

Valerie P. Boykin  
Director



P.O. Box 1110  
Richmond, VA 23218  
(804) 371.0700  
Fax: (804) 371.6497  
[www.djj.virginia.gov](http://www.djj.virginia.gov)

## COMMONWEALTH of VIRGINIA

### *Department of Juvenile Justice*

April 27, 2020

Rachael Deane  
JustChildren Program  
Legal Aid Justice Center  
626 East Broad Street, Suite 200  
Richmond, VA 23219

Dear Director Deane,

I am in receipt of your letter dated April 20, 2020 and appreciate you sharing your concerns with us. As indicated in my March 23, 2020 letter, our dedicated team of professionals has been, and continues, to work hard to keep the youth in our care safe and healthy as we deal with this unprecedented challenge.

Weeks prior to the declaration of a pandemic by the World Health Organization and a declaration of a public health emergency in the Commonwealth, the Department of Juvenile Justice (DJJ) began discussing how to strategically address the emerging risk of COVID-19. Based on those discussions, the Department implemented the following actions in response to the emerging health crisis:

- February 24, 2020: initiated conversation with the Virginia Department of Health (VDH).
- March 8, 2020: instituted mandatory hand washing and sanitizing procedures at the Bon Air facility, one day following the first case identified in Virginia.
- March 10, 2020: enacted a COVID-19 plan of action.
- March 12, 2020: The Governor declared a state of emergency and DJJ met with VDH to ensure our response plan was consistent with their guidance.
- March 13, 2020:
  - suspended visitation at Bon Air.
  - established an agency-wide COVID-19 response team and held our first meeting, and we have continued meeting daily or every other day since then.
- March 16, 2020:
  - began screening all staff as they enter the facility.
  - began screening all residents on a regular basis.
- April 5, 2020: consulted with VDH, who recommended we institute a quarantine for residents at Bon Air to prevent the spread of COVID-19. DJJ instituted the quarantine at the facility.
- April 6, 2020: enhanced screening upon receiving new guidance from VDH. This aggressive protocol, which continues today, includes taking the temperatures of all residents twice a day. Testing all residents with elevated temperatures of 99 degrees Fahrenheit or higher; even though, the Center for Disease Control (CDC) defines fever as a temperature of over 100.3 degrees Fahrenheit. Testing all residents, even without a fever, who exhibit any other COVID-19 related symptoms.

Accordingly, we are testing more frequently and earlier than our residents would be tested in the community. Through our aggressive testing approach, 27 residents have tested positive for COVID-19. Those residents were housed in 5 of our 14 living units. None have required hospitalization. As you can see on the Department's website, currently, three residents are in medical isolation, and 24 have been cleared as per VDH guidance as healthy and no longer communicable.

You made unsupported claims of residents not receiving the appropriate level of care. We do not believe those claims are correct and our documented efforts reveal otherwise. However, we are unable to investigate nor respond to those matters in the absence of specifics.

To further illustrate our efforts and desire for constructive collaboration, below I address some specific points raised on pages six and seven of your letter (A-Q). Most, *if not all*, of these measures have been in place for multiple weeks and prior to receipt of your correspondence.

***A. Ensure that residents at Bon Air have access to comprehensive medical care, including examination by a doctor if positive for COVID-19.***

DJJ Response: All residents at Bon Air have access to comprehensive medical care, regardless of whether it is COVID-19 related. Every resident who tests positive for COVID-19 is seen by a medical provider every day, no matter the severity of their symptoms, until they are symptom-free for seven days, as determined by the chief physician or nurse practitioner.

***B. Ensure that medical information is being communicated to residents' families as appropriate, and that any resident age 18 or older is able to designate a medical contact who shall receive timely information about their care at the resident's direction.***

DJJ Response: Measures are already in place and this service is being provided.

***C. Ensure that all residents have access to appropriate personal protective equipment.***

DJJ Response: Measures are already in place and being provided. Residents have been provided two cloth masks. Masks are laundered daily.

***D. Release any youth who does not pose an immediate and identifiable safety threat.***

DJJ Response: Measures are already in place and being executed. The majority of the youth at Bon Air JCC are committed to DJJ with determinate sentences, which means the judge controls the release. Even if deemed appropriate for release by the Department, it does not guarantee the judge will agree to the release. DJJ collaborates with Commonwealth's Attorneys, defense attorneys, and the judiciary to provide the statutorily required progress reports, which help judges, make their decisions. Notwithstanding these legal limitations, since March 11, DJJ released **46** youth from across our continuum of placements.

***E. Reduce the number of youth entering Bon Air or other DJJ facilities (i.e. Community Placement Program commitments).***

DJJ Response: Measures are already in place and being executed.

***F. Confirm that the Department has a pandemic operations policy and make that policy public.***

DJJ Response: These measures are already in place and being executed. Please visit the DJJ website at <http://www.djj.virginia.gov/pages/about-djj/covid.htm>.

***G. Cease to use excessive room confinement as a means of quarantine.***

DJJ Response: Prior to the pandemic, DJJ had been working to eliminate room confinement as a behavioral sanction. On April 5, 2020, based upon a specific recommendation from VDH, Bon Air JCC implemented a campus-wide quarantine to help limit the spread of COVID-19. We are in the process of lifting those restrictions in consultation with VDH. Noteworthy, DJJ has only had one additional COVID-19 case in the past week. As such, it appears the quarantine has succeeded in slowing the spread of the virus in the facility.

**H. *Ensure that residents have access to counseling during this crisis.***

DJJ Response: Mental health providers are on-site and provide services every weekday. Mental health status checks are conducted daily for each youth who is considered to have significantly high-risk mental health needs and for those who are assessed as vulnerable due to mental health challenges. Per guidance from CDC and VDH, other programs have been modified during the pandemic.

**I. *Ensure that residents have access to means of communication with their families.***

DJJ Response: Measures are already in place and available to residents.

**J. *Ensure that all residents are receiving educational services and enrichment activities.***

DJJ Response: Measures are already in place and being executed.

**K. *Ensure that all residents have access to at least one hour per day of outdoor activity.***

DJJ Response: Prior to the quarantine, residents were afforded the opportunity for outdoor recreation twice a day, unless prevented due to inclement weather. Outdoor activities will resume this week for residents who are not housed in the central infirmary and medical isolation unit.

**L. *Ensure that all residents have consistent, unimpeded access to showers and other hygiene implements as needed.***

DJJ Response: Residents have an opportunity to shower and complete hygiene tasks daily.

**M. *Develop and implement a plan ensuring that attorney telephone calls can take place in a timely manner and in a confidential, safe setting on a non-monitored phone line, allowing sufficient length of call for the adequate provision of legal counsel to youth.***

DJJ Response: Measures are in place with ongoing adjustments being made where necessary.

**N. *Develop and implement a reliable method of coordinating legal telephone calls, including a designated point-person who can remove barriers or resolve issues with attorney calls as they arise.***

DJJ Response: As noted above, measures are in place with ongoing adjustments being made where necessary.

**O. *Ensure that all Bon Air residents have access to their legal papers.***

DJJ Response: Measures are in place and access is provided.

**P. *Ensure that Bon Air residents with upcoming court hearings have access to remote video conferencing methods to appear.***

DJJ Response: Video conferencing is available at Bon Air. Other widely available platforms are being explored as attorneys or courts recommend. Highlighted by an email from your staff dated April 17, 2020, my staff worked with your staff to assist with the release of a resident. In the words of your own staff attorney, my staff member had gone “to extraordinary lengths to accommodate the Court, and he made sure [your] office was able to communicate with [your client] as strategy questions unfolded, even when there was no clear way to facilitate attorney-client communication.” Our two agencies collaborated and worked hard for our resident/your client. These are the outcomes we desire. We will make every effort to continue to accommodate the court and legal representatives even when dealing with the unprecedented challenges we all face with COVID-19.

**Q. Ensure that the foregoing demands are extended to all other youth in DJJ custody, including those in the Community Placement Program, group homes, or other residential facilities.**

DJJ Response: We are working closely with our partner agencies to ensure the health and safety of residents in direct care and provide guidance as needed. Our partner agencies are working with their local health districts and following their established protocols during this crisis. DJJ staff communicate regularly with our contracted programs. If anything is brought to our attention, we will certainly follow up, and collaborate to reach an appropriate solution. As of this date, we have had one youth test positive and three staff persons test positive among all of the direct care alternative placements.

In closing, I welcome productive suggestions and hope you will join us in our mutual desire to provide our residents with the best care possible. We welcome any community support you can provide. This is the “novel” coronavirus and every day we are learning more and receiving new guidance while our staff remain on the front lines. We are committed to doing all within our ability to ensure the health and safety of the juveniles in our care and our staff. I salute and thank the dedicated staff at the Department of Juvenile Justice who work with our youth each and every day.

Sincerely,



Valerie P. Boykin  
Director