offender recidivism rates, fiscal and operational impact on detention homes; changes (if any) in commitment orders by the courts; and use of the savings redirected as a result of transformation, including the amount expended for contracted programs and treatment services, including the number of juveniles receiving each specific service. The report should also include the average length of stay for juveniles in each placement option.”*

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## EXECUTIVE SUMMARY

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*Beginning in 2014, the Department of Juvenile Justice embarked on a significant transformation plan. With the input of many stakeholders, we undertook a rigorous self-analysis to ensure we get the outcomes we want for the youth, families, and communities we serve while using taxpayer resources effectively. We thank all those who have dedicated their time and passionate energy to improve our juvenile justice system.*

*We now have several years of analysis, reporting, and reflection on the outcomes of this transformation plan. Under new leadership, the department will build upon the strengths and successes we have achieved while developing new initiatives to address where we have fallen short of our goals. We are excited to enter a new chapter in the continued transformation of the Department of Juvenile Justice. This new chapter begins with our commitment to the community through these strategic goals:*

- *Expand reentry vocational programs, workforce development and mentoring to provide resources to encourage a positive path of returning to the community*
- *Support successful community programs and create new initiatives that will address the current concerns of the Commonwealth*
- *Build trust with our law enforcement and judicial partners to ensure youth are placed in the best possible, most effective programs*
- *Address the concerns highlighted in the 2021 JLARC report, which focused on recidivism for our most serious offenders*
- *Create new resources to support victims and families, including those with Limited English Proficiency or disabilities, who have been impacted by violent crime*

*As we move forward and face new challenges, we must reaffirm our shared goals for success. We will be transparent. The department must have an objective, critical analysis of our successes and failures. This is vital to the community, the families, and the youth we serve. We will balance the safety of the community with the rehabilitative needs of our youth. Our juvenile justice system must have the trust of all its stakeholders, including elected leaders, judges, law enforcement, the youth and families we serve, victims, and the broader community. We must hold youth accountable for their actions by ensuring they receive the services they need, at the appropriate dosage, in order to create the greatest likelihood of success when they are no longer in our care. The growing concerns of the people of the Commonwealth must be addressed. Addressing and preventing youth violent crime, especially gun-related crime, must be a focus of all community stakeholders.*

*Again, we are so very grateful to the hard work and dedication of the staff, the board, community partners, and the entire law enforcement community. Each does their part to serve the people of Virginia. Together we will build a better Commonwealth where all families can thrive, all children can reach their full potential, and we can have safer communities.*

Amy Floriano

Director

## ACRONYMS

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ADP: Average Daily Population

BADGE: Balanced Approach Data Gathering Environment

CAP Unit: Central Admissions and Placement Unit

COVID-19: Coronavirus Disease 2019 (2019 Novel Coronavirus)

CPP: Community Placement Program

CSU: Court Service Unit

CTM: Community Treatment Model

DJJ: Virginia Department of Juvenile Justice

FY: Fiscal Year

GIS: Gang Intervention Specialists

JCC: Juvenile Correctional Center

LEO: Law Enforcement Officer

LOS Guidelines: Length of Stay Guidelines for Indeterminately Committed Juveniles

LOS: Length of Stay

PBIS: Positive Behavioral Interventions and Supports

RSC: Regional Service Coordinator

VJCCCA: Virginia Juvenile Community Crime Control Act

WDC: Workforce Development Center

## TRANSFORMATION PLAN 2022 UPDATE

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The Virginia Department of Juvenile Justice (DJJ) enhances public safety by providing effective accountability measures and interventions that improve the lives of court-involved and committed youth. In FY 2022, DJJ operated 30 court services units (CSUs) and Bon Air Juvenile Correctional Center (JCC). As of June 30, 2022, DJJ audits and certifies the CSUs, including two locally operated units; 24 juvenile detention centers; the JCC; eight community placement programs (CPPs); nine detention reentry programs; and 14 group homes, shelter care facilities, and independent living programs.

To reach its goals for both youth and staff, DJJ has developed a balanced approach for serving youth and the community. These strategies will continue to guide the department in fulfilling its mission: protecting the public by preparing court-involved and committed youth to be successful citizens and members of their communities.

- **Rehabilitate:** Expand, improve, and strengthen the services and supports provided to youth during their detention and/or commitment as well as upon their return home.
- **Replace:** Provide youth across Virginia with opportunities for rehabilitation in the least restrictive setting by expanding the statewide continuum of evidence-based services and alternative placements as well as replacing the large, old JCCs with smaller therapeutic correctional settings.
- **Sustain:** Sustain DJJ's transformation by maintaining safe, healthy, inclusive workplaces; continuing to recruit, retain, and develop a team of highly skilled and motivated staff; and aligning agency procedures, policies, and resources to support staff in meeting these transformation goals.

DJJ's ongoing transformational work will result in better returns on taxpayer investment through improved public safety and more robust rehabilitative opportunities for youth involved in the juvenile justice system. These changes are based on evidence and research on promoting success and reducing recidivism rates among court-involved youth.

## NEW INITIATIVES

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As DJJ focuses on these new strategies, the department has outlined several new initiatives to achieve its goals and better serve the Commonwealth. Below are but a few new initiatives. For more information on the department's strategic plan, please visit <http://www.djj.virginia.gov/>.

### NEW WORKFORCE DEVELOPMENT CENTER FOR YOUTH

As outlined on Page 2, one of the new goals of the department is to *expand reentry vocational programs, workforce development and mentoring to provide resources to encourage a positive path of returning to the community.*

One of the most important new initiatives focused on this goal will be designing and implementing a Workforce Development Center (WDC) for youth. The goal of the WDC is to prepare juvenile offenders with skills needed to secure meaningful employment, and to develop a plan for long-term career success.

The WDC will have two components. First, the department will create an on-site vocational center at Bon Air Juvenile Correctional Center. This on-site center will house the initial services offered by the WDC, such as assessment, training, and career placement for youth. In addition, the site will offer hands-on instruction and training in the electrical, plumbing, and HVAC fields. The WDC will have a dedicated building at the Bon Air campus including three newly redesigned classrooms for such training.

In collaboration with the Division of Education, youth will have the opportunity to engage in vocational skills training while in direct care and will transition into community skill programs and job placements. The Division of Education will provide youth with courses to meet credentialing requirements, and then the WDC will provide a space for students to learn and practice skills that will help them be successful in the workplace. The WDC will replicate centers found in the community and will provide the same services and resources to promote job readiness.

The second component of the WDC will work to establish and maintain relationships with employers and community organizations to develop long-term job opportunities and career training. To increase the likelihood of DJJ youth being matched to employers in their field of interest, the WDC staff will create partnerships with community-based employers to create positions, job shadowing, internships, and training programs in the communities to which youth are returning. Youth who are committed to DJJ miss critical points in their lives to explore new opportunities as their non-committed peers begin preparing for the future. The WDC will fill those gaps by equipping committed youth with the soft and hard skills needed to be marketable in the workforce. Soft skills include such things as communication, time management and how to work as a team. Additionally, the WDC will ensure youth also have hard skills such as basic computer skills and effective writing which can greatly benefit them in their job seeking endeavors.

The goals of the WDC will be to:

- Match juveniles with interests and skill-appropriate job and career opportunities
- Increase sustainable job opportunities
- Increase in the recruitment of employers and community organizations for long-term and future placement
- Reduce recidivism

Through its efforts to link youth returning from commitment with DJJ to long-term careers in the community, the WDC will help youth attain skills and resources to become gainfully employed and become resilient, responsible members of the community.

## **VICTIM NOTIFICATION AND ASSISTANCE**

Another important goal of the department is to create new resources to *support victims and families, including those with Limited English Proficiency or disabilities, who have been impacted by violent crime.*

In furtherance of this goal, DJJ has developed a new focus on victim notification and assistance. The new process helps ensure victims of juvenile offenders are properly notified upon the release of a serious offender. While juvenile records, including disposition, probation, and personal data, are kept strictly confidential and can only be released by DJJ in limited circumstances, Section 66-25.2 of the *Code of Virginia* allows for notifications to victims upon release of a serious offender. The department's new victim liaison service can assist the public in navigating the process for notification.

The department updated its website to include contact information for the public. Victims of a juvenile offender who need more information on notifications are encouraged to email the DJJ Victim Liaison at [victimliaison@djj.virginia.gov](mailto:victimliaison@djj.virginia.gov).

The liaison will assist the public with notification requests. The department's liaison will ensure victims are notified of release of any juvenile serious offender according to § 66-25.2 of the *Code of Virginia*. The liaison can also provide victims and witnesses with general information about the court process and provide information on community and statewide resources for victims and witnesses.

## **GANG INTERVENTION**

The department's new initiative focused on gang intervention furthers two goals. First, the initiative will advance the goal of *supporting successful community programs and creating new initiatives that will address the current concerns of the Commonwealth.*



This new gang intervention initiative will *build trust with DJJ's law enforcement and judicial partners to ensure youth are placed in the best possible, most effective programs.*

DJJ has created a new, reorganized Bureau of Investigative Operations and will seek accreditation through the Virginia Law Enforcement Professionals Standards Association for this new team. The bureau will have expanded gang prevention and intervention responsibilities, and DJJ's goals for this team will be to reduce youth gang involvement in the Commonwealth.

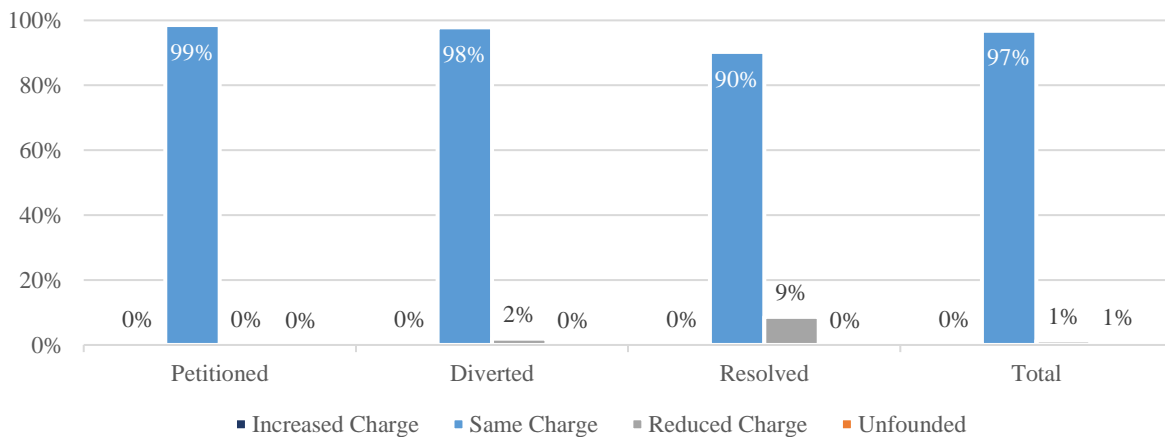
Gang Intervention Specialists (GIS), along with supervisory staff and special agents, will be assigned to jurisdictions throughout the Commonwealth. The GIS will include certified regional gang investigators, probation officers from each of DJJ's court service units, and staff from Bon Air Juvenile Correctional Center, Central Admissions and Placement unit, DJJ's Department of Education, and Community Placement Programs. The Gang Intervention Specialists will identify individuals who exhibit gang-like behavior and share that information with law enforcement, local prosecutors, and community leaders in order to implement targeted intervention and prevention.

## INTER-AGENCY PARTNERSHIPS

To further its strategic goals, outlined on Page 2, DJJ aims to improve intake officers' relationships with law enforcement officers (LEOs)<sup>1</sup>, both by fostering open communication and by training staff on probable cause. In March 2022, DJJ added a requirement for intake officers to document the alignment between the offense they recorded for the complaint and the LEO's recommended charge, as well as the rationale for any disagreement, for juvenile intake complaints from LEOs. When considering a diversion, staff were additionally directed both to have a conversation with the LEO and to document the information discussed when a LEO requested a petition. The following section reports on juvenile intake complaints from LEOs recorded since this change.<sup>2</sup>

There were a total of 11,992 juvenile intake complaints from LEOs between March 3, 2022, and September 20, 2022. Of these, 11,609 (96.8%) were aligned with the LEO's decision. DJJ intake officers entered a different charge than the LEO's recommendation for 1.6% (193) of complaints, with more charges reduced (161; 1.3%) than increased (32; 0.3%). They determined the complaint was unfounded in 1.0% (122) of complaints.<sup>3</sup> Intake officers reduced charges at higher rates for complaints that were resolved than those petitioned or diverted. (See graph below).<sup>4</sup>

Intake Officer Decisions Compared to LEO Recommendations for Juvenile Intake Complaints, March 3, 2022 - September 20, 2022



<sup>1</sup> For the purposes of this section, Commonwealth's Attorneys are also considered LEOs.

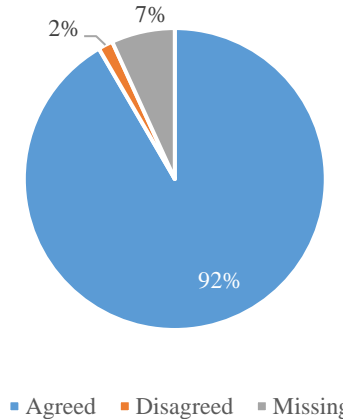
<sup>2</sup> Data in this section cannot be compared to other sections or other reports because it excludes juvenile intake complaints entered using court summons, bench warrant, or abortion petition forms (1,086 juvenile intake complaints and 98 diverted juvenile intake complaints), as they are not relevant to this requirement.

<sup>3</sup> Unfounded complaints were identified by the intake decision rather than the alignment entry for consistency. Percentages do not add to 100%; less than 1% of complaints from LEOs had missing charge agreement information, and all were in the first month of implementation.

<sup>4</sup> The graph does not display complaints with other intake decisions (e.g., pending, detention order only) but all are included in the total unless the alignment information was missing.

Of the juvenile intake complaints from LEOs during this time period, 2,276 were recorded as diversions.<sup>5</sup> In 91.6% of these complaints (2,085), LEOs agreed with intake officers' decisions to divert. Disagreements were only recorded in 36 complaints (1.6%).<sup>6</sup> (See graph below).

LEO Rate of Agreement with Intake Officer on Diverting Juvenile Intake Complaints, March 3, 2022 - September 20, 2022



While the data presented is still in its preliminary phases, it suggests strong communication between intake officers and outside stakeholders. Over time, DJJ hopes to use this information to enhance inter-agency communication, standardized data entry practices, and training while continuously evaluating current practices.

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<sup>5</sup> Diversions that were open, successful, unsuccessful without a petition filed, and unsuccessful with a petition filed were included. The agreement field is required only for open diversions.

<sup>6</sup> Percentages do not add to 100% because approximately 7% of these diverted complaints had missing information, many during the beginning of implementation. In addition, 98 complaints were recorded as diversions on court summons forms and were excluded from this analysis.

## STATUTORY REPORTING REQUIREMENTS

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### RECIDIVISM RATES

Recidivism rates refer to the rearrest, reconviction, or reincarceration for a new delinquent act or criminal offense. DJJ's recidivism analysis is based on data from several collaborating organizations, including Virginia State Police, the Virginia Criminal Sentencing Commission, Virginia Department of Corrections, and the State Compensation Board, in order to track youth's contacts with the adult criminal justice system. Due to the time lag of court processing, rearrest rates provide the most up-to-date information on recidivism and are presented in this report.<sup>7</sup>

With the drastic decrease in juvenile intake cases due to COVID-19 during FY 2020-2021, rearrest rates tracked during that timeframe (e.g., 12-month rates for FY 2019, FY 2020, and FY 2021 groups) may be lower than previous or future years and are not comparable as an outcome measure. Juvenile intake cases increased slightly during FY 2022; while intake cases were still lower in FY 2022 than before the pandemic, recidivism rates for future groups may be more comparable to pre-pandemic years. While some of the FY 2021 rearrest rates reported throughout this section are promising, interpretation is challenging due to the pandemic's impact on the juvenile justice system as a whole, and future trends may continue to fluctuate.

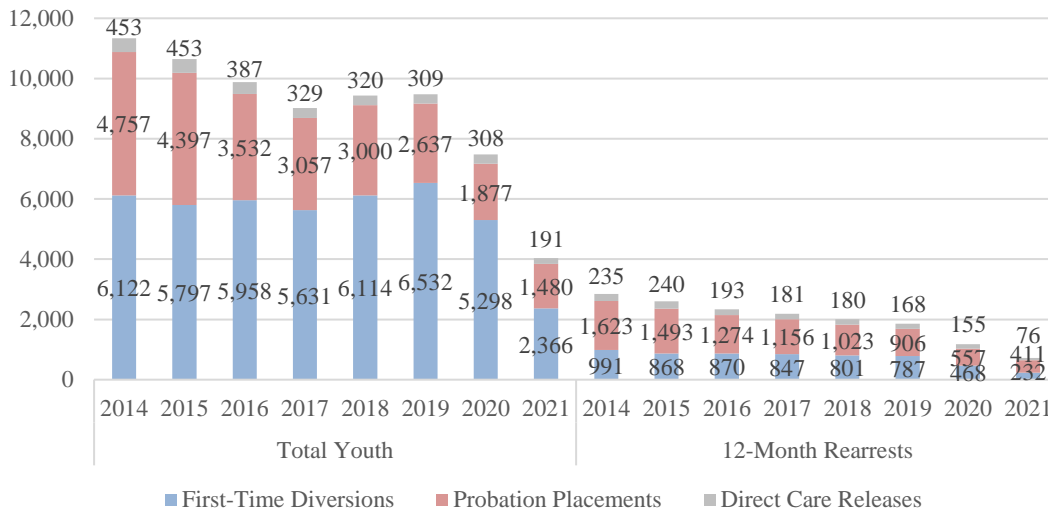
Rearrest rates are presented for three major populations served by DJJ: youth with first-time diversion plans, youth placed on probation, and youth released from direct care. First-time diversions constitute the largest group of youth (2,366 in FY 2021), followed by probation placements (1,480 in FY 2021). Youth in direct care make up a small and decreasing fraction of the total youth served by DJJ (191 in FY 2021). The graph below displays the number of youth in these three groups that are tracked for 12-month rearrest rates. Importantly, as intake cases decreased, the number of youth in all groups has decreased since FY 2014 (decreases of 3,756 for first-time diversions, 3,277 for probation placements, and 262 for direct care releases). From FY 2020 to FY 2021 alone, there was a decrease of 2,932 first-time diversion plans, one of many systemwide impacts from the pandemic. In total, combining the first-time diversion plans, probation placements, and direct care releases, youth in these statuses decreased by 7,295 between FY 2014 and FY 2021.

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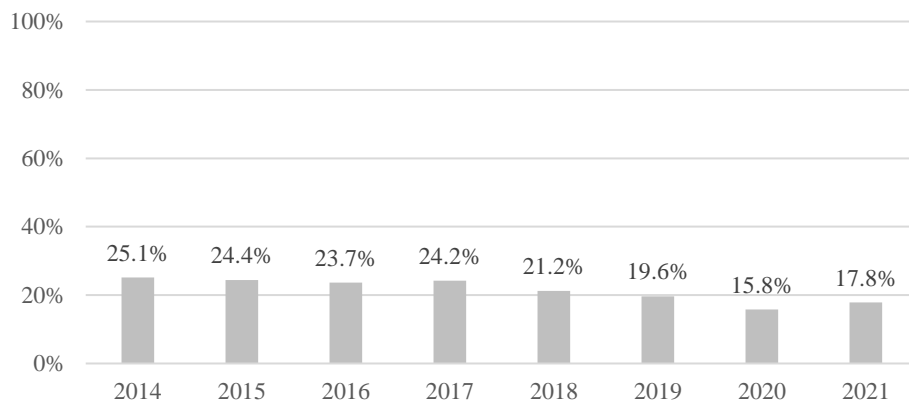
<sup>7</sup> Rearrest, defined as a petitioned juvenile intake complaint for a new delinquent act or an adult arrest for a new criminal offense, regardless of the court's determination of delinquency or guilt, within a designated period. Violations of probation or parole, contempt of court, non-criminal domestic relation and child welfare complaints, non-criminal traffic violations are excluded as reoffenses. For youth on probation, the tracking period for rearrests begins at the time of placement on supervision. For youth in direct care, the tracking period begins at the time of release from direct care.

When the three groups' rearrest rates are combined for a systemwide perspective, 12-month rearrest rates decreased from 25.1% in FY 2014 to 17.8% in FY 2021. This decrease translates to 2,130 fewer youth rearrested out the FY 2014 groups compared to FY 2021 groups (2,849 to 719). (See graphs below.) This rearrest rate had been consistently decreasing since FY 2014, but the COVID-19 pandemic's impact likely contributed to the steeper declines in FY 2020. Though FY 2021's rate was lower than pre-pandemic rates, it was an increase from the previous year. The rearrest rates by specific populations are described in the following pages, including a breakdown by risk levels.

Status Counts by Total Youth and 12-Month Rearrests, FY 2014-2021

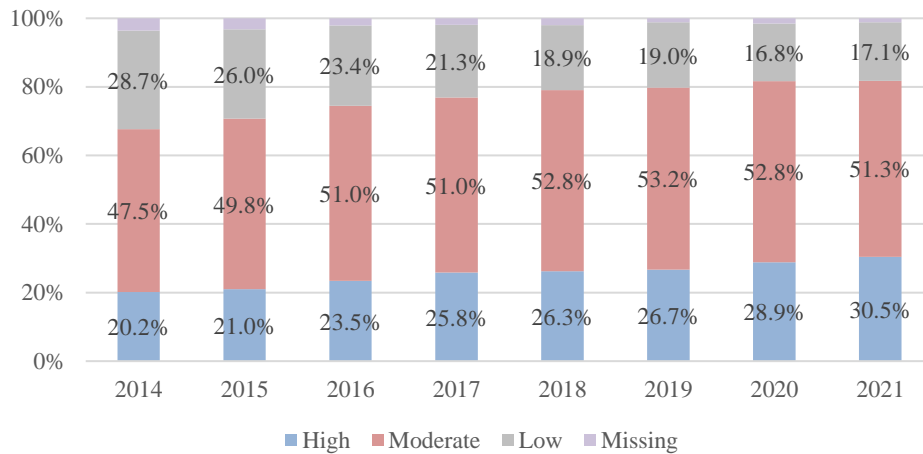


Combined 12-Month Rearrest Rates for First-Time Diversions, Probation Placements, and Direct Care Releases, FY 2014-2021

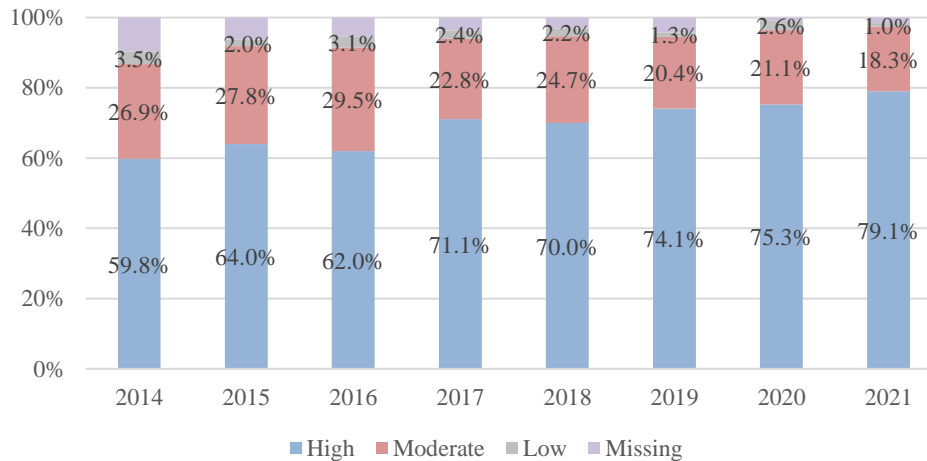


Recidivism rates are examined by risk level in order to identify more specific areas to target. It is important to note that through transformation, mostly moderate- and high-risk youth receive formal handling; therefore, youth placed on probation and youth released from direct care back to their communities are now of substantially higher risk for reoffending than in previous years. The percentage of high-risk youth placed on probation increased from 20.2% in FY 2014 to 30.5% in FY 2021, and the percentage of moderate-risk youth increased from 47.5% to 51.3%. Similarly, the percentage of high-risk youth released from direct care increased from 59.8% in FY 2014 to 79.1% in FY 2021. (See graphs below. Risk levels are not assessed for most youth on diversion plans.)

Risk Levels for Probation Placements, FY 2014-2021

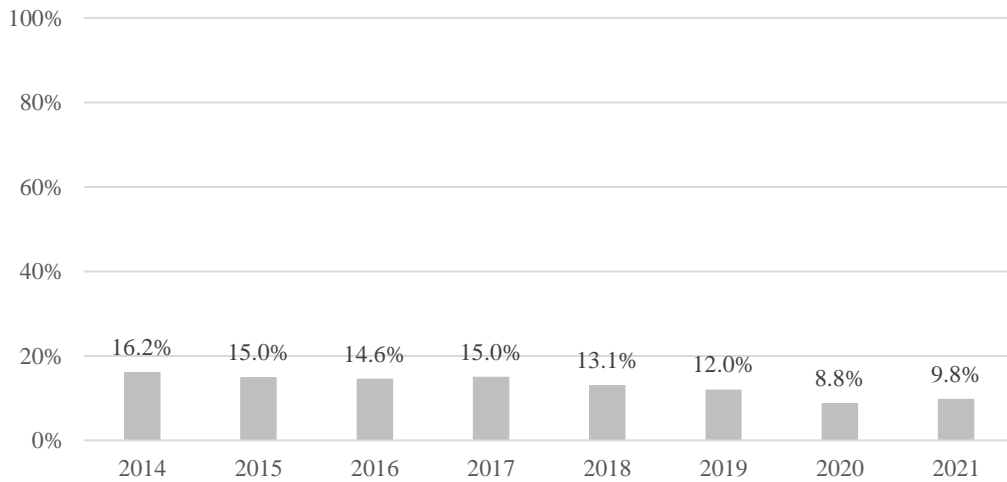


Risk Levels for Direct Care Releases, FY 2014-2021



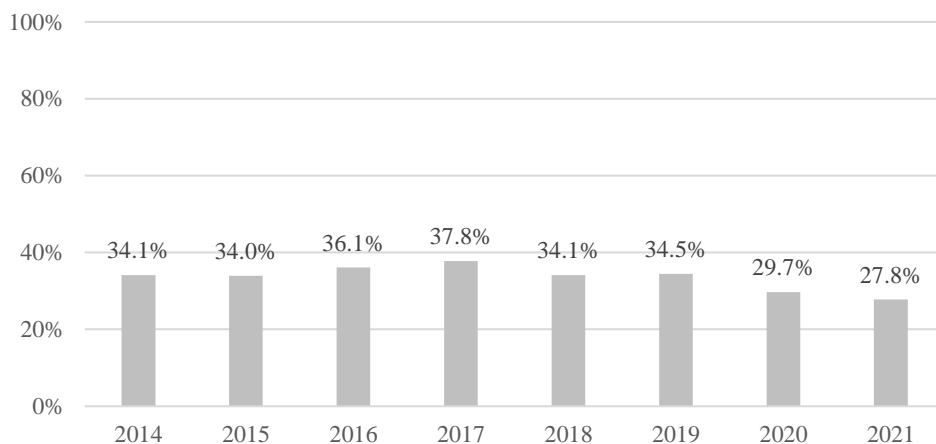
Rearrest rates for first-time diversions steadily decreased through FY 2020 before increasing slightly in FY 2021. Following FY 2014, the 12-month rearrest rates for first-time diversion plans decreased for five out of seven years, from 16.2% in FY 2014 to 9.8% in FY 2021.<sup>8</sup> This decrease translates to 759 fewer youth rearrested out of the FY 2014 diversions compared to FY 2021 diversions (991 to 232). (See graph below.)

12-Month Rearrest Rates for First-Time Diversion Plans,  
FY 2014-2021



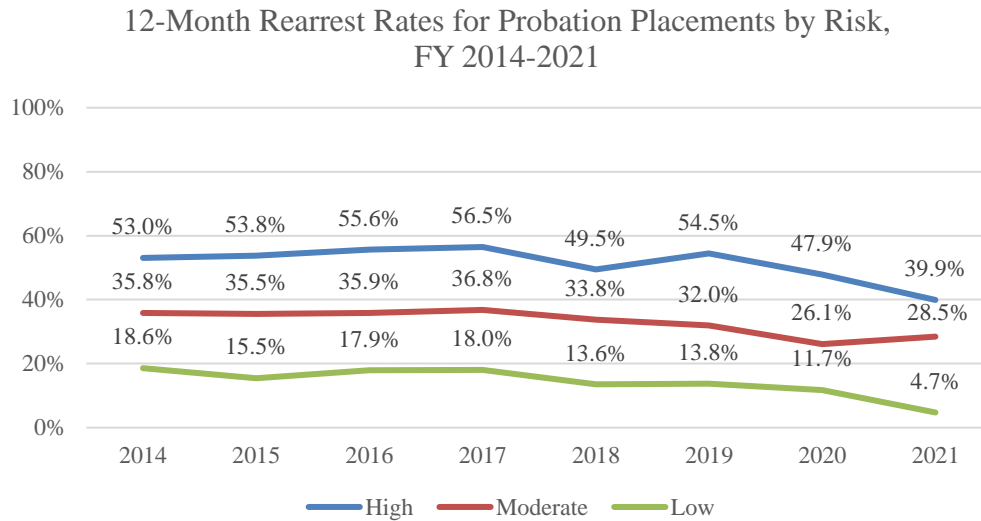
The 12-month rearrest rates for probation placements have fluctuated over the past several years, reaching a high in FY 2017 at 37.8%, followed by a decrease to 27.8% in FY 2021. This decrease in rearrest rates translates to 1,212 fewer youth rearrested out of the FY 2021 placements compared to FY 2014 placements (1,623 to 411). (See graph below.)

12-Month Rearrest Rates for Probation Placements,  
FY 2014-2021



<sup>8</sup> The term “rearrest” is used to indicate a subsequent petitioned juvenile intake or adult arrest; however, the diversion does not constitute an initial arrest. Risk levels for diversion plans are not available.

Because of the increase in risk level for probation placements over recent years, the group as a whole is more likely to be rearrested based on their characteristics in FY 2021 compared to FY 2014. Therefore, it is important to consider rearrest trends by risk level. Between FY 2014 and FY 2021 probation placements, the 12-month rearrest rates decreased for low-risk youth (18.6% to 4.7%), moderate-risk youth (35.8% to 28.5%), and high-risk youth (53.0% to 39.9%). (See graph below.)

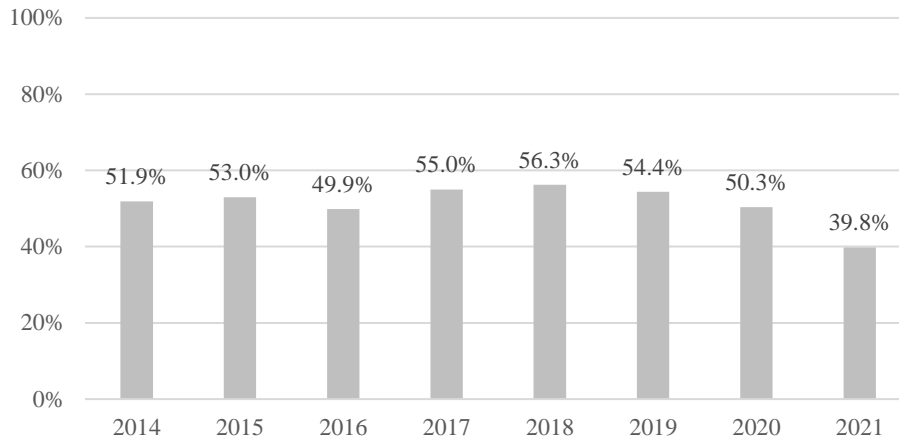


Considering the rearrests for both first-time diversion plans and probation placements, an overall reduction in both the overall number (1,971 fewer youth) and rates (for first-time diversions and each risk-level of probation placements) of youth rearrested suggests that the transformation efforts focused on utilizing the least-restrictive options and enhancing community-based programming may be impacting the system in a positive direction.

The 12-month rearrest rates for direct care releases also has fluctuated over the past several years, reaching a high of 56.3% in FY 2018 and decreasing to a low of 39.8% in FY 2021. Due to the decrease in the number of youth in direct care along with these rates, 159 fewer youth were rearrested out of the FY 2021 releases compared to FY 2014 releases (235 to 76). (See graph below.)



12-Month Rearrest Rates for Direct Care Releases,  
FY 2014-2021

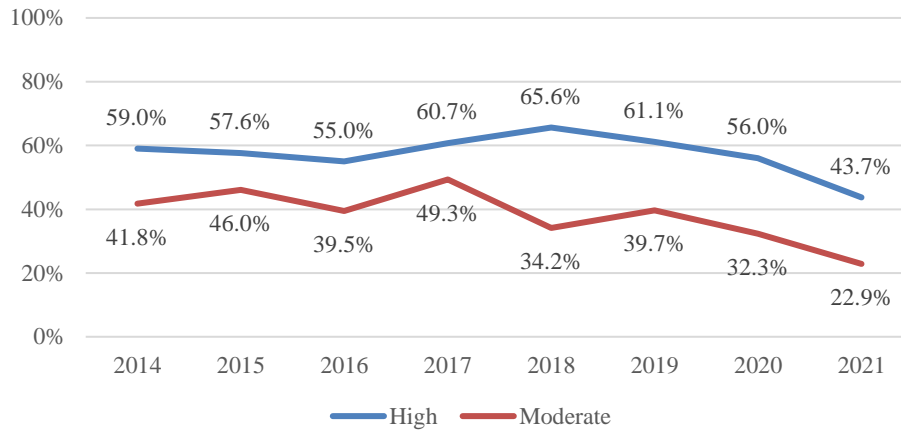


Similar to probation placements, the risk levels of youth in direct care have increased over recent years, meaning the group, as a whole, is more likely to be rearrested based on their characteristics. Investigating rates by risk level is therefore important to understand trends. Between FY 2014 and FY 2021, the 12-month rearrest rates by risk fluctuated, with an overall decrease for both moderate-risk youth (41.8% to 22.9%) and high-risk youth (59.0% to 43.7%) due to substantial declines in FY 2020 and FY 2021. (See graph below.) Interpretations of these direct care rates can be difficult for three reasons:

- 1) As the size of this population decreases, recidivism rates fluctuate more easily, making trends more difficult to identify. For example, only 35 youth were released from direct care with a moderate risk level in FY 2021.
- 2) Due to the lag time required to track youth for one year after release, youth released during the earlier years of DJJ’s transformation efforts may have spent some time in direct care prior to the full implementation of key initiatives (e.g., CTM, PBIS).
- 3) The trends in FY 2020 and FY 2021 are likely related to the pandemic’s impacts on the actual behavior of youth, measured behavior of youth, and the justice system as a whole.

Despite these limitations and the recent reduction in rearrests, these rates indicate that youth in direct care face significant challenges upon release and require intensive, therapeutic services to be successful. DJJ will continue focusing on the rehabilitation of these youth in order to improve both their individual outcomes and overall public safety. Smaller, more therapeutic facilities enhance the effectiveness of services while maintaining public safety for these higher risk youth who represent a small portion of the total population of youth served by DJJ. Additionally, DJJ will continue to monitor recidivism rates for youth released from direct care to understand if recent changes in direct care recidivism rates will be lasting.

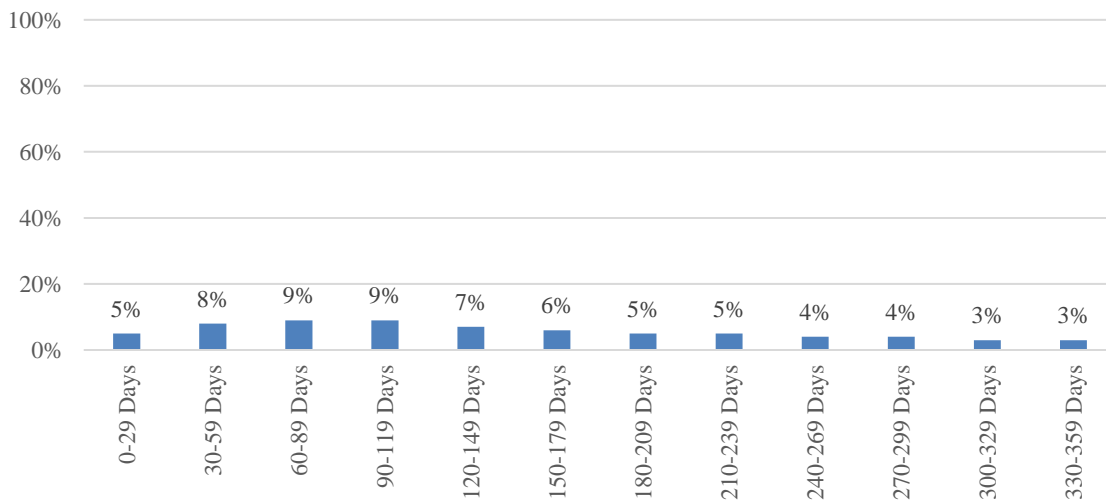
12-Month Rearrest Rates for Direct Care Releases by Risk, FY 2014-2021



Note. Only 2 to 16 youth with low risk were released each year; these youth’s rearrest rates are not displayed due to the low counts.

For those youth who are rearrested after being released from direct care, their first rearrest is often shortly after release (i.e., between 30 and 120 days). Rearrest rates gradually decline from 120 days onward. By day 150, over a third of direct care releases who are rearrested within 36 months had their first rearrest. (See graph below).<sup>9</sup> Given these findings, DJJ is increasing its focus on establishing strong preventative step-down programming for youth as they transition from direct care into their home communities.

Percentage of Rearrested Youth by Time to First Rearrest, FY 2015-2019 Direct Care Releases



Overall, DJJ’s work is showing positive results, both in the number of youth contacting the system

<sup>9</sup> Data include only releases with at least one rearrest within 36 months. Percentages do not add to 100% because only the first 360 days are displayed. Recidivism for this analysis was tracked through FY 2020; therefore, youth released in FY 2018-2019 may not have the full 36 months of follow-up time.

and the percentage of youth rearrested. However, more work is still needed to further improve outcomes across the system. DJJ continues to analyze possible characteristics or explanations for changes in rearrest rates and identify strategies to maximize youth's likelihood for successful outcomes.

## **IMPACT ON JUVENILE DETENTION CENTERS**

Historically, the majority of youth in juvenile detention centers were awaiting their adjudication or dispositional hearing or had received a detention disposition; youth with a commitment disposition were then moved from the detention centers into JCCs. Today, Virginia's juvenile detention centers serve a more expanded role by providing placement options and services to youth in direct care. DJJ now conducts the majority of initial evaluations in the detention centers for youth who are in a detention center rather than bringing the youth to the JCC. In FY 2022, 104 of 147 (70.7%) of direct care admissions and assessments were conducted in locally based detention centers rather than the JCC. Currently, 20 juvenile detention centers serve as these assessment sites. Additionally, eight detention centers offer CPPs, where youth can be closer to home while in direct care, staying connected to programs in their own communities. Finally, nine detention centers offer detention reentry programs, which allow youth in direct care to transition back to the community in the months before their release. In FY 2022, an average of 87 youth were in a detention-based direct care placement every day.

A youth's residence in a juvenile detention center during their commitment has several benefits: it is typically in or near the community where the youth lives, keeping them close to family and likely in the youth's original school division, keeping them connected to educational supports, as well as providing individualized evaluation and treatment to meet individual needs.

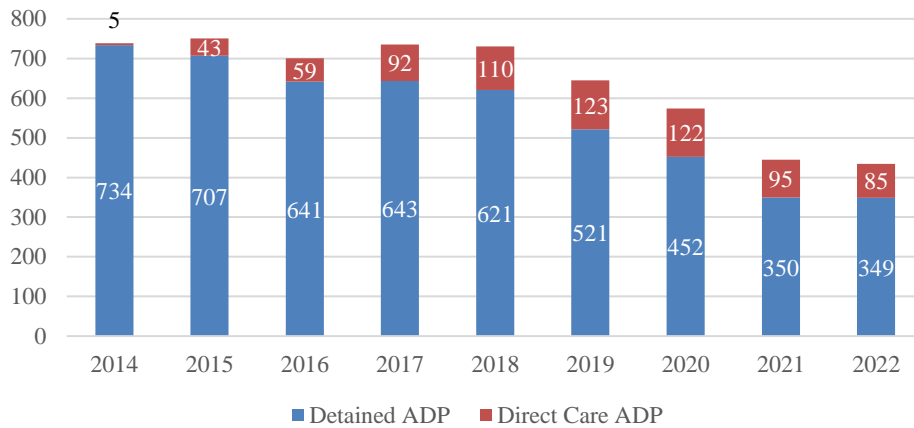
Overall, as juvenile intake cases have decreased (46.2% between FY 2014 and FY 2022), the number of detainments and the ADP of youth in detention similarly declined (59.7% and 52.4% between FY 2014 and FY 2022, respectively<sup>10,11</sup>). These decreases were accelerated during the COVID-19 pandemic. Although intake cases and detainments increased between FY 2021 and FY 2022, they remained below pre-pandemic levels. The detention-based direct care programs help make productive use of those beds. DJJ pays the detention centers a set rate for CPPs and reimburses a per-diem amount for youth in the other detention-based programs. The graph below displays the declining ADP of youth in juvenile detention centers (not including those in a detention-based direct care placement) along with the proportionally increasing ADP of youth in detention-based direct care placements (i.e., admission and evaluation sites, CPPs, detention reentry programs, or individually purchased detention beds).

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<sup>10</sup> Does not include youth in a detention-based direct care placements.

<sup>11</sup> The Direct Care ADP in this report for FY 2014 and FY 2015 does not align with the Direct Care ADP in the FY 2021 Transformation Report due to a different data source.

Detention Utilization, FY 2014-2022



## COMMITMENT ORDERS

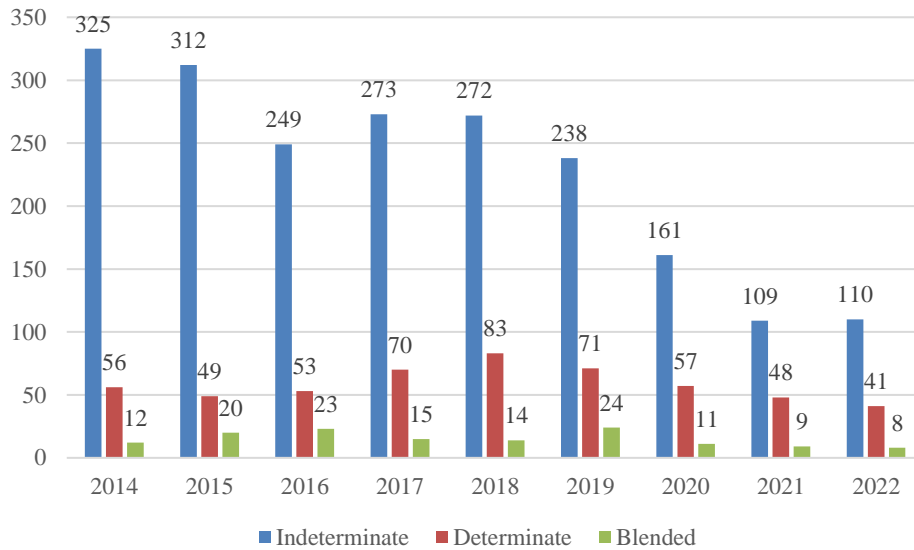
There are three types of commitments for youth: indeterminate commitments (time served is determined by DJJ staff during the admission and evaluation process and reviewed during treatment), determinate commitments (time served is set and reviewed by the court), and blended sentences (time is served with both DJJ and VADOC). A case involving a youth who meets certain age criteria and is accused of a felony<sup>12</sup> may be certified or transferred to circuit court where the youth will be tried as an adult; only cases in circuit court may receive a blended sentence, but the circuit court may also impose any other juvenile disposition and/or adult sentence.

Each year, the majority of commitments are indeterminate. However, the use of indeterminate commitments has proportionally decreased (82.7% of commitment orders in FY 2014 compared to 69.2% in FY 2022) while the use of determinate commitments has proportionally increased over time (14.2% of commitment orders in FY 2014 compared to 25.8% in FY 2022). The proportion of blended sentences has remained relatively stable, representing only a small portion of the population (5.0% in FY 2022). Importantly, even as the proportion of commitment types shifts, the number of each type of commitment has decreased from FY 2014 to FY 2022 (indeterminate: 66.2%; determinate: 26.8%; blended: 33.3%). The number of overall commitment orders has declined 59.5%, from 393 in FY 2014 to 159 in FY 2022. (See graph below.)<sup>13</sup>

<sup>12</sup> Prior to July 1, 2020, the age criteria for considering a juvenile for trial in circuit court was 14 years of age. Effective July 1, 2020, the age criteria was changed to 16 years of age for mandatory certification and prosecutorial discretionary certification. Transfers to circuit court by a judge and waivers to circuit court by a juvenile maintain the 14 years of age criteria. The types of felonies eligible for trial in circuit court vary for certifications, transfers, and waivers. (See § 16.1-269.1 et seq. of the *Code of Virginia*.)

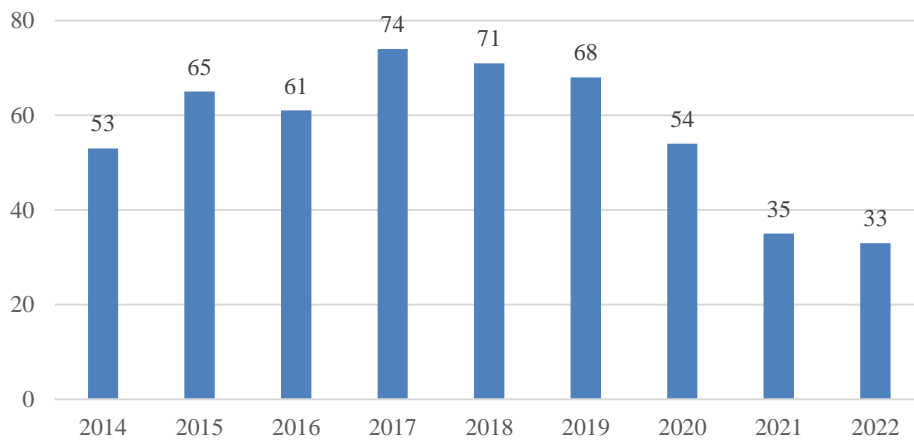
<sup>13</sup> One youth admitted to direct care may have multiple commitment orders; there also may be a lag time between the commitment order and admission dates, so these numbers may vary slightly from other reports. Subsequent, rescinded, canceled, and successfully appealed commitments are excluded.

Commitment Orders by Type, FY 2014-2022



The number of youth committed to DJJ from circuit court fluctuated across FY 2014 to FY 2017. Since FY 2017, DJJ circuit court commitments decreased every year. (See graph below).

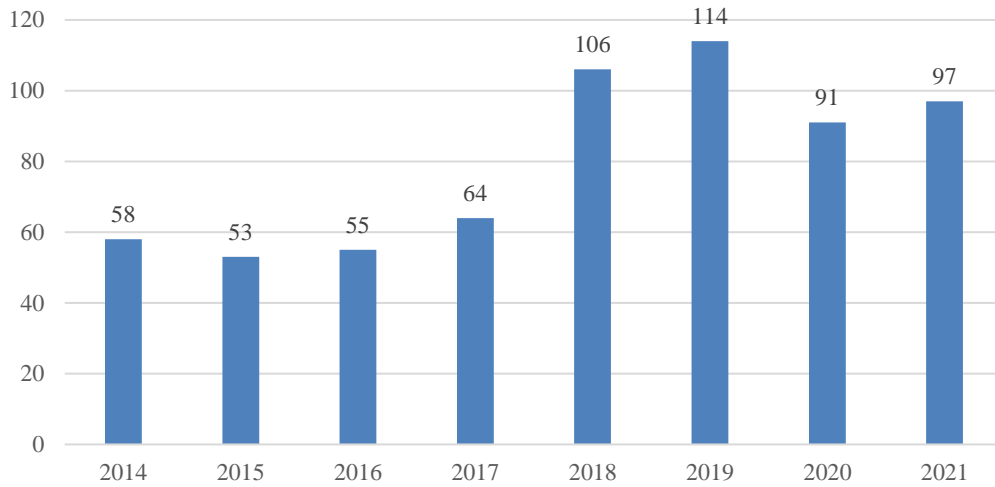
DJJ Circuit Court Commitment Orders, FY 2014-2022



From FY 2014 to FY 2019, the number of youth committed to VADOC increased from 58 to 114 and then decreased to 97 in FY 2021. (See graph below).<sup>14</sup>

<sup>14</sup> Data downloaded by VADOC on March 14, 2022.

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

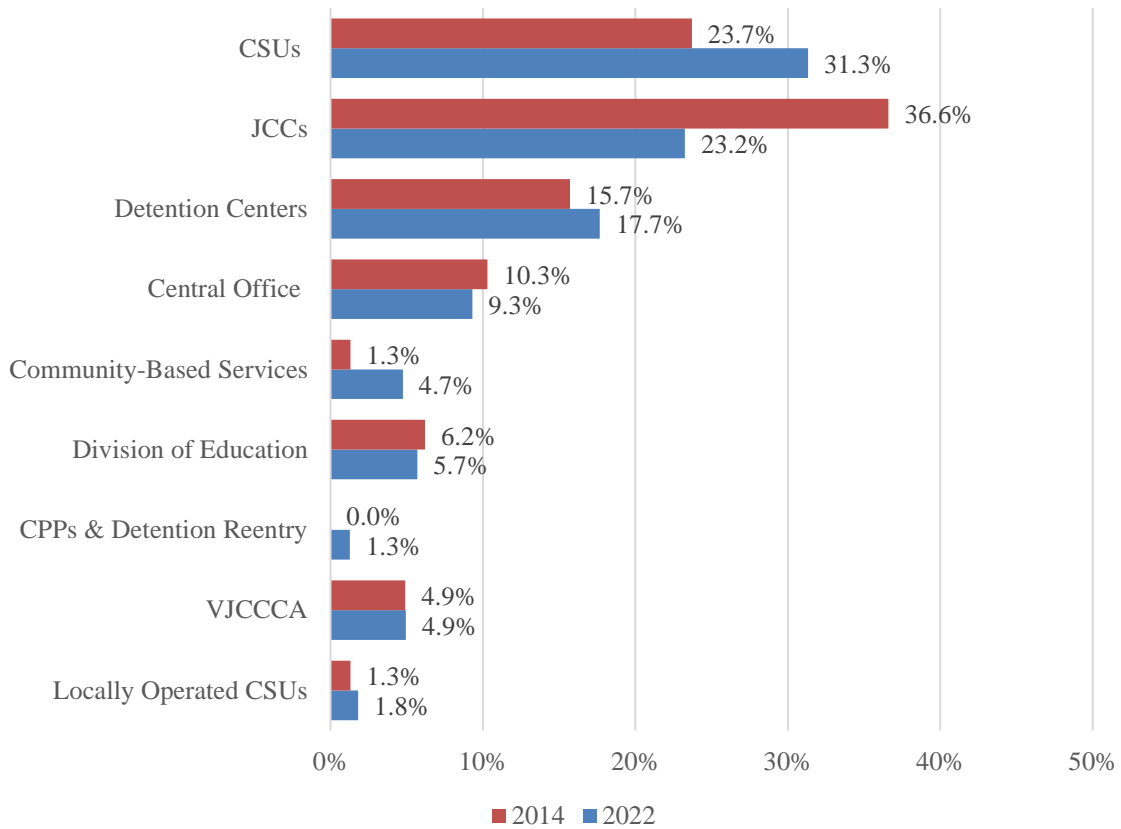


### TRANSFORMATION PLAN SAVINGS

This transformation has been supported by the reallocation of funds within the DJJ budget. In FY 2015, DJJ closed the Reception and Diagnostic Center to youth placements, which generated roughly \$3.6 million in savings during the first year and \$4.5 million in subsequent years. In FY 2017, DJJ closed Beaumont JCC to youth. This closure generated approximately \$2.8 million in savings in the first year, and \$23.1 million in the following years. In addition to these savings, the General Assembly allocated \$2.9 million per year since FY 2015 to support the CPPs in local juvenile detention centers.

Savings from past JCC closures were used by DJJ to invest in evidence-informed programs for youth in direct care to better meet the unique needs of youth and their families, such as alternative placements, detention reentry, treatment services for youth across the continuum, and high-quality staff training. Primarily, reducing JCC expenditures allowed DJJ to spend significantly more on programming that keeps lower risk youth in the community and closer to home, where they and their families can work on rehabilitation. Between FY 2014 and FY 2022, the percentage of total DJJ expenditures used for JCCs decreased from 36.6% to 23.2%. During the same time frame, the percentage of expenditures for CSUs, community-based services, CPPs, and detention reentry increased from 25.0% to 37.3%. (See graph below.)

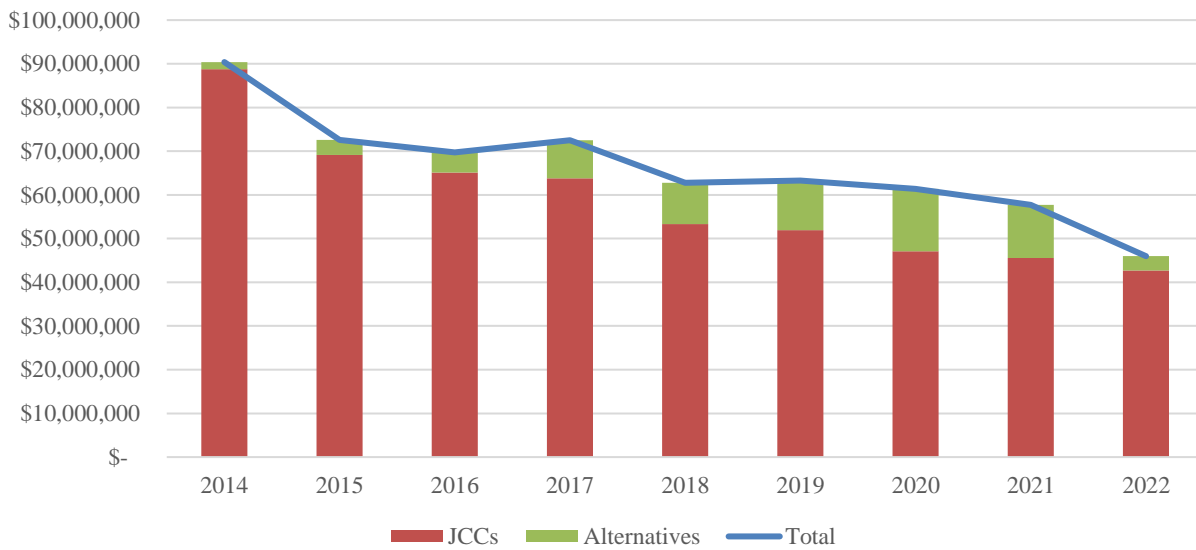
### DJJ Expenditures, FY 2014 and FY 2022



*Note:* CSU expenditures refers to all of Community Division expenditures, with the exception of RSC contracts and detention reentry. Additionally, CSU expenditures in FY 2014 included two halfway houses that closed to youth in December 2013. JCC expenditures in FY 2022 included the CAP Unit and direct care admission and evaluations in the detention centers. In both years, JCC expenditures included facilities that no longer house youth, including the operation of the Virginia Public Safety Training Center. VJCCCA stands for Virginia Juvenile Community Crime Control Act.

Additionally, total direct care expenditures decreased. The direct care ADP in JCCs decreased from 555 in FY 2014 to 106 in FY 2022 while the ADP in non-JCC alternative placements increased from 8 to 89. Additionally, Culpeper JCC, the Reception and Diagnostic Center, and Beaumont JCC closed to youth in FY 2014, FY 2015, and FY 2017, respectively. In line with these changes, the expenditures for JCCs decreased while the expenditures for alternative placements increased through FY 2020 due to continuous efforts to reinvest funds toward alternative placements and the continuum of services, resulting in an overall decrease in direct care expenditures. In FY 2022, expenditures for both JCCs and alternative placements decreased, likely related to the reduced commitment rate from fewer juvenile complaints and pandemic-related impacts. (See graph and table below for direct care expenditures.)

Direct Care Expenditures, FY 2014-2022



Direct Care Expenditures, FY 2014-2022

FY	JCCs	Alternatives	Total
2014	\$ 88,759,088	\$1,632,338	\$ 90,391,426
2015	\$ 69,156,790	\$ 3,388,091	\$ 72,544,881
2016	\$ 65,148,659	\$ 4,577,156	\$ 69,725,815
2017	\$ 63,760,645	\$ 8,740,304	\$ 72,500,949
2018	\$ 53,350,599	\$ 9,420,849	\$ 62,771,448
2019	\$ 51,905,578	\$ 11,376,333	\$ 63,281,911
2020	\$ 47,076,457	\$ 14,322,176	\$ 61,398,633
2021	\$ 45,554,064	\$ 12,141,294	\$ 57,695,359
2022	\$ 42,709,774	\$ 3,264,414	\$ 45,974,188



In order to improve services and outcomes for youth in direct care, the Transformation Plan aims to reduce the use of the state’s large and aging JCC and replace it with smaller, regional, rehabilitative and treatment-oriented facilities supported by a statewide continuum of local alternative placements and evidence-based services. Serving smaller populations in a therapeutic model can be more expensive per youth than serving large populations with a correctional approach. Due to economies of scale, the administrative and other required costs (e.g., utilities) of operating a facility do not decrease when the population decreases. Furthermore, enhancing the quality of services to best meet the needs of these youth results in additional costs. For example, as the utilization of alternative placements increased for appropriate youth, the JCC served an increasingly older population with longer length of stays; therefore, DJJ is investing in the expansion of options for postsecondary students to include college classes and industry certification courses to better equip youth for future job security. As DJJ works to ensure that the JCC population includes the youth with the highest public safety risk and highest need of services, an increase in JCC per capita costs over a smaller population is anticipated and is in line with the goals of transformation.

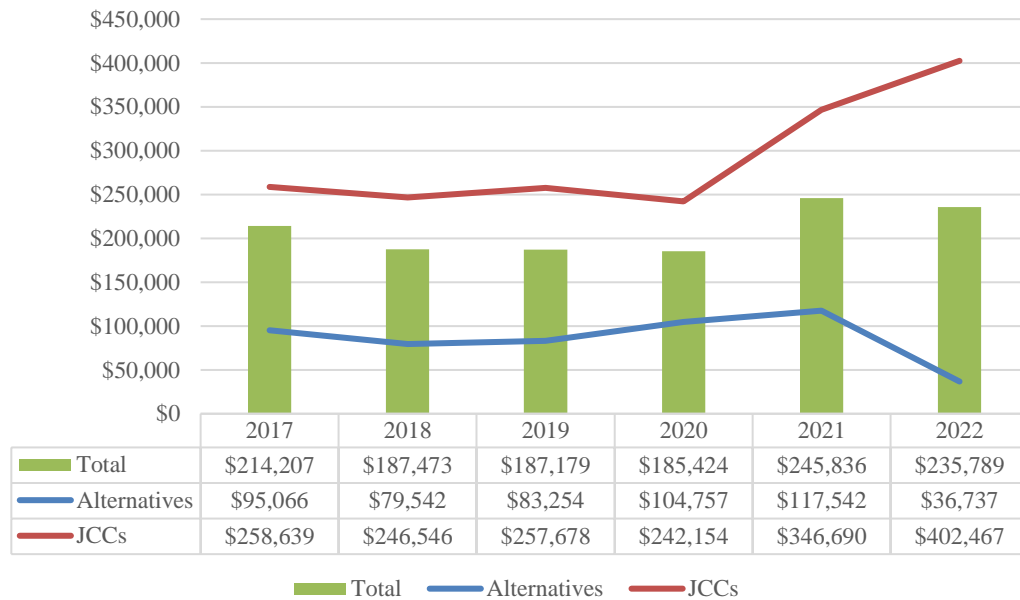
For these reasons, the overall direct care per capita costs reached a high in FY 2017 (\$214,207) when Beaumont JCC was in operation but with a greatly reduced population in preparation of its closure, and less expensive alternative placements were still expanding. From FY 2020 to FY 2021, the overall direct care per capita cost increased to \$245,836. In FY 2022, the overall direct care cost per capita decreased to \$235,789 due to a 68% decrease in the alternatives per capita cost from the previous year<sup>15</sup>. The per capita cost for a youth in a JCC (including Division of Education and Division of Residential Services expenditures) was \$402,467 in FY 2022, a substantial increase from FY 2020 due to a drastically reduced Bon Air resident population (i.e., the JCC ADP decrease from 194 in FY 2020 to 106 in FY 2022). With so many fixed costs for Bon Air JCC, such as the cost to heat or cool the building, the cost per youth increased. The JCC per capita also reflects an investment in meeting the complex and individualized rehabilitative needs (both education and trauma-informed) of the high-risk youth DJJ serves in the JCC. The graph below displays the total direct care per capita since the closure of Beaumont JCC in FY 2017, including the per capita for youth in JCCs and per capita for youth in non-JCC alternative placements.<sup>16</sup>

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<sup>15</sup> Per capita costs for alternative placements includes admission and evaluation services in the detention centers, CPPs, detention reentry, and contracted alternative placements.

<sup>16</sup> Per capita costs for secure youth facilities can vary widely by system based on the methodology (e.g., which costs are included) as well as the services provided; therefore, comparisons between states should be interpreted with extreme caution. For example, Maryland Department of Juvenile Services reported per capita costs for two state-operated “hardware” secure youth facilities at over \$380,000 (capacities of 14 and 48). North Carolina Department of Public Safety reported per capita costs for secure youth facilities at \$128,521 (capacities ranged from 32 to 128). (Retrieved online from the agencies’ annual reports; both included education costs.)

Direct Care Per Capita, FY 2017-2022



*Note:* The per capita cost for a youth in a JCC includes both Division of Education and Division of Residential Services expenditures.

## LENGTH OF STAY

LOS differs greatly by facility and commitment type. The majority of youth released from direct care in FY 2022 received admission and evaluation services at a juvenile detention center; these 123 youth spent an average of 1.3 months in this placement type. After their assessment, youth then spend time in a treatment placement for the remainder of their direct care stay. As youth may have multiple treatment placement types during their direct care stay, the following LOS averages for the 162 released youth in FY 2022 by placement type are not mutually exclusive (i.e., one youth may be included in multiple placement types). All commitment types are included in the overall LOS averages; as a higher proportion of youth with determinate commitments and blended sentences stay in a JCC, the JCC average LOS is longer than other placement types.<sup>17</sup>

- The average LOS for **all youth released from direct care** was 16.9 months (162 youth).
  - Indeterminate: 8.9 months (89 youth)
  - Determinate or Blended: 26.7 months (73 youth)
- The average LOS in a **JCC** was 21.2 months (75 youth).
  - Indeterminate: 11.9 months (21 youth)

<sup>17</sup> For LOS by placement type, a youth’s total days in a placement type during a single commitment were combined, even if separated by a stay in a different placement type. A youth’s total direct care LOS includes time from commitment, including time spent in a detention center for direct care admission and evaluation services, and may involve a sum of multiple treatment placements. Youth are included in the average LOS for a placement type if they spent at least one day in that type of placement.

- Determinate or Blended: 24.8 months (54 youth)
- The average LOS in a **CPP** was 8.3 months (96 youth).
  - Indeterminate: 5.0 months (68 youth)
  - Determinate or Blended: 16.5 months (28 youth)
- The average LOS in **other contracted alternative placements** was 5.5 months (5 youth).
  - Indeterminate: 5.5 months (5 youth)
  - Determinate or Blended: N/A (0 youth)
- The average LOS in **detention reentry** was 3.6 months (1 youth).
  - Indeterminate: N/A (0 youth)
  - Determinate or Blended: 3.6 months (1 youth)

Direct Care Releases by Placement Type, FY 2022						
Placement Type	Total Youth Released	Overall LOS (Months)	Indet. Releases	Indet. LOS (Months)	Det./Blend Releases	Det./Blend LOS (Months)
<b>Total Direct Care</b>	<b>162</b>	<b>16.9</b>	<b>89</b>	<b>8.9</b>	<b>73</b>	<b>26.7</b>
JCC	75	21.2	21	11.9	54	24.8
CPPs	96	8.3	68	5.0	28	16.5
Alt. Placements	5	5.5	5	5.5	0	N/A
Det. Reentry	1	3.6	0	N/A	1	3.6

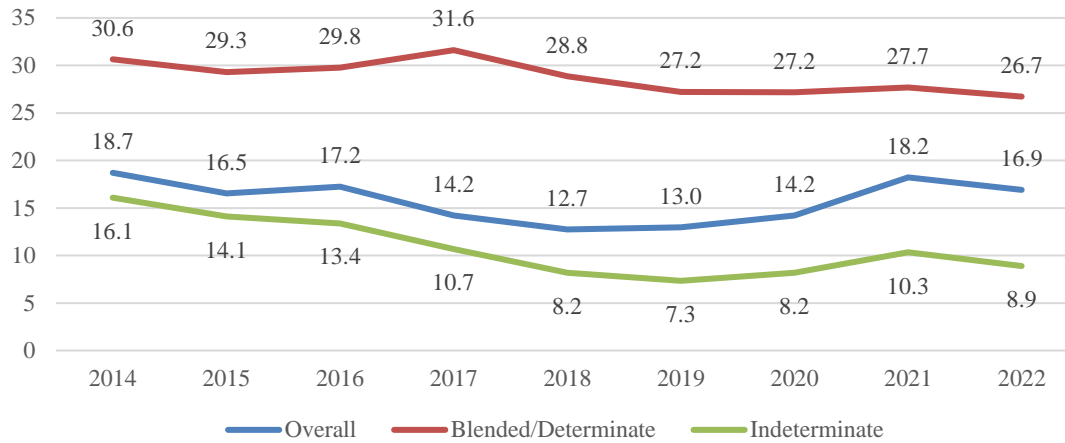
## LOS GUIDELINES

DJJ revised the LOS Guidelines for Indeterminately Committed Juveniles on October 15, 2015, to provide accountability and align with national standards, as research has found that juvenile incarceration fails to reduce recidivism and can, in certain instances, be counterproductive.<sup>18</sup> Since implementation, DJJ worked to hold youth for a period of time that is within their anticipated LOS range, using treatment progress and positive behavior in release decision-making. DJJ monitored trends in commitment orders and LOSs, and a workgroup convened during 2022 to assess the impact of the LOS Guidelines and address any needs for adjustments.

As a result of the LOS Guideline modifications in 2015, the average LOS for youth with indeterminate commitments who were released from direct care decreased from 16.1 months in FY 2014 to a low of 7.3 months in FY 2019, increased to 10.3 months in FY 2021, and then decreased to 8.9 months in FY 2022. Similarly, the overall average LOS, regardless of commitment type, decreased from 18.7 months in FY 2014 to a low of 12.7 months in FY 2018, increased to 18.2 months in FY 2021, and then decreased to 16.9 months in FY 2022. (See graph below.) As the proportion of determinate commitments increased (see Page 19) while total commitments decreased, the overall average LOS was more heavily impacted by those longer LOSs.

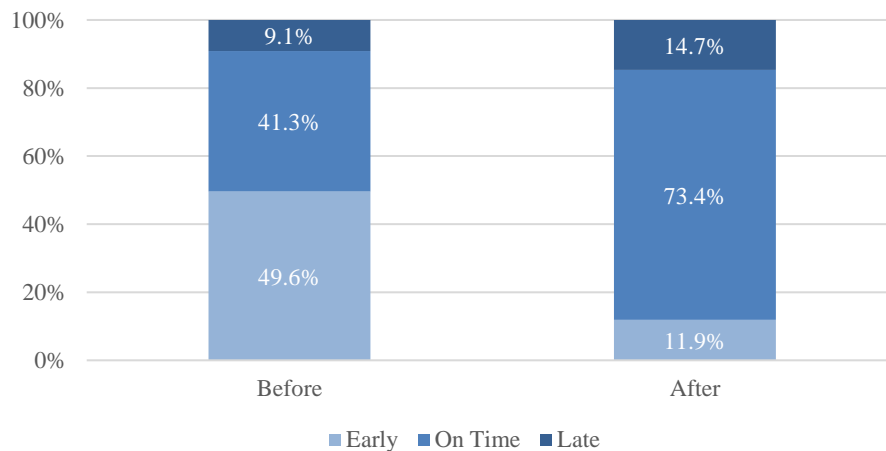
<sup>18</sup> The state comparison was conducted during the planning of the LOS Guideline revisions and included Indiana, Missouri, Massachusetts, Maryland, Colorado, and Oregon. See the *Guidelines for Determining the Length of Stay of Juveniles Indeterminately Committed to the Department of Juvenile Justice* for more details.

Actual LOS for Direct Care Releases by Commitment Type,  
FY 2014-2022



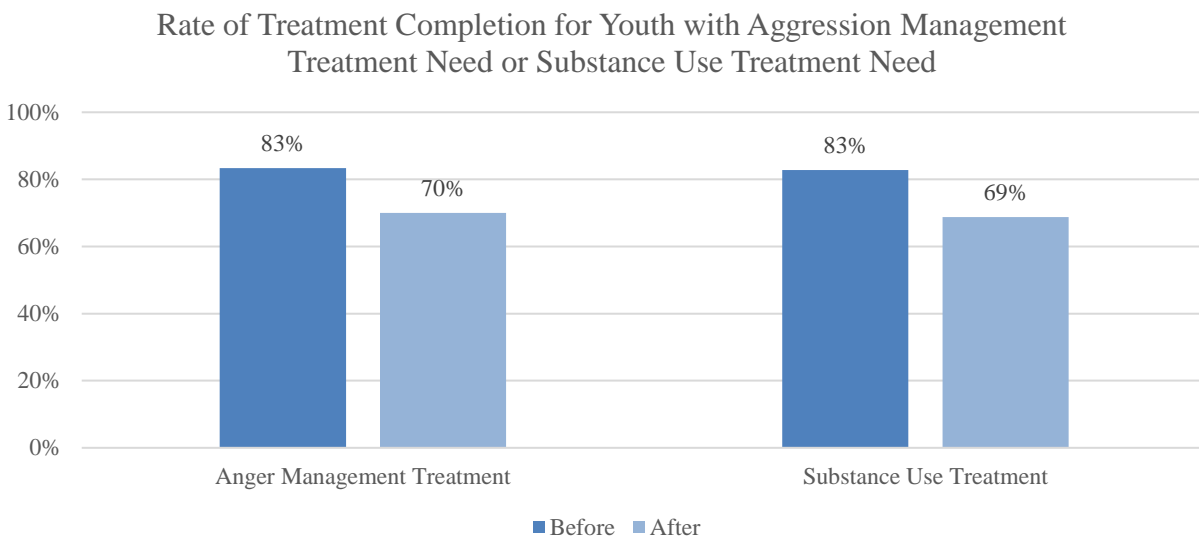
Under the previous LOS Guidelines, 41.3% of youth with indeterminate commitments were released within their anticipated LOS range (i.e., “on-time”), 49.6% were released prior to the anticipated LOS range (i.e., “early”), and 9.1% were released after their anticipated LOS range (i.e., “late”). Meanwhile, 74.1% of youth are released on-time, 11.5% released early, and 14.4% released late following the implementation of the 2015 LOS Guidelines. (See graph below.)<sup>19</sup>

Adherence to LOS Guidelines for Youth with  
Indeterminate Commitments



<sup>19</sup> “Before LOS Revision” includes released youth with admission dates between July 1, 2012, and October 14, 2015. “After LOS Revision” includes released youth with admission dates between October 15, 2015, and June 30, 2021. Youth admitted during FY 2022 are not included to allow lag time for releases to occur. Releases were tracked through September 22, 2022. Youth with mandatory or inpatient sex offender treatment needs are exceptions to the anticipated LOS ranges and generally stay longer due to the length of the treatment program; they were excluded from the analyses. These inclusion rules apply to all data in this section.

In general, there were lower proportions of aggression management and substance use treatment completion following the changes in LOS Guidelines. Of youth released with an indeterminate commitment under the previous LOS Guidelines with aggression management treatment needs, 83.4% completed treatment. Of those under the current LOS Guidelines, 70.0% completed. Likewise, 82.8% of youth released with an indeterminate commitment under the previous LOS Guidelines with substance use treatment needs completed treatment, and 68.8% under the current LOS Guidelines completed. This pattern was evident even when comparing between similar actual LOSs except for stays longer than two years. For example, 80.8% of youth who needed aggression management treatment completed their treatment when released from an indeterminate commitment with an actual LOS from five up to seven months under the previous LOS Guidelines, whereas 70.0% of their counterparts completed their aggression management treatment following the guideline change. (See graphs below).<sup>20</sup>



Despite changes to the LOS Guidelines, recidivism rates remain similar. Rearrest rates for youth released with an indeterminate commitment under the previous LOS Guidelines fluctuated between 56% and 60% from FY 2014 to FY 2017. Following the 2015 guideline revision, rearrest rates ranged from 51% to 64%. (See graph below).<sup>21</sup> Ongoing work continues to focus on increasing treatment completion and supporting youth’s transitions back to their communities to both improve public safety and support the youth’s wellbeing.

<sup>20</sup> Treatment completion was not recorded prior to FY 2014. Since FY 2014, there were inconsistent record practices. Treatment completed in the community after release from direct care is not captured. Therefore, caution should be taken interpreting these findings. In addition to the inclusion rules stated above, releases prior to FY 2014 were excluded.

<sup>21</sup> Youth transferred directly to a VADOC facility are excluded. Two youth released in FY 2018 under the previous guidelines are excluded due to low counts.

### 12-Month Rearrest Rate for Indeterminate Commitment Releases, FY 2014-2020

