David Mick, Chairperson
Montell Brown
Travis Burns
Vanessa Crawford
Christopher Francis
Laura F. O'Quinn
Celvin Richardson
Kayla Robinson
Neville Welch

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COMMONWEALTH *of* VIRGINIA
Board of Juvenile Justice

DRAFT MEETING MINUTES

June 8, 2026
All-Virtual Public Meeting

Board Members Present: Montell Brown, Travis Burns, Christopher Francis, David Mick, Laura F. O'Quinn, Celvin Richardson, Kayla Robinson, and Neville Welch

Board Member Absent: Vanessa Crawford

Department of Juvenile Justice (Department) Staff: Cristina Agee (Office of the Attorney General), David Bass, Robert (Bob) Bermingham, Jr., Marilyn Brown, Ken Davis, Katherine Farmer, Michael Favale, Hannah Gee, Wendy Hoffman, Kevin Heller, Andrea McMahon, Julie Norris, Wanda Parris-Flanagan, Kristen Peterson, Lara Todd, James Towey, Christina Zember

Guests: Dave Cantor (WVTF – Virginia's Public Media Station)

CALL TO ORDER AND INTRODUCTIONS
In the absence of Chairperson Mick, Director Bermingham opened the meeting and, out of respect for the Board Members' time, asked Mr. James Towey to begin at 9:31 a.m.

Mr. Towey called for introductions. Chairperson Mick joined the meeting, thanked all members for attending, and expressed appreciation for their continued service.

ALL-VIRTUAL PUBLIC MEETING ANNOUNCEMENT
James Towey, Legislative and Regulatory Affairs Manager, Department

This is the Board's first meeting of what may be two all-virtual public meetings this year. There are specific requirements the Board must follow, particularly regarding quorum, in accordance with Virginia Code § 2.2-3708.3 and the Board's policy governing all-virtual public meetings. The Board is authorized to hold up to two all-virtual meetings per year. Since the Board has not yet used an all-virtual meeting this year, today's meeting may be held virtually on the basis of convenience.

Public access is provided through electronic communication that allows the public to hear all participating Board members. It is important to note that no more than two Board members may be together in the same physical location while participating virtually. For today's meeting, no Board members are gathered together.

For quorum purposes, a Board member must be on camera to be counted. Members are asked to keep their cameras on for the duration of the meeting; otherwise, the meeting may need to pause.

PUBLIC COMMENT
There was no public comment.

NEW BUSINESS

Consideration of the Virginia Juvenile Community Crime Control Act (VJCCCA) Plans
Katherine Farmer, VJCCCA Supervisor, Department of Juvenile Justice

Ms. Farmer directed Board members to pages 1–4 of the Board packet, which contain the VJCCCA Fiscal Year 2027–2028 Budget Summary. These pages outline the state allocation and the required maintenance of effort for each locality, with a total budget of roughly $16 million.

The second data set is located on pages 5–17 of the packet and provides information broken down by fiscal year and by plan. Ms. Farmer noted that some sections are incomplete and apologized, stating she will follow up with the missing information.

The final data set appears on pages 18–27 of the packet. This section includes the table of allowable VJCCCA-funded programs and services. It is organized by categories such as plan administration, public safety, accountability, competency development, group homes, and prevention programs. Under each category is a list of services that localities may choose from when developing their VJCCCA plans.

Board Member O'Quinn requested clarification regarding the Budget Summary entry for Buchanan County. Ms. Farmer explained that the $809 listed is the county's required local maintenance-of-effort match, and the $67,453 represents the state allocation they receive. She added that she did not include any additional local funds in this data set, although some localities do contribute more than the required amount.

Ms. Farmer requested a motion by the Board on the 69 localities that submitted VJCCCA plans for fiscal years 2027-2028 with balanced budgets. These plans have been reviewed by DJJ staff and are recommended for approval by the Board for 2027-2028 biennium.

On motion duly made by David Mick and seconded by Neville Welch, the Board of Juvenile Justice approved the 69 listed (below) VJCCCA plans for the 2027-2028 fiscal years. All Board members present declared "aye" and the motion carried.

Accomack Combined, Alexandria, Amherst, Arlington Combined, Bedford, Campbell, Caroline, Charlotte Combined, Charlottesville Combined, Chesterfield, Colonial Heights, Culpeper, Dinwiddie, Emporia Combined, Fairfax Combined, Fauquier, Fluvanna, Floyd, Franklin County, Frederick Combined, Fredericksburg, Giles, Grayson Combined, Halifax, Hampton, Hanover, Henrico, Hopewell, King George, King William Combined, Lexington Combined, Louisa, Lynchburg, Manassas City, Manassas Park, Martinsville Combined, Mecklenburg, Montgomery, Nelson, Newport News, Norfolk, Orange Combined, Page, Petersburg, Pittsylvania, Powhatan, Prince George, Prince William, Radford, Rappahannock, Richmond City, Rockingham Combined, Roanoke City, Roanoke County Combined, Shenandoah, Spotsylvania, Stafford, Tidewater Youth Services Commission (Chesapeake, Franklin City, Isle of Wight, Portsmouth, Southampton, Suffolk, Virginia Beach), Washington Combined, Warren, Waynesboro Combined, Westmoreland Combined, Wythe Combined, York Combined.

Ms. Farmer requested a motion by the Board on four localities that submitted revised VJCCCA plans with a balanced budget for FY 2027. These plans have been reviewed by staff and are recommended for approval by the Board for the 2027 fiscal year of the 2027-2028 biennium.

Chairperson Mick asked whether, once the Board approves the localities for this year, an update will be provided detailing how much funding was allocated to each program. Ms. Farmer responded, "Yes, sir."

Chairperson Mick emphasized that he wants to ensure the funds are being used as requested when the Board votes on next year's plan. Ms. Farmer stated she would be happy to provide the Board with that information.

On motion duly made by David Mick and seconded by Neville Welch, the Board of Juvenile Justice approved the Amelia, Loudoun, Nottoway, and Surry VJCCCA plans for the 2027 fiscal year. All Board members present declared "aye" and the motion carried.

Ms. Farmer requested a motion by the Board on a proposal from managers from Greene, Orange, and Madison counties, who have agreed to present a combined plan with Orange County being the fiscal agent effective July 1, 2026.

Chairperson Mick asked if those three counties were in the same judicial circuit with the same judges. Ms. Farmer responded that she was not sure about the same judge, but all three localities fall under the 16th Court Service Unit. They currently have individual plans and decided to pool their money and services together to become one combined plan.

On motion duly made by David Mick and seconded by Neville Welch, the Board of Juvenile Justice approved Greene, Orange, and Madison Counties to be a combined plan effective July 1, 2026. All Board members present declared "aye" and the motion carried.

Consideration to Rescind Two Policies: 18-001 Crisis Intervention and Use of Force and 18-004 Firearms, Stun Guns, and Other Weapons
Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice

Mr. Davis referred to the Board packet on page 28 and the accompanying memo outlining the background on the policy. He noted that § 66-10 of the Code of Virginia authorizes the Board to establish certain policies. In April 2022, Mr. Davis and Ms. Peterson initiated a comprehensive review of all Board policies. At that time, the Board had approximately 40 policies; today, that number is about 34. The purpose of the review was to advise the Board whether each policy should be retained, amended, or rescinded based on whether it is statutorily required, remains relevant, or has been incorporated into existing regulations—as is the case with the two policies under discussion.

Policy 18-001, *Crisis Intervention and Use of Force*, outlines requirements for staff training in crisis prevention and intervention, as well as the appropriate use of physical force. The policy states that force may be used only to control residents whose behavior poses a safety risk to themselves or others, and only as a last resort. It further requires that staff use the least amount of force necessary to eliminate the imminent risk, preserve safety, and maintain security and order.

Beginning on page 30 of the Board packet is a list of regulatory provisions for juvenile correctional centers that address the same topics covered in the policy. Page 31 contains parallel provisions for juvenile detention centers, and pages 31–32 outline additional requirements for group homes. These regulatory provisions are substantially more detailed than the policy. Because regulations carry the force and effect of law—while policies do not—the Department recommends that the Board rescind Policy 18-001, as its content has been fully incorporated into regulation.

Chairperson Mick asked whether the policy has remained unchanged since 2008. Mr. Davis confirmed that it has, explaining that many Board policies are dated and that this review initiative was launched so the Board can update review dates or take appropriate action on policies that may no longer be needed.

Chairperson Mick observed that use-of-force standards have evolved since 2008 and asked about in-service requirements for facility staff, including training on restraint holds and de-escalation. Mr. Davis explained that juvenile correctional center staff must complete 120 hours of initial training, which includes instruction in restraint techniques and Handle With Care, followed by 40 hours of annual training.

Board Member Welch asked whether the policy's requirements are fully enforced and articulated in the regulation. Mr. Davis confirmed this, noting that regulations cannot be updated without explicit Board approval. Board Member Welch then asked if additional training is being considered given the expanded regulation. Ms. Peterson responded that the regulation already requires 120 hours of initial training plus 40 hours annually, and there are no plans to add further training requirements. The Department believes the current hours are sufficient.

Chairperson Mick asked who develops the written procedures referenced in the regulation and whether they are accessible. Mr. Davis stated that the agency's Policy Division drafts these procedures and can provide copies to the Board. While the Board cannot change procedures, he emphasized that Board policies and agency procedures must align with the regulation, and the Department would not implement any procedure below the regulatory standard.

Chairperson Mick then asked whether there is a mandatory review for each use-of-force incident. Mr. Davis explained that these incidents are documented as serious incidents and reviewed by the facility administrator. If an incident raises significant concern, the Certification Unit becomes involved to determine compliance with regulations and whether further action is necessary.

Board Member Burns asked whether the Department tracks physical restraint incidents by facility. Mr. Davis responded that the agency's research unit collects such data for the juvenile correctional center, but no report is routinely provided to the Board; the Board would need to request it. Board Member Burns then asked whether the Director receives reports of these incidents. Mr. Davis said no consolidated report is provided. Director Bermingham added that he receives serious incident reports when they occur, along with other agency leaders. Some incidents are referred to Child Protective Services. Although there is no annual report, these incidents are closely monitored, have sometimes resulted in legal action, and are addressed through ongoing training. Facility management reviews use-of-force incidents with involved staff to provide feedback on their actions.

Board Member Robinson asked whether rescinding the policy would reduce monitoring of use-of-force incidents. Director Bermingham replied that it would not. Mr. Davis reiterated that rescinding the policy would not eliminate any requirements because the regulation already governs the subject matter more comprehensively. Board Member Robinson noted that rescinding the policy would improve cohesiveness, and Mr. Davis agreed, stating it would remove an unnecessary document and avoid any confusion caused by having both a policy and a regulation.

On motion duly made by David Mick and seconded by Neville Welch, the Board of Juvenile Justice approved the rescission of Board Policy 18-001 (*Crisis Intervention and Use of Force*), as proposed at the June 8, 2026, meeting to take effect immediately. All Board members present declared "aye" and the motion carried.

Policy 18-004, *Firearms, Stun Guns, and Other Weapons*, governs the possession, use, and storage of weapons within Department-operated or contracted facilities. The policy prohibits the use, storage, and possession of weapons in these facilities or on their grounds, unless specifically authorized by statute, regulation, or designated in Department procedure. Page 33 of the Board packet outlines the corresponding regulatory provisions, which are at least as comprehensive as the policy and, in several areas, considerably

more detailed. For this reason, the Department recommends that the Board rescind Policy 18-004, as the existing regulation fully and more robustly addresses the same subject matter.

On motion duly made by David Mick and seconded by Neville Welch, the Board of Juvenile Justice approved the rescission of Board Policy 18-004 (*Firearms, Stun Guns, and Other Weapons*), as proposed at the June 8, 2026, meeting, to take effect immediately. All Board members present declared "aye" and the motion carried.

PRESENTATION – Legislative Update
James Towey, Legislative and Regulatory Affairs Manager, Department

Another General Assembly session has concluded, although the budget is yet to be decided. As a long session, more than 3,600 bills were introduced. The agency's legislative team began reviewing bills in mid-December to identify those relevant to DJJ or juvenile justice. In total, the team tracked more than 500 bills that could directly or indirectly affect the agency or the broader juvenile justice system. This includes bills on new crimes or enhancing penalties, which may affect minors or otherwise be important for the Department to monitor.

Mr. Towey presented the five most impactful bills with direct implications for the Department. He also noted that the Department is close to finalizing its legislative manual, a comprehensive document covering approximately 250 to 300 bills. This manual is expected to be available by the end of June.

Mr. Towey followed his slide presentation found on page 34 of the Board packet.

HB 91 – Room Confinement
The Department has convened a balanced group of stakeholders and hired a professional facilitator to avoid any appearance of bias. Meetings are scheduled for July and August, with additional sessions planned for September and October. Many requirements outlined in HB 91 reflect practices the Department is already implementing or developing, including expanding programming and partnerships with community groups. The Department recognizes areas for improvement and is taking this legislative directive seriously. Recommendations that emerge from the room confinement collaborative may have regulatory implications relevant to the Board.

Chairperson Mick asked whether the Department is represented on the committee. Mr. Towey confirmed representation by Chief Deputy Director Marilyn Brown, who serves as chair, along with four Department staff members. The committee also includes four juvenile justice advocates, two Commonwealth's Attorneys, two public defenders, and several other stakeholders, totaling 16 members. Chairperson Mick noted the November 1 due date for the report and asked that the Board receive a copy. Mr. Towey indicated he does not anticipate difficulty meeting the deadline.

SB 18 – Minimum Age for Delinquency
Senator Locke has pursued this legislation for several years. SB 18 moves Virginia away from common-law presumptions of criminal intent based on age. Under common law, youth age 7 and under are presumed incapable of forming criminal intent, and a rebuttable presumption applies to ages 7 to 14. Approximately half of states still follow this model.

SB 18 establishes a statutory minimum age of criminal responsibility (MACR) at 11, aligning Virginia with the federal standard and placing it near the national midpoint. Historically, only one to two youths per year under age 11 have been adjudicated delinquent, so the practical impact will be limited, though significant for the affected individuals. The bill also requires dismissal and expungement of any erroneously filed delinquency petitions involving children under 11. In such cases, a Commonwealth's Attorney may instead file a Child in

Need of Services (CHINS) petition, ensuring access to appropriate services comparable to those available through a delinquency finding.

SB 64 – Indeterminate Commitments
This legislation establishes judicial review in cases where the Department determines a youth must remain committed beyond the upper end of their length-of-stay (LOS) guideline. Extensions may be necessary when youth have behavioral challenges, unmet treatment needs, or unfinished educational or workforce programs (such as HVAC). If the Department believes remaining in care will benefit the youth, it may seek court approval to extend the commitment for up to six months.

If an extension beyond six months is necessary, the Department must file an additional petition. Initial filings beginning July 1 are expected to be around 10 to 15 cases, largely involving youth already identified as needing extra time. After this initial period, annual filings should decrease. The legislation's intent—highlighted by patron Senator Favola—is to ensure judicial oversight when extensions are required due to circumstances beyond the youth's control, such as delays caused by vacant instructional positions.

HB 438 / SB 70 – Informal Proceedings
These bills emphasize increasing the number of cases handled informally, either before petition filing or after filing when a case is referred back for diversion or informal proceedings. Mr. Towey reviewed the key points from the slides on pages 40–41 of the Board packet.

HB 123 / SB 146 – Driving Privileges
Mr. Towey summarized the major points from the slide on page 42 of the Board packet.

DIRECTOR CERTIFICATION ACTIONS
Wanda Parris-Flanagan and Kevin Heller, Certification Analysts, Department

The Board was directed to page 44 of the packet, which includes the individual audit reports and a summary of the Director's certification actions completed on May 19, 2026.

The Director certified the Northwestern Regional Juvenile Detention Center and Post-dispositional Program to April 14, 2029, issuing a letter of congratulations for achieving 100% compliance.

The First District Court Service Unit (Chesapeake) was certified to April 13, 2029, also receiving a letter of congratulations for 100% compliance. This marks their second consecutive audit with perfect compliance.

The 16th District Court Service Unit (Charlottesville and surrounding areas) received a 94.2% compliance rating on their July 2025 audit and has been certified to September 12, 2028.

The 21st District Court Service Unit (Martinsville) achieved a 98.1% compliance rating on the September 2025 audit and has been certified to December 1, 2028.

The 22nd District Court Service Unit (Rocky Mount) earned a 96.5% compliance rating on the November 2025 audit, with certification also extending to December 1, 2028.

DIRECTOR REMARKS AND BOARD COMMENTS
Director Bermingham thanked the Board for its participation and the staff for the significant work and effort that goes into making these meetings possible.

Director Bermingham and Chief Deputy Director Brown continue their listening and learning tour as they approach five months in their roles. They have visited roughly half of the Commonwealth, meeting with court service units, members of the judiciary, prosecutors, and detention homes.

Last Friday, the Department celebrated graduation at Yvonne B. Miller High School on the Bon Air campus—an exciting day for everyone. There were 39 graduates, with many family members in attendance. Several youths who had already been released had also graduated prior to leaving, bringing the total number of graduates into the 50s. Attorney General Jones served as keynote speaker and was well received. He connected deeply with the students, sharing his perspective informed by a family long involved in youth justice, his father a former Department director and circuit court judge, and his mother a juvenile court judge in Norfolk. The ceremony reflected a traditional high school graduation, complete with pomp and circumstance, excitement, and a BBQ celebration afterwards for families, graduates, and staff.

A few weeks ago, Director Bermingham presented before the Commission on Youth regarding recommendations for potential improvements and enhancements within the facility. He provided an update on the Department's ongoing progress. A key takeaway from that presentation was the Department's emphasis on keeping state-committed youth closer to home. This includes potential increased use of under-capacity detention homes, new programming, or legislative efforts aimed at reducing Bon Air's population. The Commission, comprised largely of delegates and senators, expressed strong support, and their influence may help move these initiatives forward.

The current Bon Air population is 159 youth, down from 193 in February. The Department has made a focused effort to review youth who are at or past their release dates. Legislation has recently been introduced on this, but the Department had already begun proactively working to resolve delays that were outside the youths' control. This approach is helping the Department better manage the facility's population.

Staffing challenges remain, particularly regarding required ratios, but the situation is improving. The number of juvenile correctional specialists is gradually increasing, and the Department is seeing meaningful progress.

Director Bermingham continues outreach efforts, including meeting with the newest members of the judiciary who visited Richmond for orientation. These sessions provide an overview of Department operations, particularly Bon Air.

Several internal policy changes have been implemented to address issues carried over from the prior administration. The Department is meeting with system stakeholders and advocacy groups—including prosecutors and youth advocates—to gather input, share updates, and exchange ideas regarding concerns and ongoing realities within the agency.

The summer is expected to be busy. Director Bermingham is eager to see the outcomes of the House Bill 91 workgroup. He emphasized that no one in the administration or facility wants youth confined to their rooms longer than necessary. At present, room time remains too long, with well-documented impacts on youth mental and physical well-being. Limited space continues to present challenges, and the Department is exploring options for creating more developmentally appropriate and environmentally supportive spaces. Director Bermingham invited Board members to tour Bon Air, noting that it remains a sterile, adult-like institution.

On the community side, the Department is working to enhance and improve diversion rates. There is growing interest in restorative justice, both in the community and within the facility. The Department is exploring pilot programs and internal implementation of restorative justice practices, which may help reduce tensions and conflicts. Efforts are also underway to strengthen family engagement and victim impact programming.

Director Bermingham has noted that victim impact information is often missing from special decision packet reviews for youth considered for release. He stressed the importance of ensuring youth understand the impact of their actions. While some of this work occurs through therapy, he believes the Department should require dedicated victim empathy and victim impact services before release. Advocate Valerie Slater and several faith-based organizations have offered assistance, and the Department is working to coordinate and improve service delivery.

Board Member Burns expressed interest in touring Bon Air and requested an invitation to next year's graduation, noting his experience as a high school principal. Director Bermingham welcomed both requests.

Board Member Brown also voiced interest in attending future graduations. As an educator, he believes Board representation at such events is important. He expressed strong support for the Department's restorative justice efforts, sharing his own training in Tier 1, 2, and 3 restorative practices and offering to assist. Director Bermingham agreed and will share his information with Carmen Williams, who leads restorative justice initiatives within the agency.

Chairperson Mick encouraged all Board members to tour the facility, noting it was one of the most impactful experiences he has had and provided meaningful insight into the Board's role. He added that he would have liked to attend the graduation as well, especially given his connection with Judge Jones, one of his mentors.

NEXT MEETING
September 14, 2026, at 9:30 a.m. at the Virginia Public Safety Training Center

ADJOURNMENT
Chairperson Mick adjourned the meeting at 10:48 a.m.