



Virginia Juvenile Justice and Delinquency Prevention Three Year Plan

2024-2026
PROGRAM NARRATIVE

Date: July 2024

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PROGRAM NARRATIVE

A. DESCRIPTION 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 (*Code of Virginia § 9.1-102*). 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 Virginia 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 informally, he or she may 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 human services agency.

The Courts

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 Judicial Districts in Virginia served by 134

presiding judges.¹ 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 still 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 to circuit court under certain circumstances.

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 Virginia 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.

¹ Office of the Executive Secretary, Supreme Court of Virginia, 2023 Virginia State of the Judiciary Annual Report, p17

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 an individual service plan for the juvenile. 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.

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 a secure and highly structured state-run juvenile facility. Treatment approaches range from supervision of the youth in his or her home to intensive therapeutic intervention in a residential setting.

2. Analysis of Juvenile Delinquency Problems (Youth Crime) and Needs

Virginia spans a total of 42,763.5 square miles.² According to the U.S. Census Bureau, the estimated population for Virginia was 8,715,698 for 2023.³ The percentage of males and females in Virginia is almost evenly divided, with 49.4% of the population male and 50.6% female.⁴ The majority of Virginia residents are white, though the percentage distribution is lower than the national figure – 68.3% of Virginia residents are white. Black is the next largest racial category,

² Virginia State Profile, U.S. Census Bureau

³ Data Source: <https://www.census.gov/quickfacts/fact/table/VA,US/PST045223>

⁴ Data Source: <https://www.census.gov/quickfacts/fact/table/VA,US/PST045223>

making up 20% of Virginia's population. Persons under age 18 account for 21.6% of the population in Virginia.

The age group of particular concern regarding juvenile delinquency and prevention issues is the youth population ages 10 to 17. Numbering 872,912, this sub-population represents approximately 10% of the total population in Virginia.⁵ 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 on agency websites. Data is also generally available by locality. However, local data 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 (noted as "CY," referring to January 1 through December 31) or a state fiscal year basis (noted as "FY," referring to July 1 through June 30).

⁵ Data Source: <https://data.census.gov/table/ACSDT1Y2022.B01001>

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, both on a statewide basis and by police departments and sheriff's offices, are included in the VSP publication. A juvenile arrest is counted when an offense is committed and the circumstances are such that if the juvenile had been an adult, an arrest would have been made.

Arrests of juveniles reported in *Crime in Virginia* remains consistent with some slight variations amongst juvenile arrests. The below chart shows a 10% decline in juvenile arrests in Virginia over a three-year period.

Juvenile Arrest			
Year	2020	2021	2022
Total Arrest	9,281 ⁶	6,280 ⁷	8,354 ⁸

Regarding offenses, there has been little change in the top offenses⁹ for which juveniles are arrested when examining 2020 through 2022.

⁶ *Crime in Virginia 2020, Virginia State Police, p65*

⁷ *Crime in Virginia 2021, Virginia State Police, p65*

⁸ *Crime in Virginia 2022, Virginia State Police, p67*

⁹ Does not include "other offenses"

Juvenile Arrest Offenses		
2020 ¹⁰	2021 ¹¹	2022 ¹²
1. Simple Assault	1. Simple Assault	1. Simple Assault
2. Drugs/Narcotics	2. Larceny	2. Larceny
3. Larceny	3. Drugs/Narcotics	3. Drugs/Narcotics
4. Trespass	4. Destruction/Damage Property	4. Weapons Possession
5. Curfew Violations	5. Weapons Possession	5. Aggravated Assault
6. Destruction/Damage Property	6. Aggravated Assault	6. Shoplifting
7. Shoplifting	7. Curfew Violations	7. Trespass
8. Aggravated Assault	8. Trespass	8. Destruction/ Damage Property
9. Burglary/Breaking and Entering	9. Shoplifting	9. Robbery
10. Disorderly Conduct	10. Burglary/Breaking and Entering	10. Curfew Violations

ii. Intake

Juveniles are brought to the attention of intake officers based in Court Services Units (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 decide whether 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 results 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 complete reflection of juveniles entering Virginia's justice system than arrest data.

¹⁰ *Crime in Virginia 2020, Virginia State Police, p68-69*

¹¹ *Crime in Virginia 2021, Virginia State Police, P68-69*

¹² *Crime in Virginia 2022, Virginia State Police, p70-71*

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 continues to be 1.4 for FY23.¹³ Complaints have seen a steady increase from 2021 to 2023, from 26,367 in 2021, to 32,881 in FY 2022, and to 40,078 in FY 2023.¹⁴ The following table displays the breakdown of juvenile intakes from 2021 through 2023. Intakes have also seen a similar trend and have increased from 17,896 in FY2021, to 23,550 in FY2022, and to 28,586 in FY2023.

The gender, age and race distribution of juvenile intake cases have remained consistent during the past three years.

Juvenile Intake Case Demographics FY 2021-2023			
Demographics	2021	2022	2023
Race			
Asian	0.9%	1.1%	1.0%
Black	40.7%	41.1%	40.7%
White	49.3%	49.1%	47.9%
Other/Unknown	9.1%	8.7%	10.4%
Ethnicity			
Hispanic	11.1%	11.2%	13.7%
Non-Hispanic	66.0%	65.9%	63.6%
Unknown/Missing	22.9%	23.0%	22.7%
Sex			
Female	32.9%	35.4%	36.7%
Male	67.1%	64.6%	63.3%
Age			
8-12	7.7%	9.0%	39.6%
13	7.2%	9.5%	9.7%
14	12.0%	14.7%	14.8%
15	17.0%	18.5%	19.3%
16	23.5%	21.2%	21.7%
17	27.2%	23.0%	21.3%
<i>Total Juvenile Intake Cases</i>	<i>17,892</i>	<i>23,550</i>	<i>28,586</i>

¹³ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p13

¹⁴ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p18

Assessments/Evidence Based and data driven policies and programs

Risk assessments in Virginia's juvenile justice system primarily are used to make informed decisions based on what works as informed by research and data. Currently, there are two screening instruments commonly used in the Virginia juvenile justice system. The first screening instrument that is commonly used is the DAI. The DAI is used at the point of arrest and pre-detention. The purpose of the DAI is to ensure that youth who pose the most significant danger to public safety are detained at the point of arrest. The DAI also enforces alternative placements for youth who do not meet the threshold for secure confinement. The second most frequently used screening instrument is the Youth Assessment Screening Instrument (YASI). The YASI is administered during the initial intake and again at probation placement. The primary purpose of the YASI is to gather information to make informed decisions and to assist with the development of investigation reports and/or probation supervision planning. The YASI also incorporates a post-assessment to address changes in the initial risk assessment that may have occurred during supervision.

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, DJJ reports data by the most serious offense.

The top five delinquent offenses at intake were assault, larceny, vandalism, weapons, and other offenses in FY 2022.¹⁵ The majority of intakes for delinquent offenses were males, representing

¹⁵ Data source: Data Resource Guide FY2022, Virginia Department of Juvenile Justice, p21

64.6% of intakes.¹⁶ In FY 2022, black youth accounted for 41.1% and white youth 49.0% of delinquent intakes.¹⁷ In FY 2023, 40.7% of juvenile intake cases were for black youth and 47.9% for white youth.¹⁸ Males continue to make up the majority of the juveniles with delinquency cases, at 63.3% of this population.¹⁹ In 2022, the average age of juvenile intake cases was 15.6 years of age.²⁰ In FY 2023, the average age for juvenile intake cases was 15.5.²¹

Status Cases

Status cases include children in need of services (CHINS), children in need of supervision (CHINSup, which includes runaway and truancy complaints), and curfew violations. Because cases are classified by their most serious offense, intakes classified as status cases have only status complaints. Status intake offenses account for 22.6% of juvenile intake cases and 9% of probation placements in FY 2023.²²

The chart below provides an overview of the total number of juvenile complaints for status offense categories (CHINS/CHINSup) for the years of FY 2021, FY 2022, and FY 2023.

Juvenile Complaint Status Offense Category			
Offense/Year	CHINS/CHINSup 2021	CHINS/CHINSup 2022	CHINS/CHINSup 2023
Total #	4,698	6,674	8,325
Percentage of Total Complaints	3.4%	4.5%	5.3%

¹⁶ Data source: Data Resource Guide FY2022, Virginia Department of Juvenile Justice, p19

¹⁷ Data source: Data Resource Guide FY2022, Virginia Department of Juvenile Justice, p19

¹⁸ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p19

¹⁹ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p19

²⁰ Data source: Data Resource Guide FY2022, Virginia Department of Juvenile Justice, p19

²¹ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p19

²² Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p21

iii. Case Disposition

Cases can be diverted, petitioned, or resolved in another manner (such as returned to probation supervision, determined to be an unfounded complaint, returned to out-of-state supervision, or disposed of by consent agreement). During FY 2023, 17.7% of complaints resulted in a diversion plan and 6.9% were resolved.²³ A petition was filed for 66.8% of the juvenile intake complaints.²⁴

Diverted and Petitioned Delinquent Cases

The use of diversion for delinquency intake cases has remained 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.

Court Disposition

The average length of time from intake to adjudication was 161 days in FY 2022. Data for 2023 is not available due to pending adjudications.²⁵ Once a case is petitioned and goes to court, judges have several options available to them. Detailed information on post-dispositional 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 FY 2023, there were 2,171 new juvenile probation placements.²⁶ This number is an increase from 1,543 new juvenile probation placement made in 2022.

²³ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p13

²⁴ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p18

²⁵ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p22

²⁶ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p19

iv. Detention and State Direct Care Admissions

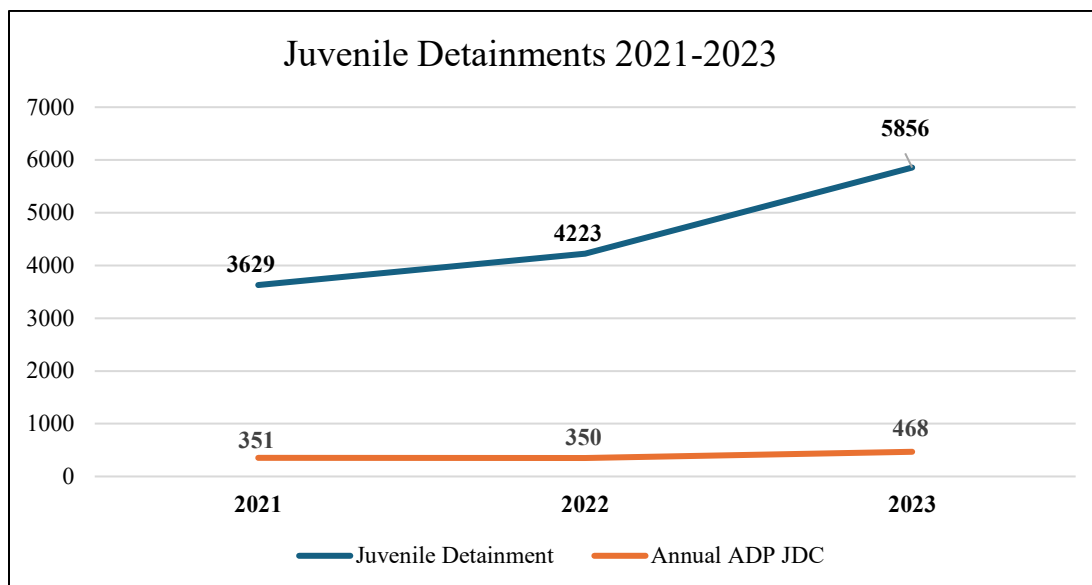
Secure Detention

Secure detention facilities provide pre-dispositional temporary confinement for juveniles who are awaiting adjudication, disposition, or placement, as well as post-dispositional (post-D) confinement for certain adjudicated juveniles. Over the years, efforts have been made to reduce reliance on detention in Virginia. As mentioned previously, detention decisions by intake officers are guided by the DAI screening tool. All juvenile detention centers provide post-D detention without programs for up to 30 days, while some provide post-D detention with programs for up to 180 days for most offenses pursuant to the *Code of Virginia* § [16.1-284.1](#). Out of 1,144 certified JDC beds on the last day of FY 2023, 226 beds were dedicated to post-D detention with programs.²⁷

Virginia has seen an increase in juvenile detainments, rising 61% from 3629 in FY 2021 to 5,856 in FY 2023.²⁸

²⁷ Data source: *Data Resource Guide FY2023, Virginia Department of Juvenile Justice*, p35

²⁸ Data source: *Data Resource Guide FY2023, Virginia Department of Juvenile Justice*, p66



The demographics of the detention center population in FY 2022 shows that the age group most represented in detention centers is juveniles ages 16 through 18. This correlates to the arrest data previously presented.

Juvenile Detention Center Demographics

Demographics	2021 ²⁹	2022 ³⁰	2023 ³¹
Race			
Asian	0.8%	0.6%	0.7%
Black	56%	55.2%	53.9%
White	34%	37%	36.9%
Other/Unknown	7.4%	7.2%	8.5%
Ethnicity			
Hispanic	12%	12.5%	15%
Non-Hispanic	73%	74.4%	72%
Unknown/Missing	13.4%	13.1%	12%
Sex			
Female	22%	23.2%	24%
Male	77.4%	76.8%	75%
Age			
8-12	2.4%	2.6%	4.1%
13	5.0%	6.4%	7.1%

²⁹ Data source: Data Resource Guide FY2021, Virginia Department of Juvenile Justice, p38

³⁰ Data source: Data Resource Guide FY2022, Virginia Department of Juvenile Justice, p36

³¹ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p36

14	12%	13.3%	14.4%
15	20%	20.3%	22%
16	27%	26.3%	24%
17	32%	30.6%	27%
18	0.2%	0.5%	0.2%
Total	3,212	4,226	5,856

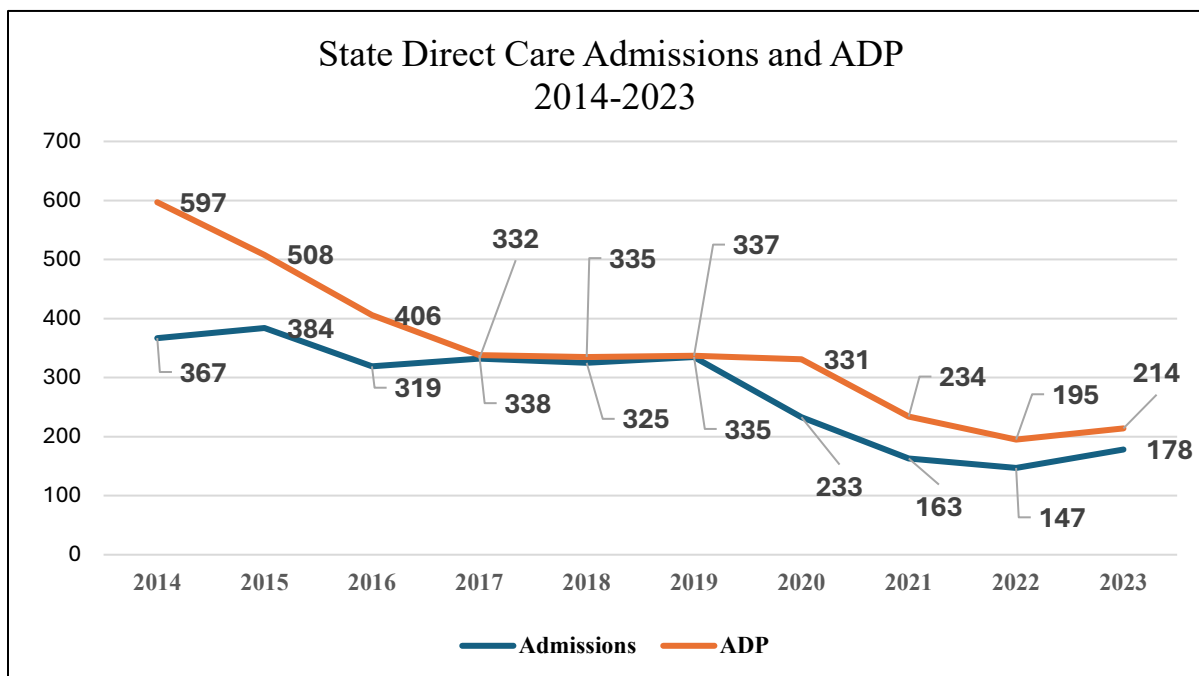
State Direct Care

DJJ utilizes multiple placement options for youth in direct care. As of June 30, 2023, DJJ operates just one juvenile correctional center (JCC), Bon Air JCC, with an operating capacity of 220 beds.³² Additionally, DJJ contracts with seven juvenile detention centers for an additional 78 beds through their Community Placement Program, which allows certain juveniles in the care of DJJ to be housed closer to home. DJJ implements direct care programs to ensure that committed youth receive effective treatment and educational services. Depending on the youth's individual needs, youth may be assigned to one or more treatment programs to include aggression management, substance abuse, and sex offender treatment. Although treatment needs generally are identified during the evaluation process, a youth can be reassessed at any time while in direct care.

The number of juveniles admitted to state direct care has declined considerably, with a 64% reduction in average daily population (ADP) between FY 2014 and FY 2023.³³

³² Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p41

³³ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p66



v. Other Information, Conditions, and Data

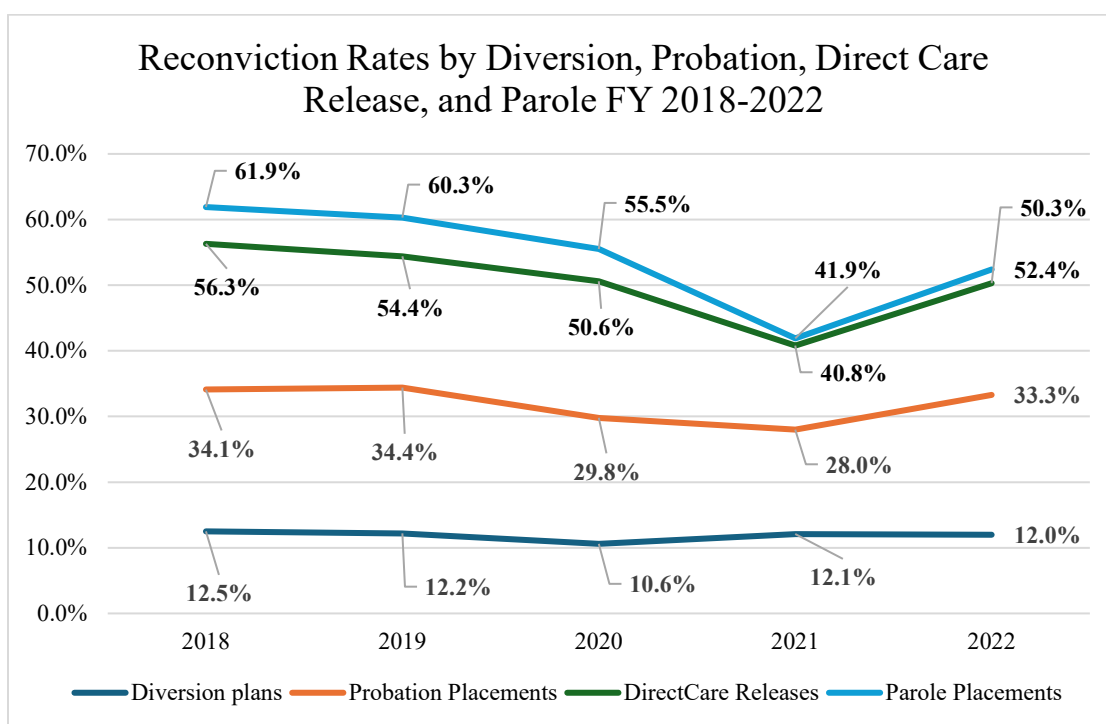
Virginia bears the burden of the majority of expenditures for juvenile justice. Thus, DCJS has been granted a waiver of the requirement that 66 2/3 percent of funds received by the state be passed through as subawards. DCJS is requesting that waiver again.

Recidivism

Recidivism is an important measure to consider when determining adult or juvenile correctional priorities. DJJ reports on the re-arrest, re-conviction, and re-incarceration 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. Each year, the re-offense data are updated for the entire sample. Rates may increase when re-examined next year because of updated final case dispositions. Due to cases

still pending at the time of analysis, re-conviction and re-incarceration rates for FY 2022 groups are unavailable.

Rates for juveniles released from the direct care of DJJ and re-convicted for a new offense occurring within 12 months have fluctuated since 2018, most likely due to the impact of the COVID-19 pandemic. While most re-arrest frequencies increased in FY 2022, these percentages remained slightly lower or comparable to the pre-pandemic levels (i.e., FY 2018 and FY 2019).³⁴



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,

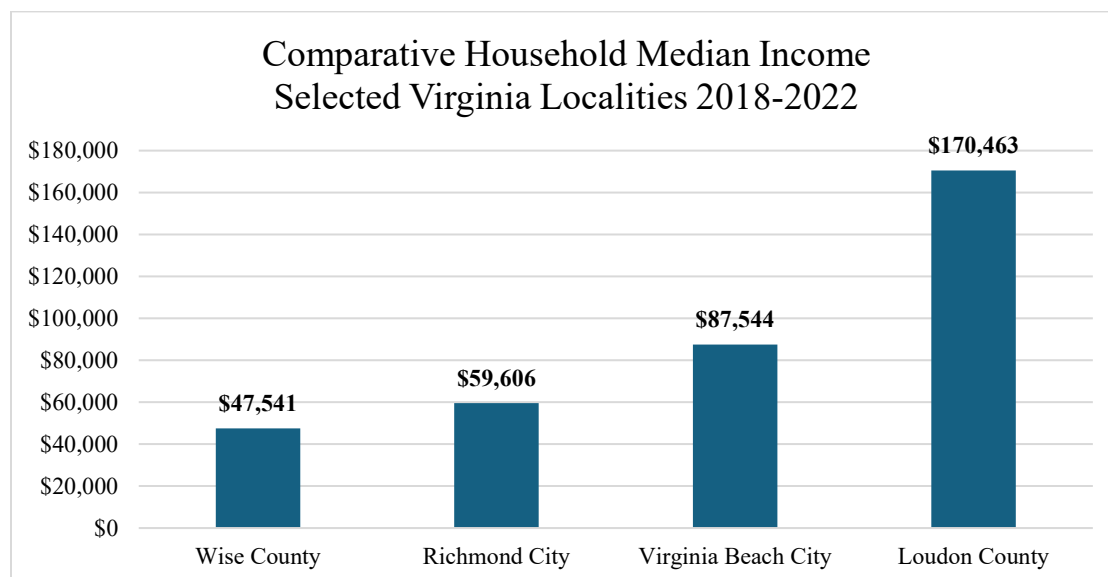
³⁴ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p76-78

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 the direct care average daily population to continue to increase through 2027.³⁵

Socioeconomic Indicators

The U.S. Census Bureau reports the median household income in Virginia at \$87,249 for the 2018–2022 period, which is \$12,100 higher than the national average.³⁶ 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.³⁷



³⁵ Data source: Data Resource Guide FY2023, Virginia Department of Juvenile Justice, p69

³⁶ Data source: <https://www.census.gov/quickfacts/fact/table/US/PST045222>

³⁷ Data source: <https://www.census.gov/quickfacts/fact/table/US/PST045222>

Perceptions from the Field

As part of the three-year planning process, DCJS hosts a planning session with the state advisory group (SAG), the Virginia Advisory Committee on Juvenile Justice and Prevention (ACJJP). The ACJJP is established as an advisory committee in the executive branch of state government. It is responsible for advising and assisting the Criminal Justice Services Board (CJSB), DCJS, all agencies, departments, boards, and institutions of the Commonwealth, and units of local government, or combinations thereof, on matters related to the prevention and treatment of juvenile delinquency and the administration of juvenile justice in the Commonwealth, as established by § [9.1-111](#) of the *Code of 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. This past year, the Grants Committee members received full applications from the last solicitation and discussed them at length prior to recommendations going to the Criminal Justice Services Board.

B. GOALS AND OBJECTIVES

Every three years, DCJS and the ACJJP identify priority areas on which to focus based on data trends and recommendations. The order of priorities is revisited annually, during the three-year

planning period or the update period. This year an ad hoc subcommittee of the ACJJP was formed to examine data, trends, and hear from system involved youth on matters relating to juvenile justice. This subcommittee presented the priority areas to the full committee for its approval.

The priority order for the first year of the 2024–2026 period is as follows:

- 1. Compliance monitoring and improvement.**
- 2. Serving youth and system-involved youth in their home communities.**
- 3. Increasing family engagement and community involvement for youth.**

These priorities are expected to guide activities for the following three state fiscal years but are revisited annually. Changes are reported in annual plan updates.

Compliance Monitoring

Virginia is committed to adhering to the Juvenile Justice and Delinquency Prevention (JJDP) Act and has consistently met the four core requirements, as demonstrated by compliance determination letters sent to the Department of Criminal Justice Services (DCJS). The four core requirements are:

1. Deinstitutionalization of Status Offenders
2. Separation of Juveniles from Adult Offenders
3. Removal of Juveniles from Adult Jails and Lockups
4. Addressing Racial and Ethnic Disparities (RED)

Monitoring Process

The compliance monitoring process includes a thorough review of data and on-site inspections of secure juvenile detention centers, juvenile correctional centers, jails, lockups, and court holding facilities. Given the number of youth and facilities in Virginia, potential violations are possible. A robust compliance monitoring process is essential for maintaining adherence to the core requirements.

Compliance Monitors

DCJS has designated three part-time compliance monitors whose combined efforts equate to slightly more than a full-time equivalent, solely focused on ensuring compliance with the first three core requirements of the JJDP Act. These monitors perform compliance activities, including data analysis, record reviews, and on-site inspections throughout the year. Their duties also encompass providing ongoing technical assistance, answering questions, and offering guidance to facilities across Virginia regarding best practices for complying with the JJDP Act's core requirements.

Technical Assistance and Resources

During on-site visits, compliance monitors provide detailed technical assistance and share resources. They are also available to assist facilities throughout the Commonwealth, as needed. Additionally, DCJS maintains a website with information about the JJDP Act and compliance requirements, serving as a valuable resource for facilities.

Collaboration and Strategy Development

The compliance monitors work closely with the juvenile justice manager and the juvenile justice specialist to assess Virginia's compliance level and develop strategies to address any potential violations. This proactive approach ensures that issues are resolved before they become significant compliance problems.

Priority of Compliance Monitoring

Given the critical importance of the four core requirements to the safety and well-being of juveniles in the criminal justice system, compliance monitoring is a high priority for the Advisory Committee on Juvenile Justice and Prevention (ACJJP). Maintaining compliance is also a condition of receipt of federal funds.

Through a diligent compliance monitoring process and the dedicated efforts of the DCJS team, Virginia remains committed to meeting the JJDP Act's core requirements, ensuring the safety and well-being of juveniles involved in the criminal justice system. When new guidance is offered that may put Virginia's compliance in question, the monitors collaborate to address and minimize the potential negative impact.

Serving youth and system-involved youth in their home communities.

Virginia has made tremendous strides in reducing the number of youths 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.

The data review and analysis, stakeholder survey, and experience of 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:

- Funding and supporting interventions and strategies that emphasize and build upon the assets of identified strengths.
- Funding and enhancing access/connectivity to behavioral health interventions, and other applicable programming such as substance use treatment, mental health services, and services to youth with disabilities.
- Supporting activities which promote evidence-based prevention programs and strategies for youth and families.

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

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 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.

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.

Priority 1. Compliance monitoring and improvement.	
Program Goals	<ul style="list-style-type: none"> To maintain Virginia’s compliance with the following core requirements of the JJDP Act: <i>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.</i> To reduce the use of detention for status offenders violating valid court orders (VCO exception”)
Program Objectives	<ul style="list-style-type: none"> Monitor facilities for compliance with the JJDP Act and provide training and technical assistance to facility staff and other as necessary on achieving and maintaining compliance. Address JJRA of 2018 requirements for jail removal core requirement. Allocate Title II funds to localities to enhance and implement compliance monitoring functions. Through funding, training and technical assistance opportunities, support and expand the array of community-based alternatives for status offenders. Continue to work with stakeholders to address strategies to reduce the use of the VCO exception.
Priority 2. Serving youth and system-involved youth in their home communities. (Prevention)	
Program Goals	<ul style="list-style-type: none"> Identify programs, both inside and outside Virginia, as models. To serve youth and system-involved youth in their home communities
Program Objectives	<ul style="list-style-type: none"> Fund and support interventions and strategies that emphasize and build upon the assets of identified strengths. Fund and enhance access/connectivity to behavioral health, interventions, and other applicable programming such as substance use treatment, mental health services, and services to youth with disabilities. Support activities which promote evidence-based prevention programs and strategies for youth and families.
Priority 3. Increasing family engagement and community involvement for youth. (Intervention)	
Program Goals	<ul style="list-style-type: none"> Increase and strengthen family engagement and community involvement for youth
Program Objectives	<ul style="list-style-type: none"> Provide funding for community-based programs that divert youth from the juvenile justice system. Provide funding for local juvenile justice prevention intervention, and reentry programs. Support activities which promote evidence-based prevention programs and strategies for youth and families.

C. PROJECT DESIGN AND IMPLEMENTATION

Throughout the grant process, DCJS strives to ensure fairness and equitably treatment of youth on the basis of gender, race, family income, and disability. Specific activities to be accomplished during the three-year plan 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. DCJS understands OJJDP's performance measure reporting requirements and the process for reporting remains the same for subgrantees. Subgrantees will continue to report directly to DCJS through the DCJS Online Grants Management System (OGMS). Data is aggregated annually as required by OJJDP, and entered in JustGrants; DCJS will verify the data reported. Reporting will be handled in a timely manner.

Continuum of Care

In 1995, the Virginia General Assembly passed the Virginia Juvenile Community Crime Control Act (VJCCCA) “to establish a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs.” (*Code of Virginia*, §16.1-309.2) The purpose of the VJCCCA is “to deter crime by providing community diversion or community-based services to juveniles who are in need of such services and by providing an immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending.”

Participation in VJCCCA is voluntary. To receive funding, the locality must submit a plan to DJJ for approval. The amount of funds received is determined by a process identified in § 16.1-309.7 of the *Code of Virginia*.

Another service option employed to expand the continuum of services and alternative placements is the DJJ Regional Service Care Coordination Model (RSC). RSC offer programs and treatment needs to divert youth from further involvement in the juvenile justice system, provide appropriate dispositional options for youth under supervision, and enable successful reentry upon committed youths' return to the community. The work of the RSC is divided using DJJ's administrative regions. The RSC support DJJ's continuum of services by managing centralized referrals, service coordination, quality assurance, billing, reporting, and assessing existing programming.

Regional Service Care Coordination Model Descriptions

Assessments/Evaluations: Services conducted by a qualified professional utilizing a tool or series of tools to provide a comprehensive review with the purpose to make recommendations, provide diagnosis, identify strengths and needs, risk level, and/or describe the severity of symptoms	Mental Health Evaluation
	Substance Abuse Evaluation
	Trauma Evaluation
	Psychosexual Evaluation
	Psychological Evaluation
	Other Assessment/Evaluation
Case Management: Coordination of services to assist youth and families with behavioral/mental health problems in gaining access to needed medical, social, educational, and other services	Mental Health Case Management
	Substance Abuse Case Management
	Wraparound Intensive Care Coordination
	Other Case Management
Clinical Services: Treatments provided to individuals on an individual, group, or family basis	Individual or Group Therapy <ul style="list-style-type: none"> • Anger Management Therapy/Treatment • Dialectical Behavior Therapy (DBT) • Eye Movement Desensitization and Reprocessing (EMDR) • Substance Abuse Therapy • Trauma Focused Cognitive Behavioral Therapy (TFCBT) • Therapy for Youth with Sexualized Behavior (YSB) • Other Individual Therapy • Family Therapy • Functional Family Therapy (FFT) • Multisystemic Therapy (MST)
Non-Clinical Services: A broad array of services targeted to provide (non-clinical) intervention and support, and/or training in various community settings to build natural supports and functional skills, to progress towards autonomy, attain/sustain within the community, and assist youth in effecting behavior change (e.g., skill-based, vocational)	Anger Management Education
	Employment / Workforce Services
	Gang Intervention Services
	Parent Training
	Skill Coaching / Life Skills
	Substance Abuse Education
	Youth With Sexualized Behavior (YSB) Psychoeducation
	Other Education Services
Monitoring Services Services utilized for monitoring youth in the community	Electronic Monitoring
	Electronic Monitoring w/ GPS

Problem Solving Courts

The Supreme Court of Virginia currently recognizes the following three types of specialty dockets: (i) drug treatment court dockets as provided for in the Recovery Court Act, §18.2-254.1, (ii) veterans treatment dockets, and (iii) behavioral health dockets (§18.2-254.3). A circuit or district court that intends to establish one or more types of these recognized specialty dockets must petition the Supreme Court of Virginia for authorization before beginning operations of a specialty docket. These specialized dockets are designed to fulfill local needs utilizing local resources. In Virginia there are three juvenile recovery courts, one behavioral health docket and five family recovery dockets.

Staffing and Management Plan

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

- Ed Holmes, a part-time employee working approximately 28 hours per week, 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. His time is solely devoted to juvenile justice and delinquency prevention related grants. His position is supported by Title II funds.
- Greg Hopkins is Virginia's juvenile justice specialist and RED coordinator and is responsible for: 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. His position is full time; 30% of his time is devoted to juvenile justice and delinquency prevention efforts. The remaining time, he serves as the Violent Crime Coordinator, supporting the work done through DCJS's Office of Safer Communities. His salary is fully supported with Office of Safer Communities state funds.

- Laurel Marks is the manager of the Juvenile and Child Welfare Section in the Division of Programs and Services and oversees the juvenile services work of the agency, which includes JJDP, Court Appointed Special Advocate (CASA) program, and the Children's Justice Act (CJA) program, and the work of the Office of Safer Communities. Her position is full-time and supported by state general funds. Approximately 50% of her time is devoted to juvenile justice and delinquency prevention efforts.
- Candace Miles is the administrative assistant for the Division of Programs and Services. 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.
- Tony Nelson (approximately 29 hours per week), Ken Stables (approximately 10 hours per week), and Curtis Stevens (approximately 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 to compliance efforts. Their positions are supported by a Title II sub-grant.

- Research and Policy Analyst (Vacant) responsible for analyzing juvenile justice data; preparing and submitting the three-year plan and annual updates for Title II funding; preparing the ACJJP annual report.

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 DJJ's direct care facility.

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 are not included in annual reports. The Virginia State Police 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 computer-based systems and the understanding of what is available has expanded. Organizations work to fill data gaps when they are identified. Virginia operates on a July to June fiscal year.

Following the end of a fiscal year, agencies begin the process of data cleaning for year-end reports. Agencies continuously review data for reliability and validity. When discrepancies are found, corrections may necessitate extensive work.

Appendix

Appendix. Compliance with the JJDP Act Formula Grant State Plan Requirements [34 U.S.C § 11133(a), Section 223(a)]

Below each requirement is Virginia's response, or the respective page where the is addressed in the narrative.

Requirement (1): Provide a statement that the applicant for these funds is designated as the sole agency (Designated State Agency or DSA) for supervising the preparation and administration of the plan.

State Response: page 3

Requirement (2): Provide evidence that the DSA has or will have authority, by legislation, if necessary, to implement such plan in conformity with this part.

State Response: page 3

Requirement (3 A): Provide evidence that the SAG is in compliance with JJRA mandates regarding State Advisory Group composition and responsibilities.

State Response: see SAG Member Roster, submitted in Just Grants

Requirement (3 B): Provide a statement affirming that the SAG participated in the development and review of the state/territory's juvenile justice plan prior to submission [to the supervisory board for final action].

State Response: pages 19-20

Requirement (3 C): Provide a statement affirming that the SAG was afforded an opportunity to review and comment, not later than 45 days after submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the state agency designated under paragraph (1)

State Response: page 20

Requirement (3 D) (i): Provide a statement that the SAG advises the DSA and its supervisory board.

State Response: Virginia affirms that the SAG advises DCJS and the CJSB. Most notably, they advise on grant priorities and recommendations. Additionally, DCJS hosts policy conversations around juvenile justice, SAG representation is present.

Requirement (3 D) (ii): Provide a statement affirming that the SAG has and/or will “submit to the chief executive officer and the legislature of the state/territory at least every two years a report and including necessary recommendations regarding state compliance with the core requirements.”

State Response: Virginia has and/or will submit a biennial report to the Governor and the legislature.

Requirement (3 D) (iii): Provide a statement affirming that the SAG contacts and seeks regular input from juveniles currently under the jurisdiction of the juvenile justice system.

State Response: During each planning period Virginia SAG members are afforded the opportunity to participate in conversations with system-involved youth to discuss views on community resources, court programs, and positive youth development.

Requirement (3 E) (i): Provide a statement that the SAG advises on state/territory and local supervisory or criminal justice advisory board compositions, if applicable.

State Response: pages 19-20

Requirement (3 E) (ii): Provide a statement that the SAG reviews progress and accomplishments of projects funded under the state/territory’s three-year plan.

State Response: Virginia SAG regularly receives presentations from sub-grantees. In addition, the JJ Specialist and Grant Monitor keep the SAG updated on the award progress.

Requirement (4): Provide a statement affirming that the state/territory provided for the active consultation with and participation of units of local government or combinations thereof in the development of the state/territory plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the state/territory from making grants to, or entering into contracts with, local private agencies or the advisory group the state/territory’s three-year plan.

State Response: The SAG includes three locally elected officials, all of whom are active, contributing members.

Requirement (5): Unless waived [see OJJDP FY 2021 Title II Waiver Requirements for Pass-Through (Subawards)] to be submitted in JustGrants, provide a statement affirming that the state/territory will provide that at least 66 2/3 per centum of funds received under Title II, reduced by the percentage (if applicable) to meet 11133 (25) and funds made available to the SAG (d), to be expended through:

programs of units of local government or combinations thereof, to the extent the programs are consistent with the state plan; programs of local private agencies consistent with the state plan but only if such requests for funding by the local private agency was requested and denied funding from any unit of local government or combination thereof; programs of Indian Tribes that agree to attempt to comply with the core requirements (see further funding criteria in statute).

State Response: Because Virginia bears the burden of the majority of expenditures for juvenile justice, DCJS historically has been granted a waiver of the requirement that 66 2/3 percent of funds received by the state be passed through as subawards.

Requirement (6): Provide a statement that the state/territory will provide for an equitable distribution of the assistance received under section 222 [34 U.S.C. § 11132] within the state/territory, including in rural areas.

State Response: Virginia's SAG is committed to ensuring that funds are equitably distributed throughout the state. This is a priority when the SAG reviews Title II funding opportunities.

Requirement (7 A): Describe the findings of your state/territory's analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the state/territory (including any geographical area in which an Indian tribe has jurisdiction). See OJJDP's "Juvenile Problem/Needs Analysis Data Elements" document for examples of data elements which are not required but may inform the development of an analysis of juvenile problems and needs.

State Response: pages 6-18

Requirement (7 A): Describe the services to be provided related to the analysis and its findings conducted above.

State Response: pages 26-29

Requirement (7 A): Describe the manner in which funded programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) identified by the State/Territory.

State Response: pages 26-29

Requirement (7 A): Describe the state/territory's performance goals and priorities for funding.

State Response: Identified as one of the SAG's goals: page 25

Requirement (7 B) (i): Describe your state/territory’s analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services.

State Response: pages 23-28

Requirement (7 B) (ii): Describe the State/Territory’s plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency.

State Response: pages 23-28

Requirement (7 B) (iii): Describe the state/territory’s plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas.

State Response: pages 23-28

Requirement (7 B) (iv): Describe the state/territory’s plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system.

State Response: page 20-25 and 29

Requirement (7 B) (v): Describe the state/territory’s plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs.

State Response: page 10 and 13

Requirement (7 B) (vi): Describe the state/territory’s plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement.

State Response: Identified as one of the SAG’s goals: page 24-25

Requirement (7 B) (vii): Describe the state/territory’s plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system.

State Response: Identified as one of the SAG’s goals: page 25-27

Requirement (7 B) (viii): Describe the State/Territory’s plan to promote evidence-based and trauma-informed programs and practices.

State Response: pages 25 and 28

Requirement (7 B) (ix) (I): Describe the state/territory’s plan to eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless

1.credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others.

2.reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.

State Response: To ensure compliance with the Juvenile Justice Reform Act 2018, DJJ added language to the existing residential standards that bans the use of certain mechanical and physical restraints and the use of protective equipment on certain pregnant females.

Requirement (8): Provide a statement affirming the state/territory has met the requirement to provide for the coordination and maximum utilization of evidence-based and promising juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the state/territory.

State Response: DCJS is committed to funding evidence-based strategies and programs. Further, DJJ’s care coordinators fund evidence-based programs.

Requirement (9): Provide a statement that not less than 75% of the total Title II funds provided to the state/territory less the amount set aside for the SAG, shall be used for, through grants or contracts with priority in funding given to entities meeting the criteria for evidence-based or promising programs detailed through (A)-(W) (“Program Areas”). Details of the amount set aside for each program area are to be provided within the Title II Program’s Grant Budget documents.

State Response: Virginia dedicates 75% of its funding to program areas identified in the annual budgets that supports the three-year plan priority areas. Funding, historically, has been primarily used to provide evidence-based or promising prevention and intervention services that can address problems and build resilience and positive environments at the community level.

Requirement (10): Provide a statement and description of the capacity the state/territory has for, or plans to develop, an adequate research, training, and evaluation capacity within the state/territory.

State Response: The DCJS Criminal Justice Research Center collects and analyzes quarterly crime trends as authorized by the *Code of Virginia* (§ 9.1-102(25)) which states that DCJS shall “Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local

criminal justice system data users and provide analysis and interpretation of criminal justice statistical information.”

Requirement (11) (A): Provide a statement affirming that the state/territory complies with the deinstitutionalization of status offenders requirement.

State Response: Virginia affirms its steadfast compliance with the deinstitutionalization of status offender (DSO) requirement. Virginia does not employ the Valid Court Order Exception. Instances involving juveniles accused of violating a valid court order and non-offenders detained in secure facilities are all reported as violations.

Virginia does utilize exceptions such as the Possession of a Handgun and the Interstate Compact for runaway cases. These exceptions are applied judiciously within the state's framework. The DSO requirement, integral to maintaining a commitment to deinstitutionalization, is addressed in Virginia's compliance monitoring policy and procedures manual, specifically detailed in section 2.4.1.

Virginia anticipates being out of compliance due to updated guidance regarding the applicability of use of contempt charges against status offenders for violation of valid court orders. DCJS is actively working to address the issue of noncompliance.

Requirement (11) (B): Provide a statement affirming that the state/territory complies with the interest of justice requirement regarding juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court.

State Response: Virginia affirms its ongoing compliance with the interest of justice requirement concerning juveniles awaiting trial or undergoing legal processes while being treated as adults for prosecution in criminal court. In accordance with the *Code of Virginia* § 16.1-249, which governs the place of confinement for juveniles, it is stipulated that when a juvenile case is transferred to Circuit Court and confinement is necessary, the juvenile must be placed in a secure juvenile facility. Confinement at an adult facility would be reported as a violation. This commitment is outlined in Virginia's compliance monitoring policy and procedures manual, specifically in section 2.4.4, which addresses the interest of justice requirement for juveniles involved in legal proceedings within the criminal court system.

Requirement (12): Provide a statement affirming that the state/territory complies with the sight and sound core requirements:

A. Provide that juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have contact with adult inmates; and

B. There is in effect in the state a policy that requires individuals who work with both such juveniles and such adult inmates, including in colocated facilities, to have been trained and certified to work with juveniles.

Also, fully complete, sign and attach the Certification form.

State Response: Virginia affirms its continued adherence to the sight and sound core requirements. As outlined in the Virginia Administrative Code 6VAC15-40-1193, measures are in place to ensure that juveniles alleged to be or found to be delinquent, as well as those within the purview of paragraph (11), are not detained or confined in facilities where contact with adult inmates could occur. This separation is achieved through physical barriers that prevent visual contact and normal verbal communication.

Furthermore, Virginia maintains compliance through the implementation of the Virginia Administrative Code 6VAC20-30-30, which establishes compulsory in-service training standards. These standards cover law enforcement officers, jailors or custodial officers, courtroom security officers, and Department of Corrections officers. The mandatory training encompasses working with both adult and juvenile offenders. To reinforce these standards, Virginia's compliance monitoring policy and procedures manual, specifically in section 2.4.2, addresses the sight and sound core requirements.

Requirement (13): Provide a statement affirming that the state/territory provides that no juvenile will be detained or confined in any jail or lockup for adults except—

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

- i. for processing or release;**
- ii. while awaiting transfer to a juvenile facility; or**
- iii. in which period such juveniles make a court appearance;**

and only if such juveniles do not have sight or sound contact with adult inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in colocated facilities have been trained and certified to work with juveniles;

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

in which—

- i. such juveniles do not have sight or sound contact with adult inmates; and**
- ii. there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in colocated facilities have been trained and certified to work with juveniles; and**

that—

- i. is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available.**

- ii. is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or
- iii. is located where conditions of safety exist (such as severe adverse, life threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel.

State Response: Virginia affirms a continued commitment to adhere to the jail removal core requirement. Juveniles will not be detained or confined in any adult jails or lockups with limited exceptions and not for more than a six-hour duration. The exceptions are limited to processing or release; while awaiting transfer to a juvenile facility; or in conjunction with a juvenile making a court appearance.

As outlined in the Virginia Administrative Code 6VAC15-40-1193, measures are in place to ensure that juveniles alleged to be or found to be delinquent, as well as those within the purview of paragraph (11), are not detained or confined in facilities where contact with adult inmates could occur. This separation is achieved through physical barriers that prevent visual contact and normal verbal communication.

Furthermore, Virginia maintains compliance through the implementation of the Virginia Administrative Code 6VAC20-30-30, which establishes compulsory in-service training standards. These standards cover law enforcement officers, jailors or custodial officers, courtroom security officers, and Department of Corrections officers. The mandatory training encompasses working with both adult and juvenile offenders.

Finally, Virginia does not use the rural, travel conditions, and conditions of safety exceptions. The Jail Removal core requirement is addressed in Virginia's compliance monitoring policy and procedures manual specifically section 2.4.3.

Virginia anticipates being out of compliance due in part to a change in interpretation surrounding the placement of adjudicated non-status offenders in adult lockups in conjunction with judicial proceedings. DCJS will continue to work with OJJDP on this issue.

Requirement (14): Provide a statement affirming that the state/territory provides for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the core requirements are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains sufficient enforcement mechanisms to ensure that such legislation will be administered effectively.

State Response: Virginia affirms its commitment to maintaining an effective monitoring system for jails, lockups, detention facilities, and correctional facilities, ensuring adherence to core

requirements. The state conducts annual monitoring, involving comprehensive data review and on-site inspections of secure juvenile detention centers, juvenile correctional centers, jails, lockups, and court holding facilities. The results of this monitoring are reported annually, with data submitted through the OJJDP compliance monitoring tool. The framework for effectively monitoring the core requirements is outlined in Virginia's compliance monitoring policy and procedures manual, specifically detailed in section 2.0.

Requirement (15): Provide a statement affirming that the state/territory implements policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by:

A. establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian Tribes to reduce racial and ethnic disparities;

B. identifying and analyzing data on race and ethnicity at decision points in State, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and

C. developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B).

State Response: Virginia's full RED Plan detailing its annual statistical update and narrative has been uploaded into the Compliance Monitoring Tool. Previous RED plans can be found on the agency's webpage.

Requirement (16): Provide an assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability.

State Response: Virginia is committed to promoting equity and fairness in its juvenile justice system. Through Virginia's Juvenile Continuum of Services and with Title II funding, assurances are provided to advance safeguards in decisions regarding sentencing and rehabilitation programs. Ultimately, the goal is to provide a juvenile justice system that is fair and just, and provides every youth with an opportunity for growth regardless of their individual circumstances; page 26.

Requirement (17): Provide a statement affirming that the state/territory complies with the requirement to "provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate, and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible.)"

State Response: Identified as one of the SAG's goals: page 24-25 and 28

Requirement (18): Provide a statement affirming that the state/territory complies with the requirement to “provide for procedures to be established for protecting the rights of recipients of services and for ensuring appropriate privacy with regard to records relating to such services provided to any individual under the state plan.

State Response: DCJS grant conditions govern fiscal control and accounting procedures and require subgrantees to follow the Virginia Procurement Act if they do not have applicable local policies. Additionally, subawards are monitored for compliance with civil rights requirements.

Requirement (19): Provide a statement affirming that:

- A. Any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee;**
- B. Activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and**
- C. 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.**

State Response: 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.

Requirement (20): Provide a statement affirming that the state/territory meets the requirement to “provide such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under [the Formula Grants Program]”. Submit the “financial management and internal controls questionnaire” in JustGrants

State Response: Virginia has signed and completed the Financial Management and Internal Controls questionnaire and information pertaining to previous audits and adequate procedures for assuring the use and reporting of funds.

Requirement (21): Provide a statement affirming that the state/territory complies with the requirement to provide reasonable assurance that federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such state, local, tribal, and other non-Federal funds.

State Response: Federal grant funds are not used in place of or to supplant existing funds. This is monitored in awards and highlighted in Title II subgrant guidelines.

Requirement (22 A): Provide a statement that from time to time, but not less than annually, the state/territory will review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State/Territory and local needs, that it considers necessary.

State Response: Virginia is aware of and understands the performance data reporting requirements for the formula award to states. Information to complete the performance data report is compiled from subgrantees' quarterly reports to DCJS. Performance data is required each quarter in conjunction with financial reports and requests. The SAG receives presentations from the subgrantees updating the members on the success of the programming.

Requirement (22 C): Provide a statement that the state/territory will not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the state agency.

State Response: DCJS Grant Monitor monitors subrecipient performance through quarterly reports. The Grant Monitor provides assistance to subrecipients when there are performance or other issues of concern. Subrecipients are informed that grants must show progress to continue receipt of funds. If the SAG wants to fund a program for multiple years, an extension after review of the subgrantees success is required due to state policy.

Requirement (23): Does the plan provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense:

- A. an appropriate public agency shall be promptly notified that such status offender is held in custody for violating such order;**
- B. not later than 24 hours during which such status offender is so held, an authorized representative of such agency shall interview, in person, such status offender;**
- C. not later than 48 hours during which such status offender is so held**
- D. there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter.**

State Response: Virginia does not use the valid court order exception. Virginia affirms that juveniles taken into custody for violating a valid court order issued for committing a status offense are reported as a violation.

Requirement (24): Provide a statement assuring “that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services.”

State Response: If the State receives more than 105% of those funds received in FY 2000, it will expend those on coordinated community services.

Requirement (25): Provide a statement regarding what percentage (if any), not to exceed 5 percent, of funds received by the State/territory under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units.

State Response: Funds were not made available to reduce the caseload of probation officers within units of general local government.

Requirement (26): Provide a statement that the state, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court so as to provide for:

A. data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

B. a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect.

State Response: Virginia’s Child Protection Accountability System is established in the *Code of Virginia* § 63.2-1530 and makes information available by locality on cases from the Juvenile and Domestic Relations District Courts’ Case Management System.

Requirement (27): Provide a statement assuring that juvenile offender whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).

State Response: Section 16.1-281 of the *Code of Virginia* assures juvenile offenders the foster care protections under the Social Security Act.

Requirement (28): Provide a statement that the state/territory provides for the coordinated use of funds provided under this title with other Federal and State/Territory funds directed at juvenile delinquency prevention and intervention programs.

State Response: Virginia typically provides Title II grant opportunities twice annually. Funding opportunities are specific to juvenile delinquency and prevention and intervention programs with a direct focus on the four core requirements. DCJS's, as the DSA, administers both federal and state funds. The agency provides intentional oversight on coordination of funding.

Requirement (29): Describe the policies, procedures, and training in effect for the staff of juvenile State/Territory correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques.

State Response: DJJ has made major strides in reducing the use of isolation as a punitive measure. Efforts are assisted through technical assistance and internal agency workgroups. The workgroup has continued their efforts by updating policy, annual training and awareness via various messaging formats, including posters and digital messaging. Additional efforts have been focused on developing alternative strategies for staff to use with youth.

Requirement (30): Describe

A. the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who:

- i. request a screening;**
- ii. show signs of needing a screening; or**
- iii. are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and**

B. how the State/Territory will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment.

State Response: The Virginia Department of Juvenile Justice (DJJ) Behavioral Services Unit (BSU) is the organizational unit responsible for providing clinical treatment services to youth in direct care. The primary services provided by BSU staff include treatment for mental health issues, aggression, substance abuse, and sex offending, as well as psychological evaluations and pre-release risk assessments. BSU conducts comprehensive psychological evaluations and provides 24-hour crisis intervention; individual, group, and family therapy; mental status evaluations; case consultations and development of individualized behavior support protocols; program development and implementation; and staff training. Mental health professionals complete risk assessments for all serious offenders, sex offender special decision cases, and other special decision cases by request.

Requirement (31): Describe how reentry planning by the State/Territory for juveniles will include:

A. a written case plan based on an assessment of needs that includes:

- i. the pre-release and post-release plans for the juveniles;**
- ii. the living arrangement to which the juveniles are to be discharged; and**
- iii. any other plans developed for the juveniles based on an individualized assessment; and review processes.**

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

In order to coordinate the reentry process for youth efficiently and effectively, reentry staff assist youth and their families in preparing for the youth's transition from direct care back to the community. Reentry advocates, each serving one of the five regions across the Commonwealth, provide support and guidance in the areas of employment, education and career planning, connection to human service agencies, and obtaining identification documents.

DJJ provides additional services that promote public safety and accountability through partnerships with community organizations. These partners provide services to support a successful transition and reintegration into the community. A selection of these partnerships is described below:

Apartment Living Program: This eight-bed apartment-style residential program serves youth released from direct care. The program serves youth ages 17.5 and older and provides opportunities to learn and practice life skills in the community. The average length of stay in the program is four to six months.

Summit House: This eight-bed, single-family home designed as a residential program serves youth released from direct care. The program serves youth ages 17.5 and older, providing an opportunity for youth to learn and practice life skills beyond a secure environment. The average length of stay is six to nine months.

DMV Connect: When youth are released from direct care without official state-issued photo identification, they can face barriers to gaining employment, housing, and access to services. To provide youth with a better chance of success when reentering the community, DJJ partners with the Department of Motor Vehicles (DMV) to bring a mobile office to the Bon Air Juvenile Correctional Center (JCC) on a regular basis to provide state-issued photo identification to youth in their custody. Reentry advocates coordinate with the community DMV mobile office to provide state-issued photo identification to youth released from direct care. This partnership also certifies DJJ's reentry advocates to administer the learner's permit exam to eligible youth.

Medicaid Pre-Application: The Cover Virginia Incarcerated Unit (CVIU) streamlines the Medicaid application and enrollment process for incarcerated individuals in Virginia. DJJ's reentry advocates submit applications for eligible youth 18 years and older to the CVIU prior to release from direct

care, resulting in applications being processed in a timelier manner to prevent a gap in coverage at release.

Requirement (32): Provide a statement assuring that the agency of the State/Territory receiving funds under this title collaborates with the State/Territory educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that:

- A. the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;**
- B. the credits of adjudicated juveniles are transferred; and**
- C. adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned.**

State Response: DJJ provides educational opportunities for middle school, high school and post-secondary students that are committed to state care. Students are offered an array of high school completion routes, such as Advance Studies Diploma, Standard Diploma, Applied Studies Diploma or GED. DJJ ensures that Educational Counselors evaluate student records and place youth in an appropriate educational program. Upon discharge, as a part of parole planning, each youth's educational records are forwarded and confirmed by the receiving institution to avoid educational disruption. Additionally, DJJ offers career and technical education (CTE) courses as well as applicable certification and credentialing opportunities.

Requirement (33): Describe policies and procedures to:

- A. screen for, identify, and document in State/Territory records identification of victims of domestic human trafficking or those at risk of such trafficking and**
- B. divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.**

State Response: The Commonwealth of Virginia is diligently working on the issue of juvenile sex trafficking. In 2019, the Virginia General Assembly passed legislation that established a Sex Trafficking Response Coordinator within the Department of Criminal Justice Services (DCJS). The Coordinator collaborates with local and state agencies to increase victim identification and enhance services for victims.

Pursuant to 2023 General Assembly Uncodified Acts, Chapter 556, DCJS is administering a two-year pilot program to provide a safe harbor for sex trafficked youth. The activities of this pilot program are (i) implementing proactive reverse-sting operations that target buyers of sex services, with priority given to cases involving sex trafficked youth, (ii) utilizing a multidisciplinary response team to coordinate assessment and treatment for victims of sex trafficking, and (iii) designing an alternative to arrest protocol that includes a 48 to 72 hour

holding mechanism for youth. The goals of the program are to reduce the arrest of sex trafficking victims, reduce demand for commercial sex exploitation, and establish high-quality services for victims.

In 2024, the Virginia General Assembly passed legislation requiring each locality to establish a human trafficking multidisciplinary response team. DCJS will develop protocols and policies for these response teams and provide technical assistance to the localities. The establishment of these teams requires the localities to focus efforts on sex trafficking cases and respond collaboratively to victims.

DCJS will provide specialized training for a variety of professionals on how to identify and work with trafficked youth. Additionally, DCJS will collaborate with the Department of Social Services and DJJ to enhance training for staff who work directly with juveniles and families.