

Tyren Frazier, Chair
Robert Vilchez, Vice Chair
Dana G. Schrad, Secretary
David R. Hines
Scott Kizner
Robyn D. McDougale
Quwanisha H. Roman
Gregory D. Underwood



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COMMONWEALTH of VIRGINIA
Board of Juvenile Justice

VIRTUAL BOARD MEETING

December 1, 2020

AGENDA

9:30 a.m. Board Meeting

1. **CALL TO ORDER and INTRODUCTIONS**
2. **CONSIDERATION of the September 16, 2020, MINUTES** (Pages 3-29)
3. **PUBLIC COMMENT**
4. **OTHER BUSINESS**
 - A. Consideration of the Virginia Juvenile Community Crime Control Act Plan for the York County Combined Plan (Page 30)
Beth Stinnett, Statewide Program Manager, Department of Juvenile Justice
 - B. FY2020 Human Research Report (Pages 31-47)
Dhara Amin, Senior Research Associate, Department of Juvenile Justice
 - C. Tidewater Youth Services Commission, Request to Extend Variance for Apartment Living Program (Pages 48-56)
Kristen Peterson, Regulatory Coordinator, Department of Juvenile Justice
 - D. Request for Consideration of Compulsory Minimum Training Standards and Performance Outcomes for Direct Care and Security Employees (Pages 57-82)
Kristen Peterson, Regulatory Coordinator, Department of Juvenile Justice
5. **DIRECTOR REMARKS AND BOARD COMMENTS**
6. **2021 MEETING SCHEDULE:** April 7, June 16, September 1, and December 1
(All meetings start at 9:30 a.m.)
7. **ADJOURNMENT**

GUIDELINES FOR PUBLIC COMMENT

1. The Board of Juvenile Justice is pleased to receive public comment at each of its regular meetings. In order to allow the Board sufficient time for its other business, the total time allotted to public comment will be limited to thirty (30) minutes at the beginning of the meeting with additional time allotted at the end of the meeting for individuals who have not had a chance to be heard. Speakers will be limited to 5 minutes each with shorter time frames provided at the Chair's discretion to accommodate large numbers of speakers.
2. Those wishing to speak to the Board are strongly encouraged to contact Wendy Hoffman at 804-588-3903 or wendy.hoffman@djj.virginia.gov three or more business days prior to the meeting. Persons not registered prior to the day of the Board meeting will speak after those who have pre-registered. Normally, speakers will be scheduled in the order that their requests are received. Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to insure that the Board hears from different points of view on any particular issue. Groups wishing to address a single subject are urged to designate a spokesperson. Speakers are urged to confine their comments to topics relevant to the Board's purview.
3. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Please provide at least 15 written copies if you are able.



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DRAFT MEETING MINUTES

September 16, 2020 ☞ Virtual Meeting

Pursuant to amendments to the Budget Bill approved on April 24, 2020, and set forth in Item 4.0-0.1, and in light of the Governor's declaration of a state emergency to curb the spread of COVID-19, the Board of Juvenile Justice met by videoconference at its September 16, 2020, meeting. The Board considered a virtual meeting necessary due to concerns that the nature and continuing spread of the virus throughout the Commonwealth rendered meeting at a single location unsafe for Board members, Department of Juvenile Justice personnel, and members of the public.

Board Members Present: Tyren Frazier, Scott Kizner, Dana Schrad, Gregory Underwood, and Robert Vilchez

Board Members Absent: David Hines, Robyn McDougle, and Quwanisha Roman

Department of Juvenile Justice (Department) Staff Present: Ken Bailey, Melinda Boone, Valerie Boykin, Ken Davis, Mike Favale, Wendy Hoffman, Linda McWilliams, Margaret O'Shea (Attorney General's Office), Shaun Parker, Jamie Patten, Kristen Peterson, Beth Stinnett, James Towey, and Angela Valentine

CALL TO ORDER

Acting Chairperson Tyren Frazier called the meeting to order at 9:40 a.m.

INTRODUCTIONS

Acting Board Chair Frazier welcomed those present and asked for Board member introductions. Director Valerie Boykin asked for staff introductions. Due to the media platform used for the meeting, guests were not able to make introductions.

BOARD ELECTIONS

James Towey, Legislative and Regulatory Affairs Manager, Department

Pursuant to Section 5.01 of the bylaws, the officers of the Board are elected from its membership and include the Chairperson, the Vice-chairperson, and the Secretary who each shall be elected by the Board at its first regular meeting of the fiscal year. Officers shall serve for a term of one year and shall be eligible for re-election.

The Chairperson shall be the presiding officer of the Board at its meetings. Upon request of the Board, the Chairperson shall act as its spokesperson or representative and shall perform such additional duties as may be imposed on that position by an Act of the General Assembly or by direction of the Board. The Chairperson shall be an ex officio member of all committees of the Board.

Acting Chairperson Frazier noted his willingness to serve as chairperson and asked the Board for discussion or other nominations. There was no discussion or other nominations.

On motion duly made by Scott Kizner and seconded by Robert Vilchez, the Board of Juvenile Justice approved the nomination of Tyren Frazier as Chairperson by roll call vote as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

In the absence of the Chairperson at any meeting or in the event of disability or of a vacancy in the office, all the powers and duties of the Chairperson shall be vested in **the Vice-chairperson**. The Vice-chairperson shall also perform such other duties as may be imposed by the Board or the Chairperson.

Chairperson Frazier nominated Robert Vilchez for Vice-chairperson and asked for discussion. There was no discussion.

On motion duly made by Tyren Frazier and seconded by Dana Schrad, the Board of Juvenile Justice approved the nomination of Robert Vilchez as Vice-chairperson by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

The Secretary shall (1) review and recommend improvements to Board meeting procedures and other relevant Board business so as to facilitate the administrative efficiency of the Board; (2) ensure the development of appropriate resolutions, etc., which are needed by the Board from time to time; (3) serve as the Board's parliamentarian; (4) work closely with the Department staff assigned to provide administrative assistance to the Board to review and sign minutes and policy documents, etc.; and (5) ensure that unique or non-routine materials and equipment are available for the Board to carry out its functions. In the event that both the Chairperson and Vice-chairperson are absent at any meeting, the Secretary shall preside over the meeting.

Chairperson Frazier asked for discussion and Dana Schrad was nominated by Scott Kizner.

On motion duly made by Tyren Frazier and seconded by Robert Vilchez, the Board of Juvenile Justice approved the nomination of Dana Schrad as Secretary by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

APPROVAL OF June 24, 2020, MINUTES

The minutes of the June 24, 2020, Board meeting were provided for approval. On motion duly made by Dana Schrad and seconded by Robert Vilchez, the Board approved the minutes as presented by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

PUBLIC COMMENT PERIOD

The Board heard public comment from four members of the public regarding the Prince William County construction proposal.

Emily Crego: I am a resident of Prince William County and have lived in Woodbridge for four years. I work with a group of residents to better provide support to our most vulnerable population. We learned recently of Prince William County's plan to construct a new juvenile detention facility in our district, potentially diverting much needed resources from social services. We understand there are various funding streams; however, we believe the funds potentially allocated through the General Assembly or other sources could be better allocated to educational or social services to allow improvement of the quality of life for our most vulnerable residents.

We are concerned specifically about statistics around incarceration rates by race. We learned that 80% of the youth incarcerated in the current juvenile detention center (JDC) are of color, black or Latinx, and we have to pause. We have to think before we run down the road of massive new investments with these racial disparities. This new carceral facility is a massive investment for our county. There is no getting around it, it is a jail for our youth. Most of the youth that will live there will be of color. We need to stop and take in these realities, and understand if we do this, we will actually be contributing to harm. That is our concern as Prince William County citizens and residents.

We do not believe that the county has done enough work to address inequities before requesting funds and approval for a new facility that represents a massive investment that could be used elsewhere on social programs. We recognize the existing facility is worse and unsustainable; however, again, we do not believe the current plan demonstrates enough focus on systemic issues in our county that lead to the disproportional number of blacks and Latinx youth being incarcerated. Realizing this is "better" than other options, it is not. Our youth should not be incarcerated at all and not for petty crimes, which is what we have heard from youth and from the data. Twenty-five percent of charges in 2015 were for violations of supervision and parole violations. We know this is how incarceration in this country works. Once someone is in the system, it is easy to pull them back in repeatedly and entrap them in a carceral system and cycle.

Our crime rate in Prince William County has gone down, even as our county's population has gone up. The needs assessment argues that the varying and increasing population requires a new jail. As the population goes up, you need to build more schools and day care centers, but more jails? A school to prison pipeline is not addressed or understood in the planning study or in our supervisor's comments back on July 21. Again these measures and this new center do not really get at the underlying issues. The school to prison pipeline is present here. This concept is used to describe the disproportional youth of color that are suspended from school, expelled, reported to law enforcement, and end up incarcerated. Again with 80% of the youth in the JDC being of color, this pipeline is well in place in our county. The selected color palettes are calming, but do not really get at the issues. In fact, it is an insult to our communities to think that a fancy new facility will result in systemic and social change. We believe this is the absolute wrong angle.

In closing, ask yourselves if this investment is necessary and ask, as we have and will continue to of our Board of Supervisors, if this is the right investment for Prince William County's youth.

Lubna Azmi: I am a resident of Prince William County and am here to speak out about the plan for a new JDC in Manassas. I have been a member of this community my entire life and a recent graduate of Prince William County schools, a school that has an exuberant school to prison pipeline. The plan to create any detention center is a reactive proposal to systemic issues that are racist and classless policies that are exasperated.

The school to prison pipeline has a lifelong impact on the lives of our youth. The racial makeup of children from Prince William County serving time are 80% black or Latino. Ninety percent have mental health issues. Nationally, 50% of youth are re-incarcerated within three years. Seventy percent are serving for non-violent offenses. Creating a more humane facility does not solve these issues. A cage is a cage. The racial justice uprisings going on now are highlighting a need for a different approach to lessening this harm. We need to create plans that divest in the use of detention centers and invest in rehabilitation for our community. A quote from the organization, Kids Rising, provides “the criminalization of children and youth, excess in an exclusion of school discipline policies and juvenile justice involvement, push too many children and youth into or deeper into the criminal justice system.”

Criminalization diminishes opportunities, disrupts communities, and perpetuates a cycle of racial and economic injustice. I personally have seen this my entire life. I have many close friends that have been through the school to prison pipeline whether it be an alternative school, suspensions, expulsion, or detained in a JDC. They are incredible people that did not have support. I have many friends that could have fallen victim, but had teachers and family members to support them or available programs. I am a student at Johns Hopkins University and I look at myself and wow, I made it because I had the support that was necessary to get me where I needed to be. But my friends do not, they do not want to reminisce about their experiences at the JDC or the alternative school. They want to leave that part of their lives behind and go forward. The only people that are supporting them to go forward are themselves. It is heartbreaking to see. I have seen so many amazing people fall victim to this system.

Instead of investing in the prison industrial complex and this new facility, we need to invest the proposed funds in preventive support, mentorship programs, and other social services that would omit interaction children would have with an incarceration system. Doing that is how we create long lasting solutions that will flourish care in our future generations.

Aida Campos: I am a resident of Prince William County. This Board is at a turning point where it can decide to fund and invest in the lives of youth in this county or be complicit and profit off of the mental health deterioration of youth, the school to prison pipeline, and continue to cause harm in our community. Growing up in this county, I attended Beville Middle School, one of the middle schools in this county that at the time, had a reputation of being full of troubled kids. These kids often faced suspension, were not strangers to cops knocking on their doors, visiting their homes, pulling them out of school, and sending them away. I did not understand back then what all of it meant; however, what I know now as someone who has gone through the Prince William County public school system, the students by my side often came from low income families, single parent homes, and potentially did not have strong networks of support. I remember growing up and hearing classmates were sent to alternative schools that used military style teaching or JDCs for things as small and simple as panic attacks, burst of anger and rage, or even more serious issues that could be handled with counseling, support, and family services. I remember thinking as a thirteen year old, “how is this going to help

my friends and classmates?" Seeing my classmates come back home after a couple of months of being locked up in a cage or being forced to go through military style training camps only seemed to make them come home feeling more abandoned, discarded, and hopeless because of the system they went through.

Rather than pour money in a project that will continue the cycle of breaking our youth down, I urge you to look at alternative models like investing in mentorship programs that drastically increased SOL scores in Fredericksburg schools; providing more financial aid to children and families; giving schools more programming and available transportation after hours so they feel connected to their schools, teachers, faculty, and sports; and stopping the practice of students incurring debt for not being able to pay their lunch fees.

We are watching closely to see whether you will support a cause that will only lead to more harm down the line or if you will decide to nurture our youth. Multiple studies show that JDCs actually harm our youth educationally and academically. A nationwide survey of the system indicated a majority of juveniles in these centers were performing well below grade level in basic studies such as reading and math. That same study also determined that most children that go to detention centers grow into adults that face mental health issues. We are all asking, your community is asking this Board to please invest in children's lives, in youth lives. Do not harm them anymore.

Linda Keuntje: I am a resident of Prince William County. Today, you will consider Prince William County's proposed JDC, and I cannot stress enough that the needs assessment provided is not one on which multi-million dollar decisions should be based. First, there was no effort to explain the positive trends in youth arrest or detention population, and by positive I mean trending downwards. We have no way of knowing if these trends are the result of community programming that could be scaled up, a fluke, or the start of positive change in the community that could keep going. Secondly, it only made the barest of efforts to consider alternatives to incarceration and did not bother to engage youth, their parents, or other community stakeholders. Once more there is no evidence provided to show that the existing buildings cannot be adapted. Nor has there been an assessment on what would be involved in updating the current building. The JDC is simply labeled functionally obsolete.

What do we expect from an assessment performed by an architect and engineering firm driven by profit? They do not share our goals. But they should be good at math, and yet there are sloppy mathematical errors in some data tables and the use of linear regression to draw conclusions about JDC population calling into question the quality of the firm's analytical work. On page 62 of the needs assessment, the graph shows clearly that the data points do not huddle around the regression line, which is what we would expect if there is a relationship between JDC population and the past. Despite the chart making these lack of relationships very clear, the assessment still tells us that this is the model that best predicts future populations. This is not a good use of a statistical model.

Maybe you feel in your gut that something must be done and the new facility is going to be trauma informed, which is good. But again, there is no proper evidence in the form of a thorough evaluation showing that the Missouri Model works or how it works or why it works. There are no reports explaining what is necessary to successfully replicate it. Maybe Prince William County Supervisors are okay with all of this because the taxpayers

across the state will help flip the bill, but that does not explain why the DJJ is playing loosely with taxpayer money.

Now 2020 has thrust us into a new America that will no longer ignore systemic racism and mass incarceration. The Northam Administration was ahead of its time when it issued Executive Order 32 related to inequities in Virginia's law and regulations. But while we can remove the words from papers and websites, the laws and regulations that supported for decades what people experienced on a day-to-day basis will continue unless we work on all levels to uproot it, and that includes our school system, our policing, and our public services.

Eighty percent of the youth at the JDC are African American or Latino, as already noted; that is not a fluke, it is a feature of the American justice system. While the youth of Prince William County are calling for systemic change, Prince William County is changing school names and building new prisons. We have got to pause business as usual and look for real alternatives. Prince William County is happy to say it is following Northam's lead and will establish a racial justice taskforce, and that is commendable. DJJ must deny approval for the proposed JDC until the taskforce has completed its work and we have an improved understanding of the school to prison pipeline in the county.

I am asking, are you really going to carry on with prisons for children without putting at least an equal amount of effort into community programs, mentoring, and skills training? The children who are being incarcerated in this prison will have their lives permanently altered. DJJ must require Prince William County to take the time to answer the call for a better America before approving this prison.

DIRECTOR'S CERTIFICATION ACTIONS

Ken Bailey, Certification Manager, Department

Mr. Bailey directed the Board to the packet, which contained the individual audit reports and a summary of the Director's certification actions completed for August 5, 2020.

The audit for the Crater Juvenile Detention Center found one minor deficiency for failure to document a medication issue with a physician. The facility corrected the issue, and Director Boykin certified Crater Juvenile Detention Center until May 8, 2023.

Crossroads Community Youth Home had a difficult audit with 21 deficiencies, six of which were critical. The program endured many changes in administration and staffing since their previous audit where they obtained a 100% compliance. The Certification Team conducted a monitoring visit; however, the review occurred while the facility underwent a temporary suspension of population because of positive COVID-19 staff. The facility remained closed for a period of time. The Certification Team performed a virtual review of the records, and there was one area that remained non-compliant and three training areas that were not determinable. As a result, the current certification of Crossroads Community Youth Home was continued to January 2021 with a status report on the non-compliance findings. On September 1, the facility contacted the Department to indicate their decision to permanently close Crossroads Community Youth Home due to lack of staffing, low utilization rate, and to repurpose that money into other areas. The facility has surrendered their licensure on certification, and Crossroads Community Youth Home is no longer a certified community youth home.

Summit Transitional Living Program is a new facility primarily handling older youth transitioning from the juvenile correctional center to the community. The facility has had growing pains, and the certification team has conducted continuous monitoring visits to the facility. The most recent was May 21 where the certification team was pleased with the findings and the facility's efforts to maintain compliance with the regulations. Director Boykin certified the Summit Transitional Living Program until April 29, 2022. At that time, the Certification Unit will perform a full compliance audit.

Westhaven Boys' Home in Portsmouth also had a temporary closure due to positive test results for COVID-19. The facility has since reopened. A full audit was conducted in February and found four deficiencies. Those deficiencies were corrected by their virtual monitoring visit in May. Westhaven Boys' Home was certified until July 9, 2023.

The audit for the 12th District Court Service Unit found two minor documentation issues. Both issues were corrected during a monitoring visit, and the program was certified until May 18, 2023.

The 30th District Court Service Unit had a 100% compliance on its audit and was certified until June 17, 2023.

Virtual Audit Program: In March, when faced with the COVID-19 pandemic, Mr. Bailey was challenged with developing a virtual audit program that would eliminate the need for onsite certification visits. The development of the program for court service units has been completed and implemented. The new program has been well received.

The audit process has been divided into two parts. Part one is the Director's assessment, which relies on the program administrator to self-report certain components that are generally done through the onsite interview process. This part is efficient and saves time and resources. Part two is the certification analyst's assessment of records in the Department's electronic data system called BADGE. The facility uploads information to a secure folder on the Department's shared drive where the audit team is able to review cases and make determinations. Then, through the use of Google Meets and GoToMeeting, there is ongoing communication and conversations between the audit team and the personnel at the facility being audited.

The virtual audit program will move the Department through the pandemic, but the Certification Unit is looking at the program for the future to improve the efficiency of the entire certification process. Likewise, the Certification Unit developed a similar monitoring tool for JDCs and group homes. It is still in the implementation phase. Mr. Bailey is pleased with his staff and their investment in the process.

OTHER BUSINESS

Review of Board Bylaws

James Towey, Legislative and Regulatory Affairs Manager, Department

Pursuant to Section 7.01 of the Board bylaws, the Board shall review their bylaws annually to comply with amendments that have been made to the *Code of Virginia* sections from the past session. Two amendments need to be made to the bylaws as the result of bills passed from the 2020 General Assembly session.

House Bill (HB) 1648 imposed requirements for the treatment and control of prisoners known to be pregnant. While the vast majority of the bill pertains to adult prisoners in adult facilities, a small portion of the bill amends Section 66-10 pertaining to the Board's Powers and Duties, specifically paragraph 9. This paragraph requires the Board to establish training standards for juvenile correctional officers. The bill adds that for juvenile correctional officers who have contact with pregnant inmates, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates. The proposed bylaw amendment adds this language to Section 3.01 and mirrors the statutory change that was made in HB 1648 with the exception of supplanting the word inmates with residents. The Department refers to its youth as residents, not inmates.

Senate Bill 20, passed by the 2020 General Assembly, created a new statute, 66-10.2, which requires the Board to establish regulations regarding youth detained in correctional facilities pursuant to contracts with the federal government. The proposed bylaw amendment adds to Section 3.02 and mirrors the language in the new statute which is Section 66-10.2 of the *Code of Virginia*. This provision requires the Board to promulgate regulations governing the housing of youth who are detained in a juvenile correctional facility pursuant to a contract with the federal government and not committed to such juvenile correctional facility by a court of the Commonwealth.

Mr. Towey asked the Board to approve these amendments.

On motion duly made by Dana Schrad and seconded by Greg Underwood, the Board of Juvenile Justice approved the amendments to Article 3 of the Board of Juvenile Justice Bylaws by roll call, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. Motion carried.

Consideration of the Program Design and Planning Study for Prince William County Juvenile Detention Center and Molinari Juvenile Shelter

Chief Deputy Director Angela Valentine presented the discussion on the program design and planning study for Prince William County. The approval of the program design and planning study is the next step in the regulatory requirement and mandates the Board's approval for Prince William County to move forward. Chief Deputy Director Valentine introduced the representatives from Prince William County. Courtney Tierney is the Director of the Prince William County Department of Social Services, Ian Sansoni is the Deputy Director of the Prince William County Department of Social Services, and Carrie Henaghan is from Mosely Architects, which conducted the needs assessment and planning study. The Board was advised to contact the Department if they wanted a copy of the complete planning study.

Ms. Tierney explained that the Prince William County Department of Social Services (Prince William) is a unique organization that includes the Division of Juvenile Services, which directly operates the Prince William County

Juvenile Detention Center (JDC) serving the 31st district that includes the Cities of Manassas and Manassas Park. Prince William also operates the Molinari Youth Shelter.

Mr. Sansoni began his presentation found on page 96 of the Board packet. The project emerged out of how best to align Prince William's facilities in order to serve youth with the best evidence-based, evidence-informed, and trauma-informed juvenile practices. Lessons learned from the Missouri Model and consistent with the DJJ transformation and evidence-based and evidence-informed practices are driving Prince William's planning process.

In 2018, Prince William submitted a needs assessment for the Board's consideration, per the *Code of Virginia*. The needs assessment, first approved locally by Prince William County, was approved by the Board. Following those approvals, Prince William completed an extensive two-year planning study and program design. Part of that phase included not just looking at current operations, trends, and statistics in the community but performing site visits to various locations across the country to look at other facilities and their lessons learned. The discussion was robust within the organization, and the decisions were based on research around evidence-based, trauma-informed models.

Prince William believed it would be more efficient to co-locate the JDC and the Molinari Youth Shelter, a non-secure facility, next to each other on the same property. These two facilities are currently 16 miles apart.



The design concept (pictured above) will try to replicate patterns of daily life, pay attention to acoustics, and select colors and patterns that are visually stimulating. These are research-based designs in the trauma-informed arena. Prince William realized through its research the effectiveness of trauma-informed design, which is not in the security model of older facilities. The design concept uses earth tones and natural light.

The existing JDC building has 72 beds. The proposal for the new JDC facility is reduced to 48 beds. The proposal for the non-secure Molinari Youth Shelter would increase by five beds, from 15 to 20 beds. Discussions with local stakeholders focused on having more options for detention alternatives, such as more beds in the non-secure facility.

The planning study focused on the facility design and improvements. The current facility lacks space for private visits with counselors, has narrow corridors, block design, and few secure reception areas. These security concerns challenge situational awareness. The design of the facility impacts the operation, and having a better designed facility will help Prince William administer the program.



The exterior rendering shows the JDC on the left and the youth shelter on the right. Per regulation, the two facilities must be separate and operate separately because Molinari Youth Shelter is a non-secure facility. The facilities would be connected via a secure pathway in order to have shared medical, shared administration, and shared staff. The facilities would function independently but share efficiencies through a walkway. The youth would not co-mingle.

The layout design shows the administrative offices on the right and the gymnasium in the back. The concept design focuses on maximizing the facility use by eliminating long sight lines and having natural light.

The proposed JDC includes a school operated through the Virginia Department of Education (VDOE). Prince William conducted a stakeholder meeting with VDOE and others to discuss engaging youth more through education. Comments from the education stakeholders included creating distinct and separate spaces within the facility so youth can leave the residential area, where they rest and sleep, and move to the actual school building. It is important to separate those functions and replicate normal life by creating separate and distinct areas so youth can have the opportunity to transition physically, mentally, and emotionally. Prince William is intent on including stakeholders to inform the design.

One important aspect of youth supervision is allowing for exercise. Prince William learned from site visits that gymnasiums are a great space for multi-functional use. One facility the group visited had indoor and outdoor spaces and included concepts such as family visitation rooms. Local school principals hold graduation ceremonies in the gymnasium. It is important to Prince William to use the space in multiple ways to engage youth and the community and encourage this engagement through facility design.

Prince William talked with operational staff and looked at the trends on the best way to lay out the pod design. Prince William is endeavoring to make the facility as residential or community-based as possible. The design tries to balance natural light corridors and to minimize long runs and improve acoustics while maintaining security, even down to the details of where to place security staff and therapists and how they are positioned to maintain proper sight and sound supervision. Prince William believes the design is the best way to maximize the opportunity for youth to live and benefit from their time in a facility.

Prince William provides a full nursing staff and contracts with a physician. The facility design includes an evaporation system for negative air pressure, a lesson learned from COVID-19. It is vitally important to design a facility with proper systems. The current JDC was built in the 1970s, and those standards and designs have evolved. One of the challenges Prince William encountered involved the difficulty in retrofitting the current facility. Building a new facility will allow Prince William to meet standards and to do so efficiently. Due to COVID-19, Prince William also learned that it needed to adjust simple things, such as how to provide medical care, medical visits, and where in the facility these medical services should occur. Prince William considered whether a youth presenting with symptoms or illness can be isolated and how it can be done functionally in the building. It is important to Prince William to take that into consideration, especially in the design phase. This presents a challenge in the current facility due to its design. Prince William is intently focused on medical and behavioral health and what that looks like in the new facility.

Another challenge in the shared facilities is creating secure space in the back of the facility that can serve as a central point for a loading dock and supply distribution. This design would enable the two facilities to receive goods and services in a shared area and distribute to the campus from this area. The design would include an onsite maintenance hub in order to quickly respond to maintenance issues. In the past, Prince William has had challenges with facility standards and the need to quickly bring in maintenance in a secure fashion. Prince William is intentional about its design incorporating support services in the right place in the facility so it is centrally located and compliant with safety and security standards.

Molinari Youth Shelter is currently a 15-bed facility; the proposed design plan is for 20 beds. This will allow Prince William to accommodate detention alternatives and reduce the number of youth unnecessarily exposed to a JDC setting. It will also help provide options for the local Juvenile and Domestic Relations court.

One of the challenges in creating the Molinari Youth Shelter plan and JDC is determining the right bed capacity and how to maximize facility use. For example, there are strict standards for ratios of supervision to youth. Prince William spent a lot of time on pod design. They looked at various design standards in order to meet the ratio. To comply with ratio standards, if the facility has one female over the supervision ratio, the facility will need to open a separate wing to meet those standards. Prince William looked at cutting-edge ways to maximize facility use to meet the supervision ratio and PREA standards.

Prince William is responsible for providing a juvenile services continuum that includes pre-trial supervision in the community and in the non-secure (youth shelter) and secure facility (JDC). Prince William is proposing to co-locate all functions at the same site to have continuity among staff, leadership, and potential for future

programming such as adding detention alternatives. The campus model, pictured on page 108 of the Board packet, will bring together all of the continuum services.

Mosely Architects contracted with Downey and Scott, a local firm in Northern Virginia, to complete a regional cost estimate. There are varied degrees of cost and expenses. Prince William followed DJJ standards and included the R.S. Means, but also localized the numbers for constructing the facilities in Northern Virginia.

Total Project Cost	D.J.J. Formula R.S. Means	Downey & Scott (includes 10% design contingency)
JDC total project cost	\$29,142,615	\$35,002,596
Molinari total project cost	\$9,766,012	\$11,190,804
Total Estimated Project Cost	\$38,908,627	\$46,193,400

The project estimate is \$35 million for the JDC project and \$11 million for the Molinari Youth Shelter with a total estimated cost of \$46 million. The proposal includes a 48-bed facility for the JDC and a 20-bed facility for the Molinari Youth Shelter. Prince William is aware of the average daily population trends in the Commonwealth and the nation and that the population continues to grow in Prince William County. Detention population may decline while the population increases. The challenge is figuring out the right size facilities. Prince William considers 48 beds in the JDC and 20 beds in the Molinari Youth Shelter as the ceiling and does not plan to exceed those numbers. However, the number of beds in the JDC could be considerably lower. As Prince William moves forward with the plan, if the facility instead lowers the beds to 30, then the costs would decrease. Determining the right size facilities has been the hardest aspect in the planning process. Prince William has taken a holistic approach throughout the process and will continue to engage local stakeholders. Prince William expects fewer than 48 beds in the JDC and either the existing 15-bed capacity or nearly 20-bed capacity for the non-secure Molinari Youth Shelter.

Prince William is requesting the Board approve its planning study. If approved, Prince William can move to the design phase by the end of the year and simultaneously submit the request for 50% reimbursement for construction costs to the General Assembly. From design to occupying the facility is only a two-year process, assuming no issues and full approvals.

Board Member Schrad said the Board should be acutely aware of criminal justice reform at this moment in time. This facility may go online by 2024, and it is overwhelming to think of the possible changes to laws, new standards for facilities, and improvements to diversion programs. Board Member Schrad asked if Mr. Sansoni predicts that the facilities will be able to adapt to changes, as public policy and the process of detaining youth may change by 2024.

Mr. Sansoni responded that the planning process has taken two years, and in those two years, everything Board Member Schrad mentioned has evolved. Prince William is responsible for providing the best environment for its youth but is not involved with their placement. Prince William recently received a \$40,000 grant and intends to bring together stakeholders including judges, schools, local law enforcement, and community members to look at how to improve the facilities, how to improve services, and racial and ethnic disparities in the system. These conversations will inform the design of the facility going forward. Prince William does not want to build a youth facility just for the sake of filling beds. Prince William wants to build a facility that aligns with evidence-based, evidence-informed services. If that means reducing the size of the facility and increasing detention alternatives, that will be the recommendation to the local elected officials. Prince William wants to be a part of the solution and will not ignore the changes of the law and juvenile justice transformation. This will guide Prince William's facility design.

Board Member Schrad expressed her appreciation of the vision of co-locating two facilities, which will lead to efficiencies, particularly in shared services for the footprint of the whole campus, and asked whether the Prince William representatives anticipated any difficulties in carrying out this project?

Mr. Sansoni responded that Prince William will endeavor to involve as much stakeholder feedback as possible. Mr. Sansoni acknowledged the public comment presented today, and explained that the Board of Supervisors is in tune with the community and supports transformation efforts. Prince William will engage and meet with them and do nothing without their approval. Ultimately, the decision to build a facility rests with the Prince William County Board of Supervisors. There will be challenges, and the group will listen, learn, and provide a professional recommendation on how best to provide a facility for the youth. Prince William does not make the placement decisions, it simply provides the service in the best way possible. Ms. Tierney added that the Board of Supervisors does not have concerns about co-location, nor does the court. Prince William feels confident moving forward.

Board Member Underwood is concerned with the members of the local community who are opposed to this project. Board Member Underwood asked if Prince William has addressed these concerns, especially the main concern of 80% of the JDC population being people of color. Board Member Underwood asked whether the money that Prince William wants to spend on this facility would be better spent addressing reform issues like systemic racism. Per Board Member Underwood, Prince William wants to make a nicer facility aesthetically pleasing to the eye and make it more comfortable but the facility will still have the same population. He questioned why the locality would invest in a facility where the population will remain the same, but make the facility more pleasant for the people of color to come and have a pleasant experience. A jail is a jail. In Board Member Underwood's opinion, that money can be better spent addressing societal issues rather than building another jail.

Ms. Tierney responded that the group has heard the concerns mentioned in public comment and at the Board of Supervisors meetings. Prince William does not make the decisions of putting youth in detention. Prince William will reach out to the local juvenile court and involve them in the racial disparity discussions. Prince William has highlighted the racial disparity issue with the Board of Supervisors and the public, and is concerned. Prince William hopes to work systemically with the community, especially with those who make decisions about detainment. As Mr. Sansoni mentioned, Prince William has received some grant funds, which will allow the team

to bring the community together to look at those issues. Prince William would welcome detention alternatives, but those opportunities are not solely Prince William's decision. As a community, those issues will be addressed moving forward.

Board Member Kizner asked what would happen to the youth if the JDC did not exist. Ms. Tierney responded, if the court placed a child in detention and there was no detention center, those youth would go to another jurisdiction's detention center.

Board Member Kizner asked if Prince William was anticipating an increased demand.

Ms. Tierney responded that the "demand" is decreasing, which is positive. Prince William's current facility is almost 50 years old. Ms. Tierney does not expect the court will completely stop detaining youth, and if youth are detained, it would be in a trauma-informed facility. Prince William is a pre-dispositional facility, so while the youth wait for their court hearings, they should be able to receive the best care. In addition, Prince William prefers that detained youth not have to leave their jurisdictions, which would entail leaving their families and school.

Board Member Kizner asked whether the current facility is full, and Ms. Tierney responded that Prince William has a license for 72 youth, but the facility has not had more than 40 youth in a while.

Mr. Sansoni continued that part of the DJJ review process included looking at the average daily population. Prince William's licensing capacity currently is 72 beds. The average daily population over the past five years has declined and been as low as 20 youth. Prince William has an agreement with DJJ for a community placement program for committed youth. Prince William fully recognizes the average daily population decline and does not intend to build a facility that sits empty. Mr. Sansoni wanted to be clear that the proposed facility is 48 beds, but does not expect Prince William to build a facility near that size. Prince William continues to see a decline from the average daily population and an increase in pre-trial (community-based) supervision.

Ms. Tierney said Prince William looked at renovating the current facility, but this would be problematic due to the secure population. Prince William made the preliminary decision to propose a smaller, more trauma-informed facility, rather than trying to renovate the current facility, and it likely would not cost more.

Board Member Kizner appreciated the concern about addressing children's trauma and having a better environment but noted that being in a locked facility can be traumatizing. Board Member Kizner expressed his concern with calling a facility trauma-informed simply because the youth have been exposed to trauma. Board Member Kizner has worked with youth his entire career as a former school psychologist, and observed that many schools use the same trauma-informed care terminology but are not secure facilities. Board Member Kizner has reservations as to whether this will benefit the children of Prince William County, when the money can be spent, instead, on preventive care.

Board Member Schrad indicated that the Board needs to remember the mission of the Board and the Department. The Board is the caboose in the criminal justice system. Youth end up in juvenile detention centers because of law enforcement officers, the actions of the prosecutors, and the determinations of the judges about

the best placements. The Commonwealth has underfunded diversion programs for a long period. Board Member Schrad recalled her time as a staff attorney for the state Crime Commission when she tried to get diversion programs funded and get a minimal population of young people in detention. She explained that the Department is just one slice of the pie in this large criminal justice system. The courts make the decision and need a place to put the youth if detention is ordered. Prince William has made an effort to recognize that populations are declining and a smaller, better equipped, better designed facility is needed. Hopefully, the youth that end up in detention will be a smaller percentage of the young people in the criminal justice system and more youth will be diverted. But if they end up in a detention center, it would be a facility that is experienced in education and treatment, and when the youth are released, there is less likelihood they will come back. Reforms have to occur in other areas as well. It is the mission of the Department to deal with the population committed to a secure facility.

Board Member Kizner respects the comments made by Board Member Schrad, but sees it differently. Juvenile justice also has an obligation before a youth gets into that system to work with the community to provide resources and support for young people to make better decisions. Many children are in terrible situations, which contribute to them ending up in the juvenile justice system. Prince William should be applauded in many ways because their numbers are going down and the locality is doing some good things. Board Member Kizner is uncomfortable with Prince William opening up a new facility, and likens calling it a trauma-informed care facility to a marketing strategy. Board Member Kizner sees millions of dollars that could be redirected.

Director Boykin reminded the Board of their role in this decision. The Department has been building a continuum of services for the past five years, and the number of youth actually penetrating the juvenile justice system has continually gone down. From 2014 to now (pre-COVID-19), the number of youth that have penetrated the system has been cut in half. Pre-dispositional detention youth have gone down 26% statewide since early March. Efforts are in place to build alternatives to detention, which should be applauded across the state. The Department staff work closely with the courts, with prosecutors, Mr. Underwood's colleagues, about the options that could be employed as opposed to placing youth into detention while awaiting trial. Director Boykin does not believe Prince William is advocating sending youth to this "trauma center" to be "trauma treated." The young people courts send into the system should have the right resources and the right atmosphere for their treatment.

Chief Deputy Director Valentine told the Board that this is a lengthy process. It is important to remind the Board that Prince William has already brought the needs assessment before the Board, and the Board approved the needs assessment. The Board heard their presentation as to the need to replace their current facility with a new facility. More than likely, there will always be youth that need to be detained, so the purpose of the needs assessment was to determine whether the current facility can meet the needs of the youth who are detained and the size of the facility needed. Prince William presented the needs assessment and significantly reduced the number of beds in the facility, reducing the footprint, and has assessed the footprint continuously, even after the needs assessment. The approval process allows the Board to ensure that Prince William has met the regulation requirements for the planning process and approve the design for the new facility. That is what Prince William is asking the Board to do at today's meeting. There is a moratorium on funding construction for new facilities. The Board will not be approving any amount, any funding, or making a recommendation on the amount of funding. It is the Board's responsibility to approve or disapprove the design and the plan, and it is the locality's

decision as to whether they want to move forward with the construction project. If so, Prince William will be asking the General Assembly for funding. The Department and the Board are not responsible for the funding.

Chairperson Frazier reiterated that the Board needs to focus on approving or not approving the design and planning study only.

Board Member Vilchez commented that he listened to the community's input, and believes it is important for Prince William to also hear the community's concerns. Board Member Vilchez asked if Prince William held any town meetings or small focus groups.

Mr. Sansoni answered that Director Tierney will be working with local elected officials and will have conversations with some that spoke during Public Comment. This is an approval process that is promulgated by the Department. Prince William intends to listen to community input and engagement, and continue the dialogue. Prince William has a cross section of representatives from juvenile justice, local law enforcement, schools, and individuals who have gone through the system, and will bring them together to look at the system as a whole, focusing not only on design, but also services. Prince William intends to reach out and continue to engage with the community and welcome their input.

Board Member Vilchez asked the average length of stay for an average resident, and the recidivism rate for juveniles detained. Ms. Tierney answered that according to the Department's annual data guide for FY2019, 12-month rearrest, reconviction, and re-incarceration rates by court service unit was 57.1% re-reoffenses.

Mr. Sansoni answered that the average length of stay for pre-disposition youth, which means before they go to court, had been around 30 days. Prince William also has a post-disposition program and the length of stay for that program can vary from six months to one year. Mr. Sansoni does not have the number of youth that re-offend and come back into the program.

Chairperson Frazier said the average daily population for Prince William has been around the low 20s in the last five years. The design of the facility is 48 beds max, and based on conversations and discussions it may be at 30 beds. He asked for confirmation that Department funding or state funding would not be used for the construction of the shelter.

Mr. Sansoni said the 50% reimbursement request will be for the project. Prince William amended their needs assessment to include the Molinari Youth Shelter, so the request represents the total project cost. If Prince William received state funding, it would technically go to both the secure detention facility and the non-secure facility because the planning study includes both. The capacity at Molinari Youth Shelter is currently 15 beds. Pre-COVID-19, the average capacity was around 10 to 12 with a split between male and female. Prince William is engaged with its local juvenile court about capacity, and since COVID-19, those numbers have decreased even more with more youth being laced on community supervision.

Chairperson Frazier asked if the diversion program youth will be held in the shelter and not in secure detention. Mr. Sansoni responded that Prince William does not determine where youth are held; rather, the juvenile court service unit makes a recommendation and the judge makes the final decision.

Chairperson Frazier wanted to clarify that his questions were related to the design and to make sure the Board is making an informed decision. Chairperson Frazier believes the Board has all the information needed to make an informed decision in approving the design. Related to Ms. Schrad's comments, as things begin to evolve with young people and public safety, the Board needs to ensure the facility can be retrofitted if needed. It does not make sense to build a 48-bed facility if it will serve fewer than half of that population. That is a waste of funding.

Board Member Kizner asked the overall cost of the project. Mr. Sansoni responded that the total project cost, when adjusted for construction costs in Northern Virginia and potential inflation increases over the next couple years, is estimated at \$46 million.

On motion duly made by Tyren Frazier and seconded by Dana Schrad, the *Code of Virginia* (§16.1-309.5) empowers the Board of Juvenile Justice to approve construction reimbursement for detention homes or other facilities, but the *2005 Acts of Assembly*, Chapter 951, Item 443A.1., which supersedes the *Code*, prohibits the Board from approving or committing funds for construction. However, Prince William County intends to seek an exception to this moratorium through a legislatively sponsored amendment. Therefore, The Board of Juvenile Justice approves the Program Design and Planning Study for the Prince William Juvenile Detention Facility and Molinari Juvenile Shelter. The availability of funds for reimbursement is contingent on the appropriation of funds by the General Assembly and shall not exceed one-half of the construction costs. The Board voted by roll call as follows: Tyren Frazier – Aye; Scott Kizner – No; Dana Schrad – Aye; Robert Vilchez – Aye; and Greg Underwood – No. The motion was carried.

Consideration of the Virginia Juvenile Community Crime Control Act Plans for the City of Richmond, the City of Lynchburg, and the York County Combined Plan

Beth Stinnett, Statewide Program Manager, Department

Ms. Stinnett informed the Board that she typically appears before the Board every two years or every year seeking approval on the Virginia Juvenile Community Crime Control Act (VJCCCA) plans. Most plans are on a two-year biennium. The Board approved most of the VJCCCA plans presented at the June meeting for two years. Ms. Stinnett explained that there are times when she needs to come back before the Board due to an action related to VJCCCA, either because the locality needs approval to make a change or has made a change.

The Board approved the City of Richmond's full two-year biennium plan ending June 2022. Since that approval, the City has been actively meeting with stakeholders and determined it needs to make substantial changes to the plan. Ms. Stinnett is recommending that the Board revoke the previously issued two-year approval for the City of Richmond and instead consider the plan submitted today.

The City of Richmond has submitted a new plan for FY21-22 for the biennium and also submitted required letters of support from the court service unit director and the judiciary. That support comes with contingencies including requiring the City of Richmond to schedule monthly planning meetings and engage stakeholders in new program implementation, as well as requiring the City of Richmond to enter into memoranda of agreement with the Department establishing target populations, protocol to outreach electronic monitoring program, and the other categories of the program.

The new plan proposed by the City of Richmond continues to have some of the same programming the Board approved in June, such as community service programs and two detention alternatives. The new plan also adds a community-based aftercare component to Richmond's post-dispositional detention program. It adds day and evening reporting centers and a shelter care facility for respite services.

Ms. Stinnett recommends the Board adopt the City of Richmond's plan; however, given the newness of the programming as well as the contingencies asked for by the court service unit director and judiciary, Ms. Stinnett is asking that the Board limit approval to the first year of the two-year biennium. This will give the Department an opportunity to continue to work with the locality and provide guided implementation and technical assistance over the next year to ensure those contingencies are met.

On motion duly made by Scott Kizner and seconded by Dana Schrad, the Board of Juvenile Justice revoked the two-year approval of the Richmond VJCCCA Plan by roll call vote, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

Ms. Stinnett next addressed the Board's approval of a plan for Lynchburg at the June meeting. This was an interim plan set to expire on September 30, 2020. Partly due to the pandemic, the City did not hold required planning meetings or convene other stakeholders to engage in the development of the new plan. The City of Lynchburg asked for more time to come together as a community and indicated if they could continue with their FY20 plan through the end of September, it would give them enough time to convene stakeholders and propose a new plan for the biennium. The Board approved that action, and Lynchburg's plan expires on September 30. At this time, Lynchburg has a new plan for the new biennium and also has submitted required letters of support from stakeholders to include the court service unit director and judge. Similarly, those letters came with contingencies from the judge who indicated he can lend support to the plan as long as the City of Lynchburg reassigns the management of VJCCCA to a new entity. That has been satisfied; the City has transferred responsibility and oversight for this plan going forward. The judge also asked that regular meetings be held and for Lynchburg to enter into a memorandum of agreement with the Department establishing protocols for outreach electronic monitoring and other programming. The new addition the judge and other stakeholders asked for was a reduction in group home funding due to the downward trend and to reallocate funding to community-based initiatives for detention alternatives, as well as treatment for young people in the community. The two requests have been completed. Lynchburg only needs to establish memoranda of agreement and regularly set meetings with stakeholders.

Lynchburg's VJCCCA plan allocated 100% of their funding to a group home and shelter care facility. The new proposed plan re-allocates some funding and saves some funding for the group home and shelter care facility, which is still needed for use at reduced capacity. Lynchburg added the following to their plan: outreach detention and electronic monitoring for detention alternatives, aggression replacement training, and a new category called preventive services specifically for work with truancy and the Children in Need of Services (CHINS) population.

Ms. Stinnett noted that she is pleased with the changes; they are consistent with the needs of young people in Lynchburg and responsive to the downward trend in admission to their group home and shelter care facility.

Lynchburg's plan is new; Ms. Stinnett's team will need to provide guided implementation and technical assistance. Ms. Stinnett recommends that the Board approve the City of Lynchburg VJCCCA plan for year one of the biennium through June 30, 2021.

On motion duly made by Dana Schrad and seconded by Robert Vilchez, the Board of Juvenile Justice approved the VJCCCA plans for Richmond and Lynchburg for one year (FY 2021) through June 30, 2021 by roll call vote as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion is carried.

As a component of the legislation enacted in 1996, all localities are required to continue to spend an amount equal to the sum of their FY 1995 expenditure for pre-dispositional and post-dispositional block grant alternatives to secure detention. Essentially, the legislation sought to ensure communities did not use VJCCCA funding to supplant existing funding, but instead the funding was an addition to the funding. This was called the maintenance of effort. The law changed on July 1, 2011, to allow localities to reduce their maintenance of effort if it was greater than the amount of money received from the state. Localities can ask to reduce their local maintenance of effort so that it is equal to the state amount.

York County has a combined plan with Gloucester County, James City County, and Poquoson. These localities request to exercise the maintenance of effort option, and the Department does not oppose. The York County Combined Plan is asking to reduce the local share due to the community group home closure. Ms. Stinnett will come before the Board at the next meeting on their proposed plan to reinvest and reallocate the funding that was attached to the group home and the group shelter care facility. York County is approaching this new plan in an incremental way and is asking the Board to approve a reduction in its maintenance of effort to equal the state allocation. Gloucester County will reduce their maintenance of effort from \$57,000 to \$44,000, which is equal to their state allocation. This is a modest adjustment. James City County will reduce their maintenance of effort from \$144,000 to \$91,000, also consistent with the state allocation. Poquoson will reduce their maintenance of effort from \$22,000 to \$10,000, which is also equal to the state allocation.

On motion duly made by Robert Vilchez and seconded by Dana Schrad, the Board of Juvenile Justice approved the reduction of the required maintenance of effort for the York County Combined Plan that includes Gloucester County, James City County, and Poquoson (York County) to match the state allocation beginning in FY2021. The roll call vote follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

Request Authorization to Submit a Variance and a Proposed Amendment to 6VAC35-150-335 (Diversion) of the Regulation for Nonresidential Services

Kristen Peterson, Regulatory and Policy Coordinator, Department

Ms. Peterson explained the Department's request that the Board initiate a fast-track regulatory action to amend 6VAC35-150-335 and approve a variance to that same regulatory requirement. 6VAC35-150-335 is a diversion provision contained in the court service unit regulation and these requests would relieve court service unit intake officers from the regulatory requirement in Subsection A of Section 335.

6VAC35-150-335 currently provides: *When an intake officer proceeds with diversion in accordance with subsection B of 16.1-260 of the Code of Virginia, such supervision shall not exceed 120 days. For a juvenile alleged to be a truant pursuant to a complaint filed in accordance with Section 22.1-258 of the Code of Virginia, such supervision shall be limited to 90 days.*

Diversion is intended to allow intake officers discretion to divert certain offenses. Rather than the intake officer filing a formal court petition, the intake officer has the authority to divert certain eligible offenses and to informally address the offense through other options. The youth can be subject to counseling, complete informal supervision programs, or participate in other services.

Section 16.1-260 of the *Code of Virginia* sets out the various type of offenses eligible for diversion, specifically for Child in Need of Supervision (CHINSUP) offenses. One of the components of that particular offense is that the youth might be habitually and without justification absent from school. That particular category of offense includes truancy, which is eligible for diversion.

There are restrictions on the use of diversion for truancy offenses. Over the course of the youth's entire K-12 educational career, only three truancy diversions are permitted. The other restriction on the use of truancy diversion is that there can only be one truancy every three calendar years. If the previous truancy took place three calendar years before the current complaint, that truancy offense can be diverted.

According to Ms. Peterson, the impetus behind the regulatory amendment is a statutory change that was enacted this past legislative session. Prior to that legislative change there was a provision in Section 16.1-260 that placed a 90-day cap on truancy diversion. If a youth and his parent or legal guardian agreed to the terms of the diversion with the intake officer, the youth would have 90 days from executing that agreement to carry out all the responsibilities and requirements set out in the diversion plan. If the youth failed to do that within the 90-day period, pursuant to the statute, the intake officer was mandated to file the petition. The Department had challenges with that particular statutory provision because there is no similar statutory provision that places a cap on other types of diversions for other eligible offenses. There was a disparity between diversion for truancy offenses and diversion for arguably more serious offenses such as misdemeanors. During the 2020 legislative session, the Department lobbied for a change to that statute to remove that 90-day cap. However, although that legislation passed language remains in the regulation that places the 90-day cap on the truancy diversion.

The Department is requesting the Board approve the initiation of a fast-track regulatory action to amend the provision in the regulation that sets the 90-day cap for truancy diversion. The Department has stricken the 90-day limitation. As a result of striking that language, all diversions will be subject to a 120-day, rather than a 90-day, diversion period.

The fast-track process is an expedited process that is typically available for regulatory provisions not expected to generate controversy. The Department does not expect this regulatory change to create controversy. It has already passed the General Assembly unanimously.

As the regulation currently stands, there is a disparity in terms of treatment of youth who have been alleged truant versus youth alleged to have committed other offenses eligible for diversion. This regulatory change will remove some of that disparity.

Even if the Department tried to accomplish this regulatory change through the fast-track process, the process can take a year or longer depending upon the proposed regulatory change. The hands of the Department's intake officers will continue to be tied in terms of being able to extend the diversion period to 120-days due to the current regulatory language. Therefore, in addition to asking the Board to approve a fast-track regulatory change, the Department is also seeking approval for a variance to this requirement. The Board has the authority to issue variances and relieve the court service unit or regulated entity from having to meet all or a certain portion of a regulatory requirement. The Department is seeking a variance that would excuse all 34 court service units from the 90-day truancy diversion requirement. The Department is asking the Board to approve the variance for a period of three years or until such time as the regulation is updated.

Variances must meet certain requirements pursuant to 6VAC35-20-92. The Board is only authorized to issue a variance for non-critical regulatory requirements. No provisions in the court service unit regulations contain critical regulatory requirements. In addition, the regulated entity seeking the variance must demonstrate that it is unable to comply with that portion of the regulation from which it seeks relief. The Department's court service units have struggled to successfully comply with the provision that imposes the 90-day requirement. This is why the Department initially sought the legislative change. Significant discrepancies were found in terms of the time period for truancy diversion versus other eligible offenses. The Department's truancy diversions are at a 66.7% success rate, compared with the 84.7% success rate for other types of diversion. The lower success rate might be attributable to the shorter diversion period.

Director Boykin reiterated the Department's goal of keeping young people out of court and detention. The Department wants to improve upon those success rates with diversion for truancy use. Many truancy programs have family components and weeks of engagements are needed to stem some of the issues that are contributing to the truancy. Director Boykin asked the Board to consider this motion as part of the Department's overall transformation effort to divert more young people from the juvenile justice system.

Board Member Schrad asked if there was a delayed enactment clause on the enabling legislation. Ms. Peterson answered that the legislation took effect on July 1, but the legislation only removed the 90-day requirement. The Department still has the discretion to increase or decrease the diversion period. The way the regulation currently reads, the Department is impeded from doing so because of the language in the regulation.

On motion duly made by Tyren Frazier and seconded by Dana Schrad, the Board of Juvenile Justice authorized, through the fast-track regulatory process, an amendment to the diversion provision in the Regulation for Nonresidential Services, set out in 6VAC35-150-335, to remove the 90-day deadline for completing a truancy diversion plan by roll call vote as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

On motion duly made by Scott Kizner and seconded by Dana Schrad, pursuant to 6VAC35-20-92, the Board of Juvenile Justice approved a variance to the regulatory requirement in the diversion provision of the Regulations

for Nonresidential Services, set out in 6VAC35-150-335, to remove the 90-day deadline for completing a truancy diversion plan. This variance shall remain in effect until 6VAC35-150 is amended or for three years, whichever occurs first. The Board voted by roll call as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

Request Authorization to initiate NOIRA for Regulations to Address Detained Youth Under Federal Custody
Kristen Peterson, Regulatory and Policy Coordinator, Department

Senator Adam Ebbin’s Senate Bill 20 was enacted this year and directs the Board of Juvenile Justice to establish regulations that apply to youth in juvenile correctional facilities under contract with the federal government. Senator Adam Ebbin first introduced this legislation during the 2019 General Assembly session, but the legislation failed. Senator Ebbin then came before the Board in June 2019 to request the Board develop separate regulations that would apply specifically to youth in juvenile detention centers detained in programs under federal custody. The Board had recently heard amendments to the juvenile correctional center (JCC) and juvenile detention center (JDC) regulations and had made significant changes regarding mechanical restraints, physical restraints, spit guards, etc. The consensus of the Board, at that time, was that the regulatory provisions put in place were sufficient to address Senator Ebbin’s concerns and there was no need to carry out Senator Ebbin’s recommendation. Based on the Board’s decision, Senator Ebbin brought similar legislation during the 2020 General Assembly Session, which passed.

The legislation directs the Board to develop regulations that apply to youth in juvenile correctional facilities pursuant to a contract with the federal government. Senator Ebbin thought this class of youth were vulnerable and needed additional protections given their statuses, being from other countries, and having English as their second language. A lawsuit that was ultimately dismissed alleged abuse in one of the facilities that operate a federal program. Senator Ebbin also brought this legislation to address those allegations.

Based on the language of the statute, there are two types of contractual arrangements that might be impacted by this legislation. The first type of contract that Senator Ebbin was trying to address are those arrangements with the federal Office of Refugee Resettlement (ORR). This is an agency under the umbrella of the Department of Homeland Security and often enters into contractual relationships with state and locally operated non-secure and secure facilities to house youth on behalf of the federal government. Secure placements are only necessary for unaccompanied children deemed a danger to themselves or others or who are convicted of a criminal offense. Currently, the only ORR contract in the Commonwealth is at the Shenandoah Valley Juvenile Center, a secure facility in Staunton.

Additionally, contractual arrangements with Immigration and Customs Enforcement (ICE) could be impacted by this legislation. These are contractual arrangements with state-licensed juvenile facilities that have agreed to house youth for a temporary period. Typically, these are accompanied minors who might fall under ICE jurisdiction temporarily with a 72-hour hold or possibly up to 30 days. Currently, there are no facilities in Virginia with ICE contracts, but at least one JDC is considering adopting such a program.

Senator Ebbin intended his legislation to apply specifically to JDCs that operate these federal programs; however, the language in the legislation uses “juvenile correctional facilities,” and that term has been

understood to include JCCs. The regulation needs to be broadly drafted to reflect Senator Ebbin's intent, as well as the actual legislation language. The recommendation of the workgroup is to expand the regulatory provision to include JCCs. To clarify, Bon Air JCC does not currently have or intend to secure such a contractual relationship with any federal government entity.

Senator Ebbin's legislation outlines the mandated content of the regulation to include: standards that govern physical force, mechanical restraint, spit guards, and avoiding isolation. The workgroup will determine if these provisions need to be enhanced to further ensure the protection of the population. The other requirements of the regulation include requirements for an appropriate number of bilingual staff and culturally relevant programs, provisions to ensure youth understand their rights and responsibilities within the facility, and enhanced recordkeeping standards.

The Department is seeking to use the standard regulatory process for this regulation. The Department believes this would give the detention centers a sufficient amount of time to implement the provisions. The standard regulatory process involves three stages: the Notice of Intended Regulatory Action (NOIRA) Stage, the Proposed Stage, and the Final stage. The standard regulatory process is more appropriate because some provisions might generate controversy, in which case, the fast-track process would not be available.

A workgroup has convened to develop the regulations. The workgroup consists of representatives from the detention centers, the JCC, the ORR, and the Department of Behavioral Health and Developmental Services. The Department is requesting the Board's approval to initiate the first stage of the regulatory process, and issue the NOIRA.

On motion duly made by Tyren Frazier and seconded by Scott Kizner, the Board of Juvenile Justice approved the initiation of a Notice of Intended Regulatory Action to commence the first stage of the standard regulatory process for the regulatory action mandated by 2020 legislation (2020 Acts of Assembly, Chapter 599, SB20) related to youth housed in juvenile correctional facilities and under federal custody. The Board voted by roll call, as follows: Tyren Frazier – Aye, Scott Kizner – Aye, Dana Schrad – Aye, Robert Vilchez – Aye, and Greg Underwood – Aye. The motion was carried.

Yvonne B. Miller High School Plan for Reopening

Dr. Melinda Boone, Deputy Director of Education, Department

Dr. Melinda Boone discussed the Yvonne B. Miller High School Reopening Plan for the 2020-2021 school year, which is in the Board packet and posted on the Department's website. This plan was required by the Virginia Department of Education (VDOE) and had to be submitted at least two weeks prior to the first day of school, which for the Department was September 8. The plan was submitted to VDOE on August 21 and met the compliance requirements with no additional information required.

The plan is designed to ensure the Department provides new instruction for all students. When school closed in March, initially for two weeks and then longer, all school divisions struggled. Every school district in the Commonwealth and across the country closed as a result of COVID-19 and had to figure out how to provide

continuity of education. New instruction was sometimes lost in the process. The plan ensured new instruction for all students and addressed instructional learning gaps that may have occurred because of school closure.

The plan also required the Division of Education to demonstrate ability to switch quickly between in-person and virtual teaching and learning. This school year began in the virtual setting and will phase into in-person teaching and learning as the school year moves forward. The Division of Education leadership monitors the COVID-19 active case rates in the school district (Chesterfield), in addition to paying attention to where the school teachers reside.

The plan provides supportive needs for students with disabilities and English learners.

The plan has components on how the school will provide social and emotional support services to students and school staff. This change to virtual online learning, as well as the disruption/interruption of school, has been stressful.

This summer, the professional development of Division of Education staff aligned with enhancing and improving their virtual learning skills.

The Department is committed to investing in the infrastructure for remote and virtual learning at Bon Air. At the beginning of the pandemic, the school had laptops in the classrooms but did not have laptops in the units and was not able to have active teaching and learning through videoconferencing. There was no way to connect with the students. The school attempted some summer programming and had a good start with a hybrid mix. Primarily, students with disabilities and English learners were in the classrooms with teachers. There was an interruption, and the school went back to the virtual and learning packets.

Dr. Hudson and his team initiated a book camp to make sure senior youth were on target for graduation with appropriate course work and supports in place to meet that goal. The school graduated six in June, and another 12 to 14 youth met the criteria and graduated in August.

There were a number of technology investments, and the Division of Education could not have done this without the support of the agency's IT personnel and the Residential Services Division. Bon Air campus became the home setting, and all were asked to help the students get online and ensure that the technology protocols were followed. The Division of Education leaned on the residents and on IT to bridge a gap between in-person and virtual learning.

The Division of Education used CARES Act funding, as well as other funds through the Department, to purchase technology items following state procurement guidelines. The school purchased webcams for all teachers and additional laptops for students with integrated cameras. The school has become a part of the Canvas learning videoconferencing system, which allows teachers and students to have real-time connections. During the spring closure and through the summer, the Department learned that students need personal contact with teachers and immediate support for their needs.

The school also served its post-secondary students and moved them into the virtual realm. The school acquired Tooling U, an online manufacturing training program that allows the career and technical training students to continue their work. This post-secondary program addressed areas of industrial safety, welding, industrial supervision, rigging, electronic systems, workforce essentials, and continuation of community college coursework.

The school opened on September 8, and personnel will continue to monitor and make progress in order to roll into increased in-person learning in the near future.

Board Member Schrad complimented Dr. Boone and her education team on a comprehensive and well thought out plan and commented that local school systems could learn from them.

Chairperson Frazier expressed his appreciation for all the work the education team and the Department have done to get youth to learn in this environment, as well as all the educators across the world that are learning how to navigate these unprecedented times.

DIRECTOR'S COMMENTS

Valerie P. Boykin, Director, Department

Director Boykin thanked Dr. Boone and her team for the exceptional work to bring education back to the Bon Air campus. Director Boykin explained that Dr. Boone served last school year on an interim basis due to the sudden departure of the agency's last Deputy Director for Education and announced that Dr. Boone has been hired as the permanent Deputy Director for Education as of June 25.

The Secretary of the Commonwealth is reviewing an applicant for the Board vacancy left by the departure of Dr. Woolard in June. The Department is optimistic a new Board member will be announced by the next meeting.

The Board approved the sale of Natural Bridge Juvenile Correctional Center earlier this year. The sale fell through and the facility is still state and Department property.

It has been an eventful and challenging six months for the Department. Bon Air JCC had a COVID-19 outbreak in April and was able to quickly get it under control. Bon Air has had only a few incidents since, and the agency continues to closely monitor and be aggressive in its efforts. Director Boykin provided updates to the Board and the public through the agency's website on the health pandemic.

Director Boykin shared that in July, Bon Air JCC had its first escape in over 20 years -- two young adults with blended sentences. The escaped youth had help from two Bon Air staff and one of their family members. The escaped youth were ordered to remain at Bon Air until the age of 21 and would then be moved to the Department of Corrections for several years. The Department is not aware of any new crimes committed after the escape. The two youth were apprehended in Michigan by a partnership of Virginia State Police, U.S. Marshal Service, and many other law enforcement entities. The youth are incarcerated and awaiting trial on numerous felonies, as are the two former staff who aided in the escape. While disappointing, it is forcing the Department

to review security measures, such as training, support for staff, and shoring up the physical plant at Bon Air. Bon Air is an old facility, and security protocols need to be tightened.

The current population at Bon Air is 140 youth, which is the lowest count in decades. At the outbreak of the pandemic, Bon Air had 205 youth. The Residential Services Division aggressively reviewed young people appropriate for release by looking at their treatment and reentry plans. The total committed population is 244 youth, with 140 youth in alternative placements. Pre-dispositional detention is down about 26% around the state. Post-dispositional detention, young people serving treatment in other facilities, is down about 52% statewide. Between March and the middle of August, the Department released a total of 141 youth from its facilities, 62 of them from Bon Air.

The Department's heroic staff show up every day in these turbulent and trying times. Working in a congregate care center is not easy and has many challenges.

Director Boykin introduced Linda McWilliams, Deputy Director of Community Programs, to provide an update. Deputy Director McWilliams explained that the Community Programs Division had judicial orders to shut down or modify court operations as the pandemic began. In response, the unit developed a pandemic plan to reduce the number of staff needed in the offices, which would reduce the potential spread of COVID-19 while still maintaining services to the court, as well as to families and youth. The division had frequent meetings several times a week to make adjustments as the courts made adjustments. One important factor was to move contact with youth and family to a virtual platform. In response to that, the Department purchased and assigned cell phones to probation officers so they could have face-to-face communication with youth. Deputy Director McWilliams recognized the work of the Practice Improvement Unit under the supervision and direction of Beth Stinnett. That unit met an identified need to give probation officers additional training to support reaching out to families and youth and making those contacts meaningful. They began virtual webinars, and to date have conducted 29 webinars. The first webinar had 450 participants, and the unit was excited about the amount of engagement. Over four months, these webinars have made a big difference in increasing the skill set of the probation officers and enhancing the work with families in spite of the limited in-person contact.

Director Boykin introduced Jamie Patten, Deputy Director of Administration and Finance to provide an update on agency training. According to Deputy Director Patten, the Training Unit has responded during the pandemic by expanding distance learning, conflict resolution, and mediation services. Pre-pandemic, over 100 staff were trained in Basic Skills for Caseworkers, 262 staff retrained on annual requirements, and 77 new Resident Specialists graduated. Post-pandemic, all in-person training was canceled except for Basic Skills for Direct Care, which trained 27 new Resident Specialists with two classes. The Training Unit converted all existing training to web-based, distance learning and resumed these sessions by the end of April. This was a wonderful feat, and was a rapid response to an ever-changing environment. The Organizational Development Unit developed and provided 59 webinars since the onset of the pandemic with a total of 2,433 participants statewide. This training is reaching employees. The Emerging and Frontline Leaders program was fully converted and has reached more people than ever before thanks to the virtual platform. The Training Unit also added additional curriculum. By the end of this month, the Training Unit will complete the annual certification retraining online as well.

NEXT MEETING DATE

November 4, 2020, at 9:30 a.m.

ADJOURNMENT

The meeting was adjourned at 1:05 p.m.

SUPPLEMENTAL INFORMATION FOR VJCCA MOTION
Changes to York VJCCA Plan

Original FY FY 2021-FY2022 Biennial Plan Approved by the Board:

Locality	Locality Budget	State Allocation	Maintenance of Effort
Gloucester County	\$101,852.00	\$44,727.00	\$57,125.00
James City County	\$236,084.00	\$91,512.00	\$144,572.00
Mathews County	\$33,441.00	\$22,790.00	\$10,651.00
York County	\$116,980.00	\$54,684.00	\$44,146.00
Poquoson (York County)	\$32,954.00	\$10,295.00	\$22,659.00
Williamsburg	\$71,291.00	\$39,383.00	\$31,908.00

Program Name	Budget
COMMUNITY SUPERVISION - ELECTRONIC MONITORING	\$62,931.00
COMMUNITY SUPERVISION - INTENSIVE SUPERVISION	\$51,966.00
CROSSROAD COMMUNITY YOUTH HOME - SHELTER CARE	\$79,553.00
CROSSROADS COMMUNITY YOUTH HOME - COLONIAL GROUP HOME COMMISS	\$272,124.00
PROJECT INSIGHT - LAW RELATED EDUCATION (1): COLONIAL GROUP	\$27,025.00
PROJECT INSIGHT - COLONIAL GROUP HOME COMMISSION	\$57,931.00
SUBSTANCE ABUSE SERVICES (GRANT FUNDED): COLONIAL GROUP HOME COMMISSION	\$19,072.00
SUPERVISION PLAN SERVICES	\$2,000.00

FY 2021 Plan Changes Approved September 2020 -- Reductions to Maintenance of Effort:

Gloucester County – reduce from \$57K to \$44,727 equal to state allocation
 James City County – reduce from \$144K to \$91,512 equal to state allocation
 Poquoson – reduce from \$22K to \$10,295 equal to state allocation

Total Budget: \$581,452

Locality	Locality Budget	State Allocation	Maintenance of Effort
Gloucester County	\$101,852.00	\$44,727.00	\$44,727.00
James City County	\$236,084.00	\$91,512.00	\$91,512.00
Mathews County	\$33,441.00	\$22,790.00	\$10,651.00
York County	\$105,830.00	\$54,684.00	\$44,146.00
Poquoson (York County)	\$32,954.00	\$10,295.00	\$10,295.00
Williamsburg	\$71,291.00	\$39,383.00	\$31,908.00

Categories for FY2021/FY2022 Proposed Plan Revisions:	FY 2021	FY 2022
Outreach / EM	\$127,458	\$204,344
Intensive Supervision	\$72,745	\$104,411
Shelter Care	\$56,414	\$0
Group Home	\$124,476	\$0
Law Related Education	\$30,412	\$48,683
Substance Abuse Education	\$30,385	\$58,052
Supervision Plan Services	\$10,000	\$10,000
Community Service (NEW)	\$45,415	\$62,626
Restorative Justice (NEW)	\$11,472	\$16,066
Aggression Replacement Training (NEW)	\$43,602	\$48,197
Administration / Coordination	\$29,073	\$29,073

**Department of Juvenile Justice
Human Research
FY 2020**

Regulations

On February 9, 2005, 6 VAC 35-170, *Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice*, adopted by the Board of Juvenile Justice, became effective. These regulations require the establishment of a Human Research Review Committee and set out the conditions required for approval of external research proposals. Select sections of the regulations are included below to provide an overview of the review process:

6VAC35-170-130. Human Research Review Committee

A. In accordance with § 32.1-162.19 of the Code of Virginia, the department shall establish a human research review committee 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 committee 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 committee.

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

In reviewing the human research proposal, the committee will consider the potential benefits and risks to the human subjects, and shall recommend approval only when the benefits outweigh the risks. In addition, the committee shall recommend approval only when:

1. The methodology is adequate for the proposed research;
2. The research, if non-therapeutic, presents no more than a minimal risk to the human subjects;
3. The rights and welfare of the human subjects are adequately protected;
4. Appropriate provisions have been made to get informed consent from the human subjects, as detailed in 6VAC35-170-160;
5. The researchers are appropriately qualified;
6. The criteria and means for selecting human subjects are valid and equitable; and
7. The research complies with the requirements set out in this regulation and in applicable department policies and procedures.

6VAC35-170-50. Conditions for department approval of external research.

A. The department may approve research projects only when it determines, in its sole discretion, that:

1. The department has sufficient financial resources and staff to support the research project, and that on balance the benefits of the research justify the department's involvement;
2. The proposed research 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 proposed research is compatible with the purposes and goals of the juvenile justice system and with the department's organization, operations, and resources.

6 VAC 35-170-190. Committee reports required.

A. In accordance with § 66-10.1 of the Code of Virginia, the Human Research Review Committee shall submit to the Governor, the General Assembly, and the director at least annually a report on human research projects approved by the committee and the status of such research, including any significant deviations from the proposals as approved.

B. The committee shall also annually submit to the Board of Juvenile Justice the same report as required by subsection A.

Human Research Review Committee

During FY 2020, the Department of Juvenile Justice's (DJJ) Human Research Review Committee (HRRC) was comprised of members from various backgrounds.

- Jessica Schneider, Ph.D. (Chair) – Research Manager, DJJ
- Robin Binford-Weaver, Ph.D. – Director, Behavioral Services Unit, DJJ
- Vince Butaitis – Director, 15th Court Service Unit, DJJ
- Will Egan – Policy Analyst, Virginia Commission on Youth
- Michael Favale – Legislative & Policy Director, DJJ
- Alan Hulette – Superintendent, Roanoke Valley Juvenile Detention Center
- Rebecca Smith – Graduate Student, Virginia Commonwealth University
- Lara Todd – Education Administrative Hearings Specialist, DJJ

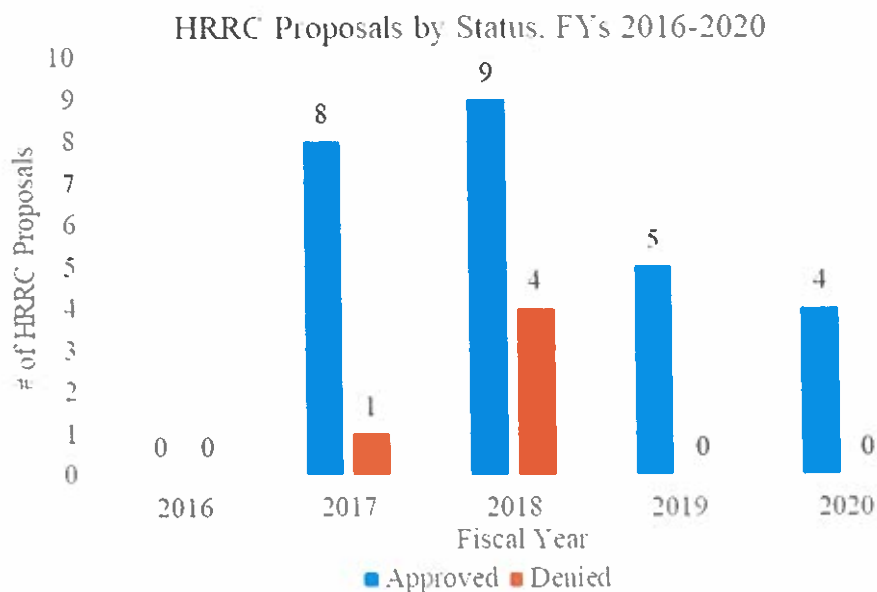
DJJ Research Analyst Dhara Amin, Ph.D., serves as the Coordinator of External Research.

In addition to reviewing the human subjects research studies as defined in the Regulations, a sub-committee of the HRRC reviews research proposals involving de-identified case-specific data. The following report includes research projects involving either human subjects or de-identified case-specific data.

In accordance with § 32.1-162.19, *Human research review committees*, an executive summary of completed projects can be found in Appendix A.

I. Research Proposals

In fiscal year (FY) 2020, DJJ received seven research proposals. Of these, the HRRC and the Director approved four. At the time of this report, two proposals were pending a review decision, one proposal was administratively closed, and no proposals were denied.



*The graph above represents the number of research proposals. Proposals were counted by the most recent submission date, including amendments.

*The two research proposals pending and one research proposal administratively closed in FY 2020 are not included in the graph above.

II. Active Studies

In addition to the studies approved in FY 2020, 12 research studies approved in previous years remained active. The 16 active studies are summarized below:

Evaluation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) FY 2010

Second Chance Act Juvenile Offender Reentry Demonstration Projects

Researcher: Akiva Liberman

Institution: Urban Institute

Approval Date: July 21, 2014; amended: May 5, 2015

The purpose of the study was to evaluate the implementation and outcomes of five OJJDP FY 2010 *Second Chance Act* juvenile demonstration programs, including the Tidewater, Virginia, Reentry Initiative. The researcher conducted implementation and cost analyses through process evaluations of program materials, evaluations on the use of evidence-based practices, interviews with staff and stakeholders, and focus groups with program participants and their parents. The researcher evaluated the impact of the program by interviewing youth within 45 days of release from a juvenile correctional center (JCC) and again within eight months of release. Outcome measures, including satisfaction levels, recidivism, and school data, were used to evaluate program impact and

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performance. The results indicate youth who participated in the Juvenile Second Chance Act projects had lower rearrest and conviction rates.

Cognitive Behavioral Interventions for Medium- and High-Risk Juvenile Offenders: Practitioner-Researcher Partnership Project

Researcher: KiDeuk Kim
Institution: Urban Institute
Approval Date: April 17, 2015

The purpose of the study was to examine the implementation and impact of two treatment modalities, Aggression Replacement Therapy (ART) and modified Dialectical Behavior Therapy (DBT), on committed youth's attitudes, behaviors, and recidivism. Youth designated as having an aggression management treatment need were randomly assigned to participate in one of the two treatment modalities. Staff members who provided treatment participated in interviews regarding their experiences and perceptions of the treatment modalities. There were 429 surveys collected from youth who participated. The researcher found DBT moderately reduced rearrest rates; however, the differences were not statistically significant. A draft of the report was submitted to the funder and is pending approval.

Examining Probation Outcomes and Changes in Risk

Researchers: JoAnn Lee, Faye Taxman, and Mark Murphy
Institution: George Mason University and DJJ
Approval Date: March 7, 2016

The purpose of the study is to examine the effects of youth's risk-need profiles, changes in risk-need profiles, and services on youth's probation outcomes. Youth's risk-need profiles are the Youth Assessment and Screening Instrument (YASI) risk and protective scores and legal, family, and substance use domain scores. The researchers will examine probation outcomes in the form of recidivism data for one full year. DJJ delivered data to the researchers on July 20, 2017, and an updated data set on June 29, 2018. As of June 2019, the researchers have begun to analyze the data. In January 2020, the researchers submitted a preliminary report regarding the latent class analysis conducted to identify subgroups of youth on probation. The researchers identified seven subgroups, in which four were consistent with previous studies: youth with low needs, high needs, substance abuse services needs, and mental health service needs. The researchers also found distinct sex-specific high need groups and a group for youth with low protective factors.

Toward a Pedagogy of Possibility: Justice System Involved Youth Read and Write Alternative Texts

Researcher: Judith Dunkerly-Bean
Institution: Old Dominion University
Approval Date: March 20, 2017

The purpose of the study is to qualitatively examine how justice-involved youth living at the Tidewater Youth Services Crisis Center read, respond to, and create alternative texts, while also improving youths' reading and writing skills and motivations. In the present study, the researcher administers informal reading inventories to assess youth's reading level and interests and then assigns selected readings intended to improve reading comprehension, fluency, and vocabulary. The researcher also provides reading support and intervention to youth as needed. The researcher and

youth then participate in group-based discussions about the reading. Finally, the youth respond to the text by creating their own alternative text, specifically a 'zine (magazine), or another self-selected representation of self-expression. The researcher focuses on helping youth improve written literacy proficiencies as well as developing their identities as writers. The researcher also administers reading inventories to obtain post-intervention data for those youth who remained at the Crisis Center for a sufficient amount of time to collect post-data. The program is still active and was transformed into a collaborative venture with eligible youth.

Social and Psychological Predictors of Delinquency in Youth in the DJJ System

Researchers: Aradhana Bela Sood and Mark Murphy

Institution: Virginia Commonwealth University Health System and DJJ

Approval Date: May 18, 2017

The purpose of the study is to examine the demographic, social, and psychological characteristics that relate to juvenile delinquency and recidivism. The researchers are investigating the extent to which mentoring relationships mitigate and mental health issues exacerbate juvenile delinquency. The researchers found that gender was associated with trauma and mental health presence; however, there was no association between sociodemographic characteristics and the total dynamic risk. The results also indicated that no relationship was found between the YASI family domain and mental health and substance abuse. Race and dynamic substance abuse risk were associated with 12-month arrest. It is notable that this study only examined three domains from the YASI. The Coordinator of External Research contacted the researchers for an executive summary.

Vision 21: Linking Systems of Care for Children and Youth

Researchers: Laurie Crawford

Institution: Virginia Commonwealth University

Approval Date: May 26, 2017; amended May 17, 2019

The purpose of the study is to pilot the Virginia Victimization Screen (VVS), a screening tool used to assess victimization, associated symptomatology, and protective factors. Court Service Unit (CSU) directors selected DJJ staff to become VVS administrators. The VVS is utilized for all youth who are diverted or placed on probation with a moderate or high-risk YASI score. The VVS administrators also make referrals to appropriate partner agencies as needed. The researchers hope to validate this screening tool by requesting case specific, de-identified data from other standard screening tools (i.e., YASI, Substance Abuse Subtle Screening Instrument, Adverse Childhood Experiences Questionnaire). In addition, VVS administrators meet with researchers for regular meetings that include ongoing technical assistance. During these meetings, the researchers invite DJJ staff to participate in pre- and post-surveys. Participants reported the training to be effective for various professional positions, the Spanish form needed to be refined to include commonly used language, and their objection to the work "victimization" being commonly used in this tool, but alternatives were not suggested. The Coordinator of External Research contacted the researchers for an executive summary.

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Multi-State Validation of Youth Risk and Needs Assessments

Researchers: Zachary Hamilton
Institution: Washington State University
Approval Date: November 7, 2017

The purpose of the study is to first validate Virginia's juvenile risk assessment instrument, YASI, and then compare the tool's validity across multiple states that use the same or similar instruments. The researcher weighed YASI fields and/or scores differentially based on locality in order to improve the tool's predictability. The researcher is requested de-identified, case-specific data for all YASI items for youth placed on probation or released from direct care between FY 2013 and FY 2016, as well as demographic information, treatment information, and recidivism rates at multiple follow-up periods. The researcher found support for all of their hypotheses and provided six main recommendations, including accounting for and reducing individual items in the risk assessment tool that often associated with non-White youth.

Evaluation of a Comprehensive Community-Level Approach to Youth Violence

Researchers: Derek Chapman and Diane Bishop
Institution: Virginia Commonwealth University
Approval Date: November 28, 2017; amended: January 28, 2020

The purpose of the study is part of a larger project aimed at learning more about youth violence in low-income neighborhoods of Richmond, Virginia. In the proposed study, the researchers will examine retrospective, de-identified data for youth between the ages of 10 and 24 who were associated with an intake case at CSU 13 between 2012 and 2016. The researchers requested data on intake decisions, youth demographics, offense information, Detention Assessment Instrument (DAI) ranking, select YASI items, length of stay (if applicable), and recidivism rates. Since the researchers are interested in low-income neighborhoods of Richmond, such as Mosby Court, Gilpin Court, and Creighton Court, they are requesting individual block-level geographical data. The researchers trained the DJJ Research Unit staff on how to clean and geocode the data manually. The researchers identified the variables they need from DJJ. At the end of FY 2020, DJJ staff finalized the data request for this study.

Virginia Personal Responsibility Education Program Innovative Strategies (VPREIS)

Researcher: Amanda Dainis
Institution: James Madison University
Approval Date: February 20, 2018; amended: March 29, 2019

The purpose of the study is to evaluate the *Vision to You* program, an evidence-based teen pregnancy program. The program's main outcomes include the following: (i) to reduce the frequency of sexual activity; (ii) to reduce the number of sexual partners; and (iii) to increase contraceptive use among participants. Another goal of this project is to increase knowledge related to healthy sexual practices. The program is collaborating with seven juvenile detention centers (JDCs) throughout the state. Eligible youth are asked if they would like to participate, and the research staff collects parental consent information. Once the youth complete the online program, they have the opportunity to participate in three post-program surveys. Notably, youth can simply participate in the program or participate in the program and the surveys. The researcher submitted two amendments in order to incorporate questions recommended by the grant monitor. There have

been 70 participants across seven JDCs. The researcher is continuing enrollment at the detention centers.

Third National Survey of Youth in Custody (NSYC-3)

Researcher: David Cantor

Institution: Westat

Approval Date: June 14, 2018; amended: July 23, 2018

The purpose of the study was to collect data for the National Survey of Youth in Custody, as required to meet the mandates of the Prison Rape Elimination Act (PREA). The two primary objectives of the survey are to: (i) identify facilities with the highest and lowest rates of victimization, and (ii) provide data for the development of national standards for preventing sexual victimization in correctional facilities. This will be the third of four surveys. The researchers' sample frame included either state-owned or operated facilities that hold at least 10 adjudicated youth (and the adjudicated youth comprise more than 25% of the total youth population in the facility) or contract facilities that house at least 10 adjudicated youth (including at least one state-placed adjudicated youth). DJJ and/or the selected detention centers participated in the parental consent process in some form; however, in order to accommodate the selected facilities, the process and Westat's involvement may vary. Youth with parental consent who have been in the selected facility longer than four weeks were invited to participate in the survey. The HRRC committee voiced concern with the study's alternative questions as they are sensitive in nature and may make some youth uncomfortable. However, the committee also recognized the inconvenience of requesting that Westat change their entire survey instrument for one state. Out of the 276 youth who were enrolled among the six facilities in Virginia, 164 youth participated in the survey. The Research Unit discussed a protocol violation with Westat. Their progress reported that Spanish forms were utilized; however, Spanish forms were not submitted to HRRC to review nor approved for use in Virginia. The organization stated that the Spanish would have been available upon request; however, the issue was that Spanish forms were never a part of the approved protocol. The study's teams worked with the Research Unit to ensure the protocol will be followed in future years. See Appendix B for additional details.

Connection, Safety, Fairness, and Purpose: A Follow-Up Study

Researchers: Ryan Shanahan

Institution: Vera Institute

Approval Date: July 26, 2018

The purpose of the study was to provide a follow-up to the surveys the researcher administered to committed youth in 2015. The researcher administered surveys related to connection, safety, fairness, and purpose to youth and staff in the JCC. Residents were asked to provide the contact information for a family member whom the researcher could contact and potentially recruit to participate in a telephone interview. Once the surveys and interviews were completed, the researchers conducted collaborative research meetings with residents and staff at the JCC to discuss the findings and possible contributing factors for the findings. The researcher did not submit the required progress report. The Coordinator of External Research reached out to the researchers on multiple occasions but did not receive a response. DJJ was informed that the institution went through a reorganization and the conditions in the Research Agreement Form will not be met for this study.

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Process Evaluation of the Virginia Department of Juvenile Justice Regional Service Coordinator Model

Researchers: Kelly Murphy

Institution: Child Trends

Approval Date: August 10, 2018; amended: May 7, 2020

The purpose of the study is to conduct an in-depth evaluation of DJJ's Regional Service Coordinator (RSC) model. The goal of this project is to provide feedback and recommendations to DJJ. The study has three primary objectives: (i) conduct a process evaluation of the RSC model to understand the extent to which it is being implemented as intended; (ii) provide an initial assessment of the extent to which implementation of RSC model is associated with youth outcomes; and (iii) translate and disseminate findings to target audiences, such as DJJ, other systems that are interested in similar models, and stakeholders. This evaluation would be conducted over a period of four years, including a pilot study in the first year. The researchers conducted 17 interviews with Direct Service Providers and three focus groups with CSU staff. The researchers worked with the Deputy Director of Community Programs to increase recruitment efforts with the CSU staff.

Brief Alcohol and Dating Violence Prevention Program for Court-Involved Youth

Researchers: Christianne Esposito-Smythers and Caitlin Williams

Institution: George Mason University

Approval Date: August 22, 2018

The purpose of the study is to provide a dating violence and alcohol prevention program for court-involved youth. The researcher delivered a four-hour group workshop utilizing didactic instruction, motivational interviewing, and cognitive-behavioral skill building to increase skills and knowledge in order to avoid high-risk alcohol and dating violence situations. This study aims to (i) integrate materials from two existing, evidence-based prevention programs and develop manuals for the interventions, training, and fidelity and (ii) conduct a pilot to evaluate the therapeutic potential of the proposed program. The researchers conducted the focus groups but due to recruitment issues are considering expanding the recruitment efforts to alternative locations. The researchers are exploring options to re-initiate recruitment for this study.

Resident and Staff Perceptions of Safety and Engagement with the Community Treatment Model (Part II)

Researchers: Sarah Jane Brubaker and Hayley Cleary

Institution: Virginia Commonwealth University

Approval Date: April 10, 2019

The purpose of the study is to conduct a follow-up to the researchers' original study. The researchers will examine perceptions of safety and levels of engagement among staff and youth under the Community Treatment Model (CTM), which has been fully implemented in the JCC. The researchers expanded the original study by including feedback from various DJJ staff. Furthermore, the study is being conducted again because the original study may have been impacted by the closure of one of the JCCs. Now that staff and youth have had time to become acquainted with the Bon Air JCC, the researchers hope to gain a better understanding of their current perceptions.

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Juvenile Delinquency and Adult Gun Sales: Comparative Effect of Different Minimum Age Standards for Firearm Purchase

Researchers: Jeff Swanson
Institution: Duke University
Approval Date: August 19, 2020

The purpose of the proposed study is to conduct a comparative analysis of three southern states with different laws regarding juvenile delinquency records and the minimum age standards for gun sales. The researchers selected three states that have differing thresholds for the minimum age of gun purchase for people with juvenile criminal records. By working with multiple state agencies, the researchers plan to conduct a longitudinal comparison of gun-related adverse outcomes in order to provide an evaluation of the effectiveness of the minimum-age standards in preventing gun violence and suicide. The researchers provided DJJ with Letter of Supports from the other agencies to ensure the feasibility of this study.

Rigorous Evaluation of the Virginia Department of Juvenile Justice's Second Chance Act Reentry Reform

Researchers: Kelly Murphy
Institution: Child Trends
Approval Date: October 30, 2019; amended: March 9, 2020

The purpose of the proposed study is to conduct an evaluation of DJJ's reentry reform efforts. The researcher aims to examine (i) the extent to which DJJ is implementing the recommendations developed during the Second Chance Act Juvenile Reentry Reform Planning Grant, (ii) the extent to which the agency's services align with the youth's needs, (iii) what the youth's participation in reentry services look like, and (iv) how the implementation of the reforms have impacted youth outcomes. This study is being funded by the NIJ. The proposed evaluation would be conducted over a four-year period, including a pilot period. The evaluation would include focus groups with various stakeholders, such as DJJ's Reentry Advocates, parole officers, JCC counselors, and more. The researcher submitted amendments to account for administrative changes to the key informant and family and youth interview protocol and create a standalone interview protocol for the Family Engagement Committee.

III. Proposed / Pending Studies

The Impact of Dental Operatory Color on Anxiety in Adolescents in Juvenile Detention

Researchers: Tegwyn H. Brickhouse and Matilda Sullivan
Institution: Virginia Commonwealth University
Approval Date: N/A

The purpose of the proposed study is to examine the impact of color on patients in the juvenile correction center's dental facility rooms. Previous studies have indicated in private dental facilities, the color in dental operatories can influence the patient's anxiety levels. The researchers aim to determine if a similar result is found in a juvenile correctional center, specifically at Bon Air JCC, which is a gap in existing literature.

Virginia Department of Juvenile Justice
Human Research, FY 2020

Exploring Perceptions of Juvenile Court Service Personnel: Do Cognitive-Communicative Skills Impact Outcomes for Juvenile Offenders?

Researchers: Allison Chappell

Institution: Old Dominion University

Approval Date: N/A

The purpose of the proposed study is to examine CSU staff's views on the relationship between youth's communication skills and the legal process, including outcomes and decision-making. Existing research found that nearly half of juvenile offenders have a cognitive-communicative disorder that can impact their ability communicative effectively and appropriately. The researcher aims to gather qualitative data at CSU 5 (Norfolk) to assist with creating a formal survey instrument, which will allow the researcher to collect statewide data on staff's and other stakeholder's views on cognitive-communicative impairments and their impacts.

IV. Denied Proposals

No human research proposals were denied during this fiscal year.

V. Administratively Closed Proposals

Administratively closed proposals include proposal packets the Coordinator of External Research or the HRRC reviewed, but the agency did not hear back from the researcher(s) after providing feedback and/or requests for revisions.

The Relationship between Attitudes and Beliefs of Juvenile Probation Officers and Detention Decisions Concerning Juvenile Offenders in the Commonwealth of Virginia

Researchers: John Goss, III and Julius Reynolds, II

Institution: Shenandoah University

Approval Date: N/A

The purpose of the proposed study was to examine how implicit bias may influence probation officers' decision-making, and how this related to the disproportionality of Black probationers involved in the Virginia juvenile justice system. Due to recruitment issues and unclear data collection procedures, the Coordinator of External Research provided the researchers with feedback for consideration in October 2019. The researchers have not submitted a revised proposal and therefore the proposal has been closed.

Appendix A: Executive Summaries of Completed Human Research Projects from the Researchers*

* Executive summaries are completed by the researchers, and the content is not revised by DJJ.

Evaluation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) FY 2010 Second Chance Act Juvenile Offender Reentry Demonstration Projects' Executive Summary

Purpose

The purpose of the study was to use a staged evaluation approach to evaluate juvenile sites funded by the Second Chance Act (SCA) in FY 2010 to support reentry for high risk youth. One site was in the Tidewater area of Virginia. An evaluability assessment identified Tidewater as a strong site for an intensive process evaluation and a quasi-experimental impact evaluation. The impact evaluation used a comparison site design to estimate the effects of SCA program participation on recidivism. Recidivism of program participants in Tidewater was compared to the recidivism of similar youth released in the Richmond area, while using propensity score weighting to control for extraneous differences between the geographic samples.

Summary/Takeaways

The Urban Institute conducted a staged evaluation of JSCA sites funded by OJJDP in 2010. A process evaluation was completed in four sites, and an impact evaluation was completed in two sites (Tidewater, VA and Tulsa, OK). These sites were chosen based on several considerations, including having common reentry programs, strong potential for geographic comparison groups of youth returning from the same facilities to different jurisdictions, statewide risk and needs assessment, and strong statewide data systems. In both impact evaluation sites, the JSCA programs were primarily based on intensive case management.

In Virginia, the SCA site was comprised of several Court Service Units (CSUs) in the Tidewater area (CSUs 1, 2, 3, 4, 5, 7, and 8, and excluding CSUs 2a and 6), which included the cities of Chesapeake, Virginia Beach, Portsmouth, Norfolk, Newport News, Hampton, Franklin, and Suffolk, and the counties of Southampton and Isle of Wight. The SCA program was delivered by the Tidewater Youth Services Commission. The geographic comparison site was comprised of several CSUs in the Richmond area (CSUs 12, 13, and 14), with a similar case flow.

In Virginia, 127 reentry youth were interviewed, including 67 participants in the SCA program and 60 youth in the comparison site. Interviews with reentry youth found that youth in the SCA program perceived more robust reentry planning before release than youth in the control site, which may have been offset by reportedly less assessment conducted after release. SCA youth also reported receiving more help from their POs and case managers in the transition to the community, and reported more positive attitudes toward their POs and case managers.

In the Tidewater site, fewer than half of released youth were enrolled in the JSCA program; these youth comprised the treatment group. To assess program impact on recidivism, propensity score weighting (PSW) was used to control any sample differences between JSCA youth and youth released to the comparison site. Rearrest, reconviction, and reincarceration were examined at 6, 12, 18, and 24 months after release. Descriptively, JSCA youth generally showed somewhat lower recidivism over time, although none were significant in logistic regression models. Time to rearrest, reconviction, and reincarceration was then examined using survival models, and JSCA youth showed longer time to rearrest and reconviction, which were marginally significant ($p < .10$). Additional exploratory analyses suggested that observed delay in recidivism for SCA participants was primarily found among youth who were 18 or older (adults) at the time of release.

In sum, there is some indication of program benefit in VA and particularly among those released as adults, but the effect was not very robust. We note that the comparison groups were also receiving validated risk and needs assessments and some pre-release planning, perhaps somewhat attenuating the comparison.

VA recidivism rates were distressingly high even with SCA youth. By 24 months after release, 80% had been rearrested and almost half had been reincarcerated (47%). The SCA model being implemented, for which the central component was intensive case management, may not have been intense enough for these youth.

Recommendations/Next Steps

The high recidivism rates for these youth suggests that more robust reentry initiatives for serious offenders may be warranted. The current study suggests that a next step may be to combine intensive case management with a more robust set of therapeutic evidence-based programs that have shown demonstrated impact on recidivism, and which are focused on areas of need for each youth that are identified through risk and needs assessments.

Multi-State Validation of Youth Risk and Needs Assessment's Executive Summary

Problem investigated: In nearly every state and in the vast majority of juvenile justice agencies, risk assessments are incorporated into diversion, case management, supervision, and placement practices. Despite two decades of use within the juvenile justice system, research regarding the methods of risk assessment development is rarely translated to the field. Many contemporary tools are implemented *off-the-shelf*, meaning that tools were developed with a unique set of methods, including selection and weighting of items used in the prediction of a specified sample of youth. However, once adopted, many jurisdictions fail to make adjustments specific to their respective population of youth. What is not known is how the various designs, methods, and circumstances of tool development impact predictive performance following implementation.

Purpose of project: The proposed project sought to isolate, test, and evaluate the relative impact of seven notable risk assessment development variations, namely 1) item selection technique, 2) response weighting, 3) gender-responsivity, 4) race-ethnicity neutrality, 5) outcome specificity, 6) prediction duration, and 7) jurisdiction variation. An additional hypothesis (8) test optimized, or combined the effects of multiple variations, was also examined.

Approach: Using a large, 10-state sample of youth assessed using the same assessment, we developed risk assessment models using the seven development methods outlined. Where required, boosted regression models were used for identifying predictive items and provide coefficient weights. In addition, several sub-samples were created to examine and compare approaches between gender and race/ethnic groupings. Furthermore, comparisons were made between the 10-site unified sample and models created to capture individual site differences. To identify model performance, k-fold validation was completed and industry standard predictive performance metrics are provided.

Findings and Relevance: Findings identify consistent and substantial improvements with each of the eight hypothesized variations, with outcome and jurisdiction specific models identifying more than a full effect size improvement. Additionally, we identified an optimized set of models for the 10 sites, representing customized tools based on each data set with the ability to be implemented and improve predictive performance. Recommendations outline *best practices*, describing how the field may make similar adjustments to off-the-shelf tools in an effort to optimize predictive performance.

**Appendix B: Memorandum from the Bureau of Justice Statistics
(Westat Study)**



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

June 9, 2020

Jessica Schneider, Ph.D.
Research Manager
Central Office
Virginia Department of Juvenile Justice

RE: Third National Survey of Youth in Custody (NSYC-3)

Dear Dr. Schneider,

On behalf of the Bureau of Justice Statistics (BJS), I would like to thank you and your team for sharing with Erica Smith and me the concerns the Human Research Review Committee has had about the protocols for the third National Survey of Youth in Custody (NSYC-3) and for allowing us the opportunity to address those concerns. I would also like to apologize for the communication difficulties that you experienced with Westat, BJS's data collection agent for the NSYC-3.

BJS staff have discussed these concerns with Westat and we see several opportunities for improvement that BJS will pursue in future iterations of NSYC —

- First, BJS will require that any future data-collection agent administering the NSYC appoint a single primary point-of-contact (POC) for the state. Any additional survey administration coordination would run through that POC, who would have the responsibility for working directly with your agency. We hope this will prevent the disjointed communications you experienced with the NSYC-3.
- Second, BJS will establish a central repository of survey materials approved by any external IRB responsible for reviewing the NSYC protocols and documents for human subjects protections. This will allow BJS staff direct access to both IRB-approved and OMB-approved materials, so that BJS can directly review and fulfill any requests for documentation.
- Third, BJS will explore options to receive affirmative information from parents regarding the need for a Spanish language survey instrument or the presence of a Spanish-speaking interviewer. For parent feedback, the previous protocol relied upon the parent sending back a signed consent form in Spanish. In future iterations of the NSYC, we will consider directly asking parents about the need for Spanish language materials, regardless of which consent form they sign.
- Fourth, BJS will also consider adapting the consent and assent protocols used at the outset of the interview to verify the need for any Spanish language support. We hope this is responsive to

the concerns you raised about ensuring that youth had an opportunity to self-request Spanish language survey supports.

- Lastly, we will consider adding a field to the facility roster for the sampled youth where facility staff can indicate if Spanish language materials or a bilingual interviewer are needed for a particular youth. This would serve as an additional check on the need for language supports for a youth to participate in the survey.

We are eager to implement these changes to ensure the effective implementation of the NSYC in Virginia and maintain your valued support.

Once again, I thank you for the helpful feedback you have provided to us and for your continued partnership. If you would like to discuss anything further, please do not hesitate to contact me directly at amy.lauger@usdoj.gov or 202-307-0711.

Sincerely,

A handwritten signature in blue ink that reads "Amy D. Lauger". The signature is written in a cursive, flowing style.

Amy D. Lauger
Prison Rape Elimination Act (PREA) Program Manager
Chief, Institutional Research and Special Projects Unit
Bureau of Justice Statistics



Valerie P. Boykin
Director

COMMONWEALTH OF VIRGINIA
Department of Juvenile Justice

P.O. Box 1110
Richmond, VA 23218
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Fax: (804) 371.6497
www.djj.virginia.gov

TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

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

DATE: December 1, 2020

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (department) respectfully requests that the State Board of Juvenile Justice (board) approve the extension of three active variances originally issued to the Tidewater Youth Services Commission's Apartment Living Program (ALP) in 2016. The variances provide relief from three regulatory requirements contained in the Regulations Governing Juvenile Group Homes and Halfway Houses (6VAC35-41) related to menus, meals, and staffing for youth in the ALP. The regulatory provisions at issue are as follows:

6VAC35-41-650. Nutrition...

(C) Menus of actual meals served shall be kept on file for at least six months...

(E) There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

6VAC35-41-920. Staff Supervision of Residents...

(D) There shall 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.

II. BACKGROUND

ALP is an independent living environment operated by the TYSC that allows residents who are prescreened and meet certain eligibility requirements to live with a roommate in an apartment setting with moderate staff supervision. Since its inception in 2016, the department has treated ALP as an independent living program subject to the Regulations Governing Juvenile Group Homes and Halfway Houses set out at 6VAC35-41.

The purpose of the ALP program is to enable residents to develop the skills necessary to become independent decision makers and self-sufficient adults, and to live successfully on their own following completion of such programs. The Tidewater Youth Services Commission's ALP is the only apartment-style juvenile group home facility operated in the Commonwealth.

The unique nature of this apartment-style program and the facility staff's need to ensure that residents develop and cultivate independent decision-making and living skills would render compliance with several existing regulatory provisions extremely difficult. Because of this concern, in January 2016, TYSC sought and the board granted the ALP variances to the aforementioned regulatory requirements for a five-year period, effective beginning January 11, 2016. The variances are set to expire on January 11, 2021. Because the active variance has relieved the ALP of its duty to comply with the applicable regulatory provisions, the ALP has not taken any additional action to come into compliance with the applicable regulatory requirements. ALP respectfully seeks an extension to these variances so that they can continue operating this program that prepares residents for successful independent living.

III. REQUESTED VARIANCES

Retention of menus for six-month period

Subsection C of 6VAC35-41-650 directs group homes and similar nonresidential programs to retain in their files for a period of at least six months menus of actual meals served. The ALP does not have a food technician on the premises. As part of its objectives to promote the development of independence, the program works with its residents to help them develop skills related to food consumption, such as cooking, nutritional eating, kitchen safety, and proper food handling. ALP staff educate residents in the program on healthy and nutritional food choices, meal planning, and meal preparation. Residents are responsible for grocery shopping and must develop a weekly menu for the meals they plan to eat in a given week. Staff place the weekly plan and the grocery receipts in the youth's file. Staff review these receipts with the residents to ensure residents are purchasing food that meets nutritional requirements. Residents also complete workshops on nutrition, grocery shopping, and preparing healthy meals and are expected to cook with staff to ensure they can prepare a meal using fresh meat and vegetables. While these recognized protocols are in place to enable residents to prepare and consume healthy meals, extended and unpredictable work and school schedules make adhering to the planned menus, as well as monitoring, documenting, and verifying the actual meals consumed impracticable. The existing variance excuses staff from this regulatory requirement and allows staff to retain the menus of projected meals in accordance with these regulatory requirements.

Maximum time between meals

Subsection E of 6VAC35-41-650 directs group homes and similar nonsecure juvenile residential facilities to ensure that no more than 15 hours pass between the evening meal and breakfast the following day unless the facility administrator approves an extension on weekends and holidays. Even when such extensions are granted, subsection E prohibits facility staff from allowing more than 17 hours between the evening meal and the next day's breakfast.

ALP has many of the same concerns as with the menu retention requirement in subsection C of Section 650. Residents in ALP programs have varying schedules making it impossible for staff to accurately track exactly when each resident eats. As such, ALP requests an extension of the variance to this requirement that would

continue to relieve staff from the prohibition of allowing more than 15 hours to pass between the evening meal and the next day's breakfast (or 17 hours on weekends and holidays).

Staff supervision of residents

Subsection D of 6VAC35-41-920 requires that group homes have at least one trained direct care staff on duty who is actively supervising residents whenever one or more residents are present. Occasionally, a staff member on a single coverage shift may need to travel offsite to assist a resident who is in need of emergency transportation or who has encountered some other emergency offsite. The emergency might pose a greater safety risk to the offsite resident than the risk to those residents left temporarily unsupervised onsite. In these circumstances, the existing variance allows staff to notify the supervisor on duty, post notice and contact information to the onsite residents, and leave the campus for a period of no longer than one hour to attend to the resident in the community. Since the program's inception, staff have utilized this variance as frequently as monthly to respond to a variety of offsite resident emergencies, including assisting residents who are stranded in the community due to inclement weather, facing a medical emergency, or otherwise in need of transportation in the community. While the number of residents left onsite varies, ALP staff never leave more than seven residents alone at any given time.

Proposed Scope of Variance

The proposed variance would continue to excuse TYSC's ALP from meeting the regulatory requirements related to the retention of menus, the maximum period between dinner and breakfast, and the number of direct care staff required, as set out below:

6VAC35-41-650. Nutrition...

(C) Menus of actual meals served shall be kept on file for at least six months.

(E) There shall not be more than 15 hours between the evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

(F) The requirements of subsections (C) and (E) shall not apply to the Tidewater Youth Services Apartment Living Program.

6VAC35-41-920. Staff Supervision of Residents...

(D) There shall 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. Notwithstanding this requirement, a trained direct care staff who is on single coverage and actively supervising residents in the Tidewater Youth Services Apartment Living Program shall be authorized, in emergency situations, to leave the facility for no longer than one hour to attend to a resident who is away from the facility and is in need of immediate assistance, provided the program observes the following rules:

1. The direct care staff must provide notice to the facility administrator or other supervisor before leaving the facility; and
2. Residents who remain at the facility shall be provided with an emergency telephone number or other means of immediately communicating with a staff member.

Pursuant to TYSC's request, the department respectfully asks the board to extend the variance for a period of five years or until the currently approved variance is adopted into the Regulations Governing Juvenile Group Homes and Halfway Houses (6VAC35-41), whichever occurs first. In May 2019, the board approved amendments to the group home regulations that incorporate the exceptions permitted by this variance. The proposed amendments are moving through the regulatory process.

October 08, 2020

Attn: Chairman
Board of Juvenile Justice
PO Box 1110
Richmond, VA 23218-1110

Re: REQUEST EXTENSION OF VARIANCE

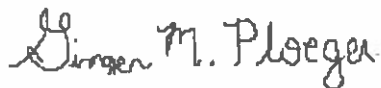
Virginia Department of Juvenile Justice

Please be advised that The Apartment Living Program currently has three approved variances in place that are scheduled to expire on January 11, 2021. The variances exempt the Tidewater Youth Services Commission's Apartment Living Program from various nutrition and staffing requirements contained in the Regulations Governing Juvenile Group Homes and Halfway Houses (6VAC35-41). The Apartment Living Program has attached a formal variance request for each of the following regulations:

6VAC-35-41-920 (D) Staff Supervision of Residents
6VAC35-41-650 (C) Nutrition
6VAC35-41-650 (E) Nutrition

The Tidewater Youth Services Commission is respectfully requesting that the Department approve the continued variances that are currently in effect. The variances have assisted in servicing the youth and meeting the needs of our residents. In order to provide you an opportunity to become fully aware of our intention, we have attached three formal variance requests for you to review. The requests include the rationale for each variance.

Respectfully submitted,



Ginger M. Ploeger
Deputy Director
Tidewater Youth Services Commission

Cc:
William Wimbish
Program Director
Apartment Living Program

DEPARTMENT OF JUVENILE JUSTICE
VARIANCE REQUEST

This request is forwarded to the Board of Juvenile Justice for review pursuant to 6VAC35-20-92 *"Variance requests approved by the regional administrator or chief, reviewed by the certification unit manager, and approved by the director or designee shall be forwarded to the Board for final approval. The Board shall be made aware of any denied requests."*

Program: Tidewater Youth Services Commission's Apartment Living Program

Regulations: 6VAC-35-41-920 (D) Staff Supervision of Residents

There shall be at least one trained direct care staff on duty and actively supervising residents at all times that one or more residents are present.

Reason for Variance:

The Apartment Living Program (ALP) is an independent living environment where residents are pre-screened and appropriate candidates should demonstrate a level of functioning that would enable them to live with a roommate in an apartment setting with moderate supervision. These clients are able to think in a logical and rational manner, are capable of being a good neighbor, have demonstrated a willingness to participate in the program, comply with program conditions and supervision requirements. The rationale for this request is that a staff member working on a single coverage shift may have to go off site to assist a resident that may be in need of emergency transportation to get home or is stranded in the community. The Residents in the community could be in predicaments that poses a community safety concern that is a greater safety risk than the client(s) at the program in their apartment setting without a staff on site. For example, a resident who is at a doctor's office and has completed significantly earlier than staff was advised and needs a ride back to the program. Instead of allowing the resident to be unsupervised in the community for several hours, staff on duty would notify the supervisor on duty, lock the program main office and leave a printed sign that advises that staff will return in no longer than an hour. The sign would list phone numbers to the program administration along with the staff cell phone number that the staff on duty will take with them if the need to leave the program arises. Additional examples of emergency assistance in which a staff member may have to leave the program to assist a client may include inclement weather as it regards to the resident's use of the public transportation system and a bicycle to travel back and forth to work; an emergency occurred in which a resident must be accompanied to the hospital and a secondary staff is en route to the program; staff assists residents with transportation as a safety precaution or diversion from traveling among large crowds of people in the area for events at the oceanfront (Large events, Unlawful gatherings at the oceanfront, etc.) In a residential program, each day is never the same and emergencies could arise when there is a single staff on duty. The variance allows the staff member to leave the program for a short period of time (no longer than an hour) to assist a resident in an emergency situation only.

During the time that ALP has been open, staff has utilized the currently approved variance at least one time a month. ALP administration are contacted immediately by staff on duty and the

ALP administration determines if the resident remaining in the community unsupervised is a greater risk than staff leaving the program for up to an hour to assist the client. The number of residents remaining at the program varies due to employment and daily task. However it would never be more than 7 residents at any given time.

Any actions taken to come into compliance:

6VAC-35-41-920 (D) Staff Supervision of Residents variance was approved on January 11, 2016 and has been in effect since the program has opened.

The person and agency responsible for such action:

Director of the Tidewater Youth Services Commission's Apartment Living Program

The date at which time compliance is expected:

Currently in compliance with previously approved variance.
Expected renewal of variance date is January 11, 2021

The specific time period requested for this variance:

For 5 years or until the currently approved variance is adopted into Regulations Governing Juvenile Group Homes and Halfway House (6VAC35-41).

DEPARTMENT OF JUVENILE JUSTICE
VARIANCE REQUEST

This request is forwarded to the Board of Juvenile Justice for review pursuant to 6VAC35-20-92 "*Variance requests approved by the regional administrator or chief, reviewed by the certification unit manager, and approved by the director or designee shall be forwarded to the Board for final approval. The Board shall be made aware of any denied requests.*"

Program: Tidewater Youth Services Commission's Apartment Living Program

Regulations: 6VAC35-41-650 (C) Nutrition

Menus of actual meals shall be kept on file for at least six months.

Reason for Variance:

The rationale for this request is that residents at the Apartment Living Program are expected to learn, develop and apply independent living skills that they have been introduced to. Depending on the approved hours that the Resident is in the community, whether at school or work, the staff would not necessarily be able to monitor or verify what the Client has consumed or eaten within the 15 hours following the evening meal to the breakfast meal. To establish a record of the meals that each resident's plans, all you adults are required to complete a weekly menu projecting their meals adjusting meal times with the times that they work or go to school. Staff maintains the resident's receipt from their weekly grocery shopping trip and their weekly meal planner in the resident's case record file. The resident's grocery receipt and weekly meal planner are placed in the client's file for the duration of their placement. When the young adult is discharged, their file is stored according to the Department of Juvenile Justice Regulations.

Any actions taken to come into compliance:

Variance 6VAC35-41-650 (C) Nutrition was approved on January 11, 2016 and has been in effect since the program has opened.

The person and agency responsible for such action:

Director of the Tidewater Youth Services Commission's Apartment Living Program.

The date at which time compliance is expected:

Currently in compliance with the existing approved variance.
Expected renewal of variance date is January 11, 2021.

The specific time period requested for this variance:

For 5 years or until the currently approved variance is adopted into Regulations Governing Juvenile Group Homes and Halfway House (6VAC35-41)

DEPARTMENT OF JUVENILE JUSTICE
VARIANCE REQUEST

This request is forwarded to the Board of Juvenile Justice for review pursuant to 6VAC35-20-92 *"Variance requests approved by the regional administrator or chief, reviewed by the certification unit manager, and approved by the director or designee shall be forwarded to the Board for final approval. The Board shall be made aware of any denied requests."*

Program: Tidewater Youth Services Commission's Apartment Living Program

Regulations: 6VAC35-41-650 (E) Nutrition

There shall be no more than 15 hours between evening meal and breakfast the following day, except when the facility administrator approves an extension of time between meals on weekends and holidays. When an extension is granted on a weekend or holiday, there shall never be more than 17 hours between the evening meal and breakfast.

Reason for Variance:

The Apartment Living Program does not have a Food Technician/Manager on the premises. The program works with all Resident/young adults to develop, strengthen and apply independent living skills such as cooking, nutritional eating, kitchen safety, proper food handling, etc. Residents are required to complete a weekly menu projecting what they plan on eating for the week prior to grocery shopping. Residents have varying schedules (school, work, etc) and it is difficult for staff to routinely monitor meal times. Residents are responsible for menu planning and cooking for themselves. Up to two times a week, the Residents are required to cook with staff to ensure that they know how to properly cook for themselves and that they are eating a nutritional meal. As Residents all keep different work and school schedules, there is no accurate way of ALP staff to track exactly what and when each Resident eats.

With staff's assistance, residents complete workshops on nutrition, grocery shopping and preparing healthy meals. Residents are expected to cook using fresh meat and vegetables and are limited in purchasing processed foods. All grocery purchases are reviewed and approved by staff weekly.

Any actions taken to come into compliance:

Variance 6VAC35-41-650 (E) Nutrition was approved on January 11, 2016 and has been in effect since the program has opened.

The person and agency responsible for such action:

Director of the Tidewater Youth Services Commission's Apartment Living Program

The date at which time compliance is expected:

Currently in compliance.

Expected renewal of variance date is January 11, 2021

The specific time period requested for this variance:

For 5 years or until the currently approved variance is adopted into the Regulations Governing Juvenile Group Homes and Halfway House (6VAC35-41).



Valerie P. Boykin
Director

COMMONWEALTH OF VIRGINIA
Department of Juvenile Justice

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(804) 371.0700
Fax: (804) 371.6497
www.djj.virginia.gov

TO: State Board of Juvenile Justice

FROM: Virginia Department of Juvenile Justice

SUBJECT: Request Authorization to Initiate Fast-Track Regulatory Action for Compulsory Training Standards for Certain Employees in Juvenile Correctional Centers

DATE: December 1, 2020

I. SUMMARY OF ACTION REQUESTED

The Department of Juvenile Justice (the department) respectfully requests the State Board of Juvenile Justice (board) to authorize the initiation of a fast-track regulatory action to carry out the legislative mandates in Chapter 366 of the 2019 Acts of Assembly and Chapter 526 of the 2020 Acts of Assembly. The 2019 legislation directs the board to establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as juvenile correctional officers at a juvenile correctional facility. Subsequent legislation enacted during the 2020 legislative session requires these standards to include the following for “juvenile correctional officers” who may have contact with pregnant inmates: (i) training on the general care of pregnant women, (ii) the impact of restraints on pregnant inmates and fetuses, (iii) the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and (iv) the impact of body cavity searches on pregnant inmates.”

II. BACKGROUND

Prior to 2012, the responsibility for establishing training requirements for direct care staff in juvenile correctional centers was vested in the board by virtue of its broad statutory authority to establish regulations as set forth in *Code of Virginia* § 66-10. At that time, the department referred to direct care staff in its state-operated correctional facilities as “juvenile correctional officers,” and those positions served correctional roles similar to the roles of correctional officers employed by the Department of Corrections. During the 2012 legislative session, the department sought legislation that would give the Department of Criminal Justice Services (DCJS) the same authority to establish training standards for the department’s correctional officers as DCJS had for several other law enforcement officers in other agencies. The Department believed DCJS’ additional oversight would help to ensure that the direct care staff in juvenile correctional centers received the most appropriate and effective training.

In 2014, the department commenced an effort to transform its practices and philosophy by implementing a Transformation Plan that involved, among other changes, adoption of a Community Treatment Model (CTM) in

the existing juvenile correctional centers. The transformation involved restructuring the juvenile correctional officer position in the juvenile correctional centers into two separate classifications: resident specialists and security specialists. In addition to many of the position's previous responsibilities, the resident specialist role also incorporated a therapeutic element that involved establishing appropriate relationships with residents, serving as a resident's personal advocate, demonstrating effective listening and empathetic responses, providing guidance to residents on individualized treatment goals, and providing supportive care.

Now that the department has fully implemented CTM and restructured the former juvenile correctional officer position, the department's direct care employee positions no longer align with the roles of correctional officers in the Department of Corrections, nor with many of the other law enforcement positions overseen by DCJS. To address this change and give the department more flexibility in tailoring its standards to the unique training needs of these new positions, during the 2019 legislative session, the department successfully lobbied to transfer the authority to develop training standards back to the board, and the General Assembly voted in support of this transfer of authority. In accordance with this legislation, the board now must develop compulsory training standards that will apply to direct care and security employees in the Bon Air Juvenile Correctional Center and any future juvenile correctional centers in the Commonwealth.

III. TRAINING STANDARDS FORM

While the governing statute directs the board to establish compulsory training standards, the department believes these "standards" should take the form of a separate regulatory chapter subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*). This is consistent with the board's approach for carrying out similar legislative directives. For example, § 16.1-309.9, which directs the board to approve minimum standards for "food, clothing, medical attention, and supervision of juveniles to be housed" in juvenile detention centers, provides the basis for the board's Regulations Governing Juvenile Secure Detention Centers (6VAC35-101). Like the detention center regulations, the department recommends that the board capture these proposed training standards in a new regulatory chapter (6VAC35-210), as discussed in Part IV of this memo.

IV. CONTENT OF TRAINING STANDARDS, CHAPTER 210

Definitions (§ 10)

The proposed standards include definitions for terms used throughout Chapter 210. The standards use the same definitions for the terms "board," "department," "director," and "juvenile correctional center" as used in the existing Regulations Governing Juvenile Correctional Centers (6VAC35-71). The terms, "direct care employee," "mechanical restraint," "mechanical restraint chair," "protective device," and "security employee" have the same definitions as the proposed amendments to the Juvenile Correctional Center Regulations that are currently underway.

Applicability (§ 20)

As discussed in Part II of this memo, while the statute calls for the development of training standards that will apply to "juvenile correctional officers," these positions have been restructured into different positions that fall under the general direct care and security employee classifications. In keeping with this change, the proposed standards apply to direct care employees and security employees and only to such staff working in either state

or privately operated juvenile correctional centers. The proposed standards do not apply to staff in alternative direct care programs, such as Community Placement Programs and Detention Reentry programs, operated by local or regional juvenile detention centers. Similarly, the standards do not apply to juvenile boot camps, which currently, are not in operation in the Commonwealth of Virginia.

Training Providers (§ 30)

The proposed standards require agency-approved general instructors to provide all such required training unless the regulation provides otherwise. The department recommends this provision to prevent staff from pursuing training not sanctioned by the department.

Compulsory minimum training standards (§ 40)

The proposed standards direct applicable staff to complete a combined 180 hours of training, consisting of a minimum of 120 hours of department-approved initial training, 24 hours of staff observation in the juvenile correctional center, 36 hours training on a juvenile correctional center housing unit, and an unspecified number of hours devoted to facility orientation. The department's Training and Development Unit will conduct the initial 120 hours of training, which will cover the required initial training topics set out in 6VAC35-71-160. These topics currently include: 1) emergency preparedness and response; 2) first aid and CPR; 3) the JCC's behavior management program; 4) the residents' rules of conduct and the rationale for the rules; 5) the JCC's behavior interventions, including restraint training if applicable to the individual's duties; 6) child abuse and neglect; 7) mandatory reporting; 8) maintaining appropriate professional relationships; 9) appropriate interaction among staff and residents; 10) suicide prevention; 11) residents' rights, including coverage of the acts prohibited in 6VAC35-71-550, 12) standard precautions; 13) recognition of signs and symptoms and knowledge of actions required in medical emergencies; 14) adolescent development; 15) procedures applicable to the employees' position and consistent with their work profiles; and 16) other topics required by the department and applicable state or federal statutes or regulations.

The Division of Residential Services will administer the 24 hours of facility observation. Pursuant to 6VAC35-71-830, at least one direct care staff member must be on duty and responsible for supervision of every 10¹ residents during resident waking hours. Individuals training to become direct care or security employees may not be counted in these ratios while fulfilling the staff observation portion of training.

As directed by the 2020 legislation, the proposed standards also require direct care and security employees to receive training related to the general care of pregnant residents and the impact of certain practices, such as the use of restraints and restrictive housing on such residents. Because facility demographics are likely to evolve over time, the standard requires this training for all direct care and security employees regardless of whether the JCC facility currently houses pregnant residents. The training must be conducted by medical staff.

In addition to the initial training, the proposed standards require direct care and security employees to complete at least 40 hours of department-approved annual training in accordance with 6VAC35-71-170. Mandated annual

¹ The proposed amendments to the Regulations Governing Juvenile Correctional Centers currently underway modify the required staff to resident ratios during waking hours from 1:10 to 1:8 consistent with the mandated ratios in the Prison Rape Elimination Act Juvenile Facility Standards (28 CFR Part 115).

training includes the following topics: 1) the department's behavior management program,² 2) suicide prevention, 3) maintaining appropriate professional relationships, 4) appropriate interaction among staff and residents, 5) child abuse and neglect, 6) mandatory reporting, 7) residents rights including the acts prohibited in 6VAC35-71-550, 8) standard precautions, 9) and other topics required by the department and applicable state or federal statutes or regulations. Pursuant to 6VAC35-71-170, direct care and security employees also shall receive training sufficient to maintain a current certification in first aid and CPR.

The proposed standards mandate advanced or specialized training only for direct care and security employees authorized to use mechanical restraints, the mechanical restraint chair, or protective devices. The department will be required to make other advanced or specialized training available, but such training will not be required.

Time requirements for completion of training (§ 50)

Pursuant to the statutory directive in § 66-10(9), the training standards shall include the "time required for completion of such training." The proposed standards require direct care and security trainees to complete the initial 180 hours of classroom, field training, and orientation before working directly with residents unless at least one other employee who has completed all required applicable orientation and training is present and supervising the resident. Under the proposed standards, direct care and security employees must complete annual training in accordance with 6VAC35-71-170, which mandates training for direct care and security employees in behavior intervention techniques and the topics enumerated in clauses (2) through (9) above on an annual basis, in addition to first aid and CPR training as often as necessary to maintain current certification. The proposed standards require applicable staff to complete advanced or specialized training before applying mechanical restraints, the restraint chair, or protective devices.

Attendance requirements, testing, and grading (60); failure to comply with minimum standards (70)

Under the proposed standards, direct care and security employees must: (i) successfully pass all administered written and practical tests; (ii) demonstrate mastery in physical restraint techniques and (iii) achieve acceptable attendance, which means that the trainee may not miss 32 or more hours of training cumulatively during the first five weeks of initial training. A trainee who fails to meet these requirements will be removed from service with the department and will need to repeat the application and training process for future eligibility.

Development and approval of performance outcomes (§ 80)

The proposed standards include a provision directing the department to develop a separate document that describes the required topics for training and the knowledge and competencies an employee should demonstrate upon completion of training. The board will need to approve these outcomes as a separate guidance document and will have discretion to amend the Performance Outcomes and to determine the timeline for implementing the guidelines.

² The proposed amendments to the Regulations Governing Juvenile Correctional Centers currently underway also include training on the requirements for sustaining a therapeutic community environment as a component of the department's behavior management program training.

Training Documentation (§ 90)

The proposed standards require the department to retain the documentation demonstrating a trainee's compliance with these requirements for at least three years, consistent with the retention period required for documentation demonstrating compliance with other regulatory requirements, as set out in 6VAC35-71-30.

V. EXPLANATION OF PERFORMANCE OUTCOMES

The proposed standards direct the department to establish Performance Outcomes for board approval that specify the competencies and knowledge an employee should glean from the required training. These outcomes are a supplement to the Minimum Standards and will be treated as a separate guidance document pursuant to § 2.2-4002.1 of the *Code of Virginia*. Under this statute, such documents are exempt from the Administrative Process Act but subject to a 30-day public comment period after publication in the Virginia Register of Regulations.

The Outcomes include entry-level, annual, recurring, and advanced and specialized requirements.

Entry-level outcomes identify and address the following topics:

- **Professionalism:** Topics include facility expectations on appearance, hygiene, and equipment care; attitudes needed to foster positive relationships; indicators of stress or trauma; harassment, bullying, or threats of violence; means of addressing discrimination; and mandatory courses for state employees.
- **Law and Legal Issues:** Topics include staff and resident civil rights, confidential information, documents subject to the Freedom of Information Act (§ 2.2-3700 et seq. of the *Code of Virginia*) or used in criminal investigations, negligence, ways to address the media, protections afforded to residents who violate rules, and the juvenile justice system.
- **Communications:** Topics include interpersonal communication skills, written communication skills needed to complete reports and documents, proper and effective use of authorized equipment, and appropriate and prohibited uses of electronic communication media.
- **Security and Supervision:** Topics include security functions such as counts, inspections, searches, and security monitoring; components of the Prison Rape Elimination Act (PREA) (28 C.F.R. Part 115) and related procedures; precautions for “vulnerable” residents; signs of substance impairment or withdrawal (through training led by a qualified medical professional); elements of the residents’ structured daily routines; components of the behavior management program and ways of achieving positive behavior; the facility’s rules of conduct, the rationale, and methods for handling violations; procedures regarding room confinement and timeouts; gang indicators and gang-management procedures; and issues around adolescent development, trauma, and evidence-based responses.
- **Safety:** Topics include securing crime scenes and preserving evidence; procedures to address contraband as evidence; maintenance of the chain of custody and its importance; requirements regarding tools and equipment; procedures regarding on-campus and off-campus movement; the continuum of interventions through application of physical restraints, knowledge of when physical force is permissible, and demonstration of physical intervention techniques; steps for recognizing and reporting resident abuse or neglect or resident or staff criminal activity; the department’s safety awareness program; and procedures regarding proper food handling and delivery.

- ***Conflict and Crisis Management***: Topics include characteristics of self-injurious behaviors, response procedures, and notification and documentation of such behaviors; suicide prevention and intervention procedures; and causes, signs, and management of conflicts.
- ***Emergency Response***: Topics include emergency incidents impacting facility operations, and preparedness and response procedures; indicators and causes of major disturbances, riots, and serious incidents; use of emergency equipment; and maintenance of certification in first aid and CPR.
- ***Pregnant Residents***: Topics include caring for pregnant residents; the impact of room confinement and restrictive housing on pregnant residents; the impact of body cavity searches on pregnant residents and the need for qualified medical professionals to conduct such searches; the impact of restraints on pregnant residents and fetuses; and federal and departmental limitations on such restraints.

Annual Performance Outcomes identify the expected outcomes resulting from refresher training in the following topics:

Professional relationships, residents' rights, PREA, behavior management, signs of self-injurious behavior and notification and documentation requirements, suicide prevention and intervention procedures, emergency and response procedures, the safety awareness program, and annually mandated training for state employees.

Other Recurring Training Requirements identify the outcomes anticipated from training received on an unspecified recurring basis. The outcomes involve the following:

- First aid and CPR certification, the continuum of behavior interventions leading to physical force, and mandated refresher training for state employees.

The Advanced and Specialized Training Outcomes identify the additional, elevated training requirements for staff authorized to apply mechanical restraints, the mechanical restraint chair, and protective devices. The following topics are addressed:

- Prerequisites for use of mechanical restraints or protective devices, application of such items; procedures associated with checking mechanically restrained residents for injuries and signs of circulation; and requirements and restrictions regarding the mechanical restraint chair and the protocols, procedures, and reporting requirements for such use.

VI. CONCLUSION

The department believes the proposed training standards and performance outcomes described in this memo will ensure that direct care and security employees hired to work in juvenile correctional centers receive training sufficient for the successful and competent performance of their duties in a juvenile correctional center. Therefore, the department respectfully requests the board's approval of these documents.

COMPULSORY MINIMUM TRAINING STANDARDS FOR DIRECT CARE EMPLOYEES (6VAC35-210)

6VAC35-210-10. Definitions.

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

“Board” means the Board of Juvenile Justice.

“Department” means the Department of Juvenile Justice.

“Direct care employee” means an employee whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents; (ii) implementing the structured program of care and the behavior management program; and (iii) maintaining the security of the facility. For purposes of this chapter, the term “direct care employee” shall include a security employee assigned, either on a primary or as-needed basis, to perform the duties of clauses (i) through (iii) of this definition and who is required to receive initial and annual training in these areas in order to carry out the responsibilities in clauses (i) through (iii) of this definition.

“Director” means the director of the department.

“Juvenile correctional center” means a public or private facility, operated by or under contract with the department, where care is provided to residents under the direct care of the department 24 hours a day, seven days a week.

“Mechanical restraint” means an approved mechanical device that involuntarily restricts the freedom of movement or voluntary functioning of a limb or portion of an individual’s body as a means of controlling his physical activities when the individual being restricted does not have the ability to remove the device.

“Mechanical restraint chair” means an approved chair used to restrict the freedom of movement or voluntary functioning of a portion of an individual’s body as a means of controlling the individual’s physical activities while seated and either stationary or being transported.

“Protective device” means an approved device placed on a portion of a resident’s body to protect the resident or staff from injury.

“Security employee” means an employee who is responsible for maintaining the safety, care and well-being of residents and the safety and security of the facility.

6VAC35-210-20. Applicability.

This chapter applies exclusively to direct care employees and security employees working full-time or part-time in state-operated juvenile correctional centers or in privately operated juvenile correctional centers governed by the Juvenile Corrections Private Management Act (§ 66-25.3 et seq. of the Code of Virginia). Staff employed by juvenile boot camps and locally, regionally, or

privately operated alternative direct care programs for juveniles are not subject to the requirements of this chapter.

6VAC35-210-30. Training Providers

All training required by this chapter shall be provided by department-approved general instructors unless otherwise specified.

6VAC35-210-40. Compulsory minimum training standards

A. Pursuant to the provisions of subdivision 9 of § 66-10 of the Code of Virginia, the board establishes these compulsory minimum training standards.

B. Individuals hired as direct care employees or security employees shall successfully complete the following:

1. A minimum of 120 hours of department-approved initial training in accordance with 6VAC35-71-160;

2. Facility orientation in accordance with 6VAC35-71-150;

3. A minimum of 24 hours of juvenile correctional center staff observation, during which time the trainee shall not be counted in coverage for purposes of meeting the staffing ratio requirements in 6VAC35-71-830; and

4. At least 36 hours of training on a juvenile correctional center housing unit.

C. Direct care employees and security employees shall receive training by medical staff on the following topics: (i) the general care of pregnant residents; (ii) the impact of placement in restrictive housing or room confinement, body cavity searches, and restraints on pregnant residents; and (iii) the impact of restraints on fetuses.

D. Direct care employees and security employees shall complete a minimum of 40 hours of department-approved annual training in accordance with 6VAC35-71-170.

E. Advanced or specialized training shall be required only for direct care and security employees authorized to use mechanical restraints, the mechanical restraint chair, and protective devices. The department shall make other advanced or specialized training available to direct care employees and security employees as a means of enhancing job skills and competencies but shall not require direct care or security employees to complete advanced or specialized training in order to assume position responsibilities.

6VAC35-210-50. Time requirements for completion of training

A. A direct care or security employee may not work directly with a resident until the employee has completed all training and orientation required in 6VAC35-210-40 or unless at least one other employee who has completed all applicable facility-based orientation and training is present and supervising the resident.

B. Direct care and security employees shall successfully complete additional refresher training on a recurring basis in accordance with subsection D of 6VAC35-210-40.

C. Required advanced or specialized training shall be completed before direct care or security employees may apply mechanical restraints, the mechanical restraint chair, or protective devices.

6VAC35-210-60. Attendance, requirements, testing, and grading

A. Direct care employees and security employees shall be deemed in successful completion of training upon satisfying the following testing requirements:

1. Successful passage of all administered written and practical tests and
2. Demonstrated mastery in all physical restraint techniques.

B. Direct care employees and security employees shall be deemed noncompliant with these minimum standards and shall be subject to the sanctions set out in 6VAC35-210-70 if they are absent from training for a cumulative period of 32 hours or more during the first five weeks of initial training, regardless of the topic addressed.

6VAC35-210-70. Failure to comply with minimum standards

A direct care or security employee who fails to comply with the minimum attendance requirements or to successfully complete the compulsory initial training shall be removed from service with the department and required to repeat the application and training process in order to qualify for a direct care or security employee position in the future. The department shall follow all applicable policies, rules, and regulations of the Virginia Department of Human Resource Management before imposing this sanction.

6VAC35-210-80. Development and approval of performance outcomes.

A. The department shall develop a performance outcomes document that describes the knowledge and competencies the department expects an employee to demonstrate after completing the training required in this chapter.

B. The performance outcomes shall be approved by the board. The board shall have the authority to amend these outcomes at any time and to establish a practicable timeline for implementation.

6VAC35-210-90. Training documentation.

The department shall maintain documentation for a minimum period of three years demonstrating that each direct care employee and security employee has complied with the requirements in this chapter.

PERFORMANCE OUTCOMES

A GUIDANCE DOCUMENT TO SUPPLEMENT 6VAC35-210, THE COMPULSORY MINIMUM TRAINING STANDARDS FOR DIRECT CARE AND SECURITY EMPLOYEES IN JUVENILE CORRECTIONAL CENTERS

PART I - INTRODUCTION

Background

Legislation enacted during the 2019 legislative session (Chapter 366 of the 2019 Acts of Assembly) requires the Board of Juvenile Justice (the board) to establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training for persons employed as juvenile correctional officers in a juvenile correctional facility as defined in § 66-25.3 of the Code of Virginia. Subsequent legislation enacted in 2020 (Chapter 526 of the 2020 Acts of Assembly) provides that for such juvenile correctional officers who may have contact with pregnant inmates, the training standards shall include training on the general care of pregnant residents, the impact of restraints on pregnant residents and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates. To comply with this statute, the board has adopted Compulsory Minimum Training Standards for Direct Care Employees and Security Employees (Minimum Training Standards), set out in 6VAC35-210. The Minimum Training Standards direct the Department of Juvenile Justice (the department) to develop performance outcomes that establish the knowledge and competencies a person must demonstrate upon receiving this mandated training. This document constitutes the performance outcomes and acts as a supplement to the Minimum Training Standards.

Applicability

Although § 66-10 of the Code directs the board to establish Minimum Training Standards applicable to “juvenile correctional officers,” this position no longer exists in the department’s juvenile correctional centers. Instead, the Minimum Training Standards and supplemental Performance Outcomes are applicable to direct care employees and security employees, both defined in 6VAC35-210-10. Direct care employees are defined as, “the staff whose primary job responsibilities are (i) maintaining the safety, care, and well-being of residents; (ii) implementing the structured program of care and the behavior management program; and (iii) maintaining the security of the facility. The term includes a security employee assigned, either on a primary or as-needed basis, to perform these duties and who is required to receive initial and annual training to carry out these responsibilities. Security employees are defined in 6VAC35-210-10 as the employees responsible for maintaining the safety, care, and well-being of residents and the safety and security of the facility. Together, these two categories of juvenile correctional center employees fulfill the functions and duties previously imposed upon juvenile correctional officers and must comply with the Compulsory Minimum Training Standards and these Performance Outcomes.

Outcomes Addressed in this Document

This document contains the expected outcomes for direct care employees and security employees. Part II establishes the entry-level performance outcomes, meaning the knowledge, understanding, and competencies the department expects direct care and security employees to demonstrate upon completing required, entry-level training. Part III contains annual performance

outcomes, which establish the understanding the department expects direct and security employees to gain as a result of refresher training obtained at least annually. Part IV addresses other recurring training standards, which include information such employees are expected to glean from training occurring on a recurring basis. Part V sets out the knowledge, understanding, and competencies expected of direct care and security employees authorized to use mechanical restraints, the mechanical restraint chair, and protective devices.

PART II – ENTRY-LEVEL **PERFORMANCE OUTCOMES**

Professionalism – Performance Outcomes 1.0

Outcome 1.1

Demonstrate an understanding of facility expectations regarding professional appearance, clothing, hygiene, grooming, and care and use of issued equipment.

Outcome 1.2

Demonstrate an understanding of the attitudes and behaviors necessary to engage appropriately and foster positive, professional relationships with staff, residents, visitors, and the public.

Outcome 1.3

Identify indicators of stress or trauma resulting from a juvenile justice career and devise strategies for personal wellness and self-care.

Outcome 1.4

Demonstrate the ability to recognize, prevent, and report behaviors that constitute harassment, sexual harassment, bullying, cyber-bullying, and threats or violence related to the workplace.

Demonstrate an understanding of discrimination and harassment, including quid pro quo sexual harassment and hostile work environments.

Identify means to address discrimination or harassment, including the following:

- The agency’s sexual harassment procedures,
- Avenues of support and available resources,
- Supervisor’s responsibilities when an employee reports offensive or discriminatory behavior, and
- Alternatives a victim may choose to respond to offensive behavior.

Outcome 1.5

Complete all other courses mandated for state employees by Executive Order, the Code of Virginia, state regulations or policies, or by other state agencies.

Law and Legal Issues – Performance

Outcome 2.0

Outcome 2.1

Demonstrate an understanding of the following:

- Civil rights guaranteed residents under federal law including rights related to the provision of food;
- Civil rights guaranteed staff under federal law;
- Behavior that could result in a civil rights violation;
- The types of information deemed confidential and the documentation that may be used in a criminal investigation or subject to a Virginia Freedom of Information Act (FOIA) request pursuant to § 2.2-3700 et. seq. of the *Code of Virginia*;
- Types of negligence, potential for civil liability for staff actions, and other consequences;
- Procedures for addressing the media; and
- Ways to prevent the occurrence of lawsuits.

Outcome 2.2

Identify the due process and legal protections afforded a resident when the resident violates rules and laws.

Outcome 2.3

Demonstrate a general understanding of the juvenile justice system.

Communications – Performance Outcomes

3.0

Outcome 3.1

Demonstrate the ability to utilize interpersonal verbal and non-verbal communication skills including (i) conflict management, (ii) de-escalation, and (iii) positive reinforcement and support in order to communicate effectively with staff, residents, and stakeholders.

Outcome 3.2

Demonstrate the ability to use written communication skills to complete the following reports and documents that may be disseminated externally, subject to FOIA, or used in a criminal investigation:

- Written reports documenting serious incidents (6VAC35-71-60),
- Daily logs informing staff of significant happenings or problems experienced by residents (6VAC35-71-815),
- Disciplinary reports required when staff believe a resident has committed a rule violation that cannot be resolved informally (6VAC35-71-1110), and
- Any other documentation direct care or security employees are required to complete.

Outcome 3.3

Demonstrate the ability to use agency-authorized equipment properly and effectively, including radios, telephones, intercom systems, computers, and related communication equipment.

Outcome 3.4

Identify appropriate and prohibited uses of electronic communication media.

Security and Supervision – Performance

Outcomes 4.0

Outcome 4.1

Identify and demonstrate an understanding of facility procedures for conducting resident counts, safety equipment inspections, searches, and external and perimeter security monitoring.

Outcome 4.2

Identify and demonstrate an understanding of the applicable components of the Prison Rape Elimination Act Juvenile Facility Standards (28 C.F.R. Part 115) and the agency’s applicable written procedures.

Outcome 4.3

Identify additional precautions needed to supervise residents determined to be members of a vulnerable population in accordance with 6VAC35-71-555.

Outcome 4.4

Recognize signs and symptoms of substance impairment or withdrawal and requirements for notifying staff. This portion of training shall be provided by a qualified medical professional.

Outcome 4.5

Describe elements of a structured daily routine that, as required in 6VAC35-71-740, satisfy the following:

- Meet the residents’ physical and emotional needs;
- Provide protection, guidance, and supervision;
- Ensure the delivery of program services; and
- Meet the objectives of the resident’s individual service plan.

Outcome 4.6

Identify components of the agency’s approved behavior management program required by 6VAC35-71-160(B)(3) and identify the principles and methods employed to assist a resident in achieving positive behavior and to address and correct a resident’s inappropriate behavior.

Outcome 4.7

Identify rules of conduct expected of residents in the juvenile correctional center, explain the rationale for the rules, and identify informal and formal methods for handling rule violations.

Outcome 4.8

Identify procedures applicable to room confinement and timeout periods.

Outcome 4.9

Identify indicators of gang activities and gang affiliation and be familiar with the agency's gang management procedures.

Outcome 4.10

Identify issues surrounding adolescent development, the impact of trauma and/or mental health on youth behavior, and evidence-based strategies for responding.

Safety – Performance Outcomes 5.0

Outcome 5.1

Identify the methods to secure and safeguard a crime scene, and to preserve and protect related evidence.

Outcome 5.2

Identify procedures for removing, preserving, protecting, and properly documenting contraband as evidence:

Outcome 5.3

Explain how to maintain the chain of custody and why maintaining the chain of custody is important.

Outcome 5.4

Demonstrate an understanding of agency requirements for the inventory, issuance, use, and control of tools and equipment, including security, recreational, educational, and maintenance.

Outcome 5.5

Demonstrate knowledge of procedures regarding resident and group on-campus movement.

Outcome 5.6

Demonstrate an understanding of the agency's procedures for resident transportation to off-campus locations.

Outcome 5.7

Identify necessary and appropriate interventions, beginning with the least restrictive and proceeding through the application of approved physical restraints.

Identify when physical force is authorized for use.

Demonstrate the application of approved physical intervention techniques.

Outcome 5.8

Demonstrate an understanding of the requirements for recognizing and reporting suspected abuse or neglect of a resident in accordance with § 63.2-1509 of the *Code of Virginia* and 6VAC35-71-70.

Demonstrate an understanding of requirements for reporting criminal activity by residents and staff in accordance with 6VAC35-71-75.

Outcome 5.9

Demonstrate an understanding of the facility's safety awareness program.

Outcome 5.10

Demonstrate an understanding of temperature control and appropriate food handling measures, point of service counts, snack enrichment expectations, and nutrition education.

Conflict and Crisis Management – Performance Outcomes 6.0

Outcome 6.1

Identify characteristics and signs of self-injurious behavior.

Identify procedures for responding to self-injurious behavior, notifying medical and mental health providers, and documenting incidents in which residents display self-injurious behavior.

Outcome 6.2

Identify the department’s suicide prevention and intervention procedures established in accordance with 6VAC35-71-805.

Outcome 6.3

Identify general causes of conflict.

Identify signs of abnormal or unusual resident behavior that may be indicative of conflict or crisis.

Identify techniques of conflict management and crisis intervention, including the following:

- Techniques for de-escalation and reduction of tensions,
- Prevention and intervention procedures, and
- Safety precautions.

Emergency Response –Performance

Outcomes 7.0

Outcome 7.1

Identify incidents that constitute emergencies with the potential to impact facility operations, including the following:

- Bomb threats,
- Chemical releases,
- Escapes,
- Fires,
- Group Disturbances,
- Losses of utilities,
- Natural disasters,
- Riots, and
- Taking of hostages.

Demonstrate an understanding of the department’s emergency preparedness and response procedures in relation to each component identified in this outcome.

Outcome 7.2

Identify indicators and causes of major disturbances, riots, and serious incidents and preventative techniques.

Outcome 7.3

Demonstrate the use of emergency equipment, including the following:

- Automatic/Automated external defibrillator (AED)
- CPR breathing barriers
- Fire extinguishers
- Hook knives
- Protective gloves and
- Trauma shears.

Outcome 7.4

Obtain and maintain current certification in first aid and CPR.

Pregnant Residents –Performance Outcomes

8.0

Outcome 8.1

Demonstrate knowledge regarding the level of care needed for pregnant residents, including an understanding of the following:

- Emotional changes resulting from pregnancy
- Required nutrition for pregnant residents
- Appropriate exercise for pregnant residents and
- Signs of labor.

Outcome 8.2

Demonstrate an understanding of the impact of room confinement or placement in restrictive housing on pregnant residents, including the need for periodic monitoring and room checks.

Outcome 8.3

Demonstrate an understanding of the physical and emotional impact of body cavity searches on pregnant residents, the need for such searches to be conducted by qualified medical professionals, and the prohibition against direct care or security staff conducting such searches.

Outcome 8.4

Demonstrate an understanding of the impact of restraints on pregnant residents and fetuses.

Identify federal limitations on the use of physical restraints, mechanical restraints, the mechanical restraint chair, and protective devices on pregnant residents housed in juvenile facilities.

Identify any additional limitations on the use of restraints and protective devices imposed by department procedures.

Part III – ANNUAL PERFORMANCE

OUTCOMES

Performance Outcomes 9.0

Outcome 9.1

Receive refresher training regarding the attitudes and behaviors necessary to engage appropriately and foster positive, professional relationships with staff, residents, visitors, and the public.

Outcome 9.2

Receive refresher training on residents' rights, including the prohibited actions addressed in 6VAC35-71-550.

Outcome 9.3

Receive refresher training on the applicable components of the Prison Rape Elimination Act Juvenile Facility Standards (28 C.F.R. Part 115) and the agency's applicable written procedures.

Outcome 9.4

Receive refresher training on the principles and methods employed to assist a resident in achieving positive behavior and to address and correct a resident's inappropriate behavior.

Outcome 9.5

Receive refresher training on the requirements for recognizing and reporting suspected abuse or neglect of a resident in accordance with § 63.2-1509 of the Code of Virginia and 6VAC35-71-70.

Outcome 9.6

Receive refresher training on the signs of self-injurious behavior and procedures for notifying medical and mental health providers and documenting such incidents.

Outcome 9.7

Receive refresher training on the department's suicide prevention and intervention procedures in accordance with 6VAC35-71-805.

Outcome 9.8

Receive refresher training on the incidents that constitute emergencies with the potential to impact facility operations, including the following:

- Bomb threats,
- Chemical releases,
- Escapes,
- Fires,
- Group disturbances,
- Losses of utilities,
- Natural disasters,
- Riots, and
- Taking of hostages.

Receive refresher training on the emergency preparedness and response procedures in relation to each component identified in this outcome.

Outcome 9.9

Receive refresher training on the facility's safety awareness program.

Outcome 9.10

Receive refresher training on topics mandated annually for state employees by Executive Order, the Code of Virginia, state regulations, or state policies.

Part IV – OTHER RECURRING TRAINING REQUIREMENTS - PERFORMANCE OUTCOMES, 10.0

Outcome 10.1

Maintain current certification in first aid and CPR issued by the American Red Cross or other recognized authority.

Outcome 10.2

- Recognize the types of available interventions, beginning with the least restrictive and proceeding through the demonstrated application of approved physical restraints.
- Understand when it is necessary to use physical force.

Outcome 10.3

Receive refresher training on topics mandated on a recurring basis for state employees by Executive Order, the *Code of Virginia*, state regulations, or state policies.

PART V – ADVANCED AND SPECIALIZED TRAINING - Performance Outcomes 11.0

Outcome 11.1

Identify the requirements for use of approved mechanical restraints and protective equipment.

Demonstrate ability to utilize approved mechanical restraints and protective devices for the purpose of: (i) controlling residents whose behavior poses an imminent risk to the safety of the resident, staff, or others; (ii) controlling resident movement, and (iii) addressing emergencies.

Demonstrate an understanding of the procedures associated with checking a mechanically restrained resident for injuries and for signs of circulation.

Outcome 11.2

Understand and identify the requirements for and restrictions on the use of the mechanical restraint chair.

List the pre-approval protocols and reporting requirements associated with the use of the mechanical restraint chair.

Demonstrate the ability to utilize the mechanical restraint chair in accordance with department procedures.

DEPARTMENT OF JUVENILE JUSTICE REGULATORY UPDATE

December 1, 2020

CURRENT ACTIONS:

6VAC35-150-335 Regulation for Nonresidential Services, Diversion

Stage: (Fast-Track Process)

This regulatory action seeks a minor amendment to the diversion provision contained in Section 335 to remove the 90-day limitation on truancy diversions pursuant to recently enacted legislation (Chapter 753 of the 2020 Acts of Assembly). The Board approved this fast-track amendment on September 16, 2020, and the action currently is under review by the Office of the Attorney General (OAG).

Next step: Once the OAG completes its review, the action will advance to the Department of Planning and Budget (DPB), which will review the regulation to determine whether the fast-track process is appropriate and complete a policy analysis and Economic Impact Analysis.

6VAC35-170 Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice

Stage: (Fast-Track Process)

Status: This chapter was last amended effective December 1, 2016. This regulatory action seeks minor amendments to the process for requesting and approving requests for data and human research proposals. The fast-track action has been reviewed by the OAG, DPB, and the Secretary of Public Safety and Homeland Security (SPSHS), and currently is undergoing Governor's office review.

Next step: Once the Governor's office completes its review, the Department will notify the appropriate House and Senate committees, as well as the Joint Committee on Administrative Rulemaking. The fast-track action will be published in the *Virginia Register of Regulations*, followed by a 30-day public comment period. Fifteen days after the public comment period closes, the regulation will become effective unless: 1) the regulation is withdrawn; 2) a later effective date is specified by the agency; or 3) an objection is made by an applicable member of the applicable House and Senate committees, the Joint Commission on Administrative Rules, or 10 or more general public members.

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

Stage: Proposed (Standard Regulatory Process)

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The Notice of Intended Regulatory Action (NOIRA) was published in the *Virginia Register* on October 31, 2016. At the NOIRA Stage, no public comments were submitted. Now in the Proposed Stage, the action has been approved by the OAG, DPB, and the SPSHS. Currently, the action is undergoing review in the Governor's office.

Next step: Once the Governor's office completes its review, the action will be published in the *Virginia Register of Regulations*, followed by a 60-day public comment period.

6VAC35-71 Regulation Governing Juvenile Correctional Centers

Stage: Proposed (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. Now in the Proposed Stage, the action has been approved by DPB, the SPSHS, and the Governor's Office. The Proposed action was published in the *Virginia Register of Regulations* on September 30, 2019, and the 60-day public comment period ended on November 29, 2019.

Next step: The board approved additional amendments to the regulation on June 24, 2020. These amendments will advance to the Final Stage of the process, where they will undergo Executive Branch review.

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

Stage: Proposed (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 17, 2016. At the NOIRA Stage, no public comments were submitted. The action was submitted through the Proposed Stage on September 3, 2019, and has undergone review by the OAG, DPB, and the SPSHS. The action is now under review in the Governor's office.

Next step: Once the Governor's office completes its review, the action will be published in the *Virginia Register*, followed by a 60-day public comment period.

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

Stage: NOIRA (Standard Regulatory Process)

Status: This regulation was last amended effective July 1, 2011. This action involves a comprehensive overhaul of the process localities follow to obtain state reimbursement for local facility construction and renovation projects. The NOIRA has undergone review by DPB and the SPSHS and currently is under review in the Governor's office.

Next step: Once the Governor's office completes its review, the action will be published in the *Virginia Register of Regulations*, followed by a 30-day public comment period.

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

Stage: NOIRA (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 needs. The NOIRA has undergone review by DPB and the SPSHS and currently is under review in the Governor's office.

Next step: Once the Governor's office completes its review, the action will be published in the *Virginia Register of Regulations*, followed by a 30-day public comment period.

6VAC35-200

Regulations Governing Youth Detained Pursuant to Federal Contracts

Stage: NOIRA (Standard Regulatory Process)

Status: This regulatory action is currently under development. On September 14, 2020, the Board approved the request to initiate this regulatory action in order to carry out the legislative mandate established by 2020 Acts of Assembly Chapter 599, directing the Board to establish regulations applicable to youth in juvenile correctional facilities pursuant to federal programs. At the NOIRA Stage, the action has DPB and SPSHS review, and is currently being reviewed in the Governor's office.

Next step: Once the Governor's office completes its review, the action will be published in the *Virginia Register of Regulations*, followed by a 30-day public comment period. After the public comment period closes, the Board will have 180 days to draft the proposed regulations and submit them for Executive Branch review at the Proposed Stage.