



VIRGINIA'S THREE-YEAR PLAN 2009-2011

Juvenile Justice and Delinquency Prevention Act

Virginia Department of Criminal Justice Services
1100 Bank Street, Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov/juvenile

October 2009



TABLE OF CONTENTS

Advisory Committee on Juvenile Justice	4
Structure and Function of the Juvenile Justice System	7
Analysis of Juvenile Crime Problems and Juvenile Justice Needs	25
Plan for Compliance and Monitoring: The First Three Core Requirements	45
Disproportionate Minority Contact.....	56
Juvenile Justice Priorities and Program Plans	66
Coordination of Child Abuse and Neglect and Delinquency Programs.....	91
Collecting and Sharing Juvenile Justice Information	93
Subgrant Award Assurances.....	95
Appendices:	
Appendix A: Virginia’s Compliance Monitoring Policy and Procedures Manual	
Appendix B: Legislative Authorization: <i>Code of Virginia</i>	





ADVISORY COMMITTEE ON JUVENILE JUSTICE



ADVISORY COMMITTEE ON JUVENILE JUSTICE

The Advisory Committee on Juvenile Justice (ACJJ) is established in accordance with §9.1-111 of the *Code of Virginia* to advise and assist the Criminal Justice Services Board, the Department of Criminal Justice Services (DCJS), all agencies, departments, boards and institutions of the Commonwealth, and local government, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in Virginia.¹ This charge includes fulfilling the mandates of the Juvenile Justice and Delinquency Prevention (JJDP) Act pursuant to 42 U.S.C. §5633, as amended.² Specifically, the ACJJ:

- Participates in the development and review of Virginia's Three-Year Plan in accordance with JJDP Act requirements;
- Establishes priorities for allocating funds available through the JJDP Act and the Juvenile Accountability Block Grant (JABG) program;
- Makes grant award recommendations to the Criminal Justice Services Board for funds available through the JJDP Act and the JABG program;
- Monitors compliance with the core requirements of the JJDP Act; and
- Advises the Governor on matters related to the JJDP Act.

Pursuant to Section 223(a)(3)(A) of the JJDP Act, the state advisory group shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state. The JJDP Act identifies specific membership qualifications including: at least one member shall be a locally elected official representing general purpose government; at least one-fifth of the members shall be younger than 24 years at the time of appointment; at least three members shall have been or currently be under the jurisdiction of the juvenile justice system; and a majority of the members, including the chairperson, shall not be full-time employees of federal, state, or local government.

Members are appointed in accordance with the *Code of Virginia* and meet the requirements specified by the JJDP Act, as well as the JABG program. The ACJJ is composed of individuals knowledgeable about the prevention and treatment of juvenile delinquency and the juvenile justice system, including representatives of local law enforcement, juvenile justice agencies, state and local government, judges, counsel for children, and other citizens. Youth are an essential component of the citizen make-up. The majority of members are appointed by the Governor. Ex-officio members are specified in the *Code of Virginia* or appointed by the State Legislature.

¹ The Criminal Justice Services Board is the governing body of the Department of Criminal Justice Services. The ACJJ reports to and submits recommendations in an advisory capacity to the Criminal Justice Services Board.

² Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. § 5633, Sec. 223 (a) available online at <http://ojjdp.ncjrs.org/about/appendixa1.html>.

Gubernatorial Appointees³

Charles S. Martin, Chair
Charlottesville, Virginia

Kevin Appel
Arlington, Virginia

Ken Bynum
Alexandria, Virginia

Warren “Dave” Chapman
Charlottesville, Virginia

Peter Feddo
Chester, Virginia

Jay W. Malcan, Ph.D.
Richmond, Virginia

Michael Stewart
Virginia Beach, Virginia

Wayne Thomas
Chesterfield, Virginia

Ruby G. Turner
Richmond, Virginia

Eileen Grey, Vice-Chair
Alexandria, Virginia

Angel Bartlett
Hampton, Virginia

Roberto Calderon
Ashburn, Virginia

Mark Cranfill
Burke, Virginia

Andrew Jennings
Hampden-Sydney, Virginia

Sheriff Charles Phelps
Isle of Wight, Virginia

Antonio Sutton
Norfolk, Virginia

Mark Turnbull
Manassas, Virginia

Gina E. Wood
Alexandria, Virginia

Ex-Officio Members⁴

Robert Bell
Virginia House of Delegates
Charlottesville, Virginia

Barry Green, Director
Department of Juvenile Justice
Richmond, Virginia

W. Roscoe Reynolds
Virginia Senate
Martinsville, Virginia

Anthony Conyers
Commissioner
Department of Social Services
Richmond, Virginia

Dr. James Reinhard
Commissioner
Department of Mental Health, Mental
Retardation, and Substance Abuse Services
Richmond, Virginia

Dr. Patricia Wright
Superintendent of Public Instruction, Virginia
Department of Education
Richmond, Virginia

³ Appointments as of January 1, 2009.

⁴ Appointments as of January 1, 2009.



STRUCTURE AND FUNCTION OF THE JUVENILE JUSTICE SYSTEM



STRUCTURE AND FUNCTION OF THE JUVENILE JUSTICE SYSTEM

The juvenile justice system in Virginia is composed of three major components: law enforcement, the courts (including prosecutors and legal representation), and rehabilitation services (accounting for pre- and post-adjudication options). Notable initiatives within these components have been designed to improve or enhance functioning, as well as how juveniles are managed.

Law Enforcement

Law enforcement agencies typically serve as a youth's first contact with the justice system. This is true in instances of delinquent behavior, as well as when a child has run away from home or has been abused, neglected, or abandoned. Except for the Virginia State Police, law enforcement agencies throughout the Commonwealth are operated locally through either sheriff or police departments.

The Department of Criminal Justice Services (DCJS) is the state agency responsible for promulgating criminal justice training regulations and monitoring compliance with the regulations. Virginia's current criminal justice training delivery system is composed of 36 certified academies which include regional law enforcement training academies geographically distributed throughout the Commonwealth that receive partial state funding, state training academies including the Virginia State Police Academy, and independent training academies. The Department of Corrections also maintains an academy for the training of state correctional, probation, and parole officers.

Under the *Rules Related to Compulsory Minimum Training Standards for Law Enforcement Officers* promulgated by the Criminal Justice Services Board, each officer must complete a minimum of 480 hours of basic training plus 100 hours of field training within 12 months of employment. Training specific to the handling of juveniles and juvenile information is part of the criteria. Sworn officers must also complete 40 hours of in-service training during every subsequent two-year period. Some officers choose to gain advanced training in juvenile matters through courses offered by a variety of sources, including criminal justice training academies, the FBI academy, and state conferences.

All training conducted through the academies is designed by DCJS through a 'job task analysis' that delineates specific performance objectives to be achieved by each officer. Specific to juvenile matters, each officer must demonstrate knowledge of the legal procedures for handling juveniles, special crimes against juveniles, the psychological effects of such crimes, and referral resources.

DCJS also maintains *Sample Directives for Virginia Law Enforcement Agencies*, a collection of sample orders on important administrative and operational matters. These model directives include a section specific to juveniles which was updated in 2008. Within these directives are procedures related to informal handling (police diversion), formal handling, taking juveniles into custody, transportation of juveniles, legal aspects related to confinement of juveniles, questioning juveniles, confidentiality of juvenile information, status offenses, and interviewing. A separate section is devoted to child abuse and neglect.

Police Diversion

Diversion of youth from the juvenile justice system in Virginia occurs at both the law enforcement and court intake levels. At the law enforcement level, the decision to divert is an informal and discretionary one. If the officer deems that it is in the best interest of the child to handle the case more informally, he or she may elect to release the child to the custody of parents or guardians, or release the youth with a warning. The officer may also refer the family to a community social services agency.

Special Initiatives

DCJS and local police departments are involved in a number of special initiatives designed to improve problem-solving about local public safety issues involving juveniles. Training, information, model directives, and communication on the various topics help in the continuous improvement of service delivery. Examples of special initiatives operating throughout Virginia's law enforcement community include:

- Community Policing
- Crisis Intervention Teams
- School Resource Officers
- McGruff House Programs
- Certified Crime Prevention Communities
- Class Action, DARE, and other similar school-based drug-abuse prevention programs
- Other special response teams

Courts, Prosecution & Representation

Juvenile & Domestic Relations Court

Juvenile and domestic relations (JDR) courts are part of the district court system in Virginia. JDR courts have jurisdiction over juveniles alleged to be delinquent, juveniles accused of traffic violations, children in need of supervision or services, children subjected to abuse or neglect, foster care and entrustment agreements, and domestic relations issues including custody, visitation, and support. JDR courts also have jurisdiction over adult abuse issues and cases involving domestic violence. Cases in which an adult is accused of committing a felony against a child are brought before the JDR court for a preliminary hearing. This hearing is held to determine if there is probable cause to believe that the accused adult committed the felony. If probable cause is found, the case is transferred to circuit court; otherwise the case is dismissed.

There are 32 JDR districts in the Commonwealth served by 117 judgeships. Each district has one or more judges who are appointed to six-year terms by the legislature. JDR courts differ from other courts in their duty to protect the confidentiality and privacy of juveniles coming before the court, and in their commitment to rehabilitate those who come before the court, in addition to protecting the public and holding juvenile offenders accountable for their actions. The welfare of the juvenile and the family, the safety of the community, and the protection of the rights of victims are the highest concern in the court's proceedings. In other respects, juvenile courts generally have the same requirements and provide the same safeguards as other courts. This court does not, however, conduct jury trials. All cases are heard by a judge.

All parties subject to a juvenile court order may appeal the decision to the circuit court. Cases appealed to circuit court are heard *de novo*, or, from the beginning. When hearing juvenile cases on appeal, the circuit court has the same power and authority as did the juvenile court in the original action.

Circuit Court

The circuit court is the trial court of general jurisdiction in Virginia, having jurisdiction over criminal matters and over petitions for divorce, affirmation or annulment of a marriage, separate maintenance, change of name, and adoption. Under certain circumstances, when a suit for divorce has been filed in a circuit court in which custody, guardianship, visitation, child support, or spousal support is at issue, the juvenile courts are divested of the right to enter any further orders pertaining to the family's circumstances. The circuit court also has jurisdiction to hear cases for juveniles age 14 and older with certain charges where the court has original jurisdiction, and for youth aged 14 and older for whom jurisdiction is transferred from juvenile court pursuant to §16.1-269.1 of the *Code of Virginia*.

Transfer of Jurisdiction

The *Code of Virginia* permits the transfer of jurisdiction for juveniles from JDR court to circuit court. According to §16.1-269.1, the court shall, on a motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer jurisdiction to the appropriate circuit court provided that certain conditions are met:

1. The child is fourteen years of age or older at the time of the alleged commission of the felony offense;
2. Notice as prescribed in §§16.1-263 and 16.1-264 is given to the child and his parent, guardian, legal custodian or other person standing in loco parentis, or attorney;
3. The juvenile court finds that there is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act, which would be a felony if committed by an adult;
4. The juvenile is competent to stand trial; and
5. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. Several factors relating this determination are further specified in the *Code of Virginia*.

The *Code of Virginia* further specifies offenses and instances in which the juvenile court must conduct a preliminary hearing and, upon a finding of probable cause, certify the charge to the grand jury and divest itself of jurisdiction as to the charge and any ancillary charges. If the juvenile court does not find probable cause, the Commonwealth's Attorney may still seek direct indictment in circuit court for the offenses specified.

Court of Appeals

There is an appeal of right from the JDR court to the circuit court on a de novo basis. This means that an appeal of a juvenile court order is re-tried from the beginning (*de novo*) in the circuit court. An appeal of a circuit court order may then be noted in the Court of Appeals. A case is overturned on appeal, from a court of record, when the person bringing the appeal can show that there was a judicial error committed in circuit court.

Prosecutors

There are 120 elected Commonwealth's Attorneys and approximately 545 state and locally funded Assistant Commonwealth's Attorney positions in Virginia. Jurisdictions may have prosecutors specifically assigned to juvenile court or they may assign cases on a rotating basis. Most jurisdictions use the system of vertical prosecution, whereby once a prosecutor is assigned to a case, he or she follows that case through the entire court process.

The Commonwealth's Attorneys Services Council is the Virginia state agency responsible for providing training, education and services for Virginia's prosecutors. Each year, the Council provides at least six extensive training programs. Additionally, the Council provides access to appellate briefs, legal memoranda, court forms, training outlines, information about expert witnesses, and weekly updates from the Court of Appeals and Supreme Court, along with legislative updates both during and following the General Assembly session.

Defense Attorneys

The availability of legal counsel varies between court jurisdictions. Public defender offices are located in 27 localities throughout Virginia. In jurisdictions without public defender offices, the judge or the court clerk appoints a lawyer to represent the juvenile from a roster of local available attorneys. The juvenile court is viewed frequently as a training opportunity for novice attorneys. Attorneys appointed by the court are paid based on a fee scale established by the Virginia Supreme Court. If the court determines that the family is financially able to pay for the attorney, it will assess a fee against the parent(s) for all or part of the attorneys' fees.

Prior to a detention hearing, §16.1-266(B) of the *Code of Virginia* requires the court to appoint a qualified and competent attorney to represent the child, unless an attorney has been retained and appears on behalf of the child. The *Code of Virginia* further specifies the qualifications for court-appointed attorneys representing juvenile and domestic relations cases which include specific legal training and/or JDR experience related to juveniles. (§19.2-163.03(C), *Code of Virginia*)

All attorneys wishing to represent accused persons entitled to court appointed counsel must be certified by the Virginia Indigent Defense Commission. It is the Commission's responsibility to carry out the Commonwealth's constitutional obligation to provide attorneys for indigent persons accused of crimes that carry a potential penalty of incarceration or death. The Commission is statutorily mandated to oversee the certification and recertification of all court appointed attorneys providing criminal indigent defense services, to enforce Standards of Practice and to directly oversee the state public defender offices. The Commission maintains a list of attorneys qualified to represent indigent persons.

The Commission provides training to its attorneys, investigators, and sentencing advocates through training conferences, as well as through funding for these individuals to attend specialized training sponsored by other agencies and organizations. Training opportunities are also made available to members of the private bar. Training specific to juvenile issues is included in the Commission's certification training curriculum (4 out of 10 hours). The Commission also co-sponsors an annual Juvenile Law and Education Conference with the University of Richmond's T.C. Williams School of Law.

A review of other states' statutes and court rules revealed that the maximum fee payable to an assigned counsel in Virginia representing a juvenile in juvenile court was among the lowest in the country. In response to this report, the Virginia Legislature passed Senate Bill 610 during the 2008 General Assembly Session, allowing compensation cap waivers for court-appointed counsel who are appointed to defend a juvenile in district court for an offense that would be a felony punishable by confinement in a state correctional facility for a period of more than 20 years, or a charge of probation violations for such offense, if committed by an adult.

Guardians ad litem

In any case involving allegations of abuse or neglect, entrustment, or termination of parental rights, the *Code of Virginia* provides for the appointment of a competent attorney as guardian ad

litem to represent the interests and welfare of the child, or, in cases of adult abuse, the adult. The Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, maintains standards for attorneys appointed as guardian ad litem. Attorneys must complete specific training and apply for approval as a guardian ad litem. The Judicial Council maintains a list of qualified and approved guardians ad litem. More information on guardians ad litem can be found through the Supreme Court's website: www.courts.state.va.us/gal/.

Court Appointment Special Advocates (CASA)

Virginia has established a statewide network of 27 locally-operated Court Appointed Special Advocate (CASA) programs with a state-level advisory committees and administrative support from DCJS. Specially trained CASA volunteers are appointed at the court's discretion in cases involving allegations of child abuse or neglect and children in need of services or supervision. Duties of the volunteers include case investigation, the provision of factual information and a report of the investigation to the court, and case monitoring for compliance with court orders. Volunteers also assist the guardian ad litem, if one is appointed. CASA volunteers are further required by the *Code of Virginia* to report suspected child abuse or neglect.

Special Initiatives

The Court Improvement Program is a national initiative funded by the Omnibus Budget Reconciliation Act of 1993 to improve the response of the country's juvenile court systems in handling abuse, neglect, foster care and adoption litigation. Funding for this program has continued, most notably through the Adoption and Safe Family Act of 1997. Virginia's program is housed in the Office of the Executive Secretary of the Supreme Court. The objective of this initiative is to reduce the amount of time children spend in foster care and achieve permanency.

In Virginia, Child Dependency Mediation is the focus of the Court Improvement Program. The idea behind this form of dispute resolution is to provide a non-adversarial setting in which a mediator, a neutral third-party, assists the family and local department of social services in reaching a fully informed and mutually acceptable resolution that focuses on the child's safety and the best interest and safety of all family members. Child Dependency Mediation provides the courts an opportunity to keep parents involved and invested in decisions made about their child and to reduce the number of children in foster care. For more on this program, see "Mediating for Permanency", a newsletter of the Supreme Court of Virginia: http://www.courts.state.va.us/drs/publications/mediating_for_permanency_vol1.pdf.

Pre- and Post-Adjudication Options/ Rehabilitative Services for Delinquent Youth

Virginia's rehabilitation component of the juvenile justice system is a broad network of locally, privately, and state-operated agencies, programs, and services that has developed over several decades. Programs range from community-based services aimed at youth at risk for delinquent behavior to secure and highly structured state-run juvenile correctional facilities. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

These varied programs are supported by a variety of funding sources. Locally, management structures vary between private, municipal, and state control. The benefit of this system is that programs can be developed in response to local needs, interests, and available resources. The disadvantage is that many localities do not, or cannot, provide a full continuum of services which would be responsive to individual needs of juveniles.

Intake & Diversion

Each JDR court is served by a court service unit (CSU). CSUs may be operated by either the Department of Juvenile Justice (DJJ) or the locality. Regardless of operational standing, all CSUs are subject to standards and regulations issued by the Board of Juvenile Justice. CSU functions include juvenile intake, investigations and reports, probation, and parole. In addition, CSUs handle domestic relations complaints involving non-support, family abuse, custody, abuse and neglect, termination of parental rights, visitation rights, paternity, and emancipation. Some also handle custody investigations.

Intake functions mandated by the *Code of Virginia* require that each CSU receive, review, and process complaints, determine whether a petition should be filed with the court, establish whether to release or detain youth, and provide services to youth and families including diversion and referral to other community resources. Intake must be available 24 hours per day. CSUs vary in their staffing, services and coverage systems; some have staff available 16 hours per day during the work week and have intake workers on call by pager after hours and on weekends. The *Code of Virginia* allows the option of intake by use of two-way electronic video and audio communication as an alternative to a personal appearance before an intake officer. Based on the information gathered, a determination is made by an Intake Office whether a petition should be filed with the juvenile court and, if so, whether the juvenile should be released to the parents or detained pending a court hearing.

Intake Officers have the option of diverting juveniles and proceeding informally without filing a petition on a complaint alleging a child is in need of services, in need of supervision, or delinquent (under certain circumstances). When informal action is taken, the Intake Officer will develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint. The scope of services available to Intake Officers varies across the state. The nature of local juvenile crime, the views of individual CSU directors, judicial philosophy, and availability of resources impact intake services and contribute to jurisdictional variations in both the development of services and the reliance upon the use of diversion and alternative services for youth.

Depending on size and available funding, CSUs may have specialized intake units that manage youths who are informally supervised or who are diverted. Small group approaches such as law-related education, substance abuse classes, and special groups for shoplifters are typical of the

variety of services available. Some jurisdictions also refer youth and their families to specialized family counseling units, and to a wide range of other programs including community service, restitution, mediation, individual counseling and family counseling. Other CSUs have developed working agreements with local social service agencies for diversion services. Services such as employment, individual counseling, family counseling, diagnostic screening and educational services are available to intake in several jurisdictions.

Pre-Dispositional Options

For juveniles who are not diverted from the system and require court processing, an Intake Officer must determine who will supervise the child prior to the court hearing. In many instances the child is released under the supervision of his or her parent or guardian. When the parent or guardian is not available or appropriate, an alternate placement must be identified. Alternative placements are determined by using the least restrictive setting as a guide. The placement options available to an Intake Officer depend on many factors, including the nature of the instant offense, the child's age, the youth's behavior during the intake process, the number and nature of prior offenses, whether the youth is currently on probation, the parent's willingness to assume supervision, the child's potential to harm himself or herself, the danger the child presents to the community, and the availability of alternative placements in the community. To ensure the presence of a child at court proceedings, and/or to protect the public or the child, it is occasionally necessary to detain some children in secure settings.

In 2002, DJJ instituted the Detention Assessment Instrument (DAI), a structured decision making tool used to guide detention decisions by all Intake Officers. This objective instrument is designed to enhance consistency and equity in the detention decision making process and to ensure that only those juveniles who represent a serious threat to public safety or failure to appear in court are held in secure pre-trial detention. Recently, an evaluation of these outcomes was completed and found that adherence to the DAI results in satisfactory public safety outcomes. The development of this instrument was supported by a DCJS Juvenile Accountability Incentive Block Grant.

Various pre-dispositional options are available in Virginia. These options range from a least restrictive to most restrictive environment and include a mix of state, local, and privately funded facilities and programs. Included among the options are:

1. *Release to Parental Custody:* The youth returns to the home of his or her parent(s)/guardian(s) while awaiting the court hearing. The parent or guardian assumes responsibility for the child's appearance in court. The youth generally resumes his or her normal daily routine (for example, school, sports, and social activities) with whatever restrictions are imposed as a result of the intake hearing.
2. *Family Preservation Programs:* These are private programs designed to provide intense intervention services to a family to prevent the removal of a child from the home, or to reintegrate a child back into the home after a period of confinement.
3. *Family Shelter Care:* The youth is placed with a family other than his or her own during the pre-disposition period. Typically, these placements are made close to the child's home community so that disruption to the child's daily routine is minimal. In Virginia, these shelters are typically called Family Oriented Group Homes.
4. *Crisis Shelter:* These are coeducational facilities providing a home-like environment with 24-hour staff supervision. Assessment, counseling, recreation, and other support

services are provided. Although the average length of stay is brief, placement in a crisis shelter frequently entails at least a temporary interruption in the child's education.

5. *Outreach Detention/Intensive Supervision:* These programs provide intensive supervision while the youth resides at his or her own or a surrogate home. Each week, a minimum of four face-to-face contacts with a counselor occurs. Some localities have access to a more intensive "house arrest" model incorporating electronic monitoring.
6. *Electronic Monitoring:* This is a tool used in supervising juveniles either pre- or post-adjudication. It is an effective way of monitoring compliance with a curfew imposed on a child or as a way to curtail the activities of a chronic runaway. Various types of equipment are used throughout Virginia to assist in electronic monitoring activities. The most commonly known equipment uses a transmitter that sends a signal to a monitoring facility to ensure that a child is at his or her designated place. More elaborate equipment allows for real-time tracking. Less invasive options include voice recognition calling systems.
7. *Less-Secure Shelter Homes:* These homes provide custodial group living arrangements pending the youth's appearance in court. The primary function of such a placement is to provide a less restrictive alternative to secure detention for youth who do not pose a security or safety risk, but who do require a high level of supervision. Many localities operate a variety of other "staff secure" residential placements for this purpose. This is also an option for status offenders.
8. *Secure Detention:* Secure detention facilities are community-based and physically restricting, residential options use for pre- and post-dispositional detention. A locked environment and constant sight and sound supervision serve to restrict the youth's activities. Services provided in secure detention include education, emergency medical services, recreation, and provisions for parent/guardian visitations. Children classified as status offenders can be held in secure detention after an arrest for up to 24 hours prior to, and 24 hours after, an initial court hearing, excluding weekends and holidays. An adjudicated juvenile status offender accused of violating a valid court order must have a probable cause hearing within 24 hours and a violation hearing with 72 hours of being placed in detention. The maximum sentence for violating a court order is 10 days.

There are 24 secure detention facilities in Virginia; all are owned and operated by localities or commissions. The State provides approximately 50% of funding for detention construction and approximately 40% of operating costs on a utilization-based funding formula. Local appropriations and per diem payments provide the balance of necessary funding. Localities that neither operate a facility nor belong to a commission must purchase bed space, on a per diem basis, from neighboring localities.

The Board of Juvenile Justice is responsible for issuing regulations governing the operation of detention facilities. Each facility must submit to a regular certification process through DJJ. Additionally, each facility is monitored for compliance with the Juvenile Justice and Delinquency Prevention Act by DCJS.

9. *Jails:* Jails are locally operated, physically restricting, locked facilities that provide services tailored to adults. Juvenile offenders, by federal and State law, must be separated by sight and sound from adults housed in the same facility. Placement of

delinquent youth in jail while awaiting disposition is guided by §16.1-249 of the *Code of Virginia* and occurs only in exceptional circumstances.

The Board of Corrections is responsible for regulations regarding life, health and safety for local jails and lockups, as well as certifying facilities for operation. Only jails specifically certified to hold juveniles may do so. In order for a jail facility to be certified to hold juveniles, a cell block or ward providing sight and sound separation from adult inmates must be specified. Maintaining separation standards often has the effect of excluding youth from those educational, recreational, and other treatment programs that exist for adults due to low juvenile populations, even in jails certified to hold them (jail population reports for January - August 2008 show fewer than 5 juveniles confined in jail state-wide at any one time).

Deputy sheriffs and jail officers receive training through the state's system of regional training academies as described earlier. Included in the curriculum are specific objectives to be met dealing with juvenile offenders and the juvenile justice system, juvenile law, and the minimum standards required for handling and housing of juveniles. Proficiency with all objectives must be demonstrated for certification. In addition, jailers and custodial officers must also complete a minimum of 24 hours of in-service training during each subsequent 2-year period. Of the 24 training hours required, four must be related to legal issues, and the other 20 can be on a variety of subjects. None of the 24 hours are required to be directed toward juvenile issues. If any changes in the minimum standards for handling juveniles arise, the trainers incorporate these changes in their curriculum.

Post-Dispositional Options

Once a child has been adjudicated delinquent by the court the case moves to the next phase: the disposition. Sometimes the disposition hearing is held at the same time as the adjudicatory hearing, but at other times the procedure is bifurcated. In those instances when a judge wants further information prior to disposition, the judge orders completion of a social history for consideration in formulating a dispositional order.

Judges are given great flexibility with juvenile dispositions and they have a variety of post-dispositional options from which to choose. Services available within a specified option may vary from locality to locality depending on available resources. The most commonly available options include:

1. *Order the Youth and/or Family Members to Receive Needed Community-Based Service(s):* The court may order the youth and his or her parent(s) or guardian(s) to participate in and cooperate with available community-based programs and treatment services such as individual and family counseling and/or therapy.
2. *Release to Parental Custody Subject to Limitations Imposed by the Court:* The youth can be released to the custody of his or her parents subject to special conditions or requirements of the court. Special conditions may include good behavior, requirements for regular school attendance, or participation in counseling or other community-based programs with or without court supervision.
3. *Place the Youth on Probation:* The youth is assigned a probation officer/counselor to whom he or she must report regularly regarding compliance with probation rules. These rules usually include but are not limited to setting of curfew, restriction on persons with whom the child may associate, school attendance and obeying all laws. Treatment plans are developed jointly by the counselor with the juvenile and his or her family. They reflect

the service needs of the probationer concerning his or her family, adjustment in the community and school involvement. Examples of services provided include: investigation and diagnostic units, intensive supervision, high risk drug programs, community service, special programs (such as conservation), wilderness programs, domestic violence programs, mediation, restitution, law-related education, family and group counseling, mental/psychological evaluations, education or tutorial programs, and volunteer programs. The treatment plan also stipulates the frequency of contacts that the youth is to maintain with the probation officer.

4. *Defer Disposition:* The court may impose a disposition and defer a finding of guilt pending the successful completion of treatment or services ordered. If the child completes the terms of his or her probation successfully, the court will discharge the child and dismiss the proceedings without a delinquent adjudication. Alternatively, the court may defer the disposition and, after a specified time, the charge may be dismissed if the child has shown good behavior. In either instance, the court establishes a specified period of deferral based on the gravity of the offense and the child's history.
5. *Monetary Fine:* A fine of up to \$500 may be imposed on the youth.
6. *Suspend the Motor Vehicle Operator's License:* A juvenile's motor vehicle license may be suspended for a period of time.
7. *Require Restitution:* The youth may be required to repay actual damages when his or her offense has been against the property of others. This can be monetary restitution or restitution in the form of participation in a public service project, as authorized by the *Code of Virginia*.
8. *Order Community Service:* Juveniles work without pay, typically in a governmental or nonprofit agency as symbolic, rather than monetary, restitution.
9. *Impose Adult Penalties:* Juveniles who have committed traffic offenses may have any penalty authorized for adults imposed upon them; however, confinement in jail would be subject to special conditions.
10. *Order Participation in Day Reporting Center/Program:* A day reporting center/program provides supervision to juvenile offenders during the hours in which they are most often without parental supervision and during the hours when juveniles are most likely to commit crimes: the hours after school until early evening. Services such as tutoring, vocational counseling and substance abuse counseling can be provided.
11. *Community Confinement:* A child for whom community confinement is ordered is placed in a non-secure, small, community-based facility that offers intensive treatment and rehabilitation services. Services available typically include individual and group counseling, educational programs and medical services. Intensive staff supervision is characteristic in such a setting.
12. *Transfer Custody:* Custody of a juvenile may be transferred to a relative, guardian, child welfare agency or the local Department of Social Services.
13. *Placement in a Secure Detention Facility:* A juvenile offender who is 14 years or older and found to have committed an offense which, if committed by an adult would be

punishable by confinement in a state or local correctional facility, may, if certain circumstances exist, be ordered confined in detention or other secure facility for up to six months in accordance with the *Code of Virginia*. §16.1-284.1 specifies the terms and conditions regarding confinement and how it is to be ordered (for example, when commitment to the Department of Juvenile Justice takes precedence).

14. *Commit the Child to the Department of Juvenile Justice (DJJ)*: Custody of the juvenile is transferred to the DJJ. Only a juvenile who is adjudicated as a delinquent and is 11 years of age or older may be committed to DJJ if the current offense is (i) an offense that would be a felony if committed by an adult, (ii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been found to be delinquent on an offense that would be a felony if committed by an adult, or (iii) an offense that would be a Class 1 misdemeanor if committed by an adult and the juvenile has previously been adjudicated delinquent of three or more offenses that would be a Class 1 misdemeanor if committed by an adult.

Upon commitment to DJJ, youth are transferred to the Reception and Diagnostic Center (RDC) for assessment. Typically, a youth stays at the RDC for up to 30 days while he or she undergoes medical, educational/vocational, psychological, behavioral evaluations. The outcome of this process is the determination of custody classification, length of stay, treatment needs, and placement. DJJ may place youth committed to its care in one of the seven state-operated juvenile correctional centers (JCCs) or, when appropriate, in a private residential program.

The JCCs provide minimum to maximum secure confinement for youth needing structured placements and a high level of supervision while receiving treatment services. These services include academic and vocational education, remedial tutoring, psychological and psychiatric treatment, substance abuse treatment, recreation, life skills training, programs for independent living, and other treatment or specialized programs. JCCs provide youth access to religious services, visitation, and volunteer activities. One JCC serves developmentally disabled youth. All females are currently placed in one facility.

DJJ operates three halfway houses designed to provide transitional skills to juveniles leaving juvenile correctional centers. Each halfway house program is designed to take advantage of the unique resources available in its community to meet the needs of the residents. Upon completion of the program, the resident will have gained additional skills to promote a continued positive adjustment and reduce the risk of recidivism.

Parole services are provided by CSUs. Planning for parole services is initiated when a youth is committed to State care. The committing officer provides input to the RDC evaluation process and, within 30 days of a child's transfer to a JCC, an assigned parole officer meets with the juvenile, the JCC staff and correctional education staff to develop a comprehensive service plan. This plan addresses the child's treatment needs while at the JCC as well as the period of supervision following release.

Larger CSUs operate discrete parole units while smaller CSUs may assign an individual worker to manage the parole caseload or may assign probation counselors a mixed caseload of youth on probation and parole. Increasing court-related responsibilities, increasing probation caseloads and increasing commitments to JCCs have adversely

impacted CSU workloads. These trends have left less time available for the comprehensive planning and implementation of parole services.

The success of parole is also affected by variations in local service continuums. As discussed earlier, service delivery systems vary greatly among localities. Even in areas rich with community resources and services, staff involvement in the transition of youth back into their communities is frequently hampered by time constraints resulting from heavy caseloads and lack of coordination of services.

15. *Commit the Child to the Department of Corrections (DOC) or to a Blended Term:* The Code of Virginia grants circuit court judges the authority to order juveniles transferred to their courts and convicted of a violent juvenile felony to (i) serve a portion of the sentence as a serious juvenile offender and the remainder of such sentence in the same manner as provided for adults; (ii) to serve the entire sentence in the same manner as provided for adults; or (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court, including commitment to DJJ.

DOC does not maintain separate regulations governing inmates who, by age, are juveniles. Once the court process is complete, the offender will be brought into DOC within sixty days from the date of receipt of the final sentencing court order. Intake into the system will be in one of the Department's reception and classification facilities. While there, the offender will be evaluated, tested, interviewed, and classified to one of six security levels. The offender's institutional assignment will be to a prison that corresponds to the security level assigned. The offender's security level, good conduct earning level, program assignment and institutional assignment will be re-evaluated once each year at the annual review. The driving forces behind all classification decisions are offense, length of sentence and behavior.

The assigned institution will determine where within the facility the offender will be housed. This decision considers the specific physical needs of the offender, background, treatment needs, and other issues. A treatment plan developed by the offender's treatment team outlines the programs deemed most appropriate to meet the offender's needs. Program offerings can range from a fulltime therapeutic community to work programs, education/vocational programs, and medical/psychological services. An offender who refuses to participate in assigned programming becomes ineligible to earn good conduct credit. In addition to treatment programs offered, the offender has access to religious services, recreational programs, medical services, and individual counseling services.

Special Initiatives

Special initiatives aimed at improving rehabilitative and supervision services for juveniles exist throughout the Commonwealth. Local initiatives vary depending on the locality, community service organizations within each, and resources. For example, a detention facility may be able to tap into community-based resources such as a local Master Gardener's program to expand the opportunities it can offer its residents. Grant funds available through DCJS (JJDP Act Title II and V, Juvenile Accountability Block Grant, Byrne/JAG) have provided localities with discretionary resources to initiate a number of evidence-based programs including:

- Functional Family Therapy
- Multi-Systemic Therapy
- Reconnecting Youth
- Aggression Replacement Training
- Olweus Bullying Prevention Program
- Responding in Peaceful and Positive Ways

There are also several statewide initiatives in Virginia aimed at improving rehabilitative and supervision services, many of which have also been furthered by grant funds made available under the JJDP Act and JABG program. A few key initiatives include:

- [Virginia Juvenile Community Crime Control Act](#)

The General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA), effective January 1, 1996, to "ensure the imposition of appropriate and just sanctions and to make the most efficient use of correctional resources for those juveniles before intake on complaints or the court on petitions alleging that the juvenile is a child in need of services, child in need of supervision, or delinquent". The intent of the VJCCCA was to establish a community-based system of progressive, intensive sanctions and services corresponding to the severity of offense and treatment needs, thereby deterring crime. (§16.1-309.2, *Code of Virginia*)

Administered by the DJJ, VJCCCA changed the way Virginia administers community programs and substantially increased state funding for community-based juvenile justice programs. Funding is allocated to each local governing body (an independent city or county) through a formula based on a variety of factors including the number and types of arrests in a locality and the average daily cost for serving a child. Participation in VJCCCA is voluntary. In order to receive funding, the locality must contribute the same amount of funding they did in FY1995 and they must have a plan for how they will use the funding approved by the Board of Juvenile Justice. All 134 cities and counties in Virginia participate in VJCCCA. Some localities have combined programs and funding across jurisdictions. Development of the plan requires consultation with judges, court service unit directors and Comprehensive Services Act Community Policy and Management Teams (an interagency body that manages the expenditure of state funding to serve children and families). The local governing body designates who will be responsible for developing and managing the plan. In over half the localities, this responsibility has been delegated to the CSU.

- [Juvenile Detention Alternatives Initiative](#)

In 2003, Virginia partnered with the Annie E. Casey Foundation to expand the Juvenile Detention Alternatives Initiative (JDAI) to Virginia localities experiencing high rates of pre-adjudication detention. The intent of the project is to change policies, practices and programs so as to ensure that only those youth who are the greatest risk to public safety are held in secure pre-trial detention. The overall goals are to protect public safety, reduce the unnecessary or inappropriate use of secure detention, and to re-direct public finances to more effective purposes. Eight core strategies guide the initiative: collaboration; reliance on data; objective admissions screening; alternatives to secure detention; expedited case processing; rigorous facility inspections; and reduce racial disparities where they exist. Current efforts are focused on six detention facilities serving nine jurisdictions (Newport News Detention serving Hampton and Newport News; Richmond Detention serving the City of Richmond; Crater Detention serving Petersburg

and Hopewell; Lynchburg Detention serving Lynchburg and Bedford City and County; Norfolk Detention serving the City of Norfolk; and Loudoun detention serving Loudoun County. Results since the project began in late 2003 include significant reductions in detention admissions, length of stay and average daily population. Additional sites are expected to be added during the course of this three-year plan. DJJ serves as a coordinating center for the JDAI project and DCJS provides assistance through JJDP Act Title II grants.

- **Youth Assessment and Screening Instrument**

For the past several years, DJJ has emphasized using validated, structured decision making instruments in various aspects of community and institutional operations. Tools such as the risk assessment instrument, the detention assessment instrument, and the JCC classification instrument have been employed to guide activities across the juvenile justice system. Recognizing the need to include additional areas of risk/needs, strengths and protective factors, and link assessments to case planning activities, DJJ began a phased implementation of the Youth Assessment and Screening Instrument (YASI). The YASI has been validated and is in use in a number of states and local jurisdictions (e.g., New York, Illinois, Washington, and Mississippi). Validation studies reveal that the YASI is an accurate method of placing youth in categories that correspond to their likelihood of future arrests and future violent offenses. It is valid across age, sex and ethnic groups. As it is implemented in Virginia, the YASI will be re-validated using our own juvenile offender population.

The YASI includes a brief "pre-screening" version which can be used at the time of intake to assist in early decision-making such as determining the appropriateness of diversion. The pre-screen produces at an overall risk level as well as separate risk scores for legal history and social history (e.g., family, school and other adjustment domains). The pre-screen generates a risk score on a four-point scale from No Risk through High Risk. The full YASI instrument examines and generates risk and protective scores for each of 10 domains, as well as overall risk classifications.

Once the YASI has been completed and the data entered into the computer software, the YASI generates several useful products. One is a complete risk and protective factor profile displayed in a graphic format (called "The Wheel".) It includes ratings of both static (historic and unchangeable) and dynamic (changeable) risk and protective factors in each of the 10 domains. The YASI generates a six level risk classification from Low through Very High. The software also generates a narrative report that provides a summary of the findings and which can be used for part of a social history report or referral package for a service provider. The final product is a case supervision plan that builds on those areas identified by the YASI and allows the probation officer to prioritize areas to be addressed, establish short- and long-term goals, and specific interventions (with persons responsible and target dates) for those areas. DJJ is working with YASI developers to customize this feature with the intent that the YASI-generated case plan will meet all DJJ requirements so as to allow a seamless, efficient, and comprehensive process of assessment and case planning.

- **Comprehensive Services Act**

The Comprehensive Services Act (CSA), enacted in 1992 and implemented in 1993, is a focal point for many of the services provided for and to children and families at risk. Services may be provided prior to a youth's involvement with the juvenile justice system as well as during, and subsequent to, supervision or commitment. The intent of the

legislation is "to create a collaborative system of services and funding that is child centered, family focused and community based when addressing the strengths and needs of troubled and at-risk youth and their families". (§2.2-5200, *Code of Virginia*) The *Code of Virginia* specifies the purposes of the CSA to:

- Ensure services and funding consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment while protecting the welfare of children and maintaining the safety of the public;
- Identify and intervene early with young children and their families who are at risk of developing emotional or behavioral problems or both due to environmental, physical, or psychological stress;
- Design and provide services that are responsive to the unique and diverse needs and strengths of troubled youth and families;
- Increase interagency collaboration and family involvement in service delivery and management;
- Encourage a public and private partnership in the delivery of services to troubled youth and their families; and
- Permit flexibility to communities in the use of funds by authorizing them to make decisions and be accountable for providing services.

The CSA originally pooled funds from seven funding streams that were generally used to purchase residential and non-residential services for children. Since 1993, significant additional appropriations have been added to these existing funds. CSA funds, which must be matched, are distributed to localities on the basis of a formula.

The CSA established a State Executive Council, composed of agency heads of the major state child serving agencies, and an Office of Comprehensive Services. At the local level, there are Community Policy and Management Teams, responsible for program oversight, and Family Assessment and Planning Teams, responsible for reviewing cases, formulating individual case plans, and ensuring case management.

Options for Status and Non-Offenders

Status and non-offenders also come before the JDR courts. Allegations of abused, neglected, and abandoned children are heard by JDR court judges, but the welfare of the child falls to the Department of Social Services. Child Protective Services units are administered locally under State standards. Children who need to be removed from the home for their protection are entrusted to appropriate facilities or individuals, not a detention facility or juvenile correctional center. Other non-offenders and status offenders are usually categorized as either a child in need of services (CHINS) or child in need of supervision (CHINSup).

Child in Need of Services (CHINS)

A child in need of services (CHINS) is defined in the *Code of Virginia* as one whose "behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child" or, if the child is 14 years or under, another person. (§16.1-288, *Code of Virginia*) The local CSU is responsible for filing a CHINS petition with the court. The distinction between an abuse or neglect case and a CHINS case is often a subtle one determined partially by the behavior of the child and/or family members, partially by the availability of services in the community, and partially by the service philosophies of the local agencies involved.

If a child is found to be in need of services, the juvenile court or the circuit court may make any of a number of dispositional orders for the "supervision, care and rehabilitation of the child." (§16.1-278.4, *Code of Virginia*) The judge has discretion to:

- Order the cooperation of agencies in the community in providing services.
- Permit the child to remain with his or her parent or legal custodian, with conditions or limitations.
- Order the parent with whom the child is living to participate in services or treatment or abide by conditions or limitations imposed by the court.
- Relieve a child 14 years or older from compliance with compulsory education, if the court decides that the child cannot benefit from school, and authorize the child to work as long as the employment is not deemed to be hazardous to anyone under the age of eighteen.
- Transfer legal custody to any of the following:
 - a relative or other individual,
 - a licensed or authorized child welfare agency, or
 - a local welfare board/social service department.
- Require the child to participate in a public service project.

If a child is alleged to be a status offender, the *Code of Virginia* authorizes the court to make any order of disposition as authorized for a child in need of services (§16.1-278.4).

Child in Need of Supervision (CHINSup)

A child in need of supervision (CHINSup) is defined by §16-1-288 of the *Code of Virginia* as a child who "habitually and without justification is absent from school; or habitually deserts or abandons his family or lawful custodian or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life and health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family."

If the child is found to be in need of supervision, The *Code of Virginia* requires that the court refer the child to a community interdisciplinary team for an evaluation of the child's service needs prior to issuing a final disposition. (§16.1-278.5, *Code of Virginia*) The report of that team is filed with the court. The court may then enter any of the following orders:

- Require the cooperation of agencies in the community in providing services.
- Place the child on probation with conditions.
- Order the child and/or parents to participate in programs, cooperate in treatment or abide by conditions.
- Require the child to participate in a public service project.
- Impose a fine on parents found to be in violation of the court's order concerning compulsory school attendance.

The *Code of Virginia* provides that a child who is 14 years of age or older and who has been found to be a child in need of supervision, may be placed in a secure juvenile detention facility for a violation of the court's order of disposition. (§16.1-292(E), *Code of Virginia*) Such placement may be made if the court finds that placement in a foster care home, group home, or other non-secure facility is not likely to meet the child's service needs and that all other treatment options in the community have been exhausted. The period of detention may not

exceed 10 consecutive days during which time the community interdisciplinary team is reconvened for the purpose of developing further treatment plans covering the period during and/or following the child's detention. Intake officers have discretionary authority, within established guidelines, to file a petition on the juvenile. In a case where a petition is filed, this authority extends to decisions made concerning the child's placement while awaiting the court hearing.

Primary State Agencies

Department of Correctional Education (DCE)

DCE is an independent school district with its own school board operating as an Executive Branch agency within the Secretariat of Public Safety. DCE provides educational services in adult and youth correctional facilities throughout Virginia. DCE Juvenile Schools are accredited by the Virginia Department of Education. All academic and career and technical education teachers meet state certification and endorsement standards. The Department prepares youth and adults for success after incarceration for the return to school, the pursuit of higher education, and employment upon release.

Department of Criminal Justice Services (DCJS)

DCJS, an Executive Branch agency within the Secretariat of Public Safety, provides comprehensive planning and technical and support services for the criminal justice system to improve and promote public safety in the Commonwealth. DCJS is designated as the planning and coordinating agency responsible for implementing and administering programs and initiatives for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control throughout the Commonwealth. Among its responsibilities, DCJS monitors facilities for compliance with the first three core requirements of the JJDP Act.

Department of Juvenile Justice (DJJ)

DJJ, also an Executive Branch agency within the Secretariat of Public Safety, provides for the custody and care of juveniles deemed delinquent and committed to the state. DJJ operates seven correctional centers, a reception and diagnostic center, and three halfway houses. DJJ may also contract for private facility use. In addition to residential facilities, DJJ operates the majority of court service units serving courts throughout the state. The Board of Juvenile Justice oversees the Department and is responsible for issuing regulations for juvenile detention and correctional facilities and certifying that facilities operate within the regulations.



ANALYSIS OF JUVENILE CRIME PROBLEMS AND JUVENILE JUSTICE NEEDS



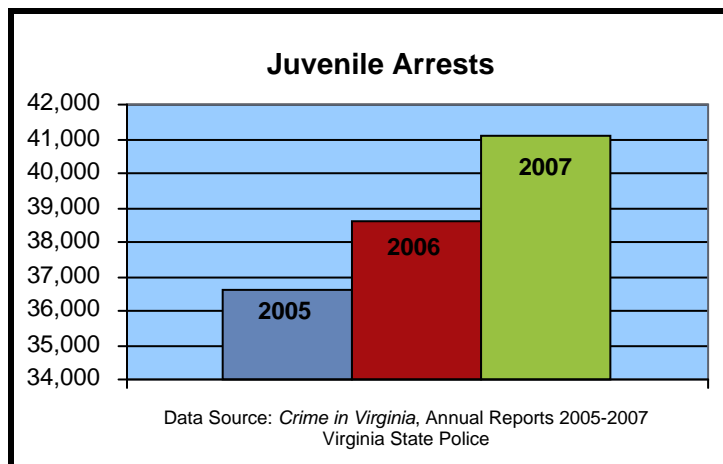
ANALYSIS OF JUVENILE CRIME PROBLEMS AND JUVENILE JUSTICE NEEDS

Virginia is fortunate to have a variety of sophisticated data sources which allow data to be analyzed in multiple ways. Much data is readily available through published reports offered in hard copy and/or agency websites. Data is also generally available by locality. However, data by locality is often published in different ways. For example, arrest data is published by each of the 134 individual localities in the state, but juvenile intake data is published by Court Service Unit (CSU). Special requests can often be made to obtain all of the locality-specific data needed for a particular purpose, and local agencies may also have access to additional locality-specific data sources. Because locality-specific data is available, subgrantees are required to provide data driven justifications for funding requests. For purposes of the *Virginia's Three-Year Plan 2009-2011*, statewide aggregate data is used.

Juvenile Arrests

Arrest data are obtained from the Virginia State Police (VSP), which serves as a central repository for data from around the state. Data is aggregated and reported by VSP on a calendar year basis. Each year, VSP publishes *Crime in Virginia* which provides incident based reporting statistics. Arrest data is also included both on a statewide basis and by locality. Because data reported to VSP is considered a "snapshot", users are encouraged to contact local police departments directly to rectify any concerns or questions about local data.

Arrest figures "cannot be directly compared to offense figures. Several persons, for example, could be arrested for the same offense or the arrest of one person could solve several offenses. Arrests are primarily a measure of police activity as it relates to crime. Although law enforcement arrest policies vary, particularly with respect to juveniles, agencies are instructed to count one arrest each time an individual is taken into custody for committing one or more offenses. A juvenile is counted as a person arrested when s/he commits an offense and the circumstances are such that if the offender were an adult, an arrest would be made."⁵



Juveniles account for approximately 12% of all arrests reported annually. For each of the past three years, reported arrests of juveniles have increased, resulting in a 12.3% increase between 2005 and 2007. Some of this increase may be attributed to improved reporting by individual law enforcement agencies.

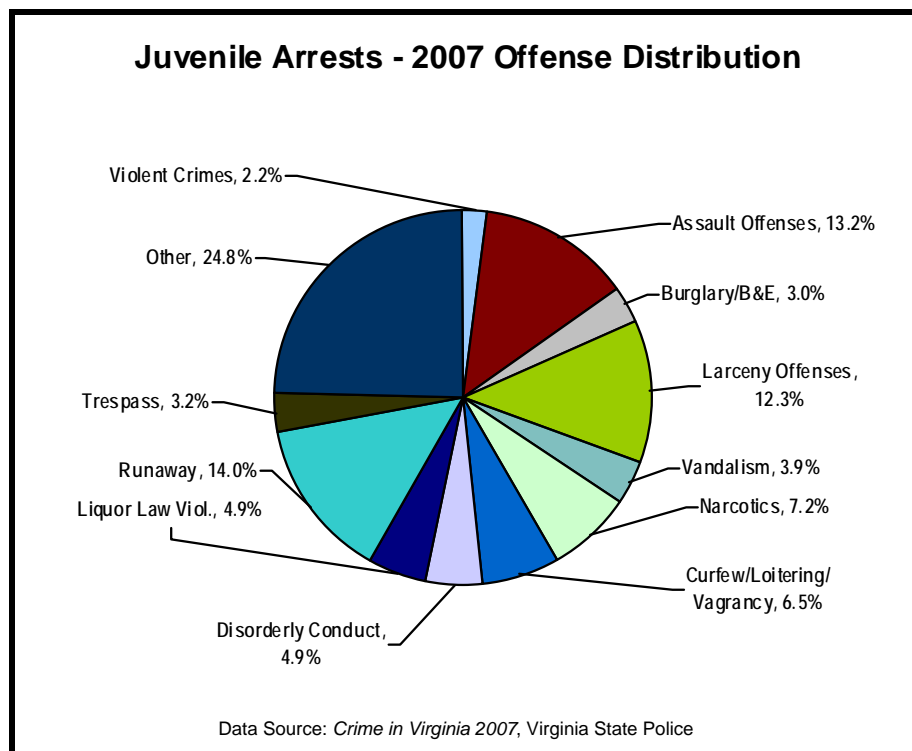
The gender, age, and race distribution of juvenile arrests has remained fairly consistent during the past three years.

⁵ *Crime in Virginia 2007*, Virginia State Police, p60.

- In 2007, males account for almost 68% of juvenile arrests; females 32%. The figures were 69% and 31% respectively in each of the two preceding years.⁶
- The race distribution of juvenile arrests in 2007 is 50% Black, 49% White, and less than 1% other. The figures were 49% Black, 50% White, and less than 1% other for each of the preceding two years.⁷
- Over 70% of juvenile arrests each year are 15, 16, or 17 years old:

	<10	10-12	13-14	15	16	17
2005	0.5%	5.9%	22.8%	20.2%	24.3%	26.3%
2006	0.6%	5.6%	22.2%	20.4%	24.3%	26.9%
2007	0.5%	5.2%	20.6%	19.8%	25.5%	28.3%

There is relatively little difference in the offense distribution of juvenile arrests when examining each of the past three years. The graph below depicts the offense distribution for 2007. As shown, violent crimes represent only 2.2% of all juvenile arrests.



For each of the past three years, the number of arrests reported in *Crime in Virginia* for “runaway” has increased. By 2007, arrests for “runaway” surpassed arrests for larceny offenses and topped the list of offenses for which juveniles were arrested.

⁶ Data provided by the Virginia State Police; assessed by Virginia Department of Criminal Justice Services.

⁷ Other is American Indian/Alaskan or Asian/Pacific Islander. Data provided by the Virginia State Police; assessed by Virginia Department of Criminal Justice Services.

Top 10 Juvenile Arrest Offenses		
2005	2006	2007
1. Assault	1. Assault	1. Runaway
2. Larceny	1. Runaway	2. Assault
3. Runaway	2. Larceny	3. Larceny
4. Curfew/Loitering/Vagrancy	3. Curfew/Loitering/Vagrancy	4. Narcotics
5. Narcotics	4. Narcotics	5. Curfew/Loitering/Vagrancy
6. Disorderly conduct	5. Liquor law violations	6. Liquor law violations
7. Liquor law violations	6. Disorderly conduct	7. Disorderly conduct
8. Vandalism	7. Vandalism	8. Vandalism
9. Burglary/B&E	8. Trespass	9. Trespass
10. Trespass	9. Burglary/B&E	10. Burglary/B&E

Though there has been little change in the overall distribution of offenses, there are notable increases of arrests reported in *Crime in Virginia* for several offenses between 2005 and 2007:

Liquor law violations	up 33.2%
Runaway	up 28.2%
Arson	up 26.2%
Trespass	up 24.1%
Driving under the influence	up 18.3%
Vandalism	up 16%
Narcotics	up 15.3%

Liquor law violations include violations of underage possession, consumption, and purchase statutes. Most, if not all, violations of liquor laws will be for violations of underage statutes. The increase in juvenile arrests for liquor law violations is assumed to be largely due to increased enforcement efforts aimed at youth. Approximately half of the juveniles arrested for liquor law violations are 17 years old.

The overwhelming majority (over 75%) of juvenile arrests for narcotics violations are for marijuana. "Crack" cocaine is the next most highly identified drug, accounting for slightly over 5% of juvenile arrests for narcotics. Approximately 70% of those arrested for narcotics violations are 16 or 17 years old.

Intake⁸

Juveniles are brought to the attention of Intake Officers by police, parents, victims, and other agencies. The Intake Officer reviews and processes the complaint, determining whether a petition should be filed with the court or if the juvenile can be diverted and handled informally. The Intake Officer will also make a determination as to whether or not the juvenile should be released to a parent or another responsible adult, placed in a detention alternative, or detained pending a court hearing. Detention decisions are guided by the completion of the Detention Assessment Instrument (DAI), a standardized tool developed by the Department of Juvenile Justice (DJJ). Data regarding all intakes is collected and maintained by DJJ. Because juveniles come to intake from multiple sources, and the data is more strictly managed, intake data is

⁸ Data used in this section from the Virginia Department of Juvenile Justice not attributed to the *Data Resource Guide* may differ slightly from other documents depending on the data run dates.

generally considered a more accurate reflection of juveniles entering Virginia's justice system than arrest data.

For each of the past three years (FY2006-FY2008), the number of juvenile intakes and complaints has decreased, resulting in an overall decrease of approximately 5% during the period. The average number of complaints per intake was 1.4 each year.⁹

	FY2006	FY2007	FY2008
Complaints	92,633	91,953	87,958
Intakes	65,373	63,844	61,909

The gender, age, and race distribution of juvenile intake cases has remained fairly consistent during the past three years. There has been a slight but steady decline in the intake representation of juveniles ages 14 and under.¹⁰

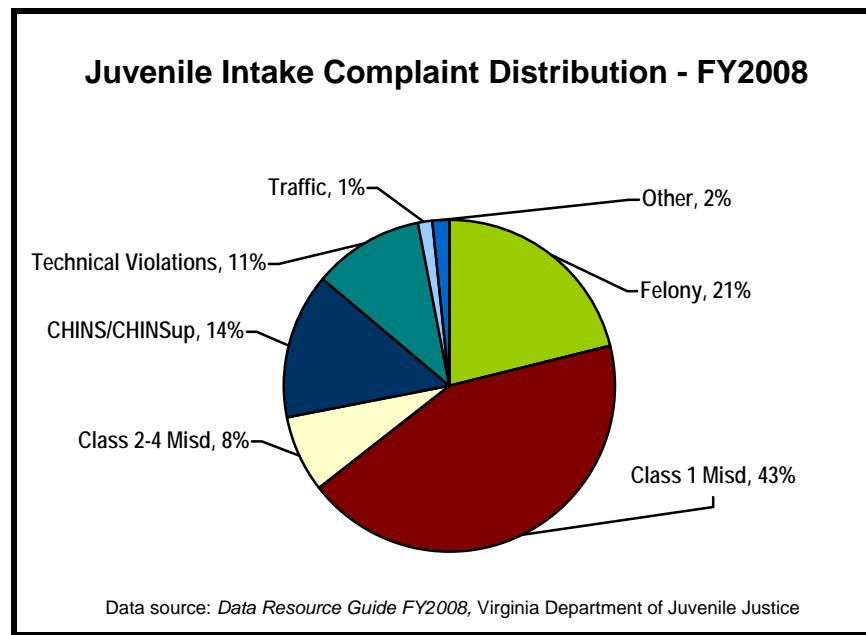
	FY2006	FY2007	FY2008
Race			
Black	46.0%	45.5%	44.6%
White	46.3%	46.6%	47.8%
Other	7.7%	7.8%	7.6%
Ethnicity - Hispanic¹¹	5.1%	5.5%	6.1%
Gender			
Male	69.3%	69.1%	68.9%
Female	30.7%	30.9%	31.1%
Age			
8-12	6.4%	6.2%	5.4%
13	8.1%	7.4%	7.0%
14	13.5%	13.1%	12.4%
15	19.8%	19.3%	18.5%
16	23.7%	24.0%	24.8%
17	24.8%	26.2%	27.7%
18-20	2.8%	2.9%	3.2%
Error/missing	0.9%	0.9%	0.9%

Over 70% of juvenile intake complaints are for delinquent offenses (felony or Class 1-4 misdemeanor). Complaints for Class 1 misdemeanors make up approximately 42% of all juvenile complaints and complaints for felonies account for approximately 22% throughout the three year period. The FY2008 distribution of juvenile intake complaints is representative of the past three years.

⁹ Data source: *Data Resource Guide FY2008*, Virginia Department of Juvenile Justice.

¹⁰ Data table source: *Data Resource Guide FY2008*, Virginia Department of Juvenile Justice, p20.

¹¹ New field for FY2008. In applying the change to the existing system data, any juvenile previously categorized as Hispanic race was recoded as an unknown race and given the ethnicity designation. Because of this, data may not be comparable to prior years.



Of particular note regarding juvenile intake complaints between FY2006 and FY2008:

- Juvenile felony complaints decreased by 7.3%.
- Class 1 misdemeanor complaints decreased by almost 3%.
- Juvenile complaints for technical violations decreased by 14.6%.
- Assault, larceny, and status offenses¹² account for over 39% of all juvenile intake complaint offenses annually.

Delinquent Cases

Delinquent cases are those for which a child is brought to intake for a complaint of a felony or misdemeanor offense. Cases classified as delinquent may have other complaints against the child such as status offenses, technical violations, or traffic offenses; however, the most serious complaint is for a delinquent offense.

The top delinquent offenses have been consistent for several years, reflecting the same order and nearly the same percentage distribution as reviewed in the *Virginia's Three-Year Plan 2006-2008*. Assault, larceny, narcotics offenses, and vandalism account for over 58% of delinquent intake cases.¹³

The majority of intakes for delinquent offenses are male (72.3% in FY2008; representative of the preceding years). The racial breakdown for delinquent intakes is 45.8% Black, 47.8% White, and the remainder Other or Unknown.¹⁴

The percentage distribution of younger intakes has steadily decreased over the past few years. In FY2005, approximately 30% of delinquent intakes were age 14 or younger. This was a noted area of concern in *Virginia's Three-Year Plan 2006-2008* which resulted in a prioritization of Juvenile Justice and Delinquency Prevention Act funding for at-risk children and young juvenile

¹² Status offenses do not include underage alcohol offenses; these are classified as criminal (delinquent) offenses in Virginia.

¹³ Based on most serious offense. Where multiple offenses occur, the most serious offense is counted. Data source: Virginia Department of Juvenile Justice.

¹⁴ Due to changes in data reporting, comparison data from prior years cannot be used.

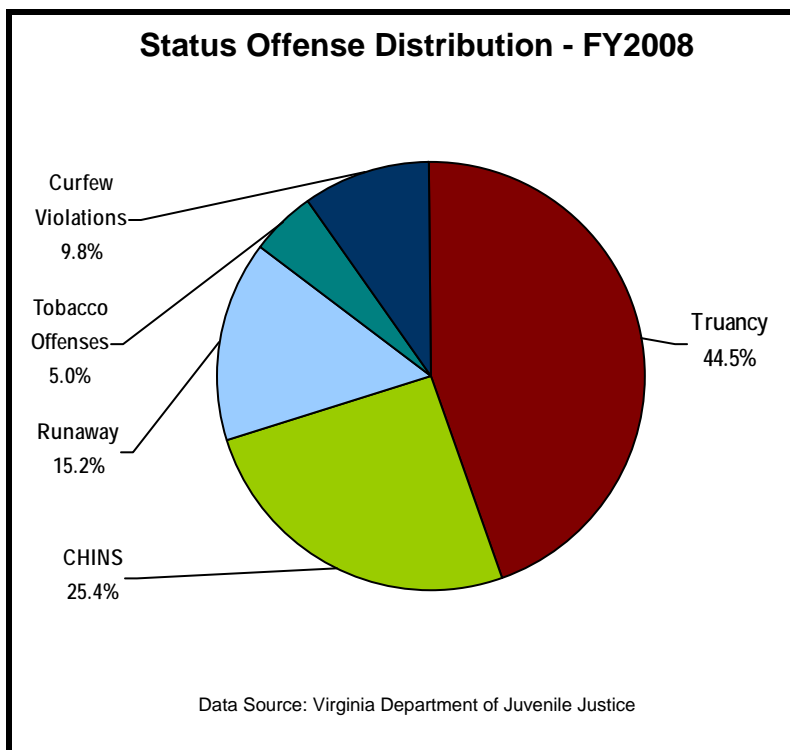
offenders. By FY2008, the representation had dropped by four percentage points (26.1%). Conversely, delinquent intakes of 16 and 17 year olds increased over 5 percentage points, from 47.8% in FY2005 to 53% in FY2008.

Status Cases

Status cases include purchase/possession of tobacco by a minor, children in need of services (CHINS), runaway complaints, and truancy. Intakes classified as status cases have only status complaints.

Truancy is the primary status complaint brought to intake. In FY2007 and FY2008, over 44.5% of all status cases were for truancy. This is similar to what was reported in the last three-year plan for FY2005. In FY2006, the representation dipped to 41.7%. Truancy cases are fairly evenly distributed between males and females.

Males make up a slightly higher representation of CHINS intakes. They also represent the majority of intakes for curfew violations and tobacco offenses. Females however, represent the majority of intakes for runaway complaints.



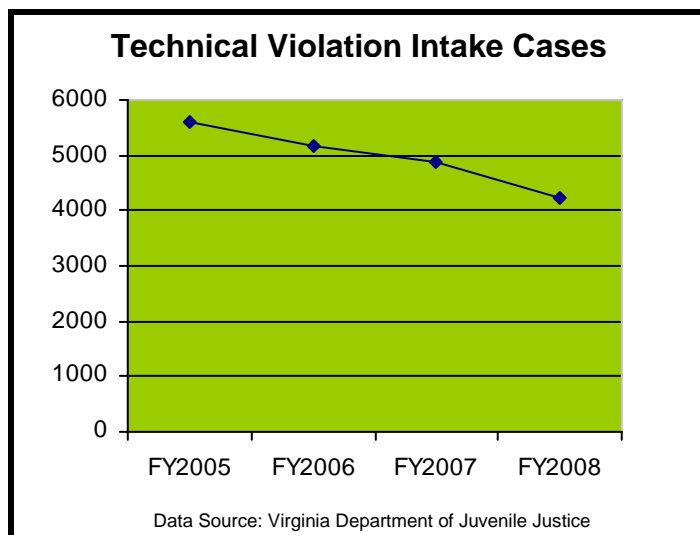
There are some possible shifting trends in regard to the males-to-female ratios for status intakes. In each of the past three years:

- The percent of males brought into intake for truancy complaints has decreased (from 54% to 51.7%).
- The percent of males brought into intake for curfew violations has decreased (from 72% to 66.7%).
- The percent of males brought into intake for tobacco offenses has increased (from 74% to 76.6%).
- The percent of females brought into intake for runaway complaints has decreased (from 61% to 58.3%).

In general, males account for approximately 54% of status intakes and females for approximately 46%. The racial distribution for status cases is 41% Black, 50.5% White, and the rest Other or Unknown. Juveniles under 14 make up 32% of status intakes and those ages 15 and 16 account for approximately 46%.

Technical Violation Cases

As noted previously, complaints for technical violations have declined 14.6% during the past three years. This translates into an 11.6% decline in intakes where the most serious offense is a technical violation. Violations of probation or parole supervision make up over 50% of all technical violation intakes. Though high, there has been a notable decrease in the total number, as well as the percentage representation, of probation/ parole violations. In *Virginia's Three-Year Plan 2006-2008*, over 58% of technical violation intakes were attributed to probation/parole violations. This has decreased to 50.5% in FY2008.



Very few intakes for technical violations are of young offenders. In FY2008, less than 15% of all such intakes were age 14 or under. As with delinquent and status cases, this is a lower representation than in previous years. Males account for approximately 70% of technical violation intakes. The racial breakdown is 44.9% Black, 44.7% White, and the remainder Other or Unknown.

Case Disposition¹⁵

Cases can be diverted, petitioned, or resolved in another manner (such as returned to probation supervision, considered an unfounded complaint, returned to out-of-state supervision, or a consent agreement signed). During FY2008, 20% of juvenile complaints were resolved or diverted at intake. This is a slight increase over the 19% reported for each of the two preceding years. Petitions filed in response to juvenile complaints decreased to 73% in FY2008, down from 76% in each of the two preceding years. Approximately 19%-20% of intake complaints result in a detention order (detailed information on detention admissions is presented under the next segment, Detention and Juvenile Correctional Facility Admissions).¹⁶

Diverted and Petitioned Delinquent Cases

The use of diversion for delinquency cases has increased over the past several years, whereas cases petitioned to court have decreased. The number of diverted delinquency cases in FY2008 exceeds that reported for FY2005 in the last three-year plan by over 11%. In FY2008, cases petitioned to court dropped below 70% of those brought to intake.

Differences in race and gender distribution exist between cases diverted and cases petitioned. As can be seen on the following table, white juveniles and females had higher distributions of diverted than petitioned cases.¹⁷

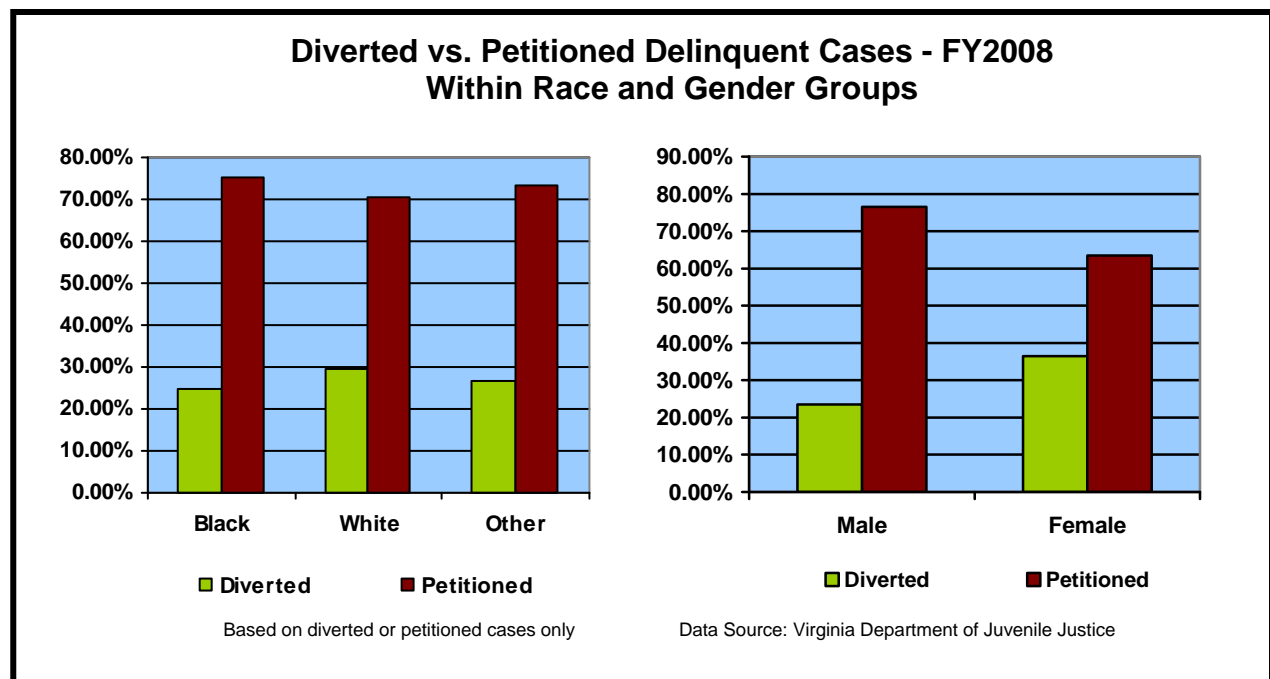
¹⁵ Data used in this section from the Virginia Department of Juvenile Justice not attributed to the *Data Resource Guide* may differ slightly from other documents depending on the data run dates.

¹⁶ *Data Resource Guide*, annual reports FY2006-FY2008, Virginia Department of Juvenile Justice.

¹⁷ Data source: Virginia Department of Juvenile Justice.

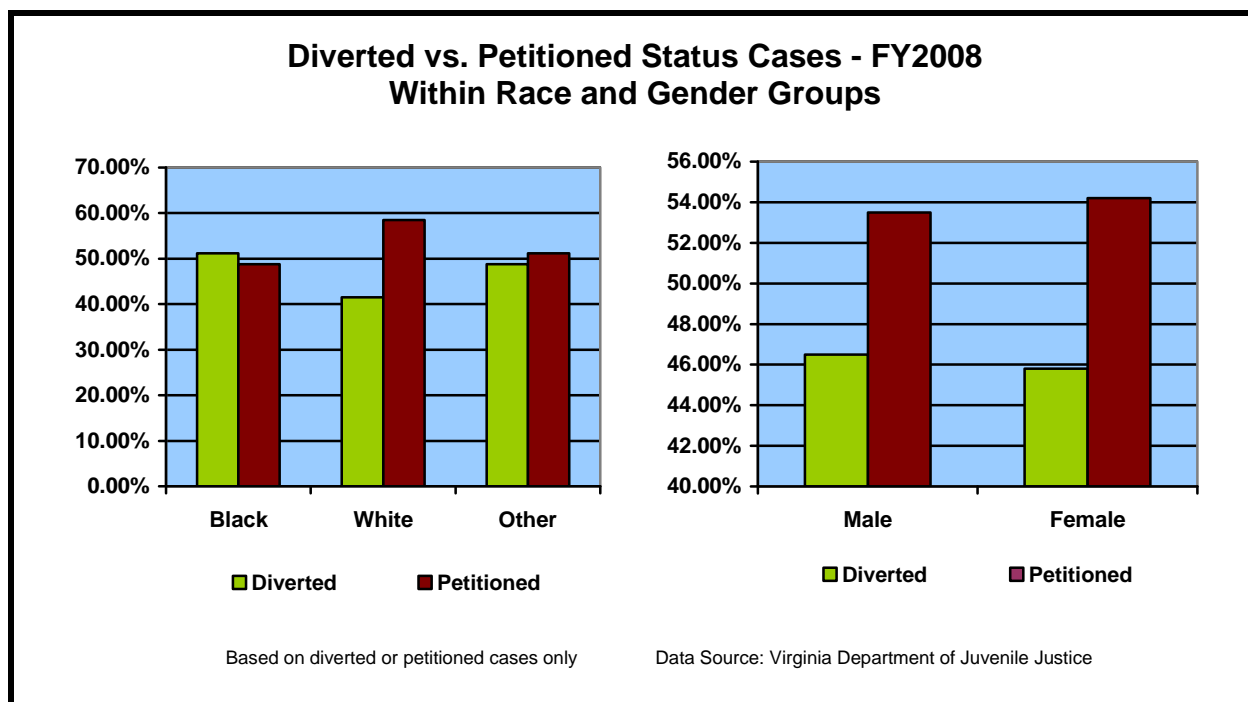
FY2008	Delinquent Case Dist.	Cases Diverted	Cases Petitioned
Race			
Black	45.8%	42.6%	47.8%
White	47.7%	51.7%	45.5%
Other	2.6%	2.5%	2.6%
Unknown	3.9%	3.2%	4.1%
TOTAL	100%	100%	100%
Gender			
Male	72.3%	63.1%	76.1%
Female	27.7%	36.9%	23.9%
TOTAL	100.0%	100%	100%

This is further exemplified when examining cases diverted vs. cases petitioned within each racial or gender group.



Diverted and Petitioned Status Cases

The percentage distributions of status cases diverted or petitioned has fluctuated little over the years. Diverted status cases average almost 44% for the past three years, with petitioned cases averaging slightly over 50%. The graphs below depict diverted and petitioned status cases within race and gender groups. There is little difference in how cases are handled when examining gender groups. However, juveniles classified as White children are more likely to be petitioned (58.5%) than diverted (41.5%), whereas the likelihood of a status case being diverted or petitioned is fairly equal in other racial groups.



Diverted and Petitioned Technical Violation Cases

Approximately 92% of technical violation cases result in a petition and 1% are diverted. When comparing diverted cases to petitioned cases, there is no apparent difference in racial or gender treatment.

Court Disposition

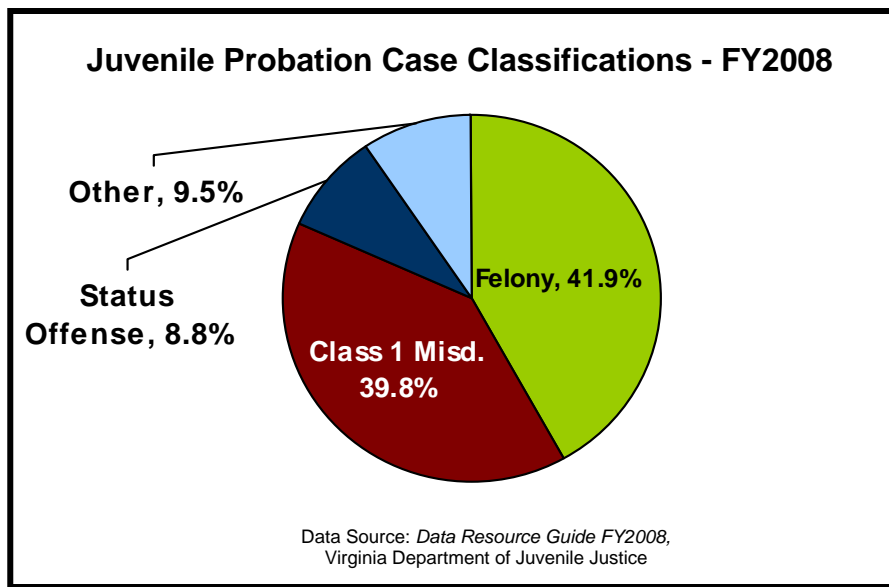
The average length of time from intake to adjudication was 87 days in FY2008. This is a significant decrease from the 104 days in FY2006 and 102 days in FY2007.

As detailed elsewhere in this document (Structure and Function of the Juvenile Justice System), once a case is petitioned and goes to court, judges have several options available to them. Detailed information on post-detention and commitments to the state is presented in the next segment (Detention and Juvenile Correctional Facility Admissions). Probation is the most frequently used justice system option by judges. In FY2008, 7,001 new juvenile probation cases were opened in CSUs around the state.¹⁸

Combined, assault and larceny account for 34% of the offenses for which new probation cases were established in FY2008 (17% each). These were followed by: narcotics, accounting for 8.6% of the offenses; vandalism, accounting for 7.6%; and status offenses, accounting for 6.7%.

The majority of new probation cases were classified as either felony or Class 1 misdemeanors. Approximately 32% of new probation cases were for crimes against persons.

¹⁸ *Data Resource Guide FY2008*, Virginia Department of Juvenile Justice, p21. Due to changes in methodology, figures from prior years are not comparable. Detailed information on gender and race for probation placements is not included in the *Data Resource Guide*. Cases may include multiple offenses.



Detention and Juvenile Correctional Facility Admissions¹⁹

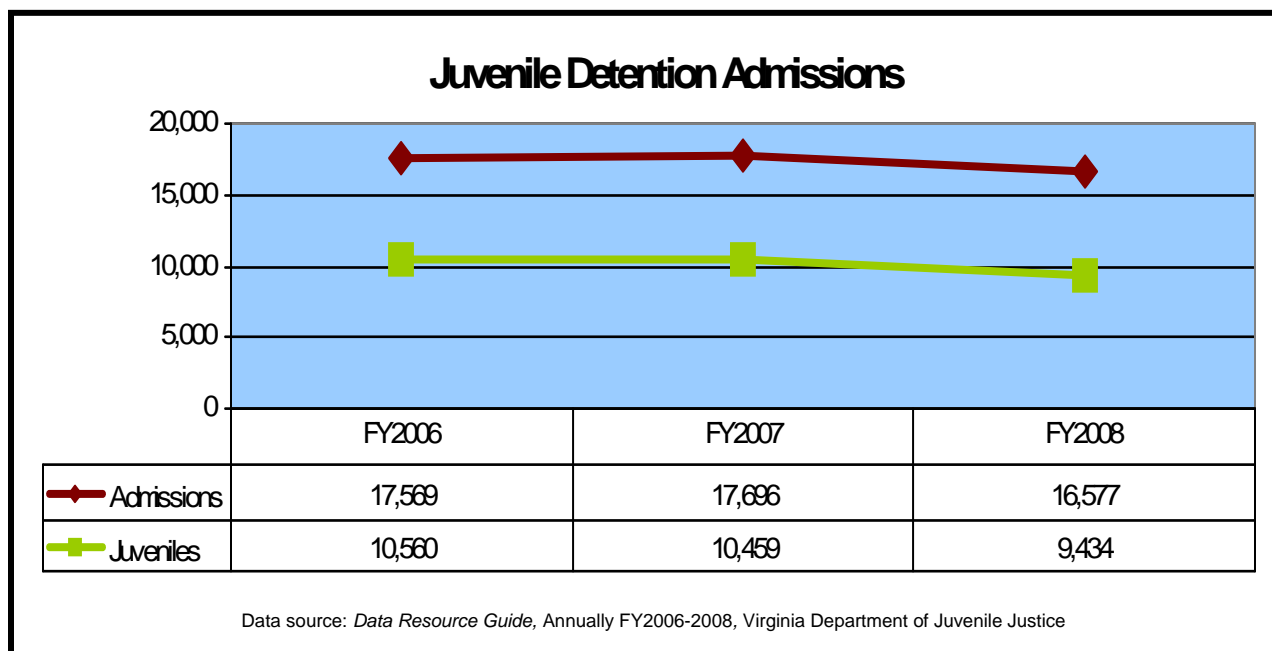
Secure Detention

Secure detention facilities provide confinement for juveniles who are awaiting adjudication, disposition, or placement (pre-dispositional) as well as for certain adjudicated (post-dispositional) juveniles.

Between 1986 and 2000 the number of youth admitted to secure detention increased by approximately 190% from over 7,500 to over 22,000. The trend has since been reversed and, in FY2008, admissions to secure detention reached their lowest level since before 1997. This decline is, in large part, attributed to concerted efforts by DJJ. DJJ instituted the Detention Assessment Instrument (DAI) in 2002 to guide detention decisions by all Intake Officers. This was followed in 2003 with the implementation of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative in targeted areas with disproportionately high detention rates. Bringing CSU staff, detention staff, judges, and other key stakeholders together to address detention utilization has certainly contributed to the drop in admissions.

Admissions to secure detention facilities have decreased both in terms of the number of admissions and the number of juveniles accounting for those admissions (some juveniles are admitted multiple times). In just the past three years, the number of admissions has decreased almost 6% and the number of juveniles admitted to detention is down almost 11%.

¹⁹ Data used from the Virginia Department of Juvenile Justice not attributed to the *Data Resource Guide* may differ slightly from other documents depending on the data run dates.



The gender, age, and race distribution of admissions to detention have remained fairly consistent during the past three years. There has been a slight but steady decline in the intake representation of juveniles ages 15 and under.²⁰

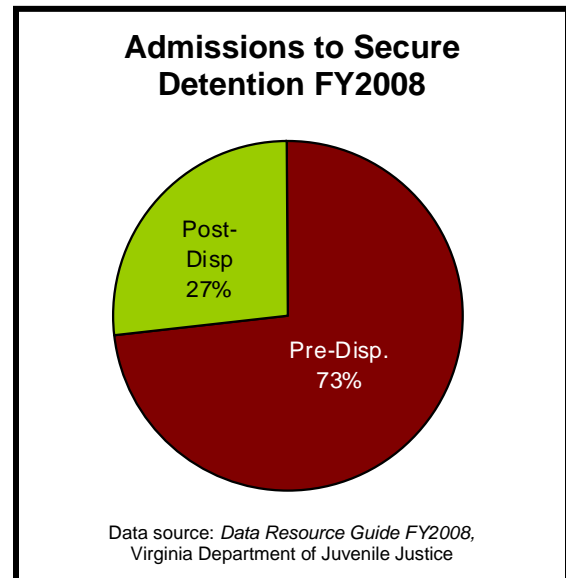
	FY2006	FY2007	FY2008
Race			
Black	54.2%	54.3%	55.0%
White	37.7%	37.3%	36.6%
Other	8.1%	8.4%	8.5%
Ethnicity - Hispanic²¹	5.7%	6.3%	7.1%
Gender			
Male	78.0%	78.0%	78.5%
Female	22.0%	22.0%	21.5%
Age			
8-12	1.8%	1.8%	1.2%
13	4.9%	4.8%	4.2%
14	12.8%	11.5%	11.1%
15	21.7%	20.9%	20.5%
16	27.8%	27.9%	28.4%
17	30.5%	32.6%	34.3%
18-20	0.3%	0.3%	0.4%

²⁰ Data table source: *Data Resource Guide FY2008*, Virginia Department of Juvenile Justice, p98

²¹ New field for FY2008. In applying the change to the existing system data, any juvenile previously categorized as Hispanic race was recoded as an unknown race and given the ethnicity designation. Because of this, data may not be comparable to prior years.

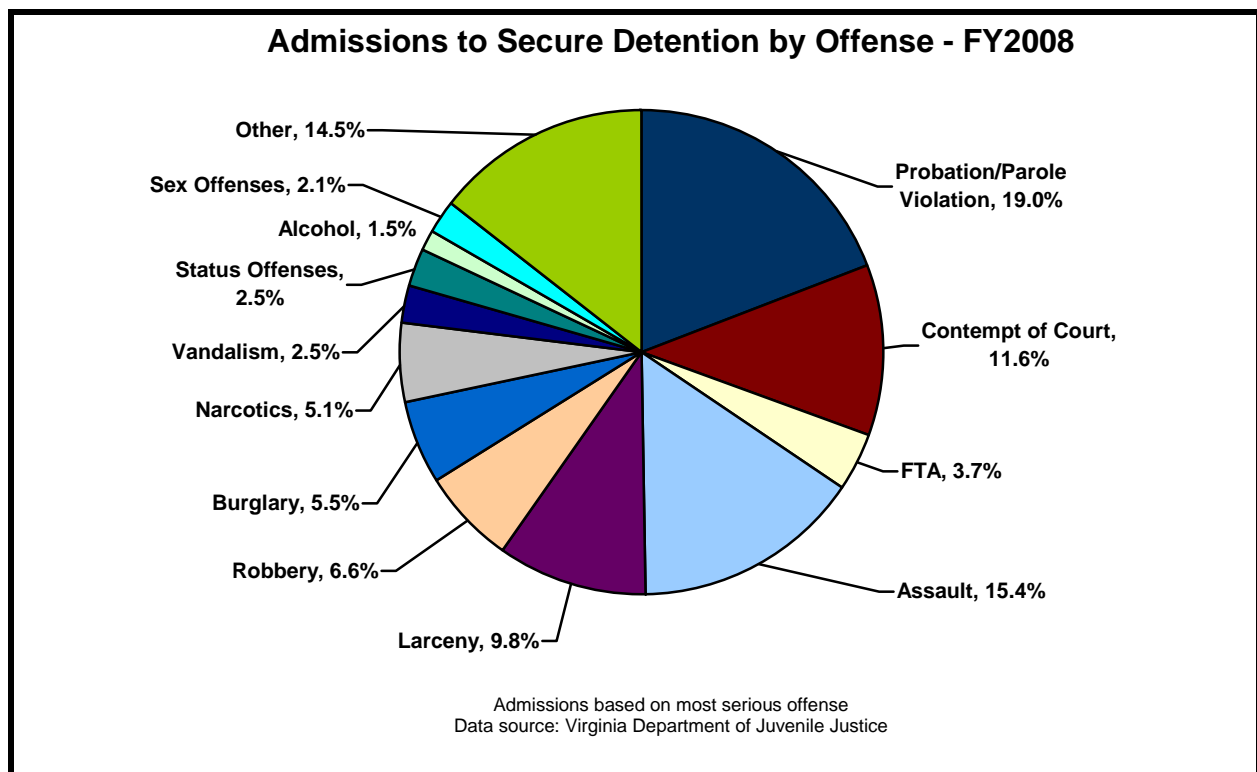
The majority of admissions are pre-dispositional. In FY2008, 73% of detention admissions were pre-dispositional. This is a slight decrease in representation from the prior two years when pre-dispositional admissions accounted for over 75% of admissions.

Of those detained following intake in FY2008, 56.8% had a DAI score indicating secure detention. This is slightly down from FY2007 when 58.8% of admission DAI scores indicated secure detention. In each of the past three years, over 16% of admissions had a low DAI score indicating release. Other scores indicate the use of a detention alternative. It should also be noted that in FY2008, 25.7% of those who received low or moderate scores had mandatory overrides.



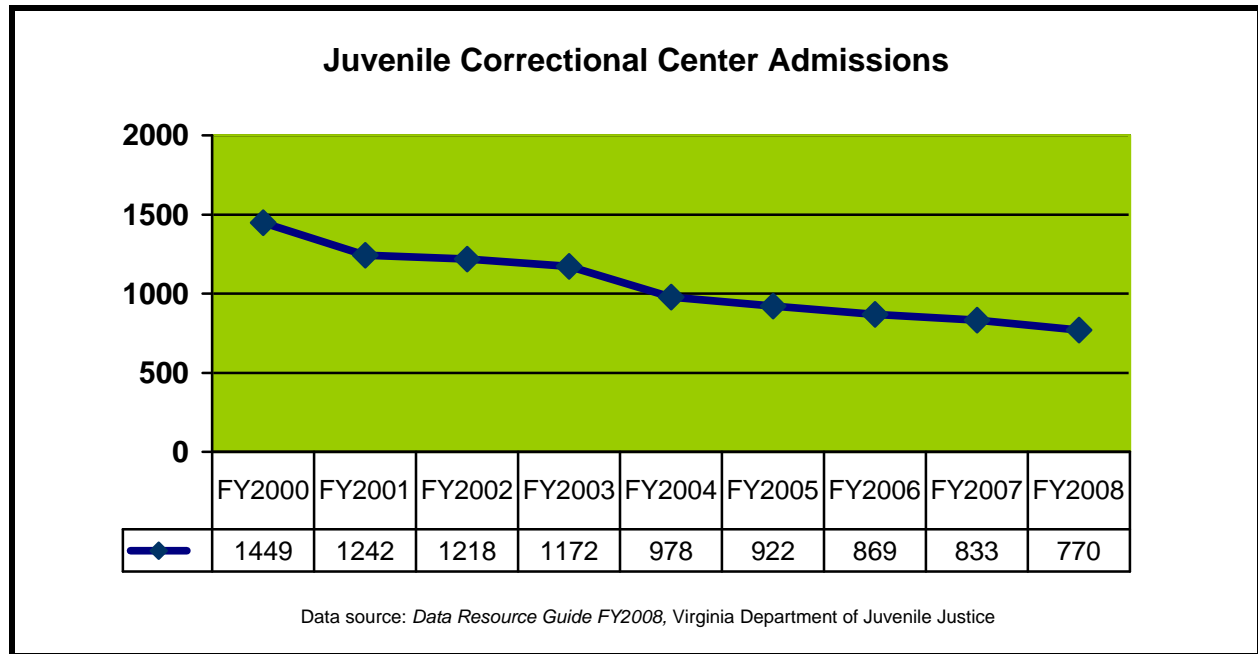
The percentage representation of post-dispositional admissions has increased. Post-dispositional admissions may be ordered with or without programs and include weekend admissions.

The distribution of offenses for which juveniles are admitted to detention has remained fairly constant. Probation/parole violations represent the largest group of admissions. When combined with contempt of court and failure to appear, these non-offense admissions account for 34.3% of the total. This is reflective of what has been reported in the last three three-year plans.



Juvenile Correctional Centers

The number of juvenile commitments to the state has declined considerably in the past decade. In FY1998, there were over 1,600 juvenile commitments to the state. By FY2008, this number had decreased by 52% to just over 800. As one juvenile can have multiple commitments, the actual number of admissions is even lower. In FY2008, 770 juveniles were admitted to a juvenile correctional center.



Over 90% of all admissions are male. Female admissions have decreased in terms of percentage distribution in the past several years. *Virginia's Three-Year Plan 2006-2008* reported that females accounted for 9-12% of admissions. By FY2008, less than 8% of admissions were female.

As can be seen on the following table, the racial distribution of admissions is clearly disproportionate, with over 66% of admissions classified as Black.²²

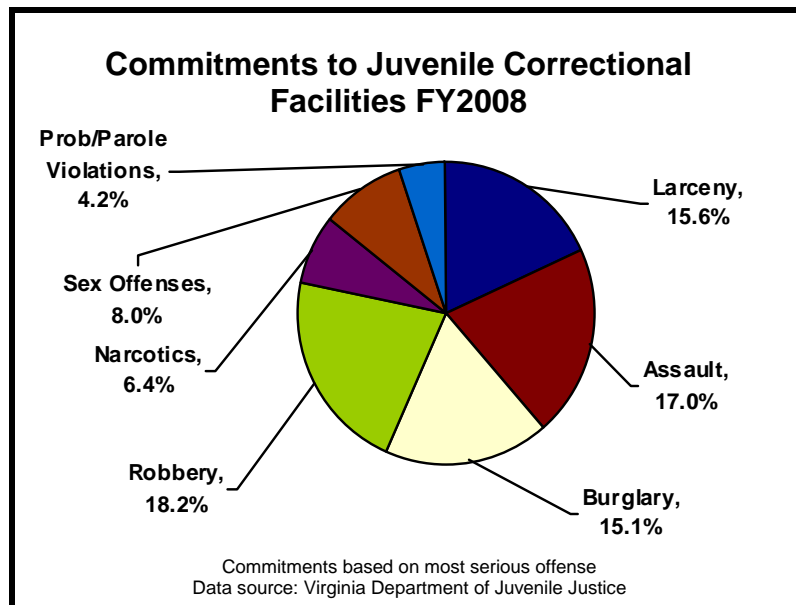
	FY2006	FY2007	FY2008
Race			
Black	67.9%	66.0%	66.1%
White	25.5%	26.9%	25.6%
Other	6.6%	7.1%	8.3%
Ethnicity - Hispanic²³	4.5%	6.4%	5.5%

²² Data table source: *Data Resource Guide FY2008*, Virginia Department of Juvenile Justice, p154.

²³ New field for FY2008. In applying the change to the existing system data, any juvenile previously categorized as Hispanic race was recoded as an unknown race and given the ethnicity designation. Because of this, data may not be comparable to prior years.

	FY2006	FY2007	FY2008
Gender			
Male	90.9%	90.8%	92.1%
Female	9.1%	9.2%	7.9%
Age			
<14	2.3%	1.7%	1.9%
14	7.7%	6.8%	6.5%
15	19.1%	17.4%	15.7%
16	31.8%	28.7%	27.7%
17	33.6%	37.6%	40.6%
18	5.4%	7.0%	7.1%
19 and over	0.1%	0.8%	0.4%

The age distribution of juveniles has changed over the years, with younger offenders making up a lower percentage of admissions. In FY2008, 8.4% of admissions were age 14 or younger, a decrease from the 10% in FY2006. There has also been a notable decline in the percentage of 15 and 16 year olds admitted in the past three years, down to 43.4% in FY2008 from almost 51% in FY2006.



Seven offense groupings account for approximately 85% of commitments to the state. This is the same as reported in *Virginia's Three-Year Plan 2006-2008*. Although the most frequent offenses resulting in commitment have remained the same, there have been slight changes in the distributions from year-to-year. In FY2008, robbery accounted for the largest proportion of commitment offenses.

Other Information, Conditions, and Data

Forecast

Each year, the Secretary of Public Safety oversees an offender forecasting process. The resulting forecasts are essential to criminal justice planning and budgeting. Forecasting methodologies are also used to determine the potential impact of certain policy decisions. Virginia utilizes a "consensus forecasting" approach which brings together policy makers,

administrators, and technical experts from many agencies across all branches of state government. This multi-level structured approach to forecasting and review has been used in Virginia since the late 1980s. Currently, the consensus process results in four population forecasts, two of which are for juveniles: the juvenile state-responsible offender population and the juvenile local- responsible offender population.

The juvenile state-responsible offender population refers to juveniles held in Department of Juvenile Justice correctional facilities. The forecast for this group is for the average daily population (ADP) projected in June of a given year. In June 2008, the ADP was 906. The most recent forecast projects a continued decline in the ADP through 2011, in which it is projected to be 791. However, the continued decline is expected to end due to longer lengths of stay, and the population for 2014 is projected to increase to 810.²⁴

The juvenile local-responsible offender population refers to juveniles held in locally-operated detention facilities throughout the state. The forecast for this group is the ADP projected for a given fiscal year. The ADP was 1,011 for FY2008. The most recent forecast projects a continued decline in the ADP through 2014, in which it is projected to be 955.²⁵

Gangs

The law enforcement community throughout Virginia has identified gangs as an issue of priority. Elected officials, including the Governor and Attorney General, have concurred and taken a number of steps to address the issue. Each year, legislation is introduced which broadens gang-related statutes and provides law enforcement officers with greater access to juvenile records regarding gang involvement.

In 2003, Virginia's Interagency Anti-Gang Workgroup was informally established to share information and coordinate efforts under the Secretariat of Public Safety. Within six months of taking office in 2006, Governor Timothy M. Kaine formalized the Interagency Anti-Gang Workgroup, its mission, and composition under Executive Order 15. The Workgroup's efforts are part of the Governor's "Prevention Comes First" initiative which, among other things, promotes the positive development of Virginia's youth by addressing the risk factors that lead to youth gang recruitment and activity.

Also in 2006, newly elected Attorney General Robert McDonnell presented gang legislation as part of his "Safer and Stronger Virginia" agenda. The Office of the Attorney General includes gangs in its list of key issues and supports a number of efforts to combat gang activity and provide gang awareness training.

The 2005 General Assembly, through House Joint Resolution 573, requested the Virginia State Crime Commission to study criminal street gang conduct and characteristics. The purpose of the study was to produce a formal list of gang names, coupled with their unique characteristics and conduct, to assist with prosecution of street gangs. The Commission released their report in 2006 and recommended that the Commonwealth's Attorneys Services Council establish and maintain a gang database which includes names of identified gang members. In order to accomplish this task, the Commission concluded that data should come from the Virginia Department of Corrections and Virginia Department of Juvenile Justice which both maintain lists of identified gang members in custody. Furthermore, the Commission recommended that the

²⁴ *Report on the Offender Population Forecasts (FY2009-2014)*, Office of the Secretary of Public Safety, October 15, 2008.

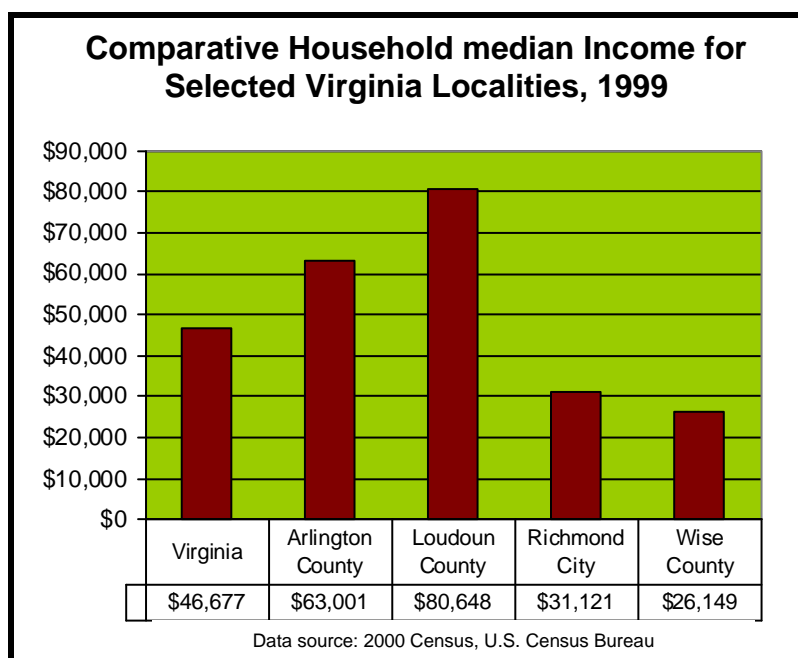
²⁵ *Report on the Offender Population Forecasts (FY2009-2014)*, Office of the Secretary of Public Safety, October 15, 2008.

Code of Virginia be amended to allow the Virginia Department of Juvenile Justice to release information regarding gang members to the Commonwealth's Attorneys Services Council.

Despite the various efforts to address gang activity, there is no single source of information on gangs in Virginia, nor a standard method to measure gang activity. In 1999, the Department of Criminal Justice Services (DCJS) published a report on youth gang activity in Virginia based on a survey directed by the General Assembly; this has not been repeated. Other reports and surveys, such as the annual *Virginia School Safety Survey*, have been developed but they are also limited in information regarding youth gang activity.

Population and Socioeconomic Indicators

The last complete census was conducted in 2000. Though the next census will not be conducted until 2010, the U.S. Census Bureau releases estimated updates on some information. For 2007 the U.S. Census Bureau estimated the state's population at slightly over 7.7 million people, an increase of 8.9% since 2000. The under 18 population is estimated at approximately 23.7%, or over 1.8 million children.



The median household income for 2007 was estimated at \$59,575 which is higher than the national average. However, median income can vary significantly by locality in Virginia. The graph depicts this variance by comparing the median household income of four diverse areas in Virginia as reported in the 2000 Census.

When looking at families with children living below the poverty level, the reverse is seen for the localities shown above. Those localities with lower median household incomes had a much higher

percentage of children living below the poverty level than the localities with higher incomes. Data from the Virginia Department of Social Services also shows higher founded child abuse rates for the localities above with the lower median household incomes than those with higher incomes.²⁶

Homelessness is a related issue that has received increased attention in recent years. On March 10, 2009 the National Center on Family Homelessness released *America's Youngest Outcasts: State Report Card on Child Homelessness*. The report presents a snapshot of homeless children at a moment in time, which was 18,214 in Virginia. Of these, 8,624 were in grades K-8; 7,650 were under age 6; and 1,940 were in high school.

²⁶ Data source: Virginia Department of Social Services, website, 2002.

Using this information and additional data, states are ranked in various areas. The National Center ranks Virginia as follows (1=best; 50=worst):

- 17th overall
- 11th in child well-being
- 20th for risk of child homelessness

Despite Virginia's good standing, the National Center ranks Virginia inadequate in regard to planning efforts surrounding homelessness.

As with other states, Virginia is experiencing increasing rates of unemployment. Figures released by the U.S. Department of Labor report a rate of 6% for Virginia in January 2009. This is slightly below the national average of 7.6%.

State Profile of Child Well-Being

Each year, the Annie E. Casey Foundation publishes the *KIDS COUNT Data Book*. State profiles of child-well being are developed using the best available data to measure the educational, social, economic, and physical well-being of children. Additional and locality-specific data is available through state-level KIDS COUNT projects supported by the Foundation. The key indicators reflect a wide range of factors and reflect experiences across a range of developmental stages. Research shows that the key indicators capture most of the yearly variation in child well-being reflected in other indices that utilize a much larger number of indicators.

Virginia ranks 15th among all states in the *KIDS COUNT 2008 Data Book*. In most areas, Virginia rates better or on par with the national average for most of the ten key indicators. There has also been little fluctuation over the past several years in Virginia's rate for each of the key indicators:²⁷

1. **Low birthweight babies:**
 - 8,753 low birthweight babies in 2005
 - 8.2%, the same as the national average
2. **Infant mortality**
 - 781 infant deaths in 2005
 - 7.5 per 1,000, higher than the national average of 6.9
3. **Child deaths (ages 1-14)**
 - 270 in 2005
 - 19 per 100,000, lower than the national average of 20
 - Down from a rate of 64 per 100,000 in 2002
4. **Teen deaths**
 - 303 in 2005
 - 57 per 100,000, lower than the national average of 20
 - Down from a rate of 64 per 100,000 in 2002
5. **Teen births (ages 15-19)**
 - 8,778 in 2005
 - 34 per 1,000, lower than the national average of 40
 - Down each year since 2001 when the rate of 40 per 1,000

²⁷ The Annie E. Casey Foundation, KIDS COUNT State Level Data Online, www.kidscount.org.

6. **Teens who are high school dropouts**
 - 23,000 in 2006
 - 5%, lower than the national average of 7%
7. **Teens not attending school and not working (ages 16-19)**
 - 27,000 in 2006
 - 6%, lower than the national average of 8%
8. **Children living in families where no parent has full time or year-round employment**
 - 493,000 in 2006
 - 27%, lower than the national average of 33%
9. **Children living in poverty**
 - 216,000 in 2006
 - 12%, lower than the national average of 18%
10. **Children living in single-parent families**
 - 496,000 in 2006
 - 29%, lower than the national average of 32%

The Foundation reports on several additional youth risk factors. As with the key indicators, Virginia rates on par or better than the national average for most of the youth risk factors:

1. **Persons age 18-24 not attending school, not working, and no degree beyond high school**
 - 91,000 in 2006
 - 12%, lower than the national average of 15%
2. **Binge drinking (2004/2005)**
 - Ages 12-17: 9%, lower than the national average of 10%
 - Ages 18-25: 44%, higher than the national average of 42%
3. **Cigarette use in the past month (2004/2005)**
 - Ages 12-17: 11%, the same as the national average
 - Ages 18-25: 42%, higher than the national average of 39%
4. **Marijuana use (2004/2005)**
 - Ages 12-17: 5%, less than the national average of 7%
 - Ages 18-25: 14%, less than the national average of 16%
5. **Illicit drug use other than marijuana (2004/2005)**
 - Ages 12-17: 5%, the same as the national average
 - Ages 18-25: 8%, the same as the national average
6. **Residing in juvenile detention or correctional facilities**
 - 2,310 in 2006
 - 283 per 100,000, lower than the national average of 295

Perceptions from the Field

As part of the three-year planning process, DCJS surveys various stakeholder organizations and professionals for their perspectives on juvenile crime and justice issues. Results are presented to the Advisory Committee on Juvenile Justice (ACJJ). This year's survey included seven open-ended questions:

1. What do you consider to be the three most significant juvenile crime problems that we face today?
2. What do you consider to be the three most important needs or concerns in working with, or planning for, youth involved in the juvenile justice system?

3. In regard to prevention, what two areas do you believe need the most concentration?
4. What unserved or underserved populations do you see in your professional role?
5. What, if any, barriers do you see in the Virginia Code which impact your abilities to work effectively?
6. Please list any areas you believe additional training for staff should be provided.
7. One of the top priorities of DCJS and the ACJJ is addressing Disproportionate Minority Contact (DMC) within all stages within the juvenile justice system, including the early stages of access to prevention programs and arrest. Are you aware of any initiatives currently underway to address DMC?

Responses were varied with little overlap. Twenty-two separate juvenile crime problems resulted from the first question. The most commonly listed problems were gangs and related offenses, theft/larceny, and drug distribution and use.

In response to the second question, the most commonly listed needs/concerns were of family/parental involvement and the lack thereof. This was echoed in responses to other questions as well. Two additional areas of needs/concerns were listed by multiple respondents: mental health/substance abuse treatment/recovery systems and lack of resources/services/assessment. The mental health and substance abuse populations were also cited most frequently in response to the question about unserved/underserved populations.

Several prevention and training areas were identified, though no single area stood out in response to either question. In regard to DMC, many respondents reported that they were unfamiliar with DMC initiatives and indicated an interest in additional information.



PLAN FOR COMPLIANCE AND MONITORING: THE FIRST THREE CORE REQUIREMENTS OF THE JJDP ACT



PLAN FOR COMPLIANCE AND MONITORING: FIRST THREE CORE REQUIREMENTS OF THE JJDP ACT

Plan for Deinstitutionalization of Status Offenders (DSO)

Pursuant to Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention (JJDP) Act, states must develop plans to ensure that status and non-offenders are not placed in secure detention or secure correctional facilities, except as allowed by *OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised January 2007). Virginia law allows only those adjudicated delinquent to be committed to the Department of Juvenile Justice (§16.1-278.7, *Code of Virginia*). In order to further protect status and non-offenders, the statewide risk assessment instrument utilized by Intake Officers does not prescribe pre-trial detention for status offenses.

Virginia continues to maintain full compliance (with de minimis exceptions) of the deinstitutionalization of status offenders (DSO) provision of the JJDP Act. Occasional violations of the DSO provision are recorded:

	FY2005	FY2006	FY2007	FY2008
Number of DSO violations	68	48	71	69
DSO violation rate	3.82	2.63	3.89	3.83
Federal Wards	36 (52.9%)	28 (58.3%)	35 (49.3%)	39 (56.5%)
DSO violations for underage alcohol offenses ²⁸	14 (20.6%)	14 (29.2%)	26 (36.6%)	22 (31.9%)
DSO violations for CHINS	12 (17.6%)	6 (12.5%)	10 (14.1%)	8 (11.6%)
DSO violations for traffic offenses	6 (8.8%)	0	0	0

Though the number of DSO violations appears to have risen significantly between FY2006 and FY2007, it is important to note that the number was 68 in FY2005, resulting in a DSO violation rate of 3.82. Taking the FY2005 data into account, there has been no considerable change in DSO violations in recent years.

All DSO violations noted were in detention facilities. As indicated in chart above, federal wards make up at least half of the total DSO violations reported in Virginia. Other violations are a combination of juveniles held for status offenses, either pre- or post-disposition.

Maintaining Compliance

The Compliance Monitor carefully reviews DSO violations and maintains data which helps identify potential problem areas. This information is provided to the Juvenile Justice Specialist and together they develop appropriate strategies to address the concern, hopefully avoiding an exacerbated situation which could jeopardize Virginia's overall compliance standing.

²⁸ Underage possession, consumption, and purchase of alcohol is a Class 1 Misdemeanor in Virginia and is therefore considered a delinquent offense (§4.1-305 of the *Code of Virginia*). The prescribed penalty allows for the detention of anyone under 21 found in violation of the statute. To assist in curbing pre-trial detentions, the statewide risk assessment instrument utilized by Intake Officers does not prescribe pre-trial detention for juveniles brought in for this offense.

The Department of Criminal Justice Services (DCJS) and the Advisory Committee on Juvenile Justice (ACJJ, serves as the State Advisory Group) also closely monitor legislation which could impact Virginia's compliance with the DSO provision of the JJDP Act. Should legislation be introduced in the Virginia General Assembly which could impact compliance, a legislative action summary is developed and forwarded to the Secretary of Public Safety. Information may also be provided to legislative committees. Currently, no new legislation which could negatively impact this provision is pending.

Of particular concern to DCJS are DSO violations attributed to underage drinking. These offenses account for over one-fourth of all reported violations in each of the past three years. Efforts by police to enhance enforcement of underage alcohol laws aimed at youth have resulted in a tremendous increase in arrests for these offenses, therefore, increasing the possibility that a youth may be confined for violating the law. Additionally, well-publicized instances of underage drinking and driving have drawn the attention of the media and legislators. In 2008, the Virginia General Assembly increased the penalty for driving under the zero-tolerance provision to a Class 1 misdemeanor which is punishable by confinement. Within a few months of enactment, 2 juveniles were sentenced to detention for a violation of this underage drinking statute. Recognizing the potential implications this legislation could have on Virginia's compliance with the JJDP Act, the Legislature requested that DCJS provide reports to the General Assembly on the law's impact. DCJS submitted an interim report in January 2009 and will submit a final report in November 2009.

Legislation was also introduced during the 2008 General Assembly Session to lower the penalty for underage possession, purchase, and consumption of alcohol (currently a Class 1 misdemeanor). Though the legislation did not pass, it did bring to light various concerns related to unintended consequences of a Class 1 misdemeanor for youth and young adults. This bill, along with the bill the General Assembly did pass and DCJS' concerns regarding DSO violations attributed to underage alcohol offenses, prompted DCJS to assemble a group of stakeholders to discuss penalties for underage drinking. Results of the discussion and recommendations will be published in 2009 as part of DCJS' Blueprints for Change series.

The reauthorization of the JJDP Act is of interest to DCJS and the ACJJ. During the 110th Congress, the reauthorization bill introduced in the Senate was amended to disallow the valid court order exception for the DSO provision. If this is reintroduced in the 111th Congress, and passes with this change, Virginia will be facing a significant policy issue, as the *Code of Virginia* allows courts to order confinement for a violation of a court order regardless of the underlying offense. Courts will frequently place a child in detention for failing to comply with court orders issued on status offenders. In FY2008, 267 juveniles were held in detention on a violation of a valid court order where the underlying offense was a status offense. A change in the JJDP Act regarding this provision would take several years to implement in Virginia, as this would involve a policy decision restricting judicial discretion. Should the Legislature choose to make the policy change, time would be needed to allow for the law to be amended, judges to be trained, and alternatives which appeal to both legislators and judges to be put in place.

Plan for Separation of Juveniles from Adult Offenders

Pursuant to Section 223(a)(12) of the JJDP Act, states must develop plans to ensure that juveniles alleged or found to be delinquent and status offenders do not have contact with adult inmates, whether convicted or awaiting trial on criminal charges. Virginia has established legislative and operational policy safeguards that prohibit contact between juveniles and adults held in the same facility (§16.1-249, *Code of Virginia* and *Virginia Administrative Code* sections

6VAC15-40-1190, 6VAC15-40-1193, 6VAC15-40-1280, and 6VAC15-40-1290). The State is in full compliance with the separation provision of the JJDP Act:

	FY2005	FY2006	FY2007	FY2008
Number of separation violations	146	30	8	0

In 2003 the Office of Juvenile Justice and Delinquency Prevention (OJJDP) revised sight and sound separation guidelines requiring that juveniles transferred, certified or waived into the adult criminal justice system while detained in juvenile facilities, be separated from the juvenile population within six months of reaching the age of full criminal responsibility (18 in Virginia, thus requiring separation by age 18.5). OJJDP concluded that those convicted in juvenile court could stay with the under 18 population until their release, but those convicted in circuit court must be separated. This represented a change from the “continuous stay” language of previous guidelines and created a significant sight and sound compliance challenge for Virginia, as convicted juveniles can be confined in a juvenile correctional facility until they reach the age of 21 regardless of whether they are convicted in juvenile or circuit court.²⁹

Virginia formulated a corrective action plan for meeting the compliance requirements of the JJDP Act within juvenile correctional centers. The plan, developed by the Virginia Department of Juvenile Justice and submitted to DCJS and OJJDP, was implemented on May 1, 2006. Virginia was able to significantly reduce the number of sight and sound separation violations by classifying a facility specifically to house males aged 18 to 21 and designating an area of another facility to house females over 18 who were convicted in circuit court. Outstanding was the issue relating to individuals with developmental disabilities or behavioral disorders who remained housed at a special facility that could accommodate their special programming needs. Virginia requested a waiver from OJJDP in FY2007, seeking an exception to the sight and sound provision for this special population. In 2008, OJJDP issued a revised interpretation of the sight and sound provision which reinstated the continuous stay language, thereby rendering Virginia’s waiver request unnecessary.

Maintaining Compliance

Virginia’s ongoing compliance monitoring, which includes the provision of information and on-site technical assistance, is a critical component of maintaining compliance with the sight and sound provision of the JJDP Act. To ensure continued compliance, when the Compliance Monitor inspects facilities, staff is reminded of sight and sound separation requirements, potential places that the requirements could be breeched are identified, and facility policies and procedures regarding separation are reviewed. Additionally, the Compliance Monitor will provide training at statewide or regional meetings and conferences. Virginia’s jail administrators are cognizant of the potential problems that can occur when sight and sound separation is not maintained between adults and juveniles and therefore take appropriate measures to ensure the separation, often going beyond what is minimally required.

In regard to colocated facilities, Virginia has included criteria that must be met in order for colocated facilities to be approved in *Virginia’s Compliance Monitoring Policy and Procedures Manual*. [See pp44-45, Appendix A] DCJS is unaware of any instances in which the collated facilities in Virginia share staff serving both adult and juvenile populations. Therefore, no statewide policies regarding joint training are in effect. Juvenile facilities, including those that

²⁹ In Virginia, juveniles can be held in juvenile correctional facilities until the age of 21 if they are convicted in juvenile or circuit court. Virginia allows for “blended sentencing” which gives circuit court judges authority to determine the best sentencing placement for juveniles which may be a juvenile facility, an adult facility, or an adult facility following a term in a juvenile facility.

may be collocated with an adult facility, must follow regulations approved by the Board of Juvenile Justice (6VAC35-140, *Virginia Administrative Code*).

DCJS and the ACJJ also closely monitor legislation which could impact Virginia's compliance with the sight and sound provision of the JJDP Act. Should legislation be introduced in the Virginia General Assembly which could impact compliance, a legislative action summary is developed and forwarded to the Secretary of Public Safety. Information may also be provided to legislative committees. Currently, no legislation which could impact this provision is pending.

Plan for Removal of Juveniles from Adult Jails and Lockups

Pursuant to Section 223(a)(13) of the JJDP Act, states must develop plans to ensure that juveniles are not detained nor confined in any adult jail or lockup, except as the *OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised January 2007) allows. Virginia legislation is consistent with the provisions and requirements of the JJDP Act (§§16.1-247, 16.1-248.1, 16.1-249, *Code of Virginia*).

Virginia is in compliance with the jail removal provision of the JJDP Act, allowing for the numerical de minimis exceptions. Virginia does not use the rural removal exception. A small number of violations have occurred over the past three years:

	FY2005	FY2006	FY2007	FY2008
Number of jail removal violations	6	4	7	9
Jail removal violation rate	0.34	0.22	0.38	0.48
# of Jails in Monitoring Universe	72	74	77	77
# of Lockups in Monitoring Universe	8	9	68	84

As can be seen in the table above, there has been a slight increase in the number and rate of jail removal violations during the past few years. This rise is attributed to the expansion of the monitoring universe to include a significantly higher number of lockups, also shown in the table. The number of jail removal violations is expected to increase as lockups improve their data collection processes as requested by the Compliance Monitor. Most facilities were not keeping data prior to 2008.

Maintaining Compliance

Virginia's ongoing compliance monitoring, which includes the provision of information and on-site technical assistance, is a critical component of maintaining compliance with the sight and sound provision of the JJDP Act. Additionally, the Compliance Monitor will provide training during meetings and conferences. DCJS and the ACJJ also closely monitor legislation which could impact Virginia's compliance with the jail removal provision of the JJDP Act. Should legislation be introduced in the Virginia General Assembly which could impact compliance, a legislative action summary is developed and forwarded to the Secretary of Public Safety. Information may also be provided to legislative committees. Currently, no legislation which could impact this provision is pending.

Plan for Compliance Monitoring

Pursuant to Section 223(a)(14) of the JJDP Act, states must provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and non-secure facilities to ensure that the core protections (the first three core requirements) of the Act are met. DCJS is

the designated state agency in Virginia responsible for the compliance monitoring effort and the validity of the annual monitoring report. To ensure quality and consistency, the Department has designated a Compliance Monitor with the sole responsibility of ensuring compliance with the JJDP Act's first three core requirements.

The Compliance Monitor conducts compliance monitoring activities, including on-site inspections, on a year-round basis. Together, the Compliance Monitor and the Juvenile Justice Specialist assess the Commonwealth's level of compliance and develop strategies as may be necessary to ensure compliance and address violations.

On-going technical assistance is a valuable element of Virginia's Compliance Monitor's duties. In addition to providing detailed technical assistance and informative documents during on-site visits, the Compliance Monitor is readily available to answer questions and provide direction to facilities throughout the Commonwealth regarding best practices for complying with the JJDP Act's core protections. Besides visiting facilities as part of the annual compliance monitoring inspection schedule, the Compliance Monitor will make site visits upon request of the local facility. DCJS also maintains a web site which includes information regarding the JJDP Act and compliance with the first three core requirements.

(1) **Policy and Procedures**

In July 2008, DCJS completed a revised, comprehensive policy and procedures manual. *Virginia's Compliance Monitoring Policy and Procedures Manual* describes the monitoring universe, the classification and inspection of facilities, and data collection and verification in detail. This manual is available for interested parties and will soon be available via the DCJS website. [See Appendix A]

(2) **Monitoring Authority**

The authority and responsibilities of DCJS are specified in Title 9.1, Chapter 1 of the *Code of Virginia*. Among its responsibilities, DCJS is designated as the planning and coordinating agency responsible for implementing and administering any federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control throughout the Commonwealth (§9.1-109). Through this authority, DCJS is responsible for administering the Title II Formula Grants Program and ensuring compliance with the JJDP Act. The Department's enacting legislation also includes specific language regarding the ACJJ, which serves as the state advisory group for the JJDP Act (§9.1-111). [See Appendix B]

(3) **Monitoring Timeline**

The Compliance Monitor maintains an annual calendar which outlines the monitoring schedule. Included in this schedule is the identification of facilities to inspect each year. Each year, the Juvenile Justice Specialist reviews the tasks to be accomplished and proposed timeline with the Compliance Monitor. Though some facilities are typically inspected annually, most facilities are inspected on a rotating basis (described in further detail later in this section). Dates and locations for site visits are scheduled throughout the monitoring year. Site visits to facilities are typically conducted between April and November. The annual monitoring schedule can be found on pages 10-11 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

(4) Violation Procedures

The Compliance Monitor is responsible for identifying, investigating, documenting, and reporting violations of the JJDP Act's first three core requirements. This is done through the compliance monitoring process described in this section and *Virginia's Compliance Monitoring Policy and Procedures Manual*. Should another agency or certification team uncover a potential violation, DCJS is notified and the Compliance Monitor investigates the claim.

Most potential violations are identified by the Compliance Monitor through reviews of detention logs and other data. When investigating a potential violation, the Compliance Monitor reviews the juvenile's case file held at the facility. Other files, such as additional court records, may also be reviewed.

All violations are discussed with the facility administrator or contact to explain why the event constitutes a violation and what remedial actions may be taken to prevent future violations. A summary of the violation is made in the facility file maintained by the Compliance Monitor. Intensive follow-up onsite visits are made to facilities where compliance is a problem. On-going or patterns or violations are followed closely and may result in additional actions including corrective action plans or targeted grant use for a specific locality. The Departments of Corrections and Juvenile Justice may also de-certify facilities for on-going violations which violate certification standards.

Violations are reported to the Juvenile Justice Specialist and as part of an annual report to OJJDP. Regular reports of compliance monitoring activities are provided to the state's advisory group, the ACJJ. Statewide concerns with compliance may be brought to the attention of the Secretary of Public Safety, Governor's office, and State Legislature should contributing factors involve state policies or laws.

A detailed description of Virginia's violation procedures is included on pages 7-8 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

(5) Barriers and Strategies

Implementing and maintaining an adequate system of compliance monitoring is an on-going task that can be challenging for various reasons. One of the largest barriers is associated with maintaining a comprehensive list of facilities in the monitoring universe which includes identifying and classifying new facilities. This is a continuous process impacted each time a facility is opened, staffing changes, relevant state laws or policies are amended, or OJJDP guidelines change. Fortunately, DCJS has a designated Compliance Monitor who has held the position for the past three years. This consistency has allowed the Compliance Monitor to identify specific barriers and develop strategies to overcome them.

One barrier is the potential change in how a lock up is used when local conditions change or new law enforcement administrators are put in place. In order to assist in the identification of secure lock ups, the Compliance Monitor developed a survey process which will be reissued on a regular basis.

Another barrier has been the addition and identification of court holding facilities to the monitoring universe. As a centralized list of court holding facilities does not exist elsewhere, the Compliance Monitor has had to identify where these are. A survey was sent out statewide and the Compliance Monitor continues to follow up on the

information received. The number of court holding facilities included as part of the monitoring universe grew quickly as a result of the initial survey results - from approximately 20 to over 100.

A significant barrier for any state is a change in compliance monitors. Being positioned to identify barriers and strategies that may exist elsewhere is best done by someone who has the proper training, experience, and tools. DCJS ensures that the Compliance Monitor is provided with initial and ongoing training, including that offered by OJJDP. *Virginia's Compliance Monitoring Policy and Procedures Manual* has also been recently revised to be more specific in regard to procedures.

Procedures to address Virginia's compliance monitoring barriers and strategies are included on pages 5-6 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

(6) Definition of Terms

Regardless of state definitions or interpretations, those used for purposes of monitoring facilities for compliance with the JJDP Act are the same as those prescribed by the Act, federal regulations, and the *OJJDP Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 2002* (revised January 2007). Definitions used for monitoring purposes can be found on pages 13-17 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

In regard to state definitions or interpretations, there are two notable differences in Virginia and OJJDP: status offense and colocated facility.

In regard to *status offender*, Virginia defines a status offender in the same manner as the JJDP Act: "a child who commits an act prohibited by law which would not be criminal if committed by an adult" (§16.1-288, *Code of Virginia*). Since underage alcohol offenses are criminal if committed by adults in Virginia, though limited to those ages 18-20, the definition of status offender does not extend to juveniles who commit an underage alcohol offense. However, OJJDP has interpreted the JJDP Act's definition to include underage alcohol offenses even though they may apply to adults. Virginia does not include violations of underage alcohol offenses as status offenses in their standard reporting practices, though juveniles detained for underage alcohol offenses are reported as DSO violations to OJJDP.

In regard to *collocated facility*, Virginia currently goes beyond the federal definition and considers several facilities colocated which share only a tract of land. For monitoring purposes, these facilities are classified as colocated facilities.

(7) Identification of the Monitoring Universe

The compliance monitoring universe includes all facilities that have the potential to hold juveniles pursuant to public authority, regardless of the purpose for housing juveniles. The Compliance Monitor maintains a Compliance Monitoring Universe Master List which contains listings of all facilities which might hold juveniles pursuant to public authority. This list is updated annually.

Virginia's monitoring universe currently includes: 24 secure juvenile detention centers, 7 juvenile correctional centers, 78 jails, 83 lockups, and 107 juvenile court holding

facilities. The Board of Corrections is legislatively responsible for developing regulations and certifying state prisons and local jails. As part of this process, they certify adult facilities for holding juveniles in a manner consistent with JJDP Act mandates. The Board of Juvenile Justice develops regulations and certifies facilities operating as part of the juvenile justice system.

Several activities will likely expand Virginia's monitoring universe during the course of this Three Year Plan:

- In 2008 a survey was sent to Sheriffs seeking to identify and expand the compliance monitoring universe to include all juvenile court holding facilities in the state. The survey resulted in the identification of 107 court holding facilities. It's expected that the number of court holding facilities will continue to increase as more facilities are identified. DCJS will work to ensure that the required percentage of site-visits is completed.
- DCJS has requested the Director of the Department of Corrections to certify that status and delinquent offenders are never detained in Virginia's prisons and that "Scared Straight" programs are not be conducted in the prisons which would violate the Separation core requirement of the JJDP Act. This is a regular request of the Department.
- The Compliance Monitor continues to work with the Department of Juvenile Justice, the Department of Social Services, and the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure that facilities licensed and regulated by these agencies are in compliance with the JJDP Act. This ensures that children's group homes are non-secure and that children who may be detained in mental health facilities are held for mental health purposes only. Any facilities found to be secure will be added to the monitoring universe.
- In 2010, a survey will be sent to approximately 240 law enforcement agencies in Virginia whose facilities are not classified as a lockup to ensure that their facilities have not been upgraded to a secure lockup status. Agency heads will be asked to certify certain information that will assist in the classification of their facility to determine if they are secure or non-secure. If the questionnaire reveals that the facility meets the definition of a secure facility, it will be added to the monitoring universe and an onsite visit will be scheduled.

A detailed description of Virginia's identification process is included on pages 19-20 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

(8) Classification of the Monitoring Universe

The Compliance Monitor classifies and/or reclassifies all facilities listed on the Compliance Monitoring Universe Master List annually. There are four categories for classification of each facility:

1. Public or private (owned by State, local agency or owned by a private non or for profit agency)
2. Juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults
3. Secure or non-secure
4. Residential or non-residential

Any initial classification or reclassification is verified through an on-site inspection conducted by the Compliance Monitor. Factors such as state standards, legislation, and policy directives may create the need to change a facility's initial classification.

A detailed description of Virginia's classification process is included on pages 21-23 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

(9) **Inspection of Facilities**

Facilities must be inspected in order to classify them and to determine whether they comply with Sections 223(a)(11), (12), and (13) of the JJDP Act. Such inspections are necessary to provide the protections required by the JJDP Act and to determine whether adequate data are maintained to determine compliance with the first three core requirements of the JJDP Act.

Virginia has gone beyond the federal requirements by creating a dual system of desk-top monitoring of records and on-site inspection, ensuring that all facilities are reviewed and/or visited annually. Annual site visit plans include Virginia's 24 secure juvenile detention centers and at least one-third of 7 juvenile correctional centers, 78 jails, 83 lockups, and 107 juvenile court holding facilities that are currently in our monitoring universe.

A detailed description of Virginia's inspection process is included on pages 24-26 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]

(10) **Data Collection and Verification**

DCJS collects and reviews data from a variety of sources in order to determine compliance with the first three core requirements of the JJDP Act:

Juvenile Tracking System: All secure juvenile detention facilities and juvenile correctional facilities in Virginia utilized an automated statewide data system known as the Juvenile Tracking System (JTS). JTS is maintained and audited by the Department of Juvenile Justice. This system provides offense and demographic information. Data is provided to DCJS by the Department of Juvenile Justice annually. The Compliance Monitor reviews all data reported to identify potential violations of the JJDP Act.

Local Inmate Data System: All jails in Virginia utilize an automated statewide data system known as the Local Inmate Data System (LIDS). LIDS is maintained by the State Compensation Board which regularly audits the data entered by local jails. This system includes demographic, offense, admission, and release data on juveniles and adults who are held by a jail. Data is provided to DCJS by the State Compensation Board annually. The Compliance Monitor reviews all data reported to ensure that individuals under age 18 are held in accordance with state law and federal regulations.

Admission/Detention Logs: Lock-ups do not report admissions to any central state authority. The Compliance Monitor reviews logs maintained by the lock up to identify potential violations of the JJDP Act's core protections. The Compliance Monitor has requested lock-ups to maintain juvenile detention logs for all juveniles securely detaining and to make these logs available for inspection annually. All lockups are subject to on-site compliance monitoring inspections by the DCJS Compliance Monitor in addition to on-site inspections by the Department of Juvenile Justice and the Department of Corrections certification teams.

Case Files: Following the identification of potential violations through the review of data obtained from either JTS or LIDS, the Compliance Monitor will review of individual case files maintained at the facility. Concerns that cannot be resolved at the facility are investigated further through the Court Service Unit of the locality. Court records, transportation orders, and other documents in the juvenile's files are carefully reviewed in order to determine if a violation has occurred.

A detailed description of Virginia's data collection and verification process is included on pages 27-30 of *Virginia's Compliance Monitoring Policy and Procedures Manual*. [See Appendix A]



DISPROPORTIONATE MINORITY CONTACT



DISPROPORTIONATE MINORITY CONTACT

Pursuant to Section 223(a)(22) of the JJDP Act of 2002, states and territories must address specific delinquency prevention and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of minorities who come into contact with the juvenile justice system. Disproportionate minority contact (DMC) exists if the rate of contact with the juvenile justice system of a specific minority group is significantly different than the rate of contact for non-Hispanic whites or other minority groups. The purpose of this core requirement is to ensure equal and fair treatment for every youth, regardless of membership in any minority or majority population group, involved in the juvenile justice system.

The method that OJJDP has selected to use in determining the extent of DMC is the relative rate index (RRI). This method involves comparing the relative rate activity for each major stage of the juvenile justice system for minority and white youth. This method provides a single index number that indicates the extent to which the rate of a particular contact or activity differs for minority and white youth.

A state achieves compliance with this core requirement when it meets the following conditions:

- Identification of the extent to which DMC exists;
- Assessment to examine and determine the factors that contribute to DMC if it exists;
- Intervention by developing and implementing strategies to reduce DMC;
- Evaluation of the efficacy of intervention strategies; and
- Monitor changes in DMC trends over time.

Phase I: Identification

The purpose of the identification phase of a state's DMC effort is to determine whether disproportionality exists and the extent to which it exists.

(1) Updated DMC Identification Spreadsheets

OJJDP requires states to enter the most recent available statewide data and at least three targeted jurisdictions with the highest minority concentrations, or, preferably, the localities with focused DMC-reduction efforts into its web-based DMC Data Entry System.

Virginia has entered FY2008 data for eleven cities and counties into the OJJDP DMC Data Entry System. Included among the localities are Norfolk and Newport News, which are part of the focused DMC effort that DCJS has supported through the use of JJDP Act funds.

(2) DMC Data Discussion

The RRI is computed by determining the relative rate of activity at each major stage of the juvenile justice system for minority and white youth. This method provides a single index number that indicates the extent to which the rate of a particular contact or activity differs for minority and white youth. It does not calculate the odds of particular types of contact. Results may also be skewed or unable to be calculated due to low raw numbers.

Statewide juvenile justice data, as well as data for eleven counties and cities, has been entered into the OJJDP DMC Data Entry System. Continued evidence of DMC and a growing understanding of it led to the prioritization of DMC in *Virginia's Three-Year Plan*

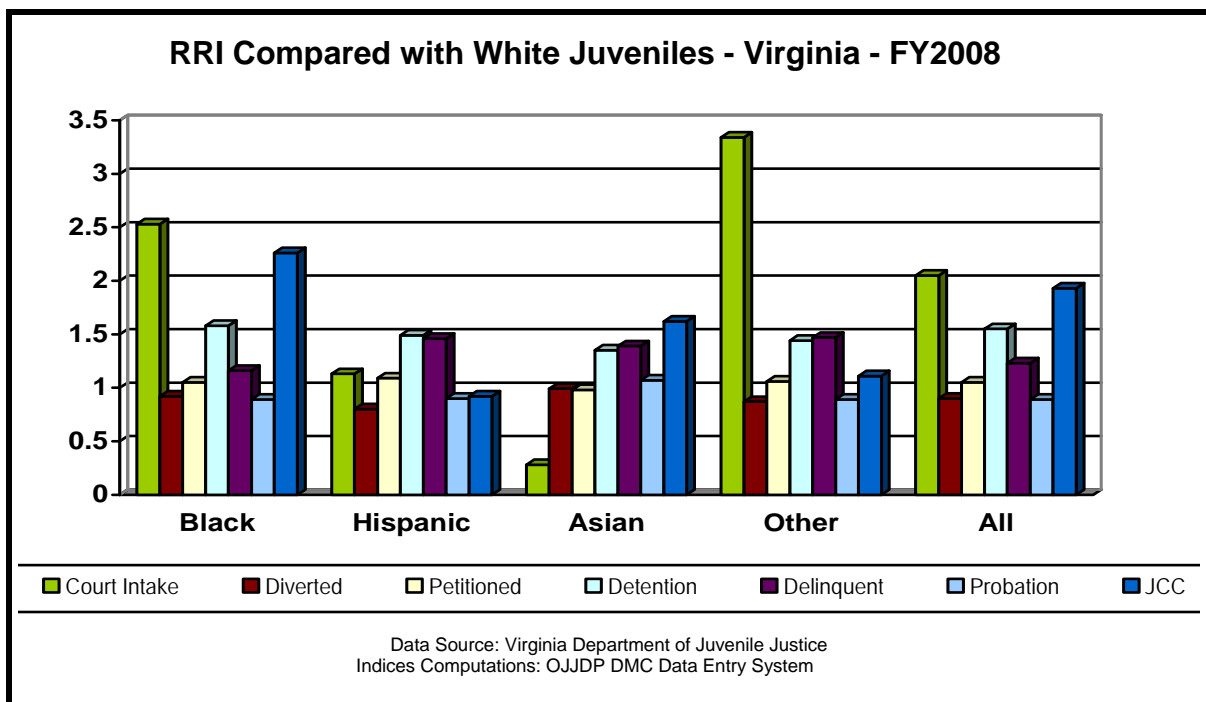
2009-2011. For 2009, DMC is ranked first in the priority list. This data will also be used to help evaluate and make funding decisions for a DMC discretionary grant solicitation in 2009.

U.S. Census Bureau 2007 population estimates of Virginia's juveniles ages 10-17 were used as the base from which the RRI's were developed.

Race	2007 Population Estimates Juveniles 10-17	
Asian	33,928	4.2%
Black	189,049	23.2%
Hispanic	57,883	7.1%
Native American	2,128	0.3%
White	511,087	62.7%
Other	21,132	2.5%
TOTAL	815,207	100%

All system contact data used was provided by DJJ. Due to differences in race reporting, arrest data was not used for RRI calculations. The white juvenile population serves as the comparative group. Rates above 1.0 indicate that the incidence ratio is higher for the given population group than for the comparative group; rates below 1.0 indicate that the incidence ratio is below that for the comparative group.

Statewide, disproportionality is evident at many key contact points for multiple minority groups. This was true when reviewed for the last three-year plan as well. However, in comparing FY2008 data to FY2005, the overall RRI for all minority cases resulting in confinement in secure juvenile correctional facilities has decreased from 2.33 to 1.93.



As can be seen on the previous graph, minority children are twice as likely to be brought before intake as juveniles classified as White. The rate climbs to 2.53 when looking at juveniles classified as Black. Though improved, the rate of minority cases resulting in confinement in secure juvenile correctional facilities is still quite disproportionate. There is little difference when comparing other contact points between years.

Three localities were profiled for DMC in *Virginia's Three-Year Plan 2006-2008*: Fairfax County, Norfolk, and Virginia Beach. Newport News was not profiled; however, it is part of a targeted DMC effort that was initiated following the plan's publication. These localities continue to show evidence of disproportionate treatment of minority juveniles in the justice system. The following table shows how the juvenile population racial distribution in each of these areas compares to the State:

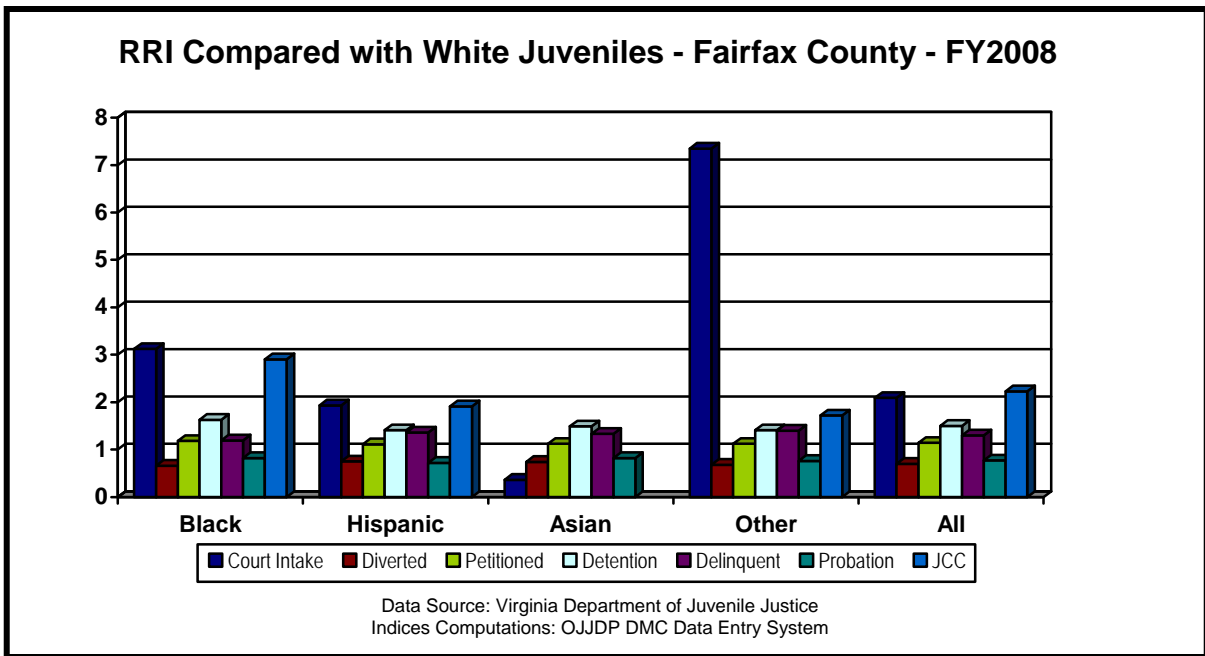
2007 Population Estimates Juveniles 10-17					
Race	Virginia	Fairfax County	Newport News	Norfolk	Virginia Beach
Population % of State	815,207	112,553 13.8%	21,903 2.7%	24,459 3.0%	51,731 6.3%
Asian	4.2%	14.9%	1.8%	2.3%	4.2%
Black	23.2%	10.5%	48.3%	53.3%	23.4%
Hispanic	7.1%	13.8%	6.0%	5.1%	7%
Native American	0.3%	0.2%	0.3%	0.4%	0.4%
White	62.7%	57.2%	39.9%	35.2%	60.9%
Other	2.5%	3.4%	3.7%	3.7%	4.1%
TOTAL	100%	100%	100%	100%	100%

Fairfax County

Fairfax County is home to almost 14% of juveniles ages 10-17 in Virginia. Its minority juvenile population distribution is much different than the State's as a whole. Though the County's total minority juvenile population distribution is reflective of the State's, it is quite different when examined by individual minority group. The percentage of juveniles classified as Asian or Hispanic is significantly higher than that statewide figure, but those classified as Black is less than half.

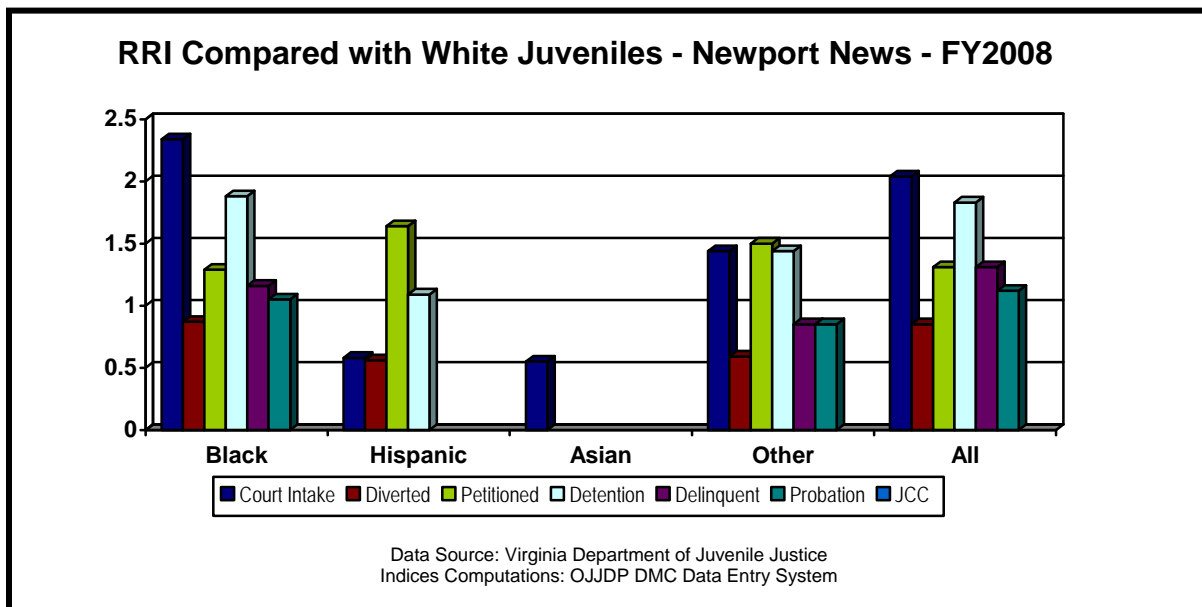
As can be seen on the next graph, minorities are more than twice as likely to be brought before intake as those classified as White. The RRI for all minorities in Fairfax are quite similar to those for minorities statewide. However, when examined by individual minority group, some differences are noted:

- The court intake RRI for juveniles classified as Black is 3.12 in Fairfax County, higher than the statewide RRI of 2.53 for the same population.
- The diversion RRI for juveniles classified as Black is low, only 0.66 in Fairfax County, even lower than the statewide RRI of .92 for the same population.
- The confinement RRI for juveniles classified as Black is 2.9 in Fairfax County, higher than the statewide RRI of 2.26 for the same population.



Newport News

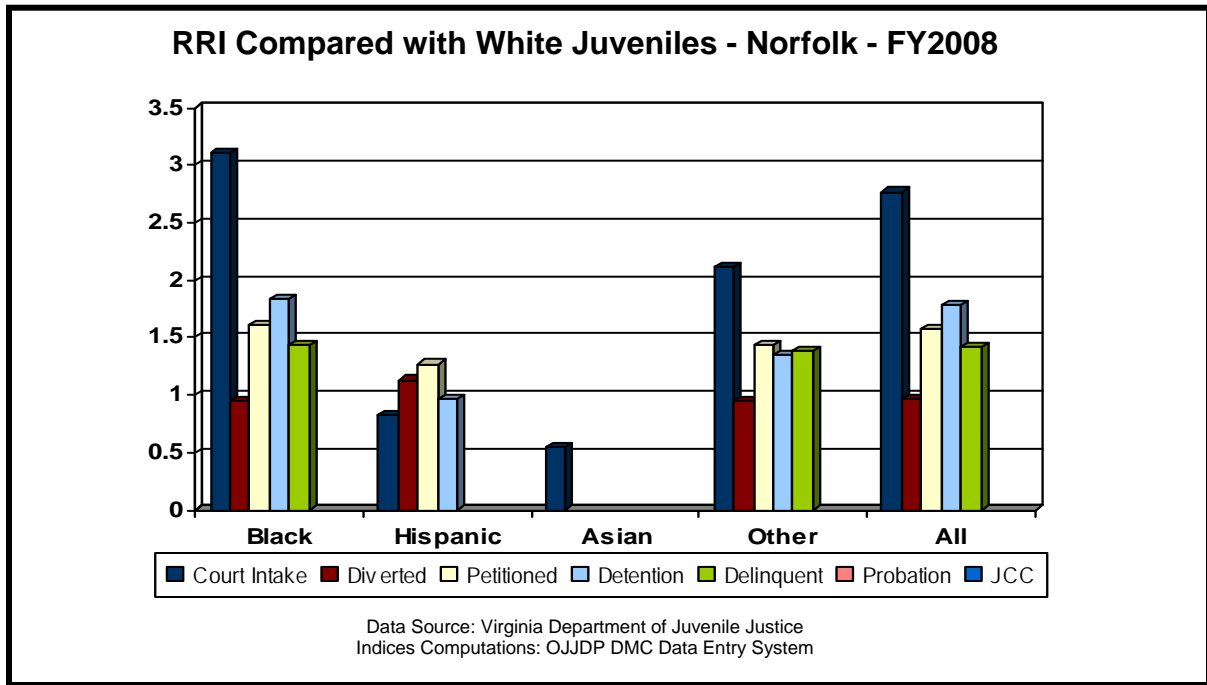
The total juvenile population distribution in Newport News is quite different from the statewide distribution. Over 48% of juveniles are classified as Black in Newport News and approximately 40% are classified as White, whereas the statewide distribution is approximately 23% and 63% respectively.



Due to low raw numbers, there are an insufficient number of Asian cases for RRI analysis. There were also an insufficient number of cases resulting in confinement for analysis. As for other contact points, RRIs in Newport News are similar to the statewide figures for minorities as a whole and those classified as Black. On a positive note, the RRI for cases resulting in probation placement is higher in Newport News for all minorities and for those classified as Black.

Norfolk

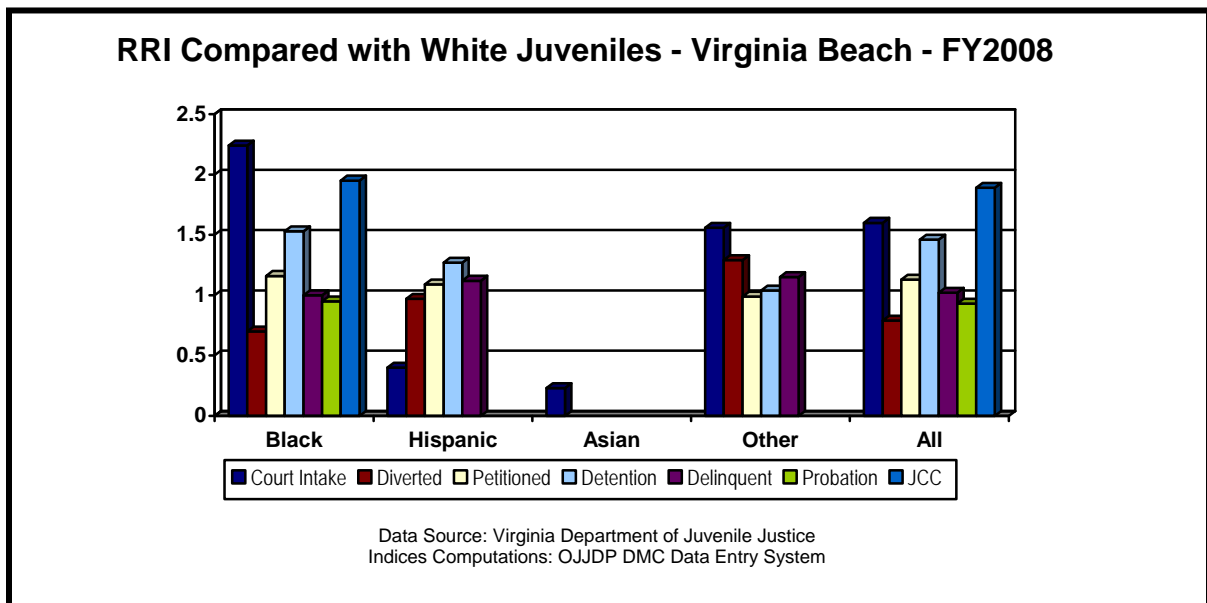
As with Newport News, the total juvenile population distribution in Norfolk is quite different from the statewide distribution. Over 53% of juveniles are classified as Black in Norfolk and approximately 35% are classified as White, whereas the statewide distribution is approximately 23% and 63% respectively.



Due to low raw numbers, there are an insufficient number of Asian cases for RRI analysis. There are also an insufficient number of cases resulting in confinement or probation for analysis. In regard to other contact points, the RRIs in Norfolk exceed the statewide rates in all areas for all minorities and for juveniles classified as Black.

Virginia Beach

The juvenile population distribution in Virginia Beach closely mirrors that of the state.



Due to low raw numbers, there are an insufficient number of Asian cases for RRI analysis in most areas. The RRI for court intake are lower for all minority groups in Virginia Beach than the statewide rates. However, the RRI still indicates disproportionality for all minority groups, 1.6, and juveniles classified as Black, 2.24.

The diversion RRI in Virginia Beach is lower than the statewide rate for juvenile classified as Black, however the probation RRI is slightly higher. The confinement RRI is also lower than the statewide rate.

Phase II: Assessment/Diagnosis

When a state determines DMC exists, OJJDP requires the state to conduct an assessment. Additionally, targeted assessments should be conducted when significant changes in the RRI are noted at particular decision points or after the implementation of significant changes in laws, procedures, or policies within the juvenile justice system that may negatively impact DMC.

A DMC assessment is a comprehensive analysis utilizing advanced research methodologies to identify the contributing factors, examine minority over-representation, and explain differences at all contact stages of the juvenile justice system. It should also include recommendations for specific intervention strategies. At this point, Virginia has not conducted a statewide DMC assessment. In order to comply with the OJJDP directive, a statewide assessment will be conducted during the course of this three-year planning period. The time-limited plan includes the following steps, including those outlined by OJJDP:

- June 2009: Submit formal request to OJJDP for technical assistance
- July 2009: DMC Subcommittee to determine assessment timeline with OJJDP technical assistance provider
- October 2010: Begin study to include the following elements:
 - Introduction - DMC literature review and overview of DMC
 - Stage I - Possible explanations
 - Stage II - Data and results patterns
 - Stage III - Data collection
 - Stage IV - Data analysis

Technical assistance from OJJDP will be needed in order to conduct such an assessment.

Phase III: Intervention

Though a statewide assessment has not yet been conducted, Virginia recognizes that DMC exists within the juvenile justice system and has developed intervention plans. Data, RRI calculations, and other research and information, including the professional expertise of ACJJ members, are used to develop strategies targeting DMC.

(1) Progress made in FY2008

Study of the Juvenile Justice System

In 2008, the General Assembly directed the Virginia State Crime Commission (VCC) to continue its study on Virginia's Juvenile Justice System to complete goals from the previous year and add new goals regarding mental health and substance abuse needs and services in the juvenile justice system. The study noted DMC may result from school policies, targeting of crime-ridden neighborhoods, inability of the indigent to retain paid counsel, and

lack of available prevention opportunities and alternatives to detention in economically deprived communities. Study elements included:

- Best Practices for DJJ and CSU Directors to help implement evidence-based practices and programs that are specific to the need of the child. A letter was sent to the Director of DJJ identifying this list and other findings at the request of the Commission.
- An analysis comparing DOC racial and ethnic statistics with those of DJJ.
- A survey of JDR Judges and CSUs to help determine the number of juveniles by race who are diverted from detention/incarceration and the types of diversion alternatives used.
- A review of successful reentry programs and identification of those in need of improvement.

The study also surveyed JDR Judges and CSU Directors to determine the extent to which DMC is a problem in their locality. 84 responses were received with the following results:

- 45% reporting that DMC is “not a problem”.
- 42% reporting that DMC is a “small problem”.
- 11% reporting that DMC is a “moderate problem”.
- 2% reporting that DMC is a “serious problem”.
- 54% (19 out of 35) of CSU Directors feel that DMC is a moderate to severe problem in their localities.
- Focus groups voiced little concern about the issue.
- 74% (54 out of 74) of JDR Judges and 63% (21 of 33) of CSU Directors rated the Detention Assessment Instrument as a combination “somewhat effective” and “very effective” in reducing DMC.

The Commission voted unanimously to continue the study an additional year to specifically focus on transfer and certification of juveniles to circuit court. DCJS will continue to follow this study and report annually as it relates to the number of minority youth who are transferred and certified.

Counsel for Detention Hearings

During the 2008 General Assembly Session, SB610 was passed, increasing the fees paid to counsel who represent juveniles in certain felony cases requiring more time than usual for representation.

ACJJ

The DMC Subcommittee of the ACJJ continues to meet regularly. During the most recent meeting, subcommittee members reviewed a solicitation inviting applicants to apply for initiatives to address DMC in their localities. At the recommendation of the subcommittee, the full ACJJ voted to use JJDP Act Title II funds to support projects that would reduce DMC through a competitive grant initiative.

As the state’s criminal justice planning agency, DCJS continues to convene policy meetings designed to address current criminal justice issues. In 2008, a Blueprints policy session was held to address DMC across systems. Stakeholders from the Departments of Education, Social Services, Juvenile Justice, Mental Health Mental Retardation and Substance Abuse Services and other child serving professionals convened to address the impact of negative

overrepresentation in the various systems that eventually lead to the juvenile justice system. Members of the ACJJ DMC subcommittee participated in this session.

As a result of the Blueprints session, the Department of Juvenile Justice completed a relative rate index analysis for each Court Service Unit (CSU) to get a better picture of decision points showing significant disparities. This information was sent to CSUs to assist them in developing plans to reduce disparities.

The members of the ACJJ are also invited to participate in the annual DMC conference co-sponsored by DCJS and Virginia State University (VSU). This conference targets DMC from various perspectives and systems, attracting a diverse audience. A conference was held in March of 2008 and will be held next on April 23, 2009 on the VSU campus.

(2) DMC Reduction Plan for FY2009-2011

In preparation for developing *Virginia's Three-Year Plan 2009-2011*, the ACJJ held a three-day facilitated planning retreat which included one day devoted to DMC. Following the retreat, the ACJJ prioritized DMC as the top issue for the first year of the planning period.

Several activities concerning data collection, data system improvement, assessment, programmatic and systems improvement intervention, and evaluation were identified during the retreat. These include:

- Supporting the Department of Juvenile Justice in their efforts to implement the Youth Assessment and Screening Instrument (YASI™) statewide. This will be done in FY2009-2011. Specific funding amounts are unavailable.
- Identifying and providing training opportunities for system professionals at all stages of the juvenile justice system, including community stakeholders serving at-risk youth, regarding best practices. Specific steps will be taken in each year between FY2009 and FY2011. Specific funding amounts will be determined as part of the planning in FY2010 and FY2011.
- Developing, implementing, and evaluating strategies for reducing the number of referrals to CSU intake by School Resource Officers. The strategies will be developed in FY2009 and FY2010 with implementation occurring during FY2010 and FY2011. The evaluation will be conducted after implementation. At this time, no additional cost is anticipated for the evaluation or strategy development. Training costs to be incurred will be identified in FY2010.

Specific goals, objectives, and activities for DMC are included in the section titled "Juvenile Justice Priorities and Plans".

Phase IV: Evaluation

Virginia has not yet completed a statewide assessment, so the evaluation component of the plan guide is not applicable.

Phase V: Monitoring

Virginia has several data sources which improve each year in terms of quality and quantity of data. DJJ accommodates data requests from DCJS which provide us with data helpful in monitoring and tracking changes in DMC trends over time. During the course of the three-year plan period, DCJS will develop a more detailed DMC monitoring and tracking process. Annual updates to the OJJDP DMC Data Entry System may soon be possible.

Monitoring activities occur throughout the year.



JUVENILE JUSTICE PRIORITIES AND PROGRAM PLANS



JUVENILE JUSTICE PRIORITIES AND PROGRAM PLANS

Throughout each year, the ACJJ is provided with presentations on data trends, programs, and issues related to youth and the juvenile justice system. This information provides the members with a solid base of understanding from which to develop priorities which will drive the direction of the committee and funding decisions. In preparation for developing the *Virginia's Three-Year Plan 2009-2011*, input was solicited from various organizations and professionals via a stakeholder survey. Additionally, the ACJJ held a three-day facilitated planning retreat in September 2008. The retreat included one day devoted to disproportionate minority contact to which additional participants were invited.

Data summaries were presented during both the DMC and standard planning retreat. Results of the stakeholder survey were presented during the standard planning retreat segment. During each segment, participants brainstormed concerns and needs from their professional, expert perspectives. The results were grouped into main themes which led to the development of goals and objectives for each. Preliminary action plans were then drafted. Statements were developed using the results of the planning retreat and then prioritized by the ACJJ. To allow for the completion of projects begun under *Virginia's Three-Year Plan 2006-2008*, two other priorities (listed as numbers 5 and 6) were added for continuation grants only.

Priority Listing

Prior to the start of each year, the ACJJ reviews the problem statement areas outlined in the current three-year plan along with data updates. They then vote on the priority funding order for projects for the year. Priorities may shift or remain the same during a three-year planning period. Changes are reported in annual updates. The priority order for 2009 is as follows:

1. Reducing disproportionality in the juvenile justice system;
2. Diverting juveniles from detention and proving alternatives;
3. Increasing family and community involvement;
4. Ensuring youth are afforded due process of law;
5. Reducing system involvement of truants and juveniles with other negative school-related behaviors (continuation grants only); and
6. Addressing at-risk children and young offenders aged 13 and under (continuation grants only).

Detailed program descriptions and plans for each priority area follow. Additional program descriptions and plans for the supporting activities of the ACJJ (State Advisory Group) and DCJS (Planning and Administration) are also included.

■ Priority 1: Reducing disproportionality in the juvenile justice system.

Program Problem Statement:

Over-representation of minorities is evident in the various contact points of Virginia's juvenile justice system. This is clearest when examining the Black and White juvenile populations, which account for 86% of those ages 10-17. The U.S. Census Bureau estimate for 2007 indicates that slightly more than 23% of Virginia's juvenile 10-17 year-old population is Black. However, half of juvenile arrests are classified Black and 66% of admissions to juvenile correctional centers are classified Black.

The raw numbers and percentages clearly indicate disproportionate contact at various contact points in the system. These are supported by relative rate indices which provide the rate at which the disproportionate contact occurs.

Disproportionate minority contact (DMC) exists throughout the country. This issue is so prevalent that the JJDP Act requires all states to address DMC within the juvenile justice system.

Reducing disproportionality was a priority area in *Virginia's Three-Year Plan 2006-2008*. Targeted projects in Newport News and Norfolk were funded and several other activities occurred throughout the planning period. Continued evidence of DMC and a growing understanding of it led to the prioritization of DMC in *Virginia's Three-Year Plan 2009-2011*. For 2009, DMC is ranked first in the priority list. Detailed goals and objectives for this priority area are included in Section 7, Statements of the Problem/Program Narratives.

For additional discussion and data on this topic, see the section titled "Disproportionate Minority Contact".

Federal Program Area Codes and Titles:

- Disproportionate minority contact (10)
- Juvenile justice system improvement (19)

Program Goals, Objectives, Activities and Services:

Goal 1: In Virginia all juveniles diverted at intake go to programs that are evidence and empirically-based and appropriate to the needs of the child.

Objective 1.1: Support the Department of Juvenile Justice in their efforts to implement the Youth Assessment and Screening Instrument (YASI™) statewide.

Activities and Services:

- 1.1(1): Identify necessary resources to implement statewide training.
 - *Responsibility:* DCJS staff with DJJ
 - *Timeframe:* Year 1
- 1.1(2): Support DJJ in developing and conducting a process evaluation of implementation.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 2-3

Goal 2: Decisions at all stages of Virginia's juvenile justice system are made according to objective criteria.

Objective 2.1: To avoid disparate treatment, system professionals at all stages of the juvenile justice system, including community stakeholders serving at-risk youth, are trained in best practices.

Activities and Services:

- 2.1(1): Convene stakeholders and identify issues/concerns.
 - *Responsibility:* DCJS staff
 - *Timeframe:* December 12, 2008 (Blueprints Session)
- 2.1(2): Identify training opportunities for stakeholders (including parents, Boys and Girls Clubs, NAACP, judges, prosecutors, defense attorneys, intake officers, probation officers, teachers, law enforcement, civic groups, non-profits, former users of system services, education majors, etc.).
 - *Responsibility:* DCJS staff and ACJJ DMC Subcommittee
 - *Timeframe:* Year 1
- 2.1(3): Identify and provide discipline-specific training content for those disciplines identified in Step 2.
 - *Responsibility:* ACJJ DMC Subcommittee and stakeholders
 - *Timeframe:* Years 2-3
- 2.1(4): Identify and/or develop pre and post tests regarding DMC perception and understanding as appropriate.
 - *Responsibility:* DCJS staff and ACJJ DMC Subcommittee
 - *Timeframe:* Years 2-3
- 2.1(5): Review and revise training.
 - *Responsibility:* DCJS staff and ACJJ DMC Committee
 - *Timeframe:* Year 3

Objective 2.2: Develop strategies for reducing the number of referrals to CSU intake by School Resource Officers (SROs) that could be handled reasonably by the schools.

Activities and Services:

- 2.2(1): Convene meetings with Center for School Safety and local law enforcement to develop strategies and determine collaborative approaches for working with SROs on referrals to CSU intake units.
 - *Responsibility:* DCJS staff and ACJJ DMC Subcommittee
 - *Timeframe:* Year 1
- 2.2(2): Implement strategies in pilot sites (use DMC sites).
 - *Responsibility:* DCJS staff with others TBD
 - *Timeframe:* Years 2-3
- 2.2(3): Evaluate and review strategies to either retool or implement statewide.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Following implementation

Goal 3: In Virginia disproportionality is reduced in the juvenile justice system.

Objective 3.1: Establish pilot sites to implement DMC strategies.

Activities and Services:

- 3.1(1): Look at data to identify possible pilot sites.
 - Responsibility: DCJS staff
 - Timeframe: Year 1
- 3.1(2): Establish grant selection criteria.
 - Responsibility: DCJS staff
 - Timeframe: Year 1
- 3.1(3): Issue RFP.
 - Responsibility: DCJS staff
 - Timeframe: Year 1
- 3.1(4): Select sites and award grants based on grant selection criteria.
 - Responsibility: DCJS staff; ACJJ DMC Subcommittee; ACJJ; CJSB
 - Timeframe: Year 1

Mandatory Performance Measures*:

- For disproportionate minority contact (10):
 - Number and percent of program staff trained.
 - Number of hours of program staff training provided
 - Number of planning activities conducted
 - Number of assessment studies conducted
 - Number of data improvement projects implemented
 - Number of objective decision-making tools developed
- For juvenile justice system improvement (19):
 - Federal grant funds awarded
 - Average length of time between initial court appearance and disposition

*Subgrantees are required to report on all mandatory measures as applicable.

Budget:

Disproportionate minority contact (10)

Year	JJDP	State	Total
2009	433,020	0	433,020
2010	323,020	0	323,020
2111	323,020	0	323,020

Juvenile system improvement (19)

Year	JJDP	State	Total
2009	0	0	0
2010	25,000	0	25,000
2111	25,000	0	25,000

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Priority 2: Diverting juveniles from detention and providing alternatives.

Program Problem Statement:

Researchers concur that placing low-risk offenders in detention is harmful and exposes them to delinquent peers. This exposure is also a predictor of delinquency.³⁰ Efforts to reduce the use of detention are spreading across the country and Virginia has prioritized providing alternatives to detention in prior three-year plans.

Virginia is seeing a reversal in the increasing detention admission trend of the 1980s and 1990s. In FY2008, admissions to secure detention reached their lowest level since before 1997. Admissions to secure detention facilities have decreased both in terms of the number of admissions and the number of juveniles accounting for those admissions. As noted earlier, in just the past three years, the number of admissions has decreased almost 6% and the number of juveniles admitted to detention is down almost 11%.

This decline is, in large part, attributed to concerted efforts by DJJ to institute the Detention Assessment Instrument (DAI) and encourage localities to adopt the Juvenile Detention Alternatives Initiative (JDAI). These, along with a new assessment instrument initiative (YASI) are discussed in Section 1, Structure and Function of the Juvenile Justice System.

Expanding JDAI, and other efforts proven to reduce the use of detention, is necessary in order to keep detention admissions low and possibly reduce them further. The use of valid risk/needs assessment instruments, such as the YASI, and the development of needed evidence-based programs helps ensure that juveniles coming in contact with the system receive effective program services appropriate to their needs in the least restrictive environment.

Federal Program Area Codes and Titles:

- Juvenile justice system improvement (19)
- Alternatives to detention (2)
- Diversion (11)

Program Goals, Objectives, Activities and Services:

Goal 1: In Virginia all juveniles coming into contact with the juvenile justice system will receive effective program services appropriate to their needs and in the least restrictive environment.

Objective 1.1: Support the Department of Juvenile Justice in their efforts to implement the Youth Assessment and Screening Instrument (YASI™) statewide. (See Priority 1, Goal 1, Objective 1.1 for detailed activities.)

Objective 1.2: Expand Juvenile Detention Alternatives Initiative (JDAI) sites in Virginia.

³⁰ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., and Cothorn, L., *Predictors of Youth Violence, Juvenile Justice Bulletin*, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2000.

Activities and Services:

- 1.2(1): Develop RFP and administer grants supporting JDAI Coordinators in new JDAI sites.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Year 1
- 1.2(2): Support DJJ in their efforts to expand JDAI sites.
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Ongoing

Objective 1.3: Identify and promote effective programs and services, ensuring that all grant-funded programs have strong accountability measures and are empirically based.

Activities and Services:

- 1.3(1): Include requirements in RFPs requiring data reporting, program evaluation, and the use of evidence- or empirically-based programming and tools.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Year 1
- 1.3(2): Enhance grant review process to include additional data/program review information for ACJJ Grants Subcommittee and develop grant review score sheets that apply criteria for data reporting, evaluation, sustainability, and the use of evidence- or empirically-based programming.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Year 1
- 1.3(3): Continue to promote effective programming which includes model programs and promising strategies identified at the federal level and available through OJJDP and other federal entities.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Ongoing
- 1.3(4): Explore existing research on Best Practices for wraparound approaches to services and the elements which are part of successful wraparound approaches.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Year 2
- 1.3(5): Review Annual Report and identify possible ways to revise future versions to highlight the positive results from grant funded programs.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 2-3
- 1.3(6): Hold conference/training events which promote effective programming.
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Beginning with Annual conference in Year 1; possible other opportunities TBD

- 1.3(7): Request technical assistance from OJJDP as needed to bring in specific trainers with expertise reflecting the data needs and selected programs.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.3(8): Enhance grant monitoring and technical assistance process including: data driven reporting, accountability, sustainability and program effectiveness. Training sessions may be necessary.
- *Responsibility:* DCJS staff
 - *Timeframe:* Ongoing

Mandatory Performance Measures*:

- For juvenile justice system improvement (19):
 - Federal grant funds awarded
 - Average length of time between initial court appearance and disposition
- For alternatives to detention (10) and diversion (11):
 - Number of program youth served
 - Number and percent of program youth who offend or reoffend
 - Number and percent of youth completing program requirements

*Subgrantees are required to report on all mandatory measures as applicable.

Budget:

Juvenile justice system improvement (19)

Year	JJDP	State	Total
2009	32,500	0	32,500
2010	41,250	0	41,250
2111	250,000	0	250,000

Alternatives to detention (2)

Year	JJDP	State	Total
2009	129,119	0	129,119
2010	297,553	0	297,553
2111	200,000	0	200,000

Diversion (11)

Year	JJDP	State	Total
2009	50,000	0	50,000
2010	275,000	0	275,000
2111	200,000	0	200,000

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Priority 3: Increasing family and community involvement.

Program Problem Statement:

Stakeholders surveyed as part of the three-year planning process identified family involvement/lack thereof as a need or concern in working with, or planning for, youth involved in the juvenile justice system. This concern was echoed by members of the ACJJ and extended to the general community during the planning retreat held in September 2008. Some of the desires for Virginia's families and youth expressed were:

- Stronger family role in re-entry, schools and community
- Increased family involvement, especially in the system
- Greater public awareness leading to community engagement
- More school-based collaborations with juvenile justice approaches and community-based approaches

This perspective of a greater need for community and family involvement is not unique to Virginia. National efforts are aimed at engaging communities and involving faith-based and community-based organizations in developing approaches to working with initiatives such as re-entry.

Engaging family and communities can occur at various levels. Laws and regulations exist in Virginia which include parents on advisory boards and require their inclusion in treatment and educational planning. The extent to which this actually occurs is unknown. Frustrations and barriers exist for both those in public agencies trying to accomplish their jobs and for the parents of the children involved.

On the community side, little is known by the general public about adolescent brain development, challenges faced by at-risk and system-involved youth, re-entry issues, or DMC. Without this knowledge, community organizations do not know where or how their assistance and resources can be used to assist system-involved youth.

Federal Program Area Codes and Titles:

- Juvenile justice system improvement (19)
- Strategic community action planning (35)

Program Goals, Objectives, Activities and Services:

Goal 1: Families are involved at all levels of the juvenile justice system.

Objective 1.1: Identify and enact family-centered services in the juvenile justice system.

Activities and Services:

- 1.1(1): Review existing juvenile justice system in Virginia to determine those points where parents and youth are required to be/should be involved (from prevention to reentry).
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 1

- 1.1(2): Design and administer a survey to determine compliance with parental involvement requirements and identify whether agencies include parents and youth in their advisory boards. Include review of surveys from other agencies (such as DOE's reenrollment regulations survey and DSS survey) to avoid duplication.
- *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 1
- 1.1(3): Design and administer two surveys to identify frustrations and barriers regarding family involvement. One survey should be developed to capture the perspective of parents and family advocacy groups (such as JustChildren, VA Children, etc.); the other to capture the perspective of provider groups (such as juvenile justice professionals, education, social services, etc.).
- *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 1
- 1.1(4): Identify key system players and others to serve as a working group to break barriers to family-centered services in the system.
- *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 1
- 1.1(5): Convene workgroup and introduce results from Steps 1-3.
- *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 1
- 1.1(6): Develop recommendations for and adopt an approach (or approaches) to breaking barriers.
- *Responsibility:* Workgroup identified in Step 4; DCJS staff; ACJJ
 - *Timeframe:* Year 1
- 1.1(7): Review and evaluate approach (or approaches) annually; revise targets as necessary.
- *Responsibility:* Workgroup and DCJS staff
 - *Timeframe:* Years 2-3

Objective 1.2: Ensure that Title II, Title V and JABG grants incorporate family involvement and outreach (where appropriate).

Activities and Services:

- 1.2(1): Develop family and youth inclusive RFP language.
- *Responsibility:* DCJS staff
 - *Timeframe:* Beginning Year 1
- 1.2(2): Review and revise language in RFPs and continuation letters as appropriate.
- *Responsibility:* DCJS staff
 - *Timeframe:* Beginning Year 1

- 1.2(3): Review applications to ensure that they incorporate a family component.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* During grant review process, beginning Year 1
- 1.2(4): Report on response to the requirement by potential grantees.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Beginning Year 1

Goal 2: The public will be informed of the challenges faced by at-risk youth and system-involved youth and their families.

Objective 2.1: Develop a broad, sustainable, public communications strategy for informing the public about challenges faced by at-risk and system involved youth and their families, including those specific to re-entry and DMC. Ensure that strategies include ways for specific cultural/ethnic, faith-based and other groups to be provided information on the challenges faced by at-risk and system involved youth and their families.

Activities and Services:

- 2.1(1): Brainstorm, identify, and prioritize audiences and general messages.
 - *Responsibility:* ACJJ
 - *Timeframe:* Year 2
- 2.1(2): Research related public relations efforts conducted by other organizations (such as Annie E. Casey Foundation) and other states (including SAG contributions).
 - *Responsibility:* ACJJ; DCJS staff to explore Technical Assistance options through OJJDP
 - *Timeframe:* Year 2
- 2.1(3): Identify and adopt a public relations pilot plan and message(s).
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Years 2-3
- 2.1(4): Evaluate the effectiveness of the pilot media strategy and retool if necessary (this should be part of any public relations contract; set evaluation criteria).
 - *Responsibility:* Public relations contractor with DCJS staff
 - *Timeframe:* 6-12 months following initiation of Step 3
- 2.1(5): Identify options and resource costs for expanding to a broad statewide audience (including use of community and regional events, list serves, coalitions, etc.).
 - *Who:* DCJS staff and ACJJ
 - *When:* Within two months of evaluation in Step 4
- 2.1(6): Secure necessary resources and partnerships for broad and sustained media effort.
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Secure resources within 12 months of Step 5

- 2.1(7): Implement the statewide media strategy.
- *Responsibility:* ACJJ; DCJS staff; public relations contractor
 - *Timeframe:* Within two months of securing resources
- 2.1(8): Evaluate the statewide effort.
- *Responsibility:* Public relations contractor with DCJS staff
 - *Timeframe:* One year after implementation

Mandatory Performance Measures*:

- For juvenile justice system improvement (19):
 - Federal grant funds awarded
 - Average length of time between initial court appearance and disposition
- For strategic community action planning (35):
 - Number of planning activities conducted
 - Number of MOUs developed

*Subgrantees are required to report on all mandatory measures as applicable.

Budget:

Juvenile justice system improvement (19)

Year	JJDP	State	Total
2009	62,363	0	62,363
2010	66,575	0	66,575
2111	95,480	0	95,480

Strategic community action planning (34)

Year	JJDP	State	Total
2009	0	0	0
2010	100,000	0	100,000
2111	100,000	0	100,000

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Priority 4: Ensuring youth are afforded due process of law.

Program Problem Statement:

In 2002, the American Bar Association and the Mid-Atlantic Defender Center published a report about the legal representation in Virginia that pointed to a number of inadequacies in the current system. According to the report, access to legal counsel and quality representation in delinquency proceedings is lacking in Virginia.³¹

Since the report, Virginia has enacted legislation changing when counsel for juveniles can be appointed and increasing the fees for court-appointed counsel in certain felony cases. Virginia has also expanded the public defender network, opening additional offices throughout the state, and charged the Indigent Defense Commission with enforcing qualification standards for attorneys seeking to become court-appointed counsel.

This priority was also included in *Virginia's Three-Year Plan 2006-2008*. Though several training initiatives were supported during the prior planning period, ACJJ members agree that more is needed and for a broader audience. In particular, training is needed for juvenile justice professionals at all levels of the system, not just attorneys, in due process, juvenile and family legal rights, and child and adolescent brain development. In addition to juvenile professionals, such training should be extended to child-serving professionals, families, and youth.

Federal Program Area Codes and Titles:

- Juvenile justice system improvement (19)

Program Goals, Objectives, Activities and Services:

Goal 1: In Virginia, all youth will be afforded due process of the law.

Objective 1.1: Support the provision of training for a) juvenile justice professionals at all levels of the system; b) child-serving professionals; c) and families and youth in due process, juvenile and family legal rights, and child and adolescent brain development.

Activities and Services:

- 1.1(1): Convene a group of individuals charged with training the various individual groups to identify a) critical elements that all related trainings should include and b) possible coordinated, collaborative approaches to delivering trainings.
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 1
- 1.1(2): Collaborate with various training entities to modify curricula and/or approaches as needed; may necessitate development of additional modules.
 - *Responsibility:* DCJS staff and ACJJ
 - *Timeframe:* Year 2

³¹ American Bar Association Juvenile Justice Center and Mid-Atlantic Juvenile Defender Center, *Virginia: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*, 2002, p1.

- 1.1(3): Determine training costs for any additional or new components.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Year 2
- 1.1(4): Secure training resources.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 2-3
- 1.1(5): Implement training on an ongoing basis.
 - *Responsibility:* DCJS staff with other organizations from Step 1
 - *Timeframe:* Beginning Year 3
- 1.1(6): Review evaluations of training, report on impact on understanding of due process, juvenile and family legal rights, and child and adolescent brain development.
 - *Responsibility:* DCJS staff
 - *Timeframe:* TBD, depending on training implementation

Mandatory Performance Measures*:

- For juvenile justice system improvement (19):
 - Federal grant funds awarded
 - Average length of time between initial court appearance and disposition

*Subgrantees are required to report on all mandatory measures as applicable.

Budget:

Juvenile justice system improvement (19)

Year	JJDP	State	Total
2009	0	0	0
2010	31,902	0	31,902
2111	50,000	0	50,000

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Priority 5: Reducing system involvement of truants and juveniles with other negative school-related behaviors.

Program Problem Statement:

A priority area in *Virginia's Three-Year Plan 2006-2008* was reducing system involvement of truants and juveniles with other negative school-related behaviors. Several grants were initiated under this priority statement which will continue into 2009 and 2010, assuming satisfactory performance.

Truancy has long been an issue of concern in Virginia. In 1998, the legislature sought to address truancy by enacting a statute requiring school systems to develop intervention plans for any students absent five days without parental knowledge. Addressing truancy continues. In 2008, the Virginia Commission on Youth began a study of Truancy and Dropout Prevention which will continue through 2009. Several recommendations have already emerged from the study and been acted upon.

Truancy can have long-term implications. *Virginia's Three-Year Plan 2006-2008* discussed research findings related to school attitude, performance, and later violence and serious delinquency. Recognizing the linkages between truancy, school suspension, and school dropouts, the Commission recommended legislation prohibiting suspension for instances of truancy only. This was passed during the 2009 General Assembly Session and will become law effective July 1, 2009.

The use of the courts to deal with truancy problems continues to be debated. In 2005, data showed that 44% of all status intake cases were for truancy. Though data reviewed for the past three years demonstrates the same percentage, the numbers have decreased. This will continue to be discussed as part of the Commission's study.

Federal Program Area Codes and Titles:

- Mental health (20)
- School programming (27)
- Rural programs (26)

Program Goals, Objectives, Activities and Services:

Goal 1: To improve access to services which effectively prevent children from entering the juvenile justice system.

Objective 1.1: Continue funding for subgrantee programs awarded funds prior to 2009 which have demonstrated compliance and progress with their grant objectives.

Activities and Services:

- 1.1(1): Identify subgrantees eligible for continuation funding.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1 and 2
- 1.1(2): Review program progress to determine if continuation is appropriate.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Years 1 and 2

- 1.1(3): Issue continuation letters of invitation.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Years 1 and 2
- 1.1(4): Recommend continuation of programs to Criminal Justice Services Board as appropriate.
 - *Responsibility:* ACJJ Grants Subcommittee Chair
 - *Timeframe:* Years 1 and 2

Mandatory Performance Measures*:

- For mental health (20):
 - Number of program youth served
 - Number and percent of youth completing program requirements
- For school programming (27):
 - Number of program youth served
 - Number and percent of youth completing program requirements
- For rural programs (26):
 - Number of program youth served
 - Number and percent of program youth who offend or reoffend
 - Number and percent of youth completing program requirements

*Subgrantees are required to report on all mandatory measures as applicable.

Budget (F):

Mental health (20)

Year	JJDP	State	Total
2009	50,000	0	50,000
2010	25,000	0	25,000
2111	0	0	0

School programming (27)

Year	JJDP	State	Total
2009	120,000	0	120,000
2010	27,500	0	27,500
2111	0	0	0

Rural programs (26)

Year	JJDP	State	Total
2009	32,500	0	32,500
2010	16,250	0	16,250
2111	0	0	0

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Priority 6: Addressing at-risk children and young offenders aged 13 and under.

Program Problem Statement:

A priority area in *Virginia's Three-Year Plan 2006-2008* was at-risk children and young juvenile offenders aged 13 and younger. Several grants were initiated under this priority statement which will continue into 2009 and 2010, assuming satisfactory performance.

The number of young children having contact with the juvenile justice system was an issue of concern to DCJS for several years. In 2002, Virginia initiated the Young Juvenile Offender Initiative as a priority for JJDP Act Title II grants. This was expanded in 2005 to include preventing delinquency in at-risk young and high-risk first time pregnant women and their children.

In determining this priority area, Virginia considered teen pregnancy rates, child abuse rates, families with children living below the poverty level, delinquent intake rates, and household median income. A 2003 federal publication, *Risk and Protective Factors of Child Delinquency*, was also considered. This publication suggests that the combination of reducing risk factors and increasing protective factors is crucial to developing effective early intervention programs for very young offenders.³²

Federal Program Area Codes and Titles:

- Mentoring (21)

Program Goals, Objectives, Activities and Services:

Goal 1: Reduce the number of children aged 13 and younger who have contact with the juvenile justice system.

Objective 1.1: Continue funding for subgrantee programs awarded funds prior to 2009 which have demonstrated compliance and progress with their grant objectives.

Activities and Services:

- 1.1(1): Identify subgrantees eligible for continuation funding.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1 and 2
- 1.1(2): Review program progress to determine if continuation is appropriate.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Years 1 and 2
- 1.1(3): Issue continuation letters of invitation.
 - *Responsibility:* DCJS staff and ACJJ Grants Subcommittee
 - *Timeframe:* Years 1 and 2
- 1.1(4): Recommend continuation of programs to Criminal Justice Services Board as appropriate.
 - *Responsibility:* ACJJ Grants Subcommittee Chair
 - *Timeframe:* Years 1 and 2

³² Wasserman, G., Keenan, K., Tremblay, R., Coie, J., Herrenhohl, T., Loeber, R. and Peterchuk, D., *Risk and Protective Factors of Child Delinquency*, U.S. Department of Justice, OJJDP Child Delinquency Bulletin Series, 2003.

Mandatory Performance Measures*:

- For mentoring (21):
 - Number of program youth served
 - Number and percent of youth completing program requirements

*Subgrantees are required to report on all mandatory measures as applicable.

Budget:

Mentoring (21)

Year	JJDP	State	Total
2009	333,998	0	333,998
2010	14,450	0	14,450
2111	0	0	0

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Title: State Advisory Group

Program Problem Statement:

The Virginia Advisory Committee on Juvenile Justice (ACJJ) is appointed by the Governor to advise the Governor, the Secretary of Public Safety, the Criminal Justice Services Board, DCJS, youth-serving agencies, and the public on matters relating to juvenile justice and delinquency prevention. Membership represents a cross-section of agency providers, private providers, private citizens, elected officials, and youth.

The ACJJ provides leadership in prioritizing efforts under the JJDP Act and funds allocated under the Juvenile Accountability Block Grant. As such, the ACJJ reviews and recommends projects for funding.

Federal Program Area Codes and Titles:

- State Advisory Group (31)

Program Goals, Objectives, Activities and Services:

Goal 1: To improve the prevention of juvenile delinquency and the treatment of juveniles in Virginia.

Objective 1.1: Improve the knowledge of needs, problems, and solutions regarding the prevention of juvenile delinquency and treatment of juveniles.

Activities and Services:

- 1.1(1): Provide presentations on juvenile justice issues to state boards and commissions, local units of government, and the public.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3
- 1.1(2): Participate in relevant training opportunities.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3
- 1.1(3): Develop and maintain subcommittees.
 - *Responsibility:* ACJJ Chair
 - *Timeframe:* Years 1-3
- 1.1(4): Develop recommendations for inclusion in the Annual Report.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3

Objective 1.2: Ensure the development of new programs across the Commonwealth that address priority needs.

Activities and Services:

- 1.2(1): Maintain the grants subcommittee of the Advisory Committee.
 - *Responsibility:* ACJJ Chair
 - *Timeframe:* Years 1-3

- 1.2(2): Annually, prioritize problems and needs based on data analysis, input from the juvenile justice community, and review of the system's capacity.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3
- 1.2(3): Annually, prioritize efforts under the JJDP Act and the JABG program based on the prioritized problem list.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3
- 1.2(4): Review and make recommendations on all JJDP Act and JABG program grant applications prior to final approval by the Criminal Justice Services Board.
 - *Responsibility:* ACJJ Grants Subcommittee followed by full ACJJ
 - *Timeframe:* Years 1-3

Objective 1.3: Work toward solutions regarding the imbalance of service availability throughout the Commonwealth.

Activities and Services:

- 1.3(1): Invite state service agencies to present data and information to the ACJJ.
 - *Responsibility:* ACJJ Chair
 - *Timeframe:* Years 1-3
- 1.3(2): Request information on interagency initiatives formulated to respond to service gaps.
 - *Responsibility:* ACJJ Chair
 - *Timeframe:* Years 1-3
- 1.3(3): Offer initiatives (such as one-time special fund program and concept paper model of grant solicitations) designed to make it easier for all localities, regardless of their employment of grant writers, to access JJDP funds.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3

Objective 1.4: Offer training to juvenile justice professionals to improve their ability to serve the juvenile population.

Activities and Services:

- 1.4(1): Sponsor an annual Juvenile Justice and Delinquency Prevention Conference.
 - *Responsibility:* ACJJ Chair, members, DCJS staff
 - *Timeframe:* Years 1-3
- 1.4(2): Identify alternate methods of training for juvenile justice professionals during times when agencies restrict travel.
 - *Responsibility:* ACJJ Chair and members
 - *Timeframe:* Years 1-3

Objective 1.5: Ensure that juveniles in the juvenile justice system are safe and treated fairly.

Activities and Services:

- 1.5(1): Monitor statistical, programmatic, and compliance information and reports, including those related to complying with the core requirements of the JJDP Act.
 - *Responsibility:* ACJJ Chair and members (information and reports prepared and presented by DCJS staff)
 - *Timeframe:* Years 1-3
- 1.5(2): Maintain the DMC Subcommittee of the Advisory Committee.
 - *Responsibility:* ACJJ Chair
 - *Timeframe:* Years 1-3
- 1.5(3): Monitor legislation that relates to children in the juvenile justice system.
 - *Responsibility:* ACJJ Government Relations Subcommittee
 - *Timeframe:* Years 1-3

Mandatory Performance Measures:

- For state advisory group (31):
 - Number of SAG committee meetings held
 - Number of SAG subcommittee meetings held
 - Annual report submitted to Governor
 - Number of grants funded with formula grant funds
 - Number and percent of programs using evidence-based models

Budget:

Year	JJDP	State	Total
2009	30,000	0	30,000
2010	30,000	0	30,000
2111	30,000	0	30,000

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.

■ Title: Planning and Administration

Program Problem Statement:

The Department of Criminal Justice Services (DCJS) is the designated single state agency responsible for administering federal justice funds, including those awarded by the Office of Juvenile Justice and Delinquency Prevention. DCJS strives to improve the functioning and effectiveness of responses to juvenile delinquency through research, planning, policy development, and funding of juvenile justice and delinquency prevention initiatives.

Federal Program Area Codes and Titles:

- Planning and Administration (23)

Program Goals, Objectives, Activities and Services:

Goal 1: Oversee, administer, and coordinate activities as they relate to the JJDP Act by monitoring compliance, administering grants, undertaking comprehensive, research-based planning, providing technical assistance and training, and providing program development.

Objective 1.1: Ensure that Virginia continues to comply with all JJDP Act mandates and requirements and federal administrative requirements.

Activities and Services:

- 1.1(1): Submit required monitoring, compliance, and performance update reports to OJJDP, including monitoring reports, performance reports, the Three-Year Plan and updates, and Annual Reports according to their established timelines.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.1(2): Perform on-site facility visits, review on-site monitoring reports originated by other agencies, monitor facility statistical reports, verify and report violations, and develop corrective strategies to ensure compliance with the JJDP Act.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.1(3): Provide OJJDP with all required grant documentation.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.1(4): Monitor sub-grantees.
 - *Responsibility:* DCJS Staff
 - *Timeframe:* Years 1-3
- 1.1(5): Monitor legislation to ensure that the *Code of Virginia* complies with the JJDP Act; work with the Secretary of Public Safety and General Assembly members to make changes as necessary.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3

- 1.1(6): Provide information regarding the JJDP Act mandates to the Department of Juvenile Justice, state and local law enforcement agencies, and other relevant agencies, organizations, and citizen groups.
- *Responsibility:* DCJS Staff
 - *Timeframe:* Years 1-3

Objective 1.2: Maintain a financial assistance mechanism for grants to state agencies and general units of local government using federal JJDP Act funds.

Activities and Services:

- 1.2(1): Maintain a financial accounting system for dispersing federal funds to state agencies and localities.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.2(2): Develop and disseminate fiscal guidelines detailing the appropriate use of JJDP funds.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.2(3): Provide technical assistance to state agencies and general units of local government.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3

Objective 1.3: Provide staff support services to the Secretary of Public Safety for efforts to improve the juvenile justice system in Virginia.

Activities and Services:

- 1.3(1): Provide data and information about Virginia's juvenile justice system in public forums, reports, and the DCJS website.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.3(2): Develop statements regarding the potential impact of proposed and introduced legislation and recommendations for action.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.3(3): Participate in study committee and policy analysis activities.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.3(4): Respond to information requests from General Assembly members and the public.
- *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3

Objective 1.4: Maintain a comprehensive juvenile justice and delinquency prevention planning, data analysis, technical assistance, program development, and training capacity.

Activities and Services:

- 1.4(1): Develop issue papers and/or coordinate Blueprints sessions concerning major juvenile justice problems.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.4(2): Develop data-based policy and planning documents for state decision makers to implement JJDP Act goals, objectives, and mandates.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.4(3): Coordinate with local, regional, and state agency planners to ensure a comprehensive planning capacity for juvenile services.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 1.4(4): Maintain contact with Juvenile Justice Specialists in other states for resource and information sharing.
 - *Responsibility:* Juvenile Justice Specialist
 - *Timeframe:* Years 1-3
- 1.4(5): Receive and provide training in the areas of program development, evaluation, and data analysis.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3

Goal 2: Provide assistance to the Executive Branch in appointing and supporting the State Advisory Group (SAG).

Objective 2.1: Provide administrative support to the SAG.

Activities and Services:

- 2.1(1): Convene a minimum of four SAG meetings annually.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 2.1(2): Staff one annual retreat for comprehensive planning by the SAG.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 2.1(3): Respond to information requests from SAG members.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3
- 2.1(4): Distribute and provide online the Annual Report of the Advisory Committee, the Three-Year Plan and annual updates (as appropriate), topic-specific research reports, and fact sheets.
 - *Responsibility:* DCJS staff
 - *Timeframe:* Years 1-3

Mandatory Performance Measures:

- For Planning and Administration (23):
 - Average time from receipt of subgrant application to date of award
 - Federal grant funds awarded for planning and administration
 - Number of FTEs funded with federal grant funds
 - Number of subgrants awarded
 - Number and percent of programs using evidence-based models

Budget:

Year	JJDP	State	Total
2009	141,500	141,500	283,000
2010	141,500	141,500	283,000
2111	141,500	141,500	283,000

SMART:

DCJS is registered with OJJDP's Socioeconomic Mapping and Resource Topography (SMART) system and has queried it.



COORDINATION OF CHILD ABUSE AND NEGLECT AND DELINQUENCY PROGRAMS



COORDINATION OF CHILD ABUSE AND NEGLECT AND DELINQUENCY PROGRAMS

Any programs emphasizing interagency coordination and collaboration to address the prevention and treatment of juvenile delinquency will be funded under program area 19.

Reducing Probation Officer Caseloads

Pursuant to Section 223(a)(25) of the JJDP Act, the state may provide incentive grants to units of general local government that reduce the caseload of probation officers. Funds reserved for this purpose may not exceed 5 percent of the state's allocation (other than funds made available to the State Advisory Group).

Sharing Public Child Welfare Records with Juvenile Courts

Pursuant to Section 223(a)(26) of the JJDP Act, the state shall, to the maximum extent practicable, implement a system to ensure that if a juvenile is before a court in the juvenile justice system, that juvenile's public child welfare records (including child protective services records) for the geographical area under the jurisdiction of that court will be made known to the court. Applicable information is included in social history reports developed on juveniles before the JDR court by CSUs. The sharing of such information is governed by federal and state law.

Establishing Policies and Systems to Incorporate Child Protective Services Records into Juvenile Justice Records

Pursuant to Section 223(a)(28) of the JJDP Act, the state shall establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders. Applicable information is included in social history reports developed for juveniles before the JDR court by CSUs. The sharing of such information is governed by federal and state law.

Title 63.2 of the *Code of Virginia* and Title 22 of the *Virginia Administrative Code* govern child welfare and child protective services. All children whose placement is funded through Section 472 of the Social Security Act (42 U.S.C. 672; Foster Care Maintenance Payments Program) receive the protections specified in Section 471 of such Act (42 U.S.C. 671; State Plan for Foster Care and Adoption Assistance), including a case plan and case plan review as defined in Section 475 of such Act (42 U.S.C. 675; Definitions).



COLLECTING AND SHARING JUVENILE JUSTICE INFORMATION



COLLECTING AND SHARING JUVENILE JUSTICE INFORMATION

Description of the State's Process

The primary source of juvenile justice data is the DJJ. DJJ utilizes a functional management information system, known as the Juvenile Tracking System (JTS) to maintain data on juveniles from the moment they enter the system at intake until they exit the system. Locally operated CSUs and detention facilities are required to utilize this system as well as state-run CSUs and juvenile correctional institutions.

DJJ accommodates requests for data as needed for compliance monitoring, development and updates of the three-year plan, legislative analyses, and other special requests. Additionally, DJJ publishes an annual *Data Resource Guide* which contains valuable data on a statewide basis, as well as broken down by CSU, detention facility, and juvenile correctional facility. This tool is used by state agencies and localities in a variety of ways. Funding for the publication of this report has been provided by DCJS with funds made available through OJJDP.

Virginia state agencies responsible for maintaining data publish a number of reports on-line which are easily accessible. Additional data may be available through special requests if all collected data is not included in annual reports. The Department of State Police provides DCJS with a copy of their raw data for in-house analyses.

Barriers

Many of the barriers encountered in past years in collecting and analyzing data for the three-year plan have been overcome as data sources have improved their computer-based systems and the understanding of what is available has expanded. Organizations are constantly working to fill data gaps when they are identified.

The most notable barriers at this point tend to be in regard to time and staff resources. Virginia operates on a July-June fiscal year. Following the end of a fiscal year, agencies begin the process of data cleaning and mining for year-end reports. This is often accompanied by reporting requirements to the Governor and General Assembly by the end of the calendar year. When the General Assembly convenes in January, continuous requests for data are made in order to determine the impact of pending legislation. A due date of March for the three-year plan and annual updates only adds to an otherwise hectic time, as it is usually February before the most recent year of data can be obtained.

As with most states across the nation, Virginia has slowed the rate at which vacant positions are filled, often leaving positions unfilled for months in order to avoid future lay-offs. Many state agencies have also cut staffing or hours in light of recent economic issues. Staffing issues could lead to delays in data availability and report publication. Funding concerns have also led to a statewide ban on publishing hard copy reports. All reports will be published on-line only.



SUBGRANT AWARD ASSURANCES



SUBGRANT AWARD ASSURANCES

Pursuant to Section 223(a)(21)(A) and (B) of the JJDP Act, states shall, to the extent practicable, give priority in funding to evidence-based programs and activities. Further, under Section 223(a)(21)(C) of the JJDP Act, states shall not continue to fund a program if the subgrant recipient who carried out that program during the preceding 2-year period fails to demonstrate that the program achieved substantial success in meeting the goals specified in the original subgrant application.

DCJS solicitations for intervention and delinquency prevention programs clearly state that the ACJJ will make funding decisions with an emphasis on replication of evidenced-based programs, practices or strategies. Reference to OJJDP's Model Programs Guide and Database is included in application solicitations as well as on the DCJS website. DCJS staff is available to provide localities with technical assistance in selecting appropriate programs or strategies to fit target populations and needs.

All grantees are required to submit quarterly progress reports to update DCJS staff on the status of the program. Additionally, the grant monitor conducts site visits at least once during a project's grant-funded lifespan.³³ Before the end of each annual award period, eligible grantees are required to submit an application for continuation funding. The ACJJ reviews each application and continuation request based on program success. If a subgrantee shows little or no progress during the first year, DCJS staff will offer technical assistance. If progress continues to decline the ACJJ will deny the program for future funding.

³³ Site visits may or may not be conducted on one-time funded grants, especially those in involving evaluations for amounts of less than \$10,000.



APPENDIX A

VIRGINIA'S COMPLIANCE MONITORING POLICY AND PROCEDURES MANUAL

TABLE OF CONTENTS

Compliance Monitoring Policies and Procedures Introduction.....	3
1.0 Compliance Monitoring Plan	4
1.1 Compliance Monitoring Barriers and Strategies	5
1.2 Compliance Violation Procedures	7
1.3 Description of the Required OJJDP Compliance Monitoring Tasks.....	9
1.3.1 Compliance Monitoring Timetable.....	10
1.4 Compliance Monitoring Authority	12
1.5 Federal Definitions of Terms	13
2.0 Overview of the Compliance Monitoring Tasks.....	18
2.1 Identification of the Monitoring Universe	19
2.2 Classification of the Monitoring Universe	21
2.3 Inspection of Facilities.....	24
2.4 Data Collection and Verification	27
2.4.1 Deinstitutionalization of Status Offenders	30
2.4.2 Sight and Sound Separation	31
2.4.3 Removal of Juveniles from Adult Jails and Lockups	33
2.5 Annual Compliance Monitoring Report Period	35
2.6 Annual Method of Reporting Compliance with the JJDP Act	36
3.0 Core Requirements and OJJDP Regulations by Type of Facility.....	37
3.1 Secure and Non-Secure Custody	38
3.2 Transferred and Waived Juveniles	41
3.3 Collocated Facilities	42
3.4 Court Holding Facilities	43
3.5 Other Types of Facilities	44
4.0 Certification for Compliance with Title V	46
5.0 Process for a Facility or SPA to Request an OJJDP Opinion	49

COMPLIANCE MONITORING POLICIES AND PROCEDURES

INTRODUCTION

Pursuant to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002, “the state agency designated to administer the Formula Grants Program must provide for an adequate system of monitoring jails, lockups, juvenile detention facilities, juvenile correctional centers, court holding facilities and non-secure facilities to insure that the core requirements of the Act are being upheld”. The Virginia Department of Criminal Justice Services (DCJS) is the state agency designated to administer the Formula Grants Program, and as such, the Juvenile Services Section at DCJS has been responsible for establishing the Compliance Monitoring Program.

The state, through DCJS, is required to make annual reports to the Administrator of Office of Juvenile Justice and Delinquency Prevention on the results of our monitoring efforts. The report must demonstrate the extent of Virginia’s compliance with the Deinstitutionalization of Status Offenders, Sight and Sound Separation, and Jail Removal core requirements of the JJDP Act. If Virginia fails to demonstrate compliance, as defined by federal guidelines, the Federal Formula Grants allotment to the state will be reduced by 20% for each core requirement not being met.

For these monitoring purposes the following policy and procedures manual will be utilized in carrying out these tasks. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) require that States participating in the JJDP Act have an adequate compliance monitoring system which includes annual:

- Identification of the Monitoring Universe,
- Classification of Facilities,
- Inspection of Facilities, and
- Data Collection and Data Verification.

Virginia’s Compliance Monitoring Policy and Procedures Manual will describe each of these elements in detail and will be included in the Compliance Monitor’s Desk Manual. Copies of this policies and procedures manual are provided to OJJDP and to Virginia’s Juvenile Justice Specialist, and are made available to other interested parties. This manual will be reviewed and updated annually by Virginia’s Compliance Monitor.

1.0 COMPLIANCE MONITORING PLAN

Policy:

Virginia is required by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to have a written plan which provides for an adequate system of monitoring secure and non-secure facilities to ensure that the core protections of the Juvenile Justice and Delinquency Prevention (JJDP) Act and Formula Grant Regulations are being complied with.

Assessing compliance affects eligibility for formula grant funding and participation in various programs offered through OJJDP. Noncompliance with any of the four core requirements results in a 20% reduction of the funds awarded to the state.

The monitoring plan must describe:

1. The barriers faced in implementing and maintaining a monitoring system and the strategies and plan to overcome such barriers.
2. The legislative and/or administrative procedures which have been established for the state to receive, investigate, and respond to reports of compliance violations.
3. The detailed description of monitoring tasks which includes the identification of the agency responsible for each task.
4. The monitoring authority granted to the State Planning Agency in order to perform the compliance monitoring tasks.
5. The definition of terms the State Planning Agency will use when conducting the compliance monitoring.

Procedures:

The monitoring barriers, the administrative violation procedures, the detailed description of the monitoring tasks, the monitoring authority and the use of the federal definitions exclusively in compliance monitoring are addressed in the following policies.

The Compliance Monitoring policies and procedures should be reviewed each year by the Compliance Monitor and the Juvenile Justice Specialist and updated as needed.

1.1 COMPLIANCE MONITORING BARRIERS AND STRATEGIES

Policy:

A description of the barriers faced by Virginia in implementing a monitoring system as well as the state and local strategies and plans to overcome those barriers are necessary to maintain integrity within the compliance monitoring plan and system. The following procedures to identify barriers and the plans to overcome those barriers will insure that the state maintains a monitoring system with integrity that is reviewed annually.

Procedures:

1. The Department of Criminal Justice Services will annually plan and organize a State Advisory Group (SAG) retreat or meeting. A portion of the agenda will be set aside to discuss current compliance status, the barriers to compliance, and to develop state and local strategies to overcome the barriers. Discussions will be recorded in the meeting.
2. The Compliance Monitor will submit for SAG discussion and action at the retreat a written and oral report on:
 - A. Barriers faced in implementing and maintaining a monitoring system and barriers faced in maintaining compliance with the JJDP Act.
 - B. Recommendations for state and local strategies and plans to overcome those barriers.
 - C. An annual report on the number of violations by the type of facility. The Compliance Monitor will report the number of DSO, Sight and Sound, and Jail Removal violations that occurred across Virginia during the monitoring period. The SAG will also be informed of any other pertinent issues that were included in the Annual Report to OJJDP.
3. From SAG discussion and staff input a written plan will be developed, if needed, to address the barriers in the coming year and will be reflected in the SAG minutes.
4. The DCJS and the Compliance Monitor will implement the written plan and will provide written and oral updates to the SAG, as requested, during regular SAG meetings which are held at least four times a year.
5. The written plans may include, but are not limited to, the following activities:
 - A. Training for those agencies involved in monitoring or implementation of the JJDP Act.
 - B. Administrative meetings with those agencies involved in monitoring or implementation of the JJDP Act.
 - C. Pursuit of state legislation to overcome barriers to monitoring.

- D. Local coordination, i.e., intensive problem solving and planning for agencies requiring assistance to realize compliance with the JJDP Act core requirements.

1.2 VIOLATION PROCEDURES

Policy:

The DCJS Compliance Monitor shall monitor all facilities in Virginia's Monitoring Universe for compliance with the JJDP Act. Facility files shall be maintained for all facilities and reports shall be made for all site visits at these facilities.

All compliance violations shall be noted and fully investigated and documented in the facility files. Violations will be documented and shall be kept on record as part of the facility file. This documentation shall include the date and time of the violation and all pertinent information concerning the violation.

Technical assistance will be provided and the action taken to correct the violation shall also be documented in the facility file. Violations shall be brought to the attention of the Juvenile Justice Specialist. While the compliance monitor is responsible for the compliance violation investigation and follow-up, the Juvenile Justice Specialist retains primary responsibility and merely delegates this task to the compliance monitor.

Procedures:

1. The Compliance Monitor will perform statewide monitoring; a detailed description of the process and tasks is contained in these policies.
2. The Compliance Monitor will be the primary agent to discover and report compliance violations throughout the state, and to investigate the violations. Violations are most usually found through the detailed review of juvenile detention logs and other data that is reviewed by the compliance monitor. The review may occur either onsite when the Compliance Monitor reviews the logs or when the facility mails or faxes the logs to the Compliance Monitor at DCJS.
3. When DCJS receives an independent compliance violation report they will utilize the Compliance Monitor to investigate it.
 - A. Independent sources may include:
 - The State Advisory Group;
 - The Department of Juvenile Justice;
 - Administrators of public and private agencies;
 - Interested citizens and/or parents;
 - Youth.
4. The process used to receive, investigate and respond to compliance violation reports is as follows:
 - A. All reports of violations will be turned over to the Compliance Monitor. The report may be received through an independent source or from review of data, such as Juvenile Tracking System (JTS) reports, LIDS reports, or juvenile detention logs.

- B. If a violation of DSO, Jail Removal or Sight and Sound is reported or discovered, the Compliance Monitor will fully investigate the violation. The investigation will always involve a review of the juvenile's case file at the facility to confirm that a violation actually occurred. In many cases, incorrect information may be recorded on the JTS Report and the entry may appear to be a violation. Upon further investigation it may be revealed that the times or charges were recorded incorrectly. All violations will be discussed with the facility administrator or contact to explain why they were violations and what remedial actions may be taken to prevent future violations. A summary of the violation will be made in the facility file.
 - C. The Compliance Monitor will provide intensive follow-up onsite visits to facilities where compliance is a problem. Intensive follow-up may include additional onsite visits to ensure compliance with the JJDP Act.
 - D. The Compliance Monitor will provide compliance monitoring progress reports which shall be included in the Facility File.
- 5. DCJS may follow-up a compliance violation with any action that is deemed responsible and appropriate.
 - 6. For internal tracking purposes, the following steps will be taken on every violation:
 - A. Violation will be recorded in the facility file.
 - B. The violations are then recorded for yearly reporting to OJJDP.
 - C. Violations and patterns of violations shall be discussed with the Juvenile Justice Specialist to determine if further action is needed, if future grants to localities are placed in jeopardy, or if the SAG should be notified.

1.3 DESCRIPTION OF THE REQUIRED OJJD COMPLIANCE MONITORING TASKS

Policy:

A detailed description of the monitoring tasks as well as the identification of the agency or agencies responsible for those tasks is a necessary element to a monitoring system. The following policy describes in general terms Virginia's compliance monitoring system. The Compliance Monitor working for the Virginia Department of Criminal Justice Services is responsible for monitoring and reporting under the Juvenile Justice and Delinquency Prevention (JJDP) Act.

The Juvenile Justice Specialist will annually review with the Compliance Monitor the monitoring tasks to be accomplished during the year as outlined in this policy.

Procedures:

1. The Compliance Monitor will schedule a meeting with the Juvenile Justice Specialist to discuss compliance plans and strategies.
2. A work plan outlining the tasks, the start and completion date, and other duties will be formalized. The SAG will be kept abreast of compliance tasks being conducted.
3. The monitoring tasks, at a minimum, will include:
 - A. Identification of the Monitoring Universe.
 - B. Classification of the Monitoring Universe.
 - C. Inspection of Facilities.
 - D. Data Collection and Verification.
 - E. Either written or verbal quarterly progress reports to the SAG and Juvenile Justice Specialist..
 - F. Completion of the OJJD Annual Monitoring Report each year, the due date to be determined by the Juvenile Justice Specialist, Compliance Monitor and OJJD State Representative. The report determines funding eligibility based on compliance with three of the four core requirements (Deinstitutionalization of Status Offenders, Sight and Sound Separation and Jail Removal).
 - G. Other related duties as described.
4. The Juvenile Justice Specialist will supervise the Compliance Monitor and will ensure that all of the monitoring tasks are accomplished.

1.3.1 COMPLIANCE MONITORING TIMETABLE

1.1 Compliance Monitoring Barriers and Strategies October – December

- Identify barriers
- Prepare SAG report
- Prepare materials for retreat
- Discuss barriers at SAG retreat
- Discussion at retreat to be included in minutes

1.2 Compliance Violation Reporting Procedures July – June - On-Going

- Receive and investigate compliance violation reports
- Document violations in Facility Files
- Discuss patterns of violation with Juvenile Justice Specialist
- Prepare compliance violation report
- Report violations to OJJDP
- Report compliance status to SAG

1.3 Description of the Required CM Tasks March – December

- Monitoring planning begins – March
- Monitoring task and strategies identified
- Meeting with Juvenile Justice Specialist to discuss monitoring tasks and plan
- Begin annual compliance monitoring cycle –July
- Monitoring task completed
- Annual Compliance Monitoring Report submitted to OJJDP - December

2. Identification of the Monitoring Universe July – June – On-going

- Query agency contacts and localities
- Send certification letters and questionnaires to law enforcement agencies
- Obtain Facility Certifications from DJJ, DSS, DMHMRSAS, DOC
- Documentation and updating of Compliance Monitoring Universe Master List
- Question contacts during site visits to identify other local facilities

2.2 Classification of the Monitoring Universe July – June - On-Going

- Initial classification will be conducted at time of identification
- Identification is an on-going process
- Classification confirmed during site visits

2.3 Inspection of Facilities July – June

- Inspection occurs throughout the monitoring year
- Site visits to facilities are typically conducted April - November

2.4 Data Collection and Data Verification July – June

- Data is collected and verified during the entire monitoring period
- JTS, LIDS, and Juvenile Detention Log data are received in July
- Data is reviewed - July – August
- Data verification is an on-going process
- Verification through site visits to facilities and courts

2.5 Annual Compliance Monitoring Report December

- Report due date: December 31st of each year
- Compliance data is compiled, reviewed, verified, all through the year
- Report completed by Compliance Monitor
- Annual Compliance Monitoring Report reviewed by Juvenile Justice Specialist
- Report submitted to OJJDP

4.0 Title V Certification March

- Compliance certification is required prior to receipt of a Title V application
- The compliance monitor will provide the Title V Coordinator with a list of facilities that are out of compliance

Other Significant Tasks

- Update *Virginia's Compliance Monitoring Policy and Procedures Manual* – January – February
- Monitor newly proposed General Assembly legislation - January – March
- Provide technical assistance to localities and facility staff – January – December
- Assist with JJDP State Training Conference - March – June

1.4 COMPLIANCE MONITORING AUTHORITY

Policy:

The agency responsible for monitoring, the Virginia Department of Criminal Justice Services (DCJS), should have legal authority to monitor all facilities in which juveniles might be placed under public authority. The monitoring authority should be sufficiently broad to permit the monitoring agency to require each facility that could be classified as secure to be inspected for classification purposes, to maintain specific juvenile admission and release records and permit the designated compliance monitor to review these records at selected intervals during the year.

1. The basic authority should give DCJS the authority, pursuant to state statutes, to inspect the facilities for compliance, to cite facilities for violations, and to impose sanctions when violations are not corrected.
2. The Compliance Monitor should be permitted to review records containing detention information with the verbal agreement that the monitors will respect the confidential nature of the information and will not knowingly record or divulge information which might identify a specific child except as may be required to protect the child.
3. Effective monitoring and enforcement can only be fully implemented when the agency's legal responsibility is defined in clear terms and is known to all parties.

Procedures:

1. State statutes usually define the responsibility of agencies who may be holding juveniles securely with regard to the development and implementation of licensing requirements or other standards for operation. The Compliance Monitor will utilize existing statutorily defined requirements and standards in determining and reporting compliance violations. The Virginia Department of Juvenile Justice is the state agency which inspects, regulates, licenses and certifies juvenile detention and correctional facilities. As such, DJJ may sanction these facilities for violations. The Compliance Monitor will work closely with DJJ staff to address JJDP Act violations.
2. The compliance monitor will make available during all onsite inspections a copy of the Virginia statutes which define the basis of authority for monitoring. The compliance monitor will report directly to the Juvenile Justice Specialist and the SAG. The Juvenile Justice Specialist retains the accountability for the overall performance of the monitoring tasks.

1.5 FEDERAL DEFINITIONS OF TERMS

Policy:

For the purposes of monitoring facilities for compliance with the JJDP Act, the definitions of terms used must be identical to those found in the Formula Grant Regulations.

DCJS will adopt and follow Federal definitions for monitoring purposes. These definitions will be used exclusively for compliance monitoring and when training or providing technical assistance.

Procedures:

The following definitions from the Formula Grant Regulations, the JJDP Act, and the OJJDP Guideline Manual will take precedence and will be used for monitoring purposes.

I. FORMULA GRANT REGULATION DEFINITIONS

Secure Custody - 31.304(b):

As used to define a detention or correctional facility this term includes residential facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

Facility - 31.304(c):

A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

Adult Jail - 31.304(m):

A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

Adult Lockup - 31.304(n):

Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Juvenile who is accused of having committed an offense - 31.304(d):

A juvenile with respect to whom a petition has been filed in the juvenile court or other action has occurred alleging that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender and no final adjudication has been made by the juvenile court.

Juvenile who has been adjudicated as having committed an offense - 31.304(e):

A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal type offender or a status offender.

Status Offender - 31.304(h):

A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by

an adult. (Status offenses include truancy, violations of curfew, runaway, underage possession of alcohol or tobacco, underage alcohol offenses).

Non-Offender - 31.304(l):

A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

Valid Court Order - 31.304(o):

The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.

Private Agency - 31.304(a):

A private non-profit agency, organization or institution is:

- A. Any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control.
- B. Any other agency, organization, or institution which operates primarily for scientific, education, service charitable or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax exempt under the provisions of section 501 (c)(3) of the 1954 Internal Revenue Code.

Sight and Sound Separation - 31.303 (d)(l)(l):

Secure custody status is when a juvenile offender is physically detained or confined in a locked room or area. Secure detention or confinement may result either from being placed in such a room or area and/or being physically secured to a cuffing rail or other stationary object. Separation must be accomplished architecturally or through policies and procedures in all secured areas. Sight contact is when a juvenile has clear visual contact with an incarcerated adult within close proximity. Sound contact is when a juvenile can have direct oral communication with an incarcerated adult. In accordance with OJJDP policy the state must assure that no juvenile offender shall enter, under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

Non-Secure Custody:

The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility: (1) the area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes; (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility; (3) the use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court; (4) in no event can the area be designed or intended to be used for residential purposes; and (5) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

Court Holding:

A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearing, or other court proceedings. Court holding facilities, where they do not detain individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223 (a)(14) of the JJDP Act. However, such facilities remain subject to the section 223 (a)(13)(42 U.S.C. 5633 (a)(13)) separation requirement of the Act.

Collocated Facility - 31.303 (e)(3)(I)(c)(1)-(4):

Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.

- A. Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time phasing of common use nonresidential areas and;
- B. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides a full range of separate program services. No program activities may be shared by juveniles and adult inmates. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and
- C. If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and
- D. In states that have established standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and be licensed as appropriate. If there are no state standards or licensing requirements, OJJDP encourages states to establish administrative requirements that authorize the state to review the facility's physical plant, staffing patterns, and programs in order to approve the collocated facility based on prevailing national juvenile detention standards.

II. JJDP ACT DEFINITIONS

Secure Detention Facility - 103 (12)(A)(B):

The term "secure detention facility" means any public or private residential facility which:

- A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.

- B. Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense.

Secure correctional facility - 103 (13)(A)(B):

The term "secure correctional facility" means any public or private residential facility which:

- A. Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.
- B. Is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense.

Public Agency - 103 (11):

The term "public agency" means any State, unit of local government, combination of such States or Units, or any department, agency or instrumentality of any of the foregoing.

III. OJJDP GUIDELINE MANUAL

Delinquent

- A. Juvenile offender who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed be a crime if committed by an adult.

2.0 OVERVIEW OF THE COMPLIANCE MONITORING TASKS

Policy:

The JJDP Act states in section 223(15) that states must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the core protections of paragraph (A)(11)(a), D.S.O.; paragraph (12), sight and sound separation; and paragraph (13), jail removal; are met. Additionally, states must provide for annual reporting of the results for such monitoring to the OJJDP Administrator.

The four major monitoring tasks are as follows: These monitoring tasks are addressed in policies in this manual.

1. Identification of the Monitoring Universe.
2. Classification of the Monitoring Universe.
3. Inspection of facilities.
4. Data Collection and Verification.

The following areas related to reporting and violation issues are also addressed in this manual.

1. The OJJDP annual Compliance Monitoring report period.
2. The method of reporting.
3. Compliance violation issues and the legislative and administrative procedures used to enforce compliance.

Procedures:

To complete the four monitoring task requirements and the three additional tasks please refer to these policies which are included in this manual.

2.1 IDENTIFICATION OF THE MONITORING UNIVERSE

Policy:

OJJDP requires States (Formula Grant recipients) participating in the JJDP Act, as amended, to establish and maintain an adequate monitoring plan and system for purposes of compliance with the Act and for OJJDP audits. There are four elements to a compliance monitoring system: identification of the monitoring universe, classification of facilities in the monitoring universe, inspection of facilities and data collection/data verification. OJJDP requires that each task be completed annually. This policy addresses the annual identification of the monitoring universe.

The Compliance Monitor will maintain a Compliance Monitoring Universe Master List which will contain listings of all facilities in Virginia which might hold juveniles pursuant to public authority. The Compliance Monitoring Universe Master List will be located in the Compliance Monitor's office. The DCJS Compliance Monitor will annually update Virginia's Compliance Monitoring Universe Master List.

As defined in the Federal Register, May 31, 1995, page 28445, the identification of the monitoring universe refers to: "The identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if it should be included in the monitoring effort. This includes those facilities owned or operated by public or private agencies."

As defined in the OJP Guideline Manual, page 2, states: "This refers to the identification of all facilities which might hold juveniles pursuant to public authority.... This list should include all jails, lockups, detention centers, juvenile correctional facilities, group homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. Depending on the scope of the jurisdiction and authority of the juvenile court, the list may need to include public or private mental health facilities, chemical dependency programs, and detoxification centers."

Procedures:

1. To identify facilities that should be included in Virginia's monitoring universe, the DCJS Compliance Monitor will query and seek information that is available from local police and sheriff's offices, jail and detention facilities, and State agencies which include the Department of Corrections, Department of Juvenile Justice, Department of Social Services, Department of Mental Health Mental Retardation and Substance Abuse Services, the Supreme Court of Virginia, and the State Compensation Board.
2. The query will include identification information related to: current facilities, planned facilities, and contracts with private facilities. Newly identified facilities will be added to the Compliance Monitoring Universe.
3. The Compliance Monitoring Universe Master List will be available during each OJJDP compliance monitoring audit.

4. The identification of the monitoring universe is an on-going process. During onsite visits to facilities, the compliance monitor should ask questions during the interview with the administrator or contact regarding new construction, remodeling of current facilities, and proposed construction. In addition, when monitoring a law enforcement agency the Compliance Monitor asks about other current facilities that should be a part of the monitoring universe. If a police department, jail, or other facility has recently become operational, or is being proposed, it is placed on the list of facilities within the respective section of the Compliance Monitoring Universe Master List and is subject to the classification, inspection, and data collection/data verification tasks.

2.2 CLASSIFICATION OF THE MONITORING UNIVERSE

Policy:

OJJDP requires that states, (Formula Grant recipients) participating in the JJDP Act establish and maintain an adequate monitoring system and plan for purposes of compliance with the Act and for OJJDP compliance audits. There are four elements to a compliance monitoring system: identification of the monitoring universe, classification of facilities in the monitoring universe, inspection of facilities and data collection/data verification. OJJDP requires that each task be completed annually. This policy relates to the annual classification process of the monitoring universe.

The Compliance Monitor will annually classify and/or reclassify, all facilities listed in the Compliance Monitoring Universe Master List.

As defined in the Federal Register, June 20, 1985, page 25558, "This is the classification of all facilities to determine which ones should be considered as a secure detention or correctional facility, an adult correctional facility, an adult correctional institution, jail, lockup, or other type of secure or non-secure facility."

The OJJDP Guideline Manual states: "The classification of all facilities to determine which should be considered secure detention or correctional facilities, adult correctional institutions, jails, lockups, or other types of secure facilities and thus should be monitored, requires an assessment of each facility based on the OJJDP regulations. Generally all jails, lockups, juvenile detention centers, training schools and other public and private facilities should be subject to classification."

For purposes of this Policy, and per federal requirements, there will be four categories for classification of each facility:

1. Public or Private (owned by State, local agency or owned by a private non or for profit agency)
2. Juvenile facility (used exclusively for juveniles), adult facility (used exclusively for adults), or a facility used for both juveniles and adults.
3. Secure or Non-Secure
4. Residential or non-residential

Please refer to the Definitions of Federal terms policy, for definitions of the additional following terms which may be needed for classification purposes:

1. Secure
2. Facility
3. Adult jail
4. Adult lockup

5. Secure detention facility
6. Secure correctional facility
7. Private and Public agency
8. Collocated facility
9. Temporary holding facility
10. Court Holding facility
11. Staff Secure Facility

For purposes of this policy and for classification purposes only Federal definitions will be used.

Procedures:

1. All facilities listed in the Compliance Monitoring Universe Master List must be classified pursuant to the above definitions (secure or non-secure; residential or non-residential, public or private; adult, juvenile or used for both).
2. Based up the classification, the list of facilities requiring an onsite inspection during the monitoring year will be generated.
3. The classification of current facilities will/or may have occurred during the previous monitoring year. For example, while conducting an onsite visit to a Sheriff's Department the compliance monitor may learn of a new court holding facility that was recently constructed. That is added to the Compliance Monitoring Universe and is subject to classification and inspection. Or, the compliance monitor may learn of a police department that has just become operational during the previous year. Again, the new police department is subject to classification and inspection.
4. The classification of facilities is not a one-time occurrence at a specified time during the course of the year. Rather, it is an on-going process. The classification is verified through on-site inspections as required.
5. The Compliance Monitor will annually review state standards and new legislation, judicial practices and administrative rules for classification purposes. Based on the standards, judicial practices and administrative rules some facilities may be excluded from inspection.
6. When an existing facility is re-classified it is noted in the Facility File and in the Compliance Monitoring Universe Master List. Using this method, it is an easy task to update the information annually.
7. The Compliance Monitor will annually classify all jails, court holding facilities, secure lockups, and juvenile detention facilities as public, secure facilities that may be used for the incarceration of juveniles and/or adults. All of these facilities will be subject to onsite inspection and data collection/data verification.

8. Law enforcement facilities classified as non-secure will receive spot checks to determine if they remain non-secure. It will be the responsibility of the compliance monitor to maintain contact with non-secure law enforcement agencies to ensure and have certified their secure/non-secure status. In addition, a Non-Secure Certification form will be completed and kept on file in the Compliance Monitor's Office. This will provide written verification that the facility is non-secure and does not require an annual inspection. Typically, visits to court holding facilities occur when the Compliance Monitor conducts inspections at their respective jurisdictions.
9. The classification of facilities is placed in the Compliance Monitoring Universe Master List. The classification describes a facility as being residential or non-residential, public or private, secure or non-secure, juvenile, adult or both. Based on the classification, the Compliance Monitor will be ready to compile the list of facilities requiring an annual inspection.

2.3 INSPECTION OF FACILITIES

Policy:

Inspection of facilities is required to classify according to federal regulations and to review whether adequate sight and sound separation occurs for juveniles housed in facilities which also confine adult offenders. Such inspections are necessary to provide the protections required by the JJDP Act and to determine whether adequate data are maintained to determine compliance with the three statutory core requirements. The inspection process should include a method of reporting compliance with the separation core protection for each secure facility which holds both juvenile and adult offenders. Reports on each facility's compliance or non-compliance will be made available to the facility as a record of findings of the inspection.

Each facility will have an individual file, located at the Compliance Monitor's office called a Facility File that will contain all pertinent information relating to the onsite visit and the compliance status of the facility. Any compliance related issues or potential problems will be documented in the Facility File. A summary will be made of the technical assistance that was provided and any corrective action that should be taken. Compliance violations will be documented in the Facility File for reporting in the Annual Report to OJJDP.

It is important that all facility administrators or contacts be provided with all applicable information on compliance with the JJDP Act and related regulations. During each on-site inspection, the Compliance Monitor will make available information concerning the Juvenile Justice and Delinquency Prevention Act as well as copies of the *Guidance Manual for Monitoring Facilities under the Juvenile Justice and Delinquency Prevention Act of 2002*. This information and other information about the compliance monitoring program in Virginia are available to all facilities and are downloadable from the DCJS web site.

In addition, the compliance monitor represents DCJS, and as such, should have available during on-site visits information regarding funding opportunities through the DCJS or other resources that the Juvenile Justice Specialist deems appropriate. This not only provides the facility contact with valuable information but serves to develop and maintain the very important working relationships between the facility and Compliance Monitor.

Procedures:

The Compliance Monitor will annually inspect facilities to ensure an accurate assessment of each facility's classification and record keeping. The inspection will include:

1. A review of the physical accommodations to determine whether it is a secure or non-secure facility.
2. A "walk-through" of the facility as if the Compliance Monitor was a juveniles to determine the level of sight and sound separation between juveniles and incarcerated adults.
3. A review of the record keeping system to determine whether sufficient data are maintained to determine compliance with 223 (a) (11), (12), (13), and (23).
4. An exit interview with the facility administrator or contact to share onsite findings and concerns, to discuss methods to realize compliance if issues are present, to provide technical assistance, and to discuss concerns the facility administrator or contact has.

The following guidelines will be used in determining which facilities will receive an onsite inspection:

All Detention Homes will receive onsite visits annually to review detention files and verify data contained in the Juvenile Tracking System (JTS) Reports. Jails, secure lockups, juvenile correctional centers, and court holding facilities will receive onsite visits at the rate of 100% every three years. Non secure law enforcement facilities and non-secure children group homes will be spot checked. In addition, certifications will be received from non-secure facilities annually to ensure their non-secure status.

1. The compliance monitor, at least 15 days prior to an on-site inspection, will notify the facility administrator or contact of the date and time of inspection. If the date and time is inconvenient, another time will be scheduled.
 - A. The compliance monitor will be responsible for maintaining records of when facilities were visited. They will be included with the data obtained for that monitoring year and included in the Annual OJJDP Monitoring Report.
2. At all inspections a report will be completed documenting the visit at the facility which will be included in the Facility File that is maintained in the Compliance Monitor's office at DCJS.
 - A. The Compliance Monitor will determine how records are kept at the facility on juveniles held securely and verify that the records are accurate. OJJDP requires data verification which is unique to each facility; however, the Compliance Monitor is always able to verify data by reviewing a juvenile's detention file. A thorough record keeping review will be conducted to ensure all facilities keep records consistent with OJJDP Rules and Regulations and should, at a minimum, include:
 1. Name or ID number (in order to review a file if needed to verify compliance)
 2. Date of Birth/Sex/Race/Ethnicity (to determine age and for Disproportionate Minority Contact reports)
 3. Most serious offense juvenile is being detained on (to determine compliance with DSO in the event a juvenile was picked up, for example, on both runaway and shoplifting charges).
 4. Date and time of admission (to determine compliance with Jail Removal)
 5. Date and time of release (to determine compliance with Jail Removal)
 6. Court times if applicable (to determine compliance with Jail Removal)
3. During the inspection of facilities separation questions will be asked. For example, a juvenile detention center may be located near an adult jail. Inmates may be asked to perform grounds work at the juvenile detention center in which case sight and sound separation would be an issue. The Compliance Monitor should obtain policies and procedures on how the facility ensures sight and sound separation.

4. The compliance monitor will provide technical assistance to those facilities not in compliance with record keeping and/or with sight and separation requirements. Facilities should be told that the Compliance Monitor is available to review proposed facility plans prior to construction to ensure that sight and sound will be complied with.
5. All lockups that do not have secure holding capabilities will be classified as non-secure. The Law Enforcement Certification of Non-Secure Classification form will be completed and filed and retained in the Compliance Monitor's Office. Contact should be maintained with these facilities and they should receive spot check visits to ensure that they remain non-secure. The compliance monitor is responsible for maintaining records on which facilities were monitored during the compliance monitoring year.

2.4 DATA COLLECTION AND VERIFICATION

Policy:

The Compliance Monitor will be responsible for collecting and verifying data on every youth held in those facilities subject to inspections following OJJDP rules and regulations on data collection. Data on all juveniles held securely will be obtained. The fiscal year, July 1 through June 30, will be used for each annual monitoring cycle. The following data sets will be obtained:

1. Data sets to be reviewed during collection/verification. (See also federal regulations)

- A. Juvenile Detention Centers

1. Accused status offenders held for more than 24 hours (excluding weekends and holidays), prior to an initial court appearance, excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act or a similar state law. *(These juveniles are violations of the DSO core requirement).*
2. Accused status offenders held for more than 24 hours (excluding weekends and holidays), immediately following an initial court appearance excluding those held pursuant to a Valid Court Order, out of state runaways held pursuant to the Interstate Compact and those held pursuant to the Youth Handgun Safety Act. *(These juveniles are violations of the DSO core requirement).*
3. Adjudicated status and non-offenders held for any length of time. *(Any nonoffender sentenced to detention, or any status offender held without benefit of the Valid Court Order, are violations).*
4. Status offenders held pursuant to a violation of a Valid Court Orders. *(These are not violations of the DSO core requirement but states must verify that the federal requirements for using the VCO was followed).*
5. Out-of-State runaways held over the 24 hour reporting exception *(If held pursuant to the Interstate Compact rules and regulations they do not count as violations)*
6. Federal wards held over the 24 hour reporting exception. *(OJJDP excludes them if the allowable rate is exceeded).*
7. Nonoffenders held for any period of time. *(All nonoffenders held securely are violations).*
8. Total number of juvenile offenders held pursuant to the Youth Handgun Safety Act or similar state law. *(These juveniles are not violations but the total number is reported in the Annual Compliance Monitoring Report).*

- B. Adult Jails and Adult Lockups

1. Accused status and non-offenders held for any period of time. *(They are violations of the DSO and Jail Removal core requirements, therefore, if a status offender or non-offender is held securely for any period of time they count as two violations).*

2. Adjudicated Status and non-offenders held for any length of time (including VCOs). *(Again, they are violations of the DSO and Jail Removal core requirements and are counted as two violations).*
3. Separation violations. *(They are violations of the Separation core requirement).*
4. Accused juvenile criminal-type offenders held in excess of six hours. *(They are counted as Jail Removal violations).*
5. Adjudicated juvenile criminal-type offenders held in excess of six hours prior to or following a court appearance, or for any period of time not related to a court appearance. These are juveniles who are sentenced to an adult jail or lockup. *(They are violations of the Jail Removal core requirement).*
6. Number of accused juvenile criminal-type offenders held for less than 6 hours for purposes other than identification, investigation, processing, release to parent(s), transfer to court, or transfer to a juvenile facility following initial custody. *(These are violations of the Jail Removal core requirement).*
7. Juveniles held in an adult jail or lockup pursuant to public authority as a disposition or as a means of correcting their behavior and in sight and sound contact with incarcerated adults. These programs are commonly referred to as Scared Straight. *(These are violation of Sight and Sound Separation).*

C. Adult Correctional Facilities

1. Any juvenile brought inside an adult correctional facility pursuant to public authority as a disposition or as a means of correcting their behavior. Commonly referred to as Scared Straight. *(Violation of Sight and Sound Separation).*

Procedures:

1. Adult Jails and Adult Lockups

- A. During on-site inspections the Compliance Monitor will collect and verify data on juveniles held securely. Lockups will also be asked to fax copies of their juvenile detention logs to the DCJS Compliance Monitor for review.
- B. Juvenile Detention logs will be reviewed at each inspection and should document each juvenile that is securely held. Juvenile Detention Logs should be filled out each time a juvenile is placed in secure custody by the arresting officer. The Compliance Monitor will review the logs on-site and verify them for compliance with the JJDP Act. Lockups will also be asked to fax copies of their juvenile detention logs to the DCJS Compliance Monitor for review.
- C. Information on juveniles held as adults should be kept by the facility in the facility's detention file. This information that is maintained in the detention files should be reviewed for compliance with the JJDP Act.

- D. In cases where additional information is required, the Compliance Monitor will verify the log entries against individual case files at the facility or at the court.
- E. The Compliance Monitor will retain copies of the Juvenile Detention Logs for reporting purposes and they will become part of the individual Facility File.

2. Juvenile Detention and Correctional Facilities

- A. These types of facilities usually maintain a computer program which documents all juveniles entering and exiting their facilities
- B. The Compliance Monitor will collect data as outlined under the “data sets” of this policy for those facilities that qualify as a juvenile detention or juvenile correctional facility.
- C. These facilities will receive inspections for data verification annually. Once the data is collected, the Compliance Monitor will schedule on-site visits to verify the data. Individual case files are pulled from records, in the case of a status offender who has been sentenced to detention, information will be recorded so that VCO’s may be verified with the court records.
- D. Information concerning compliance with the JJDP Act will be shared with Detention Superintendents annually through reports provided by the Compliance Monitor to the Virginia Council on Juvenile Detention.

3. Courts to verify the Valid Court Order

- A. Once information is obtained on status offenders who have been sentenced to Juvenile Detention Centers for violating a court order related to a prior status offense, the Compliance Monitor will schedule a records review with the Juvenile Court clerk to review court files to determine that the proper procedures for utilizing the VCO exclusion established by the JJDP Act has been followed.
- B. Individual case files must be reviewed to ensure that the VCO is followed. Ten percent of VCO’s should be verified annually.

4. Other Facilities

- A. Other facilities classified as secure, public or private, juvenile facilities will be subject to the same data collection sets as juvenile detention centers.
- B. Other facilities classified as secure, public or private, juvenile or adult facilities, will be subject to the same procedures and data sets as jails and lockups.

5. Non-Reporting Facilities

- A. Facilities that refuse to provide the Compliance Monitor with records on juveniles held securely will be classified as non-reporting. The numbers of juveniles held and the number of violations will therefore be “projected” using the following procedure.
- B. The Compliance Monitor should determine which county or city is most similar to the non-reporting facility. Criteria used will be: size, location (urban, suburban, rural), number of juveniles residing within the county or city, and number of law enforcement officers employed by the county or city.
- C. The number of violations and number of juveniles held securely from the similar county or city will be used to determine the same numbers for the non-reporting facility and will be documented in all compliance monitoring charts as “projected”.
- D. The projection technique will be documented in the Annual Compliance Monitoring Report.

2.4.1 DEINSTITUTIONALIZATION OF STATUS OFFENDERS \ DSO

Statement of Purpose:

The JJDP Act states that no status or non-offender may be held in secure facilities. However, the JJDP Act provides statutory exceptions and the federal regulations provide a regulatory exception. Both exceptions only apply to Juvenile Detention Centers. It is clearly the intent of the JJDP Act that these are the exceptions and not the rule.

Intent of the DSO Core Requirement

The DSO Core Requirement has been part of the JJDP Act since its inception in 1974. The principles are as follows:

- Holding status and non-offenders in secure confinement, although expedient, is an inappropriate strategy for handling juveniles who have not engaged in any criminal behavior.
- Historically, status offenders, when handled as delinquents, have been placed in environments that lead to physical and emotional harm.
- The punishment of status offenders and nonoffenders, often abused and neglected children, simply represents a continuation of the cycle of mistreatment.

The JJDP Act does not ignore the problems of status and non-offenders. Instead, the JJDP Act has supplied federal funds to the states that meet the core requirement to develop a comprehensive continuum of care. The JJDP Act encourages the creation and implementation of community based treatment, diversion and delinquency prevention programs as appropriate, cost effective alternatives to secure confinement. The maintenance of this requirement promotes just policies concerning status and non-offenders, and it upholds the necessary distinction in treatment strategies for the status and non-offenders versus the more serious juvenile offender.

OJJDP, which regulates compliance, provides for two primary types of exceptions. These exceptions are statutory exceptions and reporting exceptions.

Reporting exceptions are violations of this core requirement which the Federal Regulations allow states to subtract from the total number of violations via regulatory definitions. Where the JJDP Act is silent on an issue, reporting exceptions define the limited circumstances under which a state will not be penalized. Statutory exceptions are defined in the JJDP Act and established by Congress. Their interpretation is strictly defined by statute.

There are three statutory exceptions. The first is possession of a handgun, the second is the Valid Court Order, and the third is Out of State runaways when held pursuant to the Interstate Compact. Statutory exceptions allow states to remove from consideration, for compliance purposes, offenses that constitute the violation of a Valid Court Order or a violation of Section 922(X) of Title 18 or similar State laws (handgun possession). Juveniles held pursuant to the Interstate Compact on Juveniles enacted by the state are excluded from the DSO requirements in total.

2.4.2 SIGHT AND SOUND SEPARATION

Statement of Purpose:

The JJDP Act provides that no juvenile will be confined in circumstances where they have contact with incarcerated adults in a secure custody status. The exact wording in the JJDP Act is: “juveniles alleged to be or found to be delinquent, as well as status offenders and nonoffenders, will not be detained or confined in any institution in which they have contact with adult inmates.” The JJDP Act of 2002 further requires that “there is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in colocated facilities, to have been trained and certified to work with juveniles.”

In addition, in accordance with OJJDP policy and regulation, the state must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup or correctional facility as a disposition of an offense or as a means of modifying their behavior (e.g. Shock Incarceration, Scared Straight or Shape Up).

Intent of the Separation Core Requirement

This requirement has been part of the JJDP Act since its inception in 1974. It was passed by Congress in response to the fact that juveniles placed in adult facilities where they had contact with adult inmates and correctional staff were frequently victims of physical, mental, sexual and emotional abuse, and the discovery that juveniles in contact with adult prisoners were exposed to the tools and training necessary to engage in criminal behavior.

In addition to protecting juveniles against abuse and corruption, sight and sound separation reinforces acceptable professional guidelines. The separation of juveniles from adults allow for the immediate mobilization of effective, appropriate services for juveniles. The separation requirement maintains the safety of juveniles while focusing attention on their diversion to community resources.

The American Correctional Association, the American Bar Association, and the Bureau of Indian Affairs support standards requiring separation; therefore, the sight and sound separation requirement represents the minimum standard for safe jail policy.

Separation does not apply, nor do any of the requirements apply, to juveniles direct filed or waived to adult court.

The consolidated federal regulation states: “The term contact is defined to include any physical or sustained sight and sound contact between juvenile offenders in a secure custody status and incarcerated adults, including inmate trustees. A juvenile offender in a secure custody status is one who is physically detained or confined in a locked room or other area set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody. Secure detention or confinement may result either from being placed in such a room or area and/or from being physically secured to a cuffing rail or other stationary object. Sight contact is defined as clear visual contact between incarcerated adults and juveniles within close proximity to each other. Sound contact is defined as direct oral communication between incarcerated adults and juvenile offenders. Separation must be accomplished architecturally or through policies and procedures in all secure areas of the facility which include, but are not limited to, such areas as admissions, sleeping, and shower and toilet areas. Brief and inadvertent or accidental contact between juvenile offenders in a secure custody status and incarcerated adults in secure areas of a facility that are not dedicated to use by juvenile offenders and which are nonresidential,

which may include dining, recreational, education, vocational, health care, sally ports or other entry areas, and passageways (hallways), would not require a facility or the State to document or report such contact as a violation. However, any contact in a dedicated juvenile area, including any residential area of a secure facility, between juveniles in a secure custody status and incarcerated adults would be a reportable violation.” Juveniles are not to have any “contact” with incarcerated adults while they are in “secure” custody.

Added during the 2002 reauthorization is a prohibition of “Scared Straight or Shape Up” type of programming. In accordance with current OJJDP policy and proposed regulation, the state must assure that no juvenile offender shall enter under public authority, for any amount of time, into a secure setting or secure section of an adult jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

2.4.3 THE REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

Statement of Purpose:

The JJDP Act states “that no juvenile shall be detained or confined in any jail or lockup for adults.” There are two reporting exceptions that Virginia follows which are contained in the consolidated federal register. The first states that accused criminal-type offenders may be held in a sight and sound separated area for up to 6 hours for processing purposes only. The second states that alleged or adjudicated juvenile criminal-type offenders may be held for up to 6 hours prior to or following a court appearance.

Intent of the Jail Removal Core Requirement

The Jail Removal requirement was added to the JJDP Act in 1980, in part as a method of addressing the unintended consequence of the separation requirement. In order to meet the separation requirement, many juveniles were held in solitary confinement for long periods of time. Research indicated an increase of suicides of those juveniles held in adult jails versus juvenile detention centers.

In order to provide consistent protection of juveniles, the sight and sound separation requirement necessitated the addition of the jail removal requirement. The removal of juveniles from adult jails and lockups is supported by widespread consensus on the appropriate handling of juveniles.

Juveniles held in adult jails and lockups remain at risk for physical, mental and sexual abuse at the hands of adults. In addition, they are frequently exposed to and educated about how to become better criminals.

The National Council on Crime and Delinquency, the Coalition for Juvenile Justice, the National Sheriffs Association, the Institute for Judicial Administration, the National Advisory Commission on Law Enforcement, and essentially every national organization representing law enforcement and the judicial system, recommends or mandates standards that forbid the jailing of children.

The intent of jail removal is not to release juveniles who, because of their offenses and their history, need to be securely detained but to promote the appropriate secure confinement of these juveniles in juvenile facilities. Juvenile facilities can provide both public safety and specific evaluation and treatment needs of juveniles.

Statutory Exception

Juveniles who are waived into adult court or have their cases filed directly in adult court are not considered juveniles under the JJDP Act and are therefore excluded from the regulations.

Reporting Exception - Six Hour Rule

Juvenile delinquents (accused and adjudicated) may be held (if separated from incarcerated adults) for up to six hours for identification, processing, and to arrange for release to parents or transfer to a juvenile facility. They may also be held an additional six hours following an initial court appearance. This exception only allows for the short term secure holding of juvenile offenders for the purposes of identification, processing, investigation and to arrange release. Prohibited is the sentencing of juveniles to the jail or lockup. The purpose of this exception is to detain juveniles only long enough to “process” their case.

A. Six Hour Rule

The six hour clock starts the moment a juvenile is placed into secure custody status. Once the clock starts, it cannot be turned off, even if the juvenile is removed briefly from the locked setting (bathroom break, interview, etc.).

The Six Hour Rule does not apply when:

1. The juvenile is placed into a locked squad car; or
 2. The juvenile is handcuffed to him or herself; or
 3. The juvenile is in a secure booking area for processing purposes and is under continuous “in-person” supervision and is removed from the secure booking area immediately following the booking process; or
 4. The juvenile is placed into an unlocked room with freedom of movement from the facility.
- B. The six hours before and after a court appearance cannot be “traded.” The rules allow for up to six hours before court and six hours after court. You may not detain a juvenile for four hours before court and then eight hours after court.

Juveniles in non-secure custody are not subject to the OJJDP regulations.

2.5 ANNUAL COMPLIANCE MONITORING REPORT PERIOD

Statement of Purpose:

A designated monitoring report period is essential in providing accurate year to year monitoring reports. A 12-month report period is the soundest method and leaves no room for statistical errors. In the event a facility will not provide data, a statistically sound method of projecting the data must be used.

Policy:

The monitoring period selected for Virginia is from July 1 through June 30 of each year. Therefore, FY 07/08 data will be used for the 2008 Monitoring Report and so on.

Procedures:

1. All data collected for the OJJDP Annual Compliance Monitoring report will reflect that it has been collected from July 1 through June 30 of the respective year of the report.
2. In the event a facility will not report data the following method will be used to statistically project the data: A similar type of facility (if police, a police department will be used) with similar demographics (urban, rural or suburban), similar juvenile population and similar number of officers (or staff) will be located. The data from that facility will be used in the OJJDP report, and the compliance monitor will note that the data has been projected.
3. The OJJDP Compliance Monitoring Report is located on their web site and should be completed electronically.

2.6 ANNUAL METHOD OF REPORTING ON THE STATUS OF COMPLIANCE WITH THE JJDP ACT

Statement of Purpose:

The data and information collected throughout the year must be analyzed, reviewed, and written up in the form of the Annual Compliance Monitoring Report, which must be received by OJJDP no later than December 31 of each year.

Policy:

It is the Compliance Monitor's responsibility to collect, verify, and compile the data each year. The Compliance Monitor will complete the narrative for the report; however, the Juvenile Justice Specialist retains the primary responsibility for the report.

Procedures:

1. On or before December 1 of each year the Compliance Monitor will have collected and verified the data as listed under data sets.
2. After all data has been collected and verified the Compliance Monitor will extract the data that relates to the Annual Compliance Monitoring Report and will complete the report. The OJJDP template report is on Microsoft Excel; the form can also be downloaded from the OJJDP web site.
3. The Compliance Monitor will provide the statistical tables and/or charts needed for the report.
4. The Compliance Monitor will submit a draft of the report to the Juvenile Justice Specialist for review and revisions. On or before December 31 of each year, two copies of the OJJDP Annual Compliance Monitoring Report will be submitted to the OJJDP Compliance Monitor Coordinator and to Virginia's OJJDP State Representative.
5. The OJJDP Annual Compliance Monitoring Report will also be made available to the Juvenile Justice Specialist, SAG, and other interested parties.

3.0 CORE REQUIREMENTS AND OJJDP REGULATIONS BY TYPE OF FACILITY

Policy:

States must use only the federal definitions when monitoring for compliance with the JJDP Act and related regulations. Each type of facility must meet certain criteria in order to be classified as such. Each type of facility complies with the regulations in different ways. This policy is intended to provide the Compliance Monitor with compliance monitoring direction as it relates to each type of facility recognized by OJJDP. All facilities must fit into one of these categories.

Within this policy, a summary of the JJDP Act/regulations by type of facility and type of juvenile are provided.

Procedures:

The compliance monitor will refer to these policies and procedures when assessing compliance at facilities.

3.1 SECURE AND NON-SECURE CUSTODY

Policy:

This policy is intended to provide the Compliance Monitor with direction for monitoring secure and non-secure facilities.

During Classification of Facilities the compliance monitor will make an initial determination based on regulations, licensing requirements or from previous onsite inspections whether the facility is secure or non-secure. The only method to confirm the classification is through an onsite inspection. This policy provides guidance on what constitutes a secure facility and what constitutes a nonsecure facility. Data and compliance are linked to secure facilities only. If during an inspection it is determined that a facility has changed classification status from non-secure to secure, the Compliance Monitor should reclassify the facility as secure and immediately ensure that data is being collected.

Procedures:

Secure Custody

Secure custody is used to define a detention or correctional facility, or residential facilities having construction features designed to physically restrict the movements and activities of persons in custody (e.g., locked rooms and buildings, fences, or other physical structures). It does not include facilities where physical restriction of movement or activity is provided solely through facility staff (i.e., staff secure). Further guidance in distinguishing non-secure custody from secure custody comes from the November 2, 1988, Federal Register announcement, Policy Guidance for Non- Secure Custody of Juveniles in Adult Jails and Lockups; Notice of Final Policy.

Also considered secure are those facilities that contain doors with delayed egress devices that have not received written approval by the authority having jurisdiction over fire codes and/or fire inspections in the area in which the facility is located. The egress delay must never exceed the time delay allowed by the fire code applicable to the area in which the facility is located, and the maximum time delay allowed must be specified on the written approval. Facilities that contain devices that exceed a 30-second delay are always considered secure, even though local code may allow for a longer time delay.

As examples, a juvenile placed in the following situations would be considered in a secure custody status:

1. A juvenile placed in a cell within an adult jail or lockup, whether or not the cell door is locked.
2. A juvenile placed in an unlocked room within the secure perimeter of an adult jail or lockup or a juvenile detention center.
3. A juvenile left in a secure booking area after being photographed and fingerprinted.
4. A juvenile being processed in a secure booking area where an un-secure booking area is available within a facility.
5. A juvenile handcuffed to a rail in an unlocked lobby area of an adult jail or lockup.

6. A juvenile handcuffed to a stationary object in any area of the facility.
7. A juvenile placed in a room that contains egress doors with unapproved delayed egress devices or approved delayed egress devices with a delay of more than 30 seconds.

Non-Secure Custody

A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility but not be in a secure detention or confinement status. OJJDP's Policy Guidance states that all of the following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in an adult jail or lockup facility:

1. The area where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room that is not designated, set aside or used as a secure detention area or is not part of such an area, or if a secure area, is used for processing purposes;
2. The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility;
3. The use of the area is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court;
4. In no event can the area be designated or intended to be used for residential purposes; and
5. The juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody. In addition, a juvenile placed in the following situations would be considered in a non-secure status:
 - a. A juvenile handcuffed to a non-stationary object, if the five criteria listed above are adhered to; handcuffing techniques that do not involve cuffing rails or other stationary objects are considered non-secure.
 - b. A juvenile being processed through a secure booking area: Where a secure booking area is all that is available and continuous visual supervision is provided throughout the booking process and the juvenile remains in the booking area only long enough to be photographed and fingerprinted, the juvenile is not considered to be in a secure detention status. Continued non-secure custody for the purposes of interrogation, contacting parents, or arranging an alternative placement must occur outside the booking area.
 - c. A juvenile placed in a secure police car for transportation. The JJDP Act applies only to secure detention facilities and secure correctional facilities; therefore, a juvenile placed in a police car for transportation would be in a non-secure status.
 - d. A juvenile placed in a non-secure runaway shelter but prevented from leaving because of staff restricting access to exits. A facility may be non-secure (i.e., staff

secure) if physical restriction of movement or activity is provided solely through facility staff.

- e. A juvenile placed in a room that contains doors with delayed egress devices which have received written approval (including a specification of the maximum time delay allowed) by the authority having jurisdiction over fire codes and fire inspections in the area in which the facility is located and which comply with the egress delay established by the authority having jurisdiction over fire codes and fire inspections. In no case shall this delay exceed 30 seconds.

3.2 TRANSFERRED AND WAIVED JUVENILES

Policy:

The Compliance Monitor should exclude juveniles under the age of 18 who have been certified, waived or transferred and are being tried for criminal charges as adults. It is the responsibility of the Compliance Monitor to determine if a juvenile's case is in juvenile or in adult court.

Procedures:

If criminal felony charges have been filed against a juvenile in a court exercising criminal jurisdiction, the juvenile can be detained in an adult jail or lockup. The jail and lockup removal requirement does not apply to those juveniles formally waived or transferred to criminal court and against whom criminal felony charges have been filed or to juveniles over whom a criminal court has original or concurrent jurisdiction and such court's jurisdiction has been invoked through the filing of criminal felony charges. Note that waiver or transfer and the filing of criminal felony charges does not transform a juvenile into an adult. Therefore, such a juvenile can be detained (or confined after conviction) in a juvenile facility and commingled with juvenile offenders.

A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court does not have to be separated from adult criminal offenders. This is due to the fact that such a juvenile is not alleged to be or found to be delinquent (i.e., the juvenile is under a criminal proceeding, not a delinquency proceeding). Likewise, an adult held in an adult jail or lockup for delinquency proceeding (generally related to a crime committed before reaching the age of full criminal responsibility) can be held securely in an adult jail or lockup because the adult is not juvenile alleged to be or found to be delinquent. Both types of individuals can be placed wherever the legislature or courts, where authorized, deem appropriate.

3.3 COLLOCATED FACILITIES

Policy:

The Compliance Monitor needs to understand what constitutes a Collocated Facility in order to monitor this type of facility for compliance with the JJDP Act core protections

This policy will serve as guidance when monitoring Collocated Facilities.

Procedures:

A Collocated Facility is a juvenile facility that is located in the same building as an adult jail or lockup or is part of a related complex of buildings located on the same grounds as an adult jail or lockup. A complex of buildings is considered related when it shares physical features such as walls and fences or services beyond mechanical services (heating, air conditioning, water and sewer) or beyond specialized services such as medical care, food service, laundry, maintenance and engineering. An approved Collocated Facility is a facility that has been approved by DCJS after meeting the following four criteria:

- a. The facility must ensure separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults in the facility. Separation can be achieved architecturally or through time-phasing of common use nonresidential areas; and
- b. The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides for a full range of separate program services. No program activities may be shared by juveniles and incarcerated adults. Time phasing of common use non-residential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns; and
- c. If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles; and
- d. In States that have established standards for licensing requirements for juvenile detention facilities, the juvenile facility must meet the standards (on the same basis as a free standing juvenile detention center) and must be licensed as appropriate. If there are no State standards or licensing requirements, OJJDP encourages States to establish administrative requirements that authorize the State to review the facility's physical plan, staffing patterns, and programs in order to approve the collocated facility based upon prevailing national juvenile detention standards.

The State must determine that the four criteria are fully met via an on-site visit and through the exercise of its oversight responsibility, must ensure that the separate character of the juvenile detention facility is maintained by continuing to fully meet the four criteria set forth. Annual inspections and certifications are required.

In 2002, the collocated requirements were changed substantially to allow staff to work with both juveniles and adults. After a facility has been certified as being Collocated, the same rules and regulations that apply to a Juvenile Detention Center apply to a Collocated facility.

3.4 COURT HOLDING FACILITIES

Policy:

The Compliance Monitor needs to understand what constitutes a Court Holding Facility in order to monitor this type of facility for compliance with the JJDP Act core protections. This policy will serve as guidance when monitoring Court Holding Facilities.

Procedures:

1. A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court holding facilities, where they do not detain individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to court appearances, are not considered adult jails or lockups. However, such facilities remain subject to the sight and sound separation requirement of section 223(a)(12) of the Act.
2. If it is a facility that is used for purposes other than court holding or is used for punitive purposes it no longer qualifies as a court holding facility and should be classified as an adult jail or lockup.
3. The Compliance Monitor must monitor court holding facilities to ensure that they continue to meet the definition and purpose listed above.
4. A status offender or delinquent placed in a court holding facility is exempt from the DSO requirement if the facility meets the criteria listed above.
5. It is important to note that court holding facilities impose an inherent or practical time limitation in that juveniles must be brought to and removed from the facility during the same judicial day.

3.5 OTHER TYPES OF FACILITIES

Policy:

The Compliance Monitor needs to understand what constitutes other types of facilities in order to monitor this type of facility for compliance with the JJDP Act core protections. This policy will serve as guidance when monitoring other types of facilities.

Procedures:

Adult Prisons

1. An adult prison includes any institution used for the post-conviction confinement of adult criminal offenders, including work camps and secure facilities located in the community.
2. The JJDP Act prohibits the placement of status offenders and non-offenders in secure detention facilities or secure correctional facilities. Holding status offenders or non-offenders in an adult prison would be an immediate violation of the JJDP Act.
3. The JJDP Act states that no juvenile shall be detained or confined in any jail or lockup for adults; therefore the JJDP Act limits the facilities from which juveniles must be removed to adult jails and lockups. The requirement does not apply to adult prisons. Therefore, holding a delinquent offender in an adult prison is not a violation of the jail removal core requirement.
4. Complete separation must be provided between juvenile delinquent offenders and adult inmates and trustees.
5. Shape Up or Scared Straight programs, where juveniles are brought inside adult prisons to discuss a life of crime with adult inmates as an intervention program, are violations of the separation core protection when the juvenile is required to participate in this program as part of a court order, including probation or diversion requirements. The DCJS Compliance Monitor must annually check with adult prisons to determine if they are participating in this type of program.

Secure Mental Health Facilities

1. A juvenile committed to a mental health facility under a separate State law governing civil commitment of individuals for mental health treatment or evaluation would be considered outside the class of juvenile status offenders and non-offenders. For monitoring purposes, this distinction does not permit placement of status offenders or non-offenders in a secure mental health facility where the court is exercising its juvenile status offender or non-offender jurisdiction. The State must ensure that juveniles alleged to be or found to be juvenile status or non-offenders are not committed under State mental health laws to circumvent the intent of DSO.
2. There are no restrictions to placing delinquent offenders in a mental health treatment center. The separation requirement does not apply if the juvenile and adults are held in a mental health facility solely because of a mental health civil commitment.
3. The DCJS Compliance Monitor must work closely with the Virginia Department of Mental Health Mental Retardation Substance Abuse Services (DMHMRSAS) to

ensure that all juveniles detained in secure mental health facilities are being held specifically for mental evaluations and mental health treatment purposes only. DMHMRSAS inspects, regulates, certifies, and licenses these facilities annually, and they will certify to the DCJS Compliance Monitor that the above requirements of the JJDP Act are being complied with.

Non-secure Temporary Holding Facilities, Staff Secure Facilities, Non-secure Shelter or Group Homes

1. Non-secure, community based programs or facilities are exempt for the purposes of monitoring for compliance with the core requirements. The core protections only apply to secure facilities. For example, a non-secure residential program for treatment of substance abuse could include both juvenile delinquent or status offenders and adult offenders who are under a sentence for the conviction of a crime.
2. The compliance monitor should monitor non-secure facilities that hold juveniles to verify their non-secure status. If the facility's status should change from non-secure to secure, the facility must be monitored as an adult jail or lockup if it holds both juvenile and adult offenders. If it holds only juveniles it must be monitored as a juvenile detention center.
3. The DCJS Compliance Monitor must work closely with the Virginia Department of Juvenile Justice, Virginia Department of Social Services, and Virginia Department of Mental Health Mental Retardation and Substance Abuse Serviced which regulate and license non-secure group homes to ensure the non-secure status of these facilities. The DCJS Compliance Monitor will receive annual certification from the above agencies that the non-secure facilities which they regulate continue to remain non-secure.

4.0 CERTIFICATION FOR COMPLIANCE WITH TITLE V

Policy:

In 1994, Congress stipulated that for a unit of general local government to be eligible to apply to the state for Title V Community Prevention Grant funds, the unit must be certified by the State Advisory Group as in compliance with the four core requirements. The unit of local government must obtain this certification prior to applying for an award of funds. In certifying, the unit of local government must be within the de minimus parameters provided in the OJJDP regulations; this determination is based on the locality's most current census data.

The compliance certification applies to all facilities operated by or contracted by the unit of local government. This certification is not limited to a specific area, therefore this certification must also include any facility that is owned, operated or contracted with by the unit of local government.

In order to be in compliance with the DMC requirement, the unit of local government must be cooperating with data gathering and must be making an adequate effort toward addressing, or assisting the State to address, this issue. The level of cooperation must be satisfactory to support efforts to achieve the goals of the DMC requirement.

After awards are made, the Compliance Monitor must ensure that these communities continue to comply. As part of the Title V grants program, a plan must be in place which will identify and discontinue all Title V grants that fall out of compliance.

Procedures:

1. When an announcement is made regarding the available type funds, it will stipulate that prior to receiving an application the locality must submit a Certification of Compliance. A list of communities wishing to receive an application will be forwarded to the Compliance Monitor.
2. The Compliance Monitor will complete the certification based on the most recent 12 months of compliance monitoring data using the most current census figures available.
3. Once the certification is complete, it will be forwarded to the Juvenile Justice Specialist.
4. It is critical that the Compliance Monitor inform the facility administrator or contact of these funding requirements at all on-site visits so they may make every effort to comply.
5. If an applicant agency falls out of compliance, the Compliance Monitor will notify the Juvenile Justice Specialist and remedial action will be taken. That action may include technical assistance and training.

ATTACHMENTS

VIRGINIA CERTIFICATION OF COMPLIANCE FORM REQUIRED FOR TITLE V OR JABG FUNDING JJDP ACT OF 2002, SECTIONS (A)(11)(A), (12), (13), (23)

To be eligible for Title V Delinquency Prevention funds, the applicant community must be certified by the Juvenile Justice and Delinquency Prevention (JJDP) Council as being in compliance with Sections 223 (a)(11)(A) (*Deinstitutionalization of Status Offenders*); (12) (*Separation*); (13) (*Jail Removal*); and (23) (*Disproportionate Minority Confinement*) of the JJDP Act, as amended. If the community defined in the grant application includes multiple law enforcement jurisdictions, all facilities operated by or under contract to each local unit of government included in the defined community will be included in this certification. After the Compliance Monitor from the Department of Criminal Justice Services completes this form and obtains necessary signatures, it will be given to the contact person listed below. It must then be submitted with the application.

Applicant Agency _____ Contact Person _____

Phone _____ Fax _____ E-mail _____

Description of this community's area boundaries:

Total juvenile population for this area: (age 0 - 18, include source)

Facilities to be monitored for compliance under this application: This includes all county jails, municipal lock ups and juvenile detention facilities accessible to the agencies and courts serving this community.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Reporting period (must equal 12 months): _____

Certification:

The applicant agency and all agencies in the defined community are (check one):

_____ In compliance with the core requirements

_____ NOT in compliance with the core requirements, but the attached plan to achieve compliance is acceptable and will be monitored for implementation throughout the grant period.

_____ NOT in compliance with the core requirements and no plan for compliance has been approved.

_____ DCJS Compliance Monitor

_____ Date

_____ DCJS Juvenile Justice Specialist

_____ Date

_____ Chair, Virginia SAG

_____ Date

(Title V Cert. Rev. 2008)

5.0 PROCESS FOR A FACILITY TO REQUEST AN OJJDP OPINION

Policy:

On occasion, there will be situations or issues that arise when an opinion from OJJDP is required. This might be to reinforce the Compliance Monitor's opinion and ruling or might be a request for assistance in interpreting the regulations. For this reason the following policy is provided.

A request for an OJJDP opinion should be directed in writing to the OJJDP State Representative from the Compliance Monitor through the Juvenile Justice Specialist. Or, in the case where a facility is requesting an opinion, they may submit that request after discussing it with the Compliance Monitor and DCJS should be provided a copy of the request for the Facility File.

Procedures:

1. Prior to writing a letter, the Compliance Monitor should discuss the situation with the Juvenile Justice Specialist.
2. If the Juvenile Justice Specialist concurs that a letter requesting an opinion is needed, the Compliance Monitor will write the letter and copy it to the Juvenile Justice Specialist.
3. When a response is received from OJJDP, the Compliance Monitor will copy the response for the Juvenile Justice Specialist. A copy of the letter will be included in the Facility File.
4. If the response results in changes in the way compliance monitoring is performed in Virginia, the changes will be reflected in *Virginia's Compliance Monitoring Policy and Procedure Manual* when it is updated.



APPENDIX B

LEGISLATIVE AUTHORIZATION: *CODE OF VIRGINIA*



LEGISLATIVE AUTHORIZATION: *CODE OF VIRGINIA*

§ 9.1-111. Advisory Committee on Juvenile Justice; membership; terms; quorum; compensation and expenses; duties.

- A. The Advisory Committee on Juvenile Justice (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The Advisory Committee shall have the responsibility for advising and assisting the Board, the Department, all agencies, departments, boards and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth.

The membership of the Advisory Committee shall comply with the membership requirements contained in the Juvenile Justice and Delinquency Prevention Act pursuant to 42 U.S.C. § 5633, as amended, and shall consist of: the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department of Social Services; the Director of the Department of Juvenile Justice; the Superintendent of Public Instruction; one member of the Senate Committee for Courts of Justice appointed by the Senate Committee on Rules after consideration of the recommendation of the Chairman of the Senate Committee for Courts of Justice; one member of the House Committee on Health, Welfare and Institutions appointed by the Speaker of the House of Delegates after consideration of the recommendation of the Chairman of the House Committee on Health, Welfare and Institutions; and such number of nonlegislative citizen members appointed by the Governor to comply with the membership range established by such federal act.

Legislative members, the Superintendent of Public Instruction, and the agency directors shall serve terms coincident with their terms of office. All other members shall be citizens of the Commonwealth and be appointed by the Governor for a term of four years. However, no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment.

The Advisory Committee shall elect its chairman and vice-chairman from among its members.

- B. Gubernatorial appointed members of the Advisory Committee shall not be eligible to serve for more than two consecutive full terms. Three or more years within a four-year period shall be deemed a full term. Any vacancy on the Advisory Committee shall be filled in the same manner as the original appointment, but for the unexpired term.
- C. The majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Advisory Committee.
- D. The Advisory Committee may adopt bylaws for its operation.

- E. Members of the Advisory Committee shall not receive compensation, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of the expenses shall be provided from federal funds received for such purposes by the Department of Criminal Justice Services.
- F. The Advisory Committee shall have the following duties and responsibilities to:
1. Review the operation of the juvenile justice system in the Commonwealth, including facilities and programs, and prepare appropriate reports;
 2. Review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of the juvenile justice system in the Commonwealth; and
 3. Advise on all matters related to the federal Juvenile Justice and Delinquency Prevention Act of 1974 (P. L. 93-415, as amended), and recommend such actions on behalf of the Commonwealth as may seem desirable to secure benefits of that or other federal programs for delinquency prevention of the administration of juvenile justice.
- G. The Department of Criminal Justice Services shall provide staff support to the Advisory Committee. Upon request, each administrative entity or collegial body within the executive branch of the state government shall cooperate with the Advisory Committee as it carries out its responsibilities.

(1981, c. 632, § 9-168; 1984, cc. 30, 515, 538, 734; 1986, c. 519; 1987, c. 144; 1989, c. 733; 1990, c. 98; 1991, cc. 59, 685; 1993, c. 415; 1994, cc. 20, 226; 1997, cc. 32, 795, 883; 1999, c. 495; 2001, c. 844; 2004, c. 1000.)