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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

BOARD AGENDA

March 27, 2026

Virginia Public Safety Training Center – Knox Hall

9:30 a.m. Board Meeting

- 1. Call to Order and Introductions**
- 2. Public Comment**
- 3. Consideration of December 2, 2025, meeting minutes (Pages 2-6)**
- 4. Board Orientation Update**
James Towey, Legislative and Regulatory Affairs Manager, Department of Juvenile Justice
- 5. New Business**
 - a) **Request to advance amendments to Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) to Final stage of the standard regulatory process (Pages 7-36)**
Kristen Peterson, Regulatory Coordinator, Department of Juvenile Justice
 - b) **Request to initiate action for amendments to the Guidance Document Interpreting 6VAC35-170, Review and Approval of Data Requests and Research Proposals (Pages 37-68)**
Kristen Peterson, Regulatory Coordinator, Department of Juvenile Justice
- 6. Director Certification Actions**
Ken Bailey, Certification Manager, Department of Juvenile Justice
 - December 16, 2025 (Pages 69-85)
 - February 27, 2026 (Pages 86-110)
- 7. Director Remarks and Board Comments**
- 8. Next Meeting: June 8, 2026 – All-Virtual Public Meeting**
- 9. Adjournment**

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



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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

DRAFT BOARD MINUTES

December 2, 2025
All-Virtual Public Meeting

Board Member Present: Lisa Cason, Michael Crawley, David Mick, Wes Nance, Laura O'Quinn, Andrew Rice, Kayla Robinson, Penny Schultz, and Marsha Tsipsis

Board Members Absent: None

Department of Juvenile Justice (Department) Staff: Cristina Agee (Office of the Attorney General), Ken Davis, Michael Favale, Amy Floriano, Kevin Heller, Wendy Hoffman, Dale Holden, Nikia Jones, Andrea McMahon, Guillermo Novo, Kristen Peterson, and Cassandra Sheehan (Office of the Attorney General)

Guests: Valerie Slater (RISE for Youth) and William Wimbish (Tidewater Youth Services Commission)

CALL TO ORDER AND INTRODUCTIONS

Chairperson Mick called the meeting to order at 9:32 a.m. and asked for introductions.

ALL-VIRTUAL PUBLIC MEETING ANNOUNCEMENT

Mike Favale, Deputy Director of Policy, Department

Mr. Favale announced that because James Towey had another obligation, Mr. Favale would proceed with the all-virtual public meeting statement.

The meeting today is an all-virtual public meeting and is authorized pursuant to Virginia Code section 2.2-3708.3 and the Board's policy governing all-virtual public meetings. Specifically, circumstances warrant that the meeting be all virtual based on convenience. The Board has not had more than two all-virtual public meetings during this calendar year, and the Board's last meeting was not all virtual. Public access is being provided by electronic communication, which allows the public to hear all participating members of the Board and audio-visual technology is being used to allow the public to see the members of the Board. An email account that was provided to the public on the Department's website will be monitored throughout the meeting, alerting if someone notifies that electronic transmission of the meeting fails. The public is also being afforded the opportunity

to comment through electronic means. There cannot be more than two members of the Board together at one physical location, and that is not the case for today's meeting. Lastly, a member of the Board shall, for the purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails, or during which audio communication otherwise fails. Mr. Favale asked the Board members to keep their cameras on throughout the meeting.

Mr. Favale noted the presence of a quorum and indicated the meeting could move forward with topics that require a vote.

PUBLIC COMMENT

There was no public comment.

CONSIDERATION OF BOARD MINUTES

The minutes of the August 18, 2025, and October 27, 2025, Board meetings were offered for approval. Board Member Schultz asked for the spelling of her name to be corrected on pages 2 and 27 of the Board packet containing the minutes. On motion duly made by David Mick and seconded by Laura O'Quinn, the Board of Juvenile Justice approved the minutes as amended. All Board members present declared "aye," and the motion carried.

NEW BUSINESS

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

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson presented the Tidewater Youth Services Commission's request on behalf of their Apartment Living Program for an extension of a variance and noted that Mr. William Wimbish, the deputy director of the Tidewater Youth Services Commission, was present at the meeting to provide additional information regarding this request and answer any questions about program operations at the facility.

Ms. Peterson explained that the certification regulation (6VAC35-2090.2) allows for programs and facilities concerned about their ability to meet regulatory requirements to seek a variance from the Board of Juvenile Justice to be excused from regulatory requirements that are not critical. The certification regulation requires that critical regulatory requirements be met with 100% compliance, and only non-critical regulatory requirements are eligible for variances. The Tidewater Youth Services Commission's Apartment Living Program is seeking to extend the variance originally issued in 2016 and extended in 2020 relating to the three regulatory requirements listed on page 39 of the Board packet dealing with nutrition and staff supervision of residents. The Apartment Living Program allows residents to live in apartment-style settings and develop independent living skills that help prepare them to live independently and successfully after completion of the program.

Ms. Peterson discussed the three specific regulatory requirements that the Tidewater Youth Services Commission's Apartment Living Program had struggled to meet, prompting these variances.

1. 6VAC 35-41-650 Subsection C provides that menus of actual meals served shall be kept on file for at least six months. Because of the independent nature of the program and the fact that the facility is seeking to ensure residents are developing these independent living skills, there is no food technician or manager on the premises; the residents are responsible for their own meal preparation and grocery shopping. The Apartment Living Program has some challenges with meeting the record-keeping requirement because of instances where residents' work or school schedules make it difficult for them to comply with the meal plans put in place. Staff may have some challenges monitoring and tracking the meals given to the residents or that the residents prepare.
2. 6VAC35-41-650 Subsection E says there can be no more than 15 hours between the evening meal and breakfast the next morning except when the facility administrator approves an extension of time between meals on weekends and holidays. If there is an extension approved by the facility administrator, it can never be more than 17 hours between the evening meal and breakfast. Language in the Subsection A says residents have to be provided three nutritionally balanced meals and an evening snack; so, the 15-hour period also consists of an evening snack. Residents do not go 15 hours without any food.

The concern with this provision is about tracking the time. Residents are in an independent setting and may have various work or school schedules that might get interrupted. Schedules are unpredictable and might make it difficult for staff members to track when the meals are actually being taken. For that reason, the program has asked for an extension to the variance currently in place.

3. 6VAC35-41-920 Subsection D sets out requirements regarding staff supervision of residents and provides there shall always be at least one trained direct care staff member on duty and actively supervising residents at all times that one or more residents are present. The concern is with instances when there may be one staff member on a shift at a given time, but residents may be off site and may encounter an emergency requiring that single staff member to leave the facility for a short period of time to attend to the particular resident with the emergency. The variance currently in place allows that staff member to leave the facility for a period of up to one hour, in order to address a resident who is off-site experiencing an emergency.

The proposed scope of the variance is discussed on page 41 of the Board packet. The proposed variance text to 6VAC35-41-920, is underlined and provides that a trained direct care staff on single coverage and actively supervising residents in the Apartment Living Program will be authorized in emergencies to leave the facility for up to an hour in order to address a resident who is away from the facility and in need of immediate assistance.

Under the variance, the program needs to comply with two requirements: (a) the staff member must provide notice to the facility administrator or other supervisor before leaving the facility; and (b) the residents who remain on campus must be provided an emergency telephone number or other means of immediately communicating with staff.

The variance to the three regulatory provisions has been in place since 2016 with the Board approving an extension in 2020. The current variance expires today, and the Tidewater Youth Services Commission is requesting another extension. Proposed amendments to this regulatory

chapter are moving through the lengthy standard regulatory process and are currently in the Final Stage of the process. The proposed amendments incorporate the concepts of this variance. The Board has already endorsed the concepts contained within this variance by allowing the proposed amendments to be included in the regulatory action underway.

The Board is required to specify the scope and duration of the variance. The Tidewater Youth Services Commission is asking for the variance to be extended for an additional five years or until the regulation is updated to incorporate these concepts.

Ms. Peterson introduced Mr. Wimbish who proceeded to speak to the variance request.

Mr. Wimbish introduced himself as the Deputy Director at the Tidewater Youth Services Commission, and Amanda Cassimore, the Director for the Apartment Living Program, who was joining him in his office. Mr. Wimbish thanked Ms. Peterson for outlining why this variance was needed to make the program a success.

Mr. Wimbish went on to describe parts of the program.

Often the young people in the program start off with restaurant-based jobs and are offered food at their job as a benefit. The program does not have control over what food is being offered to them. When coming into the job atmosphere, many young people in the program don't have experience, and shift work is often the only option. The young person may work an overnight shift and will be eating outside of the parameters set. Mr. Wimbish indicated his concern with holding the young person to a requirement that differs significantly from the pattern they observe while working.

The program is located in Virginia Beach, less than two blocks from the oceanfront, and weather changes quickly and sometimes with severity. Often, the young people utilize public transportation, walk, or ride bicycles. Sometimes, the young people have been in the community and needed assistance to return to the program, but there was only a single staff member on duty. Staff can go into the community after talking to the administrator to respond to such things as a weather warning and to pick residents up and bring them back to the program.

For immediate medical emergencies such as illnesses or injuries, the paramedics would be called. If the young person needs to leave work due to a medical issue and is unable to ride their bike, the variance would allow staff to support the youth needing help.

Board member Nance asked if any other programs were having issues with these same regulations and whether the Board had to approve variances for any other programs due to the nature of the program itself? Director Floriano responded that a variance was approved for Merrimac dealing with cognitive behavioral therapy. Ms. Peterson noted with respect to these regulatory requirements and group homes, that no variance requests regarding the nutrition provisions or the staff supervision provisions had been submitted. Mr. Wimbish added that the variance is needed because of the way the program is formatted; the Apartment Living Program is not a group home. These are independent apartments seeking to transition youth into adulthood.

Chairperson Mick observed the program has eight participants and four, two-bedroom apartments and asked whether the apartments were connected. Mr. Wimbish answered they are separate apartments in the same unit. Chairperson Mick noted that these are not 14- or 15-year-old kids, but 17- to 20-year-olds entering adulthood and trying to live on their own. It is not necessarily the group

home atmosphere where everybody is together; these young people are in individual units. Mr. Wimbish answered that this was correct.

On motion duly made by David Mick and seconded by Wes Nance, pursuant to 6VAC35-20-92, the Board of Juvenile Justice approved the Tidewater Youth Services Commission's Apartment Living Program's request to extend the variances to subsections C and E of 6VAC35-41-650 and to 6VAC35-41-920 regarding menu retention, periods between meals, and staff supervision of residents, as agreed upon at the December 2, 2025, meeting. The variances shall remain in effect for five years or until their terms are adopted in the Regulation Governing Juvenile Group Homes and Halfway Houses (6VAC35-41), whichever occurs first. All Board members present declared "aye," and the motion carried.

DIRECTOR REMARKS AND BOARD COMMENTS

Director Floriano indicated this will probably be her last Board meeting, given the upcoming transition. Director Floriano said she greatly appreciated working with the Board and thanked the Attorney General's office for their help with the litany of problems created over the past four years. Director Floriano said her team was fantastic, and expressed her excitement about the Board's future endeavors. Director Floriano concluded by saying she is an ally and would be available, if needed.

Chairperson Mick commented that programs like the Apartment Living Program are great. As a juvenile prosecutor and public defender, Chairperson Mick has seen kids come into the system at 13 or 14 years old who have never been taught to balance a checkbook, and such programs are beneficial. There is a need to look for opportunities to do this same type of program in other areas, as they help kids to avoid reoffending and to find a sense of worth in their life. Chairperson Mick shared his appreciation of the hard work in setting up the program and its impact on kids' lives going forward.

Mr. Wimbish thanked Chairperson Mick for the remarks and noted his belief that success comes from a combination of efforts with the Department. The program provides fulfillment for the youth and helps them to make themselves better people and successful citizens.

Cassandra Sheehan thanked Director Floriano for her service and said how wonderful it was to work with her. Ms. Sheehan noted that, regardless of what happens, Director Floriano should know that she has made a big impact and it is appreciated.

NEXT MEETING

The 2026 schedule is pending.

ADJOURNMENT

Chairperson Mick adjourned the meeting at 10:03 a.m. and wished all happy holidays.



Robert A. Bermingham, Jr.
Director

Marilyn G. Brown
Chief Deputy Director

COMMONWEALTH OF VIRGINIA
Department of Juvenile Justice

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MEMORANDUM

TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

DATE: March 27, 2026

SUBJECT: Request to Advance Amendments to the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) to the Final Stage of the Standard Regulatory Process; Request to Amend Guidance Document Interpreting 6VAC35-170, Review and Approval of Data Requests and Research Proposals

I. ACTION REQUESTED

The Department of Juvenile Justice (department) is respectfully requesting that the State Board of Juvenile Justice (board) approve additional proposed changes to 6VAC35-170, *Regulation Governing Juvenile Data Requests and Research Involving Human Subjects*, and to authorize the department to advance the action, including, as applicable, the additional proposed amendments already adopted by the Board at the Proposed Stage, to the Final Stage of the standard regulatory process. In connection with the proposed regulatory amendments, the department also is seeking the board's approval to submit amendments to the accompanying *Guidance Document Interpreting 6VAC35-170, Review and Approval of Data Requests and Research* at the appropriate time and in accordance with the process outlined in § 2.2-4002.1 of the Code of Virginia.

II. BACKGROUND

The *Regulation Governing Juvenile Data Requests and Research Involving Human Subjects* currently establishes the requirements researchers must follow when conducting research on human subjects, generally under the care or supervision of the department. The regulation also establishes processes for obtaining data collected by the department regarding such individuals. The current regulation tracks both federal regulations and state statute. The *Guidance Document Interpreting 6VAC35-170, Review and Approval of Data Requests and Research Proposals*, is intended as a supplement to the regulation. The document interprets the requirements contained in Chapter 170 and provides data requesters and researchers with additional information regarding the submission, review, and approval process for these projects.

On December 13, 2023, the department asked the board for permission to initiate a comprehensive review and amendments to this chapter through the standard regulatory process. The request was made primarily to carry out the agency's obligation to conduct quadrennial reviews of its regulations in accordance with § 2.2-4007.1 D of the Code of Virginia, but also to identify areas for regulatory reduction in furtherance of former Governor Youngkin's regulatory reduction mandate in Executive Order 19. Upon the board's approval, the department filed a Notice of Intended Regulatory Action (NOIRA) through the Virginia Regulatory Town Hall to initiate the first stage of the three-part standard regulatory process. The action underwent executive branch review, commencing with the Department of Planning and Budget and ending with the Governor's review and approval on March 15, 2024. The action was published in the Virginia Register on March 18, 2024, and subject to a 30-day public comment period, which ended on May 8, 2024, and yielded no public comments.

On November 1, 2024, the department sought and obtained the board's permission to advance the amendments to the second, Proposed, stage of the standard process. As part of its request, the department provided a memorandum summarizing each substantive proposed regulatory change, as well as the accompanying amendments to the supplemental guidance document. The board granted the department's request, and the department filed the action on the Virginia Regulatory Town Hall initiating this Proposed Stage. The action underwent reviews by the Office of the Attorney General, the Department of Planning and Budget, whose review included an Economic Impact Analysis and policy analysis, the Secretary of Public Safety and Homeland Security, and the Governor's office before being published in the Virginia Register on November 3, 2025. A 60-day public comment period followed, which ended on January 2, 2026, and yielded no public comments.

The department now seeks to advance this action, including most of the amendments proposed during the previous stage, to the Final Stage of the standard regulatory process. The department is requesting a few additional changes to correct minor errors in regulatory language, ensure consistency in the regulatory provisions, clarify additional confusing provisions, and comply with the Registrar of Regulations' instructions. The department also seeks to make further amendments to the accompanying guidance document to reflect these regulatory changes.

Parts III through IV of this memorandum summarize the changes to various regulatory provisions approved by the board at the November 1, 2024, meeting alongside any additional changes to those provisions that the department is requesting today. Parts V and VI of this memo summarize the board's previously approved changes at the Proposed Stage, for which the department is not requesting additional amendments. This memo includes a discussion on proposed changes to the regulation, as well as changes to the supplemental guidance document.

III. SUMMARY OF DEFINITIONAL CHANGES AT PROPOSED AND FINAL STAGES

Proposed Stage

The department proposed the following amendments to Section 10's definitions and to the former Part III of the corresponding guidance document.

- Struck the definitions for “aggregate data,” “legally authorized representative,” and “nontherapeutic research. Proposed amendments elsewhere in the document eliminate use of these terms and the need for definitions.
- Struck the definition for “research project,” as unnecessary because the term “research” includes these projects.
- Added a definition for data trust to capture the Commonwealth Data Trust authorized in § 2.2-203.2:4 of the Code of Virginia and the Virginia Workforce Data Trust authorized in § 2.2-2041 of the Code.
- Replaced the term “external research” with “external research or evaluation project” and modified the definition so that it: (i) captures external evaluation projects along with external research; (ii) no longer includes an exception for legislative-mandated research conducted by other state agency employees, as this exception is now addressed in Section 15; and (iii) expressly excludes data analysis, quality improvement projects, or research when performed by individuals employed by or under contract to perform such projects.
- Amended the human research definition to clarify that the term does not include quality or process improvement projects and to correct an erroneous citation regarding the federal research regulation;
- Replaced the term “principal researcher” with a more generalized term, “external project lead,” describing the individual with oversight responsibilities for an external research project or an external data request. Added language clarifying that the project lead is not a DJJ employee nor contracted to perform research for the department. Conforming changes are made to Sections 20, 60, 65, 100, 170, 185, 200, and 220 of the regulation and to numerous provisions in the guidance document.
- Added a definition for “quality or process improvement projects” and a new section (125) that creates an expedited process for such projects when they are not human research projects or do not include requests for case-specific data. The new information is contained in Part III F of the guidance document.
- Modified and simplified the definition of research to more closely resemble that of 45 CFR 46.102, which includes the important component the current state regulatory definition lacks regarding development or contribution to generalizable knowledge;
- Simplified the definitions for “case-specific data,” “coordinator of external research,” “de-identified data,” “Human Research Review Committee,” “human subject,” “internal committee,” “organizational unit head,” and “Virginia Longitudinal Data System (VLDS).”
- Changed the definition of “written” to align more closely with the definition in § 1-257 of the Code of Virginia. Additional amendments were made for clarity after the board’s approval, as instructed by the Registrar’s Office.

Additional Changes at Final Stage

Regulation

In addition to retaining the changes at the Proposed Stage, the department is recommending a minor change to the definition of “human subject” in the regulation to correct a drafting error, as well as a change to the proposed additional definition for “quality or process improvement projects” to eliminate language that imposes a requirement in the definition. Per the Registrar’s office, regulatory definitions should not contain requirements.

Guidance Document

The department is recommending additional changes to the proposed Part II of the Guidance Document. In addition to amending the definition of quality or process improvement project, as explained above, the department seeks to remove the term, “nontherapeutic research” and its accompanying definition.” Amendments to the document eliminated use of the term; thus, the term and definition should have been stricken when the department presented changes at the Proposed Stage. Furthermore, the department is recommending additional changes to the definition of the term, “written” to align with recommendations of the Registrar’s office. The proposal makes additional minor style edits to the definition of “human research” and “informed consent”.

IV. SUMMARY OF PROVISIONS MODIFIED AT PROPOSED AND FINAL STAGE

Applicability (New) – Section 15; Guidance Document, Part I

Proposed Stage

At the Proposed stage, the department recommended a new section to clarify the chapter’s scope and to exclude from its reach research requested by the General Assembly and conducted by other state agencies. Currently, the regulation expressly excludes these projects from the definition of external research. The department also sought to exempt requests for juvenile records and reports made by authorized entities pursuant to § 16.1-300 of the Code of Virginia, the statute identifying the individuals and entities authorized to inspect otherwise confidential juvenile records maintained by the department. The department has a separate process in place for addressing these requests. Conforming changes were made to the Guidance Document.

Additional Changes at Final Stage

The department is proposing one minor additional change to Section 15 to correct a drafting error. The proposal replaces the term “stage” with “state” in subdivision B 1 of Section 15. The department also proposes a minor change to Proposed Part I of the Guidance document to simplify the language.

DJJ Requests for Research; Research Conducted by State Criminal Justice Agencies (New) – Section 17; Guidance Document, Part I.

Proposed Stage

Among the parties authorized to inspect certain juvenile records, § 16.1-300 A 10 of the Code of Virginia allows external entities that are conducting research or evaluating DJJ at the department’s request and state criminal justice agency researchers who agree to maintain confidentiality of such information or release it only in its aggregated form to inspect certain otherwise confidential juvenile records and reports. To clarify the process for and scope of the information permitted for release, the department proposed adding a new Section 17 to give DJJ broad discretion to impose some or all of this chapter’s requirements for department-requested research and evaluation, based on the notion that if DJJ is asking another entity to research or evaluate its programs, it should be able to define the parameters of the process. Proposed amendments also directed state criminal justice agencies to submit the Data and Research Proposal form and Confidentiality Agreement to verify that the request falls within the parameters of § 16.1-300 A 10, that the entity may receive the requested information, and that it will keep the information confidential. Amendments were made to proposed Part I of the Guidance Document to reflect these changes.

Additional Changes at Final Stage

The department proposes minor changes to Section 17 of the regulation at the Final Stage to comply with the Register of Regulations' Style Guidelines. No additional changes are being proposed to the Guidance Document regarding this issue.

General Requirements of External Researchers – Section 20; Guidance Document, Part III A

Proposed Stage

Among the changes to Section 20, the department sought to remove language that currently allows individuals who lack the mandated academic, professional, or experience credentials but are directly managed by a person with standing or job experience in the study area to serve as the project lead. The current language enables student researchers to serve as principals for projects. At the Proposed Stage, the department added new language permitting only individuals who meet the required academic, professional, or job experience eligibility requirements to serve as external project leads, eliminating the ability of a student researcher or others without the required credentials to serve in this capacity. Consistent with current expectations, the department's proposal also directed external project leads to ensure compliance with the applicable requirements in this chapter and removed language imposing three specific oversight responsibilities on the project leads. Conforming changes were made to the Guidance Document.

Additional Changes at Final Stage

No additional changes are being proposed to Section 20 of the regulation. The department is seeking to amend the Guidance Document to move the language regarding the external project lead's duties from the proposed Part III G, which addresses responsibilities specific to human research projects, to a new Part III A, which will address general requirements. Creating this new section also will adjust the sequence of all sections under Part III. Although addressed as a factor the coordinator of external research must verify elsewhere in the Guidance Document, the department also proposes to add language under this new "General requirements" section establishing the external project lead's academic or professional experience requirements.

Submission Requirements and Form of Agreements and Proposals - Section 60; Guidance Document, Part III B and E; Quality or Process Improvement Projects – Section 125; Guidance Document III C, F

Proposed Stage

Although the current Guidance Document mandates the submission of a Confidentiality Agreement, Research Agreement, and Research Proposal to initiate the review process for external case-specific data requests and external research proposals, the regulation does not consistently mandate the completion or submission of these forms for these requests and proposals. To resolve this concern, the department sought amendments to Section 60, which currently addresses the formal Research Agreement. The department proposed to add language requiring full completion and submission of the Confidentiality Agreement, Research Agreement, and Research Proposal to initiate DJJ's review of all external research or evaluation projects and quality or process improvement projects, as well as certain external case-specific data requests. The department specifically sought to exclude from this process external case-specific data requests submitted through the VLDS where the department is not the sponsoring agency or for requests submitted through a data trust portal where the Code of Virginia requires DJJ to contribute to the data trust. Because Section 60's amendments established the submission requirements for each form, other

provisions in this chapter that required submission of any of these forms were stricken (*Former subsections 65 A and 100 B*). Similarly, language in former subsection B of Section 65 directing the principal researcher and any student researcher to sign the agreement at the time of submission also was stricken. A new section C was added to Part III of the Guidance Document consistent with these changes; however, unlike the regulatory changes, other provisions in the Guidance Document that required submission of these forms were retained for emphasis.

Besides clarifying what scenarios require completion of these forms, the proposal also expanded Section 60 to specify the information that must be captured in the Research Agreement. These requirements are currently set out in Section 65 (*former subsection J*), which addresses only case-specific data requests. By moving these requirements to Section 60, the department hoped to convey the idea that the required components of the Research Agreement remain the same irrespective of whether the agreement is intended to initiate an external data request, research project, or quality or process improvement project. Among the information that must be included as part of the Research Agreement, the department retained the requirement that if a data request also involves human research, the schedule of progress reports must be developed in consultation with the HRRC.

Consistent with these changes, the Guidance Document moved the language establishing requirements for the Research Agreement into a new proposed Part III C to emphasize that the agreement must include these fields, regardless of the type of underlying project. Language requiring a completed, signed Confidentiality Agreement for everyone who will access the data also was transferred to this section.

The current regulation is silent on the requirements for quality or process improvement projects, and the existing Guidance Document does not apply to these requests. The department recommended amendments to the regulation to provide a separate, simplified process for such projects when they do not involve case-specific data requests or include human research. The proposed process, as set out in Section 125 of the regulation and proposed Part III F of the Guidance Document prevented the HRRC chair from approving requests that failed to meet certain specified criteria, restricted how information collected from these projects could be shared, and directed the requester to submit annual progress reports and a final presentation of its findings.

Finally, the department sought to expand the scope of the existing provision in Section 60 currently prohibiting data requesters and researchers from proceeding with a case-specific data request or human research request without having received a completed Research Agreement bearing the director's signature. The proposal expanded this provision so that it also captured quality or process improvement projects. Conforming changes were made to the Guidance Document.

Additional Changes at Final Stage

After the board approved the proposed changes to Section 60, the department discovered potentially confusing and inconsistent language in this section. Changes recommended at the Proposed Stage in subsection A of Section 60 require regulated entities to complete and submit the three specified forms to initiate DJJ's review of external case-specific data requests, external research or evaluation project proposals, and quality or process improvement project requests. Because the approved amendments define "external research or evaluation projects" to encompass each of these categories of requests, the language separately listing each category and requiring completion of the three forms for each is confusing and

redundant given that all such proposals fall under the broad definition of “external research or evaluation projects.” The department is recommending a minor change to the language to remove this redundancy.

Additionally, the department determined that a portion of the language in proposed Section 60 D 4 should be stricken. The language, pulled from Section 65 as part of the November 1, 2024, amendments, mandates that where data requests involve human research, the requester must provide additional progress reports in accordance with the department’s schedule, which must be developed in consultation with the HRRC. The department believes this language addressing data requests that involve human research is misplaced and could cause confusion since the proposed Section 60 and the Research Agreement requirements are not exclusive to data requests. Furthermore, the department believes this requirement is unrelated to the Research Agreement and should not be included as a necessary provision in the agreement. The department believes removing this language would simplify the provision.

Finally, the department believes the board-approved amendment to Section 60 E that prohibits regulated parties from commencing quality or process improvement projects until the director has approved and signed the agreement is inconsistent with language in proposed Section 125 of the regulation. That section waives director review of quality or process improvement projects, instead authorizing approval by the HRRC Chair. The department proposes an amendment to Section 60 to strike the reference to quality or process improvement projects. Moreover, the department proposes additional language in Section 125 to emphasize the HRRC chair’s primary role of reviewing, approving, and **signing** the Data and Research Agreement for such projects. Finally, the department proposes to duplicate the language originally proposed in Section 60 prohibiting the external project lead from commencing quality or process improvement projects until all applicable required reviews are completed and the external project lead receives the signed agreement in Section 125. Conforming changes are proposed for the Guidance Document.

Identifiers and Sensitive Data

- **Proposed Stage**
 - *Former Section 65 E; Guidance Document, III E* - The current regulation provides a list of nine identifiers the department deems sensitive that must be redacted from the information DJJ provides data requesters and researchers. Currently, DJJ’s director has discretion to approve data containing a limited number of these “sensitive” identifiers on a case-by-case basis provided certain requirements are met. The department proposed changes to allow only those disclosures that do not violate the confidentiality provisions in the juvenile code.
 - *Proposed Section 65 C, Guidance Document III E* – The department also sought to expand the identifiers the department may deem sensitive based on other information included in the data set. In some cases, the combination of these otherwise nonsensitive data fields could increase the likelihood of the researcher or requester identifying the juvenile. The applicable identifiers include: 1) dates relevant to the juvenile’s offense or placement, such as dates of admission or release; 2) more detailed location information than the locality, state, and zip code; and 3) record numbers. Currently, the guidance document, and not the regulation, addresses the possibility of these additional identifiers being deemed sensitive. Furthermore, other yet-identified combinations of fields have the potential of exposing individual’s identities based on the specific context of a project. Thus, at the Proposed Stage, DJJ recommended adding

subdivision C 4 to account for this possibility and striking the language in current Section 230 that allows the department to identify additional data elements it deems sensitive in its procedures. The department believed this added language would guarantee the enforceability of these provisions. Additionally, the proposed amendments in Section 65 C 4 render any such guidance document provisions unnecessary.

- *Additional Changes at Final Stage*

- *Proposed Section 65 C, Guidance Document III E* – The department has determined that expanding the list of potential sensitive identifiers, as set forth in Section 65 C 1 to include the category: dates relevant to the juvenile’s offense or placement, such as dates of admission or release, is too narrow and may create an inference that these additional sensitive identifiers are limited to juveniles in direct care. Instead, the department is proposing to amend Section 65 C 1 of the regulation and proposed Part III E 2 of the Guidance Document so that the category includes dates relevant to the juvenile’s offenses, programming, or placement and no longer references dates of admission or release as examples.

Clarity on Process for VLDS Requests and New Process for Data Trusts –Sections 65 and 67; Guidance Document, III B

Proposed Stage

At the Proposed Stage, the department modified the process for submitting VLDS requests to reflect current practices. Whenever requests are submitted through the VLDS portal and DJJ serves as the sponsoring agency, the requests must undergo the same process as all other external case-specific requests for data. When the department does not serve as the sponsoring agency for a VLDS request, the entities making the request are exempt from these requirements. While the current guidance document explained the sponsoring process for VLDS submissions into the portal, the regulation did not, thus giving the impression that all VLDS requests were exempt from the process for external case-specific data rather than those requests for which DJJ does not serve as the sponsoring agency. The department modified this language to eliminate confusion and reconcile the two documents. Additionally, the department removed the current regulatory language directing VLDS requests to be submitted through the VLDS portal, given that the provision will be imposed regardless of whether the regulation addresses this process. Similarly, the department recommended striking language requiring compliance with all VLDS procedures to access the data. Because these procedures are maintained by another agency, the workgroup felt this was an appropriate area for regulatory reduction.

Amendments at the proposed stage also set out a process to address data requests submitted through a data trust portal. In recent years, the General Assembly has enacted legislation developing various data trusts that enable data to be shared across multiple state agencies. The Virginia Workforce Trust requires certain specified state agencies, including the department, to join the trust for the purpose of sharing and matching data that will assist in analyzing and improving efficiency across public workforce programs. The Commonwealth Data Trust, created several years ago by legislative enactment, requires the inclusion of data from state, regional, and local governments. DJJ is currently a member of this trust, and while the statute does not expressly require a data contribution, DJJ recommended establishing a process that would require case-specific data requests submitted through the Commonwealth Data Trust to comply with the process for external case-specific data requests. Because DJJ is required to contribute data to the Virginia Workforce Trust in accordance with § 2.2-2041 of the Code, these requests would be exempt from the

more burdensome process for external case-specific data requests. The amendments provided that in either case, requests submitted through a data trust portal would be subject to the additional requirements for data trusts set out in 6VAC35-170-67. Additional amendments to Section 67 were recommended to streamline the process, remove unnecessary requirements, and reduce burdens on the reviewer.

Additional Changes at Final Stage

The department is proposing an additional minor change to new subsection J of Section 65 to comply with the Register of Regulations' Style Guidelines and a minor change in Section 67 to correct a grammatical error.

Amendments to Approved Projects and Expedited Review Processes – Regulation Sections 69, 140; Guidance Document, III E, J; Timelines for Meetings and Review - Regulation Sections 65 and 140; Guidance Document III E, G.

Proposed Stage

The existing regulation establishes processes for amending requests for external data and human research projects. Section 69 allows the chair of the HRRC to conduct an expedited, final review for minor amendments to requests previously approved by the director, provided the amendment does not alter the scope of the request. The department's amendments clarified that the chair's expedited review must occur in writing.

Section 140, currently addressing human research proposals and the timeline for conducting reviews, allows for an expedited review process by an HRRC when the proposal involves no more than minimal risk to the human subjects and another agency's HRRC has approved the proposal, or the individual is requesting minor changes to a previously approved project. The department recommended additional language requiring the changes to occur during the approved project period consistent with language in § 32.1-162.19 of the Code. Additionally, the department suggested removing the authorization for this expedited process in cases in which the proposal was reviewed and approved by another agency's HRRC. Because other HRRCs may have different requirements for approval, the department has been reluctant to allow for expedited reviews based solely on other agencies' approvals.

Section 65 of the current regulation also requires the development of an internal committee to review external case-specific data requests after the coordinator of external research's initial review. The internal committee is required to meet within 20 business days of receiving the request. Similarly, under Section 140, the HRRC tasked with reviewing human research proposals is required to conduct its review within 30 business days of receiving a complete proposal. Due to challenges with aligning committee members' schedules to meet these deadlines, the department recommended removing each of these deadlines and leaving the chapter silent on when the internal committee and HRRC must meet and review the applicable requests. Because this proposed amendment would eliminate any discussion on the HRRC's timeline for conducting its review of research proposals, the department also recommended changing the heading (catchline) for Section 140 from "Timeline for review of human research proposals" to "Minor amendments to human research proposals."

Additional Changes at Final Stage

Although the department's memo addressing changes at the Proposed Stage and the associated proposed text reflected its recommended change to the Section 140 catchline, the department unintentionally

omitted this change on its Virginia Regulatory Town Hall submission. To ensure its inclusion in this package, the department is duplicating its recommendation to change the catchline to Section 140 as part of the amendments at the Final Stage.

In addition to these changes, the department is requesting an amendment to the Guidance Document provisions proposed in Part III J 1 addressing modifications to approved human research proposals to clarify that for such projects, the director's approval is required unless modifications undergo the expedited review process.

Departmental Review of Human Research Proposals, Guidance Document, III H

Final Stage

To provide additional guidance regarding the process for reviewing human research proposals, Part III I of the proposed Guidance Document establishes the department's internal process for and required considerations necessary in reviewing research proposals. Among the considerations, the department's coordinator of external research shall determine that the proposal supports the mission and goals of the department. To align with changes to the regulation, the department recommends removal of this required consideration.

In addition, the Guidance Document currently provides that in instances where these criteria are not satisfied and the proposal could not be reasonably modified to accomplish these criteria, the project will be denied, but if **approved**, the coordinator of external research must notify the external project lead. The department proposes amendments to this provision that would remove the "approval" language to eliminate the suggestion that ultimate approval of the project occurs at this stage of the process.

Annual Review of Human Research Activities - Regulation, Section 180; Guidance Document, Part III K.

Proposed Stage

Section 180 of the current regulation directs the HRRC to review all human research activities at least annually to ensure they are conducted in conformity with the proposals approved by the director. At the Proposed Stage, the department recommended expanding this provision so that these annual reviews are required for all ongoing activities and are not limited to human research.

Additional Changes at Final Stage

While amendments were recommended at the Proposed Stage to expand the HRRC's annual review requirements, the department neglected to amend the headline (catchline) to reflect this expansion. The department recommends minor updates to the Section 180 catchline to capture these changes. The department also recommends additional language in that section and in the proposed Part III K of the Guidance Document to clarify that the scope of the annual review includes only those activities under the HRRC's purview.

Research Findings – Regulation, Section 220; Guidance Document III D

Proposed Stage

Under the existing regulation, the researcher must submit up to 10 copies (at the department's discretion) of a formal final report with a statement indicating that the department does not necessarily endorse the researcher's conclusions. The director may waive inclusion of this statement. The department recommended removing its discretion to require the specified number of copies, given that all such reports are submitted electronically. To align the regulatory language with the current Guidance Document, the department also recommended specifying the deadlines for submitting the report and other documents generated from the data and research, which differ depending upon whether the director has exercised the discretion to waive the statement.

Additionally, the current Guidance Document limits the research findings external data requesters and researchers may publish. The document provides that external data requesters and researchers may publish such findings based on juvenile information provided the findings are presented using aggregate data or data from which individually identifying information has been removed, encoded, or encrypted. No changes regarding this issue were made to the Guidance Document at the Proposed Stage.

Additional Changes at Final Stage

The department recommends an additional minor change to Section 220 to clarify that in instances when the director waives the required statement, the regulated party must submit the relevant materials for the coordinator of external research's **review and approval** in accordance with the specified timeframe. This change aligns with language in an earlier section of this chapter.

In addition, the department recommends striking the language in the originally proposed Part III D 2 of the Guidance Document that would allow external researchers and data requesters to publish research findings if individually identifying information has been removed, encoded, or encrypted. This language suggests that researchers and data requesters may publish identifying information if it is encrypted or encoded, but this is problematic since, if the information is confidential and protected under statute, encrypting the information will not change its confidentiality status or the prohibition against releasing the information.

V. SUMMARY OF SUBSTANTIVE PROVISIONS MODIFIED AT PROPOSED STAGE ONLY

The following summaries describe provisions that the board approved for advancement to the Proposed Stage at the November 1, 2024, meeting. The department is not recommending additional changes to these provisions at the Final Stage, but the summaries are included here as an additional resource.

Professional Ethics – Section 30; Guidance Document, III I

Currently, Section 30 mandates that all research conform to the standards of ethics for professional societies. Because the department has never approved or denied a research or data request based on an entity's compliance or noncompliance with these standards of ethics, the department sought to repeal all of Section 30 at the Proposed Stage. Conforming changes were made to Sections 65 and 67 in former subdivision C 1 and in proposed Parts I and III, section I of the Guidance Document.

Confidentiality Requirements of All Research – Section 40; Guidance Document, III E

Currently, a DJJ employee's or research subject's distribution of records or information must be kept confidential in accordance with § 16.1-300 of the Code and applicable regulations regarding confidentiality of juvenile records. The department sought minor modifications to this section to reflect the expansive definition of "human subject," which captures court-involved juveniles and employees and contractors with DJJ and board-regulated facilities and programs. Because § 16.1-300 protects juvenile records only, the department recommended expanding the language to impose confidentiality requirements more broadly, "in accordance with current law and regulations." The department also removed the unnecessary regulatory language indicating that breaches in confidentiality were subject to sanctions pursuant to applicable laws, regulations, policies, and procedures. Conforming changes were made to proposed Part III E 3 of the Guidance Document.

Conditions for Department Approval of External Research – Section 50; Guidance Document, III E and I.

Currently, Section 50 of the regulation imposes conditions before the department approves an external research project or data request. Among these, (i) the department must have the necessary resources to fulfill the request; (ii) the benefits of the request must justify DJJ's involvement; and (iii) the request must complement the purposes and goals of the juvenile justice system and DJJ's organization, operations, and resources. Noting its similarity to the first condition, the department recommended removing the third. Conforming changes were made to the Guidance Document in proposed Parts III E and III, section I.

Review and Approval of Aggregate Data Requests - Section 55; Guidance Document, Part I and former III A)

This section currently establishes a process for the department's approval of aggregated data requests. Based on the previous administration's Executive Order 19, mandating that regulations be necessary to interpret the law and DJJ's efforts to reduce its discretionary regulatory requirements in compliance with that order, the department sought to repeal this entire section. References to and provisions addressing aggregate data requests also were stricken from Part I and former Part III A of the Guidance Document.

Proposal for External Research –Section 100; Guidance Document, III D

The current regulation requires the principal researcher, when submitting a proposal for external research, to capture certain specified information, including, for example, the researcher's name, address, telephone number, email address, title, and affiliation and requires the submission of similar information of any person coordinating the project who is not the principal. The department recommended adding a new regulatory requirement to align with the amended Part III C of the Guidance Document, that the external project lead and student, if applicable, shall provide a copy of their resume or curriculum vitae. The department also recommended additional minor changes to simplify and shorten the provision.

Initial Review by Coordinator of External Research – Section 110, Guidance Document, III E, I

The current provision imposes certain requirements on the coordinator of external research in the individual's initial review of external research proposals. Among these, the coordinator shall ensure that proposals are in the required format and include all required information. Section 60 directs that required forms be completed before submission, making this provision redundant. Additionally, the department determined the provision requiring the coordinator to refer the proposals to appropriate DJJ personnel for review was operational and did not require inclusion in the regulation. Thus, the department recommended striking both provisions and moving the remaining language to Section 100, thereby enabling the repeal of Section 110.

Requirements Specific to Human Research – Regulation Section 70, Guidance Document, III G

Currently, the regulation discourages researchers from offering incentives for participation in human research. At the Proposed stage, the department recommended striking this language based on the assertion that such incentives remain an effective means of encouraging participation in human research that may benefit the department so long as the incentives are appropriate to the juveniles' custodial status and proportionate to their situations.

The department also recommended additions to Section 70, requiring an endorsement from an Institutional Review Board for human research not exempted under § 32.1-162.17 of the Code. This requirement is currently contained in the Research Proposal and the Guidance Document but is not mandated by regulation.

Finally, the department recommended amendments to clarify that human research requests require approval of the HRRC and the department.

Researcher Noncompliance -Section 185; Guidance Document, III K

The current and proposed versions of the Guidance Document both require the researcher to report protocol violations, including relevant dates, times, locations, personnel involved, events, details, and actions taken and planned, to the coordinator of external research within five business days of learning of the incident. The regulation does not impose this requirement; thus, the department recommended adding this discretionary requirement to Section 185 of the regulation.

Progress Reports – Regulation Section 200; Guidance Document, III B, and C

The current regulation gives the department discretion to require periodic progress reports regarding the status of the project and requires the researcher to submit annual reports if projects are not completed within one year. The department sought to clarify this language by requiring annual progress reports addressing the progress of all pending research and any additional reports requested by the department. The department also recommended amendments that would give the director discretion to reconsider or withdraw any approvals based on information in the progress report or the researcher's failure to file a progress report in a timely manner.

Permission to Use Research Findings – Regulation Section 210

The current regulation mandates that the Research Agreement give the department permission to use any data, summaries, charts, graphs, or other illustrations resulting from the research project. The department recommended repealing this provision as unnecessary. Because the existing Guidance Document does not include similar language, the department did not request any additional changes regarding this issue.

Written Procedures – Regulation Section 230; Guidance Document, III C 2

The existing regulation contains language mandating that the department establish written procedures that create a process for getting an endorsement from the organizational unit head for external research proposals. The guidance document currently explains this process; however, the department recommended removing the regulatory requirement for written procedures, as unnecessary.

Additionally, to emphasize the distinction between guidance documents and written procedures, the department recommended replacing references to procedures in the catchline and throughout Section 230, with “guidance.”

Informed Consent and Exemptions from the Human Research Process – Regulation Section 80 and 90; Guidance Document, III G, I

Section 80 enumerates the informed consent requirements for human research projects as established in § 32.1-162.18 of the Code of Virginia. Section 90 establishes the categories of human research that are exempt from this regulatory chapter in accordance with § 32.1-162.17 of the Code. These provisions are almost identical to the existing statutory language except that some areas of the statute were omitted unintentionally from the regulatory language. Additionally, the statute does not contain the language in current Section 90, which indicates that exempt research activities shall be subject to the department’s nonhuman research review and approval process.

The department recommended removing the regulatory language that mirrors statutory provisions in favor of a direct reference to the applicable statute to decrease the likelihood of regulatory omissions, ensure the regulatory requirements will always align with the statute, and preserve whatever requirements remain in the cited provisions, even as statutes are amended. Because the department has never established a separate nonhuman research review process, nor processed requests for these projects, the department also sought to remove this reference.

Finally, the department recommended retaining the exceptions to the provisions for research conducted upon certain individuals involuntarily confined in penal institutions and certain children under 18 years of age pursuant to the Code of Federal Regulations. Amendments adopted at the Proposed Stage replaced the erroneous federal regulation citation with the updated federal reference.

Human Research Review Committee Criteria and Recommendations –Sections 130 and 170; Guidance Document, III H

Section 130 A of the regulation directs DJJ to develop an HRRC and establishes various criteria for HRRC committee members, including background requirements and restrictions on their involvement with

proposed research projects. Because each requirement is mandated by statute, the department recommended replacing these criteria with a mandate to establish an HRRC in accordance with the applicable statutory provision, § 32.1-162.19 A.

In interpreting the current statutory and regulatory language, the current guidance document erroneously authorizes HRRC members to have direct involvement or administrative authority over a research project outside their HRRC membership role, provided they do not vote on such research. This language appears to conflict with § 32.1-162.19 of the Code and 6VAC35-170-130, both of which prohibit HRRC members from being directly involved with or having administrative approval authority over proposed human research, apart from their HRRC roles. To remedy this error, the department recommended amending proposed Part III H of the Guidance Document to reflect these prohibitions.

The department also proposed to remove Section 130 C, which permits the HRRC to require additional information from the researcher before making its recommendation to the director. In practice, the HRRC's requests for additional information are made only within the scope of what is already required by regulation, rendering this provision redundant. Furthermore, proposed language in Section 170 allows the HRRC to defer its recommendation to the director pending additional information or changes to the proposal. Conforming changes are made to the Guidance Document, proposed Part III H.

Finally, the department sought a minor change to Section 170 directing the coordinator of external research to notify the external project lead of the director's final decision **within five days** of the director's action on the research request. This minor change was intended to align with language in the guidance document and regulation addressing external data requests that was omitted from the human research regulatory provisions.

HRRC Review of Human Research Proposals - Section 150; Guidance Document, III, Section I

This section establishes the HRRC's requirements for reviewing a human research proposal. Under the existing regulation, the HRRC is required to consider the potential benefits and risks to the human subjects and may not recommend approval of the human research project if eight additional requirements, all set out in § 32.1-162.19 B of the Code are not met. Under the current statute, these eight issues need only be considered by the HRRC in its determination for approval, and failure to fulfill each requirement is not an automatic barrier for approval. To align this regulation section with the statutory language, the department recommended amendments directing the HRRC to consider the potential benefits and risks to the human subjects as well as each element outlined in § 32.1-162.19 B of the Code rather than making each element a requirement. The department believed this approach would give the HRRC greater discretion in recommending approval of projects that may not meet all requirements currently set out in Section 150.

HRRC Review of Informed Consent Provisions -Regulation Section 160; Guidance Document, III, Section I

This section details the requirements for obtaining informed consent from human subjects in a human research project. Subsections B and C allow the HRRC to approve a consent procedure that omits or alters elements of informed consent or waives informed consent requirements if certain specified criteria outlined in subsections D and E of § 32.1-162.18 are satisfied. Rather than enumerating these specific requirements, the department recommended amendments that would permit these omissions,

modifications, and waivers of informed consent requirements if the researcher complies with § 32.162.18 D and E. Conforming changes were made to the Guidance Document.

VI. ADDITIONAL NONSUBSTANTIVE AMENDMENTS AT PROPOSED AND FINAL STAGES

Clarified responsibilities for data requesters and researchers: Several sections of the regulation and Guidance Document add references to data requesters or researchers to clarify that the request may have been made by either party and the requirement articulated in that section may fall on either or both parties, depending upon the section context. These changes were made at the Proposed and Final stages.

Changed names of various forms: The department modified the name of the research agreement and proposals to cover data requests and requests to perform research. The new forms will be called the Data and Research Agreement and the Data and Research Proposal. These changes were made at the Proposed Stage.

Corrected outdated citations: Numerous outdated Code of Federal Regulation provisions are cited in the current regulatory chapter, as well as the Code of Virginia. The department recommended correcting these citations at the Proposed Stage.

Rearranged language: The department recommended rearranging some of the provisions in Section 190 for simplification at the Proposed Stage.

Made technical amendments: In addition to those already identified, the department recommended various other technical amendments to the Guidance Document to correct grammar errors, clarify language, and ensure the Guidance Document language aligns with the regulatory language and changes. Amendments were made at the Proposed and Final stages.

VII. CONCLUSION

The department believes the amendments described in this memo, including those adopted at the Proposed Stage and revised as part of the recommendations for advancement to the Final Stage, will clarify current processes, remove redundant language, eliminate burdensome and impractical requirements imposed on the regulated entity and the department, and help to reduce the discretionary regulatory requirements in this chapter. Proposed changes to the guidance document align with the anticipated regulatory changes, simplify the document, and reduce the guidance document's length in accordance with the previous administration's directives. Accordingly, the department requests that the board approve these final regulatory amendments and authorize the department to advance the action to the Final Stage of the standard regulatory process. Additionally, the department asks the board to approve the proposed amendments to the Guidance Document Interpreting 6VAC35-170 and authorize the filing of amendments to the Guidance Document at a time determined by DJJ to ensure the regulatory and guidance document amendments take effect contemporaneously.

**Regulation Governing Juvenile Data Requests and Research Involving Human Subjects
6VAC35-170**

Proposed Amendments at Final Stage

~~Minimum Standards for Regulation Governing Juvenile Data Requests and Research Involving
Human Subjects or Records of the Department of Juvenile Justice~~

6VAC35-170-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

~~"Aggregate data" means statistics that relate to broad classes, groups, or categories so that it is not possible to distinguish the properties of individuals within those classes, groups, or categories.~~

~~"Case-specific data" means nonaggregated data that provides information about specific individuals within a group or cases.~~

~~"Coordinator of external research" means the department employee designated by whom the director designates to receive research proposals and data requests from external entities and to ensure that the proposals and requests are reviewed in accordance with this chapter and related department procedures.~~

~~"Data trust" means a secure information-sharing environment that the department has joined via a memorandum of understanding or other written agreement. For purposes of this definition, "data trust" is limited to the Commonwealth Data Trust authorized in § 2.2-203.2:4 of the Code of Virginia and the Virginia Workforce Data Trust authorized in § 2.2-2041 of the Code of Virginia.~~

~~"De-identified data" means data with common identifiers, such as names, phone numbers, and social security numbers, and addresses removed in order to eliminate the ability of prevent an individual viewing the data to determine from determining the subject's identity of an individual.~~

~~"Department" means the Department of Juvenile Justice.~~

~~"Director" means the director of the department or the director's designee.~~

~~"External project lead" means the individual responsible for the research and data analysis design, implementation, supervision of staff, and findings, and who is not employed by or under contract to perform research for the department.~~

~~"External research or evaluation project" means research a project conducted at or using the resources of a facility, program, or organization that is owned, operated, or regulated by the department or the Board of Juvenile Justice by researchers individuals who are not part of the department employed by or under contract with to perform data analysis, quality improvement projects, or research for the department, or who are not employees of another state agency conducting a study at the direction of the General Assembly.~~

~~"Human research" means a systematic investigation, including research development, testing, and evaluation, utilizing human subjects that is designed to develop or contribute to generalized knowledge. Human research shall not be deemed to include includes neither research exempt from federal research regulation pursuant to 45 CFR 46.104(b) 46.104(d) nor quality or process improvement projects.~~

~~"Human Research Review Committee" or "HRRC" means the committee established by the department to oversee human research proposals and activities in accordance with 6VAC35-170-130 and § 32.1-162.19 of the Code of Virginia and 6VAC35-170-130.~~

~~"Human subject" means an individual who is under the department's care, custody, or supervision; under the care, custody, or supervision of a facility or program regulated by recruited~~

for research due to the individual's contact with the department or facilities or programs regulated by the Board of Juvenile Justice; or ~~___ a family member of the family or guardian of such an the individual and who is, or who is proposed to be, a subject of human research. For purposes of this definition, human subject also means; or an individual who is employed in by or provides providing contractual services to a juvenile correctional center or other facility or program regulated by the department or facilities or programs regulated by the Board of Juvenile Justice and who is or who is proposed to be a subject of human research.~~

"Informed consent" means the knowing and voluntary agreement without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion of a person who is capable of exercising free choice. The basic elements necessary for informed consent regarding human research include:

1. A reasonable and comprehensible explanation to the person of the proposed procedures and protocols to be followed; their purposes the purpose of the procedures and protocols, including descriptions of attendant discomforts; and the risks and benefits reasonably to be expected;
2. A disclosure of alternative procedures or therapies that might be helpful to the person;
3. An instruction that the person may withdraw his consent and stop participating in the human research at any time without prejudice to him;
4. An explanation of costs or compensation that may accrue to the person and whether third party third-party reimbursement is available for the proposed procedures or protocols; and
5. An offer to answer, and answers to, questions by the person about the procedures and protocols.

"Internal committee" means the committee established ~~by the department pursuant to 6VAC35-170-65 to oversee de-identified case-specific case-specific data.~~

~~"Legally authorized representative" means the parent having custody of a prospective subject; the legal guardian of a prospective subject; or any person or judicial or other body authorized by law to consent on behalf of a prospective subject to such subject's participation in the particular human research, including an attorney in fact appointed under a durable power of attorney, provided the power grants the authority to make such a decision. For purposes of this chapter, "legally authorized representative" shall not include an official or employee of the institution or agency conducting or authorizing the research.~~

"Minimal risk" means that the risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

~~"Nontherapeutic research" means human research in which there is no reasonable expectation of direct benefit to the physical or mental condition of the human subject.~~

"Organizational unit head" means the person in charge of ~~a juvenile correctional center, court service unit, or other~~ an organizational unit of the department or a Board of Juvenile Justice-regulated facility, program, or service.

~~"Principal researcher" means the individual who is responsible for the research design, research implementation, supervision of research staff, and research findings.~~

"Quality or process improvement project" means a project designed to monitor, analyze, or improve the indicators of quality in service of a specific program without intentions to publish or share findings beyond the researcher, provider, and other groups at the discretion of the department. For purposes of this chapter, a quality or process improvement project is not a human research project. A quality or process improvement project ~~may does~~ not include case-specific data requests.

"Research" means the systematic development of knowledge essential to effective planning and rational decision-making. It involves the assessment of current knowledge on conceptual problems selected, the statement of those problems in researchable format, the design of methodologies appropriate to the problems, and the application of statistical techniques to organize and analyze data investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

"Researcher" means an individual conducting research.

"Research project" means the systematic collection of information, analysis of the data, and the preparation of a report of findings.

"Sensitive data" means data, the compromise of which, with respect to confidentiality, integrity, or availability, could have a material adverse effect on agency programs or the privacy to which individuals are entitled.

"Virginia Longitudinal Data System" or "VLDS" means a data system that provides allows qualified individuals to access de-identified case-specific data from participating agencies to qualified researchers through a process that involves involving submission of requests and approval or denial by each sponsoring agency from which data are sought in an effort to create usable information for policy and generate cross-agency research.

"Written," "writing," or "in writing", as defined in § 1-257 of the Code of Virginia, means the required information is communicated in writing either in hard copy or electronic form any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form.

6VAC35-170-15. Applicability.

A. Except as otherwise provided, this chapter applies to external requests for case-specific data maintained by the department, including requests for case-specific data submitted through the VLDS or through a data trust. The chapter also applies to external research or evaluation project proposals and external requests submitted to the department for quality or process improvement projects.

B. Except as otherwise provided, this chapter shall not apply to:

1. Research or evaluation projects conducted by employees of another state agency at the direction of the General Assembly; or
2. Requests for juvenile records and reports in accordance with § 16.1-300 of the Code of Virginia.

6VAC35-170-17. Department requests for research; research conducted by state criminal justice agencies.

A. Whenever a person, agency, organization, or institution outside the department agrees, at the department's request, to conduct research on or evaluation of the department or its divisions, the department shall have the discretion to impose any or all requirements in this chapter.

B. State criminal justice agencies seeking juvenile data in accordance with § 16.1-300 of the Code of Virginia shall complete fill out and submit to the department the Data and Research Proposal form and Confidentiality Agreement form to verify the agency's authority to receive the requested information and to comply with follow the provisions in § 16.1-300. For purposes of this section, state criminal justice agencies shall include only state governmental entities that are identified in the definition of "criminal justice agency" in § 9.1-101 of the Code of Virginia.

6VAC35-170-20. General requirements of external researchers project leads.

A. The principal researcher external project lead shall have academic or professional standing in the pertinent field or job-related experience in the areas of study ~~or be directly supervised by such a person.~~

B. The principal researcher external project lead shall be responsible for ~~(i) the conduct of the research staff, (ii) the protection of the rights of subjects involved in the project, and (iii) the provision of information required by the coordinator of external research, organizational unit heads, and the HRRG ensuring that all applicable requirements in this chapter are met.~~

6VAC35-170-30. Professional ethics. (Repealed.)

~~All research shall conform to the standards of ethics of professional societies such as the American Correctional Association, the American Psychological Association, the American Sociological Association, the National Association of Social Workers, the American Evaluation Association, or their equivalent.~~

6VAC35-170-40. Confidentiality requirements of all research.

A. Research findings shall not identify individual subjects.

B. All records and all information given by research human subjects or employees of the department shall be kept confidential in accordance with § 16.1-300 of the Code of Virginia and applicable rules laws and regulations regarding confidentiality of juvenile records.

~~C. Persons who breach confidentiality shall be subject to sanctions in accordance with applicable laws, regulations, policies, and procedures.~~

~~D. C.~~ Confidentiality does not preclude reporting results utilizing de-identified data or giving raw data to the department for possible further analysis.

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

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

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

6VAC35-170-55. Review and approval of aggregate data requests. (Repealed.)

~~A. The department shall determine the following prior to approving aggregate data requests:~~

- ~~1. That the request meets the conditions for department approval of research identified in 6VAC35-170-30 and 6VAC35-170-50;~~
- ~~2. That the data requested is accessible;~~
- ~~3. An estimate of the time required to process the data request; and~~
- ~~4. Based on staff workload, whether staff resources are available to process the request.~~

~~B. The department may approve and coordinate the provision of data.~~

~~C. The department shall provide the principal researcher with a written notification of the approval or denial of the data request within 20 business days of the department's receipt of the proposal.~~

- ~~1. If the department denies the data request, documentation of the rationale for the denial shall accompany the proposal.~~

~~2. If the department approves the data request, it shall provide the principal researcher with a written estimated timeline for receipt of the data.~~

6VAC35-170-60. Formal Submissions requiring department forms; formal agreement required for certain requests and proposals.

~~No A. To initiate the process for departmental review, external case-specific data requests, external research or evaluation project proposals, and quality or process improvement project requests shall be submitted to the department by completing and providing all required signatures and attachments on the Confidentiality Agreement, the Data and Research Proposal, and the Data and Research Agreement forms.~~

~~B. External case-specific data requests submitted through the VLDS or through a data trust portal shall require submission of the forms outlined in subsection A of this section only if the department will serve as the sponsoring agency for the VLDS request or the department's contribution to the data trust was not mandated by the Code of Virginia.~~

~~C. The Confidentiality Agreement form shall be signed by every individual who may access the data.~~

~~D. The Data and Research Agreement form shall outline the responsibilities of the parties and shall specify the following:~~

~~1. That any external articles, reports, presentations, and publications generated from the data collected shall be submitted electronically to the department no later than 30 days after the publication or presentation date and shall include the statement, "The findings of this study are the responsibility of the researchers, and cooperation by the Virginia Department of Juvenile Justice in facilitating this research should not be construed as an endorsement of the conclusions drawn by the researchers";~~

~~2. That the director shall have the discretion to waive the statement mandated in subdivision 1 of this subsection, in which case, all external articles, reports, presentations, and publications shall be submitted to the department coordinator of external research for review and approval at least 30 days before the anticipated submission date;~~

~~3. That the Data and Research Agreement shall not be effective until signed by both the external project lead and the director;~~

~~4. That the requester agrees to provide the department with annual progress reports and any additional progress reports in an electronic format and according to the schedule set by the department; If the data request also involves human research, this schedule of progress reports shall be developed in consultation with the HRRC; and~~

~~5. That the requester agrees to provide a final presentation and an electronic report of the requester's findings that include goals for improvement and an actionable plan for implementing changes.~~

~~E. Except as provided in subsection B of this section, no case-specific data request or, or human research request, or quality or process improvement project shall begin until all applicable reviews required by this chapter have been completed and the principal researcher external project lead receives a an electronic copy of the research agreement Data and Research Agreement form signed by the director.~~

6VAC35-170-65. External de-identified case-specific data requests.

~~A. External case-specific data requests shall be submitted to the department using the Confidentiality Agreement Form, the Research Proposal Form, and the Research Agreement Form.~~

~~B. The Research Agreement Form shall be signed by the principal researcher and the student researcher, if applicable, at the time of submission.~~

~~C. The A.~~ Within 10 business days of receiving the completed forms to initiate the data request, the coordinator of external research shall determine the following within 10 business days of receiving the data request:

1. That the request meets the conditions ~~for department approval of research~~ identified in ~~6VAC35-170-30 and 6VAC35-170-50;~~
2. That the ~~proposal request~~ is not a human research proposal and ~~is not required to be reviewed by the~~ does not require HRRC review; however, requests that include sensitive data shall be reviewed by the HRRC;
3. That the ~~principal researcher~~ external project lead has appropriate academic or professional standing or job-related experience in the area to be studied;
- ~~4. That the proposal is in the required format and includes all required information;~~
5. 4. That the proposal complies with basic research standards and applicable laws;
- ~~6. 5.~~ That the data requested is accessible;
- ~~7. That department resources are available to process the data request; and~~
8. 6. An estimate of the time required to compile the data request.

~~D. Except as provided in subsection E of this section, the B.~~ The following identifiers are considered sensitive data and shall be removed from the data provided to data requesters or researchers:

1. Names;
2. Dates of birth;
3. Postal street addresses;
4. Telephone numbers;
5. Email addresses;
6. Social security numbers;
7. Medical record numbers;
8. Biometric identifiers, including finger and voice prints; and
9. Full face photographic images and any comparable image.

~~E. C.~~ The director, department may consider the following identifiers as sensitive data based on the details of the project and other information included in the data set, and shall remove such identifiers from the data provided to data requesters if deemed sensitive:

1. Dates relevant to the juvenile's offenses, programming, or placements, such as dates of admission or release;
2. Location information more detailed than town or city, state, and zip code;
3. Record numbers, such as juvenile numbers or direct care numbers; and
4. Any other combination of fields that would enable a reasonable person to identify individuals.

~~D.~~ On a case-by-case basis, the director may approve the dissemination of data containing a limited number of the identifiers listed in subsection D B of this section for research benefiting the department, provided that (i) the provision of data does not violate any confidentiality provisions in Title 16.1 of the Code of Virginia and (ii) the data requester or researcher agrees that any such to keep the information shall be kept confidential in accordance with 6VAC35-170-40 or released release or published publish the information only in aggregate form.

~~F. E.~~ The human research review process shall be followed when the data requested by a researcher are such that a reasonable person could identify the research participants.

~~G. F.~~ Industry standard levels of encryption shall be required to protect all juvenile record information provided to data requesters and researchers.

~~H. G.~~ Upon determining the requirements in subsection ~~G A~~ of this section are met, the director shall designate an internal committee, which shall ~~meet within 20 business days of receiving the proposal. The internal committee shall:~~

1. Verify that the request meets the conditions for department approval of research identified in 6VAC35-170-50;
2. Review the data requested and determine if it is necessary to restrict the scope of the information provided. The scope of information may be restricted for any reason.;
- ~~2. Determine the research is beneficial to the department.~~
3. Ensure juvenile confidential information will be protected adequately.;
- and
4. Make a written recommendation to the director to approve or disapprove the request.

~~I. H.~~ The director shall approve or deny the ~~proposal~~ request within 10 business days of receiving the recommendation.

~~J. The I.~~ Within five business days of receiving the director's decision, the department shall notify provide the data requester or researcher of the director's decision within five business days of the director making the decision written notification that the request has been denied or a signed electronic copy of the Data and Research Agreement form if the request is approved.

- ~~1. If the director denies the proposal, the notification shall include a written rationale for the denial.~~
- ~~2. If the director approves the proposal, the notification shall include the research agreement containing the director's signature. The agreement shall outline the respective responsibilities of the parties and shall specify:~~
 - ~~a. When progress reports shall be required. If the external research request also involves human research, this schedule of progress reports shall be developed in consultation with the HRRG;~~
 - ~~b. That the department shall have unrestricted permission to use the research findings in accordance with professional standards of research;~~
 - ~~c. That a final report shall be submitted electronically to the department;~~
 - ~~d. That unless waived by the director or the director's designee, all external articles, reports, and presentations made from the data collected shall be submitted electronically to the department and shall include the statement "The findings of this study are the responsibility of the researchers, and cooperation by the Virginia Department of Juvenile Justice in facilitating this research should not be construed as an endorsement of the conclusions drawn by the researchers;" and~~
 - ~~e. That the research agreement shall not be effective until signed by both the principal researcher and the director.~~

~~K. The department shall provide the principal researcher, by first class mail, electronic mail, or facsimile, a final copy of the research agreement containing the director's signature.~~

~~L. J.~~ External de-identified case-specific data requests submitted through the VLDS or a data trust shall ~~not~~ be subject to the requirements of this section only if the department will serve as the sponsoring agency for the VLDS request or the department's contribution to the data trust was not mandated by the Code of Virginia. All VLDS and data trust requests shall comply with 6VAC35-170-67, regardless of whether the department serves as the sponsoring agency or whether the contribution to the data trust was mandated by statute. Researchers submitting such requests shall adhere to the provisions of 6VAC35-170-67.

6VAC35-170-67. Requests submitted through the VLDS requests or a data trust.

~~A. External case-specific data requests submitted through the VLDS shall be submitted to the department using the VLDS portal.~~

~~B. The researcher shall comply with all VLDS procedures in order to access data through the VLDS.~~

~~C. The chair of the HRRC shall have primary responsibility for reviewing and approving requests submitted through the VLDS portal. The chair of the HRRC or data trust portals and may not approve an external case-specific data request unless the request meets the following requirements:~~

~~1. The request satisfies the conditions for department approval of research identified in 6VAC35-170-30 and 6VAC35-170-50;~~

~~2. The request is not a human research proposal and does not require the HRRC's review;~~

~~3. The request is in the required format and includes all required information;~~

~~4. 1. The research aim and the requested data are appropriate in content and scope;~~

~~2. The request complies with basic research standards and applicable laws; and~~

~~5. 3. The data requested are accessible and available in the VLDS requester agrees to provide the department with annual progress reports and a final report of the requester's findings that includes goals for improvement and an actionable plan for implementing changes.~~

~~D. Upon reviewing the data request, the chair of the HRRC may restrict the scope of the data, provided the data requested are unrelated to the purpose of the research study.~~

6VAC35-170-69. Minor amendments to data requests.

If the researcher data requester offers a minor, nonsubstantive amendment to an external data request that the director previously approved in accordance with the provisions of this chapter, the chair of the HRRC may conduct an expedited review of the amendment in writing, provided the amendment does not alter the scope of the request. Additional review or approval by the internal committee or director shall not be required.

6VAC35-170-70. Requirements specific to human research.

A. All human research shall comply with Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 of the Code of Virginia and all other applicable laws regarding human research.

B. Human research involving known and substantive physical, mental, or emotional risk to subjects, including the withholding of any prescribed program programs of treatment, and all experimental medical, pharmaceutical, or cosmetic research, are specifically prohibited ~~forbidden~~.

C. Offering Researchers may offer incentives to participate in research ~~is discouraged but not prohibited. Incentives shall be, provided the incentive is appropriate to the juveniles' juvenile's custodial status and proportionate to the situation.~~

D. If sensitive data are provided, the researchers must comply with appropriate security and ~~non-disclosure~~ nondisclosure requirements.

E. No human research shall be conducted without the review and approval of the HRRC and the department.

F. Human research that is not exempted by § 32.1-162.17 of the Code of Virginia requires endorsement from an Institutional Review Board.

6VAC35-170-80. Informed consent required for human research.

~~A. Except as provided elsewhere in this chapter, no researcher may involve a human subject in human research without first obtaining the~~ All researchers shall get informed consent in accordance with § 32.1-162.18 of the Code of Virginia before conducting human subject or his

legally authorized representative. A researcher shall seek such consent only under circumstances that provide the human subject or the legally authorized representative sufficient opportunity to consider whether to participate and that minimize the possibility of coercion or undue influence research.

B. If a human subject is competent, informed consent shall be given in writing by the subject and witnessed.

C. If a human subject is not competent, informed consent shall be given in writing by the subject's legally authorized representative and witnessed.

D. If a human subject is a minor who is otherwise capable of giving informed consent, informed consent shall be given in writing by both the minor and his legally authorized representative.

E. If two or more persons who qualify as legally authorized representatives with decision-making authority inform the researcher that they disagree as to the participation of the human subject, the subject shall not be enrolled in the human research that is the subject of the consent.

F. Notwithstanding consent by a legally authorized representative, no person who is otherwise capable of giving informed consent shall be forced to participate in human research.

G. A legally authorized representative may not consent to nontherapeutic research unless the HRRRC determines that the research will present no more than a minimal risk to the human subject.

H. The informed consent form shall not include any language through which the human subject waives or appears to waive any legal right, including the release of an individual, institution, or agency or any agent thereof from liability for negligence.

6VAC35-170-90. Exemptions from the requirements governing human research.

A. The following Except as provided in subsections B and C of this section, the categories of human research identified in § 32.1-162.17 of the Code of Virginia are not subject to this chapter's provisions governing requirements for human research. Except as otherwise provided by law or regulation, these activities shall be subject to the nonhuman research review and approval process established by the department.

1. Activities of the Virginia Department of Health conducted pursuant to § 32.1-39 of the Code of Virginia.

2. Research or student learning outcomes assessments conducted in educational settings involving regular or special education instructional strategies; the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods; or the use of educational tests, whether cognitive, diagnostic, aptitude, or achievement, if the data from such tests are recorded in a manner so that subjects cannot be identified, directly or through identifiers linked to the subject.

3. Research involving solely the observation of public behavior, including observation by participants, or research involving survey or interview procedures unless subjects can be identified from the data either directly or through identifiers linked to the subjects, and either:

a. The information about the subject, if it became known outside the research, reasonably could place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing or employability; or

b. The research deals with sensitive aspects of the subject's own behavior, such as sexual behavior, drug or alcohol use, or illegal conduct.

4. The collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the subjects cannot be identified from the information either directly or through identifiers linked to the subjects.

~~5. Medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated, or to improve the quality of the subject's life.~~

B. Pursuant to ~~45 CFR 46.101~~ 46.104, the exemptions outlined in ~~this section § 32.1-162.17~~ of the Code of Virginia shall not apply to research conducted upon individuals involuntarily confined in a penal institution, including individuals committed to a juvenile correctional center or juvenile secure detention center, unless the research is aimed at involving a broader subject population that only incidentally includes these individuals.

C. Pursuant to ~~45 CFR 46.101~~, the The exemptions outlined in subdivision A 3 of ~~this section § 32.1-162.17~~ of the Code of Virginia shall not apply to research conducted on children ~~who have not attained age younger than~~ 18 years of age unless permitted under 45 CFR 46.104.

6VAC35-170-100. Proposal for external research.

A. If the external research is proposed to take place in a particular organizational unit, the ~~principal researcher~~ external project lead shall present a preliminary research proposal to the organizational unit head and get the organizational unit head's endorsement.

B. The ~~principal researcher~~ completed Data and Research Proposal shall submit to the ~~coordinator of external research a complete research proposal describing~~ describe the research project and ~~containing~~ include the following information:

1. Name, ~~address, telephone number, email address~~ contact information, title, and affiliation of the ~~principal researcher~~ external project lead;
2. Name, ~~telephone number, and email address~~ and contact information of the person who will coordinate the project, if different from the ~~principal researcher~~ external project lead;
3. Funding source, if any;
4. Date of the proposal's submission to the department;
5. Title or descriptive name of the proposed research project;
6. Statement of the specific purpose of the proposed research project with anticipated results, including benefit to the department;
7. A concise description of the research design and techniques for data collection and analysis and of the likely effects of the research methodology on existing programs and institutional operations;
8. Timeframes indicating proposed beginning and ending dates for (i) data collection, (ii) analysis, (iii) preliminary report, and (iv) final report;
9. A list of resources the researcher will require from the department or ~~its~~ the department's units, such as staff, supplies, materials, equipment, work spaces, or access to clients and files;
10. The written endorsement from the organizational unit head in accordance with subsection A of this section;
11. A written endorsement from the institutional review board of the institution or organization with which the researcher is affiliated; ~~and~~
12. A copy of the resume or curriculum vitae of the external project lead and student, if applicable; and
13. A signed and dated statement that the ~~principal researcher~~ external project lead and research staff have read, understand, and agree to abide by these regulations.

C. The coordinator of external research shall receive all research proposals and confirm that the proposal complies with basic research standards and applicable laws.

6VAC35-170-110. Initial review by coordinator of external research. (Repealed.)

~~The coordinator of external research shall receive all research proposals from external researchers and shall:~~

- ~~1. Ensure that the proposals are in the required format and include all required information;~~
- ~~2. Confirm that the proposal complies with basic research standards and applicable laws; and~~
- ~~3. Refer the proposals to appropriate department personnel for review, which, for all proposed human research shall include the department's HRRC.~~

6VAC35-170-125. Quality or process improvement projects.

A. Notwithstanding the requirements in 6VAC35-170-60 D 3, the chair of the HRRC shall have primary responsibility for reviewing, and approving, and signing the Data and Research Agreement for quality or process improvement project requests and may not approve a request unless the request it meets the following requirements:

1. The quality or process improvement aim and the requested data are appropriate in content and scope;
2. The requesters may not share information outside of the department and approved groups and may not give presentations or publish research findings using information or data from the quality or process improvement project;
3. The request complies with basic research standards and applicable laws; and
4. The request includes safeguards to ensure the adequate protection of juvenile confidential information.

B. Upon determining that all requirements in subsection A have been satisfied, the chair of the HRRC shall sign the Data and Research Agreement and provide the external project lead with an electronic copy. No quality or process improvement project shall begin until all applicable reviews required by this chapter have been completed and the external project lead receives the electronic copy of the signed Data and Research Agreement form.

B. The requester shall provide the department with annual progress reports and a final presentation and report of the requester's findings that includes goals for improvement and an actionable plan for implementing changes.

6VAC35-170-130. Human Research Review Committee.

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

~~B. The HRRC may ask persons with pertinent expertise and competence to assist in the review of any research proposal or ongoing human research activities.~~

~~C. The HRRC may require additional information from the researcher before making a recommendation to the director.~~

6VAC35-170-140. Timeline for review of Minor amendments to human research proposals.

~~A. The HRRC shall review proposals involving human research within 30 business days of receiving a complete research proposal.~~

~~B. A. At the request of the researcher and upon written approval by the chair, the HRRC may conduct an expedited review when the proposed research involves no more than minimal risk to the human subjects and: 1. The proposal has been reviewed and, the changes occur during the~~

approved by another agency's HRRC; or 2. The project period, and the review involves only minor changes to a previously approved research project.

~~C. B. A proposal that undergoes expedited review pursuant to subdivision B 2 of this section shall be approved in writing by the chair of the HRRC before the researcher may proceed. Additional require no additional review or approval by the director shall not be required.~~

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

In reviewing the human research proposal, the HRRC shall consider the potential benefits and risks to the human subjects and ~~shall recommend approval only when:~~ 1. ~~The benefits to the human subjects outweigh the risks;~~ 2. ~~The methodology is adequate for the proposed research;~~ 3. ~~The research, if nontherapeutic, presents no more than a minimal risk to the human subjects;~~ 4. ~~The rights and welfare of the human subjects are adequately protected;~~ 5. ~~Appropriate provisions have been made to get informed consent from the human subjects, as detailed in 6VAC35-170-160;~~ 6. ~~The researchers are appropriately qualified;~~ 7. ~~The criteria and means for selecting human subjects are valid and equitable;~~ and 8. ~~The research complies with the requirements set out in this chapter as well as each element outlined in § 32.1-162.19 B of the Code of Virginia.~~

6VAC35-170-160. HRRC review of informed consent provisions.

A. The HRRC shall review and approve the consent process and all required consent forms for each proposed human research project before recommending approval to the director.

B. The committee may approve a consent procedure that omits or alters some or all of the basic elements of informed consent or waives the requirement to get informed consent if the HRRC finds and documents that: 1. ~~The research involves no more than a minimal risk to the subjects;~~ 2. ~~The omission, alteration, or waiver will not adversely affect the rights and welfare of the subjects;~~ 3. ~~The research could not be performed practicably without the omission, alteration, or waiver;~~ and 4. ~~After participation, the subjects will be given additional pertinent information when appropriate~~ complies with the requirements in § 32.1-162.18 D of the Code of Virginia.

C. The HRRC may waive the requirement that the researcher get written informed consent for some or all subjects, ~~if the principal risk would be potential harm resulting from a breach of confidentiality, and the only record linking the subject and the research would be the consent document. The HRRC may require the researcher to give the subjects and legally authorized representatives a written statement explaining the research. Further, the researcher shall ask each subject whether he wants documentation linking him to the research, and the subject's wishes shall govern~~ provided the conditions in § 32.1-162.18 E of the Code of Virginia are satisfied.

6VAC35-170-170. Recommendation to director and final action.

A. The HRRC shall make a recommendation to the director to deny, ~~or approve, or conditionally approve~~ the proposed human research or defer a recommendation pending receipt of additional information or modification of the proposal.

B. The director shall approve or deny the proposal within 10 business days of receiving the committee's recommendation.

C. ~~The research agreement~~ Data and Research Agreement shall become effective only after all reviews required by this chapter are completed and the director signs the agreement on behalf of the department. The coordinator of external research shall ~~send~~ notify the external project lead of the director's final decision within five business days of receipt, and if approved, provide a copy of the signed research agreement to the principal researcher Data and Research Agreement form before the project may begin.

~~D. The coordinator of external research shall notify the principal researcher of the director's final decision.~~

6VAC35-170-180. Annual review of human research and other activities.

The HRRC shall review all human research ongoing activities under its purview at least annually to ensure that ~~they~~ the activities are conducted in conformance with the proposals as approved by the director.

6VAC35-170-185. Researcher noncompliance.

A. The ~~researcher~~ external project lead shall report noncompliance with the approved research proposal to the HRRC and the institutional review board.

B. The external project lead shall report all protocol violations to the coordinator of external research within five business days of learning of the incident.

C. If the HRRC determines that the research activities fail to comply with the approved proposal or violate the Code of Virginia or the Virginia Administrative Code, the department may (i) restrict or terminate further research, (ii) ~~prohibit~~ forbid the researcher from presenting or publishing the research results, ~~or~~ and (iii) bar the researcher from conducting future studies.

6VAC35-170-190. Committee reports required.

A. In accordance with § ~~§§~~ 66-10.1 and 32.1-162.19 of the Code of Virginia, the HRRC shall:

1. ~~submit~~ Submit to the Governor, the General Assembly, and the director at least annually a report on human research projects reviewed and approved by the HRRC and the status of ~~such~~ the research, including any significant deviation from the proposals as approved; and

2. Ensure that an overview of the required report containing a summary of approved human research projects and the results of such projects is posted on the department's website, unless otherwise exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et. seq. of the Code of Virginia).

B. The HRRC also shall submit annually to the Board of Juvenile Justice the same report as required by subsection subdivision A 1 of this section.

~~C. The HRRC shall ensure that an overview of the report required in subsection A of this section, containing a summary of approved human research projects and the results of such projects, is posted on the department's website unless otherwise exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).~~

6VAC35-170-200. Progress reports.

A. The department may require periodic reports on the progress of any ~~research~~ project in accordance with this chapter. The ~~principal researcher~~ external project lead shall be responsible for providing ~~such reports~~ an annual progress report addressing the progress of all pending research and any additional periodic progress reports or supplementary information requested by the department requests in a timely manner.

~~B. The researcher shall submit an annual progress report to the coordinator of external research when the research is not completed within one year of approval. Upon review of the progress reports or the failure to timely file a progress report, approvals may be reconsidered, reassessed, or rescinded for good cause at the director's discretion.~~

6VAC35-170-210. Department permission to use research findings. (Repealed.)

~~The research agreement shall specify that the department has permission to use, as they are published, all data, summaries, charts, graphs or other illustrations resulting from the research project.~~

6VAC35-170-220. ~~Final report~~ Research findings.

A. The department shall require the ~~principal researcher~~ external project lead to submit a formal final report to the coordinator of external research ~~and may require up to 10 copies of the report.~~

B. The final report and all external articles, reports, presentations, and publications generated from the data and research shall ~~contain, unless waived by the director or designee,~~ be submitted electronically to the coordinator of external research no later than 30 days after the publication or presentation date and shall include the following statement:

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

C. The director may waive the statement required in subsection B of this section, in which case applicable materials shall be submitted to the coordinator of external research **for review and approval** at least 30 days before the anticipated submission date.

6VAC35-170-230. ~~Written procedures~~ Guidance.

A. ~~The department shall establish written procedures regarding the process for obtaining the organizational unit head's endorsement for any external research proposal, as required in 6VAC35-170-100.~~

B. ~~A. The department may establish written procedures provide guidance that outline additional requirements outlines processes for the submission, approval, and review of research projects and, data requests, and quality or process improvement projects authorized in this chapter. The written procedures also may identify additional data elements that the department deems to be sensitive data.~~

C. ~~B. The department shall ensure that any written procedures guidance established pursuant to this chapter are is posted on the agency website.~~



Department of Juvenile Justice
Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals

I. PURPOSE AND SCOPE

This guidance document provides the process for the review, approval, and coordination of the following external data requests, research proposals, and projects: (1) Virginia Longitudinal Data System requests, (2) data trust requests, (3) other external case-specific data requests, (4) human research proposals, and (5) quality or process improvement projects. The document interprets the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170).

Unless otherwise specified, this guidance document does not apply to research conducted by employees of another state agency at the direction of the General Assembly or requests for juvenile records and reports in accordance with § 16.1-300 of the Code of Virginia. Entities outside of DJJ that research or evaluate the department or its programs at the department's request, however, may be subject to all or a portion of the regulation's requirements at the department's discretion. Similarly, state criminal justice agencies seeking juvenile data, while not subject to all provisions in 6VAC35-170, are required to submit to the department the Data and Research Proposal and Confidentiality Agreement to verify their authority to receive requested information.

This guidance document will help ensure that research activities conducted within Virginia's juvenile justice system meet applicable state and federal laws and regulations; guarantee the safety, health, privacy, and confidentiality of clients and staff; forbid unauthorized access to and publication of information identifying individuals or families; and are conducted in a manner that do not impede juvenile rehabilitation and treatment, compromise the security of juvenile facilities, or threaten public safety.

II. DEFINITIONS

The following words and terms, when used in this guidance document, shall have the following meanings unless the context clearly indicates otherwise:

Case-specific data – Data about specific individuals or cases.

Coordinator of external research - The department employee whom the director designates to receive research proposals and data requests from external entities and to ensure that proposals and requests are reviewed in accordance with 6VAC35-170.

Data trust – A secure information-sharing environment that the department has joined via a memorandum of understanding or other written agreement. For purposes of this document, data trust is limited to the Commonwealth Data Trust authorized in § 2.2-203.2:4 of the Code of Virginia and the Virginia Workforce Data Trust authorized in § 2.2-2041 of the Code of Virginia.

De-identified data - Data with identifiers, such as names and social security numbers removed to prevent an individual from determining the subject's identity.

Department - The Department of Juvenile Justice.

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

Director - The director of the department or the director's designee.

External project lead - The individual responsible for the research and data analysis design, implementation, supervision of staff, and findings, and who is not employed by or under contract to perform research for the department.

External research or evaluation project - A project conducted at or using the resources of a facility, program, or organization that is owned, operated, or regulated by the department or the Board of Juvenile Justice by individuals who are not employed by or under contract to perform data analysis, quality improvement projects, or research for the department.

Human research - A systematic investigation, including research development, testing, and evaluation, utilizing human subjects that is designed to develop or contribute to generalized knowledge. Human research includes neither research exempt from federal research regulation pursuant to 45 CFR 46.104(d), nor quality or process improvement projects.

Human Research Review Committee (HRRC) - The committee established to oversee human research proposals in accordance with § 32.1-162.19 of the Code of Virginia and 6VAC35-170-130.

Human subject - An individual recruited for research due to the individual's contact with the department or facilities or programs regulated by the Board of Juvenile Justice; a family member or guardian of the individual; or an individual employed by or providing contractual services to the department or facilities or programs regulated by the Board of Juvenile Justice.

Informed consent - The knowing and voluntary agreement without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion of a person who is capable of exercising free choice. The basic elements necessary for informed consent regarding human research include:

1. A reasonable and comprehensible explanation to the person of the proposed procedures and protocols to be followed; the purpose of the procedures and protocols, including descriptions of attendant discomforts; and the risks and benefits reasonably to be expected;
2. A disclosure of alternative procedures or therapies that might be helpful to the person;
3. An instruction that the person may withdraw consent and stop participating in the human research at any time without prejudice;
4. An explanation of costs or compensation that may accrue to the person and whether third-party reimbursement is available for the proposed procedures or protocols; and
5. An offer to answer, and answers to, questions by the person about the procedures and protocols.

Internal committee - The committee established pursuant to 6VAC35-170-65 to oversee de-identified case specific data.

Minimal risk - The risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

Organizational unit head - The person in charge of an organizational unit of the department or a Board of Juvenile Justice-regulated facility, program, or service.

Quality or process improvement project - A project designed to monitor, analyze, or improve the indicators of quality in service of a specific program without intentions to publish or share findings beyond the researcher, provider, and other groups at the discretion of the department. For purposes of this document, a quality or process improvement project is not a human research project. A quality or process improvement project does not include case-specific data requests.

Research - The systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

Researcher - An individual conducting research.

Sensitive data - Data, the compromise of which with respect to confidentiality, integrity, or availability, could have a material adverse effect on agency programs or the privacy to which individuals are entitled.

Virginia Longitudinal Data System (VLDS) - A data system that allows qualified individuals to access de-identified case-specific data from participating agencies through a process involving submission of requests and approval or denial by each sponsoring agency from which data are sought to create usable information for policy and generate cross-agency research.

Written, writing, or in writing - As defined in § 1-257 of the Code of Virginia, any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form.

III. PROCESS FOR REQUESTS AND PROPOSALS

A. General Requirements

1. The external project lead shall have academic or professional standing in the pertinent field or job-related experience in the areas of study.
2. The external project lead shall be responsible for ensuring that all applicable requirements in 6VAC35-170 are satisfied.

B. VLDS and Data Trust Requests

1. If requesting that the department serve as the sponsoring agency of a VLDS data request or if requesting case-specific data from a data trust when the department's underlying data contribution was not required by statute, the process for external de-identified case-specific data requests described in subsection III D of this document shall be completed before submission through the applicable portal. External case-specific data requests submitted through the VLDS with a different sponsoring agency or submitted through a data trust when the department's underlying data contribution is required by statute, do not need to complete the process for external de-identified case-specific data and may proceed with the submission through the applicable portal.
2. The chair of the HRRC shall have primary responsibility for reviewing and approving all requests submitted through the VLDS or data trust portals and may not approve a request unless it meets the following requirements:

- a. The research aim and the requested data are appropriate in content and scope.
 - b. The request complies with basic research standards and applicable laws; and
 - c. The requester agrees to provide the department with annual progress reports and a final report of the requester's findings that includes goals for improvement and an actionable plan for implementing changes.
3. The following process applies for requests to modify an approved VLDS or data trust project:
 - a. If the department sponsored the VLDS request or the data trust request sought data for which the department's data contribution was not required by statute, the process for modifying external case-specific data requests established in subsection III E -12 shall be followed. Approval must occur before submitting the amendment through the applicable portal.
 - b. If sponsored by a different agency or requested through a data trust for which the department's data contribution was required by statute, the requester need not receive approval before submitting an amendment through the applicable portal.

C. General Requirements Regarding the Data and Research Agreement, Data and Research Proposal, and Confidentiality Agreement

1. Whenever this guidance document requires the completion and submission of a Data and Research Agreement, the Agreement shall outline the responsibilities of the parties and shall specify the following:
 - a. The external project lead's obligation to submit to the coordinator of external research an electronic copy of the formal final report that contains an executive summary, and all required progress reports;
 - b. Whether the department needs to preview and approve documents before external publication;
 - c. That all external articles, reports, presentations, and publications generated from the data collected shall be submitted electronically to the coordinator of external research no later than 30 days after the publication or presentation date and shall include the statement, "The findings of this study are the responsibility of the researchers, and cooperation by the Virginia Department of Juvenile Justice in facilitating this research should not be construed as an endorsement of the conclusions drawn by the researchers;"
 - d. That the director may waive the statement mandated in subdivision III C 1 c, in which case, all external articles, reports, presentations, and publications shall be submitted to the coordinator of external research for review and approval at least 30 days before the anticipated submission date;
 - e. That, except for quality or process improvement projects, the Data and Research Agreement is not effective until signed by both the external project lead and the director; and
 - f. That the requester agrees to provide the department with annual progress reports and any additional progress reports in an electronic format and according to the schedule set by the department, as specified in the agreement, as well as a final presentation and report of the requester's findings, which include goals for improvement and an actionable plan for implementing changes.
2. Whenever this guidance document requires the completion and submission of a Data and Research Proposal, the proposal shall contain the following elements:

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

- a. Name, address, telephone number, email address, title, and affiliation of the external project leads. For student projects, the external project lead must be the academic advisor rather than the student;
 - b. Name, telephone number, and email address of the person who will coordinate the project, if different from the external project lead;
 - c. Resume or curriculum vitae for the external project lead and students, if applicable;
 - d. Funding source, if any;
 - e. Date of the proposal's submission to the department;
 - f. Title or descriptive name of the proposed project;
 - g. Statement of the specific purposes of the proposed research project with anticipated results, including benefit to the department;
 - h. A concise description of the research design and techniques for data collection and analysis and of the likely effects of the research methodology on existing programs and institutional operations;
 - i. Timeframes indicating proposed beginning and ending dates for data collection, analysis, preliminary report, and final report;
 - j. A list of resources the researcher will require from the department or its units, such as staff, supplies, materials, equipment, workspaces, or access to clients and files;
 - k. Identification of the organizational unit where the research will be conducted and letter of support acknowledging the organizational unit's agreement to participate in research-related activities, if applicable.
 - i. If the external research will occur in a particular organizational unit, the external project lead shall present a preliminary research proposal to and get a written endorsement from the organizational unit head, which shall be attached to the proposal.
 - ii. The organizational unit head supporting the project is responsible for requesting a written endorsement from the deputy director of the appropriate division before submitting the proposal packet to the coordinator of external research.
3. The Confidentiality Agreement shall be signed by every individual who may access the data.

D. General Requirements for External De-Identified Case-Specific Data Requests and Human Research Proposals

1. Unless otherwise provided, external data requesters, external researchers, and department personnel proposing to conduct human research shall follow the same steps to submit proposals for the department's consideration. If a project involves both an external de-identified case-specific data request and a human research proposal, the entire project shall be subject to the human research proposal process.
2. External data requesters and researchers to whom juvenile information is disclosed may not redisclose an individual's juvenile information beyond the purpose of the original disclosure. External data requesters and researchers may publish research findings based on juvenile information, provided the findings are presented using aggregate data.

3. External de-identified case-specific data requests and research proposals shall be emailed to the coordinator of external research and shall include the completed Confidentiality Agreement, the Data and Research Proposal, and the Data and Research Agreement, containing all required signatures and attachments.
4. Industry standard levels of encryption shall be required to protect juvenile information provided to data requesters and researchers.
5. The external project lead must comply with the plan stated in the Data and Research Proposal, including the plan for disseminating findings. Requests to change the research plan must be submitted to the coordinator of external research and approved by the department before being implemented.

E. External Case-Specific Data Requests

1. The department considers the following identifiers to be sensitive data that shall be removed from the data provided to data requesters or researchers:
 - a. Names;
 - b. Dates of birth;
 - c. Postal street addresses;
 - d. Telephone numbers;
 - e. Email addresses;
 - f. Social security numbers;
 - g. Medical record numbers;
 - h. Biometric identifiers, including finger and voice prints; and
 - i. Full face photographic images and any comparable images.
2. The department may consider the following identifiers as sensitive data based on the details of the project and other information included in the data set, and shall remove these additional identifiers from the data provided to researchers and data requesters if deemed sensitive:
 - a. Dates relevant to the juvenile's offenses, programming, or placements;
 - b. Location information more detailed than town or city, state, and zip code;
 - c. Record numbers, such as juvenile numbers or direct care numbers; and
 - d. Any other combination of fields that would enable a reasonable person to identify individuals.
3. On a case-by-case basis, the director may approve the dissemination of data containing a limited number of otherwise sensitive identifiers provided: (i) the provision of data does not violate any confidentiality provisions in Title 16.1, and (ii) the requester or researcher agrees to keep the information confidential or release or publish it only in aggregate form in accordance with the following requirements:
 - a. Research findings shall not identify individual subjects.
 - b. All records and all information given by human subjects or employees of the department shall remain confidential in accordance with applicable laws and regulations.

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

- c. Confidentiality does not preclude reporting results utilizing de-identified data or giving raw data to the department for possible further analysis.
4. Within 10 business days of receiving the completed forms to initiate the data request, the coordinator of external research shall determine the following:
 - a. The request meets the conditions identified in 6VAC35-170-50;
 - b. The request is not a human research proposal and does not require HRRC review; however, requests that include sensitive data shall be reviewed by the HRRC;
 - c. The external project lead has the appropriate academic or professional standing or job-related experience in the area to be studied;
 - d. The proposal complies with basic research standards and applicable laws;
 - e. The data requested is accessible; and
 - f. An estimate of the time required to compile the data request.
5. The research manager shall determine if staff and resources are available to process the data request.
6. An internal committee, chaired by the research manager who designates committee members, shall meet in person, by conference call, or via email to review and act on the research proposal. The internal committee shall verify that the proposal meets the following conditions set forth in 6VAC35-170-50:
 - a. The department has sufficient financial and staff resources to support the request, and on balance, the benefits of the request justify the department's involvement; and
 - b. The request will not interfere significantly with the department's programs or operations, particularly those of the operating units that would participate in the proposed research.
7. In addition, the internal committee shall:
 - a. Review the data requested and determine if it is necessary to restrict the scope of the information provided. The scope of information may be restricted for any reason.
 - b. Ensure juvenile confidential information will be protected adequately.
 - c. Make a written recommendation to the director to approve or disapprove the request.
8. The coordinator of external research shall submit the Data and Research Proposal, the signed Data and Research Agreement, and the internal committee's recommendation to the director for review.
9. The director shall approve or deny the request within 10 business days of receiving the recommendation and communicate the decision to the research manager and the coordinator of external research.
10. Within five business days of receiving the director's decision, the coordinator of external research shall provide the data requester or researcher with written notification that the proposal was denied or a signed electronic copy of the Data and Research Agreement form if the request is approved.

11. Unless otherwise provided, no case-specific data request shall begin until all applicable required reviews have been completed and the external project lead receives an electronic copy of the Data and Research Agreement signed by the director.
12. The following process shall be followed for requests to modify an approved project:
 - a. The external project lead shall email a redline version (e.g., Track Changes) and clean version of the modified Data and Research Proposal to the coordinator of external research.
 - b. Within 10 business days of receiving the modified proposal, the coordinator of external research shall consult with the research manager to determine if the modifications substantively change the criteria considered in the original review or alter the study's scope.
 - c. Substantive revisions require a full review and shall follow the process described in this section for new external case-specific proposals. For nonsubstantive revisions, the research manager may conduct an expedited review of the amendment in writing. Additional review or approval by the internal committee or director shall not be required.
 - d. The coordinator of external research shall notify the external project lead of the decision.

F. Quality or Process Improvement Projects.

1. Quality or process improvement project proposals shall be submitted to the department by completing and providing all required signatures on the Confidentiality Agreement, the Data and Research Proposal, and the Data and Research Agreement.
2. The chair of the HRRC shall have primary responsibility for reviewing, approving, and signing the Data and Research Agreement for quality or process improvement project requests and may approve only those requests that meet the following requirements:
 - a. The aim of the improvement and the requested data are appropriate in content and scope;
 - b. The requesters may not share information outside of the department and approved groups, and requesters may not give presentations or publish research findings using information or data from the quality or process improvement project;
 - c. The request complies with basic research standards and applicable laws; and
 - d. The request includes safeguards to ensure juvenile confidential information will be protected adequately.
3. The requester shall provide the department with annual progress reports and a final presentation and report of the requester's findings, which include goals for improvement and an actionable plan for implementing changes.
4. Unless otherwise provided, no quality or process improvement projects shall begin until all applicable required reviews have been completed and the external project lead receives an electronic copy of the Data and Research Agreement containing the required signatures.

G. Human Research General Provisions

1. Except as provided in subsections III G 2 and III G 3, the categories of human research identified in § 32.1-162.17 of the Code of Virginia shall be exempt from 6VAC35-170 and from the requirements in this guidance document.
2. Pursuant to 45 CFR 46.104, the exemptions outlined in § 32.1-162.17 of the Code of Virginia shall not apply to research conducted upon individuals involuntarily confined in a penal institution, including individuals committed to a juvenile correctional center or juvenile secure detention center unless the research is aimed at involving a broader subject population that only incidentally includes these individuals.
3. The exemptions outlined in § 32.1-162.17(3) of the Code of Virginia shall not apply to research conducted on children who have not attained 18 years of age unless permitted in 45 CFR 46.104.
4. Human research that is not exempted by § 32.1-162.17 of the Code of Virginia requires endorsement from an Institutional Review Board (IRB).
5. Human research involving known and substantive physical, mental, or emotional risk to subjects, including withholding prescribed programs of treatment, and all experimental medical, pharmaceutical or cosmetic research, are specifically forbidden.
6. No human research shall be conducted without the review and approval of the HRRC and the department.
7. At the researcher's request and upon written approval by the chair, the HRRC may conduct an expedited review when the proposed research involves no more than minimal risk to the human subjects and the review involves only minor changes to a previously approved research project.
8. Researchers may offer incentives to participate in research, provided the incentives are appropriate to the juveniles' custodial status and proportionate to the situation.

H. Human Research Review Committee

1. The department shall establish an HRRC composed of persons representing diverse backgrounds in work and life experience, race, ethnicity, gender, and other characteristics. The HRRC shall ensure the competent, complete, and professional review of proposed and conducted human research activities.
2. The research manager shall keep a current listing of members of the HRRC.
3. The HRRC shall consist of at least seven persons, including:
 - a. The research manager or designee, who will serve as chair;
 - b. The director of the Behavioral Services Unit or the individual's designee;
 - c. At least three persons who are not employed by the department;

- d. At least one person from a nonscientific profession, such as a lawyer or clergyperson; and
 - e. At least one person with the experience to advocate for the welfare of human research subjects.
4. Committee members shall be chosen by the chair of the HRRC with input from current HRRC members and other department staff. Committee members shall serve two-year terms with the option to renew.
5. HRRC Operation:
- a. The HRRC shall meet as often as necessary to give timely consideration to human research proposals. Whenever practicable, proposals shall be emailed to the HRRC members.
 - b. No HRRC member shall be directly involved in a research project or have administrative authority over a research project apart from the member's role on the HRRC.
 - c. The HRRC may meet in person, by conference call, or via email. A simple majority of HRRC members constitutes a quorum.
 - d. The HRRC may consult with any person who has expertise or is competent regarding the proposed research. Consultants may offer their opinions but may not vote when the HRRC makes its decision.

I. Review of Human Research Proposals

1. Within 10 business days of receiving the research proposal, the coordinator of external research shall determine the following:
 - a. The external project lead has appropriate academic or professional standing or job-related experience in the area to be studied;
 - b. The proposal complies with basic research standards and applicable laws;
 - c. The proposal could reasonably comply with the criteria to be examined by the HRRC; and
 - d. The data requested is accessible, if applicable.
2. If, after consulting the research manager, the coordinator of external research determines that the criteria listed in 1 1 cannot be satisfied through reasonable modifications to the proposal, the proposal will be denied and written notification sent to the external project lead. If it is determined that the proposal could meet these criteria, the coordinator of external research will notify the external project lead of necessary changes, additional information, or clarifications.
3. Within 10 business days of the coordinator of external research's receipt of a research proposal that complies with the required criteria, the proposal shall be emailed to the HRRC.
4. In reviewing a human research proposal, the HRRC must determine that the proposal meets the following conditions set forth in 6VAC35-170-50:
 - a. The department has sufficient financial and staff resources to support the request, and on balance, the benefits of the request justify the department's involvement; and
 - b. The request will not interfere significantly with the department's programs or operations, particularly those of the operating units that would participate in the proposed research.

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

5. In reviewing a human research proposal, the HRRC also shall consider the following:

- a. Each of the questions and factors addressed in § 32.1-162.19 B of the Code of Virginia;
- b. Whether the research complies with the requirements set out in 6VAC35-170 and this guidance document; and
- c. Whether informed consent will be obtained by methods that are adequate, appropriate, and in accordance with the requirements of § 32.1-162.18 of the Code of Virginia, and 6VAC35-170-160. Any form used must be understandable to potential participants.

6. Informed Consent

The HRRC:

- i. Shall review and approve the consent process and all required consent forms for each proposed human research project before recommending approval to the director.
- ii. May approve a consent procedure that omits or alters some or all basic elements of informed consent or waives the requirement to get informed consent if the HRRC complies with the requirements in § 32.1-162.18 D of the Code of Virginia;
- iii. May waive the requirement that the researcher get written informed consent for some or all subjects provided the conditions in § 32.1-162.18 E of the Code of Virginia are satisfied.

7. After reviewing the human research proposal, the HRRC may:

- a. Recommend that the director approve the research;
- b. Recommend that the director reject the research proposal as inconsistent with state law, inconsistent with 6VAC35-170, or incompatible with available resources; or
- c. Defer a recommendation pending receipt of additional information or modification of the proposal by the external project lead.

8. The coordinator of external research shall submit the Data and Research Proposal, the signed Data and Research Agreement, and the HRRC's recommendation to the director.

9. The director shall approve or deny the proposal within 10 business days of receiving the recommendation and communicate the decision to the research manager and the coordinator of external research. The director may reject the approval recommendation upon finding the research proposal is inconsistent with state law, or 6VAC35-170, or is incompatible with available resources. The director also may set conditions on the research, which shall be put in writing.

10. Within five business days of receiving the director's decision, the coordinator of external research shall notify the external project lead of the director's decision, and, if approved, send the signed Data and Research Agreement to the external project lead.

J. Modifications to Approved Human Research

1. The following process shall be followed to request and approve a modification to an approved project:
 - a. The external project lead shall email a redline version (e.g., Track Changes) and clean version of the modified Data and Research Proposal to the coordinator of external research.
 - b. Within 10 business days of receiving the research proposal, the coordinator of external research shall consult the research manager to determine if the requested modifications substantively change the criteria considered in the original review or alter the scope of the study.
 - c. Substantive revisions require a full review and shall follow the process described in Part III section I for new proposals. For nonsubstantive revisions, the HRRC may conduct an expedited review of the amendment upon written approval by the chair and provided the proposed research involves no more than minimal risk to the human subjects, the changes occur during the approved project period, and the review involves only minor changes to previously approved research. A proposal that undergoes expedited review shall require no additional review or approval by the director .
 - d. The coordinator of external research shall notify the external project lead of the final decision.

K. Review of Human Research and other Activities in Progress and Researcher Noncompliance

1. In accordance with 6VAC35-170-180, the HRRC shall review all ongoing activities under its purview at least annually to ensure that the project is conducted in conformance with the proposal as approved by the director.
2. The external project lead shall report to the coordinator of external research all protocol violations, including the reporting of adverse events, sponsor-imposed or IRB-imposed protocol suspensions, protocol deviations or violations, confidentiality breaches, and participant complaints. Reports must be submitted within five business days of the external project lead's knowledge of the incident. The report shall include relevant dates, times, locations, personnel involved, event details, and actions taken and planned.
 - a. Within five business days of receiving the report, the coordinator of external research shall email the report to the HRRC for review.
 - b. Within ten business days of receiving the report, the HRRC shall recommend further action to the director.
 - c. Within ten business days of the HRRC's recommendation, the director shall make a final determination of further action.
 - d. Within five business days of the director's determination, the coordinator of external research shall notify the external project lead of the decision.
3. The following actions may be taken at any time if a research project deviates significantly from the proposal as approved or from any conditions imposed by the director or increases the level of harm to participants or others:

- a. Require the external project lead to submit a report to their IRB, copying the coordinator of external research on all correspondence;
 - b. Temporarily halt research activities until a corrective action plan can be approved and implemented; and
 - c. Revoke approval of the research in whole or part.
4. The researcher shall report noncompliance with the approved research proposal to the HRRC and the IRB.
5. If the HRRC determines that the research activities fail to comply with the approved proposal or violate the Code of Virginia or the Virginia Administrative Code, the department may restrict or terminate further research, forbid the researcher from presenting or publishing the research results, and bar the researcher from conducting future studies.

L. Annual Reporting

The HRRC shall submit to the Governor, the General Assembly, the Board of Juvenile Justice, and the director at least annually a report on human research projects reviewed and approved by the HRRC and the status of the research, including any significant deviation from approved proposals. An overview of the required report containing a summary of approved human research projects and the results of such projects shall be posted on the department's website unless otherwise exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).



In accordance with § 2.2-4002.1 of the Code of Virginia, this proposed guidance document conforms to the definition of a guidance document in § 2.2-4101.

I. PURPOSE AND SCOPE

This guidance document provides the process for the review, ~~and approval, and coordination of four types~~ the following ~~of~~ external data requests, ~~and~~ research proposals, ~~and projects~~: These include (1) ~~external aggregate data requests~~, (2) Virginia Longitudinal Data System requests, (2) data trust requests, (3) ~~other~~ external case-specific data requests, ~~and~~ (4) human research proposals, ~~and~~ (5) quality or process improvement projects. The document interprets the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170).

~~This guidance document implements and must be applied in conjunction with the Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) issued by the Board of Juvenile Justice.~~

~~Unless otherwise specified, this guidance document does not apply to research conducted by employees of another state agency at the direction of the General Assembly or requests for juvenile records and reports in accordance with § 16.1-300 of the Code of Virginia. Entities outside of DJJ that research or evaluate the department or its programs at the department's request, however, may be subject to all or a portion of the regulation's requirements at the department's discretion. Similarly, state criminal justice agencies seeking juvenile data, while not subject to all provisions in 6VAC35-170, are required to submit to the department the Data and Research Proposal and Confidentiality Agreement to verify their authority to receive requested information.~~

~~All This guidance document will help ensure that research activities conducted within Virginia's juvenile justice system shall comply with meet all applicable state and federal laws and regulations; and with medical, societal, and professional ethics; guarantee the safety, health, privacy, and confidentiality of clients and staff; and prohibit forbid unauthorized access to and publication of information that identifies identifying individuals or families; and are conducted in a manner that do Research activities must not impede juvenile rehabilitation and treatment, of juveniles and must not compromise the security of juvenile facilities, or place the threaten public safety at risk.~~

II. SCOPE AND GENERAL INFORMATION

~~This guidance document describes how data requests and research proposals will be submitted, reviewed, approved, and coordinated. This guidance document does not apply to quality or process improvement projects.~~

~~The department may charge requestors reasonable fees to offset costs incurred in supporting specific projects.~~

III. II. DEFINITIONS

The following words and terms, when used in this guidance document, shall have the following meanings unless the context clearly indicates otherwise:

Aggregate Data—~~Statistics that relate to broad classes, groups, or categories so that it is not possible to distinguish the properties of individuals within those classes, groups, or categories.~~

Case-specific Data—~~Nonaggregated data that provides information~~Data about specific individuals within a group or cases.

Coordinator of External Research~~external research~~ - The department employee whom the director in the research unit designated by the director designates to receive research proposals and data requests from external entities and to ensure that the proposals and requests are reviewed in accordance with this guidance document and with 6VAC35-170.

Data trust— A secure information-sharing environment that the department has joined via a memorandum of understanding or other written agreement. For purposes of this document, data trust is limited to the Commonwealth Data Trust authorized in § 2.2-203.2:4 of the Code of Virginia and the Virginia Workforce Data Trust authorized in § 2.2-2041 of the Code of Virginia.

De-identified Data—~~Data with common identifiers, such as names, phone numbers, and social security numbers, and addresses removed in order to eliminate the ability of prevent an individual viewing the data to determine from determining the subject's identity of an individual.~~

Department - The Department of Juvenile Justice.

Director - The director of the department or the director's designee.

External project lead— The individual responsible for the research and data analysis design, implementation, supervision of staff, and findings, and who is not employed by or under contract to perform research for the department.

External Research or evaluation project—~~Research~~ A project conducted at or using the resources of a facility, program, or organization that is owned, operated, or regulated by the department or the Board of Juvenile Justice by researchers individuals who are not part of the employed by department or under contract to perform data analysis, quality improvement projects, or research for with the department, or who are not employees of another state agency conducting a study at the direction of the General Assembly.

Human Research~~research~~ - A systematic investigation, including research development, testing, and evaluation, utilizing human subjects that is designed to develop or contribute to generalized knowledge. Human research shall not be deemed to include includes neither research exempt from federal research regulation pursuant to 45 CFR 46.101(b)46.104(d) nor quality or process improvement projects.

Human Research Review Committee (HRRC) - The committee established by the department to oversee human research proposals and activities in accordance with 6VAC35-170-130 and § 32.1-162.19 of the Code of Virginia and 6VAC35-170-130.

Human Subject~~subject~~ - An individual who is under the department's care, custody, or supervision; under

Review and Approval of Data Requests and Research Proposals

~~the care, custody, or supervision of a facility or program regulated by the~~ recruited for research due to the individual's contact with the department or facilities or programs regulated by the Board of Juvenile Justice; ~~or a family member of the family of such an~~ or guardian of the individual and who is, or who is proposed to be, a subject of human research. For purposes of this definition, human subject also means an individual ~~who is employed in by or provides providing~~ contractual services to a juvenile correctional center or other the department or facility facilities or programs regulated by the department or the Board of Juvenile Justice ~~and who is or who is proposed to be a subject of human research.~~

Informed ~~Consent~~ consent - The knowing and voluntary agreement without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion of a person who is capable of exercising free choice. The basic elements necessary for informed consent regarding human research include:

1. A reasonable and comprehensible explanation to the person of the proposed procedures and protocols to be followed; ~~their purposes~~ the purpose of the procedures and protocols, including descriptions of attendant discomforts; and the risks and benefits reasonably to be expected;
2. A disclosure of alternative procedures or therapies that might be helpful to the person;
3. An instruction that the person may withdraw consent and stop participating in the human research at any time without prejudice;
4. An explanation of costs or compensation that may accrue to the person and whether ~~third party~~ third-party reimbursement is available for the proposed procedures or protocols; and
5. An offer to answer, and answers to, questions by the person about the procedures and protocols.

Internal ~~Committee~~ committee - The committee established ~~by the department~~ pursuant to 6VAC35-170-65 to oversee de-identified case specific data

~~Legally Authorized Representative~~ - ~~The parent having custody of a prospective subject; the legal guardian of a prospective subject; or any person or judicial or other body authorized by law to consent on behalf of a prospective subject to such subject's participation in the particular human research, including an attorney in fact appointed under a durable power of attorney, provided the power grants the authority to make such a decision. For purposes of this guidance document, "legally authorized representative" shall not include an official or employee of the institution or agency conducting or authorizing the research.~~

Minimal ~~Risk~~ risk - The risks of harm anticipated in the proposed research are not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

~~Nontherapeutic Research~~ - ~~Human research in which there is no reasonable expectation of direct benefit to the physical or mental condition of the human subject.~~

Organizational ~~Unit~~ unit ~~Head~~ head - The person in charge of ~~a juvenile correctional center, court service unit, or other~~ an organizational unit of the department or a Board of Juvenile Justice-regulated facility, program, or service.

~~Principal Researcher~~ - ~~The individual who is responsible for the research design, research implementation, supervision of research staff, and research findings.~~

Quality or process improvement project - A project designed to monitor, analyze, or improve the indicators of quality in service of a specific program without intentions to publish or share findings beyond the researcher, provider, and other groups at the discretion of the department. For purposes of this document, a quality or process improvement project is not a human research project. A quality or process

improvement project does not include case-specific data requests.

Research - The systematic development of knowledge essential to effective planning and rational decision-making. It involves the assessment of current knowledge on conceptual problems selected, the statement of those problems in researchable format, the design of methodologies appropriate to the problems, and the application of statistical techniques to organize and analyze data investigation, including research development, testing, and evaluation designed to develop or contribute to generalizable knowledge.

Researcher - An individual conducting research.

Research Project - The systematic collection of information, analysis of the data, and the preparation of a report of findings.

Sensitive Data - Data, the compromise of which, with respect to confidentiality, integrity, or availability, could have a material adverse effect on agency programs or the privacy to which individuals are entitled.

Virginia Longitudinal Data System (VLDS) - A data system that provides allows qualified individuals to access de-identified case-specific data from participating agencies to qualified researchers through a process that involvesinvolving submission of requests and approval or denial by each sponsoring agency from which data are sought in an effort to create usable information for policy and generate cross-agency research.

Written, writing, or in writing - As defined in § 1-257 of the Code of Virginia, The required information is communicated in writing either in hard copy or electronic form any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form.

IV.III. PROCEDURES PROCESS FOR REQUESTS AND PROPOSALS

A. External Aggregate Data Requests

1. External aggregate data requests shall be submitted to the Research Manager or designee via a detailed email outlining the specific information requested.
2. The Research Manager or designee shall determine the following prior to approving aggregate data requests:
 - a. That the request meets the conditions for department approval of research identified in 6VAC35-170-30 and 6VAC35-170-50;
 - b. Whether the data requested is accessible;
 - c. An estimate of the time required to process the data request; and
 - d. Based on staff workload, whether staff resources are available to process the data request.
3. The Research Manager or designee, as the director's designee, may approve and coordinate the provision of data.
4. The Research Manager or designee, as the director's designee, shall notify the requestor of the approval or denial of the data request with the rationale for the decision within 20 business days

of receiving the request.

5. If the data request is approved, the Research Manager or designee shall provide the requestor with an estimated timeline for receipt of the data.

A. General Requirements

1. The external project lead shall have academic or professional standing in the pertinent field or job-related experience in the areas of study.
2. The external project lead shall be responsible for ensuring that all applicable requirements in 6VAC35-170 are satisfied.

B. VLDS and Data Trust Requests

1. If requesting ~~that the department serve as the sponsor sponsoring~~ agency of a VLDS data request, or if requesting case-specific data from a data trust when the department's underlying data contribution was not required by statute, the ~~forms and review~~ process for external de-identified case-specific data requests, described in subsection ~~III C-D~~ of this ~~guidance~~ document, shall be completed ~~prior to before~~ submission ~~using through~~ the ~~VLDS applicable~~ portal. External case-specific data requests submitted through the VLDS with a different ~~sponsor sponsoring~~ agency or submitted through a data trust when the department's underlying data contribution is required by statute ~~are do not required need~~ to complete the process or submit the Research Proposal Form prior to submission using the VLDS for external de-identified case-specific data and may proceed with the submission through the applicable portal.
2. All external case-specific data requests submitted through the VLDS shall be submitted to the department using the VLDS portal.
3. The researcher shall comply with all VLDS procedures in order to access data through the VLDS.
- 4.2. The chair of the HRRC shall have primary responsibility for reviewing and approving all requests submitted through the VLDS or data trust portals. ~~The chair of the HRRC and~~ may not approve ~~an external case-specific data~~ request unless ~~the request~~ it meets the following requirements:
 - a. ~~The request satisfies the conditions for department approval of research identified in 6VAC35-170-30 and 6VAC35-170-50;~~
 - b. ~~The request is not a human research proposal and does not require the HRRC's review;~~
 - e.a. ~~The request is in the required format and includes all required information~~ The research aim and the requested data are appropriate in content and scope;
 - d.b. ~~The request complies with basic research standards and applicable laws; and~~
 - e.c. ~~The data requested are accessible and available in the VLDS~~ requester agrees to provide the department with annual progress reports and a final report of the requester's findings that includes goals for improvement and an actionable plan for implementing changes.
5. Upon reviewing the data request, the chair of the HRRC may restrict the scope of the data, provided the data requested are unrelated to the purpose of the research study.
- 6.3. The following process shall be followed for requests to modify an approved VLDS or data trust project:

Review and Approval of Data Requests and Research Proposals

- a. If ~~sponsored by the department~~ sponsored the VLDS request or the data trust request sought data for which the department's data contribution was not required by statute, the ~~same~~ process as described in this guidance document for modifications to modifying external case-specific data requests established in subsection III E 12 shall be followed. Approval must occur ~~prior to before~~ prior to before submitting ~~an the~~ an amendment ~~in through~~ in through the ~~VLDS applicable~~ VLDS applicable portal.
- b. If sponsored by a different agency or requested through a data trust for which the department's data contribution was required by statute, the ~~researcher is requester need not~~ researcher is requester need not ~~required to~~ required to receive approval ~~prior to before~~ prior to before submitting an amendment ~~in through~~ in through the ~~VLDS applicable~~ VLDS applicable portal.

C. General Requirements Regarding the Data and Research Agreement, Data and Research Proposal, and Confidentiality Agreement

1. Whenever this guidance document requires the completion and submission of a Data and Research Agreement, the Agreement shall outline the responsibilities of the parties and shall specify the following:
 - a. The external project lead's obligation to submit to the coordinator of external research an electronic copy of the formal final report that contains an executive summary, and all required progress reports;
 - b. Whether the department needs to preview and approve documents before external publication;
 - c. That all external articles, reports, presentations, and publications generated from the data collected shall be submitted electronically to the coordinator of external research no later than 30 days after the publication or presentation date and shall include the statement, "The findings of this study are the responsibility of the researchers, and cooperation by the Virginia Department of Juvenile Justice in facilitating this research should not be construed as an endorsement of the conclusions drawn by the researchers."
 - d. That the director may waive the statement mandated in subdivision III C 1 c, in which case, all external articles, reports, presentations, and publications shall be submitted to the coordinator of external research for review and approval at least 30 days before the anticipated submission date.
 - e. That, except for quality or process improvement projects, the Data and Research Agreement is not effective until signed by both the external project lead and the director; and
 - f. That the requester agrees to provide the department with annual progress reports and any additional progress reports in an electronic format and according to the schedule set by the department, as specified in the agreement, as well as a final presentation and report of the requester's findings, which includes goals for improvement and an actionable plan for implementing changes.
2. Whenever this guidance document requires the completion and submission of a Data and Research Proposal, the proposal shall contain the following elements:
 - a. Name, address, telephone number, email address, title, and affiliation of the external project leads. For student projects, the external project lead must be the academic advisor rather than the student;
 - b. Name, telephone number, and email address of the person who will coordinate the project, if different from the external project lead;
 - c. Resume or curriculum vitae for the external project lead and students, if applicable;
 - d. Funding source, if any;
 - e. Date of the proposal's submission to the department;

Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals

- f. Title or descriptive name of the proposed project;
- g. Statement of the specific purposes of the proposed research project with anticipated results, including benefit to the department;
- h. A concise description of the research design and techniques for data collection and analysis and of the likely effects of the research methodology on existing programs and institutional operations;
- i. Timeframes indicating proposed beginning and ending dates for data collection, analysis, preliminary report, and final report;
- j. A list of resources the researcher will require from the department or its units, such as staff, supplies, materials, equipment, work spaces, or access to clients and files;
- k. Identification of the organizational unit where the research will be conducted and letter of support acknowledging the organizational unit's agreement to participate in research-related activities, if applicable.
 - i. If the external research will occur in a particular organizational unit, the external project lead shall present a preliminary research proposal to and get a written endorsement from the organizational unit head, which shall be attached to the proposal.
 - ii. The organizational unit head supporting the project is responsible for requesting a written endorsement from the deputy director of the appropriate division before submitting the proposal packet to the coordinator of external research.;

3. The Confidentiality Agreement shall be signed by every individual who may access the data.

C.D. General Requirements for External De-Identified Case-Specific Data Requests and Human Research Proposals

- 1. External—Unless otherwise provided, data requestersrequesters, external researchers, and department personnel proposing to conduct human research ~~all will~~shall follow the same steps in to submitting proposals for the department's consideration. If a project involves both an external de-identified case-specific data request and a human research proposal, the ~~process for approving a human research proposal shall be followed to approve the project as a whole~~entire project shall be subject to the human research proposal process.
- 2. The department's website shall include information on requesting data and conducting research with the department, including instructions and forms for use by external data requesters and researchers.
- 3.2. External data requestersrequesters and researchers to whom juvenile record information is disclosed may not redisclose ~~or otherwise reveal the juvenile record information of an individual's juvenile information;~~ beyond the purpose for whichof the original disclosure was made. The prohibition on redisclosure shall not prevent the eExternal data requestersrequesters and researchers from publishingmay publish research findings based on juvenile information, provided the findings are presented using aggregate data ~~or data from which individually identifying information has been removed, encoded, or encrypted.~~
- 4.3. External de-identified case-specific data requests and research proposals shall be submitted to the Coordinator of External Researchcoordinator of external research using and shall include the completed Confidentiality Agreement Form, the Data and Research Proposal Form, and the Data and Research Agreement Form, and anycontaining all required signatures and attachments. The principal researcher shall provide the Coordinator of External Research an electronic copy of the

Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals

forms via email.

- ~~5. The Research Agreement Form must be signed by the principal researcher(s) and the student researcher (if applicable) at the time of submission.~~
- ~~6. The Confidentiality Agreement Form must be signed by every individual who may access the data.~~
- ~~7. The Research Proposal Form shall contain the following elements:~~
 - ~~a. Name, address, telephone number, email address, title, and affiliation of the principal researcher(s) (for student projects, the principal researcher must be the academic advisor rather than the student);~~
 - ~~b. Name, telephone number, and email address of the person who will coordinate the project, if different from the principal researcher;~~
 - ~~c. Resume or Curriculum Vitae for principal researcher(s) and students (if applicable);~~
 - ~~d. Funding source, if any;~~
 - ~~e. Date of the proposal's submission to the department;~~
 - ~~f. Title or descriptive name of the proposed project;~~
 - ~~g. Statement of the specific purpose(s) of the proposed research project with anticipated results, including benefit to the department;~~
 - ~~h. A concise description of the research design and techniques for data collection and analysis and of the likely effects of the research methodology on existing programs and institutional operations;~~
 - ~~i. Timeframes indicating proposed beginning and ending dates for data collection, analysis, preliminary report, and final report;~~
 - ~~j. A list of resources the researcher will require from the department or its units, such as staff, supplies, materials, equipment, work spaces, or access to clients and files;~~
 - ~~k. Identification of the organizational unit where the research will be conducted and letter of support acknowledging the organizational unit's agreement to participate in research-related activities, if applicable.~~
 - ~~i. Pursuant to the regulation, if the external research is proposed to take place in a particular organizational unit, the principal researcher shall present a preliminary research proposal to the organizational unit head and get the organizational unit head's written endorsement.~~
 - ~~ii. The organizational unit head supporting the project is responsible for requesting a written endorsement from the deputy director of the appropriate division prior to the submission of the proposal packet to the Coordinator of External Research.);~~
 - ~~l. Endorsement from the Institutional Review Board (IRB) of the institution or organization with which the researcher is affiliated; and~~
 - ~~m. A signed and dated statement that the principal researcher and the research staff have read and understand 6VAC35-170, this guidance document, and the Research Agreement Form.~~
- ~~8. The Research Agreement Form shall outline the respective responsibilities of the parties and shall specify the following:~~
 - ~~a. The frequency with which progress reports shall be required;~~
 - ~~b. The department's unrestricted authority to use the research findings in accordance with professional standards of research;~~
 - ~~c. The principal researcher's obligation to submit a formal final report electronically, with an executive summary to the Coordinator of External Research;~~

Review and Approval of Data Requests and Research Proposals

- d. ~~Whether the department requires pre-review and approval by the department prior to external publications;~~
- e. ~~That, unless waived by the director, all external articles, reports, presentations, and publications made from the data collected shall be submitted electronically to the Coordinator of External Research within 30 days of the publication or presentation date, and all materials shall include the statement, "The findings of this study are the responsibility of the researchers, and cooperation by DJJ in facilitating this research should not be construed as an endorsement of the conclusions drawn by the researchers";~~
- f. ~~That, if the statement above is waived, all external articles, reports, presentations, and publications shall be reviewed and approved by the department prior to being released. Materials shall be submitted to the Coordinator of External Research at least 30 days prior to the anticipated submission date; and~~
- g. ~~That the Research Agreement Form is not effective until signed by both the principal researcher and the director.~~

9.4. Industry standard levels of encryption shall be required to protect ~~all~~ juvenile ~~record~~ information provided to data requesters and researchers.

10.5. The principal researcher/external project lead must comply with the ~~research~~ plan stated in the Data and Research Proposal Form, including the plan for disseminating findings. Requests for changes to the research plan must be submitted to the ~~Coordinator of External Research~~ coordinator of external research and approved by the department before being implemented.

11. ~~The Coordinator of External Research shall distribute the findings of all external research projects as appropriate.~~

D.E. External Case-Specific Data Requests

1. The department considers the following identifiers to be sensitive data ~~and that~~ shall be removed from the data provided to data requesters or researchers:

- a. Names;
- b. Dates of birth;
- c. Postal street addresses;
- d. Telephone numbers;
- e. Email addresses;
- f. Social security numbers;
- g. Medical record numbers;
- h. Biometric identifiers, including finger and voice prints; and
- i. Full face photographic images and any comparable images.

2. The department may consider the following identifiers as sensitive data based on the details of the project and other information included in the data set, and ~~may shall~~ remove ~~such these additional~~ identifiers from the data provided to researchers and data requesters if deemed sensitive:

- a. Dates ~~(date of admission, date of release, etc.)~~ relevant to the juvenile's offenses, programming, or placements;
- b. Location information more detailed than town or city, state, and zip code; and
- c. ~~Account Record numbers, such as (Juvenile juvenile Number numbers, or Direct Care Number direct care numbers, etc.); and~~

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

~~e.d. Any other combination of fields that would enable a reasonable person to identify individuals.~~

3. ~~The director, on~~ On a case-by-case basis, ~~the director~~ may approve the dissemination of ~~the identifiable data containing a limited number of otherwise sensitive identifiers provided: (i) the provision of data does not violate any confidentiality provisions in Title 16.1, and (ii) for research benefiting the department, provided the requester or researcher agrees that any such~~ to keep the information ~~will be~~ confidential or released or published ~~it~~ only in aggregate form ~~or kept confidential~~ in accordance with the following requirements:
 - a. Research findings shall not identify individual subjects.
 - b. All records and all information given by ~~research~~ human subjects or employees of the department shall ~~be kept~~ remain confidential in accordance with § 16.1-300 of the Code of Virginia and applicable ~~rules-laws~~ and regulations ~~regarding confidentiality of juvenile records.~~
 - c. ~~Persons who breach confidentiality shall be subject to sanctions in accordance with applicable laws, regulations, policies, and procedures.~~
 - ~~d.c.~~ Confidentiality does not preclude reporting results utilizing de-identified data or giving raw data to the department for possible further analysis.
4. ~~If sensitive data are provided, the researchers must follow the human research review process and must comply with appropriate security (e.g., Commonwealth's Information Security Standard SEC-501) and non-disclosure requirements. The department may require completion of additional forms or agreements for sensitive data requests.~~
- 5.4. Within 10 business days of receiving the ~~completed forms to initiate the~~ data request, the ~~Coordinator of External Research~~ coordinator of external research shall determine the following:
 - a. The request meets the conditions ~~for department approval of research~~ identified in 6VAC35-170-3050;
 - b. The ~~proposal request~~ is not a human research proposal and ~~is not required to be reviewed~~ does not require by the HRRC review; however, requests that include sensitive data shall be reviewed by the HRRC;
 - c. The ~~principal researcher~~ external project lead has the appropriate academic or professional standing or job-related experience in the area to be studied;
 - ~~d. The proposal is in the required format and includes all required information;~~
 - ~~e.d.~~ The proposal complies with basic research standards and applicable laws;
 - ~~f.e.~~ The data requested is accessible;
 - ~~g. Department staff and resources are available to process the data request; and~~
 - ~~h.f.~~ An estimate of the time required to compile the data request.
- 6.5. The ~~Research Manager~~ research manager shall ~~assess staff workload and resources and~~ determine if staff and resources are available to process the data request; ~~as required.~~
- 7.6. An internal committee, chaired by the ~~Research Manager~~ research manager who designates committee members, shall ~~act on a research proposal within 20 business days. The internal committee may meet in person, by conference call, or via email to review and act on the research proposal.~~ The internal committee shall ~~determine~~ verify that the proposal meets the following conditions set forth in 6VAC35-170-50:
 - a. The department has sufficient financial and staff resources to support the request, and ~~that~~ on balance, the benefits of the request justify the department's involvement; and

Review and Approval of Data Requests and Research Proposals

- b. The request will not interfere significantly with the department's programs or operations, particularly those of the operating units that would participate in the proposed research; ~~and~~
- ~~c. The request is compatible with the purposes and goals of the juvenile justice system and with the department's organization, operations, and resources.~~

8.7. In addition, the internal committee shall:

- a. Review the data requested and determine if it is necessary to restrict the scope of the information provided. The scope of information may be restricted for any reason.
- ~~b. Determine if the project is beneficial to the department.~~
- ~~e.b.~~ Ensure juvenile confidential information will be protected adequately.
- ~~d.c.~~ Make a written recommendation to the director to approve or disapprove the request.

9.8. The ~~Coordinator of External Research~~ coordinator of external research shall submit the Data and Research Proposal Form, the signed Data and Research Agreement Form signed by the researcher, and the internal committee's recommendation to the director for review.

10.9. The director shall approve or deny the proposal request within 10 business days of receiving the recommendation and ~~shall communicate the approval or denial decision~~ to the ~~Research Manager~~ research manager and the ~~Coordinator~~ coordinator of ~~External~~ external ~~Research~~ research.

11.10. Within five business days of receiving the director's decision, the ~~Coordinator of External Research~~ coordinator of external research shall provide the data requester or researcher with written notification that the proposal was denied or a signed electronic copy of the Data and Research Agreement form if the request is approved:

- a. ~~Notify the researcher that the proposal was not approved and provide a rationale for the denial;~~
- ~~or~~
- b. ~~Provide the principal researcher a final copy of the Research Agreement Form containing the director's signature if the research proposal is approved.~~

11. Unless otherwise provided, no case-specific data request shall begin until all applicable required reviews have been completed and the external project lead receives an electronic copy of the Data and Research Agreement signed by the director.

12. The following process shall be followed for requests to modify an approved project:

- a. The ~~principal researcher~~ external project lead shall submit email a redline version (e.g., Track Changes) and clean version of the modified Data and Research Proposal Form via email to the ~~Coordinator of External Research~~ coordinator of external research.
- b. Within 10 business days of receiving the research modified proposal, the ~~Coordinator of External Research~~ coordinator of external research shall consult with the ~~Research Manager~~ research manager to determine if the ~~requested~~ modifications substantively change the criteria considered in the original review or alter the scope of the study's scope.
- c. ~~If the revision is substantive, Substantive revisions require a full review is required and shall follow the process described above in this section for new external case-specific proposals. If the revision is not substantive~~ For nonsubstantive revisions, the Research Manager research manager may conduct an expedited review of the amendment in writing. Additional review or approval by the internal committee or director shall not be required.

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

- d. The ~~Coordinator of External Research~~coordinator of external research shall notify the ~~principal researcher~~external project lead of the decision.

F. Quality or Process Improvement Projects

1. Quality or process improvement project proposals shall be submitted to the department by completing and providing all required signatures on the Confidentiality Agreement, the Data and Research Proposal, and the Data and Research Agreement.
2. The chair of the HRRC shall have primary responsibility for reviewing, approving, and signing the Data and Research Agreement for quality or process improvement project requests and may approve only those requests that meet the following requirements:
 - a. The aim of the improvement and the requested data are appropriate in content and scope;
 - b. The requesters may not share information outside of the department and approved groups, and requesters may not give presentations or publish research findings using information or data from the quality or process improvement project;
 - c. The request complies with basic research standards and applicable laws;
 - d. The request includes safeguards to ensure juvenile confidential information will be protected adequately;
3. The requester shall provide the department with annual progress reports and a final presentation and report of the requester's findings, which include goals for improvement and an actionable plan for implementing changes.
4. Unless otherwise provided, no quality or process improvement projects shall begin until all applicable required reviews have been completed and the external project lead receives an electronic copy of the Data and Research Agreement containing the required signatures.

E.G. Human Research General Provisions

1. The following categories of human research are not subject to 6VAC35-170 nor this guidance document. Except as otherwise provided by law or regulation, these activities shall be subject to the nonhuman research review and approval process established by the department in subsections III G 2 and III G 3, the categories of human research identified in § 32.1-162.17 of the Code of Virginia shall be exempt from 6VAC35-170 and from the requirements in this guidance document.
 - a. Activities of the Virginia Department of Health conducted pursuant to § 32.1-39 of the Code of Virginia.
 - b. Research or student learning outcomes assessments conducted in educational settings involving regular or special education instructional strategies; the effectiveness of or the

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

- comparison among instructional techniques, curricula, or classroom management methods; or the use of educational tests, whether cognitive, diagnostic, aptitude, or achievement, if the data from such tests are recorded in a manner so that subjects cannot be identified, directly or through identifiers linked to the subject.
- ~~e. Research involving solely the observation of public behavior, including observation by participants, or research involving survey or interview procedures unless subjects can be identified from the data either directly or through identifiers linked to the subjects, and either:~~
- ~~i. The information about the subject, if it became known outside the research, reasonably could place the subject at risk of criminal or civil liability or be damaging to the subject's financial standing or employability; or~~
 - ~~ii. The research deals with sensitive aspects of the subject's own behavior, such as sexual behavior, drug or alcohol use, or illegal conduct.~~
- ~~d. The collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the subjects cannot be identified from the information either directly or through identifiers linked to the subjects.~~
- ~~e. Medical treatment of an experimental nature intended to save or prolong the life of the subject in danger of death, to prevent the subject from becoming disfigured or physically or mentally incapacitated, or to improve the quality of the subject's life.~~
2. Pursuant to 45 CFR ~~46.101~~46.104, the exemptions outlined in ~~this section~~§ 32.1-162.17 of the Code of Virginia shall not apply to research conducted upon individuals involuntarily confined in a penal institution, including individuals committed to a juvenile correctional center or juvenile secure detention center unless the research is aimed at involving a broader subject population that only incidentally includes these individuals.
- ~~f.~~
- ~~g.3.~~ Pursuant to 45 CFR 46.101, ~~the~~The exemptions outlined in ~~subdivision A(3) of this federal provision~~§ 32.1-162.17(3) of the Code of Virginia shall not apply to research conducted on children who have not attained age 18 years of age unless permitted in 45 CFR 46.104.
- 2.4. Human research that is not exempted by § 32.1-162.17 of the Code of Virginia requires endorsement from the Institutional Review Board (IRB) ~~of the institution or organization with which the researcher is affiliated.~~
- 3.5. Human research involving known and substantive physical, mental, or emotional risk to subjects, including ~~the withholding of any~~ prescribed programs of treatment, and all experimental medical, pharmaceutical or cosmetic research, are specifically prohibited~~forbidden~~.
- 4.6. No human research shall be conducted without the review and approval of the HRRC and ~~approval by~~ the department.
- 5.7. At the ~~request of the researcher~~researcher's request and upon written approval by the chair, the HRRC may conduct an expedited review when the proposed research involves no more than minimal risk to the human subjects and the ~~proposal has been reviewed and~~review involves only minor changes to a previously approved by another agency's HRRC research project.
- 6.8. Offering Researchers may offer incentives to participate in research, ~~is discouraged but not~~

Review and Approval of Data Requests and Research Proposals

~~prohibited. Incentives shall be provided~~ the incentives are appropriate to the juveniles' custodial status and proportionate to the situation.

- ~~7. The principal researcher shall be responsible for the conduct of the research staff, the protection of the rights of subjects involved in the project, and the provision of information required by the coordinator of external research, organizational unit heads, and the HRRC.~~

F.H. Human Research Review Committee

1. The department shall establish an HRRC composed of persons representing diverse backgrounds ~~relative to both in~~ work and life experience, ~~as well as~~ race, ethnicity, gender, and other characteristics. The HRRC shall ensure the competent, complete, and professional review of ~~human research activities conducted or proposed to be and~~ conducted ~~or authorized by the department~~ human research activities.
2. The ~~Research Manager~~ research manager shall keep a current listing of members of the HRRC.
3. The HRRC shall consist of at least seven persons, including:
 - a. The ~~Research Manager~~ research manager, who will serve as chair;
 - b. The ~~Chief Psychologist~~ director of the ~~department's~~ Behavioral Services Unit or the individual's designee;
 - c. At least three persons who are not employed by the department;
 - d. At least one person from a non-scientific profession, ~~(e.g., such as a~~ lawyer, ~~ethicist, or~~ clergy ~~person)~~; and
 - e. At least one person with the ~~background and~~ experience to advocate for the welfare of human research subjects.
4. Committee members shall be chosen by the chair of the HRRC with input ~~provided by from~~ current HRRC members and other department staff. Committee members shall serve two-year terms with the option to renew.
5. HRRC Operation:
 - a. The HRRC shall meet as often as necessary to give timely consideration to human research proposals. Whenever practicable, proposals shall be emailed to the HRRC members, ~~who shall act on a research proposal within thirty business days of receipt.~~
 - b. ~~An~~ No HRRC member ~~who is~~ shall be directly involved in a research project or ~~has~~ have administrative authority over a research project apart from the member's role on the HRRC ~~may not vote on such research.~~
 - c. ~~A simple majority of HRRC members constitutes a quorum.~~ The HRRC may meet in person, by conference call, or via email. A simple majority of HRRC members constitutes a quorum.
 - d. The HRRC may consult with any person who has expertise or ~~competence pertinent to~~ is competent regarding the proposed research. ~~Such persons~~ Consultants may offer their opinions but may not vote when the HRRC makes its decision.
 - e. ~~The HRRC may require additional information from the researcher before making a recommendation to the director.~~

G.I. Review of Human Research Proposals

Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals

1. Within 10 business days of receiving the research proposal, the ~~Coordinator of External Research~~coordinator of external research shall determine the following:
 - a. ~~The proposal is in the required format and includes all required information;~~
 - b.a. The ~~principal researcher~~external project lead has appropriate academic or professional standing or job-related experience in the area to be studied, ~~or is directly supervised by a person with such standing or experience;~~
 - c. ~~The research conforms to generally accepted ethical standards of professional societies such as the American Correctional Association, the American Psychological Association, the American Sociological Association, the National Association of Social Workers, the American Evaluation Association, or their equivalent;~~
 - d.b. The proposal complies with basic research standards and applicable laws;
 - e. ~~The proposal supports the mission and goals of the department;~~
 - f.c. The proposal could reasonably comply with the criteria to be examined by the HRRC; and
 - g.d. The data requested is accessible, if applicable.
2. If, ~~after consulting the research manager,~~ the ~~Coordinator of External Research~~coordinator of external research, ~~after consulting with the Research Manager,~~ determines that these criteria cannot be satisfied through reasonable modifications to the proposal, the proposal will be denied and written notification sent to the ~~principal researcher~~external project lead. ~~If it is determined that the proposal could meet these criteria, the coordinator of external research will notify the external project lead of necessary changes, additional information, or clarifications.~~
3. ~~If the proposal is not denied, the Coordinator of External Research will notify the principal researcher of any necessary changes, additional information, or clarifications.~~
- 4.3. Within 10 business days of ~~receiving the coordinator of external research's receipt of~~ a research proposal that complies with ~~all the required criteria considered by the Coordinator of External Researcher,~~ the proposal shall be ~~distributed via email~~mailed to the HRRC.
5. ~~The HRRC shall review the proposal within 30 business days and make a recommendation to the director.~~
- 6.4. In reviewing a human research proposal, the HRRC must determine that the proposal meets the following conditions set forth in 6VAC35-170-50:
 - a. The department has sufficient financial and staff resources to support the request, and ~~that on~~ balance, the benefits of the request justify the department's involvement; ~~and~~
 - b. The request will not interfere significantly with the department's programs or operations, particularly those of the operating units that would participate in the proposed research; ~~and,~~
 - c. ~~The request is compatible with the purposes and goals of the juvenile justice system and with the department's organization, operations, and resources.~~
- 7.5. In reviewing a human research proposal, the HRRC also shall consider ~~whether~~the following:
 - a. ~~The research's potential risks and benefits are adequately described;~~
 - b. ~~The benefits to the human subjects outweigh the risks;~~
 - c. ~~The methodology is adequate for the proposed research;~~
 - d. ~~The nontherapeutic research presents more than a minimal risk to the human subjects;~~
 - e. ~~The rights and welfare of the human subjects are adequately protected;~~
 - f. ~~The researchers are appropriately competent and qualified;~~

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

- ~~g.a. The criteria for selecting subjects are valid and equitable; Each of the questions and factors addressed in § 32.1-162.19 B of the Code of Virginia;~~
- ~~h.b. The Whether the~~ research complies with the requirements set out in 6VAC35-170 and this guidance document; and
- ~~i.c. Informed Whether informed~~ consent will be obtained by methods that are adequate, appropriate, and in accordance with the requirements of § 32.1-162.18 of the Code of Virginia, ~~6VAC35-170-80~~, and 6VAC35-170-160. Any form used must be understandable to potential participants.

8.6. Informed Consent

- ~~a. Virginia law sets out the following requirements regarding informed consent for research involving human subjects:~~
 - ~~i. Except as provided elsewhere in Chapter 5.1 of Title 32.1 (§ 32.1-162.16 et seq), no researcher may involve a human subject in human research without first obtaining the informed consent of the human subject or his legally authorized representative. A researcher shall seek such consent only under circumstances that provide the human subject or the legally authorized representative sufficient opportunity to consider whether to participate and that minimize the possibility of coercion or undue influence.~~
 - ~~ii. If a human subject is competent, informed consent shall be given in writing by the subject and witnessed.~~
 - ~~iii. If a human subject is not competent, informed consent shall be given in writing by the subject's legally authorized representative and witnessed.~~
 - ~~iv. If a human subject is a minor who is otherwise capable of giving informed consent, informed consent shall be given in writing by both the minor and his legally authorized representative.~~
 - ~~v. If two or more persons who qualify as legally authorized representatives with decision-making authority inform the researcher that they disagree as to the participation of the human subject, the subject shall not be enrolled in the human research that is the subject of the consent.~~
 - ~~vi. Notwithstanding consent by a legally authorized representative, no person who is otherwise capable of giving informed consent shall be forced to participate in human research.~~
 - ~~vii. A legally authorized representative may not consent to nontherapeutic research unless the HRRC determines that the research will present no more than a minimal risk to the human subject.~~
- ~~b. The informed consent form shall not include any language through which the human subject waives or appears to waive any legal right, including the release of an individual, institution, or agency or any agent thereof from liability for negligence.~~
- ~~e.a. The HRRC:~~
 - i. Shall review and approve the consent process and all required consent forms for each proposed human research project before recommending approval to the director.
 - ii. May approve a consent procedure that omits or alters some or all of the basic elements of informed consent or waives the requirement to get informed consent if the HRRC ~~finds and documents that:~~ complies with the requirements in § 32.1-162.18 D of the Code of Virginia.

Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals

- ~~a. The research involves no more than a minimal risk to the subjects;~~
 - ~~b. The omission, alteration, or waiver will not adversely affect the rights and welfare of the subjects;~~
 - ~~c. The research could not be performed practicably without the omission, alteration, or waiver; and~~
 - ~~d. After participation, the subjects will be given additional pertinent information when appropriate.~~
- iii. May waive the requirement that the researcher get written informed consent for some or all subjects ~~if the principal risk would be potential harm resulting from a breach of confidentiality and the only record linking the subject and the research would be the consent document. The HRRC may require the researcher to give the subjects and legally authorized representatives a written statement explaining the research. Further, the researcher shall ask each subject whether he wants documentation linking him to the research, and the subject's wishes shall govern.~~provided the conditions in § 32.1-162.18 E of the Code of Virginia are satisfied.

~~9.7.~~ After reviewing the human research proposal, the HRRC may:

- a. Recommend that the director approve the research;
- b. Recommend that the director reject the research proposal as inconsistent with ~~the provisions of §§ 32.1-162.16, et seq. of the Code of Virginia~~state law, inconsistent with ~~the department's procedures~~6VAC35-170, or incompatible with available resources; or
- c. Defer a recommendation pending receipt of additional information or modification of the proposal by the ~~principal researcher~~external project lead.

~~10.8.~~ The ~~Coordinator of External Research~~coordinator of external research shall submit the ~~Data and Research Proposal Form~~, the signed Data and Research Agreement ~~Form signed by the researcher~~, and the HRRC's recommendation to the director.

~~11.9.~~ The director shall approve or deny the proposal within 10 business days of receiving the recommendation and shall communicate the ~~approval or denial~~decision to the ~~Research Manager~~research manager and the ~~Coordinator of External Research~~coordinator of external research. The director may reject the approval recommendation upon finding the research proposal is inconsistent with ~~any of the provisions of §§ 32.1-162.16, et seq. of the Code of Virginia~~state law or ~~the department's procedures~~6VAC35-170, or is incompatible with available resources. The director also may set conditions on the research, which shall be put in writing.

~~12.10.~~ Within five business days of receiving the director's decision, the ~~Coordinator of External Research~~coordinator of external research shall notify the external project lead of the director's decision, and, if approved, send the signed Data and Research Agreement to the external project lead:

- ~~a. Notify the principal researcher of the director's final decision;~~
- ~~b. If the research proposal was approved, send the signed Research Agreement Form to the principal researcher.~~

H.J. Review of Modifications to Approved Human Research

1. The following process shall be followed to request and approve a modification to an approved

**Guidance Document Interpreting 6VAC35-170
Review and Approval of Data Requests and Research Proposals**

project:

- a. The ~~principal researcher~~external project lead shall ~~submit email~~ a redline version (e.g., Track Changes) and clean version of the modified Data and Research Proposal Form via email to the ~~Coordinator of External Research~~coordinator of external research.
- b. Within 10 business days of receiving the research proposal, the ~~Coordinator of External Research~~coordinator of external research shall consult the ~~Research Manager~~research manager to determine if the requested modifications substantively change the criteria considered in the original review or alter the scope of the study.
- c. ~~If the revision is substantive,~~Substantive revisions require a full review ~~is required~~ and shall follow the process described ~~above in Part III section I~~ for new proposals. ~~If the revision is not substantive, the chair of~~For nonsubstantive revisions, the HRRC may conduct an expedited review of the amendment upon written approval by the chair and provided the proposed research involves no more than minimal risk to the human subjects, the changes occur during the approved project period, and the review involves only minor changes to previously approved research. A proposal that undergoes expedited review ~~Additional~~ shall require no additional review or approval by the ~~HRRC or director~~ shall not be required.
- d. The ~~Coordinator of External Research~~coordinator of external research shall notify the ~~principal researcher~~external project lead of the final decision.

I.K. Review of Human Research and other Activities in Progress

1. In accordance with ~~§ 32.1-162.19 of the Code of Virginia and~~ 6VAC35-170-180, the HRRC shall review all ~~human research~~ongoing activities under its purview at least annually to ensure that the project is conducted in conformance with the proposal as approved by the director.
2. The ~~principal researcher~~external project lead shall report to the ~~Coordinator of External Research~~coordinator of external research all protocol violations, including (but not limited to) the reporting of adverse events, sponsor-imposed or IRB-imposed protocol suspensions, protocol deviations/ or violations, confidentiality breaches, and participant complaints. Reports must be submitted within five business days of the ~~principal researcher's~~external project lead's knowledge of the incident. The report shall include relevant dates, times, locations, personnel involved, event details, and actions taken and planned.
 - a. Within five business days of receiving the report, the ~~Coordinator of External Research~~coordinator of external research shall ~~disseminate the report via email~~ the report to the HRRC for review.
 - b. Within ten business days of receiving the report, the HRRC shall recommend further action to the director.
 - c. Within ten business days of the HRRC's recommendation, the director shall make a final determination of further action.
 - d. Within five business days of the director's determination, the ~~Coordinator of External Research~~coordinator of external research shall notify the ~~principal researcher~~external project lead of the decision.
3. The following actions may be taken at any time if a research project deviates significantly from

Review and Approval of Data Requests and Research Proposals

the proposal as approved or from any conditions imposed by the director or increases the level of harm to participants or others:

- a. Require the ~~investigator external project lead~~ to submit a report to their IRB, copying the ~~Coordinator of External Research~~ coordinator of external research on all correspondence;
- b. Temporarily halt research activities until a corrective action plan can be approved and implemented; and
- c. Revoke approval of the research in whole or part.

~~J. Researcher Non-Compliance~~

~~1.4.~~ The researcher shall report noncompliance with the approved research proposal to the HRRC and the IRB.

~~2.5.~~ If the HRRC determines that the research activities fail to comply with the approved proposal or violate the Code of Virginia or the Virginia Administrative Code, the department may restrict or terminate further research, ~~prohibit~~ forbid the researcher from presenting or publishing the research results, and ~~or~~ bar the researcher from conducting future studies.

~~K.L. Annual Reporting~~

The HRRC shall submit to the Governor, the General Assembly, the Board of Juvenile Justice, and the director at least annually a report on human research projects reviewed and approved by the HRRC and the status of ~~such~~ the research, including any significant deviation from ~~the approved~~ proposals as approved. ~~The An overview of the required~~ report ~~shall include~~ containing a summary of approved human research projects and the results of such projects ~~and shall~~ be posted on the department's website unless otherwise exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia).

~~V. RESPONSIBILITY~~

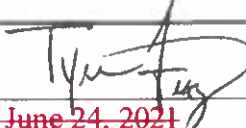
~~All organizational unit heads shall have primary responsibility for referring requestors to this guidance document. The Coordinator of External Research shall have primary responsibility for implementing and ensuring compliance with this guidance document.~~

~~VI. INTERPRETATION~~

~~The Deputy Director of Administration and Finance or designee shall be responsible for interpreting and granting any exceptions to this guidance document.~~

~~VII. REVIEW DATE~~

~~This guidance document shall remain in effect until rescinded or otherwise modified by the Board of Juvenile Justice.~~

Approved by: 	Date: June 24, 2021
Effective Date: June 24, 2021	Office of Primary Responsibility: Research Manager; Data Manager; Coordinator of External Research

DIRECTOR FLORIANO'S CERTIFICATION ACTIONS
December 16, 2025

Certified the 7th District Court Service Unit (Newport News) to January 30, 2029, with a letter of congratulations for 100% compliance. **Page 2**

Certified the 26th District Court Service Unit (Winchester) to July 19, 2028, with continued monitoring by the Regional Program Manager of contacts during juvenile's commitment. **Page 6**

Certified the Merrimac Center and Post-Dispositional Program to February 11, 2029, with a letter of congratulations for 100% compliance. Modified the pre-disposition age range to 11-17. **Page 11**

Certified the Norfolk Juvenile Detention Center and Post-dispositional Program to January 13, 2029, with a letter of congratulations for 100% compliance. **Page 15**

Modified the Certificate of Certification for the TYS Apartment Living Program to reflect the capacity of 10 residents. **Page 17**

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

7th District Court Service Unit (Newport News)
2600 Washington Avenue, 6th Floor
Newport News, Virginia 23607
(757) 926-8781
Kelly J. Rummel, Director
kelly.rummel@djj.virginia.gov

AUDIT DATES:

September 23, 2025

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

January 30, 2023 – January 29, 2026

REGULATIONS AUDITED:

6AC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – October 31, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – September 23, 2025:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – December 16, 2025: Certified the 7th District Court Service Unit to January 30, 2029, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Wanda Parris-Flanagan, Central Office
Kevin Heller, Central Office
Ronnie Moore, Central Office

POPULATION SERVED:

The 7th District Court Service Unit serves the City of Newport News.

SERVICES PROVIDED:

The Seventh District Court Service Unit has four (4) specialized units that provide mandated services. They are as follows:

Intake:

Intake Unit receives, reviews, and processes all complaints and inquiries regarding juveniles and adults involving both criminal and non-criminal matters (including custody, visitation, support, protective orders and Department of Human Services initiated petitions). Intake officers are tasked with making decisions regarding whether to refer a matter to court for formal adjudication or to divert the case to other CSU or community-based programs that will address the needs of

the youth. On criminal matters processed on petitions, intake is required to utilize the Detention Assessment Instrument (DAI) in making all decisions to detain a youth.

Intake Officers are available to the public Monday through Friday, from 8:00 a.m. to 5:00 p.m. They also provide intake services for the Newport News Police Department after hours from Tuesday through Sunday from 10:00 p.m. to 6:00 a.m. Intake officers are always available on an on-call basis to law enforcement after-hours, on holidays and weekends, and for emergencies. In addition to the above services, our intake unit is responsible for our Truancy Court and for conducting the initial five (5) day detention visits for youth placed in secure detention.

Diagnostic:

The Diagnostic Unit completes background investigations, provides pre-court services, and case management services on all pre-dispositional cases that are not already on court-ordered supervision. This unit acts as lead court liaisons for court arraignments, detention hearings, trials, and dispositions. They also provide post-dispositional monitoring and services to cases with court ordered programs to complete that have not been placed on formal supervision. The diagnostic officers are required to coordinate and make all necessary referrals for court-ordered programs, monitor compliance, and submit status reports to the court on these cases.

Diagnostic officers are required to conduct detention, jail, and placement visits; to conduct home, school, and office visits with the youth and family for social history interviews, and to communicate with school officials, counselors, and therapists where necessary. Motivational interviewing techniques are utilized during the interview process. YASI (Youth Assessment and Screening Instrument) and SEAS (Screening for Experiences and Strengths) assessments to determine the youth's risk and supervision levels and trauma needs are completed and incorporated into all social histories. The Disposition Recommendation Tool (DRT) is utilized on all pre-dispositional social history cases in order to assist in making recommendations for these reports. All diagnostic officers are CANS (Child and Adolescent Needs and Strengths) certified to fulfill the CSA (Children Services Act) requirement for completing FAP (Family and Planning) referrals for services.

Probation:

The Probation Unit provides case management supervision and services to youth adjudicated delinquent and placed on court ordered supervision. By using a balanced approach incorporating incentives, graduated sanctions, FOCUS (Focus on Clients Under Supervision), and a risk-based supervision plan in the delivery of services, all juveniles are held accountable for their actions. A primary emphasis is on community protection and offenders are provided opportunities to develop important competencies that will support their ability to become law-abiding and productive members of the community. The youth and their families meet with the probation officers per risk levels in accordance with the Community Supervision Matrix to ensure that the Court's orders are being completed and to carry out appropriate FOCUS interventions. Numerous resources are used to accomplish our goals and objectives to include coordinating and making all necessary referrals.

Probation officers attend and testify at court hearings; perform court liaison duties; conduct school, home, detention, and placement visits; write social histories and court reports; complete YASI, YASI re-assessments, Reassessments, EBA (Evidence Based Associates) referral packets, and case staffing forms. They also develop supervision case plans to address the criminogenic areas that are to be addressed/targeted during the youth's term on probation. All probation officers are also CANS (Child and Adolescent Needs and Strengths) certified to fulfill the CSA requirement for completing FAPT referrals for services.

Probation officers also serve on FAPT, the local Gang Task Force, and treatment teams for youth placed in the Post-Dispositional Detention Program (Post D).

Parole:

Parole case management services begin at the time of commitment to the Department of Juvenile Justice and continue throughout the youth's term in direct care and community supervision. Once the commitment packet is completed and submitted to the Classification and Admissions Placement Unit, parole officers become actively involved in the case. They initiate and facilitate the re-entry planning with the youth and family to hopefully ensure the youth's successful reintegration back into the community.

While in direct care placements, the parole officers maintain contact with the youth and JCC/ (Juvenile Correctional Center)/ CPP (Community Placement Program) staff per the re-entry manual requirements; they participate in all treatment team meetings; are involved in the development and implementation of all Mental Health Transition Plans when needed; and they secure and ensure that designated and appropriate services through EBA and DJJ to address the youth's needs are in place prior to the youth's release to assure a seamless transition back into the community without a break in services. Upon the youth's return to the community, the parole officer meets with the youth and their families per the Community Supervision Matrix to ensure that the Court's orders are being completed and to carry out FOCUS interventions.

Parole officers attend and testify at court hearings; perform court liaison duties; conduct school, home, detention, and placement visits; write social histories and court reports; complete YASI assessments and YASI re-assessments. They also develop comprehensive re-entry case plans to address the criminogenic areas that are to be addressed / targeted during the youth's term on parole. All parole officers are CANS certified to fulfill the CSA requirement for completing FAPT referrals for services. They also serve on FAPT and the local Gang Task Force.

One Parole Officer, two Probation Officers, and one Diagnostic Worker are trained and certified in the Gang Resistance Education and Training Program and hold groups with designated and assigned youth throughout the year.

Additional Services:

In addition to the above mandated services, the 7th District Court Service Unit has a Qualified Mental Health Professional (QMHP) on staff that assists staff by conducting initial mental health screenings and assessments and provides treatment recommendations for all court ordered social histories. This position also provides crisis intervention services, conducts anger management and impulse control groups, provides a two-tier substance abuse education and treatment program, and provides a two-tier Impulse Control/ Decision Making and Anger Management treatment program.

Primary Community Referrals:

The 7th District Court Services Unit utilizes the Department's Regional Service Coordination Process to broker the majority of our services through EBA. In addition to the vendors that are accessed via this process, we also make direct referrals to the following:

Newport News Public Schools: (educational evaluations/child studies, alternative education programs, tutoring, anger management, substance abuse education).

Newport News Department of Human Services: CHINS (Child in Need of Services) Unit evaluations/services, Families at Risk Program, Foster Care/custody needs, Child Protective Services referrals/services, Targeted Outreach Program (TOP); Family Stabilization Program.

FAPT (Family and Planning Team): Collaborative staffing for community resources and CSA and CSI (Comprehensive Support and Improvement) funding.

Hampton-Newport News Community Services Board: Therapeutic Day Treatment Program in the schools, individual/group/family counseling, mentoring, mental health counseling, substance abuse evaluations/counseling, psychological/psychiatric evaluations, medication management, case management.

Newport News Juvenile Services: Secure Detention, Post-Dispositional Program, Outreach Program, Electronic Monitoring/Global Positioning System, Intensive Day/Evening Programs, and Community Work Alternative Program.

Newport News Fire Department: Fire Starters Program.

Community Corrections Division: Local adult supervision/probation services.

Workforce Development and New Horizons Educational Center: Employment and job skills preparation/ trades program.

Job Readiness Programs: Youth Build Program, Virginia Technical Academy, Reentry Advocate Job Readiness

Tidewater Youth Services Commission: Apartment Living Program, Second Chance Reentry Grant Program

Peacekeeper's Gun Violence Program: Educational Group for youth with weapons related offenses.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

26th District Court Service Unit (Winchester)
26 Rouss Avenue, Suite 100
Winchester, Virginia 22601
(540) 722-7960
Jerry Stollings, Director
jerry.stollings@djj.virginia.gov

AUDIT DATES:

June 5, 2025

CERTIFICATION ANALYST:

Kevin T. Heller

CURRENT TERM OF CERTIFICATION:

July 20, 2022 - July 19, 2025

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – June 02, 2022:

96.7% Compliance Rating

*Repeated deficiencies from previous audit: One

6VAC35-150-410 (B). Commitment information

***6VAC35-150-420 Contacts during juvenile's commitment**

CURRENT AUDIT FINDINGS – June 05, 2025:

98.2% Compliance Rating

*Repeated deficiencies from previous audit: One

***6VAC35-150-420 Contacts during juvenile's commitment**

DIRECTOR'S CERTIFICATION ACTION – December 16, 2025: Certified the 26th District Court Service Unit (Winchester) to July 19, 2028, with continued monitoring by the Regional Program Manager of contacts during juvenile's commitment.

Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:

Kevin T. Heller, Lead Certification Analyst
Wanda Parris-Flanagan, Certification Analyst
Sherron Key, Certification Analyst

POPULATION SERVED:

The 26th District Court Service Unit serves the cities of Harrisonburg and Winchester and the counties of Frederick, Clarke, Rockingham, Page, Shenandoah, and Warren.

PROGRAMS AND SERVICES PROVIDED:

The 26th District Court Service Unit provides mandated services including:

- Intake
- Probation supervision
- Direct care and parole supervision

- Investigative reports

SERVICES PROVIDED:

- Mandated Services:

Intake:

Intake services are provided 24 hours a day throughout the District. The District also utilized the Virtual Intake Unit to cover intake when the District offices are closed. The Intake Officer obtains information to determine if probable cause exists for a petition to be filed which initiates proceedings in the Juvenile & Domestic Relations (JDR) Court. For those juveniles who are deemed appropriate, the intake officer may handle the case informally through the development of a diversion plan for a period not to exceed 120 days. Intake officers utilize the Detention Assessment Instrument (DAI) to guide decision-making on detainable offenses.

The intake officer further collects information to file civil petitions for child support, family abuse, adjudication of custody (permanent and temporary), abuse and neglect, termination of parental rights, visitation rights, paternity, and emancipation. The intake officer assists with the preparation of those documents to be filed with the appropriate JDR court.

Pre-Court Services:

If a petition is filed with the JDR court, a probation officer will contact the family to determine if they would like services to be put in place. If the family elects to receive services, the probation officer will refer the family for services. Those services are monitored during the pre-adjudication portion of the youth's case. If the family elects not to receive services, the probation officer waits for further instructions from the JDR court once the youth appear in the court.

Investigation and reports:

The majority of the reports completed by probation officers are social history reports which describe the juvenile's overall circumstances and behavior/adjustment. Some reports are court ordered prior to disposition. The vast majority of the social history reports within the District, however, are completed following the juvenile's placement on probation.

Other reports and investigations completed by CSU personnel are commitment packets, Interstate Compact reports, serious incident reports, transfer reports, and serious offender reports.

Probation:

Probation Supervision is the most frequently used disposition for juveniles. CSU personnel utilize the Youth Assessment & Screening Instrument (YASI) to determine the risk level, appropriate level of supervision and to formulate the Comprehensive Supervision Plan. The Plan is prepared and reviewed with the youth and family and updated with the input of the youth and family or when circumstances change.

Parole:

CSU staff continue their involvement with juveniles who are in Direct Care. The CSU maintains monthly face-to-face contact as determined by DJJ's Supervision Matrix with each youth in Direct Care and upon release, the majority of youth return to the community on parole supervision. Parolees are supervised according to their risk level. The period of parole is determined by risk level, needs, offense history and adjustment.

- Primary Community Referrals:

The District is served by two different Community Services Boards (CSBs). Collaborative efforts are always sought with both CSBs to enhance and improve the level of services to youth and their families. Northwestern CSB serves the counties of Page, Warren, Shenandoah, Clarke, Frederick and the City of Winchester. An MOU is in place between Northwestern CSB and the District to provide a designated clinician to work solely with court involved youth. This clinician provides clinical assessments and substance abuse assessments at no cost to the youth and families and the clinician has been a valuable resource for probation staff and youth. Harrisonburg-Rockingham CSB serves Rockingham County and Harrisonburg City. The CSB works closely with the District's office in Harrisonburg, however, no MOU is currently in place between the District and that particular CSB.

The majority of referrals for community-based services are made to private providers (non-profit and profit). A variety of funding sources such as EBA, VJCCCA, CSA, Medicaid, private insurance, self-pay and sliding scale are utilized to secure services for youth. Collaboration with community partners has been key to the development of services/programs for court involved youth.

**CORRECTIVE ACTION PLAN
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

FACILITY/PROGRAM: 26th Court Service Unit-Winchester

SUBMITTED BY: Jerry Stollings, Director

CERTIFICATION AUDIT DATES: June 5, 2025

CERTIFICATION ANALYST: Kevin T. Heller

Under Planned Corrective Action indicate; 1) The cause of the identified area of non-compliance. 2) The effect on the program. 3) Action that has been taken/will be taken to correct the standard cited. 4) Action that will be taken to ensure that the problem does not recur.

6VAC35-150-420. Contacts during juvenile's commitment.

During the period of a juvenile's commitment, a designated staff person shall make contact with the committed juvenile, the juvenile's parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedures. The procedures shall specify when contact must be face-to-face contact and when contacts may be made by video conferencing or by telephone.

With Family:

The PO shall have monthly face-to-face contact with the parent or legal guardian.

Audit Finding:

Three of the eight applicable cases reviewed did not contain documentation of monthly face-to-face contact with the parent or legal guardian.

Program Response

Cause:

The deficiency was due to a lack of training regarding what constitutes a face to face in order to meet the requirements of this requirement.

Effect on Program:

The effect on the program is it appears that staff has not been meeting or attempting to meet with parents/guardians.

Planned Corrective Action:

District wide training of al probation officers and supervisors.

Completion Date:

Friday, June 13, 2025

Person Responsible:

Jerry Stollings, Director

Current Status on September 24, 2025: Not Compliant

Six of eight applicable cases reviewed lacked documentation a face-to-face contact occurred with a parent or legal guardian in one or multiple months during the status review period.

6VAC35-150-420. Contacts during juvenile's commitment.

During the period of a juvenile's commitment, a designated staff person shall make contact with the committed juvenile, the juvenile's parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedures. The procedures shall specify when contact must be face-to-face contact and when contacts may be made by video conferencing or by telephone.

With Family:

The PO shall document all contacts with the family, in detail, in the Caseload Management module of BADGE. PO contact shall be categorized as Family Progress Report to comply with regulations.

Audit Finding:

Three of eight cases reviewed did not contain documentation of all contacts with the family and categorized as Family Progress Report.

Program Response

Cause:

This deficiency was due to a gap in training regarding coding of the family meeting.

Effect on Program:

The effect on the program is that the documentation did not match the work that is being done by the staff. The Family Progress Reports were occurring, but that action was not properly documented.

Planned Corrective Action:

District wide training of all probation officers and supervisors.

Completion Date:

Friday, June 13, 2025

Person Responsible:

Jerry Stollings, Director

Current Status on September 24, 2025: Compliant

Seven of seven applicable cases reviewed were compliant with the regulation.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Merrimac Center
9300 Merrimac Trail
Williamsburg, VA 23185
(757) 887-0225
Gina Mingee, Executive Director
gmingee@merrimac-center.net

AUDIT DATES:

November 6, 2025

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

February 12, 2023-February 11, 2026

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Detention Centers

PREVIOUS AUDIT FINDINGS September 28, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – November 6, 2025:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – December 16, 2025: Certified the Merrimac Center and Post-Dispositional Program to February 11, 2029, with a letter of congratulations for 100% compliance. Modified the pre-disposition age range to 11-17. Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Ronnie Moore, Central Office
Christopher Moon, Central Office
Zatoria Frierson, Central Office
Kenneth Gallop, Chesapeake Juvenile Services
Wendy Feldman, James River Juvenile Detention Center

PROGRAM DESCRIPTION

The facility is approximately 27,000 square feet. The building is brick facing over concrete block with a metal roof. There are four housing units. Unit One has 10 beds and houses the female population. When the units surpass an 8:1 ratio, both females and males may program on Unit five (a classroom); they sleep in same-gender units. Unit Two is ten beds and typically houses the younger, smaller, more vulnerable male population. Unit three is 12 beds and houses pre-dispositional males. Unit Four is 16 beds and houses the Central Admission and Placement (CAP) males up to age 21 and male post-dispositional program participants. Females typically program separately from males except during school. There is a fenced outdoor recreation area with a basketball court and space for volleyball and other games. A gym provides recreation

space for indoor recreation including physical education classes. There are seven designated classroom spaces, including the gym.

Safety and security systems include 54 cameras, with 36 having audio capabilities, providing coverage for practically all interior and exterior areas of the facility. These are recorded 24-7. Digital recording is reviewed to investigate incidents and for training. A security control room is manned by specially trained staff around the clock. This staff monitors and controls internal and external doors, cameras, video surveillance system and personal alarms in the cells and unit offices. They also monitor the fire alarm and suppression systems, facility keys, the generator, environmental system, restraints, cell phones, and radios.

The facility has a full kitchen and laundry room. These services are provided on-site.

POPULATION SERVED:

The Merrimac Center, originally constructed in 1997 as a 48-bed facility, provides safe and secure housing and services for male and female juveniles ages 11 through 21 who are before the court in both pre-dispositional and post-dispositional status. The Center serves the Counties of Caroline, Charles City, Essex, Gloucester, Hanover, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond, Westmoreland, and York, as well as the Cities of Poquoson and Williamsburg.

In 2023, Memoranda of Understanding (MOUs) were established to guarantee bed space through FY26 for juveniles from the Cities of Portsmouth, Suffolk, and Franklin, along with the Counties of Isle of Wight and Southampton. These agreements were developed following Chesapeake's decision to discontinue serving juveniles from these localities. The MOUs extend through June 2026.

PROGRAM AND SERVICES PROVIDED:

Facility Services:

The Center's philosophy is that the juveniles' time in detention should be safe, productive and educational with a focus on skill-building. Staff have training in group work and materials in order to conduct 21 groups per week on a variety of topics. The staff supervise activities, groups, and structured leisure time that encourages the residents to think about their particular situations, set goals, and make better decisions in the future.

In April 2007, a new behavior management program based on Cognitive Behavior principles was implemented. This program is based on a positive learning response to behaviors. An important component of this program is that the residents can only earn a maximum of sixty minutes of disciplinary room confinement. The resident determines the amount of time spent in room confinement based on his/her behavior meeting outlined expectations. The residents are required to focus on their behavior and work towards more socially acceptable thinking and behaving through the use of numerous behavior modification and cognitive behavioral training program components.

Post-Disposition Program:

The Center provides a treatment program for juveniles sentenced from 31 to 180 days at the Center. The program is certified for 15 residents. The Treatment Programs Manager serves as a case manager for the program. The program staff work closely with the court staff to identify appropriate services, referrals, and placements. A mental health clinician works with the residents, staff, and families. Assigned staff provides programming and implements treatment

plans designed by a treatment team. Due to staffing levels and the pandemic, the post-dispositional program was temporarily suspended on August 24, 2021.

DJJ Central Assessment and Placement Intakes:

As a part of the DJJ transformation initiative in 2016, the Center began receiving youth committed to the DJJ but remaining in the community. These youth receive full intake assessments including a full physical, conducted in the community by an M.D., a dental exam and vision exam if indicated, and a full psychological from a DJJ contractor. These youth are then staffed by a team including the parents/guardians, the residents, the DJJ staff, and the Merrimac Center Treatment Programs Manager. Through the staffing, a determination is made for recommended services and placement in a Community Placement Program, residential treatment program, Bon Air Juvenile Correctional Center, or an Individual Bed Placement (IBP). Thus far, two residents have been served in the Center's IBP program. The last one was able to accomplish graduating with her associates degree shortly after being released.

Medical/ Mental Health Services:

A full-time registered nurse provides daily medical services. Identified direct care staff are certified as medication agents and administer medications and first aid when the medical staff is off duty. A contract provides for an on-site physician to provide services as needed or at least bi-weekly.

The local Community Services Board, Colonial Behavioral Health, provides emergency mental health assessments for possible hospitalization, psychiatric consultation weekly, and an on-site therapist who is license-eligible. They provide mental health services including ongoing assessments, crisis counseling, psycho-education groups, therapy, and case management. Merrimac employs an on-site license-eligible Clinical Social Worker. She also provides individual therapy, groups, and crisis intervention.

Food Service:

The food service program is delivered by four full time staff. The staff are required to maintain Food Service Manager Certifications. All food service staff attend training provided by the Department of Agriculture and the Department of Juvenile Justice. For FY26 the Center made the decision to discontinue the USDA school breakfast and lunch reimbursement program as a result of numerous changes that were made to the program. The determination was made that the USDA program would be more costly to continue as opposed to developing our own nutrition program with the oversight of a dietician from our food service company.

Training:

Staff training is a priority for Merrimac Center. Several staff members are trainers in various topics. In-house training and access to training by outside agencies are provided. The Center has had the opportunity to train staff in Motivational Interviewing, trauma-informed care, Aggression Replacement Training (ART), Suicide and boundaries, abuse and neglect reporting, and leadership skills. The medical staff provides CPR, First Aid, and medication agent training to direct care staff and Blood Borne Pathogens and infection control training to all Center staff.

Transportation:

The Commission provides all transportation after the juvenile is admitted to the detention facility. A fleet of secure vehicles and transportation staff drive juveniles to court, medical, mental health, and other destinations. We have trained numerous direct-care staff in transportation due to a shortage of on-call drivers. Since adding the 3rd and 5th districts to our service areas in 2023, transportation time and milage has increased significantly.

Video conferencing has proven to be effective, reducing the cost of transportation and exposure to security risks. Nearly all of the arraignments are conducted electronically. Detention reviews and progress hearings are frequently held via video.

COMMUNITY SERVICES:

Volunteers:

The Center works with other agencies and individuals to supplement services. Volunteers provide character-building groups, therapeutic drumming, religious services, mentoring, and pet therapy. Local churches have always been supportive throughout the years. They are very generous on holidays and continue to contribute games and craft supplies.

Education:

The daily schedule for the juveniles includes five and a half hours of school per day. The Williamsburg James City County School System employs the educational staff. Eight teachers are assigned to the Center. These eight teachers and a principal deliver the educational program, teaching all subjects and grade levels and sending reports to the juvenile's home school. A focus has been on remedial reading and math skills, which has proven to be very helpful to the youth. Juveniles receive credit for their attendance and for the work completed while in the detention center school. Standards of Learning (SOLs) and semester testing are administered at the Center. Several students were able to participate in graduation ceremonies by earning their GED or diploma over the past 3 years.

Facility Upgrades:

Numerous facility upgrades have been accomplished in the past three years. In FY 2023 the clinic, supervisor office, and program manager's office were refurbished with new cabinets, workspace, and flooring. The blacktop areas of the parking lot and the outdoor basketball court were refurbished. Also, in 2023 the control room was upgraded including replacing two touchscreen monitors and updating Cimplicity software.

In FY 2024, the Center purchased a new 12-passenger van which required a full cage, window barriers, and DVR camera/navigation system. Kitchen painting was done by The United Way volunteers. VTC flooring was installed in the housing units and classrooms. And the resident showers were upgraded.

In FY 2025 the wooden fence along the dumpster and chiller was replaced, and a storage building was purchased.

Over the past three years numerous cameras have been replaced/upgraded, and several have been added. Also, the front door intercom system has been upgraded. Numerous computers have been replaced to keep up with ongoing technical needs.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Norfolk Juvenile Detention Center
1260 Security Lane
Norfolk, Virginia 23502
(757) 441-5667
Jacqueline Conley-Smith, Superintendent
jacqueline.smith@norfolk.gov

AUDIT DATES:

October 7, 2025

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

January 14, 2023 – January 13, 2026

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Detention Centers

PREVIOUS AUDIT FINDINGS – December 8, 2022:

99.65% Compliance Rating
No repeated deficiencies from previous audit.
Number of deficiencies: One
6VAC35-101-1100 (B). Room confinement and isolation.

CURRENT AUDIT FINDINGS – October 7, 2025:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – December 16, 2025: Certified the Norfolk Juvenile Detention Center and Post-dispositional Program to January 13, 2029, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Ronnie Moore, Central Office
Zatoria Frierson, Central Office
Nikesha Roberts, Bon Air Juvenile Correctional Center
Jose Ortiz, Virginia Beach Juvenile Correctional Center
Stacey Marshall, Virginia Beach Juvenile Detention Center

POPULATION SERVED:

Service Area: City of Norfolk, Accomack County and North Hampton County.

PROGRAM DESCRIPTION:

Norfolk Juvenile Detention Center (NJDC) is an 80-bed facility which is comprised of males and females, predisposition, post disposition, CAP (Central Admission and Placement), Re-Entry and at times, IBP (Individual Bed Placement), when needed.

SERVICES PROVIDED:

- **Facility:** Pre and Post Dispositional Programs, Re-Entry, CAP (Central Admission and Placement)
- Secure detention includes physical, mental health and dental screenings upon admission. Norfolk Community Services Board supports secure detention with crisis intervention and counseling services.
- These programs are supported by stakeholders including Norfolk Public Schools, Norfolk Community Services Board and the Norfolk Sheriff's Office. Services include educational, recreational, medical, mental health, visitation, meals, supervision, and transportation, offered by Norfolk Sheriff's Office, for non-emergencies.
- **Community:** (Services offered by community agencies and resources)
- Periodic religious services are provided by community partners.
- NJDC anticipates re-starting the Chess Club/Mentoring Program soon with Norfolk Public School teachers and community leaders.
- NJDC has partnered with a City of Norfolk vendor called Community First. This is a team of males and females that who is completing their Ascend Program with the CAP residents to help address behavioral actions based on real scenarios.

SIGNIFICANT CHANGES SINCE LAST AUDIT:

In 2024, NJDC sustained a substantial staffing shortage and overhaul. The Superintendent, Assistant Superintendent, two tenured Detention Center Supervisors and approximately 14 staff either retired or resigned. During the last year, the program has had aggressive hiring and training practices.

Outreach was removed from NJDC as an alternate community placement and reassigned to another department in Human Services.

With the removal of Outreach, the city agreed to develop a wellness space for the NJDC. Norfolk staff which offers a fully equipped weight room and wellness area for staff.

REQUEST FOR CERTIFICATE REVISION

TO: Department of Juvenile Justice

FROM: Tidewater Youth Services Commission - Apartment Living Program

DATE: December 15, 2025

RE: Request for Certificate Capacity Revision - Apartment Living Program Expansion

PURPOSE OF REQUEST

This document serves as a formal request to the Certification Unit of the Department of Juvenile Justice for a modification to our current facility certification for the Apartment Living Program (**ALP**). Following the Department's approval of our expansion program, we are respectfully requesting a revision to our certificate to reflect the addition of a new residential unit with increased bed capacity from 8 to 10 residents.

DIRECTOR'S CERTIFICATION ACTION – December 16, 2025: Modified the Certificate of Certification for the TYS Apartment Living Program to reflect the capacity of 10 residents.

DIRECTOR BERINGHAM'S CERTIFICATION ACTIONS
February 27, 2026

Certified the Newport News Juvenile Detention Center and Post-dispositional Program to January 9, 2029, with a letter of congratulations for 100% compliance. Modified the pre-disposition age range to 11-17. **Page 2**

Certified the Rappahannock Juvenile Detention Center and Post-dispositional Program to April 12, 2029, with a letter of congratulations for 100% compliance. Modified the pre-disposition age range to 11-17. **Page 9**

Certified the 2nd District Court Service Unit (Virginia Beach) to March 14, 2029, with a letter of congratulations for 100% compliance. **Page 11**

Certified the 8th District Court Service Unit (Hampton) to March 14, 2029, with a letter of congratulations for 100% compliance. **Page 13**

Certified the 10th District Court Service Unit (Halifax) to November 30, 2028, with a letter of congratulations for 100% compliance. **Page 17**

Certified the 14th District Court Service Unit (Henrico) to November 30, 2028. **Page 19**

Certified the 28th District Court Service Unit (Abingdon) to March 14, 2029, with a letter of congratulations for 100% compliance **Page 26**

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Newport News Juvenile Detention Center
350 25th Street
Newport News, Virginia 23607
(757) 926-1600
Jered Grimes, Director
grimesjr@nnva.gov

AUDIT DATES:

October 2, 2025

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

January 10, 2023 – January 9, 2026

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Detention Centers

PREVIOUS AUDIT FINDINGS October 18, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – October 2, 2025:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the Newport News Juvenile Detention Center and Post-dispositional Program to January 9, 2029, with a letter of congratulations for 100% compliance. Modified the pre-disposition age range to 11-17. Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Ronnie Moore, Central Office
Angela Rice, Norfolk JDC
Nikesha Roberts, Central Office
Zatoria Frierson, Central Office
Christopher Mallory, Chesterfield JDC
Tiffany West, Chesterfield JDC

POPULATION SERVED:

The Newport News Secure Detention facility is approximately 72,000 square feet. The 110-bed facility was opened at the current location on January 10, 2005. The Newport News Juvenile Detention Center provide housing for pre-dispositional and post-dispositional male and female juveniles who are before the courts in the cities of Newport News and Hampton.

There are 11 pods housing 10 residents per pod. Each pod has 10 sleeping rooms, two shower areas, a common area and a storage area. All pods are gender specific, and each room is single occupancy. The pods are grouped into two pod suites which share a sitting room and a small enclosed outside recreational area.

The pre-dispositional program houses residents between eight and 17 years of age who are involved in the pretrial, trial, or pre-sentencing process within the juvenile court system. The length of stay is determined by the placing judicial authority. The post-dispositional program is designed to accommodate up to 20 youthful offenders between the ages of 14 to 17, who have completed the sentencing process within the juvenile court system.

- General Population: 81 Beds
- CPP: 9 CPP Beds
- Gender: Male and Female
- Central Admission and Placement Unit: Up to 19 years of age
- Community Placement Program: Up to 20 years of age

PROGRAM DESCRIPTION:

Newport News Secure Detention is a Secure Detention Center that services the cities of Newport News and Hampton. The Detention Center houses General Population Residents, Post-Dispositional Program Residents, Central Admission and Placement Residents and Community Placement Program Residents.

SERVICES PROVIDED:

Facility: All youth admitted to Newport News Secure Detention, in either pre-dispositional or post-dispositional status, receive comprehensive on-site services. Services provided include:

- A. Academic Programming:** The Newport News juvenile detention school objectives are as follows:
- a. Provide quality education for each student and resident.
 - b. Provide individual instructional objectives for each student in residence at Newport News Juvenile Detention Center.
 - c. Seamless instructional transition for students entering and exiting the Newport News Juvenile Detention Center.
 - d. Robust GED Certification Program.
 - e. Post-Graduate vocational education services.
 - f. Training for the faculty and staff in support of the education program.

The juvenile detention centers' education program follows the Newport News public school standard calendar year. The school day begins at 8:30 AM and ends at 2:30 PM. During the summer, residents participate in enrichment programs which explore avenues to continue, improve and expand their education. In addition, Virginia SOL tests are administered during the fall and spring of each school year.

All classes offered at the detention centers education program followed the Newport News city public school's curriculum and SOL pacing guides. Also, the detention center offers special education services, GED/ISAEP programs, online high school classes, Virginia peninsula Community College online, independent collaboration with home school reading and math remediation, careers and life skills. A designated staff is assigned to present GED certified students with life skills and/or coordinates vocational skills training. The department and public-school partner with eastern Virginia medical school, to provide art therapy instruction and services throughout the calendar year.

The department and school have partnered to complete yearly field day activities before the conclusion of the school year period. These have been an overwhelming success, have never resulted in safety and security concerns, have encouraged positive and cooperative behavior amongst residents and on average 90 to 95% participation rate. Please note that last year's field day activities were cancelled due to the school's focus on SOL testing and remediation.

During the summer, the department and secure detention school partner to develop a summer school program for the residents. Staff conducts tutoring classes in math, English, science and social studies.

The faculty consists of a principal, administrative assistant, instructional teacher assistant, technology and structural coach and 12 full-time teachers. All of the professional staff are fully licensed in accordance with Virginia State requirements.

B. Mental Health Services: As part of a collaborative effort between Newport News Secure Detention and the Hampton-Newport News community services board, on site mental health screening and services are provided twenty-four (24) hours a day seven (7) days per week. One (1) mental health professional is housed in the facility, Monday through Friday from 9:00 AM to 5:00 PM. After hours, the mental health professional is on call, providing and/or coordinating emergency services for youth experiencing emergent mental health crisis.

Responsibilities assigned to the on-site Hampton-Newport News Community Service Board staff include:

- a. Review MAYSI prescreening documents for all new admissions.
- b. Manage the resident suicide and **crisis** status list.
- c. One on one crisis assessments and counseling as needed.
- d. Facilitation of scheduled resident groups to promote development of appropriate social and interpersonal skills.
- e. Daily consultation with the Director/Secure Detention Superintendent's office.
- f. Staff training.

The Hampton-Newport News Community Service Board staff also assist the department's medical unit staff with obtaining background information on prior resident mental health services, collaborating off site services to assist with medication management and coordination of access to services after release.

Medical/Medication Management Services—Comprehensive on-site medical services are provided 24 hours a day by the Department's Medical Unit.

Residents have access to:

- g. medical pre-screening within five days of admission;
- h. upon request, daily medical assessments and treatment;
- i. on-going medication management;
- j. coordination of follow-up medical treatment and/or continuation of mental health services received prior to admission; and
- k. emergency medical treatment provided by the City's Emergency Medical Services and/or Riverside Regional Medical Center.

C. Intake and Transportation Unit staff are primarily responsible for:

- a. processing all intakes of residents into the facility and/or for subsequent release and returns to the facility;
- b. processing of all Court documents and for resident file management; and
- c. transportation to court ordered appointments related to medication management, medical assessment, treatment and follow-up services.

The Intake and Transportation Unit staff also coordinate the transportation needs and requirements for the staff assigned to the Post-Dispositional Program and the staff assigned to the

Community Placement Program. Post-D Program residents are sometimes transported to various enrichment and/or service-oriented activities held in the community.

Transportation to Court appearances is coordinated by the Intake Unit with respective Newport News and Hampton Sheriff's Departments, depending upon the youth's assigned jurisdictional authority.

Snack Enrichment Program: Residents participate in the USDA Snack Enrichment Program five days a week. The program includes nightly focus group presentations designed to teach health, wellness and the promotion of social skill development.

D. CAP Services

Evaluations provided for Newport News and Hampton juvenile include medical, psychological, behavioral, educational/vocational and sociological. The evaluation process is longer than three weeks. At the conclusion of the evaluation process, a team of evaluators meet to discuss and identify treatment and mental health needs and determine LOST, classification level, parole plan details and placement recommendations. Input from the Court Service Unit and Families are beneficial to assist with this process.

Placement recommendations at the conclusion of the evaluation phase may include referrals to one of DJJ's community placement programs (CPP), Bon Air Juvenile Correctional Center, or a continuum care facility.

E. Community:

Community/Volunteer Services:

The Pre-disposition and Post-dispositional residents are provided with the opportunity to voluntarily participate in religious services and spiritual based activities offered by various church organizations within the community. The department volunteer program also incorporates a weekly chess club/ mentorship group with local community leaders.

The post-dispositional residents participate in the following activities regularly off-site and have a greater opportunity to utilize and participate in various community-based resources and activities:

- a. Group and Individual Counseling through Dreyer and Associates, where the focus has been on decision making, impulse control, anger management, health family and peer relationships and developing coping skills to minimize the influence of negative peers.
- b. Moral Recognition Therapy Sessions with certified Post-D Staff designed to improve decision making and moral reasoning.
- c. Art Therapy through group and individual counseling, where the focus is to support positive character development through psychoeducation and art-based experiences, increase social and emotional skills for academic and personal success.
- d. Our post-dispositional counselors focus on conduct and personality adjustments. The focus goals are on decision making, coping skills, goal setting, and building self-esteem.
- e. Aggression Replacement Therapy group sessions, a therapeutic model used to give youths the skills necessary to make good choices, by learning what causes them to become angry and by learning how to use a series of anger reduction techniques.

SIGNIFICANT CHANGES SINCE LAST AUDIT:

A. Personnel

- a. In December of 2023, the Department ended its contract with Wellpath for medical services and began using NNDJS medical staff members for medical services.
- b. In January 2023 Ananias Moss and Courtney Bryant-Wynn were appointed Secure Detention Superintendents.
- c. In September 2024, the Assistant Director Lorenzo Case retired and Secure Detention Superintendent Courtney Bryant-Wynn was appointed as the new Assistant Director of the Department in January 2025.
- d. On October 1, 2024, the Department concluded its contract with Aramark Managed Services and began a contract with Summit Managed Services for food service.
- e. In November 2024, due to staffing constraints, a new schedule was implemented, assigning staff to units within the facility and working 8-hour shifts, that were assigned weekly by the Unit Supervisor, giving staff greater flexibility in scheduling and more availability to work during the 40-hour workweek rather than using leave for appointments or personal matters. This was meant to maximize the staffing presence at a time when the detention population was climbing and to be convenient for employees and management so that fewer employees would be denied leave or required to work unplanned overtime.
- f. On July 1 of 2025, the Department enacted a schedule involving twelve (12) hour shifts, with a four (4) hour training shift.
- g. In April 2025, Kevin Page was appointed Secure Detention Superintendent.
- h. The Department reclassified one (1) Detention Specialist position to allow for the position of Nutrition Administrator to be added.
- i. The Department ended its contract with Summit Managed Services on June 30, 2025, and began using NNDJS food service staff members for food service on July 1, 2025.

B. Annual Holiday Dinner — Quarterly Family Engagement Dinners

The Department continued our tradition of four quarterly family engagement dinners. Family members are welcomed to the facility to spend additional time with their children in the gym, eat a catered meal and enjoy some small activities and music. These have included seasonally appropriate dinners such as a back-to-school dinner where parents and/or legal guardians get the opportunity to eat with their kids and then meet with the school staff members during the quarter in which school begins. It also included our Christmas dinner which these engagement dinners were expanded from back in 2022.

C. Training Office: The Department has continued to enhance the quality of the training provided to the Department's staff. In addition to the delivery of mandated training curriculum, the Training Office has worked diligently to develop and/or bring in outside instructors to deliver both current and relevant career development curriculum.

- a. The training Office has continued to use the New Hire Organizational Socialization Efforts which include more "hands on" and scenario-based training, one-on-one mentoring with a senior or lead specialist and "On-the-Job" shadowing to the Secure Detention floor, prior to being released to independent status. The Department has also continued to utilize paid training officers who use a standard Detention Specialist Handbook for curriculum to ensure consistency and appropriate emphasis on proper training and learning accountability.
- b. The Department has had several employees who have participated in the City Leadership Development Academies and Pathways to Learning Curriculum. The Leadership

Development Academy is a personal and professional development program that covers topics such as leading change, problem solving and strategic management. The Department also had several employees who participated in the Youth in Custody Certificate Program. This program is designed to help leaders implement or accelerate systemic change to improve outcomes for youth in custodial settings.

- c. The Hampton-Newport News Community Services Board provides our staff with initial and annual training on Suicide Prevention for Incarcerated Youth and Trauma Informed Care.
- d. Newport News Human Services provides annual and initial training on Child Abuse and Neglect and Mandated Reporting.

D. Resident Programming:

Newport News Secure Detention partners with several organizations and volunteer groups that provide a vibrant array of extra-curricular programming for residents to expand their knowledge, assist them with developing coping skills and mechanisms, developing skills for their future upon release, and supporting their interests in faith-based expression and education, including:

- a. Chess Nutz (promoted by local media personality, Don Roberts): invested citizens who meet weekly at the detention center to play chess and other strategy-based board games with residents housed at the facility with the goal of building positive relationships with adults from the community and to learn, from the strategy of chess and other games, the ability to think ahead and decision-making skills.
- b. Bayport Credit Union: Bayport Credit Union staff members come in at various times during the year to teach a program that highlights many of the critical and important topics related to financial education and financial literacy. This includes discussing credit scores and how these scores can impact your life as well as providing them with guidance on budgeting. It also included discussing the Renting Process as a whole with topics on the Application Process and Important Questions to Ask while going through the process of renting an apartment or home.
- c. Ketchmore Kids: Ketchmore Kids is a community entity that delivers hope, healing and peace of mind to youth and their families through providing support and uplifting individuals and the community as a whole. They meet with the residents weekly to conduct their Think Tank Conflict Resolution and Critical Thinking Program. This program imparts knowledge on the interplay between actions and behaviors in youth, teens and young adults and aims to reduce violence and gun violence by fostering a deeper understanding of the lifelong impact of actions and behavior. Through this program they provide life-skill groups weekly on topics such as confidence, employment preparation, communication, accountability, respect, and problem solving. They pride themselves on being a positive role model and inspiration for the residents. The group also brings in barbers who provide haircuts for the residents within the facility.
- d. Foundations to Success: Foundations to Success staff members provide our residents with mental health services within an infrastructure that promotes maximum growth intellectually, spiritually, physically, socially, emotionally and vocationally. They conduct regular weekly groups with our Pre-dispositional residents on topics such as better decision making, aggression management and substances abuse as well as providing individual counseling with the residents who attend those groups. They also provide Anger Management and Substance Abuse pre-placement services for our CAP residents as well.

E. The Post-dispositional Program:

Avis Kellam is still responsible for the overall management of the Post-D Program, and her leadership team consists of two dedicated Senior Detention Specialists. To enhance communication between the Court and the program, a Post-D representative continues to attend court at every resident hearing.

The continued focus of the Post-D Program is for assigned Post-D counselors to work more intensely with participants on their individual service plan goals and to allow participants to experience greater consistency in the delivery of services.

The Post-D Program staff places emphasis on utilizing resources within the community. Exposing the residents to productive activities within the community helps to build a stronger support system for youth to interact with while they transition through the program and when they reenter the community.

Additionally, continued emphasis is placed on assisting residents to experience successful academic performance. Substantial effort is directed at eligible post-d residents to complete the GED process and achieve their certificate prior to release and on assisting residents projected to return to their home school with sustaining successful academic performance.

There has been a refocused effort between the department and the court service unit, in conjunction with the Newport News Juvenile Domestic Relations District Court, to ensure success of participants and positive outcomes beyond release from the program.

The post-d supervisor and two assigned staff have been certified to instruct in the evidence based MRT and ART programs.

F. Community Placement Program:

In October of 2023, the Newport News Department of Juvenile Services opened their doors to residents for the Department's Community Placement Program. Ms. Avis Kellam provides operations management for the program with a Case Manager, Mental Health Therapist and dedicated direct care staff.

This program provides residential services including a continuum of evidence-based services to enhance public safety, address criminogenic needs, and hold juvenile offenders who have been committed to DJJ accountable for their actions.

The Department has provided bed space for eight (8) male Community Placement Program participants with a program focus on collaborative and proactive solutions to unresolved problems resulting in challenging behaviors, positive youth development, and increasing competency in the areas of education, vocational preparation, life and social skills, cognitive skills, employability skills and anger management.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

Rappahannock Juvenile Detention Center
275 Wyche Road
Stafford, Virginia 22555
(540) 658-1691
Carla White, Superintendent
cwhite@rjdc-va.com

AUDIT DATE:

November 18, 2025

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

April 13, 2023-April 12, 2026

REGULATIONS AUDITED:

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

PREVIOUS AUDIT FINDINGS – November 3, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – November 18, 2025:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the Rappahannock Juvenile Detention Center and Post-dispositional Program to April 12, 2029, with a letter of congratulations for 100% compliance. Modified the pre-disposition age range to 11-17. Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Wanda Parris-Flanagan, Team Leader
Zatoria Frierson, Central Office
Ronnie Moore, Central Office
Christopher Moone, Central Office
Jessica Curtis, Fairfax Juvenile Detention Center
Wendy Feldman, James River Juvenile Detention Center

POPULATION SERVED:

Rappahannock Juvenile Detention Center (RJDC) is a secure custody facility operated by the Rappahannock Juvenile Detention Commission. The members of the Commission include the city of Fredericksburg, the counties of King George, Louisa, Madison, Orange, Spotsylvania and Stafford. The facility serves a pre-dispositional population of 80 male and female residents ages eight through 17. This includes 16 beds for the Community Placement Program (CPP). There is also a post-dispositional detention program for 10 male and female residents, ages 14 through 17, included in the rated capacity.

PROGRAM DESCRIPTION:

RJDC is a secure facility which provides detention options for youth that are before the Juvenile & Domestic Relations Court. Our mission is to provide a safe, secure and structured environment for detained youth, promote positive behavior and work with other state and local agencies to meet the needs of youth who are determined to be at risk.

SERVICES PROVIDED:

Facility

- Assist in public safety by providing a detention facility for youth who are determined to need a secure environment while awaiting trial or disposition. Provide Post Disposition services to youthful offenders.
- Through the services of a registered nurse and on-call physician, provide medical screening and routine medical care and referrals.
- Conduct mental health screenings for all youth admitted to the facility. Refer those deemed at high risk for self-harm to mental health professionals.
- Through the Department of Education and the Spotsylvania County School System, provide on-going education for detained youth.
- Provide transportation to and from court appearances and to scheduled medical appointments.
- Therapeutic services provided for post dispositional and community placement participants.
- Re-entry services are available as needed.

Community

- Rappahannock Area Community Services Board provides one and one-half full-time therapists positions (reduced by ½ position, effective July 1, 2025), who conduct mental health assessments on youth deemed high risk for self-harm. Therapists also provide services to youth and families who participate in the Post Dispositional Program and Individual Bed Placement.
- Court Service Unit provide case management to youth within their service area.
- The Office of the Public Defender provides legal guidance to youth who demonstrate need.
- Local religious based organizations provide youth with the opportunity for spiritual guidance as well as religious services.
- Spotsylvania County School system provides educational opportunities for all detained youth.
- The Rappahannock Regional Library provides books, audiotapes, and movies. A librarian visits bi-weekly to work with the youth to encourage reading.
- Fredericksburg Area HIV and Aids Support Services provide bi-monthly groups for the youth to discuss sex and its consequences.
- Rappahannock Council on Domestic Violence provides quarterly groups for the youth to discuss healthy relationships.
- Professional visitors provide numerous services to detained youth.

SIGNIFICANT CHANGES SINCE LAST AUDIT:

- Discontinued participation in the Community Placement Program.
- Began participation in the Individual Bed Program (IBP)
- Capital Improvements: New HVAC, new gym A/C unit, energy savings upgrades.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

2nd District Court Service Unit (Virginia Beach)
2425 Nimmo Parkway, Building 10-A
Virginia Beach, Virginia 23456
(757) 385-4361
Gregory Smith, Director
greg.smith@djj.virginia.gov

AUDIT DATES:

January 20, 2026

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

March 15, 2023 – March 14, 2026

REGULATIONS AUDITED:

6AC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – November 3, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – January 20, 2026:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the 2nd District Court Service Unit to March 14, 2029, with a letter of congratulations for 100% compliance. Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Wanda Parris-Flanagan, Central Office
Kevin Heller, Central Office
Ronnie Moore, Central Office

POPULATION SERVED:

The 2nd District Court Service Unit serves the City of Virginia Beach.

PROGRAMS AND SERVICES PROVIDED:

The Virginia Beach Court Service Unit (CSU) mandated services include Intake, Investigations, Probation, and Parole.

In the main office located in the court complex at 2425 Nimmo Parkway, the roles and responsibilities of probation officers include court coverage, monitoring of pre- and post-dispositional cases, intake, probation/parole supervision, diversion and after hour on-call duties.

The Virginia Beach CSU utilizes Virginia Juvenile Community Crime Control Act (VJCCCA), Department of Juvenile Justice (DJJ), Children Services Act (CSA) and private insurance as the funding sources for the following services:

- Substance assessments and treatment
 - BSFT—Brief Strategic Family Therapy
 - Shelter Care
 - Post Dispositional Group Home placements
 - GPS—Global Positioning System monitoring
 - Mentoring
 - GREAT—**G**ang **R**esistance **E**ducation and **T**raining program services
 - Outreach detention
 - MST—Multisystemic Therapy
 - Intensive In-home counseling
 - FFT—Functional Family Therapy
 - Outpatient therapy
 - Life Skills coaching
 - Reentry services
 - Psychological/Mental Health/Psycho-sexual Assessments
-

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

8th District Court Service Unit (Hampton)
35 Wine Street
Hampton, Virginia 23669
(757) 727-6184
Timothy Prioleau, Director
timothy.prioleau@djj.virginia.gov

AUDIT DATES:

January 13, 2026

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

March 15, 2023 – March 14, 2026

REGULATIONS AUDITED:

6AC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – November 2, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – January 13, 2026:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the 8th District Court Service Unit to March 14, 2029, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Wanda Parris-Flanagan, Central Office
Kevin Heller, Central Office
Ronnie Moore, Central Office

POPULATION/JURISDICTIONS SERVED:

The 8th District Court Service Unit serves the City of Hampton.

PROGRAMS AND SERVICES PROVIDED:

The 8th District Court Service Unit has four (4) specialized units that provide mandated services. They are as follows:

Intake:

Intake Unit receives, reviews, and processes all complaints and inquiries regarding juveniles and adults involving both criminal and non-criminal matters (including custody, visitation, support, protective orders and Department of Human Services initiated petitions). Intake officers are tasked with making decisions regarding whether to refer a matter to court for formal adjudication or to divert the case to other Court Service Unit (CSU) or community-based programs that will address the needs of the youth. On criminal matters processed on petitions, intake is required to utilize the Detention Assessment Instrument (DAI) in making all decisions to detain a youth.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

10th District Court Service Unit (Halifax)
Eight South Main Street
Post Office Box 1836
Halifax, Virginia 24558
(434) 476-3390
Kara Comer, Director
kara.comer@djj.virginia.gov

AUDIT DATES:

December 17, 2025

CERTIFICATION ANALYST:

Wanda Parris-Flanagan

CURRENT TERM OF CERTIFICATION:

December 1, 2022 - November 30, 2025

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – December 7, 2022:

100% Compliance Rating

CURRENT AUDIT FINDINGS – December 17, 2025:

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the 10th District Court Service Unit to November 30, 2028, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Wanda Parris-Flanagan, Team Leader
Kevin Heller, Central Office
Sherron Key, Central Office
Ronnie Moore, Central Office

POPULATION SERVED:

The 10th District Court Service Unit serves the eight counties of Appomattox, Buckingham, Charlotte Court House, Cumberland, Halifax, Lunenburg, Mecklenburg, and Prince Edward.

PROGRAMS AND SERVICES PROVIDED:

The 10th District Court Service Unit provides mandated services including:

- Intake Services
- Investigations and Reports
- Domestic Relations
- Probation & Parole

- Post-dispositional
- Pre-dispositional
- Courtroom Duties
- Pre-Court Services

The Unit interacts with the community in obtaining such services as:

- AMI Kids
 - Comprehensive Services Act (CSA)
 - Community Services Board
 - Crossroads CSB serves Buckingham, Charlotte, Cumberland, Lunenburg, and Prince Edward counties
 - Horizon Behavioral Health serves Appomattox County
 - The Southside CSB services Halifax and Mecklenburg counties
 - VJCCCA sponsored services
 - Life Skills
 - Substance Abuse Education
 - Individual therapy
 - Sex Offender and Substance Abuse Counseling
 - Anger Management Group and Individual Counseling
 - Electronic Monitoring
-

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

14th District Court Service Unit (Henrico)
4201 East Parham Road
Richmond, VA 23273
(804) 501-4693
Matthew Bond, Director
matthew.bond@djj.virginia.gov

AUDIT DATES:

September 9, 2025

CERTIFICATION ANALYST:

Sherron Key

CURRENT TERM OF CERTIFICATION:

December 1, 2022 – November 30, 2025

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – September 15, 2022:

6VAC35-150-350 (A). Supervision plans for juveniles.

6VAC35-150-420. Contacts during juvenile's commitment.

CURRENT AUDIT FINDINGS – September 9, 2025:

96% Compliance Rating

*Repeated deficiencies from previous audit: One

6VAC35-150-350 (B). Supervision plans for juveniles.

***6VAC35-150-420. Contacts during juvenile's commitment.**

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the 14th District Court Service Unit to November 30, 2028.

Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the director or designee shall certify the facility for a specific period of time, up to three years.

TEAM MEMBERS:

Sherron Key, Team Leader
Wanda Parris-Flanagan, Central Office
Kevin Heller, Central Office
Ronnie Moore, Central Office

POPULATION SERVED:

The 14th District Court Service Unit serves the County of Henrico.

PROGRAMS and SERVICES PROVIDED:

- Mandated Services:
 - Intake Services: Diversion--Complaints that come before the intake unit, meeting statutory and policy requirements may be diverted.

- Juvenile Criminal Intake: Law enforcement and citizen complaints regarding juvenile criminal behavior are processed by intake - daytime and afterhours.
 - Civil Complaints: Intake processes relief of custody and protective orders for the citizens of Henrico. Additionally, they process Child-in-Need of Supervision and Child-in-Need of Services petitions.
 - Court services: Intake provides both delinquent services and domestic relations services to the juvenile and domestic relations court. The Henrico Court Service Unit provides 5 Courtroom Expeditors who are responsible for providing court coverage in 5 courtrooms.
- Pre-Dispositional Services:
- Pre-Court Services: Probation officers offer families the opportunity to engage in services prior to adjudication. The family has an option to either participate or not in community-based services.
- Pre-dispositional detention:
 - Courtroom expeditors provide pre-dispositional detention visit coverage with youth who have been detained by the court pending adjudication and disposition per procedure 9134.
 - Probation Officers complete risk assessments, Youth Assessment Screening Instrument, an extensive interview with families and a comprehensive written court report, per the Code of Virginia (16.1-273).
 - Probation Officers complete transfer reports for juveniles that have been charged with offenses that are considered serious offenders per 16.1-285.1 and 16.1-269.1. The report provides components of the juveniles' social history and other components.
 - Post-Dispositional Services:
 - Referrals(s) and reporting of outcomes to the court: The probation officer makes referrals to services that have been ordered by the court and monitors youths' compliance with the court order. The probation officers do not provide contact with youth or families.
 - Case Management:
 - The probation officer makes referrals to services that have been ordered by the court and monitors youths' compliance with the court order. The probation officers provide contacts with youth and/or families.
 - Probation Services:
 - Probation services are based on risk-based supervision. Probation offices determine the youths level of risk based on the YASI. The 14th Court Service Unit supervises juveniles on three risk levels: low, moderate and high. Probation services utilize interventions and Focus on Clients Under Supervision (FOCUS) to ensure clients have the necessary cognitive-behavioral, social and life skills to lead successful lives.
 - Parole Services:
 - The juvenile court commits youth to DJJ per the Code of Virginia 16.1-278.8. Direct Care and Parole services (re-entry) start at the time of commitment. Parole services are based on risk-based supervision. Parole Officers utilize YASI to establish risk-based supervision. Parole services also utilize YASI and FOCUS to ensure clients have the necessary cognitive-behavioral, social and life skills to lead successful lives. The 14th Court Service Unit supervises juveniles on four levels: level 4, level 3, level 2 and level 1. The parole officers are guided by the Re-Entry and Intervention Manual for Committed and Paroled Juveniles.
 - Primary Community Referrals:
 - The 14th CSU utilizes the Virginia Department of Juvenile Justice Regional Service Coordination Model, state and locally funded services:
 - Henrico County Mental Health

- Virginia Juvenile Community Crime Control Act Services (VJCCCA)
- The Comprehensive Services Act (CSA)

SIGNIFICANT CHANGES SINCE THE LAST AUDIT:

Matthew Bond was appointed director of the 14th CSU as of 5/25/25.

**CORRECTIVE ACTION PLAN
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

FACILITY/PROGRAM:	14th District Court Service Unit (Henrico)
SUBMITTED BY:	Matthew Bond, CSU Director
CERTIFICATION AUDIT DATES:	September 9, 2025
CERTIFICATION ANALYST:	Sherron Key

Under Planned Corrective Action indicate; 1) The cause of the identified area of non-compliance. 2) The effect on the program. 3) Action that has been taken/will be taken to correct the standard cited. 4) Action that will be taken to ensure that the problem does not recur.

6VAC35-150-350 (B). Supervision plans for juveniles.

350 (B). Supervision plans for juveniles. (9324)

In accordance with approved procedures, each written individual supervision plan shall be reviewed with the juvenile and the juvenile's family at least once every 90 days.

Audit Finding:

Three of six applicable cases did not have documentation that the written individual supervision plan was reviewed with the juvenile and the juvenile's family at least once every 90 days. The three cases did not have documentation that the supervision case plan was reviewed with the juvenile and, if necessary, revised/updated according to progress toward established goals or the need for additional goals and action steps.

Program Response

Cause:

The non-compliance resulted from poor staff planning, inconsistent training, and ineffective time management. In addition, staff and supervisors did not conduct required supervision plan reviews and approvals consistently.

Effect on Program:

There is limited effect on the program, as despite the lack of appropriate documentation and inconsistent review timeliness, discussions with staff confirm that youth and families remain involved in the process and have input into the development of supervision plans. The plans are correct and address the identified needs of the youth.

Planned Corrective Action:

- Audit results will be shared with supervisors and staff.
- The CSU Director will distribute and review the Community Programs Procedure 9230 (Case Planning) with all probation and parole staff in a meeting on October 24, 2025. The review will emphasize that supervision plans cannot exceed 45 days of a juvenile's placement on supervised probation.

- The CSU Director provided instruction on September 19, 2025, at a CSU staff meeting regarding the proper BADGE coding, wording and timeframes for completion and documentation of supervision plans.
- Each Unit Supervisor will continue to review all supervision plans to verify completion, accuracy, and individualized content. The deficiencies will be promptly corrected through feedback and coaching. Any ongoing issues will be documented in the employee's performance record.
- The CSU Director will provide audit feedback during the monthly CSU supervisors' meetings to ensure sustained compliance.
- The supervisors will develop a supervision plan/case plan quality assurance checklist and distribute it to staff by November 1, 2025.

Completion Date:

November 1, 2025

Person Responsible:

The CSU Director and Probation Supervisors will be responsible for the above corrective actions.

Current Status on January 9, 2026: Compliant

Six of six applicable cases, within a specific timeframe, had documentation that the written individual supervision plan was reviewed with the juvenile and the juvenile's family at least once every 90 days. The six cases showed that the supervision case plan was reviewed with the juvenile and, if necessary, revised/updated according to progress toward established goals or the need for additional goals and action steps.

***6VAC35-150-420. Contacts during juvenile's commitment.**

During the period of a juvenile's commitment, a designated staff person shall make contact with the committed juvenile, the juvenile's parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedures. The procedures shall specify when contact must be face-to-face contact and when contacts may be made by video conferencing or by telephone.

Audit Finding:

With Juvenile

Two of five applicable cases had no documentation that the PO conducted in-person visits with the juvenile at least every 90 days.

Four of six applicable cases had no documentation that the PO had monthly contact with the juvenile, either in-person, via telephone, or via video conferencing, to discuss progress, behavioral issues, and family updates for November 2024 on two of the cases, December 2024 on one of the cases, and March 2025 on one of the cases.

Two of five applicable cases, over several months for each case, did not have documentation, by the PO, that the following information, A-G, was reviewed during the monthly contact.

Two of five applicable cases, over several months for each case, had no documentation that the PO documented monthly contacts, in detail, in the Caseload Management module of BADGE as a "monthly contact."

With Family

Three of four applicable cases, over several months for each case, did not have documentation that the PO had contact with the parent or legal guardian in-person, at least, monthly, to provide identified services and support consistent with the Family Domain of the Comprehensive Re-entry Case Plan (CRCP).

Three of Four applicable cases, over several months for each case, did not have documentation of contacts or attempts to contact the parent or legal guardian in the Caseload Management Module of BADGE.

Three of four applicable cases, over several months for each case, did not have documentation, that the following information, A-F, was reviewed during the monthly contact.

Three of four applicable cases, over several months, did not have documentation that the PO had face-to-face contact with the parent or legal guardian.

Two of four applicable cases, over several months, had no documentation that the PO had contact with the family, in detail, in the Caseload Management module of BADGE or categorize the contact as a Family Progress Report to comply with regulations.

With JCC

Three of five applicable cases had no documentation that the PO and counselor made monthly contacts, either in-person, via telephone, or via video conferencing, to discuss progress, behavioral issues, and family updates. The date for the following month was not able to be determined due to no contact. There is no documentation that the PO ensured that contact occurred in order to comply with regulations for the several months contacts were missing.

Supervisor Responsibilities

Two of three applicable case files reviewed did not have documentation that the supervisor had a case staffing with the assigned probation officer at least every 30 days for all level three and level four cases. The conversation was not documented by the supervisor in BADGE.

Program Response

Cause:

The non-compliance resulted from employees not managing the required time frames. In addition, the Supervisor did not provide consistent case management reviews and did not monitor contacts through BADGE monthly.

Effect on the Program:

There is limited effect on the program, as youth continued to receive services and video contact with Parole Officers. The deficiency primarily impacted documentation and timely recording of visits rather than service delivery. The corrective actions implemented will strengthen monitoring, improve consistency, and ensure compliance with required contact standards.

Planned Corrective Action:

- The CSU Director will distribute the full *Reentry and Intervention Manual for Committed and Paroled Juveniles* to all staff by October 24, 2025. The CSU Director will highlight and reiterate the direct care contact requirements and documentation standards.
- As of October 1, 2025, CSU 14 has implemented a reallocation of additional staff resources to support the expanding direct care caseload.
- The CSU Director will require Parole Officers to exceed standards for face-face visiting committed youth. Parole Officers will visit committed youth locally, within 40 miles, on a monthly basis. Juveniles being held beyond 40 miles will be visited by Parole Officers every 60 days. This will provide adequate time for staff to reschedule visits as needed when facilities are on lockdown or otherwise unavailable. Treatment team attendance and monthly visits can occur on the same day.
- Supervisors will continue reviewing BADGE Community Insights Reporting compliance reports and individual entries in youth records monthly and verifying that documentation meets quality and timeliness standards.
- The CSU Director will review BADGE Community Insight reporting compliance reports and supervisory reports monthly to identify trends and areas requiring reinforcement.
- Staff who remain out of compliance for two consecutive months will receive progressive discipline.
- During the general staff meeting the CSU Director reviewed the audit results specifically to direct care contact compliance.

Completion Date:

January 1, 2026

Person Responsible:

The CSU Director and Probation Supervisors will be responsible for the above corrective actions.

Current Status on January 9, 2026: Compliant

Six of six applicable cases, within a specific timeframe, showed contacts during juvenile commitment were conducted by designated CSU staff with the committed youth, parents, guardians, or other custodians, and the treatment staff at the juvenile's direct care placement as required by approved procedure.

**CERTIFICATION AUDIT REPORT
TO THE
DEPARTMENT OF JUVENILE JUSTICE**

PROGRAM AUDITED:

28th District Court Service Unit (Abingdon)
193 East Main Street
Abingdon, Virginia 24210
(276) 676-6284
Amy Johnson, Director
amy.johnson@djj.virginia.gov

AUDIT DATES:

January 22, 2026

CERTIFICATION ANALYST:

Kevin T. Heller

CURRENT TERM OF CERTIFICATION:

March 15, 2023 – March 14, 2026

REGULATIONS AUDITED:

6VAC35-150 Regulations for Nonresidential Services Available to Juvenile and Domestic Relations District Courts

PREVIOUS AUDIT FINDINGS – December 13, 2022

100% Compliance Rating

CURRENT AUDIT FINDINGS – January 22, 2026

100% Compliance Rating

DIRECTOR'S CERTIFICATION ACTION – February 27, 2026: Certified the 28th District Court Service Unit to March 14, 2029, with a letter of congratulations for 100% compliance.

Pursuant to 6VAC35-20-100C.1, if the certification audit finds the program or facility in 100% compliance with all regulatory requirements, the director or designee shall certify the facility for three years.

TEAM MEMBERS:

Kevin T. Heller, Team Leader, Certification Analyst
Wanda Parris-Flanagan, Certification Analyst
Sherron Key, Certification Analyst
Ronnie Moore, Certification Analyst

POPULATION SERVED:

The 28th District Court Service Unit serves the City of Bristol and the Counties of Smyth and Washington.

PROGRAMS AND SERVICES PROVIDED:

Mandated Services:

- Intake: Intake services include receiving, reviewing, and processing delinquent and domestic complaints. Based on the information gathered, the officer determines whether a petition should be filed with the juvenile court.
- Delinquent Complaints: Intake services are provided 24 hours a day. The intake officer has the authority to receive, review, and process complaints. Based on the information gathered, the intake officer determines 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.

- After-hours on-call duties (5:00pm-8:00am) are performed by the 9th District Video Intake Unit in coordination with an on-call worker with the 28th District CSU, and the Highlands Juvenile Detention Center. The Video Intake Unit will process eligible petitions which result in a detention order. If a detention order is not processed, the arresting officer will be directed to contact the 28th District CSU on the next business day.
- When processing complaints, the intake officer considers statutory law, standards, DJJ policy, and court procedure in attempting to balance the needs of the complainant, the defendant, and the community. Intake officers provide immediate and effective interventions for youth in the least restrictive manner in lieu of formal court involvement.
 1. Refer to another agency: A complaint was received, probable cause established, and the family was referred to another agency for services.
 2. Resolution at Intake: A complaint was received, probable cause established, and the issue was resolved at the initial intake with the petitioner or with the juvenile and, if applicable, parent/legal guardian. When this alternative is used, no Diversion Plan is developed, no further CSU action is taken, and the case is closed.
 3. Diversion: A complaint was received, probable cause established, and the complaint was diverted, per DJJ procedure. The intake officer develops a Diversion Plan and Agreement, and the juvenile agrees to abide by the Diversion Plan. Diversion Plans include the provision of counseling, informal supervision, programs, or services, or a combination thereof, which is consistent with the public safety and the welfare of the juvenile. If the juvenile does not comply with the Diversion Plan and Agreement, the intake officer will contact the petitioner to advise an official petition may be processed. See §§ 16.1-227 and 16.1-260 of the *Code of Virginia*.
 4. Detention Orders: The decision to detain follows a structured process. In addition to probable cause, intake officers shall establish that at least one of the statutory criteria provided in §16.1-248.1(A)(1) of the *Code of Virginia* is met. If statutory criteria are met, Intake officers utilize the Detention Assessment Instrument (DAI) to guide their decision on detaining the juvenile. The DAI indicates if a juvenile should be released to a parent/legal guardian of other appropriate person, placed on a detention alternative or detained in a secure facility. DJJ provides procedures to guide CSUs to determine when an override of the DAI is appropriate. i. Detention Alternative- Currently, the 28th District CSU does not have a detention alternative available. Outreach Detention, Home Electronic Monitoring, and GPS are only available with a court order, via VJCCCA agreements.
 5. Domestic Complaints: The CSU provides services for domestic relations complaints, which can include non-support, family abuse, adjudication of custody, abuse and neglect, termination of parental rights, visitation rights, paternity, and emancipation.
- Pre-Court Services: We promote early engagement with community-based services that provide support to juveniles and families in crisis. This is accomplished by the provision of pre-court services case management by probation officers. Participation in services is voluntary.
- Investigations & Reports: The CSU completes court-ordered reports that describe the social adjustment of the youth before the court and provide timely, relevant, and accurate information.
- The CSU also completes post-dispositional reports for every youth placed on probation.
- Probation Supervision: The CSU provides case management/supervision services to youth in the community as ordered by the court. We manage each probation case with a balanced approach, focusing on public safety, accountability, and competency development.

- Parole Supervision: The CSU provides supervision services to those youth who are released from Bon Air Juvenile Correctional Center or private placement and are transitioning back to the community. Parole officers provide case management services, arrange for transitional services, and monitor the youth's adjustment to the community.
- Primary Community Referrals: *(Include description of service)*
 - A. DJJ Funded Services: Virginia Department of Juvenile Justice Regional Service Coordination Model.
 - a. Assessment/Evaluations: Services conducted by a qualified professional utilizing a tool to provide a comprehensive review with the purpose of making recommendations, provide diagnosis, and describe severity of symptoms.
 - b. Case Management: Coordination of services to assist youth and families with behavioral/mental health problems in gaining access to needed medical, social, educational, and other services.
 - c. Clinical Services: Treatments provided to individuals on an individual, group, or family basis.
 - d. Non-Clinical Services: An array of services targeted at providing intervention and support, and/or training in various community settings to build natural support and functional skills and assist youth in behavior change.
 - B. VJCCCA Services:
 - a. Outreach Detention: Assigned staff meet with youth at home, school, work, and in the community for up to six days per week to ensure compliance with court orders.
 - b. Intensive Supervision: Offers same supervision as Outreach Detention but is designed to work with youth returning to the community from state care or residential placement.
 - c. Electronic Monitoring: Monitors youth ordered by the Court to home confinement using an electronic device attached to the youth's ankle. Staff monitor activity daily.
 - d. Community Service: Provides approved work sites for youth, monitor progress, and report any problems and completions to the court.
 - C. Community Service Board Mental Health Position with DJJ Memorandum of Agreement for an onsite provider.
 - a. Washington County and City of Bristol-Highlands Community Services:
 - i. Mental Health Assessments
 - ii. Substance Use Assessments
 - iii. Crisis Intervention
 - iv. Referrals for psychiatric services for medication
 - v. Individual therapy
 - vi. Life Skill Building
 - b. Smyth County- Mount Rogers Community Services
 - i. Mental Health Assessments
 - ii. Substance Use Assessments
 - iii. Individual Counseling
 - iv. Family Counseling
 - v. Educational/Life Skills
 - vi. Referrals for psychiatric services for medication
 - D. Children's Services Act (CSA)
 - Full array of services as needed to meet individual needs of youth and their families.

DEPARTMENT OF JUVENILE JUSTICE REGULATORY AND GUIDANCE DOCUMENT UPDATE

March 27, 2026

ACTIONS WITH RECENT UPDATES:

6VAC35-20 Regulation Governing the Monitoring, Approval, and Certification of Juvenile Justice Programs and Facilities

Stage: Notice of Intended Regulatory Action (NOIRA) (Standard Regulatory Process)

Status: This regulation was last amended effective September 25, 2013. The department completed a periodic review in May of 2019 and recommended that the regulation be amended. This action makes the recommended amendments as well as other changes recommended by the work group assembled to work on this chapter. The NOIRA was submitted on December 20, 2024, and completed the Executive Branch Review on April 1, 2025. It was published in the *Virginia Register* on April 21, 2025, at which time the 30-day public comment period began. The public comment period ended on May 21, 2025, with no comments submitted. The board approved the proposed amendments and authorized the department to proceed to the Proposed Stage at its October 27, 2025, meeting. The department initiated the Proposed Stage and submitted it to the Office of the Attorney General on November 20, 2025. The OAG has been in contact with the department regarding this action, but it remains with them.

6VAC35-30 Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs

6VAC35-35 Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities (*New)

Stage: Proposed (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the process localities follow to obtain state reimbursement for local facility construction and renovation projects and proposes a new process for localities that have no plans to seek reimbursement for such projects. The NOIRA completed Executive Branch review on January 7, 2021, and was published in the *Virginia Register* on February 1, 2021. The 30-day public comment period generated no comments. The department initiated the Proposed stage on September 29, 2023. OAG completed their review on March 20, 2025. DPB completed their review on May 20, 2025. SPSHS completed their review on January 6, 2026. ORM and the Governor's Office completed their review on January 13, 2026. The department is working with the Registrar of Regulations to publish this action in the *Virginia Register*.

6VAC35-41 Regulation Governing Juvenile Group Homes and Halfway Houses

Stage: Final (Standard Regulatory Process)

Status: This regulation was last amended effective January 1, 2014. This action involves a comprehensive review of the regulatory requirements governing juvenile group homes

and other nonsecure juvenile residential facilities. The NOIRA completed Executive Branch review on October 7, 2016, and was published in the *Virginia Register* on October 31, 2016, yielding no public comments. The action was submitted through the Proposed Stage on April 17, 2020, completed Executive Branch review on April 21, 2021, and was published in the *Virginia Register* on May 24, 2021. The 60-day public comment period ended on July 23, 2021, with no public comments. On March 22, 2023, the board approved additional proposed amendments, and on April 28, 2023, the department submitted the amendments for Executive Branch review at the Final Stage of the standard regulatory process. The action has completed review by the OAG, DPB, and the SPSHS, and was at ORM at the end of the previous administration. No further action has been taken.

6VAC35-71 Regulation Governing Juvenile Correctional Centers

Stage: Final (Standard Regulatory Process).

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 3, 2016. At the NOIRA stage, no public comments were submitted. The Proposed action completed Executive Branch review on September 5, 2019, and was published in the *Virginia Register* on September 30, 2019. The 60-day public comment period ended on November 29, 2019, yielding no public comment. Because numerous significant changes were made after the Proposed Stage, the action was advanced through a Revised Proposed Stage submitted on August 31, 2021, which completed Executive Branch review on January 4, 2022, was published in the *Virginia Register* on February 14, 2022, and subjected to a 30-day public comment period ending on March 16, 2022. The board approved additional amendments on September 21, 2022, for advancement to the Final Stage of the standard regulatory process, and the department submitted the amendments for Executive Branch review on December 20, 2022. On November 1, 2024, the department asked the Office of the Attorney General to return the action to the department to address concerns regarding regulatory overreach. On August 18, 2025, the board approved additional amendments to address these concerns. The department is preparing the documents to resubmit the action at the Final Stage.

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

Stage: Proposed (Standard Regulatory Process)

Status: This action creates a new Part X in 6VAC35-101 pertaining to Community Placement Programs (CPPs). The NOIRA was published in the *Virginia Register* on June 17, 2024, and the department received no public comment. The Proposed Stage was submitted on December 4, 2024. The OAG completed their review on March 20, 2025. DPB completed their review on May 12, 2025. The SPSHS completed their review on January 6, 2026. The action was left at ORM at the end of the previous administration, and no further action has been taken.

6VAC35-170 Regulation Governing Juvenile Data Requests and Research Involving Human Subjects

Stage: Proposed (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the chapter addressing the process individuals must follow when they submit a request for data or seek to perform research involving individuals under the care or supervision of the department or board-regulated facilities. The NOIRA completed Executive Branch review on March 15, 2024, and was published in the *Virginia Register* on April 8, 2024. The 30-day public comment period yielded no comments. The department initiated the Proposed Stage on March 10, 2025. The OAG completed its review on March 20, 2025, DPB completed its review on June 9, 2025, and the SPSHS completed its review on September 15, 2025. ORM and the Governor's Office completed their reviews on September 30, 2025. The action was published in the *Virginia Register* on November 3, 2025, initiating a 60-day public comment period, which concluded on January 2, 2026.

Next Steps: The action will be submitted to the board for advancement to the Final Stage at the March 27, 2026, meeting.

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

Stage: Final (Standard Regulatory Process)

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements governing secure juvenile detention centers. The NOIRA completed Executive Branch review on September 23, 2016, and was published in the *Virginia Register* on October 17, 2016, yielding no public comments. The action was submitted through the Proposed Stage on September 3, 2019, completed Executive Branch review on April 21, 2021, and was published in the *Virginia Register of Regulations* on May 24, 2021. The 60-day public comment period ended on July 23, 2021, and resulted in two public comments. The Final Stage was submitted on June 16, 2022. The action has completed review by the OAG, DPB, and the SPSHS, and was at ORM at the end of the previous administration. No further action has been taken.

6VAC35-150 Regulation for Nonresidential Services

Stage: NOIRA (Standard Regulatory Process)

Status: This action seeks to make comprehensive amendments to the Regulations for Nonresidential Services, the chapter that governs court service units and other nonresidential programs. The board authorized the department to initiate the NOIRA stage of the standard regulatory process on August 18, 2025. DPB completed its review of the NOIRA on September 16, 2025. The SPSHS completed its review on January 6, 2026. The action was at ORM at the end of the previous administration. No further action has been taken.

6VAC35-180 Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles (Ken)

Stage: Proposed (Standard Regulatory Process)

Status: This regulation became effective January 1, 2008, and has never been amended. This action involves a comprehensive overhaul of the regulatory requirements to ensure the continued provision of post-release services for incarcerated juveniles with a

substance abuse, mental health, or other therapeutic need. The NOIRA completed Executive Branch review on January 4, 2022, and was published in the *Virginia Register* on February 14, 2022. The required 30-day public comment period ended on March 16, 2022, and yielded no comments. The department initiated the Proposed Stage of the standard regulatory process on July 21, 2023. This action has completed review by the OAG and DPB. It is currently under review by the SPSHS.

6VAC35-200 Regulations Governing Youth Detained Pursuant to Federal Contracts (*New)

Stage: Proposed (Standard Regulatory Process)

Status: This action seeks to establish new regulations applicable to programs for youth detained in juvenile correctional facilities pursuant to contracts with the federal government. The action is intended to carry out the legislative directive in Chapter 599 of the 2020 Acts of Assembly. The NOIRA completed Executive Branch review on January 30, 2021, and was published in the *Virginia Register* on March 1, 2021, yielding no public comment. The Proposed Stage was submitted on December 20, 2022. The OAG and DPB completed their reviews, and the action is now under review at the SPSHS.