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COMMONWEALTH OF VIRGINIA
Board of Juvenile Justice

MEETING MINUTES

June 13, 2018

Main Street Centre, 600 East Main Street, 12th Floor, South Conference Room
Richmond, Virginia 23219

Board Members Present: Tyren Frazier, Scott Kizner, Robyn McDougale, Quwanisha Roman, Dana Schrad, Robert “Tito” Vilchez, and Jennifer Woolard

Board Members Absent: David Hines and Michael Herring

Department of Juvenile Justice (Department) Staff Present: Ken Bailey, Andrew “Andy” K. Block, Jr., Valerie Boykin, Ken Davis, Lisa Floyd, Joyce Holmon, Joanna Laws, Charisse Mullen (Attorney General’s Office), Kristen Peterson, Deron Phipps, Maurice Sessoms, Beth Stinnett, Lara Todd, and James Towey

Guests Present: Levi Bass (Prince William County Juvenile Detention Center), Marilyn Brown (Chesterfield County Juvenile Detention Center), Kerry Chilton (disAbility Law Center of Virginia), Jae K. Davenport (Deputy Secretary of Public Safety and Homeland Security), Jason Houtz (Fairfax County Juvenile Detention Center), Ian Sansoni (Prince William County Juvenile Detention Center), and Courtney Tierney (Prince William County Juvenile Detention Center)

CALL TO ORDER

Chairperson Jennifer Woolard called the meeting to order at 9:39 a.m.

INTRODUCTIONS

Chairperson Woolard welcomed all who were present and asked for introductions.

APPROVAL of April 25, 2018, MINUTES

The minutes of the April 25, 2018, Board meeting were provided for approval. On motion duly made by Dana Schrad and seconded by Robyn McDougale, the Board approved the minutes as presented.

PUBLIC COMMENT PERIOD

There was no public comment.

DIRECTOR'S CERTIFICATION ACTIONS

Ken Bailey, Certification Manager, Department

Included in the Board packet were the individual audit reports and a summary of the Director's certification actions completed on April 30, 2018.

The audit for the 9th Court Service Unit found four deficiencies on interpretation of the reentry manual and documentation. The 9th Court Service Unit demonstrated 100% compliance following the monitoring visit, and the unit was certified for three-years. Mr. Bailey is considering a new way of selecting cases for the random review during the audit. One missed requirement can cause an organization to be non-compliant.

The audits for the 17th Court Service Unit found four deficiencies; the 18th Court Service Unit had six deficiencies; the 20th Court Service Unit had five deficiencies; the 24th Court Service Unit had five deficiencies; and the 31st Court Service Unit had three deficiencies. The aforementioned court service units demonstrated 100% compliance with the regulations during their follow-up status reviews, and all were certified for three years.

Mr. Bailey proudly reported on the successful audit for Bon Air Juvenile Correctional Center. Bon Air had 16 deficiencies in their previous audit. They made significant improvements, and in the current audit, Bon Air had only one minor deficiency. The management at Bon Air worked diligently on the audit process and has been more attentive to documentation and providing services.

The audit for the Piedmont Regional Juvenile Detention Center had 100% compliance.

At the April Board meeting, Mr. Bailey reported on the number of deficiencies found during the audit for the Norfolk Juvenile Detention Center. The Certification Team made follow-up status reviews and found Norfolk Juvenile Detention Center to be in compliance with the regulations and certified the facility for one year.

Director Block congratulated Deputy Director of Residential Services Joyce Holmon and her team on an excellent audit for Bon Air. In the past twelve months, Bon Air participated in three major audits. Those audits included the American Correctional Association (ACA) audit, which the Department requested in order to review the facility's medical services; the Certification audit; and the Prison Rape Elimination Act (PREA) audit. The ACA and Certification audits found no issues and the preliminary feedback from the PREA audit is that the Department did well. Ms. Holmon and Residential Program Manager Maurice Sessoms do a tremendous job in programming, but they also run a safe facility and are compliant on audits.

Board Member Dana Schrad acknowledged the amount of work involved in audits and commented that she is tremendously pleased with how well the audits have gone.

Director Block also recognized Deputy Director for Community Programs Valerie Boykin for the work of the court service units and the many changes the community side has undergone, including learning a completely new document process. The court service units are doing good work to ensure 100% compliance on their audits.

Board Member Robyn McDougle moved to accept the certification results. Scott Kizner seconded with agreement by the Board.

VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA) PLAN APPROVALS

Beth Stinnett, Statewide Program Coordinator, Department

In 1995, the Virginia General Assembly passed the Virginia Juvenile Community Crime Control Act (VJCCCA) to establish a community-based system of children services (§16.1-309.2). The Department administers the VJCCCA funds to 133 localities throughout the state. Currently, the state allocation for VJCCCA funds is more than \$10.3 million after years of substantial reductions to the state budget.

The legislature intended the level of financial commitment shown by communities prior to the VJCCCA would not be replaced or supplanted by the VJCCCA. This prior level of commitment is the “maintenance of effort.” Some localities would like to reduce their maintenance of effort.

Between the state allocation and the maintenance of effort, this year’s VJCCCA budget is a little more than \$18 million.

This is a planning year for the VJCCCA localities to develop their plans for the biennium. Localities review the policy manual to determine what types of services and programs are allowed; review their plan with their juvenile court judges and court service unit directors, if needed; and get assistance with data and research from Community Programs staff to help determine the best programs for their area.

Page 97 of the Board packet contains a summary of the program types. A total of 334 programs serve more than 14,000 young people.

There are a number of recognized trends for the VJCCCA plans:

- More jurisdictions are using funds for detention alternatives.
- Outreach detention/electronic monitoring programs continue to be the largest representative programs and services to help keep young people out of secure detention. The second largest are school-based programs, such as life skills. These programs meet a need in early intervention and educational programming to prevent young people from going back into the juvenile justice system.

- Residential programming is declining, which is consistent with the Department's objectives to move away from overreliance on secure confinement. At one time, twelve localities used part of their VJCCCA funding for group homes; this year, only four localities will use their funds for this type of programming.
- The Department continues to see shelter care facilities with short-term options and fewer long-term group homes represented in the plans.
- Clinical programming for youth on probation and parole has decreased. Youth are funded through the regional service coordination model, which frees up funding so localities can reallocate funds to other programs such as detention alternatives.

The Board has three different options on the VJCCCA plan actions: (1) do not recommend adoption of a locality's plan, (2) recommend approval of the plan for the full two-year biennium, and (3) recommend approval of the plan for one year only. The Department does not support the first option.

Regarding the third option, if a locality had new programming in the plan, the Department recommended the plan for one-year rather than two-years. This would benefit the locality by having the Department provide technical assistance and monitoring during the initial start-up (first year). For instance, if local programs have a successful completion rate below 75%, the Department would work with them to increase their rate. In addition, some local programs might have high recidivism rates. In those cases, the Department would research data and help localities reduce that rate or try different programming.

Board Member Scott Kizner asked who at the local level is overseeing these plans.

Ms. Stinnett responded that it varies; localities do not need to designate an "agency" but do need to designate an individual as the administrator of their plan. For some, it would be their local court service unit, or, depending on size, the locality can hire staff/coordinators. The Department of Human Services or the Department of Social Services also may serve as the administrator of the plan.

Board Member Schrad asked why some localities have a maintenance of effort and others do not and noted that this is surprising based on the economy of some of the localities.

Ms. Stinnett responded that the maintenance of effort began in 1995 when the VJCCCA was passed. The purpose of the maintenance of effort was to demonstrate that the locality was not supplanting the original funding. In addition, localities can elect to contribute local funds not considered maintenance of effort.

Board Member Schrad referenced the handout on page 98 of the Board packet and asked whether the first column of the maintenance of effort represents "real" dollars in terms of the locality's current contribution.

Ms. Stinnett responded that the first column includes "real" dollars that locals are required to contribute first, plus any additional contribution the locality wants to make.

Board Member Schrad asked if it is a requirement or an actual accounting procedure.

Ms. Stinnett responded that it is a requirement. Any locality that has not submitted all of its maintenance of effort is not allowed to spend its state allocation. Localities must spend their maintenance of effort first. For example, if a locality has a budget of \$100,000 with a maintenance of effort of \$50,000, the locality must first spend the \$50,000 maintenance of effort before spending the state allocation. If the locality does not reach \$100,000 by the end of the fiscal year, the locality is required to return unused funds.

On Motion duly made by Jennifer Woolard and seconded by Scott Kizner, the Board of Juvenile Justice unanimously approved the VJCCCA plans for Frederick (combined plan with Frederick, Clarke, and Winchester), Manassas, Martinsville (combined plan with Martinsville, Henry, and Patrick), Hampton, Newport News, Norfolk, City of Roanoke, Rockingham County (combined plan with Rockingham and Harrisonburg), York (combined plan with York, James City, Gloucester, Williamsburg, Mathews, and Poquoson), and Warren for the fiscal year 2019.

On Motion duly made by Jennifer Woolard and seconded by Dana Schrad, the Board of Juvenile Justice unanimously approved the VJCCCA plans for Accomack/Northampton, Alexandria, Amelia, Amherst, Arlington/Falls Church, Bath, Bedford County, Campbell, Caroline, Charlotte/Appomattox/Buckingham/Cumberland/Lunenburg/Prince Edward, Charlottesville/Albemarle, Chesterfield, Colonial Heights, Craig, Culpeper, Danville, Dinwiddie, Emporia/Brunswick/Greensville/Sussex, Fairfax County/Fairfax City, Fauquier, Fluvanna, Franklin County, Fredericksburg, Giles, Goochland, Grayson/Carroll/Galax, Greene, Halifax, Hanover, Henrico, Highland, Hopewell, King George, King William/Charles City/King & Queen/Middlesex/New Kent, Lexington/Buena Vista/Rockbridge/Alleghany/Covington/Botetourt, Loudoun, Louisa, Lynchburg, Madison, Manassas Park, Mecklenburg, Montgomery/Floyd, Nelson, Nottoway, Orange, Page, Petersburg, Pittsylvania, Powhatan, Prince George, Prince William, Pulaski, Radford, Rappahannock, Richmond, Roanoke County/Salem City, Shenandoah, Spotsylvania, Stafford, Surry, Washington/Bristol/Smyth/Russell/Buchanan/Dickenson/Lee/Norton/Scott/Tazewell/Wise, Waynesboro/Augusta/Staunton, Westmoreland/Essex/Lancaster, Northumberland/Richmond County, Wythe/Bland, Isle of Wight/Southampton/Chesapeake/Franklin City/Portsmouth/Suffolk/Virginia Beach for the 2019 and 2020 fiscal years.

On Motion duly made by Jennifer Woolard and seconded by Robyn McDougale, the Board of Juvenile Justice unanimously approved the separation of previously consolidated VJCCCA plans for Manassas and Manassas Park beginning in the 2019 fiscal year.

On Motion duly made by Jennifer Woolard and seconded by Tito Vilchez, the Board of Juvenile Justice unanimously approved the reduction of the maintenance of effort for Fairfax County to match the state allocation beginning in the 2019 fiscal year.

REQUEST AUTHORIZATION TO INCORPORATE ADDITIONAL AMENDMENTS TO PROPOSED REGULATION GOVERNING JUVENILE SECURE DETENTION CENTERS

Kristen Peterson, Regulatory and Policy Coordinator, Department

The Department presented the proposed amendments to the Regulations Governing Juvenile Secure Detention Centers at the April 25 Board meeting. The Board declined to vote on those amendments in order to give the Department an opportunity to review the Board's recommendations from the April meeting. The detention centers workgroup drafted additional language based on the Board's recommendations.

Section 310, Personnel records

The existing regulation requires certain documents be maintained in the employee's personnel record. The workgroup originally reasoned that some of this documentation was not necessary in the personnel file and proposed language at the April meeting to remove the requirement to maintain certain documents. After the April Board meeting, concerns were raised specifically regarding the inclusion of information in the personnel file on background checks and required training. The concern was that this information is necessary to demonstrate compliance with the regulatory requirements. The workgroup is recommending removing the requirement to maintain annual performance evaluations in the employee's personnel record and requiring all other existing documentation be included in the employee's personnel record.

Section 560, Searches of residents; Section 10, Definitions

Detention centers are authorized to perform different types of searches on residents to detect contraband and for other purposes. The existing regulation references strip searches. The workgroup originally recommended replacing all references to "strip searches" with "full searches" and adding a definition for full searches that preserves the commonly understood concept of a strip search. The workgroup originally proposed the following definition for full searches: "the removal of the resident's clothing and a visual inspection of all the resident's body parts for purposes of detecting contraband or inspecting for physical injuries." At the April Board meeting, the Board raised the concern that the regulation, as amended, addressed full searches and the more invasive manual or instrumental vaginal or anal cavity searches; however, the Department neglected to address visual inspections of the anal and vaginal cavity areas. Based on the Board's concerns, the workgroup is recommending additional language in the definition of full search indicating that full searches include visual inspections of anal and vaginal cavity areas.

The workgroup originally had concerns regarding the facility administrator's broad authority to approve the manual or instrumental vaginal and anal body cavity searches. The workgroup amended the language to require these types of searches only be permissible in situations ordered by the court or exigent circumstances required by medical emergencies. The workgroup also initially recommended removing the existing parameters that these searches be conducted and witnessed by a person of the same sex as the resident being searched and be fully documented in the resident's medical file. A Board member at the last meeting recommended reviving these parameters because otherwise it undermines the workgroup's overall objective of giving the facility administrator more

regulation in this area and less discretion. Based on this concern, the workgroup now recommends reviving these parameters in the regulation.

Chairperson Woolard asked Ms. Peterson to translate the editing marks on page 106 of the Board packet.

The underlined language represents the proposed text presented at the April Board meeting. The highlighted text is language added or changed subsequent to the April Board meeting. For example, on page 106, in subsection D, originally, numbers 2, 3, and 4 were stricken, and now the workgroup recommends bringing that language back, as highlighted. In Section 10, language was added and is highlighted in yellow indicating that the term “full search” includes visual searches of vaginal and anal cavity areas.

Section 630, Transportation of residents

At the April 25 meeting, the Department recommended amendments to this section to include provisions from the Guidelines for Transporting Juveniles in Detention. The recommendation included new language related to failed legislation introduced in the 2018 General Assembly mandating that the Board prescribe additional regulations to address the safe and secure transportation of juveniles and to impose requirements for a suicide watch instrument. The workgroup originally recommended additional language requiring that if a third party assumes temporary custody of a resident for purposes of transporting the resident from a detention center, the detention center would need to provide that third party with information on the resident’s immediate medical needs as well as their current mental health condition. A concern raised at the April Board meeting was that this mental health and medical information is sensitive and should be protected. The workgroup recommended adding language to the regulation indicating that this information is protected in accordance with the Department’s current confidentiality statute.

Section 800, Admission and orientation

The detention centers originally proposed a requirement for the facility administrator or staff to conduct a physical initial assessment of the resident during the admission process to determine if the resident is physically impaired by alcohol or drugs or otherwise in need of immediate medical attention. Under the proposed regulation, detention centers would be authorized to prohibit the admission of residents demonstrating these symptoms. The objective behind the proposal was to give detention centers leeway and law enforcement guidance when transporting juveniles to detention center intake. A concern raised after the April Board meeting was what to do with youth if they are turned away at the detention center due to drug or alcohol impairment or the need for medical attention. The workgroup recommended further amending the provisions for residents who appear impaired. It is not enough for youth to appear physically intoxicated; there must be a medical issue or emergency associated with that intoxication in order for the resident to be turned away from the detention center, such as a resident overdosing on alcohol and requiring a stomach pump.

Chairperson Woolard asked for clarification regarding the written medical clearance. Specifically, she asked what a youth would be cleared to do, and what the clearance would need to say in order for the youth to be admitted into the detention center.

Ms. Peterson said the idea is for the medical clearance to indicate that the youth is okay and is able to be admitted to the facility.

Ms. Brown clarified that the provision would apply to youth who obviously need medical attention and need to be seen by an emergency physician. For example, a toxicology check that might involve pumping the youth's stomach or a youth attacked by police dogs and has open wounds.

Section 860, Structured programming

Under the existing regulation, detention centers must provide all residents with structured daily routines that meet objectives of the resident's individual service plan. Detention centers have pre-dispositional and post-dispositional programs. Language was added to the regulation clarifying that the individual service plans only apply for youth in the post-dispositional programs.

Section 1070, Behavior management; Section 10 (Definition)

Detention centers are authorized to employ different types of programs and sanctions to address anger management. One of the available sanctions is a cooling-off period, which is a temporary period of no more than 60 minutes in which a resident is placed in a room or an area in order to de-escalate. Cooling-off periods are distinguishable from room restriction because there is no requirement to complete a disciplinary report. The Board raised concerns at the April meeting because there is no current regulatory requirement to document cooling-off periods. To address these concerns, the workgroup is recommending additional language requiring detention centers to document instances in which residents are placed in a cooling-off period.

At the April Board meeting, the panel explained that cooling-off periods can be compulsory or self-imposed. Residents may decide to place themselves in a cooling-off period if they feel the need to calm themselves. The workgroup is proposing additional language requiring the employee completing the written documentation to address whether the cooling-off period was self-elected or mandated by staff. The workgroup also recommends additional language that requires the detention centers to ensure that information on the application of the cooling-off period is readily accessible to staff so that staff would not need to look through different documents or the daily log to find this information.

Board Member Schrad noted that the memo in the Board packet recommends replacing "sanctions" with "consequences," throughout this section, and asked whether the staff suggested this recommendation?

Ms. Peterson responded that the workgroup decided that if a resident places themselves in a cooling-off period, it should not be considered a sanction.

Section 1100, Room restriction

There was an extensive conversation at the April Board meeting about the room restriction provision. The workgroup established separate definitions for room restriction and disciplinary room restriction. The existing regulation requires the facility administrator be notified in the event a resident serves room restriction for longer than 24 hours. The workgroup recommended requiring the facility administrator to approve any extension of room restriction beyond 24 hours. The language in the proposed amendment erroneously carved out an exception for disciplinary room restriction, indicating that the facility administrator would not have to approve an extension of room restriction beyond 24 hours for residents placed in disciplinary room restriction. The workgroup never intended a different approval process for disciplinary room restriction. The workgroup recommended striking this language.

Ms. Peterson concluded the discussion of the proposed changes in addition to the initial amendments presented at the April 25, 2018, Board meeting before respectfully requesting the Board approve these proposed amendments and incorporate them with the other amendments discussed at the April 25 Board meeting so that the entire regulatory package can move forward to the Proposed Stage of the Regulatory Process.

In response to a question about Section 900, which was included in the Board's June 13 memo, Ms. Peterson clarified that this language was presented at the April Board meeting as an insert because the changes were made after publication of the April Board packet but before the April meeting. The insert proposed substitute language for 6VAC35-101-900, Staffing patterns. Ms. Peterson reiterated the explanation that was provided at the April meeting regarding Section 900.

Section 900, Staffing pattern.

The existing regulation requires at least one direct care staff member on duty and responsible for supervising every 10 residents during resident waking hours and 16 residents during resident sleeping hours. The PREA standard requires one direct care staff member on duty and responsible for supervising every eight residents (1:8) during resident waking hours, rather than ten (1:10). The workgroup recommended amending the regulation to comply with PREA standards. Initially, the workgroup discussed requiring detention centers to satisfy these staffing patterns in every area in the facility, unit by unit; however, the PREA standards do not contain this explicit mandate. The workgroup recommended not having language in the state certification regulations that is more restrictive than PREA's standards.

Board Member Schrad asked if the detention centers received any negative or positive feedback on these changes.

Ms. Peterson responded that she presented to the Virginia Juvenile Detention Association (VJDA) meeting last Wednesday on the proposed amendments. No comments were provided; however, the audience asked questions and noted necessary considerations as the detention centers implement the provisions.

Jason Houtz, Fairfax County Juvenile Detention Center Administrator, encouraged the VJDA members to review the proposed amendments and ask questions. Aside from needing clarification, there have been no negative responses.

Board Member Schrad wanted the Board to be cognizant of the detention centers' need to amend or change their budget to meet staffing standards. Ms. Peterson noted that the detention centers are already required to meet these staffing requirements in order to comply with the PREA standards.

Chairperson Woolard thanked Ms. Peterson, Ms. Brown, and Mr. Houtz along with the workgroup for their efforts and their engagement and openness during this time of review. Their responsiveness and making the regulations understandable was appreciated.

On Motion duly made by Scott Kizner and seconded by Robyn McDougle, the Board unanimously approved the proposed amendments to 6VAC35-101, Regulation Governing Juvenile Secure Detention Centers, as presented at the April 25, 2018, Board meeting and amended at the June 13, 2018, Board meeting and granted the Department of Juvenile Justice permission to proceed with the filing of the regulatory package to the Proposed Stage in the standard regulatory process.

PRINCE WILLIAM COUNTY JUVENILE DETENTION CENTER NEEDS ASSESSMENT

Angela Valentine, Chief Deputy Director, Department

The Prince William County Juvenile Detention Center submitted a needs assessment for either the replacement or renovation of their local detention facility. This is required by statute, regulation, and Department guidelines. A locality deciding to construct or renovate a juvenile facility, whether a detention facility or a group home, must follow a certain process if they want state reimbursement for any construction or renovation. The statute allows for 50% reimbursement; however, currently, there is a moratorium on funding reimbursement for any kind of construction by a locality. The statute and regulation require the locality to proceed through the process so that if funding becomes available in the future, the locality can demonstrate that it has followed the process and received the necessary approvals. This is a two-stage process; in the initial stage, the locality completes a needs assessment that must address various areas of juvenile crime, population, and data. Prince William and the Department have worked closely in order to access the data to determine whether the new construction or renovation is needed.

The Department supports the Prince William County Juvenile Detention Center Needs Assessment.

If the Board approves the needs assessment, Prince William County can move to the Planning Phase, which is very involved and detailed. The Prince William County officials will work closely with the Department's Capital Outlay unit to ensure they follow construction guidelines. Prince William County will also work with the Certification Unit regarding the certification process and the Department's Data Unit. The final product will be presented to the Board for approval.

It is important to ensure that everything is done correctly and the facility meets the needs of Prince William County and its youth. Although there is a moratorium on funding, there is an exception. Prince William County legislators can ask the General Assembly for an exception to the moratorium. The Department and the Board are unable to ask; only the Prince William County legislators can ask the General Assembly to appropriate funds for the reimbursement.

Board Member Schrad asked if this requires a separate budget amendment or are pooled funds available.

Ms. Valentine responded that it must be a completely separate budget amendment.

Board Member Schrad asked if it was a language amendment or an appropriation of funds.

Ms. Valentine responded that this is an appropriation of funds from the General Assembly for construction only. There is no other funding source for local reimbursement.

Representatives from the Prince William administrative staff, including Levi Bass, Division Chief of Residential Services; Courtney Tierney, Director of Social Services; and Ian Sansoni, Deputy Director of Social Services were present. They offered to provide the Board with the full report on a flash drive for review.

Courtney Tierney, Director of Social Services, Prince William County
Prince William County has a division in its Department of Social Services for juvenile services, which handles the juvenile detention center, pre-trial supervision, and shelter for youth. This process was new to Prince William County and Ms. Tierney thanked Angela Valentine for all her help.

The Prince William County budget for FY2019 will include a capital improvement plan. The Prince William County Board of Supervisors made a commitment to fund a new juvenile detention center, whether a new building in another location or renovation. The juvenile detention facility in Prince William County was built in 1978 and provides challenges to the implementation of transformation occurring across the Commonwealth. The desired outcome is to use a trauma-informed design approach and good management practices to provide appropriate bed capacity to meet the current and future population trend.

Prince William County considered the possibility of expanding their Community Placement Program (CPP) agreement to accept female youth. The Prince William County Executive's annual awards recognized the Prince William County Juvenile Detention Center's CPP.

Ms. Tierney noted they are proud and excited about the partnership with the Department.

Ian Sansoni, Deputy Director of Social Services, Prince William County

The 95-page study is available and addresses background information, current facility issues, and recommendations. The Prince William County facility was built in the 1970s, primarily around a model of bars, walls, and security. Since that time, the evolution of trauma-informed care has changed the way juvenile correctional facilities are designed. The issue Prince William County is dealing with is not so much bed capacity, but functional obsolescence. The design has evolved, and the County has started to become wiser on serving youth through evidence based/evidence-informed programming.

The areas of deficiency that the needs assessment highlights are in three major areas: health and safety, programming, and security. There is a laundry list of needs that fall under those three programming areas. The County will work closely with the Department on how to build an appropriate sized facility and bring the facility up to common standards.

Board Member Schrad asked about their timeline.

Mr. Sansoni responded that Prince William County's local planning process for budget amendments is a five-year plan. Therefore, ground breaking would take place in FY2023 or calendar year 2022, assuming the required approvals were obtained. It all comes down to funding.

Board Member Schrad asked if this might be premature since the County is only in the needs assessment phase. She asked whether the County perceives this as a rehab or replacement?

Mr. Sansoni said that the County is currently exploring two options, both with challenges. Renovating the existing site means the facility would continue operating during the process, which is difficult. The County has a vision to rebuild and be co-located with the shelter. This new facility would resemble a campus, and the detention center and shelter would be able to share services. It comes down to location and land.

On Motion duly made by Tyren Frazier and seconded by Dana Schrad pursuant to 6VAC35-30, the Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs and in adherence with the Department of Juvenile Justice Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement, and Renovation, the Board unanimously approved the Prince William County Needs Assessment to replace their secure detention center and authorized Prince William County to proceed to a Planning Study.

LEGISLATIVE UPDATE

James Towey, Legislative & Regulatory Affairs Manager, Department

Legislative Proposal Process

The Department begins the process of soliciting legislative proposals during the summer from employees and outside organizations, including the Board. The Department believes it is important to receive feedback from staff, especially those in the field who see obstacles or needs working in different parts of the state. Legislative ideas were solicited with a June 15 deadline.

The Department will develop a concept, research it, and decide if the legislative proposal is more appropriate than a regulatory, procedural, or other administrative fix. The fact that the Department wants to address an issue, does not necessarily mean that the answer must be provided through statute. The Department must consider if a bill will pass the General Assembly with the varied personalities involved in the passage and whether it is worth sending the bill to the General Assembly if it will be quickly defeated.

Legislative recommendations made by the Department are communicated to the Secretary of Public Safety and Homeland Security for inclusion in the Governor's package. In 2017, the Department submitted six proposals to the Secretary, and three were approved for the Governor's platform and eventually were passed into law.

The Department also tracks bills directly or indirectly related to the juvenile justice system or the operation of the Department. In 2017, the Department tracked over 200 house bills and over 100 senate bills.

Truancy

The Department tried to address truancy two years ago in the General Assembly, but the proposal failed in the House Courts of Justice Committee. The Department had another opportunity this year to focus on truancy, and a measure passed into law.

Truancy diversions were limited to one diversion over the course of public education, from kindergarten to 12th grade. The General Assembly recognized that one diversion was not enough due to the different phases of education and the different circumstances and factors in each of those phases. For example, if a youth is truant in 3rd grade, which is likely due to parenting issues, not the youth, under the current law, the youth is precluded from another diversion in middle or high school. The Department convinced the House Courts of Justice Committee to allow for three diversions, three years apart over the course of the youth's public education. In 2017, there were 920 truancy complaints that could not be diverted because of a prior diversion.

The bill on truancy and another school-based absentee bill that passed, will help reduce the number of youth in court based on issues related to absenteeism.

Youth leaving DJJ commitment sometimes face family situations that make it difficult or harmful for them to return home. In those situations, independent living arrangements are helpful for the youth. Independent living arrangements are privately operated, and most are licensed by the Department of Social Services (DSS). DSS uses independent living arrangements to foster youth turning 18. Often, these youth are in group homes or apartment-type settings learning to live on their own. They learn activities such as how to find employment, understanding financial literacy, and how to cook, that will help the youth with a successful transition back to the community. The legislation ensures the Department's ability to place youth in independent living arrangements

licensed by DSS. In 2017, the Department had 28 youth in independent living arrangements with a length of placement from 13 to 210 days.

Internal Investigations

Current statute allows the Department to employ internal investigators. The Department director is able to designate certain employees to have powers of a sheriff and investigate criminal activity within the agency. These designated employees investigate not only residents but also visitors to the facility, staff, and PREA and state hotline complaints. The Department's internal investigations unit conducted 385 investigations in 2017.

This created a problem when the Office of the Attorney General reviewed a matter involving another agency with similar positions as internal investigators. The Office of the Attorney General opined that the few agencies that employ internal investigators were not included in the definition of law enforcement in § 9.1-101; therefore, the internal investigators could not be certified as law enforcement officers by the Department of Criminal Justice Services (DCJS). The legislation was amended to include the Department's internal investigators in the definition.

Board Member Schrad said the Chiefs of Police did support this legislation. Section 9.1-101 triggers requirements for those named in this section who are subject to certification, decertification, training, and drug testing. Board Member Schrad asked if the Department is prepared for its internal investigators to perform additional training, or have they moved in that direction already.

Mr. Towey noted that the Department has 11 designated internal investigators who are certified by DCJS and follow the requirements.

Board Member Schrad noted the Chiefs of Police are pursuing changes to the decertification statute for law enforcement officers. This is not to say the Department investigators are at risk, but Board Member Schrad wanted the Department to be aware and will keep in touch through the process. Mostly the Chiefs of Police are looking at issues around veracity and the law enforcement officer's ability to testify in court.

Truancy – School Intervention Procedures

Currently, a school must go through a process outlined in § 22.1-258 regarding absenteeism issues. If a student has a certain number of absences, the school attendance office is required to file a complaint for Children In Need of Services (CHINS) against the student or a criminal proceeding against the parent. This allows the school no discretion.

The amended legislation has given schools more discretion in deciding on conferences. Conference teams can continue to meet on the student's absenteeism issues and continue to monitor the student's progress before the attendance officer decides on the complaint. Theoretically, this bill will likely result in fewer students facing absenteeism issues and being directed to the court system.

Student Discipline in Public Schools

There is a provision in the current law that permits suspension for sufficient cause or if adjudicated delinquent of certain offenses. The legislation prohibits schools from suspending for more than three days or expelling students in pre-school to 3rd grade. Exceptions do exist, including students engaged in a firearm offense, offenses involving a destructive device, and bringing drugs into school.

Long-Term Suspensions

Current law defines long-term suspensions as being between 10 and 365 days; a measure passed this year will limit suspension periods to 11 to 45 days. There are still exceptions for serious offenses (firearm, drugs, destructive devices). The legislators included aggravated circumstances and the consideration of the student's disciplinary history in the definition.

Director Block explained that this legislation is helpful because many youth get into trouble during these suspension or expulsion periods. If they are not in school, they are often in less safe places and places where they could get into trouble. There are hundreds of youth every year suspended or disciplined between pre-school and third grade. This legislation will have a positive impact on many youth.

Grand Larceny Threshold

In 1980, the General Assembly increased the grand larceny threshold from \$100 to \$200. This threshold has remained for 38 years, despite inflation. Inflation has turned crimes intended to be misdemeanors into felonies. Two hundred dollars in 1980 is the same as \$644 today. The legislators are not saying, for example, that the theft of an X box is a felony; the determination is by non-legislative forces and the economy that is increasing misdemeanors to felonies. If you stole an item in 1982, such as an Atari worth \$120, that would have been a misdemeanor, but if you stole a comparable game system today, it would be a felony.

Legislation passed this year raises the grand larceny threshold to \$500. Virginia's new threshold still ranks among the lowest in the nation. Seventeen states have grand larceny thresholds of \$1,000, two states are between \$500 and \$1,000, and some states are up to \$2,500.

Studies

The Department is reviewing legislative studies requested by the General Assembly. One of those studies involves a bill put forward by Delegate Hayes to protect residents in DJJ-regulated facilities or programs by ensuring a resident's suicidal ideation or mental health needs are conveyed to the transport unit when the juvenile is being transported to court or to a juvenile detention center. The Board is familiar with this situation, as they have voted and approved a provision in the Regulation Governing Juvenile Secure Detention Centers incorporating this requirement.

In addition, the Virginia State Crime Commission began studying two bills, one addressing juvenile prostitution and another addressing expungement for prostitution and prostitution related offenses. When the Crime Commission decided to study this issue, it expanded it to sexual exploitation/sex

trafficking. The Department is assisting the Crime Commission with research and data, from now to October.

Mr. Towey said the Department's Policy and Planning unit tracked and reported on more than 100 juvenile-related bills that passed the General Assembly this session and asked the Board to let Department staff know if they would like a copy of the report.

Board Member Schrad noted that she is part of the advisory group on a Commission on Youth study regarding what constitutes a finding of child abuse or neglect. One of the study pieces involves complaints of abuse and neglect in public school noted in § 63.2-1511. The study is looking at the whole concept of what constitutes a finding of child abuse and neglect and how it impacts a number of things, such as truancy, etc.

DIRECTOR'S COMMENTS

Andrew K. Block, Jr. Director, Department

The General Assembly finally passed a budget, and it contains items impacting the Department. The final resolution of the budget includes funding to build a 60-bed facility in Isle of Wight County. The details surrounding a second facility are less clear at this point.

The Department of General Services (DGS), which administers the real estate work in the state, identified a list of recommended sites to build a facility in central Virginia; however, there are strings attached. DGS did say that the Department cannot build on the Bon Air campus and Bon Air cannot be one of the recommended sites for the second facility. The Department had not sought either of those options. The legislators believe that the Bon Air property will generate revenue for the Commonwealth. The budget language mandates that any proceeds from the sale of Bon Air be applied to costs of construction for a second facility.

The budget language does not require the Department to build the second facility at the Beaumont campus. Instead, the language says that DGS, in cooperation with the Department, the Department of Corrections, and the Department of Conservation and Recreation, must report to the General Assembly as to the best use of the Beaumont property. A state park is located next to Beaumont Juvenile Correctional Center. The state park was land formerly part of Beaumont.

The location of a second facility remains an open question.

Even though the Department is not allowed to build at Bon Air, Director Block speculated that the JCC will remain in operation at Bon Air for the next four to five years at a minimum. There will be challenges to continue operating at Bon Air, but the team and program are in good shape.

The other piece of good news is that language proposed in the final budget that tied the Department's ability to continue reinvesting funds from the closure of Beaumont to the construction of one new,

big facility at Beaumont has been removed. There is no impact on the current budget or strings attached to continuing the Department's reinvestment strategy.

The Director invited the Board to attend the graduation ceremony at Bon Air on Monday, June 18, at 10 a.m. The Department is excited to announce that more than 60 young people have earned standard diplomas, GEDs, or Penn Foster certificates. Delegate Lamont Bagby will serve as the guest speaker, and three residents will tell their stories.

There is a new athletic program at Bon Air specifically for playing soccer.

BOARD COMMENTS

Chairperson Woolard mentioned the Court Service Unit Summit in Charlottesville, how much she learned, and how impressed she was with the event.

Board Member Vilchez thanked Ms. Holmon and her staff at Bon Air for putting together a soccer team. On June 2, Board Member Vilchez brought Arlington youth to Bon Air for a friendly soccer game. Youth involved in the soccer match were vulnerable, at high risk for joining gangs, and came from gang-infested countries like El Salvador and Guatemala. Mr. Sessoms put together an amazing Bon Air soccer team with uniforms, soccer shoes, and a mascot. They came on the field like state champions, running through a banner. The Arlington youth were intimidated, but the two captains ensured that everything remained congenial and fun. Both sides enjoyed the game and especially the food and beverages; the menu was inspired by the Central American region. It was an amazing event. Bon Air was hospitable, and the youth all felt safe. Hopefully, the pictures of the event can be shared with the Board.

NEXT MEETING

The next Board meeting is scheduled for September 5 at Main Street Centre, 600 East Main Street, Richmond.

ADJOURNMENT

Chairperson Woolard adjourned the meeting at 11:40 a.m.