

Robert Vilchez, Chair  
Scott Kizner, Vice Chair  
Synethia White, Secretary  
Lisa Cason  
Eric English  
Tyren Frazier  
William Johnson  
David Mick  
Laura F. O'Quinn



Post Office Box 1110  
Richmond, VA 23218-1110  
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COMMONWEALTH of VIRGINIA  
*Board of Juvenile Justice*

## BOARD MEETING

December 13, 2023  
All-Virtual Public Meeting

9:30 a.m. Board Meeting

1. CALL TO ORDER and INTRODUCTIONS
2. CONSIDERATION OF THE NOVEMBER 15, 2023, MINUTES (PAGES 1-7)
3. PUBLIC COMMENT
4. NEW BUSINESS

### Board Oversight

Lara Todd, Compliance and Legal Support Director, Department of Juvenile Justice and Margaret O'Shea, Office of the Attorney General

### Consideration of Virginia Juvenile Community Crime Control Act (VJCCCA) Plans (PAGES 8-21)

Katherine Farmer, VJCCCA Supervisor, Department of Juvenile Justice

### Consideration of Notice of Intended Regulatory Action to Amend Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) (PAGES 22-25)

Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice

### Consideration of Amendment to Board Policy 02-004 (Communication of Serious Incidents) (PAGES 26-29)

Kristen Peterson, Regulatory Affairs Coordinator, Department of Juvenile Justice

### Consideration to Proceed with the Periodic Review Report for 6VAC35-11, Public Participation Guidelines (PAGES 30-31)

Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice

### Consideration of Notice of Intended Regulatory Action for Community Placement Program Regulations (PAGES 32-34)

Ken Davis, Regulatory Affairs Coordinator, Department of Juvenile Justice

5. Director's Certification Actions (PAGES 35-51)  
Ken Bailey, Certifications Manager, Department of Juvenile Justice
6. DIRECTOR REMARKS and BOARD COMMENTS
7. 2024 MEETING SCHEDULE: To Be Determined
8. ADJOURNMENT

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COMMONWEALTH *of* VIRGINIA  
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## DRAFT Meeting Minutes

November 15, 2023

Virginia Public Safety Training Center, Smyth Hall, Room 401, 7093 Broad Neck Road, Hanover, VA 23069

**Board Members Present:** Tyren Frazier, William (Will) Johnson, Scott Kizner, David Mick, Laura O'Quinn, and Synethia White

**Board Members Absent:** Eric English and Robert (Tito) Vilchez

**Department of Juvenile Justice (Department) Staff:** Ken Bailey, Ken Davis, Mike Favale, Sharen Foxio, Amy Floriano, Wendy Hoffman, Dale Holden, Nikia Jones, Melodie Martin, Andrea McMahon, Ashaki McNeil, Linda McWilliams, Julie Norris, Stephanie Morton, Kristen Peterson, and James Towey

**Guests:** None

### CALL TO ORDER AND INTRODUCTIONS

Acting Chairperson Scott Kizner called the meeting to order at 9:31 a.m. Acting Chairperson Kizner welcomed those present and asked for introductions.

### BOARD ELECTIONS

James Towey, Legislative and Regulatory Affairs Manager, Department

The Board of Juvenile Justice elects officers from its membership at their first meeting of the fiscal year to include the Chairperson, Vice-chairperson, and Secretary. The officers can serve for a term of one year and are eligible for re-election each year. There are no term limits.

The Board discussed and nominated Robert "Tito" Vilchez as Chairperson. On motion duly made by Will Johnson and seconded by Tyren Frazier, the Board of Juvenile Justice approved the nomination of Robert "Tito" Vilchez as Chairperson. All Board members present declared "aye," and the motion carried.

The Board discussed and nominated Scott Kizner as Vice-chairperson. On motion duly made by Tyren Frazier and seconded by Will Johnson, the Board of Juvenile Justice approved the nomination of Scott Kizner as Vice-chairperson. All Board members present declared "aye," and the motion carried.

The Board discussed and nominated Synethia White as Secretary. On motion duly made by David Mick and seconded by Tyren Frazier, the Board of Juvenile Justice approved the nomination of Synethia White as Secretary. All Board members present declared "aye," and the motion carried.

The Board officers' terms take effect immediately.

## **CONSIDERATION OF THE JUNE 21, 2023, MINUTES**

The minutes of the June 21, 2023, Board meeting were provided for approval. On motion duly made by Tyren Frazier and seconded by Synethia White, the Board approved the minutes as presented. All Board members present declared "aye," and the motion carried.

## **PUBLIC COMMENT**

There was no public comment.

## **NEW BUSINESS**

### **Consideration of Policy for All-Virtual Public Meetings and Consideration of Policy for the Remote Participation of Members**

James Towey, Legislative and Regulatory Affairs Manager, Department

There are two new Board policies for consideration as a result of the General Assembly expanding the scope for public meetings to include all-virtual as well as in-person meetings where the quorum is assembled at one location and, if approved, individual members have the ability to participate virtually. The Board has met virtually before during the Covid pandemic. The Board packet includes the Virginia Freedom of Information Advisory Council-drafted model policies that will help facilitate state agencies having uniform policies.

From the pandemic, state Boards were allowed to have all-virtual public meetings by a declared state of emergency as well as in situations where there was not a declared state of emergency but there was a danger or hazard to having an in-person meeting. The new policy reflects the expanded statute to allow for virtual meetings when it is simply a convenience. The policy limits the Board to either two all-virtual meetings per calendar year or no more than 25% of its meetings being held as all-virtual per calendar year. The all-virtual meetings cannot be consecutive, meaning the Board cannot have one all-virtual meeting in December and then another in January or March. The next meeting will need to be in person. The all-virtual meetings should be spread out through the calendar year, and no more than two Board members may be present in the same location for the virtual meeting.

The Department is responsible for ensuring the following requirements are met for all-virtual meetings: the public meeting notice is properly posted, the public is provided with an opportunity to listen to the meeting, and the public has the opportunity to provide public comment. The all-virtual meetings can either be scheduled at the time all meetings are scheduled for the year or the Board can select the meeting dates for all-virtual meetings prior to the meeting. The Board can opt to select virtual means on a specific meeting but must comply with the public meeting notice requirements of three days before the meeting.

Board Member Johnson asked if this policy is approved by the Board, will it go into effect immediately? Mr. Towey responded yes. Mr. Towey added the Board could make the December meeting all-virtual; however, although the meetings reset in January, the Board cannot have consecutive all-virtual meetings. Therefore, the first meeting in 2024 will need to be in person.

Acting Chairperson Kizner asked about a weather situation like a snowstorm occurring on a Board meeting day. Mr. Towey responded that would fall under the existing statutory authorization of a danger or hazard to having an in-person meeting. This would not fall under the expanded policy which gives the Board the ability to hold the meeting virtually based on convenience.

On motion duly made by Will Johnson and seconded by Laura O’Quinn, the Board of Juvenile Justice approved a new Board policy providing for all-virtual public meetings, as proposed at the November 15, 2023, meeting, to take effect immediately. All Board members present declared “aye,” and the motion carried.

The next policy pertains to an individual Board member participating through electronic means in a public meeting where a quorum of the Board is physically assembled. The statute already permitted remote participation of an individual member due to a temporary or permanent disability as well as a medical condition or family medical condition. It also allowed for participation by electronic means for up to two meetings a year due to a personal matter. This new policy allows for the remote participation of a Board member if their principal residence is located more than 60 miles from the meeting location. There is no limit on the number of times a Board member can participate remotely in meetings for this reason. The Board member will need to make the request to participate remotely to the Board chair or vice chair, who shall notify the member whether their request conforms to the policy and, therefore, is approved or denied. At the meeting, the Board will hold a vote to determine that the chair’s decision to approve or disapprove the request to participate remotely was in conformance with the policy. The Board will also ensure the voice of the remote member can be heard by all persons at the meeting location.

For the Board member to participate remotely, a quorum of the Board must be physically assembled at the primary or central meeting location. The chair may deny a request if, for instance, multiple members request the virtual option and the number of Board members present does not meet a quorum. It would put the Board meeting in jeopardy of not being in conformance with the policy by not having a quorum present. The Board could not take any action at the meeting if there is no quorum. The chair could decide that requests are granted on a first come, first served basis, or based upon the travel distance of the member.

Acting Chairperson Kizner asked if the Department is confident in their technology capacity to hold these virtual meetings, and Mr. Towey responded yes.

Acting Chairperson Kizner asked if the request to participate remotely should go directly to the chairperson or the office. Mr. Towey responded based upon the statute and the policy, it would go to the chairperson unless the request is from the chair, and in that case, it would go to the vice-chair. The chair or vice-chair will approve or deny the request, keeping in mind the need for a quorum and not putting the meeting in jeopardy. At the meeting, the Board will have to vote to verify that they are in conformity with the statute.

Board Member White asked whether, when the Board’s support staff emails to confirm attendance, she could also ask if any members want to participate remotely and that they then should advise the chair. Mr. Towey responded yes.

On motion duly made by Synethia White and seconded by Will Johnson, the Board of Juvenile Justice approved a new Board policy providing for the remote participation of members, as proposed at the November 15, 2023, meeting, to take effect immediately. All Board members present declared “aye,” and the motion carried.

### **Consideration of Amendment of 20-105 Graduated Community Reentry**

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson reminded the Board that in April 2022, the Department announced its intent to begin a comprehensive review of Board policies. The Board has policies in place from the early 1990s with several not undergoing significant reviews for a number of years. The Department thought it important to update the policies and conduct a comprehensive review so agency staff are aware of the changes to Board policies and could more effectively carry out their duties.

The Board has reviewed and taken a position on 14 Board policies. At this meeting, there are two additional Board policies for consideration, and the Department is recommending both policies be amended.

Ms. Peterson directed the Board to the packet on page 37 detailing 20-105 Graduated Community Reentry. At the June Board meeting, the Department asked the Board to rescind this policy. The language in the policy gave the Department the ability to promote activities which would ease residents' transition from a structured setting to less structured settings, give residents access to services and programs not otherwise available, and provide an incentive in behavior management programs. When the Department initially recommended rescinding the Board policy, there were concerns with the language being unclear and vague. The Department was not sure what activities the policy was trying to target. The other concern was the policy addressing furloughs, which are addressed comprehensively in regulatory and statutory provisions, so that there was no need for policy in that area. At the June meeting the Board declined to adopt the recommendation and asked the Department to review the policy.

The proposed amendments begin at the bottom of the packet on page 37. The policy's name has been changed to Programming Opportunities for Rehabilitation. The idea behind that change is to clarify that there are program opportunities available, and those program opportunities help rehabilitate the youth committed to the Department.

The most important change is to clearly announce the Department's intent to ensure residents who are committed to DJJ have meaningful opportunities to participate in job training, educational activities, and other activities and those activities could occur either within the facility or outside the facility in the community. The Department added language to make it clear, to the extent allowed for these activities, the policy is implemented in a manner consistent with the protection of public safety.

The Department believes the recommended changes are consistent with existing statutory provisions. In the paragraph on page 38 of the packet, there are a number of statutes that are addressed, and all give the Department some authority to establish these programs. For example, there is language in one statutory provision that allows for a work education release program so that residents can leave the facility and pursue work and education opportunities. The language in this policy is consistent and aligned with those statutes.

If the Board decided to adopt the recommendation to amend this policy, the policy changes will take effect immediately, unlike the regulatory process, where the action has to undergo executive branch review.

On motion duly made by Tyren Frazier and seconded by David Mick, the Board of Juvenile Justice approved the amendment of Board Policy 20-105 (Graduated Community Reentry), as proposed at the November 15, 2023, meeting to take effect immediately. All Board members present declared "aye," and the motion carried.

#### **Consideration of Amendment of 02-004 Communication of Serious Incidents**

Kristen Peterson, Regulatory Affairs Coordinator, Department

Ms. Peterson directed the Board to the Board packet on page 38. The Department had concerns with the existing policy, mainly with two provisions. The first concerns the policy's second sentence, which requires that incidents affecting the health and safety of citizens, persons under the Department's supervision, and staff must be reported by the operational unit involved with such incidents to the highest appropriate organizational level of the Department and Board. The Department thinks the language is too broad, particularly the provision requiring that information be submitted to the Board. The language requires the Department to report incidents affecting health and safety, which is a broad category of information that

may include incidents where a resident is ill or may get assaulted. If the requirements of this policy are carried out, it would result in a voluminous number of reports provided to the Board. The Department believes the Board does not want all this information, nor is this amount of information necessary. The Department's recommendation is to remove the reference that requires those types of serious incidents be reported to the Board. On page 39 of the packet, in the second sentence, there is also language that requires the Director or designee to advise the Board at its next meeting of any serious incidents that may result in litigation against the Department. The Department believes this is a more appropriate level of information to provide the Board.

The Department is also recommending a change to the language to state that the Board should also be informed about litigation against the Department or any other entity the Board regulates, such as detention centers and group homes. There could be information or incidents that might potentially result in litigation against those entities, and the Board should be made aware of this information as well. The language has been modified to incorporate those other entities.

Acting Chairperson Kizner asked if an article mentioning the Department were to appear in the *Richmond Times-Dispatch* or *Washington Post* tomorrow about an incident, the suggested policy would be to inform the Board at their next meeting? Ms. Peterson responded that the Director would maintain discretion to provide that information to the Board at any time. The recommendation just removes the requirement that certain issues be reported to the Board. If there is something that will end up in the media or result in litigation that would fall under the policy.

Director Floriano noted that many times the Department does not know when it might be in the media, and sometimes the agency does know only because the media outlet has requested information. Director Floriano believes anything that would be a public embarrassment to the Department and the Board should initiate a notification to the Board.

Acting Chairperson Kizner asked how often that situation happens. Director Floriano stated that she receives hundreds of emails daily on assaults, serious incidents, and major arrests of juveniles. There are also notifications about health that include juveniles leaving the facility for physical therapy or to go to the doctor's office, and about fights in the facility or issues within Court Service Units with staff. At what level does the Board want to get notifications? As a professional, Director Floriano does not believe the Board wants all those emails in their mailbox each day. Deputy Director of Legislation and Policy Michael Favale agreed and added that former directors asked to be taken off the notification list for those types of incidents due to the amount of emails.

Acting Chairperson Kizner could not recall ever being informed about these types of incidents in the five years he has served on the Board. Director Floriano added that she asked the same question of why the former directors were not following this policy.

Board Member Frazier noted he may not have received notification of a previous escape and wants to make sure the Board policy speaks to those types of incidents. Litigation might not be sought, but if it is serious enough, the Board should be notified because our information is public. Board Member Frazier commented that his name has appeared in the media a few times regarding Board actions, and he wants the members and staff to be mindful that the Board should be notified on information that will eventually be in the public domain.

Director Floriano said it might be helpful to add clarifying language on what notifications the Board wants to receive and emphasized that the health category is broad. She questioned whether a youth running a fever should require Board notification. The agency is only allowed to send the juvenile number and not the name

because that is protected information. An escape or a major assault would be an identified risk but would also fall within the litigation category.

Board Member Frazier is not comfortable with waiting until the next Board meeting. The timeline of the notification should be sooner, whether it is within seven days or 72 hours.

Board Member O'Quinn believes the problem is the wording of the communication of serious incidents. Serious incidents are frequent, and maybe the Board only wants notice of incidents involving risk.

Ms. Peterson asked whether the Board wanted to modify the language to require the Director or the Director's designee to advise the Board within 72 hours of any serious incidents that may result in litigation against the Department or may present a serious identified risk against the Department, facility, or program regulated by the Board.

Board Member White wanted to ensure the policy noted that minor things, such as fevers, would be excluded.

Director Floriano asked if there are other incidents that should be excluded.

Board Member Frazier said he does not want to pigeonhole the agency with the types of incidents but would prefer examples of what the agency considers as serious incidents. Director Floriano identified escapes, suicides, or suicide attempts where a youth is removed from the facility, or a juvenile on probation committing murder as possible incidents. Board Member Frazier said if the language is broad, the Board can come back at any time and ask to tighten the language by adjusting the policy to add specifics.

Board Member White would like to see consideration for any type of communicable event or something that takes place requiring young people to be confined for their safety or in the event of a lockdown. It would be helpful to make the Board aware of these situations and why this was put in place.

Acting Chairperson Kizner said the term, 'serious,' is where delineation is needed. He does not want to be overly broad and likes the idea of having examples so he knows what kinds of notifications he can expect to receive. He does not want to lose sight of the Board's responsibilities and the level of accountability. If there are a significant number of assaults, Acting Chairperson Kizner believes the Board has the right to know about them and why it is happening to help support the staff to reduce it.

Board Member Frazier remembered only one closed session meeting of the Board regarding a suicide. The notifications have been limited. The Board has not received the number of notifications specified in the policy.

The Board agreed to add this policy to the agenda for the next meeting. In the meantime, Ms. Peterson will draft additional language to the policy to clarify the Board notifications and provide it to the Board before their next meeting so they can review. Ms. Peterson reminded the Board of the Freedom of Information meeting requirements and cautioned them not to reply all in any related emails.

Director Floriano told the Board to keep in mind the notifications may also include community incidents, such that a youth on probation or parole that assaults someone could fall under that definition and require Board notification. Director Floriano warned the Board that these notifications are voluminous, and the Board should think hard on what notifications they want.

Ken Bailey, Certifications 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 up to August 2, 2023.

W.W. Moore, Jr. Juvenile Detention Center and Post-dispositional Program in Danville was certified by the Director to October 14, 2026, with a letter of congratulations for 100% compliance. This is the facility's second consecutive 100% compliance audit. Mr. Bailey said this facility has done a great job.

In 2020, the audit for Stepping Stones Group Home for Boys in Fairfax showed an unusually high number of deficiencies with 13. They submitted and implemented a corrective action plan. The new audit on May 9, 2023, found the facility to be in 100% compliance. New procedures and new administration took to heart those deficiencies. The Director certified the facility to July 14, 2025, with a letter of congratulations for 100% compliance.

Westhaven Group Home for Boys in Portsmouth serves as a long-term group home as well as a shelter care facility with temporary placements for up to 90 days. The audit for the facility showed two deficiencies with both being corrected. The Director certified the facility to July 10, 2026. The two deficiencies included serious incident reports; six of the six applicable cases reviewed did not report serious incidents to the director or designee within 24 hours, which is required by the regulation. The program indicated it was an oversight on the timeframe by the facility administrator. The follow-up review in June 2023 showed all serious incidents had been reported within the 24 hours. The second deficiency was on the tuberculosis screenings; three of five applicable cases did not have the screening within the seven days of admission. For the follow-up review in June, six applicable cases reviewed had the screening within the required seven days.

#### **DIRECTOR'S REMARKS**

Amy M. Floriano, Director

Director Floriano welcomed Judge O'Quinn to the Board.

Director Floriano recognized Dr. Kenneth Feng, who was also appointed to the Board by Governor Youngkin but recently passed away from a major medical issue. Dr. Feng was a much-loved and well-respected professional in state government who had been looking forward to serving on the Board. Director Floriano offered her condolences on behalf of the agency.

Director Floriano recognized Stephanie Morton as the new Superintendent of Bon Air Juvenile Correctional Center.

#### **NEXT MEETING**

The next meeting will be virtual on December 13, 2023.

#### **ADJOURNMENT**

Acting Chairperson Kizner adjourned the meeting at 10:30 a.m.



**Virginia Juvenile Community Crime Control Act**  
**FY2023 - FY2024 Budget Summary**

Locality	FY2023 MOE	FY2023 State	FY2024 MOE	FY 2024 State
Accomack	\$0.00	\$ 23,933.00	\$0.00	\$ 23,933.00
Albemarle	\$52,231.00	\$ 71,218.00	\$52,231.00	\$ 71,218.00
Alleghany	\$3,617.00	\$ 18,476.00	\$3,617.00	\$ 18,476.00
Amelia	\$2,729.00	\$ 9,913.00	\$2,729.00	\$ 9,913.00
Amherst	\$28,233.00	\$ 37,022.00	\$28,233.00	\$ 37,022.00
Appomattox	\$332.00	\$ 9,071.00	\$332.00	\$ 9,071.00
Arlington	\$270,059.00	\$ 270,059.00	\$270,059.00	\$ 270,059.00
Augusta	\$0.00	\$ 26,808.00	\$0.00	\$ 26,808.00
Bath	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Bedford	\$14,190.00	\$ 70,751.00	\$14,190.00	\$ 70,751.00
Bland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Botetourt	\$3,300.00	\$ 13,138.00	\$3,300.00	\$ 13,138.00
Brunswick	\$635.00	\$ 11,703.00	\$635.00	\$ 11,703.00
Buchanan	\$809.00	\$ 67,453.00	\$809.00	\$ 67,453.00
Buckingham	\$287.00	\$ 8,798.00	\$287.00	\$ 8,798.00
Campbell	\$53,024.00	\$ 53,024.00	\$53,024.00	\$ 53,024.00
Caroline	\$8,460.00	\$ 14,869.00	\$8,460.00	\$ 14,869.00
Carroll	\$2,940.00	\$ 18,929.00	\$2,940.00	\$ 18,929.00
Charles City	\$9,400.00	\$ 6,585.00	\$9,400.00	\$ 6,585.00
Charlotte	\$268.00	\$ 12,976.00	\$268.00	\$ 12,976.00
Chesterfield	\$202,459.00	\$ 668,292.00	\$202,459.00	\$ 668,292.00
Clarke	\$0.00	\$ 8,990.00	\$0.00	\$ 8,990.00
Craig	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Culpeper	\$1,119.00	\$ 51,802.00	\$1,119.00	\$ 51,802.00
Cumberland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Dickenson	\$2,739.00	\$ 10,437.00	\$2,739.00	\$ 10,437.00
Dinwiddie	\$9,014.00	\$ 19,549.00	\$9,014.00	\$ 19,549.00
Essex	\$4,885.00	\$ 22,825.00	\$4,885.00	\$ 22,825.00
Fairfax County	\$613,374.00	\$ 600,996.00	\$613,374.00	\$ 600,996.00
Fauquier	\$2,886.00	\$ 36,836.00	\$2,886.00	\$ 36,836.00
Floyd	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Fluvanna	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Franklin County	\$10,124.00	\$ 21,332.00	\$10,124.00	\$ 21,332.00
Frederick	\$0.00	\$ 53,031.00	\$0.00	\$ 53,031.00
Giles	\$385.00	\$ 9,243.00	\$385.00	\$ 9,243.00
Gloucester	\$44,727.00	\$ 44,727.00	\$44,727.00	\$ 44,727.00
Goochland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00

Grayson	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Greene	\$0.00	\$ 7,596.00	\$0.00	\$ 7,596.00
Greensville	\$8,668.00	\$ 6,585.00	\$8,668.00	\$ 6,585.00
Halifax	\$10,476.00	\$ 63,762.00	\$10,476.00	\$ 63,762.00
Hanover	\$20,556.00	\$ 81,243.00	\$20,556.00	\$ 81,243.00
Henrico	\$209,620.00	\$ 390,110.00	\$209,620.00	\$ 390,110.00
Henry	\$34,009.00	\$ 131,661.00	\$34,009.00	\$ 131,661.00
Highland	\$0.00	\$ 6,585.00	\$0.00	\$ 6,585.00
Isle of Wight	\$10,716.00	\$ 23,984.00	\$10,716.00	\$ 23,984.00
James City	\$91,512.00	\$ 91,512.00	\$91,512.00	\$ 91,512.00
King & Queen	\$2,535.00	\$ 9,336.00	\$2,535.00	\$ 9,336.00
King George	\$1,040.00	\$ 15,258.00	\$1,040.00	\$ 15,258.00
King William	\$10,300.00	\$ 6,951.00	\$10,300.00	\$ 6,951.00
Lancaster	\$7,908.00	\$ 20,530.00	\$7,908.00	\$ 20,530.00
Lee	\$3,333.00	\$ 27,260.00	\$3,333.00	\$ 27,260.00
Loudoun	\$145,706.00	\$ 145,706.00	\$145,706.00	\$ 145,706.00
Louisa	\$1,028.00	\$ 9,905.00	\$1,028.00	\$ 9,905.00
Lunenburg	\$1,047.00	\$ 13,270.00	\$1,047.00	\$ 13,270.00
Madison	\$1,494.00	\$ 6,585.00	\$1,494.00	\$ 6,585.00
Mathews	\$10,651.00	\$ 22,790.00	\$10,651.00	\$ 22,790.00
Mecklenburg	\$1,349.00	\$ 31,360.00	\$1,349.00	\$ 31,360.00
Middlesex	\$3,241.00	\$ 6,585.00	\$3,241.00	\$ 6,585.00
Montgomery	\$179.00	\$ 49,393.00	\$179.00	\$ 49,393.00
Nelson	\$202.00	\$ 10,364.00	\$202.00	\$ 10,364.00
New Kent	\$14,391.00	\$ 10,557.00	\$14,391.00	\$ 10,557.00
Northampton	\$0.00	\$ 12,336.00	\$0.00	\$ 12,336.00
Northumberland	\$6,626.00	\$ 29,083.00	\$6,626.00	\$ 29,083.00
Nottoway	\$617.00	\$ 19,399.00	\$617.00	\$ 19,399.00
Orange	\$2,181.00	\$ 21,728.00	\$2,181.00	\$ 21,728.00
Page	\$0.00	\$ 30,076.00	\$0.00	\$ 30,076.00
Patrick	\$5,984.00	\$ 25,241.00	\$5,984.00	\$ 25,241.00
Pittsylvania	\$29,756.00	\$ 41,765.00	\$29,756.00	\$ 41,765.00
Powhatan	\$2,056.00	\$ 8,468.00	\$2,056.00	\$ 8,468.00
Prince Edward	\$0.00	\$ 10,840.00	\$0.00	\$ 10,840.00
Prince George	\$21,972.00	\$ 52,775.00	\$21,972.00	\$ 52,775.00
Prince William	\$509,171.00	\$ 394,413.00	\$509,171.00	\$ 394,413.00
Pulaski	\$0.00	\$ 21,321.00	\$0.00	\$ 21,321.00
Rappahannock	\$0.00	\$ 9,673.00	\$0.00	\$ 9,673.00
Richmond County	\$11,698.00	\$ 10,751.00	\$11,698.00	\$ 10,751.00
Roanoke County	\$24,644.00	\$ 179,982.00	\$24,644.00	\$ 179,982.00
Rockbridge	\$0.00	\$ 14,600.00	\$0.00	\$ 14,600.00
Rockingham	\$0.00	\$ 44,867.00	\$0.00	\$ 44,867.00

Russell	\$411.00	\$ 28,355.00	\$411.00	\$ 28,355.00
Scott	\$35.00	\$ 23,096.00	\$35.00	\$ 23,096.00
Shenandoah	\$0.00	\$ 31,204.00	\$0.00	\$ 31,204.00
Smyth	\$4,392.00	\$ 29,786.00	\$4,392.00	\$ 29,786.00
Southampton	\$6,340.00	\$ 10,485.00	\$6,340.00	\$ 10,485.00
Spotsylvania	\$39,655.00	\$ 84,641.00	\$39,655.00	\$ 84,641.00
Stafford	\$37,265.00	\$ 107,510.00	\$37,265.00	\$ 107,510.00
Surry	\$6,275.00	\$ 6,585.00	\$6,275.00	\$ 6,585.00
Sussex	\$3,321.00	\$ 6,585.00	\$3,321.00	\$ 6,585.00
Tazewell	\$923.00	\$ 46,689.00	\$923.00	\$ 46,689.00
Warren	\$0.00	\$ 36,630.00	\$0.00	\$ 36,630.00
Washington	\$11,856.00	\$ 34,727.00	\$11,856.00	\$ 34,727.00
Westmoreland	\$30,339.00	\$ 58,808.00	\$30,339.00	\$ 58,808.00
Wise	\$6,815.00	\$ 54,899.00	\$6,815.00	\$ 54,899.00
Wythe	\$0.00	\$ 33,156.00	\$0.00	\$ 33,156.00
York	\$44,146.00	\$ 54,684.00	\$44,146.00	\$ 54,684.00
Alexandria	\$95,575.00	\$ 185,026.00	\$95,575.00	\$ 185,026.00
Bristol	\$9,828.00	\$ 28,057.00	\$9,828.00	\$ 28,057.00
Buena Vista	\$0.00	\$ 11,657.00	\$0.00	\$ 11,657.00
Charlottesville	\$108,415.00	\$ 220,840.00	\$108,415.00	\$ 220,840.00
Chesapeake	\$83,014.00	\$ 246,857.00	\$83,014.00	\$ 246,857.00
Colonial Heights	\$0.00	\$ 69,080.00	\$0.00	\$ 69,080.00
Covington	\$1,054.00	\$ 7,575.00	\$1,054.00	\$ 7,575.00
Danville	\$26,324.00	\$ 86,999.00	\$26,324.00	\$ 86,999.00
Emporia	\$8,917.00	\$ 63,101.00	\$8,917.00	\$ 63,101.00
Fairfax City	\$0.00	\$ 12,378.00	\$0.00	\$ 12,378.00
Falls Church	\$2,815.00	\$ 120,679.00	\$2,815.00	\$ 120,679.00
Franklin City	\$6,195.00	\$ 15,521.00	\$6,195.00	\$ 15,521.00
Fredericksburg	\$33,165.00	\$ 54,975.00	\$33,165.00	\$ 54,975.00
Galax	\$0.00	\$ 13,363.00	\$0.00	\$ 13,363.00
Hampton	\$110,724.00	\$ 315,703.00	\$110,724.00	\$ 315,703.00
Harrisonburg	\$0.00	\$ 41,964.00	\$0.00	\$ 41,964.00
Hopewell	\$42,913.00	\$ 105,185.00	\$42,913.00	\$ 105,185.00
Lexington	\$0.00	\$ 6,608.00	\$0.00	\$ 6,608.00
Lynchburg	\$147,370.00	\$ 247,716.00	\$147,370.00	\$ 247,716.00
Manassas	\$2,510.00	\$ 59,873.00	\$2,510.00	\$ 59,873.00
Manassas Park	\$0.00	\$ 20,794.00	\$0.00	\$ 20,794.00
Martinsville	\$22,756.00	\$ 72,076.00	\$22,756.00	\$ 72,076.00
Newport News	\$226,485.00	\$ 339,437.00	\$226,485.00	\$ 339,437.00
Norfolk	\$639,899.00	\$ 639,899.00	\$639,899.00	\$ 639,899.00
Norton	\$10.00	\$ 12,062.00	\$10.00	\$ 12,062.00
Petersburg	\$64,836.00	\$ 84,000.00	\$64,836.00	\$ 84,000.00

Poquoson	\$10,295.00	\$ 10,295.00	\$10,295.00	\$ 10,295.00
Portsmouth	\$45,877.00	\$ 184,000.00	\$45,877.00	\$ 184,000.00
Radford	\$0.00	\$ 10,199.00	\$0.00	\$ 10,199.00
Richmond City	\$459,084.00	\$ 347,683.00	\$459,084.00	\$ 347,683.00
Roanoke City	\$274,384.00	\$ 394,210.00	\$274,384.00	\$ 394,210.00
Salem	\$9,418.00	\$ 52,851.00	\$9,418.00	\$ 52,851.00
Staunton	\$0.00	\$ 35,093.00	\$0.00	\$ 35,093.00
Suffolk	\$57,855.00	\$ 124,169.00	\$57,855.00	\$ 124,169.00
Virginia Beach	\$662,505.00	\$ 869,280.00	\$662,505.00	\$ 869,280.00
Waynesboro	\$0.00	\$ 55,484.00	\$0.00	\$ 55,484.00
Williamsburg	\$31,908.00	\$ 39,383.00	\$31,908.00	\$ 39,383.00
Winchester	\$0.00	\$ 66,337.00	\$0.00	\$ 66,337.00
	<b>\$5,922,796.00</b>	<b>\$10,379,921.00</b>	<b>\$5,922,796.00</b>	<b>\$10,379,921.00</b>
	<b>\$16,302,717.00</b>		<b>\$16,302,717</b>	

## VJCCA FY2023-2024 AGGREGATE DATA

	Sum of FY 23 Year 1 Youth	Sum of FY 23 Year 1 Budget	Sum of FY 24 Year 2 Youth	Sum of FY 24 Year 2 Budget
Anger Management	598	\$259,937.00	657	\$306,323.00
Assessments/Evaluations	29	\$27,926.00	29	\$27,926.00
Community Service	1376	\$1,089,656.00	1288	\$1,026,932.17
Coordinator/Administrative	0	\$356,042.40	0	\$352,974.20
Law Related Education	221	\$133,362.00	197	\$103,198.00
Life Skills	376	\$299,984.08	398	\$311,500.08
Mentoring	126	\$284,915.00	132	\$273,727.00
Parenting Skills	239	\$158,495.00	239	\$158,495.00
POST-D EM & GPS	1024	\$1,308,430.62	1041	\$1,316,473.85
POST-D Outreach	305	\$531,711.72	306	\$531,655.97
POST-D Shelter Care	55	\$341,079.73	55	\$341,079.73
PRE-D EM & GPS	1939	\$3,077,079.62	1896	\$3,105,606.10
PRE-D Outreach	888	\$2,666,794.43	888	\$2,363,121.97
PRE-D Shelter Care	332	\$2,387,016.73	332	\$2,434,433.73
Pro-Social Activities	131	\$45,470.00	141	\$47,470.00
Pro-Social Skills	890	\$473,906.72	950	\$507,397.56
Restorative Justice	212	\$72,225.00	212	\$72,225.00
Sex Offender Services	11	\$24,150.00	11	\$24,150.00
Shoplifting/Larceny Reduction	262	\$37,908.00	262	\$37,908.00
Specialized Prevention Programs	71	\$63,355.00	176	\$69,355.00
Specialized Program Services	454	\$508,237.20	480	\$517,665.20
Substance Abuse Ed/Treatment	597	\$467,271.00	612	\$468,471.00
Truancy Intervention	190	\$217,137.00	176	\$189,313.00
Truancy Prevention	650	\$270,142.00	656	\$281,142.00
Group Home	265	\$1,649,426.77	265	\$2,061,626.77
POST-D Day & Evening Reporting	66	\$611,223.00	66	\$623,840.27
Gang Prevention	48	\$162,373.44	40	\$143,000.00
Substance Abuse Prevention	38	\$75,053.00	38	\$75,053.00
Clinical Services	124	\$303,658.00	130	\$332,458.00
Employment/Vocational	63	\$121,300.00	63	\$121,300.00
Gang Intervention	33	\$123,329.10	57	\$141,000.00
<b>Grand Total</b>	<b>11613</b>	<b>\$18,148,595.56</b>	<b>11793</b>	<b>\$18,366,821.60</b>

Table 1: FY23/24 Allowable VJCCCA Funded Programs and Services (updated 12/09/2021)

<b>VJCCCA GRANT PLAN ADMINISTRATION</b>	
<b>Coordinator / Administrative Services</b>	<p>Administrative services to manage VJCCCA plans, programs, and services</p> <p>Services may include: plan development coordination, Plan and/or Data Contact responsibilities, negotiating/monitoring service contracts, and attending VJCCCA meetings and/or training</p> <p><u>Requirements:</u> Plans may allocate up to 5% of total VJCCCA budget for compensation of these services by non-DJJ staff; FTE percentages must be proportional to allocation</p>
<b>PUBLIC SAFETY</b>	
<b>Pre-Dispositional Detention Alternatives</b>	
<b>PRE-D Outreach Services</b>	<p>Monitoring that provides for public safety and assures youth's availability for court through random contacts at home, school, and within the community via face to face or phone/video contact</p> <p>This category of services should not be used for CHINS or other non-detainable offenses.</p> <p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped down from a more-restrictive detention alternative</p> <p><u>Requirements:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria.</p>
<b>PRE-D Electronic Monitoring (EM) &amp; Global Positioning Service (GPS)</b>	<p>Monitoring that provides for public safety and assures youth's availability for court through use of electronic monitoring (EM) or global positioning service (GPS)</p> <p>This category of services should not be used for CHINS or other non-detainable offenses.</p> <p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped up/down from a less/more-restrictive detention alternative.</p> <p><u>Requirements for non-DJJ providers:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria.</p> <p>Use of EM/GPS must also include Pre-D Outreach Services as a component of this service.</p>

<p><b>PRE-D Structured Day &amp; Evening Reporting Programs</b></p>	<p>Non-residential programs that provide structured activities and supervision during or after regular school hours (especially during the hours of 3:00pm-7:00pm), and are used as a pre-dispositional alternative to secure detention. This category of services should not be used for CHINS or other non-detainable offenses.</p> <p><u>Target population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped up/down from a less/more-restrictive detention alternative</p> <p><u>Services include:</u> transportation; counseling; supervision; academic support; vocational development; cultural, educational and recreational activities; pro-social skill development</p> <p><u>Short-term (up to 90 days) residential care programs that focus on stabilizing youth behavior and are used as a pre-dispositional alternative to detention.</u> This category of services should not be used for CHINS or other non-detainable offenses.</p>
<p><b>PRE-D Shelter Care</b></p>	<p><u>Target Population:</u> Pre-dispositional youth in need of a detention alternative (with a DAI score of 10-14); Youth stepped up from a less-restrictive detention alternative; Youth stepped down from secure detention</p> <p><u>Services include:</u> assessment(s) and a specifically approved range of services to address treatment needs such as counseling, academic support, interagency services referrals</p>
<p><b>Post-Dispositional/Graduated Sanctions</b></p>	
<p><b>POST-D Outreach Services</b></p>	<p>Monitoring that provides additional contacts to home, school, and within the community via face to face or phone/video contact in order to enhance probation/parole supervision</p> <p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Requirements:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and the CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria. The number of contacts shall be determined in advance, proportional to severity of need with a plan to decrease over time, and should not remain in place for over 30 consecutive days without CSU Supervisor approval. Additional surveillance contacts do not replace contacts made by the youth's probation/parole officer.</p>

<p><b>POST-D Electronic Monitoring (EM) &amp; Global Positioning Service (GPS)</b></p>	<p>Monitoring that provides additional surveillance in order to enhance probation/parole supervision through use of electronic monitoring (EM) or global positioning service (GPS);</p> <p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Requirements for non-DJJ providers:</u> Program guidelines must be established through an MOA with provider and must include program expectations established by court and the CSU, including: number and mode of contacts; length of stay; a plan for step up/down as needed based on a system of graduated sanctions and incentives; hours of operation; program behavior management system; and admission/dismissal criteria. The number of contacts shall be determined in advance, proportional to severity of need with a plan to decrease over time, and should not remain in place for over 30 consecutive days without CSU Supervisor approval. Additional surveillance contacts do not replace contacts made by the youth's probation/parole officer.</p> <p>Use of EM/GPS must also include Post-D Outreach Services as a component of this service.</p>
<p><b>POST-D Structured Day &amp; Evening Reporting Programs</b></p>	<p>Non-residential programs that provide structured activities and supervision during or after regular school hours (especially during the hours of 3:00pm-7:00pm) in order to enhance probation/parole supervision</p> <p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Services include:</u> transportation; counseling; supervision; academic support; vocational development; cultural, educational and recreational activities; pro-social skill development</p> <p>Short-term (up to 90 days) residential care programs that focus on stabilizing youth behavior in order to enhance probation/parole supervision</p>
<p><b>POST-D Shelter Care</b></p>	<p><u>Target Population:</u> Youth on probation or parole in need of additional supervision; youth facing technical violation(s) of supervision; youth before the court for disposition</p> <p><u>Services include:</u> assessment(s) and a specifically approved range of services to address treatment needs such as counseling, academic support, interagency services referrals</p>



ACCOUNTABILITY	
<p><b>Community Service Programs</b></p>	<p>Programs that provide community service work opportunities for youth that include supervision and recruiting &amp; establishing partnerships with workites; May also incorporate social learning and/or restorative principles; transportation to/from workites Case management duties alone (providing a list of worksite opportunities, monitoring attendance, verifying completion) do not meet the requirements for this program.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole facing technical violation(s) (graduated sanction)</p> <p><u>Requirements:</u> An MOA between DJJ and the locality (as the service provider) is required.</p>
<p><b>Law Related Education Programs</b></p>	<p>Programs that encourage youth to become law-abiding citizens by promoting civic responsibility, accountability, and an understanding of the legal system; may also include offense-specific individual/group discussions, interactive web-based presentations, pre &amp; post knowledge tests</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole facing technical violation(s) (graduated sanction)</p> <p><u>Program Examples:</u> Virginia Rules</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCA Coordination Team</p>
<p><b>Restorative Justice Programs</b></p>	<p>Programs that provide youth an opportunity to repair harm caused by their behavior and to recognize how their behavior impacts others; May also include restitution and/or other compensation to victims</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole facing technical violation(s) (graduated sanction)</p> <p><u>Services include:</u> circle processing; community conferencing; victim/offender conferences</p> <p><u>Requirements:</u> Participation by all parties is strictly voluntary.</p>
<p><b>Shoplifting/Larceny Reduction Programs</b></p>	<p>Programs that educate participants on the laws and consequences of shoplifting and/or larceny; May also include developing consequential thinking skills; discussing alternatives to problem behavior; addressing thinking patterns, values, and beliefs that lead to problem behavior</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to shoplifting and/or larceny; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Program Examples:</u> Youth Emerge Straight (Y.E.S.); STOPLifting (3rd Millennium Classrooms)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCA Coordination Team</p>

**COMPETENCY DEVELOPMENT**

<p><b>Anger Management Programs</b></p>	<p>Programs that teach alternative means of communicating and problem solving to reduce aggressive behavior; May also include individual/group counseling and education; conflict resolution skills; self-regulation skills; cognitive behavioral interventions; development of problem solving, impulse-control, and coping skills</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to violence and/or aggression; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Program Examples:</u> Aggression Replacement Therapy (ART); Thinking For a Change (TAC); 3rd Millennium Classrooms; Peaceful Alternatives To Tough Situations (PATTIS)</p> <p><u>Requirements:</u> Services must be provided by a licensed mental health professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCA Coordination Team</p>
<p><b>Assessments/ Evaluations</b></p>	<p>Assessments/evaluations for youth requiring clinical services in order to fulfill diversion plan or court ordered obligations. The SASSI does not meet the requirements for this program.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) requiring clinical services in order to fulfill diversion or court-ordered obligations</p> <p><u>Requirements:</u> Services must be provided by a licensed mental health professional with applicable degree(s) and specialized training*</p>
<p><b>Clinical Services</b></p>	<p>Mental health services to meet the needs of youth and family; May include individual, group, or family counseling; in-home counseling; equine therapy; art therapy; music therapy; etc.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) with an identified need for mental health services</p> <p><u>Requirements:</u> Services must be provided by a licensed mental health professional with applicable degree(s) and specialized training*</p>
<p><b>Employment/ Vocational Programs</b></p>	<p>Programs that prepare youth with basic employment skills and assist them in obtaining employment; May include vocational assessment and counseling; job and pre-employment skill development; on-site supervision/supported employment; coordination of transportation; job placement programs</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) with an identified need for employment skill building; youth on supervised probation/parole with an identified need for related skill development</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCA Coordination Team</p>

<p><b>Gang Intervention Programs</b></p>	<p>Programs designed to reduce gang involvement; May include skill development to assist youth in critical thinking, decision making, and resistance/refusal skills; identifying and addressing youth, family and community factors that influence gang involvement; mentoring/coaching; wraparound services and supports; individual/family/group counseling; connecting youth to pro-social supports, places, and activities; tattoo removal; job training/placement</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to gang involvement; youth on supervised probation/parole with an identified need</p> <p><u>Program Examples:</u> The Phoenix Curriculum; Gang Resistance Education and Training (G.R.E.A.T.); Youth Advocate Programs (YAP)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p><b>Life Skills Programs</b></p>	<p>Programs that promote skill development to assist youth in maintaining pro-social and healthy behaviors to become productive citizens; May include individualized services based on youth's identified criminogenic need; consequential thinking, goal setting, social perspective-taking, and/or interpersonal skill development; independent living skills; development of healthy relationships and support systems</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) with an identified need for life skills development</p> <p><u>Program Examples:</u> Casey Life Skills; Botvin Lifeskills Training; ARISSE; Project Life</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p><b>Mentoring Programs</b></p>	<p>Programs that build competency by providing a positive adult relationship/role model to support, guide, and enhance opportunities for youth to meet their goals and be successful; May include modeling/teaching prosocial skills and coping mechanisms; advising; reinforcing and coaching positive behavior; interpersonal skill training</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need</p> <p><u>Program Examples:</u> MENTOR Virginia</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p><b>Parenting Skills Programs</b></p>	<p>Programs designed to build positive parenting solutions, enhance parenting skills, and provide support to the parents/guardians/caretakers/natural supports of justice-involved youth; May include parent/guardian empowerment; culturally competent programming; fatherhood initiatives</p> <p><u>Target Population:</u> Parents/guardians/caretakers/natural supports of youth before intake or the court (Pre-D or Post-D) or on supervised probation/parole</p> <p><u>Program Examples:</u> The Parent Project; 24/7 Dad; FAST Families &amp; Schools Together<sup>®</sup>; Strengthening Families</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>

<b>Pro-Social Activities</b>	<p>Programs, services, and activities that build protective factors, provide positive reinforcement, and reduce likelihood for future delinquency through pro-social activities; May include structured recreational activities; extracurricular activities; cultural activities; lessons/classes; costs associated with GED testing</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need</p> <p><u>Requirements:</u> Prior approval must be received from the VJCCCA Coordination Team. This category must be a standalone program on the plan.</p>
<b>Pro-Social Skills Programs</b>	<p>Programs tailored to the individual needs of youth that teach skills to enhance pro-social behaviors and improve consequential thinking skills; May include cognitive behavioral interventions; gender specific programming; character development and value clarification; addressing thinking patterns, values, and beliefs that contribute to problem behavior</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need to strengthen protective factors</p> <p><u>Program Examples:</u> Thinking For A Change (T4C); 3rd Millennium Classrooms; Girls Circle; The Council for Boys and Young Men; Unity Circle; Becoming a Man (B.A.M) Program; Working on Womanhood (WOW)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<b>Sex Offender Services</b>	<p>Programs and services that promote public safety through education and/or treatment of sexual offending behaviors; May include sexting education; personal boundary education; individual, family, and group counseling/treatment</p> <p><u>Target Population:</u> Youth before intake or court (Pre-D or Post-D) or on supervised probation/parole on charges related to sexting, pornography, and/or sexual offending behaviors</p> <p><u>Requirements:</u> Services must be provided by a licensed professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p>
<b>Substance Abuse Education/ Treatment Programs</b>	<p>Programs designed to teach youth the consequences of illegal substance use, assist the youth in remaining drug and alcohol free, and to avoid further problem behavior; May include substance abuse education; substance abuse counseling/treatment</p> <p>Urinalysis, breathalyzer, and other drug testing may be conducted by the service provider only when done in conjunction with treatment program administration. Drug testing alone is an excluded service.</p> <p>The SASSI does not meet the requirements for this program.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to drugs or alcohol; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Requirements:</u> Services must be provided by a licensed professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p>

<p><b>Truancy Intervention Programs</b></p>	<p>Programs that improve school engagement and reduce further court involvement by addressing barriers to school attendance; May include mentoring/coaching and counseling; incentives and rewards; summer transition services; morning accountability/wake-up calls; home visits; student/teacher relationship building; college &amp; career readiness services; academic supports; truancy-based mediation/restorative practices; alternative court programs/teen court</p> <p><u>Target Population:</u> Youth before intake for CHINS-Truancy petitions; youth on supervised probation/parole facing technical violation(s) (graduated sanction) for related behavior</p> <p><u>Program Examples:</u> Achievement Mentoring Program (AMP); Check and Connect; School Engagement Program by Domus; On Track Supports by RISE Network; Preparing Our Kids for Success by Parent Project; Youth Advocate Program – Truancy (YAP)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<p><b>Specialized Program Services</b> (formerly Supervision Plan Services)</p>	<p>Funding allocated for the purchase of services that are not provided for within the current VJCCCA plan. Services may include any service or program outlined on the Allowable Services List.</p> <p><u>Target Population:</u> Youth before intake or the court (Pre-D or Post-D) on charges related to the requested service; youth on supervised probation/parole facing technical violation(s) (graduated sanction) related to/indicating need for requested service</p> <p><u>Requirements:</u> Approval must be received from the VJCCCA Coordination Team</p>
<p><b>GROUP HOMES</b></p>	
<p><b>Group Home Programs</b></p>	<p>Programs that provide a residential placement in a non-secure environment; includes placement in a homelike foster care environment</p> <p><u>Target Population:</u> Youth before the court (Pre-D or Post-D); youth on supervised probation/parole with an identified need</p> <p><u>Requirements:</u> Must meet licensing, regulatory, and certification requirements.</p>

*\* All service providers (including local VJCCCA-funded employees and contracted providers) must possess the required professional credentials and must be operating in compliance within regulations and scope of practice, including but not limited to the VA Dept. of Health Professions Board of Counseling.*

**Table 2: FY 23/24 Allowable VJCCCA Funded Prevention Programs and Services** (updated 12/09/2021)

<b>COMPETENCY DEVELOPMENT</b>	
<b>Gang Prevention Programs</b>	<p>Programs designed to prevent gang involvement; May include skill development to assist youth in critical thinking, decision making, and resistance/refusal skills; identifying and addressing youth, family and community factors that influence gang involvement; mentoring/coaching; wraparound services and supports/case management; individual/family/group counseling; connecting youth to pro-social supports, places, and activities; tattoo removal; job training/placement</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for gang involvement</p> <p><u>Program Examples:</u> The Phoenix Curriculum; Gang Resistance Education and Training (G.R.E.A.T.); Youth Advocate Programs (YAP)</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<b>Substance Abuse Prevention Programs</b>	<p>Programs designed to teach youth the consequences of illegal substance use, assist the youth in remaining drug and alcohol free, May include substance abuse education; substance abuse screening (i.e. SASSI), assessment, and counseling</p> <p>Urinalysis, breathalyzer, and other drug testing is a prohibited service.</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for substance abuse</p> <p><u>Requirements:</u> Services must be provided by a licensed professional with applicable degree(s) and specialized training* or a curriculum/program approved by the VJCCCA Coordination Team</p>
<b>Truancy Prevention Programs</b>	<p>Programs that improve school engagement and prevent youth from becoming truant by addressing barriers to school attendance; May include mentoring/coaching and counseling; incentives and rewards; summer transition services; morning accountability/wake-up calls; home visits; student/teacher relationship building; college &amp; career readiness services; academic supports; case management; truancy-based mediation/restorative practices; alternative court programs/teen court; truancy awareness campaigns</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for truancy</p> <p><u>Program Examples:</u> Achievement Mentoring Program (AMP); Check and Connect; School Engagement Program by Domus; On Track Supports by RISE Network; Preparing Our Kids for Success by Parent Project; Youth Advocate Program – Truancy (YAP); Wyman’s Teen Outreach Program (TOP); Communities in Schools; Truancy Court Program (TCP); Ability School Engagement Partnership</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>
<b>Specialized Prevention Programs</b>	<p>Programs that provide specialized services to prevent youth from becoming involved in the juvenile justice system</p> <p><u>Target Population:</u> Youth who have been identified, by an approved assessment tool, as being at-risk for juvenile justice system involvement</p> <p><u>Requirements:</u> A curriculum/program approved by the VJCCCA Coordination Team</p>

*\* All service providers (including local VJCCCA-funded employees and contracted providers) must possess the required professional credentials and must be operating in compliance within regulations and scope of practice, including but not limited to the VA Dept. of Health Professions Board of Counseling.*



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**MEMORANDUM**

**TO:** State Board of Juvenile Justice

**FROM:** Virginia Department of Juvenile Justice

**DATE:** December 13, 2023

**SUBJECT:** Request to Amend Regulation Governing Juvenile Data Requests and Research Involving Human Subjects (6VAC35-170) through the Standard Regulatory Process

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**I. ACTION REQUESTED**

The Department of Juvenile Justice (department) respectfully requests the State Board of Juvenile Justice's (board's) authorization to initiate a Notice of Intended Regulatory Action (NOIRA) for 6VAC35-170, *Regulation Governing Juvenile Data Requests and Research Involving Human Subjects*. The purpose of this request is to authorize a comprehensive review of this chapter to satisfy the periodic review mandate in § 2.2-4007.1 of the Code of Virginia and to identify potential recommendations for amendments that will clarify current provisions, remove obsolete or unclear language, assist the department in complying with regulatory reduction mandates, and ultimately increase compliance.

**II. BACKGROUND**

Section 66-10.1 of the Code directs the board to promulgate regulations for human research that will be conducted or authorized by the department in accordance with Title 32.1 of the Code. Section 66-10 of the Code also grants the board broad discretion to "promulgate such regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth." Section 16.1-223 provides that data stored in the Virginia Juvenile Justice Information System, which is the infrastructure used to collect, process, preserve, or disseminate juvenile record information, shall be confidential, and information generated from such data that may identify a juvenile may be released only in accordance with § 16.1-300 of the Code.

Chapter 170 of the board's regulations establishes the regulatory requirements for research on human subjects who are under the care or supervision of the department. The regulation also addresses requests to obtain data regarding individuals under the custody or supervision of juvenile correctional centers, court service units, and other board-regulated programs and facilities. The current regulation tracks both federal regulations and state statute. The regulation does not address the process for obtaining access to records for parties authorized to inspect juvenile records under § 16.1-300 of the Code.

Executive Directive 1, Executive Order 19, and the Office of Regulatory Management (ORM) Procedures for review of State Regulations, collectively require agencies to implement a 25% reduction in regulatory requirements. While this chapter contains several requirements integral to protecting research subjects, securing confidential data, and ensuring the integrity of data research projects, the department has identified several areas for possible regulatory reduction.

Pursuant to § 2.2-4007.1 of the Code, regulations require a periodic review every four years “to determine whether they should be continued without change, amended, or repealed.” The periodic review process may be accomplished either through the standard regulatory process or through a separate standalone process involving posting the notice of periodic review, solicitation of public comment, and a separate report approved by the board. Although this chapter was last amended in 2020, the amendments occurred through the fast-track process; thus, the last formalized periodic review occurred in 2016. The department is seeking the board’s approval to file a NOIRA to initiate the first stage of the standard regulatory process and to commence the formalized periodic review action.

### **III. ANTICIPATED CHANGES**

#### **Changes to Terms, Definitions, and Scope of Chapter**

The department expects to propose several changes to clarify and simplify existing definitions and terms; ensure they more closely align with current practices; replace terms perceived as confusing or misleading, and remove duplicative, obsolete, or extraneous language. In addition to changing terms, the department hopes to recommend changes regarding who can serve as the principal for projects and to modify that individual’s general responsibilities.

Currently, the scope of the regulation is not expressly established. The department anticipates recommending additional language to clarify the scope of the chapter.

#### **Removal of Duplicative or Unnecessary Provisions; Correcting Erroneous Citations**

The department has identified several duplicative provisions involving DJJ’s internal review of data requests and research proposals, as well as the regulated entity’s provision of required information. Other provisions outline requirements for processes that can be addressed administratively and do not require regulation. Still, other areas of the regulation establish requirements that the department has never factored into its decisions to approve requests or projects or has never enforced. The department expects to strike these provisions. In addition, the department plans to correct several erroneous citations in this chapter.

#### **Timelines for Meetings and Review**

The current regulation requires various committees to meet or conduct reviews within specified timeframes. Due to challenges with scheduling meetings, the department is considering modifying the language to allow such committees more flexibility in meeting and conducting the mandated reviews.



### **Eliminating Specified Content for Certain Forms; Clarifying Submission Process**

The current regulation requires the submission of certain specific forms and mandates that these documents capture specified information. Except where forms or documents include regulatory requirements, the department hopes to mandate compliance with these incorporated forms rather than detailing the required content. Additionally, the department hopes to clarify which specific incorporated document is required for each process.

### **Streamlining Provisions Containing Statutory Requirements**

Because § 66-10.1 mandates that these regulations effectuate the requirements of the human research provisions in Chapter 5.1 (§ 32.1-162.16 et. seq.) of Title 32.1 of the Code of Virginia, this chapter currently contains numerous regulatory requirements that echo or closely resemble statutory language in Chapter 5.1. To carry out recommendations provided by ORM, the department hopes to replace all such regulatory language with a requirement to comply with the applicable statute.

### **Removing Operational and Instructional Provisions**

Several provisions in this chapter are instructional or operational in nature and thus, more appropriate as guidance. The department anticipates removing these provisions.

### **Confidentiality Provisions**

The department plans to modify various confidentiality provisions in this chapter to ensure they are sufficiently broad to encompass all applicable parties impacted by this chapter whose information is protected under state or federal confidentiality laws or regulations.

### **Requests Submitted through Databases; Quality or Process Improvement Projects**

The department expects to clarify confusing provisions addressing requests submitted through the Virginia Longitudinal Data System (VLDS) to align more closely with current practices and to establish rules and requirements to address requests made through other data systems not currently addressed.

Currently, the regulation is silent on the process for conducting and submitting quality or process improvement projects. The department anticipates adding regulatory language that establishes a process for such projects.

### **Sensitive Data**

The department anticipates modifying the regulatory language regarding sensitive data to ensure all necessary protections are in place to prevent unauthorized access to confidential juvenile information and to comply with federal and state statutory and regulatory provisions.

**Requirements in Associated Guidance Document**

The Guidance Document Interpreting 6VAC35-170, issued when the regulations were last updated, requires researchers and data requesters to fulfill several requirements that are not imposed in this chapter. The department expects to expand the regulation to include various provisions that, due to placement in the guidance document, may be deemed unenforceable.

**Clarifying other Unclear Provisions; Accomplishing Additional Regulatory Reduction**

The department also hopes to add language to clarify issues that have generated confusion or questions from the regulated community or regulatory provisions that could benefit from additional clarity.

Finally, the department hopes to identify other areas to accomplish regulatory reduction in furtherance of the executive orders, directives, and procedures referenced in this memorandum.

**IV. PROCESS FOR SUBMISSION OF NOIRA AND NEXT STEPS**

The NOIRA serves as the first stage of the standard regulatory process and is intended to alert the public of the board’s intent to take certain action on a regulation. If the board approves the department’s request to initiate the NOIRA action, the department will complete and submit the necessary filing to the Virginia Regulatory Town Hall. This will launch Executive Branch review of the action. Once the requisite Executive Branch level reviews are complete, the action will undergo a 30-day public comment period, after which time, the department will present proposed text amendments to the regulation for board approval and advancement to the Proposed stage of the standard regulatory process. The anticipated timeframes for the NOIRA action are established in the table below:

**Timeframes for NOIRA Stage**

<b>Action/Review</b>	<b>Deadline for Completion</b>
Submit NOIRA to Virginia Regulatory Town Hall	No deadline after board approval
Department of Planning and Budget	14-day deadline
Secretary of Public Safety and Homeland Security	14-day deadline
Office of Regulatory Management	14-day deadline
Governor/Chief of Staff	No deadline
Publication of NOIRA in Virginia Register	In accordance Register’s Publication Schedule
Public Comment Period	30-day deadline

**VI. CONCLUSION**

The department believes filing this NOIRA is an important preliminary step in initiating a thorough review of the regulation; identifying areas for reduction, simplification, and clarification; and carrying out the statutory obligation to conduct quadrennial periodic regulatory reviews. Accordingly, the department asks the board to approve this request and authorize the department to initiate the NOIRA stage of the standard regulatory process.



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**TO:** State Board of Juvenile Justice

**FROM:** Virginia Department of Juvenile Justice

**SUBJECT:** Request Amendment of Board Policy 02-004 (Communication of Serious Incidents)

**DATE:** December 13, 2023

---

## **I. SUMMARY OF ACTION REQUESTED**

The Department of Juvenile Justice (the department) respectfully requests that the State Board of Juvenile Justice (the board) approve the amendment of one board policy pursuant to the authority established in *Code of Virginia* § 66-10.

## **II. BACKGROUND OF THE REQUEST**

*Code of Virginia* § 66-10 contains three provisions that empower the board to establish certain policies and give rise to duties related to policies. The statute provides in pertinent part:

The board shall have the following powers and duties:

1. To establish and monitor policies for the programs and facilities for which the Department is responsible under this law;
2. To ensure the development of a long-range youth services policy;
3. To monitor the activities of the Department and its effectiveness in implementing the policies developed by the Board...

Pursuant to this statutory authority, the board currently has 34 active policies in place ranging in subject matter from overall administration of the department to operations within facilities and programs regulated by the department. Many of these policies were established in the early 1990s and were last reviewed or updated more than ten years ago.

At the April 2022 board meeting, the department informed the board of its intent to conduct a comprehensive review of each existing board policy and to make a formal recommendation to the board to retain, amend, or rescind each one based upon that review. The department described its plan to recommend retaining or amending those policies that are mandated by statute or that provide guidance above and beyond what is

required by regulation and to recommend rescinding those policies that have been subsumed into regulation, that duplicate existing law, or that are obsolete.

Including those presented at the November 2023 board meeting, the department has made recommendations and the board has acted on 15 policies to date. The department is now recommending action on one additional policy. The policy and summary are contained in Part IV of this memorandum.

### III. DIFFERENCES BETWEEN BOARD POLICIES AND BOARD REGULATIONS

*Code of Virginia* § 2.2-4001, which provides definitions for terms used in the Administrative Process Act (§ 2.2-4000 et. seq.) (the Act), defines the term “regulation” as “any statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency in accordance with the authority conferred on it by applicable basic laws.” The Act makes it clear that all regulations are subject to the requirements contained in the Act unless an exception or exemption applies.

In contrast, policies are neither defined nor expressly addressed in the Act. Furthermore, while policies may be enforced by the authorized body to the extent that they do not collide with a law or regulation, they do not have the same force and effect of law afforded to regulations.<sup>1</sup> It is the Department’s understanding, therefore, that policies are not regulations subject to the requirements of the Act. This means that the authority to establish, amend, and rescind board policies rests solely with the board, and additional involvement or approval by other executive branch agencies is not required, nor must the board consider any public comments before taking action to amend or rescind such policies.

### IV. POLICY IDENTIFIED FOR AMENDMENT

#### Current Policy

#### **02-004            Communication of Serious Incidents**

The effective and efficient operation of the Department and the Board depends on the expeditious communication of information on serious incidents. Incidents affecting the health and safety of citizens, persons under the Department’s supervision, and staff must be reported by the operational unit involved with such incidents to the highest appropriate organizational level of the Department and the Board.

The Department shall assure that all units within the Department, and all facilities and programs regulated by this Board, report serious incidents in a timely manner. The Director or his designee shall advise the Board at its next meeting of any serious incidents that may result in litigation against the Department or which may require the Board to take action concerning a facility or program it regulates.

*Effective Date:* July 14, 1994

*Most Recent Review:* June 11, 2008

<sup>1</sup> 2011 Op. Va. Att’y Gen. 99, 102.

**Recommendation:** Amend

**Proposed Amended Policy:**

**02-004      Communication of Serious and Critical Incidents**

The effective and efficient operation and monitoring of the department depends on the expeditious communication of information on serious incidents. Incidents affecting the health and safety of persons under the department's supervision or care and staff must be reported by the operational unit involved with such incidents to the highest appropriate organizational level of the department in a timely manner.

The director or the director's designee shall advise the board within 72 hours of the following incidents involving board-regulated facilities: 1) escapes; 2) suicides; 3) outbreaks of communicable diseases; 4) resident or staff injuries or sickness requiring prolonged hospitalization or resulting in death; and 5) natural disasters, fires, or other emergencies resulting in significant harm or damage; as well as 6) all other incidents resulting in actual or probable litigation against the department or a board-regulated facility or program or that may require the board to act.

Information communicated to the board pursuant to this policy shall be kept confidential and subject to all statutory and regulatory limitations on disclosure.

*Effective Date: December 13, 2023    Most Recent Review: December 13, 2023*

**Rationale for Recommendation:** At the November 15, 2023, board meeting, the department proposed amendments to the existing policy to align with current regulatory provisions that establish notification requirements when "serious" incidents occur in or involve board-regulated facilities and programs. Because none of the existing regulations require notification to the board for incidents affecting the health and safety of citizens, persons under the department's supervision, or staff, the department recommended amendments to narrow the scope of the policy with the goal of preventing an unmanageable volume of board notifications while ensuring that the most pertinent incidents are communicated to the board.

While the board members agreed that the policy's current scope could result in an unmanageable number of reports to the board, the members felt the department's initial proposal, directing DJJ to notify the board at its next regular meeting of any incidents that could trigger litigation or require board action, was too narrow. The board was also concerned that the term "serious incidents" was too vague and that delaying notification until the next board meeting did not give the board sufficient notice of issues that could potentially require board action. The board asked department staff to clarify the serious incidents that would mandate board notification under the policy and to specify a timeframe for providing such notification.

Based on the meeting discussion and the desire to impose reasonable limitations on the number of board notifications, the updated proposal creates a heightened list of serious incidents deemed sufficiently serious to require board notification. Like the existing policy, these include incidents resulting in litigation against DJJ or board-regulated facilities and programs and incidents that may require board action, as well as several additional categories of incidents, such as escapes, communicable disease outbreaks in regulated facilities, and suicides. Because the board currently has regulations in place that address serious incidents, these events will

continue to be treated as serious for purposes of the board's regulations; however, because of the severity of these incidents, they also will require reporting to the board. Limiting the required board notifications to incidents of this nature ensures that the board has sufficient and timely information while excluding those incidents that are more relevant to the department's daily operations. This approach is consistent with the 2012 legislative change (Chapters 164 and 456 of the 2012 Acts of Assembly) that removed some of the board's previous authority over the department's operations.

The proposal also imposes a 72-hour deadline for advising the board of these incidents, similar to existing regulatory requirements applicable to juvenile correctional centers.

Finally, the updated proposal includes language to prevent the disclosure and protect the confidentiality of such information.

## **V. IMPACT AND EFFECTIVE DATE OF BOARD ACTION**

If the board votes in support of the department's recommendations in Part IV of this memorandum, the proposed changes will take effect immediately. Adopting the department's recommendations will ensure that the board is kept abreast of critical incidents occurring within the department and in board-regulated facilities and programs, while preventing an influx of unnecessary notifications. Accordingly, the department recommends that the board adopt these amendments.



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**TO:** State Board of Juvenile Justice

**FROM:** Virginia Department of Juvenile Justice

**SUBJECT:** Request Authorization to Proceed with the Periodic Review Report for 6VAC35-11, Public Participation Guidelines

**DATE** December 13, 2023

---

## **I. SUMMARY OF ACTION REQUESTED**

The Department of Juvenile Justice (the department) respectfully requests that the State Board of Juvenile Justice (the board) authorize the department to proceed with submitting the report mandated as part of the periodic review process pursuant to § 2.2-4007.1 of the Code of Virginia. The report will include a recommendation to retain 6VAC35-11, Public Participation Guidelines, as is.

## **II. BACKGROUND**

Pursuant to Code of Virginia § 2.2-4007.1, state agencies must conduct a periodic review of their regulations every four years to determine whether the regulatory provisions included under each chapter should be retained, amended, or repealed. Before an agency may begin its periodic review process, the agency must publish notice of the regulatory review in the Virginia Register of Regulations and post notice of the review on the Town Hall. The agency must allow for a minimum 21-day public comment period, after which, the agency has 120 days to post a report on its findings as to whether to retain, repeal, or amend the chapter.

As part of the regulatory review, state agencies must consider the following:

- The continued need for the rule;
- The nature of complaints or comments received from the general public regarding the regulation;
- The complexity of the regulation;
- The extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and
- The length of time since the agency last evaluated the regulation or the extent to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

To comply with the four-year requirement, the department submitted the periodic review for this chapter on September 15, 2023, and it was published in the Virginia Register on October 9, 2023. The public comment period ended on October 30, 2023, with no comments received.

### **III. RECOMMENDATION AND RATIONALE**

This chapter provides specific rules the department must follow to facilitate and ensure public involvement in the regulatory process. The regulation sets out methods for identifying, notifying, and seeking input from interested parties, rules for using standing or ad hoc advisory panels, and measures to consult with groups that wish to be involved in the development or amendment of a regulation. These regulations are mandatory in accordance with § 2.2-4007.02 of the Code of Virginia, which requires all non-exempt agencies to promulgate public participation guidelines. Therefore, the department cannot recommend repealing these provisions.

The department last reviewed this regulation in 2019 and amended it to include a provision to allow interested parties to be accompanied and represented by counsel or other representatives, pursuant to legislation enacted in 2012 (2012 Acts of Assembly, Chapter 795). The amended regulation took effect on October 31, 2019. Since that time, there have been no legislative or other changes that would necessitate amendments to the regulation. The text of the chapter very closely mirrors the Department of Planning and Budget's Model Public Participation Guidelines issued in 2016, so the department recommends retaining the regulation as it is with no changes.

### **IV. CONCLUSION**

The department respectfully requests that the board authorize submission of the report mandated as part of the periodic review process for 6VAC35-11, including the recommendation to retain the regulation as is.





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**TO:** State Board of Juvenile Justice

**FROM:** Virginia Department of Juvenile Justice

**SUBJECT:** Request Authorization to Initiate NOIRA to Add Community Placement Program Regulations to 6VAC35-101, Regulation Governing Juvenile Secure Detention Centers

**DATE** December 13, 2023

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## **I. SUMMARY OF ACTION REQUESTED**

The Department of Juvenile Justice (the department) respectfully requests that the State Board of Juvenile Justice (the board) authorize the initiation of a Notice of Intended Regulatory Action (NOIRA) to begin the first stage of the standard regulatory process to amend 6VAC35-101, the Regulation Governing Juvenile Secure Detention Centers, to create provisions pertaining to community placement programs (CPPs). The department has convened a work group comprised of representatives from the Certification Unit, Central Admission and Placement (CAP) Unit, Quality Assurance (QA), and juvenile detention centers (JDCs) that currently operate CPPs to develop these provisions.

## **II. BACKGROUND**

In 2014, the department partnered with Blue Ridge, Chesapeake, Rappahannock, and Virginia Beach JDCs to establish the first CPPs as alternative placements for youth in direct care. Currently, Blue Ridge, Chesterfield, Prince William, Shenandoah Valley, and Virginia Beach JDCs operate CPPs, and Newport News is establishing a CPP this fiscal year.

CPPs are structured residential programs that seek to place youth in smaller settings closer to their home communities to increase family engagement and facilitate a smoother transition after release. CPPs focus on positive youth development and increasing competency in areas of education, vocational preparation, life and social skills, thinking skills, employability skills, and anger management. YASI serves as the basis for case planning to address criminogenic needs. Services focus on dynamic risk factors using cognitive-behavioral techniques and are tailored to meet the individual needs outlined in the youth's comprehensive reentry case plan. CPPs also deliver aggression management and substance use treatment services. CPP youth are housed in units separate from the rest of the JDC population.

Because CPPs serve committed youth in JDC settings, these programs are not regulated explicitly by either 6VAC35-71 (Regulation Governing Juvenile Correctional Centers) or 6VAC35-101 (Regulation Governing

Juvenile Secure Detention Centers) and are not audited by the department's Certification Unit. Instead, CPPs have been governed by agreements between the department and the participating JDCs and have been assessed by the department's QA Unit. Because this treats CPPs differently from other residential programs, including postdispositional programs at the JDCs, the department has determined that it would be in the best interests of CPP youth to establish regulations to govern these programs.

### **III. STRUCTURE AND SUBSTANCE OF THE REGULATION**

The work group tasked with creating the new regulatory provisions began meeting in July of this year. Among its first decisions was to establish a new part (Part X) within 6VAC35-101 (Regulation Governing Juvenile Secure Detention Centers) to govern the CPPs instead of creating a new regulatory chapter. This approach supports clarity for the participating JDCs by keeping the new provisions together with the existing regulation. It also assists the department in keeping the regulatory portfolio streamlined and reducing the risk of creating duplicative provisions across chapters. The work group also chose to model the new provisions on the postdispositional sections of the JDC regulation to maintain consistency.

Work on the proposed text is well underway. When complete, the department expects the regulation to:

- Establish a regulatory definition for *community placement program*;
- Establish criteria for JDCs and alternate providers to accept placements in CPPs, including documentation on the JDC's department-issued certificate;
- Establish basic eligibility criteria for youth to participate in CPPs;
- Require CPPs to have written program descriptions and establish minimum requirements for those descriptions;
- Address behavioral modification programs and documentation, case management services, and individual service plans in CPPs;
- Establish requirements for progress reporting from CPPs; and
- Establish requirements for release from CPPs.

In addition, the details of the programs and services provided by the CPP will continue to be governed primarily by written agreements between the CPPs and the department to allow maximum flexibility for all parties to address the needs of the youth served; however, the regulation will require that the programs operate only after a written agreement is in place and will establish minimum requirements for these agreements.

### **IV. PROCESS FOR SUBMISSION OF NOIRA AND NEXT STEPS**

The NOIRA serves as the first stage of the standard regulatory process and is intended to alert the public of the board's intent to take certain regulatory action. If the board approves the department's request to proceed with the NOIRA, the department will complete and submit the necessary filing to the Virginia Regulatory Town Hall. This will launch Executive Branch review of the action. Once the requisite Executive Branch level reviews are complete, the action will undergo a 30-day public comment period, after which the department will present proposed text for board approval and advancement to the Proposed stage of the standard regulatory process. The anticipated timeframes for the NOIRA are established in the table below:

### Timeframes for NOIRA Stage

Action/Review	Deadline for Completion
Submit NOIRA to Virginia Regulatory Town Hall	No deadline after board approval
Department of Planning and Budget	14-day deadline
Secretary of Public Safety and Homeland Security	14-day deadline
Office of Regulatory Management	14-day deadline
Governor/Chief of Staff	No deadline
Publication of NOIRA in Virginia Register	In accordance Register's Publication Schedule
Public Comment Period	30-day deadline

### V. CONCLUSION

While the text of the regulation is still under development, the department believes the structure and framework discussed above provide a sound foundation on which to build the new regulation. The department respectfully requests that the board approve this approach and authorize the department to file the NOIRA to begin the standard regulatory process.

**SUMMARY**  
**DIRECTOR'S CERTIFICATION ACTIONS**  
**November 20, 2023**

Certified the 20th District Court Service Unit (Loudoun) to October 27, 2026.

Certified the 24th District Court Service Unit (Lynchburg) to January 30, 2027, with a letter of congratulations for 100% compliance.

Certified Highlands Juvenile Detention Center and Post-disposition Detention Program to January 13, 2027, with a letter of congratulations for 100% compliance.

Certified the James River Juvenile Detention Center and Post-disposition Detention Program to November 17, 2026.

Certified Norfolk Juvenile Detention Home and Post-disposition Detention Program to January 14, 2026.

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

**PROGRAM AUDITED:**

20<sup>th</sup> District Court Service Unit (Loudoun)  
18 East Market Street  
Leesburg, Virginia 20178  
(703) 777-0303  
Ira Holland, Director  
[ira.holland@djj.virginia.gov](mailto:ira.holland@djj.virginia.gov)

**AUDIT DATES:**

June 22, 2023

**CERTIFICATION ANALYST:**

Priscilla Boggs

**CURRENT TERM OF CERTIFICATION:**

October 27, 2020 – October 26, 2023

**REGULATIONS AUDITED:**

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

**PREVIOUS AUDIT FINDINGS – November 23, 2020:**

90.90% Compliance Rating

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

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

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

**6VAC35-150-250. Absconders**

**6VAC35-150-380. Violation of probation and parole.**

**CURRENT AUDIT FINDINGS – June 22, 2023:**

97% Compliance Rating

\*One repeated deficiency from previous audit.

**6VAC35-150-355. Supervision of juvenile on electronic monitoring.**

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

**DIRECTOR'S CERTIFICATION ACTION November 20, 2023:** Certified the 20th (Loudoun) District Court Service Unit to October 27, 2026

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

**TEAM MEMBERS:**

Priscilla Boggs, Team Leader  
Learna Harris, Central Office  
Shelia Hinton, Central Office  
Wanda Parris-Flanagan, Central office

**POPULATION SERVED:**

The 20<sup>th</sup> District Court Service Unit serves the Loudoun, Fauquier and Rappahannock County Juvenile and Domestic Relations Courts. The Court Service Units of 20L (Loudoun) and 20W

(Warrenton) were combined in June 2021 with Loudoun being the main office.

**PROGRAMS AND SERVICES PROVIDED:**

The 20<sup>th</sup> District Court Service Unit provides mandated services including:

- Intake
- Diagnostic (Investigation and Reports)
- Domestic Relations
- Probation supervision
- Direct care and parole supervision

**Detention:** In July of 2020, the Loudoun County Juvenile Detention Center was moved from under the purview of the Department of Family Services to the 20<sup>th</sup> District Court Service Unit. This transition also included design controls of a new proposed 60-bed detention center. This new facility is named the Youth Services Center and is now comprised of secure detention beds (20), youth shelter beds (16), and a new Youth and Family Resource Center providing prevention and intervention services to youths and families who are **not** court involved.

**Special Programs:** Provides interventions throughout all decision-making points of the Juvenile Justice System in Loudoun County, Virginia. The following is a list of interventions.

- **Diversion**
  - Restorative Justice
  - Truancy Intervention
  - 3<sup>rd</sup> Millennium Online Classrooms
- **Detention Alternatives/Sanctions**
  - Electronic Monitoring
  - Supervised House Arrest
  - Outreach Detention
  - 3<sup>rd</sup> Millennium Online Classrooms
- **Probation Services**
  - Sex Offender Program
  - SHOCAP

The 20<sup>th</sup> District Court Service Unit pursues psychological and substance abuse evaluations and Functional Family Therapy through Evidence Based Associates, in line with the Department of Juvenile Justice's regional service coordination initiative. Other referrals for substance abuse, individual, and family counseling are made to private providers throughout Loudoun County based on each youth's and family's ability to pay a fee for service. Referrals for these same services for indigent families are made to the health and human service agencies. Community based services are exhausted before the Court Service Unit considers intensive, congregate care in group homes or residential settings, which are accessed through the Family Assessment and Planning Team process and pursuant to the Children Services Act.

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

**FACILITY/PROGRAM:** 20th District Court Service Unit (Loudoun)  
**SUBMITTED BY:** Ira J. Holland, CSU Director  
**CERTIFICATION AUDIT DATES:** June 22, 2023  
**CERTIFICATION ANALYST:** Priscilla Boggs

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

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**6VAC35-150-355. Supervision of juvenile on electronic monitoring.**

**When a unit places a juvenile in an electronic monitoring program, use of the program shall be governed by approved procedures that shall provide for criteria for placement in the program, parental involvement, required contacts, consequences for tampering with and violating program requirements, and time limits.**

**Audit Finding:**

**355 (2) - One of two applicable electronic monitoring cases did not have documentation that the parent or guardian were given written consent, given a thorough understanding of the operation of the electronic device, nor that the rules regarding tampering with or removal of the device without proper authority and related consequences were explained.**

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**Program Response**

**Cause:**

The lack of attention to detail by the supervisor and probation officers who supervise youth on the electronic monitoring program caused this deficiency. This oversight led to the parents of the youth on electronic monitoring not giving written consent relative to a thorough understanding of the operation of the electronic device, the rules regarding tampering with or removal of the device without proper authority, and related consequences.

**Effect on Program:**

This error leads to a lack of family engagement, lack of understanding regarding the gravity of legal involvement, and the lack of understanding of the consequences that could be levied because of tampering or removal of the electronic monitoring equipment.

**Planned Corrective Action:**

Supervisors of the unit's electronic monitoring program have been meeting with the probation officer who supervise youth electronic monitoring on a bi-weekly basis. In these meetings, the supervisors review cases of youth placed on electronic monitoring and confirm documentation noted in this Certification Audit Category is fully completed, signed, and in the youths' hard file.

**Completion Date:**

August 1, 2023

**Person Responsible:**

John Hetey and Mark Alexander

**Current Status on 10/3/2023: Compliant**

Three of three forms reviewed contained the required information.

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

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

**Audit findings in the following areas:**

**1. Contacts With Juvenile**

One of two applicable cases reviewed was missing the monthly contact with the juvenile.

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**Program Response**

**Cause:**

This deficiency is due to the lack of attention to detail by the supervisor and parole officers who supervise youth who are committed to the Department of Juvenile Justice. This requirement was overlooked by the parole supervisor and parole officer.

**Effect on Program:**

This oversight leads to the lack of information regarding the youth's well-being, as well as a delay in communication regarding service provision. As the youth progresses in the re-entry process monthly contacts and communication is integral to the development of the Community Reentry Case Plan.

**Planned Corrective Action:**

The assigned parole officer and supervisor will monitor BADGE and Community Insight Reports on a weekly basis to ensure parole contact compliance. During monthly supervision meetings the supervisor and assigned parole officer will review Community Insight Reports and BADGE contacts for compliance in this Certification Audit Category.

**Completion Date:** August 1, 2023

**Person Responsible:** Hampton Strosnider and John Hetey

**Current Status on 10/3/2023: Not determined.**

There have been no applicable cases since the audit.

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

**PROGRAM AUDITED:**

Twenty-fourth District Court Service Unit (Lynchburg)  
909 Court Street, Level B1  
Lynchburg, Virginia 24504  
(434) 455-2660  
Stephanie Meehan, CSU Director  
[stephanie.meehan@djj.virginia.gov](mailto:stephanie.meehan@djj.virginia.gov)

**AUDIT DATES:**

September 13, 2023

**CERTIFICATION ANALYST:**

Shelia L. Hinton

**CURRENT TERM OF CERTIFICATION:**

January 30, 2021 – January 29, 2024

**REGULATIONS AUDITED:**

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

**PREVIOUS AUDIT FINDINGS – November 15, 2020**

6VAC35-150-336 (A). Social histories.  
6VAC35-150-420. Contacts during juvenile's commitment.

**CURRENT AUDIT FINDINGS – September 13, 2023:**

100% Compliance

**DIRECTOR'S CERTIFICATION ACTION November 20, 2023:** Certified the 24th District Court Service Unit (Lynchburg) to January 30, 2027, with a letter of congratulations for 100% compliance.

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

**TEAM MEMBERS:**

Shelia L.Hinton, Team Leader  
Learna Harris, Central Office  
Priscilla Boggs, Central Office  
Wanda Parris-Flanagan, Central Office

**POPULATION SERVED:**

The 24th District Court Service Unit serves the City of Lynchburg and the counties of Amherst, Bedford, Campbell, and Nelson.

**PROGRAMS AND SERVICES PROVIDED:**

The 24<sup>th</sup> District CSU provides mandated services including:

- Intake
- Probation supervision
- Direct care and parole supervision
- Investigative reports
- Custody Investigation

**Other Services:**

The Unit interacts with the community organizations listed below to obtain services:

- Regional Service Coordinators (EBA)
  - Family Assessment Planning Team
  - Horizon Behavioral Health
  - Lynchburg Youth Group Home (boys and girls group home)
  - Inpatient Mental Health through Centra Health in Krise 6
  - Residential Mental Health (Bridges Treatment Center)
  - Individual and Family Counseling (multiple vendors)
  - Mentoring Services (multiple vendors)
  - Anger Management (multiple vendors)
  - In Home Therapy-(multiple vendors)
  - Multi Systemic Therapy (MST) (multiple vendors)
  - Substance Abuse Programs (multiple vendors)
  - Sex Offender Services (multiple vendors)
  - Post-Dispositional Detention Program
  - Youth Works /Career and Job Training
-

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

**PROGRAM AUDITED:**

Highlands Juvenile Detention Center  
2105 Shakesville Road  
Bristol, Virginia 24201  
(276) 466-7800  
Trey Murray, Executive Director  
[tmurray@hjdc.org](mailto:tmurray@hjdc.org)

**AUDIT DATES:**

July 19, 2023

**CERTIFICATION ANALYST:**

Shelia L. Hinton

**CURRENT TERM OF CERTIFICATION:**

January 13, 2021 – January 12, 2024

**REGULATIONS AUDITED:**

6VAC35-101 Regulation Governing Juvenile Detention Centers

**PREVIOUS AUDIT FINDINGS: May 10, 2021**

100% Compliance Rating

**CURRENT AUDIT FINDINGS: July 19, 2023**

100% Compliance Rating

**DIRECTOR'S CERTIFICATION ACTION November 20, 2023:** Certified Highlands Juvenile Detention Center and Post-disposition Detention Program to January 13, 2027, with a letter of congratulations for 100% compliance.

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

**TEAM MEMBERS:**

Shelia L. Hinton, Team Leader  
Dakota Tomlin, Central Office

**POPULATION SERVED:**

The Highlands Juvenile Detention Center is a 35 bed one level structure detention center that houses both male and female residents ages 11-17. The service area includes Lee, Scott, Wise, Dickenson, Buchanan, Russell, Tazewell, Smyth, and Washington counties as well as the cities of Norton and Bristol.

The original structure of the facility contains two pods of ten rooms, a control room, a classroom, a dining area, an infirmary, and several offices. A renovation of the building was completed in January 2002 and included an additional pod of ten rooms, a gym, an office area, a multipurpose area, a laundry room, a processing (Intake) area, and a small-enclosed recreation area. In January 2005 three rooms at the facility were converted into living units: thus increasing the approved population to 35.

**PROGRAMS AND SERVICES PROVIDED:**

Highlands Juvenile Detention Center has a pre and post dispositional program for residents

placed by Juvenile Courts. The facility focus is to ensure safety and security for the residents, community, and staff while meeting the educational, nutritional, mental health, medical, and recreational needs of the residents. Highlands Juvenile Detention Center operates a three-level behavior management program that provides residents with the opportunity to earn privileges for positive behavior or consequences for negative behavior.

**SERVICES PROVIDED:**

- Direct
  - Medical Services
  - Supervision
  - Anger Management (provided by mental health)
  - Recreational Activities
  - Individualized Counseling (provided by mental health)
  - Group Counseling (provided by mental health)
  - Individual Trauma Focused Cognitive Behavioral Therapy Group
  - Substance Use Prevention
  - Teen Outreach Summer Program
  
- Community
  - ETSU Pharmacy School Opioid Program
  - Girls Inc Life Skills Program
  - Mental Health by Frontier Health
  - Teachers and Educational Programs provided by the Bristol City Public School System
  - Religious Programs provided by the Jail Ministry
  - Classes are taught by:
    - Virginia Health Department,
    - Abuse Alternatives,
    - Local Law Enforcement Agencies,
    - Children’s Advocacy Center,
    - People Incorporated, and
    - Local Department of Social Services.

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

**PROGRAM AUDITED:**

James River Juvenile Detention Center  
3650 Beaumont Road  
Post Office Box 880  
Goochland, Virginia 23063  
(804) 652-3046  
Ryan Stevens, Superintendent  
[ste22@henrico.us](mailto:ste22@henrico.us)

**AUDIT DATES:**

July 25, 2023

**CERTIFICATION ANALYST:**

Priscilla Boggs

**CURRENT TERM OF CERTIFICATION:**

November 17, 2021 – November 16, 2023

**REGULATIONS AUDITED:**

6VAC35-101 Regulation Governing Juvenile Detention Centers

**PREVIOUS AUDIT FINDINGS: March 23, 2021**

100% Compliance

**CURRENT AUDIT FINDINGS: July 25, 2023**

99.7% Compliance Rating

No repeated deficiencies from previous audit.

Number of deficiencies: One

**6VAC35-101-1100 (C) Room Confinement and isolation**

**DIRECTOR'S CERTIFICATION ACTION November 20, 2023:** Certified James River Juvenile Detention Center and Post-disposition Detention Program to November 17, 2026.

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

**TEAM MEMBERS:**

Priscilla Boggs, Team Leader  
Learna Harris, Central Office  
Shelia Hinton, Central Office  
Wanda Parris-Flanagan, Central Office  
John Adams, Central Office

**POPULATION SERVED:**

James River is a 47,884 square-foot, 60-bed regional detention center that houses both pre-disposition and post-disposition male and female residents ages 11-17. The facility has two 20-bed housing units and two additional 10-bed units. It includes an intake/release section, medical, administration, visitation, program, education, and indoor/outdoor recreation areas. The facility is located in Powhatan County adjacent to Beaumont Correctional Center. The facility has two video conferencing setups, one for general population, and one for post-dispositional residents.

**PROGRAMS AND SERVICES PROVIDED:**

The Behavior Management and Handle with Care system are utilized for all residents in detention. James River JDC focuses on rehabilitative services than confinement and holds residents accountable for their actions. Its goal is to teach young people better skills for coping with situations they face in their communities. The belief is most residents will return home and if they have acquired positive alternative coping mechanisms in service programs while incarcerated, they will more likely achieve successful reintegration.

**SERVICES PROVIDED:**

- Direct
  - Post-dispositional Program
  - Substance abuse counseling
  - Monthly counseling for post-dispositional residents and for pre-dispositional residents in distress
  - Baby Think-It-Over Program with electronic babies
  - Psycho-educational groups offered daily to discuss a variety of topics in order to promote coping and anger management skills
  - Medical Services
  - Recreational Programs for all residents
  
- Community:
  - Glen Allen Cultural Arts Center provides training in art and art education.
  - Mental Health Services as needed.

**SIGNIFICANT CHANGES SINCE LAST AUDIT:** Resident population has increased, and there is difficulty with staff retention due to retirements and resignations. A new administrative team is in place due to promotions and new hires.

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

**FACILITY/PROGRAM:** James River Juvenile Detention Center  
**SUBMITTED BY:** Ryan M. Stevens, Sr., Superintendent  
**CERTIFICATION AUDIT DATES:** July 25, 2023  
**CERTIFICATION ANALYST:** Priscilla Boggs

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

**6VAC35-101-1100 (C). Room confinement and isolation. Residents who are confined to a room, including but not limited to being placed in isolation, shall be afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day unless the resident's behavior or other circumstances justify an exception. The reasons for any such exception shall be documented.**

**Audit Finding:**  
**Three of six room confinement reports reviewed did not have documentation that residents who were confined to a room was afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day.**

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**Program Response**

**Cause:**

Detention supervisors and counselors were under the impression from past audits that if a resident refuses to go to the gym for recreation and elects to read a book instead of taking large muscle exercises that was okay.

**Effect on Program:**

Detention Supervisors and Counselors now understand that all residents confined in isolation must have at least one hour of physical activity outside of their locked room for every calendar day unless aggressive/unruly behavior is taking place at the time or other valid circumstances. Documentation must be placed on the room check sheet and logbook to justify an exception.

**Planned Corrective Action:**

Staff must document the resident's refusal of recreation (large muscle exercise) and document their request to read a book instead and refuses to exist his room. Staff will notify the supervisor and document the name of the supervisor notified. The time offered recreation is documented on the room check sheet and logbook, and the time book given, and the time book was retrieved.

Staff must document if a resident elects to read a book in the dayroom instead of recreation. It must be documented refusal of large muscle exercise that the resident is out of the room reading a book in the pod dayroom. Document the supervisor notified. A time documented when the resident exited the room and the time the resident returned to his room. The documentation is to be placed on the room check sheet and documented in the pod logbook.

The supervisor will need to speak with the resident to encourage large-muscle exercise and document the time on the room check sheet and in the supervisor's logbook as well.

Any resident confined in their room for 24 hours (Every Calendar Day) must receive the opportunity for one hour of large muscle movement. If a resident ends recreation before a full hour of completion, staff must document why the time ended early.

If a resident's behavior is aggressive or unruly at the time recreation is offered and it is unsafe for the resident to exit his or her room, it must be documented, and the supervisor notified. If the resident calms down at a reasonable time the resident needs to be offered recreation again and document.

**Completion Date:**

July 26, 2023

**Person Responsible:**

Aaron Dixon, Assistant Superintendent; R. Wendy Feldman, Assistant Superintendent.

**Current Status on 10/10/2023: Compliant**

Seven of seven confinement forms reviewed documented that residents were afforded the opportunity for at least one hour of physical exercise, outside of the locked room, every calendar day.

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

**PROGRAM AUDITED:**

Norfolk Juvenile Detention Home  
1260 Security Lane  
Norfolk, Virginia 23502  
(757) 441-5667  
John Bell, Director  
[john.bell@norfolk.gov](mailto:john.bell@norfolk.gov)

**AUDIT DATES:**

December 8, 2022

**CERTIFICATION ANALYST:**

Wanda Parris-Flanagan

**CURRENT TERM OF CERTIFICATION:**

January 14, 2020 – January 13, 2023

**REGULATIONS AUDITED:**

6VAC35-101 Regulation Governing Juvenile Detention Centers

**PREVIOUS AUDIT FINDINGS – September 24, 2019:**

99.395% Compliance Rating

**6VAC35-101-890 (C). Staff supervision of residents.**

**6VAC35-101-890 (D). Staff supervision of residents.**

**CURRENT AUDIT FINDINGS – December 8, 2022:**

99.65% Compliance Rating

No repeated deficiencies from previous audit.

Number of deficiencies: One

**6VAC35-101-1100 (B). Room confinement and isolation.**

**DIRECTOR'S CERTIFICATION ACTION August 2, 2023:** Continue the current certification status of Norfolk Juvenile Detention Home to November 1, 2023, with documentation from Norfolk Juvenile Detention Home showing compliance with confinement room checks.

**DIRECTOR'S CERTIFICATION ACTION November 20, 2023:** Certified Norfolk Juvenile Detention Home and Post-dispositional Detention Program to January 14, 2026.

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

**TEAM MEMBERS:**

Wanda Parris-Flanagan, Team Leader  
Michael Sayles, Central Office  
Brittany Silva, Newport News JDC  
Jameka Jackson, Chesapeake JDC  
John Adams, Central Office  
Stacey Marshall, Virginia Beach JDC  
Gracia O'Conner, Virginia Beach JDC

**POPULATION SERVED:**

- Service Area: City of Norfolk, Accomac County, and Northhampton County
- Certified Capacity: 80 residents
- Gender: Male and Females
- Age Range: 10 to 20 years of age.

**SERVICES PROVIDED:**

Facility: (services offered by facility and staff) Pre-dispositional, Post-dispositional, and Re-entry programs.

- With support of stakeholders including Norfolk Public Schools, Norfolk Community Services Board, and Norfolk Sheriff's Office, services including educational, recreational, medical, mental health, visitation, meals, supervision, and transportation are offered.

Community: (services offered by community agencies and resources)

- Regular religious services are provided by community partners.
- Plans are underway to implement a chess club/mentoring program in October 2022. Residents will be taught to plan their next moves in chess as well as in life.
- In an effort to teach taking pride in one's personal appearance, a partnership has been formed with a community partner who owns a local barber shop. Barbers will provide free haircuts to residents while barbers also speak to residents about being responsible citizens.

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

**FACILITY/PROGRAM:** Norfolk Juvenile Detention Center  
**SUBMITTED BY:** John Bell, Superintendent  
**CERTIFICATION AUDIT DATES:** December 8, 2022  
**CERTIFICATION ANALYST:** Wanda Parris-Flanagan

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

**6VAC35-101-1100 (B). Room confinement and isolation.**

**B. Whenever a resident is confined to a locked room, including but not limited to being placed in isolation, staff shall check the resident visually at least every 30 minutes and more often if indicated by the circumstances. Staff shall conduct a check at least every 15 minutes in accordance with approved procedures when the resident is on suicide watch.**

**Audit Finding:**

**Four out of 6 cases reviewed did not show documentation that the Norfolk Juvenile Detention Center checked the residents visually at least every 30 minutes for juveniles who were confined to a locked room.**

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**Program Response**

**Cause:**

Staff failed to document 15-minute checks in a manner consistent with established Norfolk Juvenile Detention Center Policies and Procedures in the cited cases.

**Effect on Program:**

This caused the Norfolk Juvenile Detention to be out of compliance with established Virginia Department of Juvenile Justice standards as well as Norfolk Juvenile Detention Center standards for room checks.

**Planned Corrective Action:**

Norfolk Juvenile Detention Center has reviewed the areas of growth in the report above. Norfolk Juvenile Detention Center has reviewed the areas of concern from the Audit with frontline supervisors and staff.

Communications on these issues has been sent to all direct care staff. Norfolk Juvenile Detention Center is incorporating training specifically targeted to raise staff awareness on the importance of full compliance with the established room check requirements. While we have already made all staff aware of our deficiencies in this regard during our December 8, 2022 audit, training for all

staff will be incorporated and emphasized in the Core Trainings for all staff this year.

**Completion Date:**

March 2023 is the targeted completion date for the training described above.

**Person Responsible:**

Assistant Superintendent, Tommie Clark is responsible for completing this task.

**Current Status as of June 28, 2023: Non-Compliant**

Six out of six case cases reviewed did not show documentation that the Norfolk Juvenile Detention Center checked the residents visually at least every 30 minutes for juveniles who were confined to a locked room.

**Current Status as of November 6, 2023: Compliant**

Six out of six case cases reviewed shows documentation that the Norfolk Juvenile Detention Center checked the residents visually at least every 30 minutes for juveniles who were confined to a locked room.

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**DEPARTMENT OF JUVENILE JUSTICE  
REGULATORY AND GUIDANCE DOCUMENT UPDATE**

**December 13, 2023**

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**ACTIONS WITH RECENT UPDATES:**

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

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

Stage: Proposed (Standard Regulatory Process)

Status: This action involves a comprehensive overhaul of the process localities follow to obtain state reimbursement for local facility construction and renovation projects and proposes a new process for localities that have no plans to seek reimbursement for such projects. The NOIRA completed Executive Branch review and was published in the *Virginia Register* on February 1, 2021. The 30-day public comment period generated no comments. The board approved the proposed amendments on April 7, 2021, for advancement to the Proposed stage of the standard regulatory process, and the department initiated the Proposed stage on September 29, 2023.

Next step: The regulation must complete the Executive Branch Review process, be published in the *Virginia Register*, and undergo a 60-day public comment period.

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

Stage: Final (Standard Regulatory Process)

Status: This regulation was last amended effective January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 31, 2016, and the department received no public comments. The action was submitted through the Proposed Stage on April 17, 2020, and was published in the *Virginia Register* on May 24, 2021. The 60-day public comment period ended on July 23, 2021, with no public comments. On March 22, 2023, the board approved additional proposed amendments, and on April 28, 2023, the department submitted the amendments for Executive Branch review at the Final Stage of the standard regulatory process. Currently, the Office of the Attorney General (OAG) is reviewing the regulation.

Next step: Once the OAG completes its review, the department will prepare to submit materials to the Department of Planning and Budget (DPB).

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

Stage: Proposed (Standard Regulatory Process)

Status: This regulation became effective January 1, 2008, and has never been amended. This action involves a comprehensive overhaul of the regulatory requirements to ensure the continued provision of post-release services for incarcerated juveniles with a substance abuse, mental health, or other therapeutic need. The NOIRA completed Executive Branch review on January 4, 2022, and subsequently was published in the *Virginia Register* on February 14, 2022. The required 30-day public comment period ended on March 16, 2022, and yielded no comments. At its June 21, 2023, meeting, the board authorized advancing the regulation to the Proposed Stage of the standard regulatory process, which the department did on July 21, 2023.

Next step: The regulation must complete the Executive Branch Review process, be published in the *Virginia Register*, and undergo a 60-day public comment period.

## **OTHER ACTIONS:**

### **6VAC35-71      Regulation Governing Juvenile Correctional Centers**

Stage: Final (Standard Regulatory Process).

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 3, 2016. At the NOIRA stage, no public comments were submitted. The Proposed action was published in the *Virginia Register* on September 30, 2019. The 60-day public comment period ended on November 29, 2019. Because numerous significant changes were made after the Proposed Stage, the action was advanced through a Revised Proposed Stage submitted on August 31, 2021, published in the *Virginia Register* on February 14, 2022, and subjected to a 30-day public comment period ending on March 16, 2022. The board approved additional amendments on September 21, 2022, for advancement to the Final Stage of the standard regulatory process, and the department submitted the amendments for Executive Branch review on December 20, 2022. The proposed amendments are undergoing review by the OAG.

Next step: Once the OAG completes its review, the department will prepare to submit materials to the Department of Planning and Budget.

### **6VAC35-101      Regulation Governing Juvenile Secure Detention Centers**

Stage: Final (Standard Regulatory Process)

Status: This regulation became effective on January 1, 2014. This action involves a comprehensive review of the regulatory requirements. The NOIRA was published in the *Virginia Register* on October 17, 2016, and yielded no public comments. The action was submitted through the Proposed Stage on September 3, 2019, completed Executive Branch review, and was published in the *Virginia Register of Regulations* on May 24, 2021. The 60-day public comment period ended on July 23, 2021, and resulted in two public comments. The reconvened workgroup held its last meeting on December 6, 2021. At its April 20, 2022, meeting, the Board authorized the Department to submit this regulation to the Final Stage.

Next step: This regulation has completed review at the OAG and DPB. The Secretary's review is underway.

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

Stage: Proposed (Standard Regulatory Process)

Status: This action seeks to establish new regulations applicable to programs for youth detained in juvenile correctional facilities pursuant to contracts with the federal government. The action is intended to carry out the legislative directive in Chapter 599 of the 2020 Acts of Assembly. The NOIRA action has undergone DPB, SPSHS, and Governor's Office review, was published in the *Virginia Register* on March 1, 2021, and the public comment period ending on March 31, 2021, yielded no public comment. The board approved proposed amendments to the text for advancement to the Proposed Stage of the standard regulatory process on September 21, 2022, and the department submitted the action for Executive Branch review on December 20, 2022. The amendments are undergoing review by the OAG.

Next step: Once the OAG completes its review, the department will prepare to submit materials to DPB.