



Virginia's Three- Year JJDPA Plan: 2018-2020

Virginia's Three-Year JJDPA
Plan: 2018-2020 Program
Narrative

A. Statement of the Problem

1. System Description: Structure and Function of the Juvenile Justice System The Virginia Department of Criminal Justice Services (DCJS), an Executive Branch agency within the Secretariat of Public Safety and Homeland Security, provides comprehensive planning and technical and support services for the criminal justice system to improve and promote public safety in the Commonwealth. DCJS is charged with planning and carrying out programs and initiatives to improve the functioning and effectiveness of the criminal justice system as a whole (§9.1-102 of the *Code of Virginia*). Among its responsibilities, DCJS administers several federal funding streams available to the state, including those stemming from the Juvenile Justice and Delinquency Prevention (JJDP) Act. DCJS also monitors for compliance with the core requirements of the JJDP Act and maintains the state advisory group as required by the Act.

The juvenile justice system in Virginia can be viewed through three major components: law enforcement, the courts, and supervision/rehabilitation services.

Law enforcement agencies may serve as a youth's first contact with the justice system. Except for the Virginia State Police, law enforcement agencies throughout the Commonwealth are operated locally through either police departments or sheriff's offices.

DCJS is responsible for developing law enforcement training standards and monitoring compliance with training by all law enforcement individuals and training academies. The standards require specific training on handling juveniles and juvenile information. Each officer must demonstrate knowledge of the legal procedures for handling juveniles, special crimes against juveniles, the psychological effects of such crimes, and referral resources. DCJS also provides training for school resource officers through the Center for School and Campus Safety.

Model law enforcement policies published by DCJS include procedures related to informal handling of juvenile matters (police diversion), formal handling, taking juveniles into custody, transportation of juveniles, legal aspects related to confinement of juveniles, questioning juveniles, confidentiality of juvenile information, status offenses, and interviewing.

Diversion of youth from the juvenile justice system in Virginia occurs at both the law enforcement and court intake levels. At the law enforcement level, the decision to divert is an informal and discretionary one. If the officer deems that it is in the best interest of the youth to handle the case more informally, he or she may elect to release the youth to the custody of parents or guardians, or release the youth with a warning. The officer may also refer the family to a community-based or social services agency.

Juvenile and domestic relations (JDR) district courts are part of the district court system in Virginia and have jurisdiction over various matters including juveniles alleged

to be delinquent and children in need of supervision or services. There are 32 JDR districts in the Commonwealth served by 127 presiding judges. JDR courts differ from other courts in their duty to protect the confidentiality and privacy of juveniles and in their commitment to provide rehabilitative options, while protecting the public and holding juvenile offenders accountable for their actions. All cases are heard by a judge; these courts are not courts of record.

Cases may be appealed to circuit court or jurisdiction may be transferred under certain circumstances.

Virginia's supervision and rehabilitation component of the juvenile justice system is a broad network of locally, privately, and state-operated agencies, programs, and services that has developed over several decades. Programs range from community based services aimed at youth at risk for delinquent behavior to secure and highly structured state-run juvenile facilities. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

A variety of funding sources support these varied programs. Locally, management structures vary between private, municipal, and state control. The benefit of this system is that programs can be developed in response to local needs, interests, and available resources. The disadvantage is that many localities do not, or cannot, provide a full continuum of services which would be responsive to individual needs of juveniles.

Court Services Units (CSU) are responsible for juvenile intake, investigations and reports, probation, and parole. Each JDR court is served by a CSU. The majority of CSUs are operated by the Department of Juvenile Justice (DJJ) with the exception of three that are locally operated. Regardless of operational standing, all CSUs are subject to standards and regulations issued by the Board of Juvenile Justice.

Intake functions mandated by the *Code of Virginia* require that each CSU receive, review, and process complaints, determine whether a petition should be filed with the court, establish whether to release or detain youth, and provide services to youth and families including diversion and referral to other community resources. In addition to youth charged with delinquent offenses, those charged with status offenses and nonoffenders also come before the JDR courts and are usually categorized as either a child in need of services (CHINS) or child in need of supervision (CHINSup). Intake must be available 24 hours per day. Based on the information gathered, an intake officer makes a determination whether a petition should be filed with the juvenile court and, if so, whether the juvenile should be released to the parents or detained pending a court hearing.

Intake officers have the option of diverting juveniles and proceeding informally without filing a petition on a complaint alleging a child is a CHINS, a CHINSup, or delinquent (under certain circumstances). When informal action is taken, the intake officer will develop a plan for the juvenile, which may include restitution and the performance of

community service, based upon community resources and the circumstances which resulted in the complaint. The scope of services available to intake officers varies across the state.

There are various pre-dispositional and post-dispositional options available in Virginia. These options range from a least restrictive to most restrictive environment and include a mix of state, local, and privately funded facilities and programs.

2. Youth Crime Analysis and Needs and Problem Statements

(a) Analysis of Juvenile Crime Problems

Virginia spans a total of 42,775 square miles. According to the U.S. Census Bureau, the estimated population for Virginia was 8,470,020 for 2017.¹ The percentage of males and females in Virginia is almost evenly divided, with 49.2% of the population male and 50.8% female. The majority of Virginia residents are white, though the percentage distribution is lower than the national figure – 70% in Virginia, whereas nationally the figure is 76.9%. Black is the next largest racial category, making up 19.8% of Virginia’s population compared to 13.3% of the national population. Persons under age 18 account for approximately one-fifth of the total population – 22.2% in Virginia compared to 22.8% nationally.

The age group of particular concern in regard to juvenile delinquency and prevention issues is the youth population ages 10 to 17. Numbering 840,566, this sub-population represents approximately 10% of the total population in Virginia.² The analysis of the data surrounding this population helps guide funding decisions.

Virginia is fortunate to have a variety of sophisticated criminal justice data sources that allow data to be analyzed in multiple ways. Much data is readily available through published reports offered in hard copy and/or agency websites. Data is also generally available by locality. However, data by locality is often published in different ways. For example, arrest data is published by each of the individual localities in the state, but juvenile intake data is published by district, which may cover multiple localities. Localities can make special requests to state agencies to obtain all of the locality specific data needed for a particular purpose, and local agencies may also have access to additional locality-specific data sources. Because locality-specific data is available, sub-grantees are required to provide data driven justifications for funding requests. For purposes of *Virginia’s Three-Year JJDPA Plan*, statewide aggregate data is used for the general analysis. Depending on the source, data may be presented on a calendar year basis

¹ Data source: <https://www.census.gov/quickfacts/fact/table/VA,US/PST045217>.

² Data source for other Census data: <http://quickfacts.census.gov/qfd/states/51000.html>.

(noted as CY, January 1 thru December 31) or a state fiscal year basis (noted as FY, July 1 thru June 30; the fiscal year is based on the June 30 year).

i. Arrest Data

The Virginia State Police (VSP) serves as a central repository for arrest data from around the state. Data is aggregated and published by VSP on a calendar year basis. Each year, VSP publishes *Crime in Virginia*, which provides incident-based reporting statistics. Arrest data on a statewide basis and by police departments and sheriff's offices are included in the VSP publication.

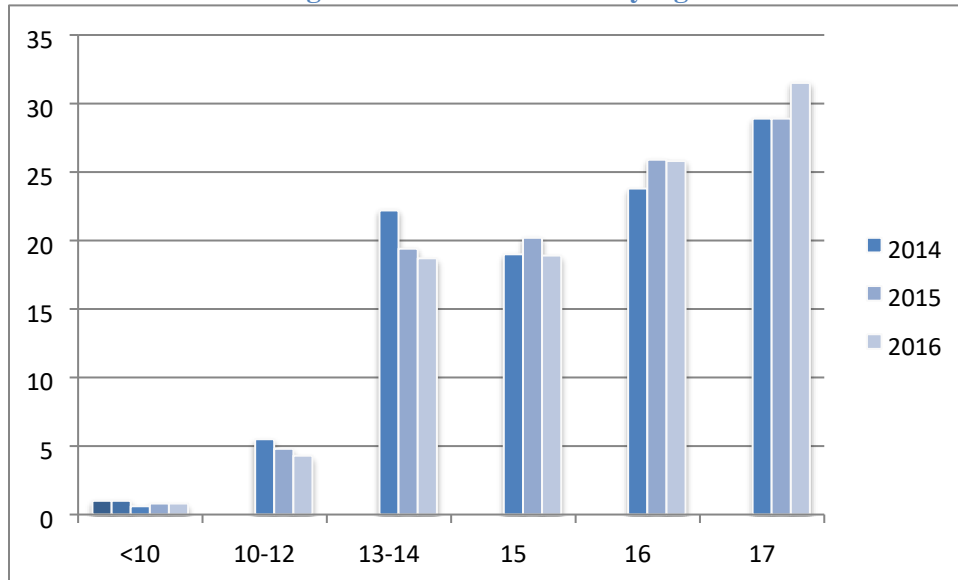
Arrest numbers "cannot be directly compared to offense figures. Several persons, for example, could be arrested for the same offense or the arrest of one person could solve several offenses. Arrests are primarily a measure of police activity as it relates to crime".³

Arrests reported to the Virginia State Police for juveniles do not provide a full depiction of juvenile arrests because of varying policies, including local policies related to diverting juveniles from a formalized arrest process. Intake data, presented later, is considered a more accurate reflection of juveniles entering the criminal justice system. However, the arrest data on juveniles provides a general picture of arrest activity worthy of review.

Arrests of juveniles reported in *Crime in Virginia* remains fairly consistent with some slight variations amongst juvenile arrests under the age of 12 and those 13-17. Annual reports over the last three years show that roughly 72% to 76% of juveniles arrested each year are ages 15, 16, or 17, which are displayed as percentages below. In 2016, youth ages 16 and 17 were arrested at the highest rates, at 25.8% and 31.5% respectively.

³ *Crime in Virginia 2016*, Virginia State Police, p63.

Figure 1: Juvenile Arrests by Age



In regard to offenses, there has been little change in the top offenses⁴ for which juveniles are arrested when examining 2014 through 2016.⁵

Top 10 Juvenile Arrest Offenses		
2014	2015	2016
1. Runaway	1. Simple assault	1. Runaway
2. Simple Assault	2. Runaway	2. Simple Assault
3. Drugs/Narcotics	3. Drugs/ Narcotics	3. Drugs/ Narcotics
4. Larceny (nonspecific)	4. Larceny (nonspecific)	4. Larceny (nonspecific)
5. Shoplifting	5. Shoplifting	5. Shoplifting
6. Curfew/Loitering/Vagrancy	6. Curfew/ Loitering/Vagrancy	6. Vandalism
7. Liquor law violations	7. Liquor law violations	7. Curfew/ Loitering/Vagrancy
8. Disorderly conduct	8. Vandalism	8. Liquor law violations
9. Vandalism	9. Disorderly conduct	9. Trespass
10. Trespass	10. Trespass	10. Disorderly Conduct

⁴ Does not include "other" offenses.

⁵ *Crime in Virginia 2016*, Virginia State Police, pp67-68.

ii. Intake⁶

Juveniles are brought to the attention of intake officers based in CSUs by police, parents, victims, and other agencies. An intake officer reviews and processes the complaint, determining whether a petition should be filed with the court or if the juvenile can be diverted and handled informally. An intake officer will also make a determination as to whether or not the juvenile should be released to a parent or another responsible adult, diverted, or detained pending a court hearing. Detention decisions are guided by the completion of the Detention Assessment Instrument (DAI), a standardized tool utilized by all CSUs.

DJJ collects and maintains data regarding all intakes. Because juveniles come to intake from multiple sources, and the data is more strictly managed, intake data is considered a more accurate reflection of juveniles entering Virginia's justice system than arrest data.

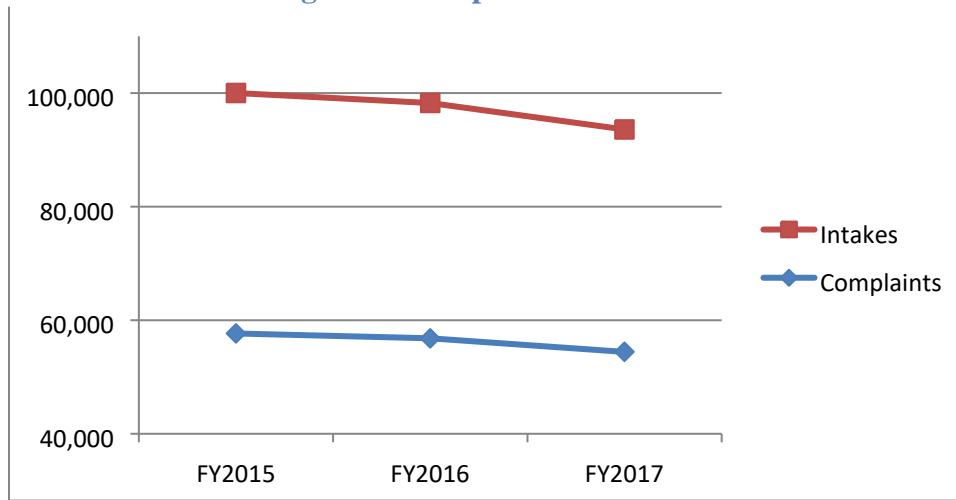
Virginia has experienced a significant decrease in the number of juvenile complaints and intake cases. As a result of this decline, the Department of Juvenile Justice has undergone a vast transformation and has closed all but one state operated juvenile correctional center (JCC), leaving only Bon Air JCC in full operation.

Each intake case is comprised of one or more complaints, meaning that one intake could include multiple offenses, or complaints. The average number of complaints per juvenile intake is 1.4 for FY2017. The following figure displays the number of juvenile complaints and intakes from 2015 through 2017.⁷ Complaints have seen a small yet steady decline from 2015 to 2017, going from 57,662 in 2015, 56,800 in FY2016, and down to 54,421 in FY2017. Intakes have also seen a similar trend and have gone from 42,348 in 2015, to 41,456 in 2016, to 39,175 in 2017.

⁶ Data used in this sub-section ("Intake") not attributed to the *Data Resource Guide* or other sources is taken from data provided to the Department of Criminal Justice Services by the Virginia Department of Juvenile Justice in Excel format and may differ slightly from other documents depending on the data run dates. All data is reported on a state fiscal year basis.

⁷ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p20.

Figure 2: Complaints & Intakes



The gender, age, and race distribution of juvenile intake cases has remained fairly consistent during the past three years, with the most notable change seen in the “Other/Unknown” racial category. This could be attributed to methods used to identify juveniles at intake.⁸

Figure 3: FY2017 Intake Demographics Race & Ethnicity

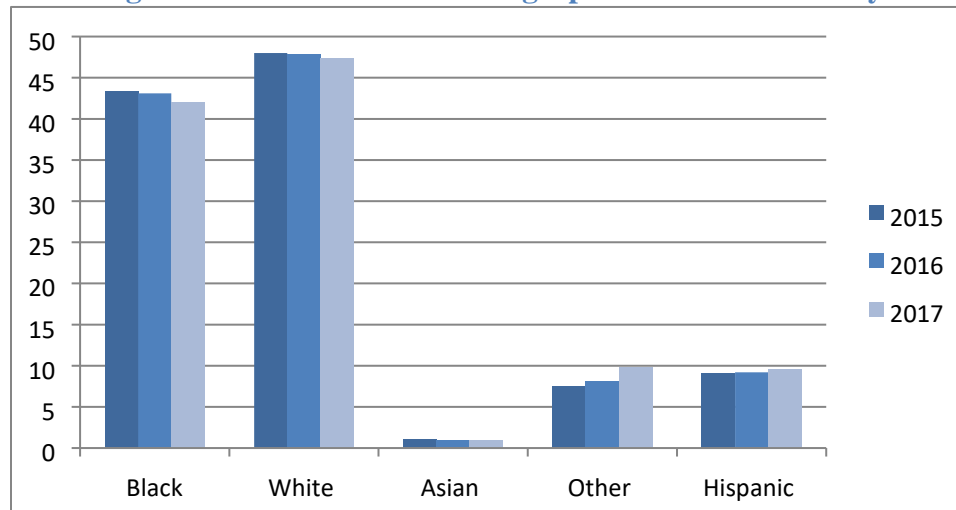


Figure 4: Arrest Data by Gender

⁸ Data table source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p21.

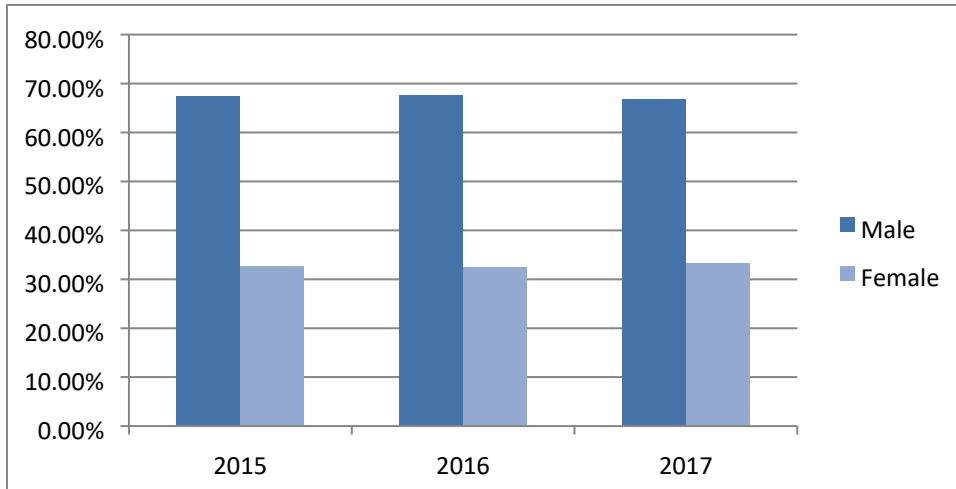
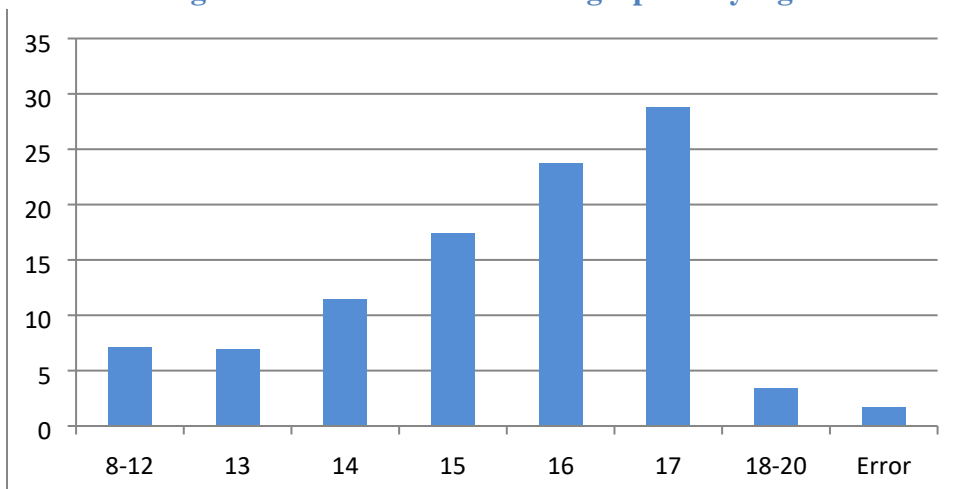


Figure 5: FY2017 Intake Demographics by Age



Delinquent Cases

Delinquent cases are those for which a child is brought to intake for a complaint of a felony or misdemeanor offense. Cases classified as delinquent may have other complaints against the child as well, such as status offenses, technical violations, or traffic offenses; however, the most serious complaint is for a delinquent offense.

The top five delinquent offenses at intake were assault, larceny, vandalism, burglary, and narcotics in FY2017. The majority of intakes for delinquent offenses are for males, representing 76% of intakes. In FY2016, black youth accounted for 51.7% and white youth 47.8% of delinquent intakes. In FY2017, 47.3% of juvenile intake cases were for black youth and 42% for white youth. Males continue to make up the majority of the juveniles with delinquency cases, at 66.7% of this population.⁹ Since FY2015, the average age of

⁹ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p21.

juvenile intake cases has been near 16 to 17 years of age. In FY2017, the average age for juvenile intake cases was 15.9.¹⁰

Status Cases

Status cases include purchase/possession of tobacco by a minor, children in need of services (CHINS), runaway complaints, and truancy. Because cases are classified by their most serious offense, intakes classified as status cases have only status complaints. Status intake offenses account for 18.3% of juvenile intake cases in FY2017, which is consistent with prior years.¹¹

Truancy is the primary status complaint brought to intake, and makes up 51.8% of the total number of status offenses in FY2017. Child in Need of Services (CHINS) cases are the second largest category of status offense cases in Virginia in FY2017, at 31.3% and runaways accounting for 11.6% of the all status offenses.

The representation of male and female intakes for status cases has been fairly stable over the years, with males accounting for 56% of all status intake cases. Differences in regard to the gender distribution of status cases are more evident when examining specific status offenses. Though males make up the majority of cases in most status offense categories, females account for a higher representation of runaway cases.

Technical Violation Cases

Like all intakes, those where the most serious offense is a technical violation have declined during the past three years. Contempt of court is the highest offense, with 50.3% of the technical violations, and parole/probation violations following closely, with 48.6% of technical violation intakes for FY2017.

Few intakes for technical violations are of young offenders. During FY2017, almost 15% of all such intakes were age 14 or under. Males account for approximately 71% of technical violation intakes, which has remained unchanged since the last plan. The racial breakdown is 45% black, 48% white, and the remainder other/unknown, Asian, or American Indian for FY2017, which is similar to the prior two years and what was reported in the last plan.

iii. Case Disposition¹²

¹⁰ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p21.

¹¹ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p22.

¹² Data used in this sub-section ("Case Disposition") not attributed to the *Data Resource Guide* or other sources is taken from data provided to the Department of Criminal Justice Services by the Virginia Department of Juvenile Justice in Excel format and may differ slightly from other documents depending on the data run dates. All data is reported on a federal fiscal year basis. ¹³Data source: *Data Resource Guide FY 2017*, annual reports FY2017, Virginia Department of Juvenile Justice.

Cases can be diverted, petitioned, or resolved in another manner (such as returned to probation supervision, considered an unfounded complaint, returned to out-of-state supervision, or a consent agreement signed). During FY2017, 13% of juvenile complaints were resolved or diverted without a petition being filed.¹³

Diverted and Petitioned Delinquent Cases

The use of diversion for delinquency intake cases has remained fairly constant for each of the past several years, averaging approximately 30%. Differences in race and gender distribution continue to exist between cases diverted and cases petitioned. As can be seen on the following tables, white juveniles have higher distributions of diverted than petitioned cases.

Racial Distribution of Delinquent Cases			
FY2017	Case Distribution	Cases Diverted	Cases Petitioned
Race			
<i>Black</i>	46%	36.5%	51.8%
<i>White</i>	44%	50.1%	41.2%
<i>Other</i>	4.4%	4.5%	4.1%
<i>Unknown</i>	4.4%	7.9%	2.3%
Gender Distribution of Delinquent Cases			
FY2017	Case Distribution	Cases Diverted	Cases Petitioned
Gender			
<i>Male</i>	70.7%	60%	75.6%
<i>Female</i>	29.3%	40%	24.4%

Delinquent case distribution by race and gender remained fairly consistent with the distribution in previous years. Black juvenile cases are petitioned more and diverted less than others.

Diverted and Petitioned Status Cases

Over the last year, 52.3% of status cases were petitioned. This figure remains reasonably consistent, and is historically between 52%-59%.

Racial Distribution of Status Cases			
FY2017	Case Distribution	Cases Diverted	Cases Petitioned
Race			
<i>Black</i>	36.5%	30.5%	29.3%
<i>White</i>	49.2%	53%	58.1%
<i>Other</i>	6.4%	5.9%	6.7%
<i>Unknown</i>	6.8%	9.6%	4.9%
Gender Distribution of Status Cases			
FY2017	Case Distribution	Cases Diverted	Cases Petitioned
Gender			
<i>Male</i>	56%	56.2%	56.3%
<i>Female</i>	44%	43.8%	43.7%

Data from FY2017 show that whites and blacks were almost equally represented at intake, but whites continue to represent a greater percentage of cases diverted and cases petitioned.

Formal diversions account for between 11.7% and 14.2% of status cases in the past three years. The 2018 General Assembly amended the *Code of Virginia* to lift the prior limit of one diversion per youth, permitting additional diversions in specific circumstances.

Court Disposition

The average length of time from intake to adjudication was 142 days in FY2016. Data for 2017 is not available due to pending adjudications.¹³

Once a case is petitioned and goes to court, judges have several options available to them. Detailed information on post-detention and commitments to the state is presented in the next segment of this section. Probation is the most common dispositional option used by judges. In FY2017, 3,222 new juvenile probation placements were made. This number is a decrease from the 3,647 new juvenile probation placements made in FY2016.¹⁵

¹³ Data source: *Data Resource Guides FY2017*, Virginia Department of Juvenile Justice, p23.

¹⁵ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p11.

As in prior years, assault and larceny account for a large proportion of the offenses for which new probation cases are opened, at approximately 36% of all new probation cases in FY2017. Cases for vandalism, narcotics offenses, status offenses, and burglary follow.

iv. Detention and State Direct Care Admissions¹⁴

Secure Detention

Secure detention facilities provide temporary confinement for juveniles who are awaiting adjudication, disposition, or placement (pre-dispositional) as well as for certain adjudicated (post-dispositional) juveniles.

There have been a number of efforts to reduce reliance on detention in Virginia. In FY2017, 19 of the 24 juvenile detention centers (JDCs) operated post-dispositional (post-D) programs. On the last day of the fiscal year, 233 of the total 1,445 certified JDC beds were dedicated to post-D programs. DJJ also utilizes the Community Placement Program (CPP) as a residential option for indeterminately committed juveniles ages 13-20 with one year or less remaining in their length of stay (LOS).

Detainments have been decreasing, down 16% from 9,137 in FY 2015 to 7,677 in FY 2017.

The demographics of the detention center population in FY 2017 shows that there are more juveniles ages 15-17 in detention centers. This correlates to the arrest data previously presented.

¹⁴ Data used in this sub-section ("Case Disposition") not attributed to the *Data Resource Guide* or other sources is taken from data provided to the Department of Criminal Justice Services by the Virginia Department of Juvenile Justice in Excel format and may differ slightly from other documents depending on the data run dates. All data is reported on a federal fiscal year basis.

Figure 6: Juvenile Detention Center Demographics by Age

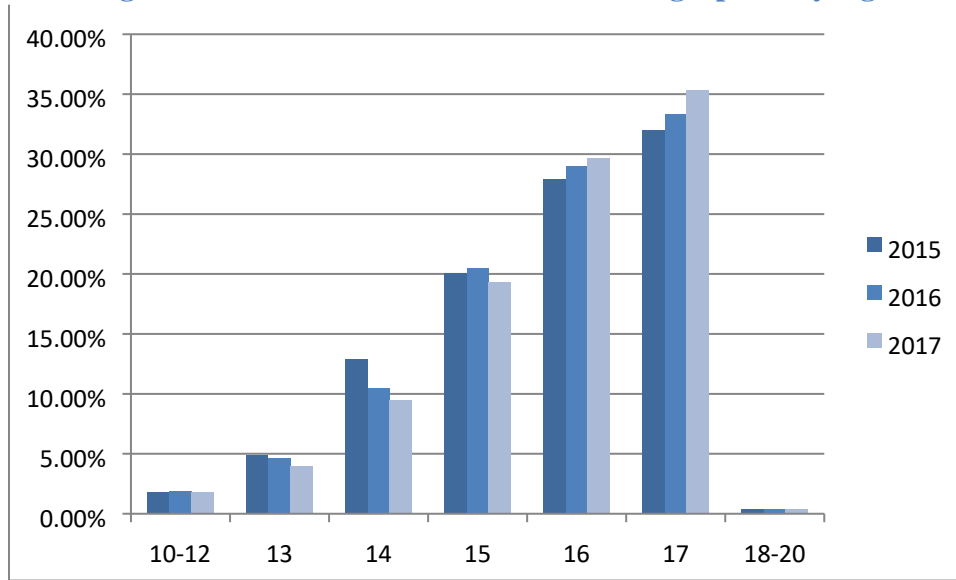
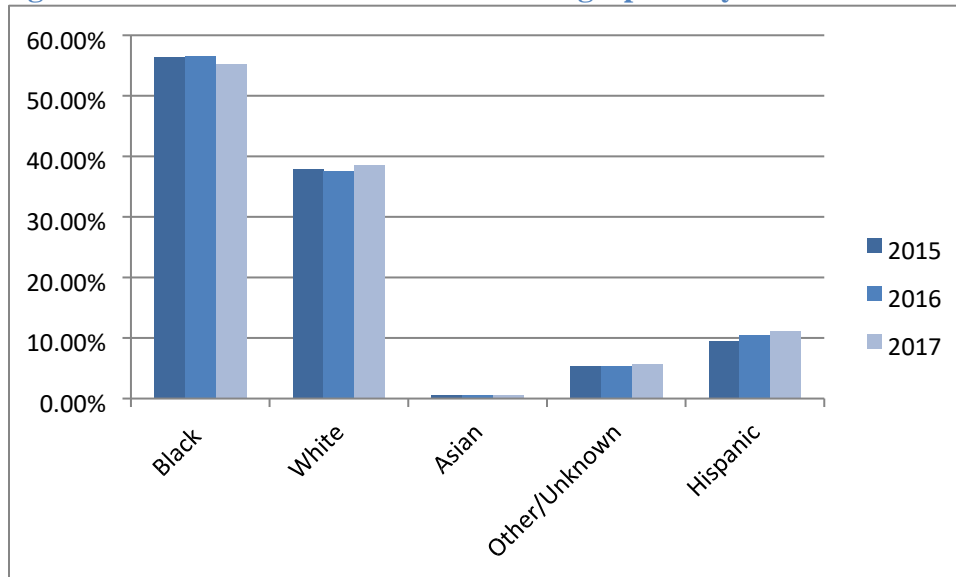


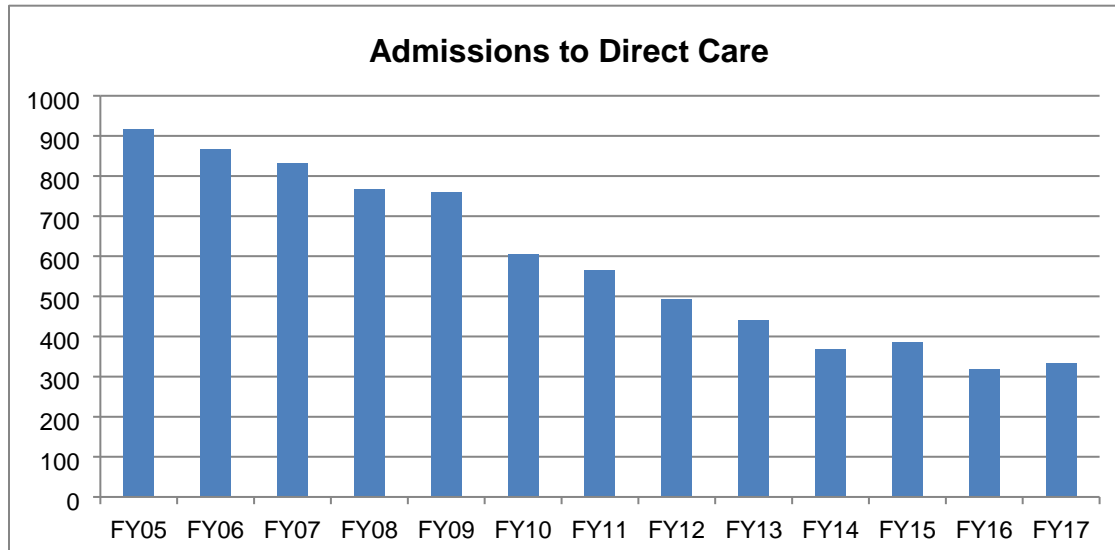
Figure 7: Juvenile Detention Center Demographics by Race & Ethnicity



*State Direct Care*¹⁵

¹⁵ State direct care refers to juvenile state-responsible offenders committed by a court to the Department of Juvenile Justice. They may be housed in a juvenile correctional center, halfway house, community placement program, or detention re-entry program.

The number of juveniles admitted to state direct care has declined considerably and has resulted in the closing of Beaumont JCC on June 2, 2017, leaving one JCC, Bon Air JCC. Since FY2005, the number of admissions has decreased almost 64%, from 916 to 332.¹⁶



v. Other Information, Conditions, and Data

Funding

Reductions in federal funding for juvenile justice and delinquency prevention efforts have had an impact on DCJS' ability to provide support for state and local initiatives in recent years. These funds have dropped more than 70% in the past ten years to just \$787,202 for FFY2017. DCJS has requested, and been granted, a waiver of the requirement that 66 2/3 percent of funds received by the state be passed through as subawards so that we can use funds more efficiently by retaining them at the state level.

Most recent data on juveniles admitted to the direct care of DJJ during FY2017 show:¹⁷

- 63.6% - mental health treatment need;
- 92.2% - aggression management treatment need;
- 81.3% - substance abuse treatment need;
- 9.6% - sex offender treatment need; and
- 65.7% - prescribed psychotropic medications at some time in life.

Recidivism

¹⁶ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, p63.

¹⁷ Data source: *Data Resource Guide FY2016*, Virginia Department of Juvenile Justice, pp46 and 47.

Recidivism is an important measure to consider when determining adult or juvenile correctional priorities. DJJ reports on the re-arrest, re-conviction, and re-commitment of juveniles released from direct care or placed on probation. The follow-up period ranges from three months to three years from the date the juvenile was released or placed, and includes both juvenile and adult arrests that occur in the follow-up period. The official definition of recidivism used by DJJ is based on measures of reconviction.

Rates for juveniles released from the direct care of DJJ and reconvicted for a new offense occurring within 12 months, since 2012, have fluctuated between 41.6% and 44.2%. This increases to between 70.9% and 74.2% for an offense occurring within 36 months of release from direct care. Figures for those on probation supervision are more encouraging. Almost 25% of juveniles placed on probation since FY2012 were reconvicted of a new offense occurring within 12 months. This increases to almost 52% for offenses occurring within 36 months.¹⁸ DJJ's transformation is expected to change these recidivism rates.

Forecast

Each year, the Secretary of Public Safety and Homeland Security oversees an offender forecasting process. The resulting forecasts are essential to facility planning and budgeting. Forecasting methodologies are also used to determine the potential impact of certain policy decisions. Virginia utilizes a "consensus forecasting" approach which brings together policy makers, administrators, and technical experts from many agencies across all branches of state government. This multi-level structured approach to forecasting and review has been used in Virginia since the late 1980s.

The juvenile state-responsible offender population refers to juveniles committed to DJJ direct care. The forecast anticipates seeing a decline in the direct care average daily population through 2019, and is expected to begin increasing slightly through 2023.

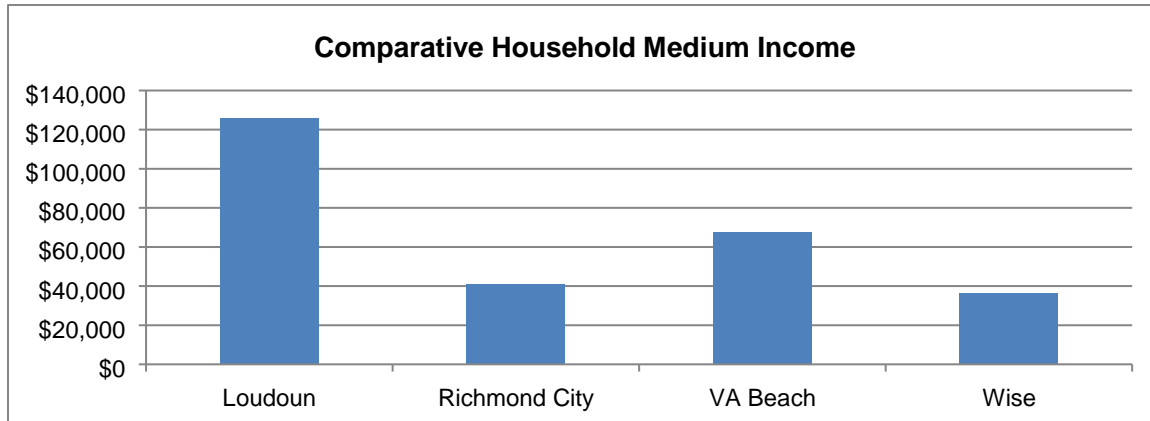
Socioeconomic Indicators

The U.S. Census Bureau reports the median household income in Virginia at \$66,149 for the 2012-2016 period, which is \$10,827 higher than the national average. However, median income can vary significantly by locality in Virginia. The following chart depicts this variance by comparing the median household income of four diverse areas in Virginia as reported by the U.S. Census Bureau.¹⁹

¹⁸ Data source: *Data Resource Guide FY2017*, Virginia Department of Juvenile Justice, pp68 and 70.

¹⁹ U.S. Census data source:

<https://www.census.gov/quickfacts/fact/table/wisecountyvirginia,virginiabeachcityvirginia,richmondcityvirginia,loudouncountyvirginia,VA,US/PST045217>



Data source: U.S. Census Bureau

State Profile of Child Well-Being

The Annie E. Casey Foundation maintains a website devoted to providing data regarding the status of children nationally and on a state-by-state basis. Profiles are developed by the Foundation of child well-being using the best available data to measure the educational, social, economic, and physical well-being of children. Key indicators are used to capture most of the yearly variation in child well-being reflected in other indices that utilize a much larger number of indicators. These indicators reflect a wide range of factors and reflect experiences across a range of developmental stages.

The Foundation uses data from key indicators to develop a composite index of child well-being for each state. In most areas, Virginia rates better or on par with the national average for many individual indicators.²⁰

Economic Well-Being	
<i>Children in poverty</i>	
2015	2016
15%	14.3%
Virginia's percentage is below the 2015 national average of 21% and the 2016 national average of 19%	
<i>Children whose parents lack secure employment</i>	
2015	2016
25%	25%

²⁰ Data source: the Annie E. Casey Foundation, KIDS COUNT Data Center, <http://datacenter.kidscount.org>. Data is for varying years due to reporting practices. The most recent data published by the Foundation is included.

Virginia's percentage is below the 2015 national average of 29% and the 2016 national average of 28%
<i>Children living in households with a high housing cost burden</i>

2015	2016
32%	30%
Virginia's percentage is below the 2015 national average of 33% and the 2016 national average of 32%	

Teens not in school and not working

2015	2016
6%	6%
Virginia's percentage is below the 2015 and 2016 national average of 7%	

Children without a vehicle at home

2015	2016
4%	4%
Virginia's percentage is better the 2015 national average of 6% and the 2016 national average of 5%	

Education

Young children not attending preschool

2013-2015	2014-2016
53%	52%
Virginia's percentage parallels the national average of 53% and 52% respectively	

Fourth graders not proficient in reading

2013	2015
57%	57%
Virginia's percentage is below the 2013 national average of 66% and the 2015 national average of 65%	

Eighth graders not proficient in math

2013	2015
62%	62%

Virginia's percentage is below the 2013 national average of 66% and the 2015 national average of 68%	
<i>High school students not graduating on time</i>	
2014-2015	2015-2016
14%	13%
Virginia's percentage is better than the 2014-2015 of 17% and the 2015-2016 national average of 16%	
<i>Children who missed 11 or more days of school due to injury or illness</i>	
2011-2012	2015-2016

4.4%	3%
Virginia's percentage is lower than 2011-2012 national average of 6.2% and the 2015-2016 national average of 4%	

Health

<i>Low-birth weight babies</i>	
2015	2016
7.9%	8.1%
Virginia's percentage is on par with the national average of 8.1% and 8.2% respectively	

Children without health insurance

2014	2015
6%	5%

Virginia's percentages parallel the national average for 2014 and 2015

Child and teen deaths per 100,000

2015	2016
24	24

Virginia's rate is better than the national rate of 25 for 2015 and 26 for 2016

Teens who abuse alcohol or drugs

2013-2014	2015-2016
-----------	-----------

5%	4%
Virginia's percentage is on par with the national average of 5% for 2013-2014 and is slightly better than the national average for 2015-2016	
Family and Community	
<i>Children in single-parent families</i>	
2015	2016
32%	32%
Virginia's percentage is lower than the national average of 35% for 2015 and 2016	
<i>Children in families where the household head lacks a high school diploma</i>	
2015	2016
9%	9%
Virginia's percentage is better than the national average of 14% for 2015 and 2016	
<i>Children living in high-poverty areas</i>	
2011-2015	2012-2016
5%	5%
Virginia's percentage is far below the 2011-2015 national average of 14% and the national average of 2012-2016 of 13%	
<i>Teen births per 1,000</i>	
2015	2016
17	16
Virginia's rate is better than the national rate of 22 for 2015 and 20 for 2016	
Safety and Risky Behaviors	
<i>Children confirmed by child investigative services as victims of child maltreatment (rate per 1,000)</i>	
2014	2015
3	3

Virginia's rate is better than the national average of 9 for 2014 and 2015	
<i>Children 0-17 in foster care (rate per 1,000)</i>	
2014	2015
2	3
Virginia's rate is better than the 2014 national average of 5 and the 2015 national average of 6	

Perceptions from the Field

As part of the three-year planning process, DCJS hosts a planning session with the state advisory group (SAG), the Advisory Committee on Juvenile Justice and Prevention (ACJJP) in Virginia. As is true with all ACJJP meetings, this planning session is open to the public. Various stakeholders are afforded the opportunity to attend, including those representing or serving system-involved youth and families, to provide their perspectives on juvenile crime and delinquency issues. A draft plan is generated with recommendations received from the ACJJP and is used to formulate the priorities and activities in the final three-year plan as required by OJJDP. ACJJP members are also given the opportunity to review and comment on grant application summaries within 30 days of their receipt and prior to awards being made. The grant review process allows members to view the needs of the community, gain perspective from the viewpoint of the applicant, and witness outcomes.

(b) State Priority Juvenile Justice Needs/Problem Statements

Every three years, priority areas for focus and funding are identified based on data trends, results of a constituent survey, and the experience and perspectives of staff and ACJJP members. The order of the priorities is established each year of the three-year planning period. The priority order for the first year of the 2018-2020 plan period is as follows:

1. Compliance monitoring
2. Reducing behavioral health issues of at-risk and system-involved youth
3. Reducing disproportionality in the juvenile justice system
4. Serving at-risk and system-involved youth in their home communities
5. Increasing family engagement and community involvement for youth.

Due to timing of federal planning cycles and funds, these priorities are expected to guide activities for the following three state fiscal years. However, priorities may change or the order may shift during the three-year planning period. Changes are reported in annual plan updates.

1: Compliance Monitoring

The JJDP Act requires states to provide for an adequate system of monitoring jails, lockups, detention facilities, correctional facilities, and non-secure facilities to ensure that the first three core requirements of the Act are met. These core requirements are:

1. Deinstitutionalization of status offenders;
2. Separation of juveniles from adult offenders; and
3. Removal of juveniles from adult jails and lock ups.

The monitoring process includes data review and on-site inspection of secure juvenile detention centers, juvenile correctional centers, jails, lock-ups, and juvenile court holding facilities. With the number of youth, delinquent, and status offenders as noted earlier, and facilities in Virginia, potential violations are possible. A strong compliance monitoring process is credited for Virginia's compliance with the core requirements; it is necessary to maintain this.

To ensure quality and consistency, DCJS has designated two part-time compliance monitors with the sole responsibility of ensuring compliance with the JJDP Act's first three core requirements. The compliance monitors, whose combined time is roughly a full-time equivalent, conduct compliance monitoring activities, including on-site inspections, on a year-round basis. On-going technical assistance is a valuable element of Virginia's compliance monitors' duties. In addition to providing detailed technical assistance and informative documents during on-site visits, the compliance monitors are readily available to answer questions and provide direction to facilities throughout the Commonwealth regarding best practices for complying with the JJDP Act's core protections. Besides visiting facilities as part of the annual compliance monitoring inspection schedule, the compliance monitors make site visits upon request of the facility. DCJS also maintains a web site including information regarding the JJDP Act and compliance with its first three core requirements. Together, the compliance monitors, the juvenile justice manager, and the juvenile justice specialist assess the Commonwealth's level of compliance and develop strategies as may be necessary to ensure compliance and address violations before they become a problem for overall compliance.

More detail on Virginia's compliance monitoring process was previously submitted to OJJDP in sections titled "Plan for Compliance: First Three Core Requirements of the JJDP Act" in its compliance monitoring report due earlier in 2018.

Because the first three of the four core requirements are essential to the safety and well-being of juveniles involved in the criminal justice system, the ACJJP has deemed compliance monitoring as its top priority. Compliance monitoring is critical to maintaining compliance, and the JJDP Act requires states to provide for an adequate monitoring system.

2: Reducing behavioral health issues of at-risk and system-involved youth

Behavioral health issues have been included as a priority for Virginia in a number of three-year plans. Historical plans have been specific to substance abuse and mental health problems. However, a growing understanding of the breadth of behavioral health concerns, and changes in terminology, necessitate a more comprehensive approach to the problem.

Research is clear that, left unaddressed, substance use and mental health issues are key risk factors for criminal justice system involvement and recidivism. Research also supports the impact of trauma and exposure to violence as risk factors.

As the data presented earlier indicate, the youth committed to the direct care of DJJ have significant histories of physical and sexual abuse or assault, substance use, and mental health issues. Additionally, in Virginia, disparities exist throughout the state as to the availability of services for youth in communities.

A number of efforts are currently underway by various state agencies to help address behavioral health issues in youth. By maintaining the topic as a priority, funding, if available, can be used to leverage against other efforts for potentially greater system impacts.

3: Reducing disproportionality in the juvenile justice system

Over-representation of minorities is evident in the various contact points of Virginia's juvenile justice system. The raw numbers and percentages previously presented clearly indicate disproportionate contact at various contact points in the system. In the most simple of examples, though black youth account for only 20.9% of the population ages 10-17 in Virginia, they account for 71% of all admissions to DJJ direct care. The need to address DMC is made even clearer by relative rate indices (RRIs), which provide the rate at which the disproportionate contact occurs. RRIs are discussed in detail in "Plans for Compliance with the DMC Core Requirement" previously submitted to OJJDP as part of its compliance report.

The continued inclusion of this priority in Virginia's three-year plan is necessary to continue the work in progress and implement recommendations of formal DMC assessments. DMC is another core requirement of the JJDP Act and therefore should be included to ensure continued emphasis on maintaining compliance with this provision of the Act.

4: Serving at-risk and system-involved youth in their home communities

Virginia has made tremendous strides in reducing the number of youth coming in contact with the juvenile justice system. As indicated earlier, as well as in prior three year plans, arrests, complaints, intakes, and admissions to detention and DJJ direct care are significantly lower than they were just ten or fifteen years ago. The reductions are attributed to a number of trends and efforts, including those that have focused on prevention and early intervention. These activities are generally accomplished in the community. To maintain low numbers of youth coming in contact with the justice system, and to ideally reduce the numbers further, prevention and early intervention efforts must continue.

Data of particular note is that related to recidivism. The reconviction rates of youth leaving the direct care of DJJ are high and have shown little change over the years. Improving reentry for juvenile and adult offenders has been a focus of Virginia for a number of years. A Second Chance grant for DJJ, as well as related system transformation efforts, has allowed the agency to increase their strategic planning efforts around reentry and tackle barriers that have continued. However, despite the work of DJJ, the research shows that community and family involvement and community-based services are needed for reentry efforts to succeed. Other data of concern is the increased representation of younger juveniles at various system contact points.

The data review and analysis, stakeholder survey, and experience of expert staff and ACJJP members indicate that many issues and concerns are best addressed in the juveniles' home communities. Realizing the commonalities among the issues, the ACJJP decided that the priority goal should be serving youth in their home communities, and individual objectives would address the specific concerns. These concerns include:

- Diverting youth from the juvenile justice system—to address the volume of cases at intake and that are petitioned to court, and younger offenders;
- Expanding prevention programs emphasizing truancy prevention, school engagement, conflict resolution, bullying prevention, and gang prevention—to address the volume of cases referred to intake for school-based issues, as well as DMC and the increased representation of younger offenders; and
- Providing community-based re-entry support services for youth returning from a juvenile correctional center or detention facility—to address the high rate of recidivism.

By prioritizing in this manner, special issues such as gender-specific issues, mental health issues, or those faced in rural areas, can be addressed.

5: Increasing family engagement and community involvement for youth

In addition to the importance of community-based services in prevention, early intervention, and improved reentry efforts, a prior stakeholder survey, work being

conducted as part of the DJJ transformation project, and experience of staff and ACJJP members indicate that family engagement and community involvement are necessary.

This perspective of a greater need for community and family involvement is not unique to Virginia. National efforts are aimed at engaging communities and involving faithbased and community-based organizations in developing approaches to working with initiatives such as re-entry. Research supports the need for strong family and community involvement for successful re-entry and recidivism reduction. It is also an essential component in minimizing how far a juvenile penetrates the criminal justice system.

The ACJJP decided to continue a priority goal to increase family engagement and community involvement. This priority potentially addresses a number of considerations and requirements specified within the JJDP Act, but most specifically addresses that related to strengthening families.

B. Coordination of State Efforts

Virginia has a number of state agencies across multiple secretariats that are responsible for youth development and well-being. These secretariats and agencies include:

- Secretary of Education:
 - Department of Education (DOE)
- Secretary of Health and Human Resources:
 - Department of Behavioral Health and Developmental Services (DBHDS)
 - Department of Health (VDH)
 - Department of Social Services (DSS)
 - Office of Children's Services (OCS)
 - Virginia Foundation for Healthy Youth (FHY)
- Secretary of Public Safety and Homeland Security
 - Department of Criminal Justice Services (DCJS)
 - Department of Juvenile Justice (DJJ)
 - Department of Alcoholic Beverage Control, Virginia Office of Substance Abuse Prevention (VOSAP)

Several cross-agency initiatives are underway in Virginia addressing topics directly linked to delinquency and delinquency prevention, including homelessness, reentry, trauma and exposure to violence, substance abuse, and others. Through formal partnerships, representatives from each of the above noted agencies, and others, participate on various advisory committees and workgroups to share information, leverage resources, and facilitate coordination and joint decision-making. The DOE, DBHDS, DSS, DJJ, and VDH have representatives on the ACJJP. By participating on the ACJJP, they are able to help ensure that funding priorities are not duplicative of other efforts and are able to help support them where most needed.

To further ensure collaboration, shared visions, and work, DCJS partners with many system and non-justice system agencies. As part of this, the juvenile services section staff formally participates in the following:

- DOE, State Management Group for Project AWARE (Advancing Wellness and Resilience in Education)
- DJJ, Reentry Task Force
- DSS, State Management Group for Vision 21, Linking Systems of Care of Children and Youth
- VOSAP, Collaborative
- Governor's Coordinating Council on Homelessness, Interagency Partnership to End Youth Homelessness

In 2014 Virginia was awarded significant grants from the U.S. Department of Education (School Climate Transformation), Substance Abuse and Mental Health Services Administration (Project AWARE), and Office for Victims of Crime (Vision 21), which they continue to utilize. The project managers coordinate efforts where possible to maximize resources on the various projects.

Also in 2014, former Virginia's Governor Terry McAuliffe signed an Executive Order creating a cabinet solely dedicated to the education, health, safety, and welfare of Virginia's children and youth. The Children's Cabinet developed and implemented a policy agenda that will help serve Virginia's children and will foster collaboration between state and local agencies that is anticipated to continue as agencies. The Children's Cabinet focused on five specific priority areas:

- Eradicating the achievement gap in schools in high poverty communities;
- Increasing access to basic needs including housing, healthcare, and proper nutrition;
- Improving outcomes for youth transitioning out of Virginia's juvenile justice, mental health and foster care systems;
- Increasing workforce opportunities for parents and for youth as they transition out of high school; and
- Improving early childhood care and education.

The Children's Cabinet's *Classrooms not Courtrooms* initiative worked to address the school to prison pipeline and disproportionate referrals to law enforcement for minority and disabled students. Out of the initiative, Virginia Tech conducted research into racial disproportionality in student referrals and concluded that the findings in a report which noted Virginia was the lead in the number of school discipline referrals to law enforcement, were inaccurate. Through the research, Virginia's Departments of Education and Juvenile Justice were able to find ways to improve reporting practices to improve data reporting fidelity. Also, the 2017 General Assembly session introduced and

passed several bills that changed student referral procedures and may have a significant impact on law enforcement referrals.

DJCS recently awarded a grant to Virginia Tech to support research into disproportionality in school referrals amongst students with disabilities that is expected to complement the previous research conducted on school referral data.

It has not yet been determined if the current administration will sign new executive orders similar to those that created in the prior administration; however, the partnerships reflected in those executive orders remain intact.

C. Goals and Objectives

As stated earlier, every three years, priority areas for focus and funding are identified based on data trends, recommendations from the ACJJP's annual strategy and planning session, and the experience and perspectives of DCJS staff. The order of the priorities is revisited each year of the three-year planning period. The priority order for the first year of the 2018 - 2020 planning period is as follows:

1. Compliance monitoring
 - OJJDP program area: compliance monitoring
2. Reducing behavioral health issues for at-risk and system-involved youth
 - OJJDP program areas: mental health; substance abuse
3. Reducing disproportionality in the juvenile justice system
 - OJJDP program areas: school programs; DMC
4. Serving at-risk and system-involved youth in their home communities
 - OJJDP program areas: reentry; alternatives to detention; delinquency prevention; school programs; diversion
5. Increasing family engagement and community involvement for youth
 - OJJDP program areas: reentry; community-based programs and services

Goals and objectives associated with the priority areas and JJDP Act program areas are as follows:

Priority 1: Compliance Monitoring
OJJDP Program Area Codes and Titles: - Compliance Monitoring (19)
Goal 1.1: To maintain compliance with the following core requirements of the JJDP Act: the deinstitutionalization of status offenders, the sight and sound separation of juveniles from adult inmates, and the removal of juveniles from adult jails and lock-ups.
Objectives: 1.1.1 Monitor facilities for compliance with the JJDP Act and provide training and technical assistance to facility staff and others as necessary on achieving and maintaining compliance.
Priority 2: Reducing behavioral health issues
OJJDP Program Area Codes and Titles: - Mental health services (12) - Substance abuse (18)
Goal 2.1: To reduce behavioral health issues of at-risk youth and those involved in the justice system.
Objectives: 2.1.1 Provide funding for behavioral health programs for at-risk youth and those involved in the juvenile justice system addressing one or more of the following specific issues: mental health; substance abuse; co-occurring disorders; trauma and exposure to trauma; exposure to violence; homelessness and chaotic situations in households; poverty; LGBTQIA. ²¹
Priority 3: Reducing disproportionality in the juvenile justice system
OJJDP Program Area Codes and Titles: - Disproportionate minority contact (21) - School programs (17)
Goal 3.1: To reduce disproportionality in Virginia's juvenile justice system.

²¹ Lesbian, gay, bisexual, transgender, queer/questioning, intersex, asexual/aromantic (LGBTQIA).

Objectives:

- 3.1.1 Contract with an Equity Coordinator and develop a DMC plan for Virginia.
- 3.1.2 Provide funding to implement recommendations from the DMC plan as identified in Objective 3.1.1.
- 3.1.3 Provide funding to implement alternatives to the use of school disciplinary and zero-tolerance policies promoting arrest and/or school suspension or expulsion. (Prioritize schools in improvement.)
- 3.1.4 Provide training and information on Disproportionate Minority Contact and Racial and Ethnic Disparities.
- 3.1.5 Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.

Priority 4: Serving at-risk and system-involved youth in their home communities

OJJDP Program Area Codes and Titles:

- Aftercare/reentry (1)
- Alternatives to detention (3)
- Delinquency prevention (6)
- School programs (17)
- Deinstitutionalization of status offenders (20) - Diversion (22)

Goal 4.1:

To serve at-risk and system-involved youth in their home communities.

Objectives:

- 4.1.1 Provide funding for community-based programs that divert youth from the juvenile justice system.
- 4.1.2 Provide funding to pilot intermediate sanctioning options for juvenile probationers and parolees supervised by Court Service Units.
- 4.1.3 Provide funding for local community-based agencies to provide reentry support services for youth returning from state direct care or detention facility.
- 4.1.4 Provide continuation funding for eligible sub-grantee projects previously approved that have demonstrated compliance and progress with their grant objectives.

Goal 4.2:

To promote evidence-based prevention programs and strategies for youth and families.

Objectives:

4.2.1 Provide funding for local, community-based prevention programs that emphasize one or more of the following: truancy prevention; school engagement; conflict resolution; bullying prevention; gang prevention.

4.2.2 Support activities which promote evidence-based prevention programs and strategies for youth and families.

4.2.3 Provide continuation funding for sub-grantee projects previously approved that have demonstrated compliance and progress with their grant objectives.

Goal 4.3:

To reduce use of detention for status offenders violating valid court orders (“VCO exception”).

Objectives:

4.3.1 Convene a multi-agency group from localities that continue to use the VCO exception to discuss various alternatives.

4.3.2 Provide funding to implement alternatives to the use of school disciplinary and zero-tolerance policies that result in school suspension or expulsion. (Prioritize schools in improvement.)

4.3.3 Provide funding for community-based programs that divert youth from the juvenile justice system.

4.3.4 Provide funding for local, community-based intervention programs that emphasize one or more of the following: truancy prevention; school engagement; conflict resolution; bullying prevention; gang prevention.

4.3.5 Provide continuation funding for sub-grantee projects previously approved which have demonstrated compliance and progress with their grant objectives.

Priority 5: Increasing family engagement and community involvement for youth

OJJDP Program Area Codes and Titles:

- Aftercare/reentry (1)
- Community-based programs and services (5)

Goal 5.1:

To increase and strengthen family engagement and community involvement for youth while in detention, a correctional center, on probation/parole, or in a prevention, diversion, or transitional program.

Objectives:

5.1.1 Provide funding for projects which increase and strengthen family engagement for youth who are in custody, on probation/parole, or in a diversion program.

5.1.2 Provide funding for projects which increase and strengthen community involvement for youth who are in detention, a correctional center, on probation/parole, or in a diversion program.

5.1.3 Provide continuation funding for sub-grantee projects previously approved that

have demonstrated compliance and progress with their grant objectives.

State Advisory Group (Advisory Committee on Juvenile Justice and Prevention)

OJJDP Program Area Codes and Titles: -
State advisory group (32)

Goal 6.1:

To support and promote youth development, the prevention of juvenile delinquency, and the needs of juveniles involved in the criminal justice system.

Objectives:

6.1.1 Provide information for Advisory Committee members at each meeting on juvenile justice and delinquency prevention topics.

6.1.2 Sponsor trainings and conferences.

6.1.3 Monitor current issues and related activity in Virginia, like fairness in the juvenile justice system, human trafficking, and crossover youth.

6.1.4 Identify ways to encourage a stronger “voice” from youth.

6.1.5 Ensure the development of new projects across the Commonwealth that address priority areas.

6.1.6 Ensure that juveniles in the juvenile justice system are safe and treated in accordance with the JJDP Act.

Administration

OJJDP Program Area Codes and Titles: -
Planning and administration
(23)

Goal 7.1:

To administer and coordinate activities as they relate to the JJDP Act.

Objectives:

7.1.1 Ensure that Virginia complies with all JJDP Act and federal administrative mandates and requirements.

7.1.2 Identify and promote effective programs and services, ensuring that all grantfunded projects have strong accountability measures and are evidence-based.

7.1.3 Maintain a financial management process for managing JJDP Act funds responsibly.

7.1.4 Provide input and support to the Secretary of Public Safety and Homeland Security, as well as other state agencies, legislative groups, and the judiciary, on efforts to improve the juvenile justice system in Virginia.

7.1.5 Provide information, technical assistance, and support to child-serving professionals on issues related to juvenile justice and delinquency prevention.

7.1.6 Sustain a state advisory group (Advisory Committee on Juvenile Justice and Prevention).

DCJS reviews ACJJP membership annually, reports membership to the Governor's Secretary of the Commonwealth, and makes recommendations on individuals to fill the membership seats as mandated by the JJDP Act.

As previously noted, DCJS meets the requirements to adequately staff and administer the JJDP Act funds. DCJS staff ensure that Virginia complies with the requirement that not less than 75% of funds available to the state, whether expended directly by the state, by units of local government, or by a combination, or through grants and contracts with public or private nonprofit agencies, are used for programs and projects as required by §223 42 U.S.C. 5632.²² DCJS' Research Center is the Statistical Analysis Center for Virginia, and as such, has the capacity to provide research, training and evaluation. Throughout the grant process, we strive to ensure fairness and that youth are treated equitably on the basis of gender, race, family income, and disability. The other assurances in place by DCJS also remain in place.

Other assurances:

- Our grant conditions require subrecipients to comply with federal and state confidentiality requirements and all regulations, including those of the Social Security Administration.
- Virginia is a right to work state, and thus does not have unions.

²² Juvenile Justice and Delinquency Prevention Act of 2002, p.16.

- Welfare and social service agencies are in frequent contact with the Juvenile and Domestic Relations (JDR) District Court in certain types of cases and perform investigations in child abuse and neglect cases. This includes local Departments of Social Services which are supervised by Virginia's Department of Social Services, and may also be involved in court ordered placements outside of the home.
- *Code of Virginia* §16.1-273 states that the JDR Court or Circuit Court may require an investigation of social history and preparation of victim impact statements. *Virginia Administrative Code* Section 6VAC35-150-336 states that a social history shall be prepared in accordance with approved procedures when ordered by the court, for each juvenile placed on probation supervision with the unit, for each juvenile committed to the Department of Juvenile Justice, for each juvenile placed in a postdispositional detention program for more than 30 days pursuant to §16.1-284-1 of the *Code of Virginia*, or upon written request from another unit when accompanied by a court order. The social history may include identifying and demographic information, current offense and prior court involvement, social medical, psychological, and educational information about the juvenile, information about the family, and dispositional recommendations if permitted by the court.
- Section 16.1-281 of the *Code of Virginia* assures juveniles foster care protections under the Social Security Act.
- Virginia's Child Protection Accountability System is established in *Code of Virginia* § 63.2-1530 and makes information by locality on cases from the Juvenile and Domestic Relations District Courts' Case Management System available.
- Our grant conditions govern fiscal control and accounting procedures and require subgrantees to follow the Virginia Procurement Act.
- Grant guidelines and awards include nonsupplanting language.
- Our grant guidelines have required replication of model or evidence-based programs or strategies for many years, and indicate that continued funding is based in part on performance.
- Our grant guidelines ask applicants to state how the proposed plan meets a need identified locally.
- Funds were not made to reduce the caseload of probation officers within units of general local government.
- DJJ standards and policy govern the incorporation of child welfare records in the juvenile justice case.
- Virginia has signed and completed The Financial Management and Internal Controls questionnaire, which couples the application packet and has been signed by the chief financial officer (CFO) at DCJS.
- Virginia affirms that any assistance provided under this Act will not cause the displacement of any currently employed employee; activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would

be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.

D. Implementation (Activities and Services)

Specific activities to be accomplished during the three-year planning period are identified for each goal and objective. The status of activities is tracked throughout the three-year period. Status reports are presented to the ACJJP and used when determining new priorities and projects.

Status of Reform Efforts and Specific Issues

Youth in Confinement

Virginia assures that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, disability; this is practiced by DJJ. As has been noted, Virginia has made tremendous progress in reducing the number of youth entering the juvenile justice system. Arrests and intakes have decreased, and commitments to state direct care have declined significantly. In the past ten years, DJJ has implemented a Detention Assessment Instrument to help ensure research-based, objective decision making at intake, as well as the YASI™ (Youth Assessment and Screening Instrument). DJJ is furthering its reform efforts and undergoing a system transformation which began in 2014. Helping guide the transformation is the Annie E. Casey Foundation (AECF), which continues to work with DJJ in reviewing processes, staffing, and organization. Collectively, DJJ and AECF have given support and been able to implement core elements of the transformation including:

- the Community Treatment Model (CTM);
- student government association (SGA);
- re-entry reform;
- the statewide continuum of services and supports;
- the Justice Transformation Institute (JTI); and
- data-driven, structured decision-making tools.²³

As part of the transformation, the length-of-stay guidelines for youth in state care were revised on October 15, 2015 by the Board of Juvenile Justice, significantly reducing the most commonly assigned length of stay from 12-18 months to 6-9 months.²⁶

Several of the goals, objectives, and activities described for the Title II funding, such as those tied to reentry, complement these reform efforts. Within the allowable limits, funds may be used to help implement state-level reform efforts. However, funds awarded to

²³ Virginia Department of Juvenile Justice *Transformation Plan 2017 Update*, p25. ²⁶ Virginia Department of Juvenile Justice *Transformation Plan 2017 Update*, p3.

localities often support state-level efforts by implementing supports and services needed at the local level.

Positive School Discipline

DOE is engaging in reform efforts, though somewhat differently than DJJ. Unlike DJJ, DOE does not have direct operational control. School divisions are locally operated under elected school boards and division superintendents. The state department has limited direct authority. To encourage change, DOE provides training, information, and incentives. The Department has greater influence over schools demonstrating the poorest testing results. Data shows that these schools are often also highest in crime and discipline reporting, school absences, out-of-school suspensions, and DMC. Several initiatives are underway to promote positive school climate, focus on social/emotional well-being, and reduce out-of-school suspensions, the leading indicator of school dropout rates and school-to-prison pipeline concerns. Funding, training, and other supports are in place for Positive Behavior Interventions and Supports (PBIS), Virginia Tiered Systems of Support (VTSS), and Project Advancing Wellness and Resilience Education (Project AWARE). In addition to these initiatives, DOE provides training on school climate and restorative practices; training on working with special education populations and DMC issues; and, participated in the Children's Cabinet, leading a workgroup focusing on the most challenging schools.

Several of the goals, objectives, and activities described for the Title II funding, such as DMC, complement these reform efforts. Within the allowable limits, funds may be used to help implement state-level reform efforts. However, funds awarded to localities often support state-level efforts by implementing supports and services needed at the local level.

Our DMC efforts are designed to reduce disproportionality, without reference to numeric quotas.

Two localities were awarded Title II continuation funds to reduce disproportionate suspension and expulsion of minority youth in their school systems. DOE continues its efforts described above in this area and in addition has implemented VTSS in twentyseven school divisions and has extended access to VTSS coaches.

DSS

For several years, DSS has been working on a transformation plan specific to youth in foster care. Though Virginia has a low number of youth placed in foster care compared to the national average (2.5 per 1,000 compared to 5.6 per 1,000 nationally), the percentage of youth aging out is the highest in the nation at 21.2%. Virginia also has one of the highest average wait times between the termination of rights from the original guardians and

finalization of adoption. Virginia is second in the nation for longest wait time in foster care, behind only Rhode Island.²⁴

As part of the transformation, laws in Virginia have changed to allow youth under foster care more time in independent living. In 2017, the General Assembly extended the age a youth may stay under foster care. Efforts are underway to fill gaps created when a youth is committed to DJJ direct care and leaves foster care.

DSS is progressing with foster care funding for transition aged youth in DSS custody.

PREA

Virginia is currently compliant with the PREA requirements.

Gender-Specific Services

State and local agencies are sensitive to the need for gender-specific services and provide them where possible. DJJ offers gender-specific reentry services for those in direct care. Sub-grantees occasionally apply for gender-specific prevention or intervention services and funds have been approved based on the strength of the applications. In 2017, DCJS provided continuation grant funding through Byrne/JAG funds to two gender-specific programs, one for boys and one for girls. It is anticipated that opportunities to expand gender-specific services throughout the state will be sought throughout this plan period.

Rural Areas

Rural areas are given consideration when reviewing applications in sub-grant solicitations and efforts are made to ensure that funding awards are distributed geographically when applications exceed funding limitations.

Mental Health Services

Mental health services continue to be a funding priority in Virginia. Mental health services are provided by DJJ to youth in state custody through DJJ's behavioral services unit (BSU).

In 2017, three local behavioral health agencies applied for and were awarded new and continuation funds to support evidence based prevention programming. DCJS anticipates the need for funding to support mental health services will remain, as the issue is ongoing. DCJS provides technical assistance on evidence-based practices to staff and stakeholders as needed.

²⁴ Virginia Performs, <http://www.vaperforms.virginia.gov/indicators/healthFamily/fosterCare.php>.

E. Plans for Compliance and Monitoring

Plans for compliance and monitoring were submitted separately from the other plan elements as required by OJJDP. Included within the submitted plans are plans for:

1. Compliance with the first three core requirements;
2. Compliance monitoring for the first three core requirements; and
3. Compliance with the DMC core requirement.

Other supporting documentation is also included.

F. Additional Requirements

(1) SAG Membership

Pursuant to Section 223(a)(3)(A) of the JJDP Act, the state advisory group shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state. The JJDP Act identifies specific membership requirements including: “at least one member shall be a locally elected official representing general purpose government; at least one-fifth of the members shall be younger than 24 years at the time of appointment; at least three members shall have been or currently be under the jurisdiction of the juvenile justice system; and a majority of the members, including the chairperson, shall not be full-time employees of federal, state, or local government”.²⁵ The ACJJP serves as the state advisory group and is established in accordance with the *Code of Virginia* (§9.1-111). The majority of members are appointed by the Governor. Ex-officio members are specified in the *Code of Virginia* or appointed by the state legislature. The ACJJP is not a supervisory board, but strictly advisory in its capacity. The supervisory board is the Criminal Justice Services Board (CJSB), a separate board appointed by the Governor for the Department of Criminal Justice Services. Three members of the CJSB serve as cross-over members to the ACJJP.

An updated SAG membership roster follows.

²⁵ 42 U.S.C. 5633 § 223 (2002).

Gubernatorial Appointees (as of April 20, 2018)

	Name	Represent s+	F/T Gov't	Youth Member	Current Appoint Date	Residence
1	Lena "Shelly" Baker-Scott	D, G, H			08/28/15	Suffolk
2	Marilyn Brown	B, C	X		8/1/14	Richmond
3	Nancy Campos			X	9/2017	Richmond
4	Lorenzo Collins	D, E			9/20/17	Glen Allen
5	Uley Damiani	B	X		1/30/15	Alexandria
6	John Dougherty	E, F, G, H			9/20/17	Richmond
7	Keith Farmer	D, E			9/20/17	Roanoke
8	Leah Ganssle			X	9/20/17	Richmond
9	Joseph L. Gong	C	X		9/20/17	Goode
10	Anthony L. Jackson	B	X		9/20/17	Richmond
11	David Johnson*	B	X		8/14/15	Henrico
12	Alyssa Jones			X	9/20/17	Suffolk
13	Julie McConnell	B			8/14/15	Richmond
14	Regina O'Brien	D			8/1/14	Stephens City
	Name	Represent s+	F/T Gov't	Youth Member	Current Appoint Date	Residence

15	Samuel A. Perez	D, E			9/20/17	Manassas
16	Toni Randall	B	X		9/20/17	Glen Allen
17	C. Shane Ringressy			X	8/1/14	Blacksburg
18	Lawrence Webb	A, C, G			8/14/15	Falls Church
19	Rick White*	C	X		11/30/17	Chesapeake
20	Elaine Williams			X	9/20/17	Richmond
21	Amy Woolard	D			8/15/15	Charlottesville

Ex-Officio Members

	Name	Represents +	F/T Gov't	Youth Memb er	Current Appoint Date	Location
22	Delegate Christopher Head				Ex-Officio	
23	Commissioner, Dept. of Social Services	C, H	X		Ex-Officio	Richmond
24	Director, Dept. of Juvenile Justice*	B, C	X		Ex-Officio	Richmond
25	Commissioner, Dept. of Behavioral Health and Developmental Services	C	X		Ex-Officio	Richmond
26	Senator Bryce Reeves				Ex-Officio	
27	Superintendent of Public Instruction	C, G, H	X		Ex-Officio	Richmond

28	Commissioner, Dept. of Health	C, H	X		Ex-Officio	Richmond
----	-------------------------------	------	---	--	------------	----------

+Key: **A**-locally elected official representing general purpose local government; **B**-representatives of law enforcement and juvenile justice agencies; **C**-representatives of public agencies concerned with delinquency prevention or treatment; **D**-representatives of private nonprofit organizations; **E**-volunteers who work with juvenile justice; **F**-youth workers involved with programs that are alternatives to confinement, including organized recreational activities; **G**-persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; **H**-persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties child abuse and neglect, and youth violence.

*Also a member of the Department of Criminal Justice Services supervisory board.

Juvenile Justice System Representation: 3 of the above meet the juvenile justice jurisdictional provisions. For confidentiality purposes, they are not identified here.

(2) Formula Grants Program Staff

DCJS is an executive branch agency within the Secretariat of Public Safety and Homeland Security. The authority and responsibilities of DCJS are specified in Title 9.1, Chapter 1 of the *Code of Virginia*. Among its responsibilities, DCJS is designated as the planning and coordinating agency responsible for implementing and administering any federal programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention throughout the Commonwealth. (§9.1109, *Code of Virginia*) Through this authority, DCJS is responsible for administering the Title II Formula Grants Program and ensuring compliance with the JJDP Act.

Other Programs Administered by DCJS

DCJS administers a number of federal and state programs. Among these are:

Federal

- Byrne/Justice Assistance Grant Program
- Children’s Justice Act Program
- John R. Justice Grant Program
- Juvenile Accountability Block Grant Program (when funded)
- JJDP Act Title II Formula Grant Program
- JJDP Act Title V Delinquency Prevention Grant Program (when funded)
- Residential Substance Abuse Treatment (RSAT) Grant Program
- Victims of Crime Act (VOCA) Program
- Violence Against Women (V-Stop) Program

State

- Certified Crime Prevention Community Program
- Comprehensive Community Corrections Act/Pretrial Services Act
- Court-Appointed Special Advocates (CASA) Program
- Forfeited Asset Sharing Program
- Internet Crimes Against Children Program
- School Resource Officers/Security Grant Program
- Virginia Crime Prevention Center
- Virginia Center for School and Campus Safety
- Virginia Sexual Assault & Domestic Violence Victim Fund
- 599 Program (State formula grants to localities for law enforcement)

In addition to the federal and state programs listed, DCJS is responsible for law enforcement certification; licensure of private security agents/businesses, bail bondsmen, and locksmiths; and registration of tow truck drivers.

Staffing and Management Plan

The JJDP Formula Grant Program is managed by the Division of Programs & Services of DCJS. Information specific to the juvenile justice specialist and other juvenile justice and delinquency prevention staff follows:

- Ed Holmes is responsible for juvenile justice grants monitoring and related technical assistance to funded sub-grantees. He works closely with the juvenile justice specialist, and provides staff support to the grants subcommittee of the ACJJP. Onehundred percent of his time is devoted to juvenile justice and delinquency prevention related grants. His position is supported by Title II and JABG funds.
- Monica Jackson is Virginia's juvenile justice specialist and DMC coordinator and is responsible for: analyzing juvenile justice data; preparing and submitting the threeyear plan and annual updates for Title II funding; preparing the ACJJP annual report; monitoring legislation that could impact JJDP Act compliance; coordinating plans with the compliance monitor, grant monitor, and manager; working with the ACJJP; providing information and technical assistance on matters related to the JJDP Act; advising on grant solicitations and funding use; and coordinating on projects held in common with other state agencies. Her position is full time and supported by Title II. One-hundred percent of her time is devoted to juvenile justice and delinquency prevention efforts.
- Laurel Marks is the manager of the Juvenile Services Section in the Programs & Services Division and oversees the juvenile services work of the agency. Her position is full time and supported by Title II and other state general and federal funds.

Approximately 33% of her time is devoted to juvenile justice and delinquency prevention efforts. Ms. Marks is also responsible for child welfare and adult corrections programs administered by the agency.

- Candace Miles is the administrative assistant for the Programs & Services Division. She provides support as needed for juvenile justice matters related to the administration of the three-year plan and related juvenile justice funding streams. She also provides assistance for other matters within the division including adult and victim services. Her position is full time and supported by various federal and nonfederal funds. Approximately 10% of her time supports juvenile justice and delinquency prevention efforts.
- Kenneth Stables (up to 28 hours per week) and Curtis Stevens (up to 10 hours per week) are Virginia's compliance monitors, ensuring compliance with the JJDP Act, providing technical assistance as needed to help remain in compliance, and developing and submitting reports to OJJDP. One-hundred percent of their time is devoted compliance efforts. Their positions are supported by a Title II sub-grant.

(3) Performance Measures

DCJS understands OJJDP's performance measure reporting requirements and the process for reporting remain the same for subgrantees.

G. Additional Information

The primary source of juvenile justice data in Virginia is DJJ. The agency utilizes a functional management information system to maintain data on juveniles from the moment they enter the system at intake until they exit the system. Locally operated CSUs and detention facilities are required to utilize this system as well as state-run CSUs and direct care facilities.

DJJ accommodates requests from DCJS for data as needed for compliance monitoring, development and updates of the three-year plan, legislative analyses, and other special requests. Additionally, DJJ publishes an annual *Data Resource Guide*, containing valuable data on a statewide basis. This tool is used by state agencies and localities in a variety of ways.

Virginia state agencies responsible for maintaining data publish a number of reports online which are easily accessible. Additional data may be available through special requests if all collected data is not included in annual reports. The VSP provides DCJS with a copy of their raw data for in-house analyses.

Many of the barriers encountered in past years in collecting and analyzing data for the three-year plan have been overcome as data sources have improved their computerbased systems and the understanding of what is available has expanded. Organizations are constantly working to fill data gaps when they are identified.

The most notable barriers at this point tend to be in regard to time, and funding necessary to improve or enhance data collection efforts. Virginia operates on a July-June fiscal year. Following the end of a fiscal year, agencies begin the process of data cleaning and mining for year-end reports.

Agencies continuously review data for reliability and validity. When discrepancies are found, corrections may necessitate extensive work. Efforts to improve cross agency information efforts were heightened under the last gubernatorial administration and are anticipated to continue amongst partnering agencies and beyond.