

Tyren Frazier, Chair
Robert Vilchez, Vice Chair
Dana G. Schrad, Secretary
Eric English
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COMMONWEALTH of VIRGINIA

Board of Juvenile Justice

MEETING MINUTES

June 29, 2022

Virginia Public Safety Training Center

Board Members Present: Eric English, Tyren Frazier, William (Will) Johnson, Dana Schrad, and Synethia White

Board Members Absent: Scott Kizner, Anita James Price, and Robert Vilchez

Department of Juvenile Justice (Department) Staff Present: Gabbi Ashby, Ken Bailey, Ken Davis, Jenna Easton, Cullen Enabnit, Katherine Farmer, Michael Favale, Amy Floriano, Wendy Hoffman, Dale Holden, Joyce Holmon, Linda McWilliams, Guillermo Novo, Margaret O'Shea (Office of the Attorney General), Kristen Peterson, Lara Todd, and James Towey

Guests: Maya Artis (University of Virginia School of Law), Drew Flanagan (University of Virginia School of Law), and Rhonda Gilmer (City of Richmond Juvenile Services)

CALL TO ORDER AND INTRODUCTIONS

Chairperson Tyren Frazier called the meeting to order at 9:43 a.m. Chairperson Frazier welcomed those present and asked for introductions.

CONSIDERATION OF THE APRIL 20, 2022, MINUTES

The minutes of the April 20, 2022, Board meeting were provided for approval. On a motion duly made by Dana Schrad and seconded by Will Johnson that the Board approve the minutes as presented, all Board members present declared "aye" and the motion carried.

PUBLIC COMMENT

There was no public comment.

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 June 6, 2022.

Aurora House is a group home serving the areas of Falls Church and Arlington. The facility operates a long-term program for girls that includes a separate space in the facility for independent living for older girls. The audit for Aurora House found two areas of noncompliance, both dealing with maintaining proper

documentation. The first deficiency was not documenting when medication was changed or discontinued. As there were no new cases to review for March's follow-up visit, and the certification staff could not determine compliance, a corrective action plan was developed and this satisfied the requirement. The second deficiency was not documenting behavioral support plans. Aurora House implemented a corrective action plan, and five cases were reviewed at the status review in March. The facility was found to be in compliance and was certified to August 23, 2024.

Fairfax Shelter Care is a pre-dispositional emergency shelter placement for youth in crisis located in the Fairfax Government Complex near the Juvenile Detention Center. Fairfax Shelter Care received 100% compliance on their audit and was certified to May 9, 2025, with a letter of congratulations.

New River Valley Juvenile Detention Home and Post-dispositional Program serves the area of Christiansburg, and received their second consecutive 100% compliance audit and were certified to June 11, 2025. New River Valley is one of the older facilities that have no updated features such as electronic locks, but they do have an effective program. The facility has a unique feature with a therapy goat program.

Mr. Bailey has shared with the Board previously that there are good audits and some that are challenging, like the one for Roanoke Valley Juvenile Detention Center (JDC). The audit for this program found two deficiencies, and the facility was certified to February 11, 2025, with a status report due in December 2022 regarding the repairs to the facility computer system. Roanoke Valley JDC was considered state-of-the-art when it was built, with surveillance cameras and electronic locking systems; however, over the years the system has deteriorated. The audit found the system in need of upgrade. The facility operates with keys controlling the egress from the pods to the residents' rooms, but the facility was designed for electronic control from a control room. The facility needs to operate the way it was designed. The facility was cited for not maintaining the functions of the system.

The current status for Roanoke Valley JDC is not determined. They have received a consultant's evaluation of the facility and will move forward with securing bids once the architectural drawings are created. On page 29 of the Board packet is the security assessment done by Mead and Hunt. The system may be hard to fix due to availability of materials such as electronic chips. The facility's estimated cost to replace the system is \$435,000, an expense the Roanoke Detention Commission would have to absorb. The facility does have the support of the Commission. The Certification Unit will follow this situation closely to ensure repairs are made.

The audit for Roanoke Valley JDC also found one minor deficiency in the medication area. Medication records did not document the medication strength. Certification staff had no cases to review at their follow-up visit on April 13, but determined they were in compliance with policy.

Board Member Will Johnson remarked that the facility is relying on a key-operated system and asked if the juvenile detention center was able to staff the facility to ensure security for both residents and staff, i.e. staff-to-population ratios?

Mr. Bailey answered that the facility has added personnel but found staffing to be a problem during the pandemic. Roanoke Valley JDC had a serious incident in January which could have been prevented if the facility had more staff. Staffing is a good remedy to some problems, but the facility is operating on a key system much like the one in New River Valley. Certification staff recommended repair of the electronic system.

Board Member Dana Schrad asked how much consideration is given to a facility during an audit regarding supply and staff shortages. Some of the shortages are out of their control. Is the Certification Unit doing anything to change the standard?

Mr. Bailey responded that the Certification Unit does take those factors into consideration when audits are conducted. In this instance, Roanoke Valley JDC was not taking aggressive steps to start the process. The Department felt they needed to write that assessment and send a copy to the Commission in order for the facility to realize they needed to be aggressive toward fixing the problem.

Department Director Amy Floriano said that due to the incident in January at Roanoke Valley JDC, the area judges were concerned with the response to the electronic system failure. The judges approached city management and told them the problem needed to be addressed or the judges would not send youth to the facility. The safety of the children is the utmost concern and the Department needed to make sure the facility is operating properly. The Department decided to set a quick date of December for a follow-up visit to stay on top of the issues and has told the facility that supply chain shortages are out of their control, but that does not mean the facility cannot try and move forward with fixing the issues.

Board Member Schrad asked if the audit takes into consideration the effort the facility makes to correct deficiencies. Mr. Bailey responded that he would like to see some effort; however, in this case, the documentation was not there; if it had been, then he would have taken a different approach.

The Shenandoah Valley Juvenile Center received their second consecutive 100% compliance, and the facility was certificated until June 9, 2025, with a letter of congratulations. This program is unique as the only juvenile detention center in the country that houses federal youth from the Office of Refugee Resettlement (ORR). There had been a number of issues over the past years with lawsuits against the facility for improper care. The Certification Unit conducted several monitoring visits and found Shenandoah Valley Juvenile Center does a good job with these young people. The lawsuits have been dismissed.

There have been numerous issues at Chesapeake Juvenile Services over the past 12 months. The original audit for the facility was in November 2021, and had four areas of noncompliance. A status review was conducted on February 7, 2022. Certification staff found no documentation for a sanitation inspection, but the status review found documents to be updated. Evacuation drills were missing on a number of different shifts, but the status review found drills being conducted on each shift and on each month in December 2021 to present. Residents had complained that blankets were not clean and needed to be washed; at the status review, all six residents reported the issue corrected. It was also reported that some of the blankets were torn and needed to be replaced, which has also been completed. Chesapeake Juvenile Services was given approval to continue their current certification status to October 2022, with review of the implementation of the corrective action plan. If a deficiency is found during an audit, the certification staff wait several months to return to ensure the facility has taken corrective action. That is why the reports show current status.

Before a final report could be presented to the Department Director, several incidents took place at Chesapeake Juvenile Services in January and February. Residents received injuries due to use of force, and there were reports of sexual misconduct. At the writing of this report, one of those issues was referred to law enforcement for prosecution. All staff involved in the serious incident were found to have used Handle with Care techniques improperly and were very aggressive, an approach that led to concussions. The certification staff met and decided to take a closer look at the current situation in Chesapeake. A qualified group of Department staff representing the Certification Unit, Quality Assurance Unit, and the Human Rights Advocates conducted an onsite assessment and evaluated the general well-being of the residents at Chesapeake Juvenile Services. After the completion of the assessment, the Department felt that this situation needed the involvement of the governing body. The Department met with the City of Chesapeake's Deputy City Manager, Director of Human Services, and Assistant Director of Human Services, as well as the administration of the facility. The City administration is concerned with the reputation of the facility and the

care and treatment of youth. The administration was presented with the findings, and they completed a corrective action plan. At this point, certification staff will review the situation again in October.

Mr. Bailey has talked to the Board previously about audits that give the Department concern, but certification staff are present in the facility each month looking at physical restraint. Mr. Bailey has two staff considered experts in the field of Handle with Care. They review video recordings and assess what needs to be corrected. The City's Director of Human Services decided to understand the program better and completed training on Handle with Care to get a better idea of the program, to help remedy some of the problems.

Board Member Schrad noted that there was a lot to unpack from this audit report and asked if any staff were disciplined or terminated. Mr. Bailey responded that all staff involved in the incidents were terminated.

Board Member Schrad noticed the lack of sufficient mental health services. Board Member Schrad's organization recently met with the Secretary of Health and Human Resources on the lack of qualified care specialists across the state and the difficulty of getting good quality mental health care. Is this problem apparent in detention centers?

Mr. Bailey responded that it is not seen to a great extent, and facilities seem to have a good connection with their community services board or other organizations that provide mental health services when needed. Some facilities have mental health therapists employed, but smaller facilities may find it difficult to justify the expense.

Board Member Schrad believed Chesapeake is not an area in the state that is underserved, but rich in resources. It makes Board Member Schrad wonder about the overall environment in this particular facility and whether the culture invites quality personnel to want to work there. Are there any longer term issues?

Mr. Bailey responded that this past year Chesapeake Juvenile Services hired a new superintendent who had a large learning curve. They sought advice from the Virginia Beach JDC, a facility with a good reputation and operation. Mr. Bailey believed there is a culture in the facility that has existed for some time, and the Deputy City Manager is concerned that changes have not been made. Mr. Bailey is confident, at this point, that the City administration will take charge and make sure that Chesapeake Juvenile Services is up to par, and if not, the Department will find out.

Director Floriano added that the City administration in Chesapeake has changed in the past few months. The current City Manager came from northern Virginia. The Department hopes the changes made in city management will translate to the facility because they have had a problem for a long time.

Mr. Bailey said the Department's Quality Assurance staff have volunteered to look at the behavior management program in Chesapeake Juvenile Services. The last time that program was reviewed was in 2014, and it is time to make changes and redevelop.

Chairperson Frazier said this audit report was pretty intense; it was interesting to hear the comparison between Roanoke with their technology challenges and the response of the judges to not wanting to send the youth to that facility. Chairperson Frazier did not see any judicial response in Chesapeake, not that it did not happen, but he can see the differences in the two communities. Chairperson Frazier asked, when there is a situation like this related to the safety of the young people and staff, what actions are authorized by the Board?

Mr. Bailey answered that the Department Director can place the program on probation, which would be the next step if Chesapeake Juvenile Services does not correct their issues, and could de-certify the program with

all the youth removed from that facility. There was a similar situation years ago with the City of Richmond, which was headed in the direction of de-certification; however, the city administration decided to shut down for a year before being de-certified. The options was mentioned to Chesapeake to shut down to retool, retrain, and reopen. Chesapeake Juvenile Services is confident they can make the necessary corrective actions and not reach that stage.

Board Member Schrad had a few questions on the incentives for a locality to have detention centers and their ability to properly support them to ensure compliance.

Mr. Bailey responded that one of the main factors for a locality to want a detention center is to keep the youth closer to their families and closer to the court. If a youth housed in Virginia Beach needed to go to court in Chesapeake, law enforcement from Chesapeake would drive to Virginia Beach to pick up the youth, take them to court, and return them. It is the convenience of having those services in that area. Mr. Bailey noted that things happen in juvenile detention centers, and the Department has dedicated staff to ensure a response if issues arise.

Chairperson Frazier appreciated the information, and instructed the Board that, if they wanted to take action, such as a strongly worded letter or other type of action to ensure the safety of young people and staff, then the Board can have more conversations. It does seem like the corrective actions are working, but Chairperson Frazier still worries about the well-being of the young people especially seeing all the challenges in Chesapeake.

Mr. Bailey finished his report by letting the Board know of a request received from Northern Virginia JDC, which operates a post-dispositional program, to increase the capacity of that program from 10 beds to 16. The Director was in agreement to modify the terms of their certificate. The program feels this will provide them more needed services to the community by having those six post-dispositional beds.

CONSIDERATION OF THE FY 2022-2023 VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA) PLANS

Jenna Easton, Program Manager, Department

The item on the VJCCCA was presented to the Board by Ms. Easton virtually, and the presentation is on page 59 of the Board packet.

The General Assembly enacted VJCCCA in 1995 to establish a community-based system of services that correspond with the severity of offense and treatment needs of youth. Originally, the purpose was to deter crime by providing an immediate and effective punishment that emphasizes the accountability of the juvenile offender for their actions, as well as reviewing the pattern of repeat offending per Code of Virginia section 16.1-309.2. The intent is for a locality to have autonomy to develop and implement programs and services to prevent and address offending by youth in their communities. Because this is a unique funding source, emphasis is placed on funding detention alternatives and up-front programming to address diversion and prevention, as well as early intervention needs.

Under this legislation, state and local dollars are combined to fund community-based programs for youth. Since January 1996, state funding has been allocated to localities through a formula based on several factors such as the number and type of arrest. Some localities are required to contribute a maintenance of effort (MOE). The MOE originally required that a locality must extend the same amount of funding it did in fiscal year (FY) 1995 in order to receive state funding. Legislation passed July 1, 2011, allowed a locality to reduce the MOE to an amount equal to the state funding amount and not to exceed the amount of state funds allocated for VJCCCA.

The current total state allocation is slightly under \$10.4 million. The total annual budget including the MOE and additional local funds that are contributed is approximately \$20 million.

Participation in VJCCCA is voluntary, but currently all 133 localities in Virginia participate. Some localities maintain local plans while others pool their funds with other localities to form combined plans.

The Department's Diversion Unit staff provide technical assistance to these localities and have administrative oversight and monitoring of the current 76 VJCCCA plans in Virginia. Pages 65 and 68 of the Board packet include a breakdown of each locality's state allocation, as well as their required MOE. The information regarding local contributions is not included because that often changes. If a locality happens to expend more than planned through the state allocation and MOE, they are required to cover those costs with local dollars. Sometimes the final budget is not established until the end of the fiscal year.

In order for a locality to participate and receive VJCCCA funding, they are required to develop a biennial plan for utilization of those funds. The Diversion Unit staff offers technical assistance and helps guide the locality to use data to identify needs based on current trends to decide which programs and services to include on their plan.

While plans must be approved by the Department and Board, communities do have autonomy and flexibility in addressing their juvenile offense patterns. Per the Code of Virginia, plan development requires consultation with judges, court service unit directors, and the Office of Children Services (CSA) through their local community planning management team (CPMT) chair. The CPMT is a local interagency body that manages the expenditures of CSA and provides funding for localities for children and families in communities.

Prior to FY 2020, all VJCCCA funding was used to serve youth before intake on complaints or who were before the court on petitions alleging the juvenile is a child in need of services, child in need of supervision, or delinquent per Code of Virginia §16.1-309.2. Effective from FY 2020, VJCCCA was amended and expanded to deter crime by providing communities with diversion or community-based services to juveniles who are in need of such services, by providing immediate and effective punishment to hold the juvenile offender accountable for their actions, reducing the pattern of repeat offending. Localities are not required to provide prevention programming; they can now elect to add the category prevention services to their plan. The Department has had an increase in that area of programming for the upcoming plans.

The Diversion Unit anticipated receiving plans for all 133 localities; some localities choose to participate in combined plans. Since VJCCCA is the only source of funding from the state for detention alternatives, those services continue to make up a large portion of the funding. In addition, staff have researched and shared with localities model provision programs and have seen an increase in plan proposals that include those services, particularly for truancy prevention programs.

As a result of the Diversion Unit's research on best practices, and following feedback received from the field, restorative justice, pro-social activity, and mentoring have been added to the allowable services list, which is a menu of programs and services included in local plans. On pages 69-77 of the Board packet are the updated allowable services, and page 64 provides a breakdown of each program or service, as well as the number of youth and the funds that are projected for the upcoming FYs of the biennium. At the bottom of that document, the figures are not the same for each year. This may be because localities have allocated funds differently for each year or because of DJJ's recommendations.

Ms. Easton shared with the Board some data from FY 2021:

- 3,578 youth were placed in VJCCCA programs for a total of 5,807 placements.

- 81% of youth placed in VJCCCA programs and services were eligible for detention.
- On average there were 1.6 program placements for youth.
- The majority (53%) of placements were pre-dispositional and non-residential, while 29% of placements were post-dispositional and non-residential.
- Of the 8% of placements that were residential placements, 93% were pre-dispositional. Most likely those were detention alternatives; the remaining 7% were post-dispositional placements into residential services.

The number of youth served through VJCCCA has declined over the past three years. This is likely due to a combination of major impact on service delivery by COVID-19 and a reduction in spending on youth.

The following 68 localities and combinations of localities have submitted VJCCCA plans for FY 2023 and FY 2024 with balanced budgets for both years. These plans have been reviewed by DJJ staff and are recommended for approval by the Board for FY 2023 and 2024 of the 2023-2024 biennium.

Accomack combined (includes Northampton), Alexandria, Amherst, Arlington combined (includes Falls Church), Bath, Bedford County, Campbell, Caroline, Charlotte combined (includes Appomattox, Buckingham, Cumberland, Lunenburg, Prince Edward), Charlottesville combined (includes Albemarle), Chesterfield, Colonial Heights, Craig, Culpeper, Danville, Dinwiddie, Emporia combined (includes Brunswick, Greensville, Sussex), Fairfax City combined (includes Fairfax County), Fauquier, Floyd, Fluvanna, Franklin, Frederick combined (includes Clark, Winchester), Fredericksburg, Giles, Goochland, Greene, Halifax, Hampton, Hanover, Henrico, Hopewell, King George, King William combined (includes Charles City, King & Queen, Middlesex, New Kent), Loudoun, Louisa, Lynchburg, Madison, Manassas City, Manassas Park, Martinsville combined (includes Henry, Patrick), Mecklenburg, Montgomery, Nelson, Newport News, Norfolk, Orange, Page, Petersburg, Pittsylvania, Prince George, Pulaski, Radford, Rappahannock, Rockingham combined (includes Harrisonburg), Roanoke City, Roanoke County combined (includes Salem), Shenandoah, Spotsylvania, Stafford, Surry, Tidewater Youth Services Commission (includes Chesapeake, Franklin City, Isle of Wight, Portsmouth, Southampton, Suffolk, Virginia Beach), Warren, Washington combined (includes Bristol, Smyth, Russell, Buchanan, Dickenson, Lee, Norton, Scott, Tazewell, Wise), Waynesboro combined (includes Augusta, Staunton), Westmoreland combined (includes Essex, Lancaster, Northumberland, Richmond County), Wythe combined (includes Bland), and York combined (includes Gloucester, James City, Williamsburg, Matthews, Poquoson)

On a motion duly made by Will Johnson and seconded by Dana Schrad, the Board of Juvenile Justice approved the 68 VJCCCA plans listed above for the 2023 and 2024 fiscal years. All Board members present declared “aye” and the motion carried.

The following four localities have submitted VJCCCA plans with a balanced budget for FY 2023. These plans have been reviewed by DJJ staff and are recommended for approval by the Board for the 2023 fiscal year of the 2023-2024 biennium: Amelia, Nottoway, Powhatan, and Prince William.

Board Member Schrad asked why the four plans were only for one year. Ms. Easton responded that in this situation the court service unit directors from the locality wanted to add programming that the community was not prepared to offer yet and did not want to wait the full two years to have the programming added. A locality can add diversion programming and move forward with the proposed plan. Then for the second year, the locality can have the time to develop the program for the second year of the biennium.

On a motion duly made by Dana Schrad and seconded by Synethia White, the Board of Juvenile Justice approved the VJCCCA plans for the 2023 fiscal year for Amelia, Nottoway, Powhatan, and Prince William. All Board members present declared “aye” and the motion carried.

The following four localities and combinations of localities have not yet met all proposed plan submission requirements: Grayson combined (includes Carroll, Galax), Highland, Lexington combined (includes Buena Vista, Rockbridge, Alleghany, Covington, Botetourt), and City of Richmond

It is recommended that the localities' FY 2022 plan be carried forward for one additional quarter, through September 30, 2022, to allow additional time for proposed plan development and submission. The new plan will be presented during the September meeting of the Board of Juvenile Justice.

On a motion duly made by Eric English and seconded by Synethia White, the Board of Juvenile Justice approved the FY 2022 VJCCA plans for Grayson combined, Highland, Lexington combined, and the City of Richmond for one additional quarter through September 30, 2022. All Board members present declared "aye" and the motion carried.

The City of Richmond has submitted a request to reduce their Maintenance of Effort (MOE) to match the state allocation beginning in FY 2023. The current MOE is \$459,084, which exceeds the state allocation of \$347,000 by \$111,401.

Board Member Schrad asked whether, when a reduction is requested by a locality, they need to submit a plan adjusting their spending.

Ms. Easton answered that the City of Richmond asked for their plan to be continued, and if approved, the MOE will be reduced and the budget will reduce by \$111,401; therefore, the City of Richmond will present a new plan based on that new budget with the reduction. The locality does not have to report or justify what they will do with the additional funds but will continue to use them toward VJCCA services. In 1995, when VJCCA was initiated, the budgets were much greater, approximately four times what the state allocation is currently. The budgets have been reduced over the years. The MOE was based on those high numbers. In order for a locality to receive or not return any state funds, they have to use their entire MOE. It is almost like a required match in a grant. The locality would like to reduce the amount required to participate in order to receive the reduced amount of funding from the state.

Board Member Johnson asked whether, given that the state has reduced its commitment over the years, it seemed unfair that localities are expected to continue to provide support at an elevated level toward supporting these youth. Ms. Easton responded that she is confident that the City of Richmond should be the last locality to have a greater MOE.

On a motion duly made by Tyren Frazier and seconded by Will Johnson, the Board of Juvenile Justice approved the reduction of the required Maintenance of Effort for the City of Richmond to match the state allocation beginning in FY 2023. All Board members present declared "aye" and the motion carried.

REGULATORY UPDATE

Ken Davis, Regulatory Affairs Coordinator, Department

The regulatory update is on page 78 in the Board packet.

Mr. Davis updated the Board on changes made since the regulatory update was written. In April, the Board approved moving the Regulation Governing Juvenile Secure Detention Centers to the final stage of the regulatory process. Executive branch review by the Office of the Attorney General is underway.

The workgroup has finished the text on the Regulation Governing Youth Detained Pursuant to Federal Contracts (known as the SB20 regulation) with a few outstanding questions to be answered. The regulation should be ready to present to the Board for consideration to move forward to the proposed stage at their September meeting.

CONSIDERATION OF FOUR BOARD POLICIES

Kristen Peterson, Regulatory and Policy Coordinator and Ken Davis, Regulatory Affairs Coordinator, Department

Ms. Peterson provided background on Board policies. The Department plans to conduct a comprehensive review of 39 Board policies and recommend either amending, rescinding, or retaining the policies. The Board has not done a comprehensive review of their policies since 2012. A number of policies have become obsolete, dated, or require review. Policies are distinct from regulations. Regulations are subject to the Administrative Process Act and undergo executive branch review. They have the force and effect of law and are treated more stringently in terms of review than Board policies. Board policies are not subject to executive branch review or the public comment process. The Board's decision on these policies takes effect immediately.

The Board considered four policies, three of which the Department asked the Board to amend and the fourth the Department asked the Board to rescind.

02-006 (Applications for Federal Funds) is a continuation from the last Board meeting. Originally, the Department brought forward a recommendation to rescind this Board policy because the statutory provision that gave rise to the policy was no longer in place. It was repealed in 2012. The Department recommended rescinding, but the Board indicated their interest in receiving information on funding provided to the Department. Ms. Peterson directed the Board to page 83 of the Board packet to review the revised Board policy.

Changes were made to the first and third paragraphs. In the first paragraph, statutory language that was repealed was removed; in its place the current statutory language that forms the basis for this policy had been inserted. In the third paragraph, the Department had drafted language requiring a summary report submission to the Board at least twice a year that would correspond with a Board meeting. This would provide a wider range of information than the Board's original needs, such as including competitive grants. Ms. Peterson noted that the Department already puts together an internal report containing most of this information. So it will not be difficult to modify that report for the Board's purpose.

Board Member Schrad thanked Ms. Peterson for this revision and said it was important for the Board to be made aware of grant applications due to the directives within them that can often drive policy. Board Member Schrad believed this will be helped by receiving regular reports. This is not to question the decisions of the agency when applying for funds but to ensure those applications are consistent with policy directives, the law, and what the Board thinks is the proper direction for the Department.

On a motion duly made by Dana Schrad and seconded by Eric English, the Board of Juvenile Justice approved the amendment of Board Policy 02-006 (Applications for Federal Funds), as proposed at the June 29, 2022, meeting, to take effect immediately. All Board members present declared "aye" and the motion carried.

Mr. Davis provided information on 01-001 (Board Policies and Regulations). This was originally called Board Policies and Standards, but the Board's standards have since been subsumed into regulations. The Department recommended a change in the title to be more reflective of what the policy actually addresses which is Board policies and regulations. The only other change is to make this policy more specific in terms

of ensuring the policies stay updated. Language was added that these reviews should happen every four years, and the Board will be provided with recommendations to amend, retain, or rescind each policy.

On a motion duly made by Synethia White and seconded by Dana Schrad, the Board of Juvenile Justice approved the amendment of Board Policy 01-001 (Board Policies and Regulations), as proposed at the June 29, 2022, meeting, to take effect immediately. All Board members present declared “aye” and the motion carried.

Mr. Davis provided information on 17-001 (Summary of Residents’ Rights). The Department asked to amend the title to Protecting Residents’ Rights. The policy is not a summary of residents’ rights, but rather a statement of the Board’s commitment to protecting the rights of residents in the care of the Department or those entities regulated by the Board. The only other change was to strike language that was duplicative. There was a phrase, “laws relating to individuals rights” which duplicated “federal and state statutes and regulations.” The policy stays the same, the revisions tidy up the language.

On a motion duly made by Will Johnson and seconded by Eric English, the Board of Juvenile Justice approved the amendment of Board Policy 17-001 (Protecting Residents’ Rights), as proposed at the June 29, 2022, meeting, to take effect immediately. All Board members present declared “aye” and the motion carried.

Ms. Peterson concluded the discussion with 05-010 (The Prison Rape Elimination Act (PREA)). This is a federal statute in place since 2003. The statute was enacted in order to provide for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape. Part of the initiative established a national commission, which was tasked with developing standards that went into place in 2012. Part of those standards, specifically section 115-311(a), requires agencies to have a written policy that mandates zero tolerance towards sexual abuse and harassment and to outline the approach to preventing, detecting, and responding to such conduct. With respect to that particular requirement, the term “agencies” is defined as the entity that is responsible for actually operating the facility. The Board’s policy does not comply with many of the requirements of the national standards. PREA is a federal policy that the Department is required to comply with even in the absence of any Commonwealth statutory provisions or any regulatory provisions promulgated by the Board. The Department believed the procedure that DJJ has in place currently is sufficient to demonstrate compliance with the requirements of PREA.

The Department is trying to reduce the number of resources that staff have to consult in order to effectively carry out their duties, and part of that is reducing the Board’s policies. The recommendation is for the Board to rescind the policy. There is no executive branch review or any other requirements. The rescission of the policy would be immediate and would not impact facility operations.

On a motion duly made by Dana Schrad and seconded by Eric English, the Board of Juvenile Justice approved the rescission of Board Policy 05-010 (The Prison Rape Elimination Act), as proposed at the June 29, 2022, meeting, to take effect immediately. All Board members present declared “aye” and the motion carried.

DIRECTOR’S COMMENTS

Amy M. Floriano, Director, Department

Director Floriano updated the Board on the implementation of pre-court services for all youth entering the system. This means that VJCCA services can be offered to them immediately. Once the petition is secured, there will be contact with the family and access to court services when the child is undergoing crisis. This has been implemented in all court service units. Additionally, there is an immediate crisis across the state involving gun violence. The administration has decided that children with guns need more attention, and the

agency has issued a few directives. The first directive issued requires that, if a child brings a gun to school, the Department will not divert that child. That child will go in front of the judge and the judge will determine why this child had a gun and brought it to school. Those felony charges will not be diverted. The second directive issued was something the Department is already doing but needed to clarify, and that was a mandatory override of the detention instrument for a child with firearms. If a child has a gun, that is an increased risk to themselves and to the community; therefore, a judge will need to decide the constraints to place on that child.

The Department has pursued vocational programming, and is hoping to have at least three vocational programs in facilities, to include welding, electrical, and plumbing. The Department is hoping to have electrical and plumbing programs in place by this summer. The Department has worked to secure mentoring services for youth in the facility that will continue when they are returned to the community. The Department secured a grant for 20 spots in the Virginia Technical Institute in Hampton Roads for youth in the community who needed to go through additional programming.

The Department has looked at the reentry numbers, and 40% of recidivism occurs during the first four months after release. This is one of the reasons why the Department wanted to give VJCCCA services to youth as soon as possible. The time span between when an event happens and when the child receives services is currently too long. The child's brain is in a completely different place by the time the services are provided. If you ask a child what they did six months ago, they will not remember why they did what they did. But if you get services to the child within a few weeks of the event, they will have a better understanding of the connection and be able to move forward further in their treatment therapy. The Department's Data Resource Guide for 2021 showed a slight downward trend in recidivism, and that is why it is important to get services in place as soon as possible. The Department is focused on wrapping services around the youth from when they first come into contact with the system until they return to the community. The Department wants to support youth so they do not return to their previous dangerous situations and lifestyles.

Board Member English asked about the detention override. Director Floriano answered that the Department put in place the mandatory override for firearm charges, and are now ready to move forward with revisions to the length of stay guidelines. The Department will likely review the detention override instrument at some point and will take into account the concerns of law enforcement and the judiciary in determining what factors to include in the override.

Board Member White asked about juveniles' families and social circle, who play a big role in how they get re-acclimated and whether or not they reoffend. Director Floriano answered that the Department has family advocates who work with the families and partner with various outreach programs. Director Floriano believes it is important to make contact with families as soon as possible and to include them in treatment team discussions and in therapy options. Board Member White followed up by asking if that will start before release, and Director Floriano replied yes. The family is already involved in treatment team meetings before their child gets released.

Board Member Schrad asked about the effectiveness of parental education programs and if they are evaluated. Director Floriano does not know the statistics for that program. Board Member Schrad said it can be a struggle to get parents involved. They are part of the solution and part of the problem.

Board Member White talked about the Strengthening Families Program in which she is a facilitator. The program started in the prison system with adults and centered on communication. Board Member White believes in the program, but she cannot see how it will work if a young person was not able to participate in the program closer to their home community. It has better outcomes when it is community-neighborhood based. Board Member White would also like to know what types of programs are available to youth before

they are released to families, such as programs that support reunification, positive support, and positive social behavior. Board Member White stressed the need to look at concerns with cultural competency with the facilitators leading these programs.

Director Floriano said many of the programs involved with VJCCCA services are done in the community. These are intervention, diversion, and probation programs done in the community where the child is placed. They are not necessarily being done in the facilities. Director Floriano said that when the child enters the system, the family participates in therapeutic programming determined by the treatment team. The Department is focused on continuity of services from beginning to end. We need to make sure we provide oversight, family interactions, and step-down services with the agency's reentry advocates. As part of its workforce development, the Department is reviewing how it handles moving the child through the system, what the agency should keep doing to adapt and standardize provision. Also there is a need to provide the same programming in community placement programs as well.

Deputy Director of Community Programs Linda McWilliams said that youth on probation or parole are benefiting from Functional Family Therapy (FFT) and Multi-Systemic Therapy (MST), to help them avoid going deeper into the system.

Chairperson Frazier asked about the rebuild at Bon Air and the population numbers.

Director Floriano said the Department is completing the preliminary work and relocating staff affected by the construction on campus. Currently, Bon Air has approximately 100 youth, with a further 79 youth in community placement programs. Many of the Bon Air youth are high risk. The Department tries to place youth near their home to structure the continuity of services and possibly start some work release programs as they transition out. There is a focus on the youth stepping down in a gradual manner that is not going to be a complete cultural shock on their final release.

NEXT MEETING

The next Board meeting is September 21, 2022, at 9:30 a.m. at the Virginia Public Safety Training Center.

ADJOURNMENT

Chairperson Frazier adjourned the meeting at 11:17 a.m.