

Heidi W. Abbott, Chair  
Tamara Neo, Vice-Chair  
Karen Cooper-Collins, Secretary  
Tyren C. Frazier  
David R. Hines  
Helvi L. Holland  
Robyn Dichl McDougle  
Dana G. Schrad  
Kenneth W. Stolle



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

**BOARD MEETING**

April 24, 2015

Main Street Centre, 600 East Main Street, 12<sup>th</sup> Floor Conference Room South  
Richmond, Virginia 23219

**A G E N D A**

**9:30 a.m. Board Meeting**

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. APPROVAL of January 6, 2015, MINUTES (Pages 3-12)**
- 4. PUBLIC COMMENT**
- 5. DIRECTOR'S CERTIFICATION ACTIONS (Pages 13-41)**
- 6. OTHER BUSINESS**
  - A. Department of Juvenile Justice Regulatory Update, Regulatory & Policy Coordinator Barbara Peterson-Wilson (Pages 42-43)**
  - B. Request for the Approval of the 2015 Proposed Revisions to the Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice, Legislative and Research Manager Janet Van Cuyk (Pages 44-74)**
- 7. DIRECTOR REMARKS AND BOARD COMMENTS**
- 8. NEXT MEETING June 10, 2015, DJJ Central Office**
- 9. EXECUTIVE SESSION (Closed)**
- 10. ADJOURNMENT**

## GUIDELINES FOR PUBLIC COMMENT

1. The Board of Juvenile Justice is pleased to receive public comment at each of its regular meetings. In order to allow the Board sufficient time for its other business, the total time allotted to public comment will be limited to thirty (30) minutes at the beginning of the meeting with additional time allotted at the end of the meeting for individuals who have not had a chance to be heard. Speakers will be limited to 10 minutes each with shorter time frames provided at the Chairman's discretion to accommodate large numbers of speakers.
2. Those wishing to speak to the Board are strongly encouraged to contact Wendy Hoffman at 804-588-3903 three or more business days prior to the meeting. Persons not registered prior to the day of the Board meeting will speak after those who have pre-registered. Normally, speakers will be scheduled in the order that their requests are received. Where issues involving a variety of views are presented before the Board, the Board reserves the right to allocate the time available so as to insure that the Board hears from different points of view on any particular issue. Groups wishing to address a single subject are urged to designate a spokesperson. Speakers are urged to confine their comments to topics relevant to the Board's purview.
3. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Please provide at least 15 written copies if you are able to do so.

Heidi W. Abbott, Chair  
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804.588.3903

**COMMONWEALTH of VIRGINIA**  
*Board of Juvenile Justice*

**DRAFT MEETING MINUTES**

January 6, 2015

Main Street Centre  
600 East Main Street, 12<sup>th</sup> Floor, Conference Room SOUTH  
Richmond, Virginia 23219

**Board Members Present:** Heidi Abbott, Karen Cooper-Collins, Tyren Frazier, David Hines, Helivi Holland, Robyn Diehl McDougale, Dana Schrad

**Board Members Absent:** Tamara Neo, Kenneth Stolle

**Department of Juvenile Justice (Department) Staff Present:** Kenneth "Ken" Bailey, Andrew "Andy" K. Block, Jr., Lisa Floyd, Daryl Francis, Wendy Hoffman, Jimmy Horn, Jack Ledden, Joy Lugar, Riley Matsen, Mark Murphy, Margaret O'Shea (Attorney General's Office), Barbara Peterson-Wilson, Deron Phipps, Ralph Thomas, Angela Valentine, Janet Van Cuyk

**Guests Present:** Jeree Thomas (JustChildren Program), Kandise Lucas

**CALL TO ORDER**

Chairperson Heidi Abbott called the meeting to order at 9:42 a.m.

Chairperson Abbott conveyed a point of personal privilege to honor Dr. Bill Boshier, a Board member and dear friend who recently passed away, by distributing and reading a letter to the Editor of the *Richmond-Times Dispatch* about Dr. Boshier's character and influence. The letter is attached.

Chairperson Abbott asked for other Board members to share their remembrances of Dr. Boshier. Board members and Director Block shared remembrances of Dr. Boshier.

**INTRODUCTIONS**

Chairperson Abbott welcomed and asked the two new Board members for introductions.

Mr. Tyren Frazier is currently the Executive Director for Higher Achievement, which is an afterschool academic program that began in Washington DC and has affiliates in Richmond, Pittsburgh, and Baltimore. The Richmond program works with 160 middle school youth to help position them for college. Mr. Frazier was a youth offender who spent time on probation and had been detained in the Norfolk Detention Home. He described his probation officer as very supportive. Mr. Frazier is honored and feels privileged to fill Dr. Boshers' seat on the Board.

Ms. Dana Schrad is the Executive Director with the Virginia Association of Chiefs of Police and has served in that position for twenty years. Ms. Schrad has under her direction the Virginia Association of Campus Law Enforcement Administrators and has served as staff attorney for the Virginia Crime Commission. Ms. Schrad appreciates the opportunity to serve and looks forward to working with the Board.

Chairperson Abbott welcomed all that were present and asked for introductions.

#### **APPROVAL of November 12, 2014, MINUTES**

The minutes of the November 12, 2014, Board meeting were provided for approval. On MOTION duly made by David Hines and seconded by Robyn McDougle to approve the minutes as presented. Motion carried.

#### **PUBLIC COMMENT PERIOD**

Kandise Lucas, advocate and former Department employee.

Ms. Lucas outlined her concerns with the Department's Education Division, specifically with special education. She noted concerns with the following:

- Applying educational accommodations, such as "reading out loud;"
- The timeliness of the Individualized Educational Plan;
- Parental engagement;
- Implementation of the GED in a timely manner;
- Limited options for vocational opportunities and lack of consistency across the sites;
- Communication of the Director's message filtering down through all staff; and
- Continue to encourage an environment to speak freely without a fear of retaliation.

Ms. Lucas informed the Board that she helped draft a bill, SB644 to be sponsored by Senator McEachin that will be instrumental in ensuring the needs of special education students are met. The bill addresses the issue of failing to implement educational plans for children with special needs by making deliberate violations of special education laws a Class 1 misdemeanor.

#### **DIRECTOR'S CERTIFICATION ACTIONS**

Ken Bailey, Certification Unit Manager, Department.

Chairperson Abbott asked Mr. Bailey to explain the certification process to the new Board members.

Mr. Bailey stated that the certification regulation in the *Virginia Administrative Code* gives the Department's Director authority to certify residential facilities or court service units for up to three years based on audits the Certification Unit performs throughout the state. The Board is provided an opportunity to review the Director's actions and all audit reports.

Included in the Board's packet are the individual reports and the summary of the Director's certification actions completed on December 15, 2014. Mr. Bailey detailed a few issues:

- James River Juvenile Detention Center in Powhatan had one deficiency that included missing initials in their log books. This has been corrected. The facility was certified for three years.
- Molinari Shelter in Prince William County had six deficiencies. The facility's Director is new to the position and was unable to find the Code of Ethics documentation. The Code of Ethics documentation must be readily available to staff. Since the audit, the facility has found the Code of Ethics and has distributed to staff. There was also an issue with reference checks on an intern, which is a critical regulatory requirement. The reference check was done by George Mason University but was never submitted to the facility. Most of the Shelter's deficiencies are procedural issues that have been easily corrected. The Certification Unit followed up with the facility and was able to bring them into compliance. The facility was certified for three years.

Chairperson Abbott would like a congratulatory letter sent under her signature to the facilities who achieved 100% compliance on their audits.

## **OTHER BUSINESS**

### **DJJ Trends and Initiatives**

Andy Block, Director, Department.

Director Block provided a briefing on the Department's trends and initiatives. The presentation is attached.

#### Slide Two

The Director explained the slide bullets to the Board, noting that the detention centers are operated locally, but the Department does help fund them.

#### Slide Three

The Director indicated that crime numbers for youthful offenders are down. This slide reflects the number of intake cases and delinquency petitions that are processed through the court service units.

#### Slide Four

The Director noted that along with the drop in intake cases, there has been a relatively comparable drop in the population both in local juvenile detention centers and juvenile correctional centers.

The Director indicated that the juvenile detention center population is beginning to level off and half of all juvenile detention center beds across the Commonwealth are empty. This does not mean the empty space is fully operational; the units could be mothball due to the decline in population and associated staffing reductions.

The Director stated that the average daily population in the Department's facilities continues to decline. This is a reflection of both a desire to serve more kids locally and of the general crime trends across the country.

#### Slide Five

The Director noted that the 597 average daily population for juveniles in the Department's direct care has declined significantly even before the end of fiscal year 2014. That data point is cumulative for the entire fiscal year but over the course of the fiscal year the numbers progressively dropped. As of today, there are approximately 500 juveniles in direct care.

#### Slide Six

The Director stated that he hoped the new Board members will have an opportunity to visit the Department's facilities. The configuration looks a lot like an adult prison and has a lack of treatment space. Facilities across the country are now being built differently with more natural light, smaller living units, and space for treatment and rehabilitation.

#### Slide Seven

The Director noted that the capacity at Bon Air Juvenile Correctional Center and Beaumont Juvenile Correctional Center are each approximately 280 bed facilities. The Department's facilities were built in the 1990s, some built many years before, and are expensive to maintain.

The Director stated that, as the Department's population declines, the cost per youth increases. The cost per youth in FY 2014 was approximately \$150,000 per juvenile. This is a steep price tag for Virginia taxpayers to pay for confining juveniles in these facilities.

#### Slide Eight

The Director discussed the trend of the courts and juvenile justice system willowing out lower level offenders. Ten years ago there would have been more misdemeanants, probation violators, and lower level offenders committed to secure care.

The Director explained, from smallest to largest, the Department's three types of juveniles. The first types of juveniles are those that have been tried as adults in circuit court but sentenced to do a portion or all of their time at the Department's facilities. The juvenile will either serve the first portion of their sentence with the Department and the remainder with the Department of

Corrections (adult) or the juvenile completes their active time with the Department and they do not have an adult sentence or their adult sentence is suspended. The second type is determinately committed juveniles who are committed to the Department for a determinate period of time and are classified under statute as serious juvenile offenders. A judge will set a specific sentence which can be modified when the juvenile goes through the statutory review process after their second anniversary of their sentence and annually thereafter. The last types of juveniles are those that are indeterminately committed in which the juvenile court commits a youth to the Department's custody and the Department determines the length of stay. The Department has length of stay guidelines that are set by the Board on which the Board will be briefed on and possibly consider review of later this year.

#### Slide Nine

The Director indicated that youths are entering the Department older in age, which may mean they are being given second chances in the community.

The Director noted that the information in this slide presentation has been shared with the Governor's Children's Cabinet. One of the goals of the Children's Cabinet is to find the best way for state agencies to work across agency lines to have better outcomes for the youth.

#### Slide Ten

The Director discussed trauma on committed juveniles and its impact.

#### Slide Eleven

The Director noted that the Department is not receiving youths who have not been academically successful. The challenges include being behind in school, identified as learning or other special education disabled, having school attendance problems, and having behavioral issues coupled with exposure to trauma. These educational challenges begin to tell a story about the juveniles in the Department's care.

#### Slide Twelve

The Director noted that most of the juveniles in the Department's custody have exhibit symptoms of a diagnosable mental health or behavior health condition.

#### Slide Thirteen

The Director indicated that the Department is receiving youths who have significant exposure to trauma, who are behind in their education, and who have mental health issues. The Department's mission is to promote public safety by producing young people to become successful citizens. The numbers for youth who recidivate are a concern. Although the data are dated due to methodology requirements, if four out of five youths are rearrested within three years of their release from the juvenile justice system, it is an indicator these youths are not being successful citizens and the Department is not fulfilling its mission.

#### Slide Fifteen

The Director discussed the Department's initiatives.

#### Model Social History:

On recommendation by the Commission on Youth, the General Assembly required the Department to develop a model social history, which is the juvenile version of the pre-sentence report in adult corrections. It would provide the courts with information on the juvenile's background including educational challenges and trauma experience prior to rendering a decision. The law was enacted by the 2014 General Assembly session and had an effective date of October 1, 2014. It included a requirement that the Department report back to the Commission on Youth its status on implementing the model social history and guidelines governing its use. This was a quick turnaround for Department staff who worked hard on the development of the form and training the staff on the new process for the October 1 effective date. One of the features of the assessment is to complete a trauma screening on every youth prior to sentencing by the courts. This information might be useful to the courts in finding better interventions earlier in the process.

#### Trauma Informed Care:

Through a partnership with the Department of Criminal Justice Services, the Department has been able to have its direct security staff and other personnel be trained on trauma histories, the impact of trauma, and how this affects the youth we serve. This allows our staff to be more sensitive and better aware of the issues associated with trauma for interpreting behavior and respond appropriately.

The General Assembly provided funding to the Department to create Community Placement Programs which will allow the Department to pre-purchase 40 dedicated beds in designated detention homes. This will allow youth to either transition placements from the Department's large secure facilities to a location that is still secure but smaller, closer to home, and operated differently than the Department's facilities. This also is a great opportunity to transition the youth to a facility closer to home and ease the re-entry process. Due to historical budget reductions, the Department closed the halfway houses and its continuum of care; however, the Department believes this program is a step in the right direction and can be expanded.

#### Education Reform:

The Department is very fortunate to have Dr. Lisa Floyd as the new Deputy Director for Education who brings a non-correctional education perspective to the position. Dr. Floyd's educational reform efforts include:

- Implementing a new evaluation process for teachers to include student performance as a major contributing factor.
- Asking the Virginia Department of Education to view the Department's Division of Education as more of a struggling school system rather than a separate state program.
- Working with the Center for Educational Excellence in Alternative Settings, a non-profit organization that provides technical assistance and support, for consultation and technical assistance in improving the quality of services provided.



- Establishing relationships with top educational leaders across the Commonwealth to bring qualified professionals to the Department. Dr. Floyd just hired a new principal and new assistant principal who are not from a correctional setting and bring great experience and perspectives to their new positions.

The Department is bringing outside experts in to assess the Department. Former First Lady Anne Holton worked with the Annie E. Casey Foundation to radically reform Virginia's foster care system. The Department has engaged their services to help improve the juvenile justice system in Virginia. The Annie E. Casey Foundation completed an in-depth assessment of the Department's operations and included consultants from the Missouri Youth Services Institute who are nationally recognized for their work on reform. The Department will be using the data and information collected to make decisions on the best outcomes for the youth in the Department's care.

#### Transformation:

Transformation extends from the front door to the back door of the juvenile justice system. Virginia was one of six states to be awarded a grant with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to develop a comprehensive state re-entry plan. The Virginia re-entry plan is due to the Department of Justice in the spring. Of the six states who will submit plans, two states will be eligible for up to \$2 million in federal funding to assist in the implementation of the plan. The grant included funds to hire outside experts to assist in the development of the plan.

Assistant Deputy Director for Operations Jack Ledden presented to the Board last year on the institutional transformation. In the next few months, the Department will be initiating a new way of working with the youth in the Department's facilities called the Community Model. The Department is confident this will help with better outcomes both for staff and residents. The Community Model centers on treatment and rehabilitation by creating treatment, security, and education teams. The same team will work with the same residents each day. The goal is to create teams where youth feel connected and are able to develop relationships and trust. This will be a long process involving changing one unit at a time. The Department's experimental units began last year and the initial results look promising.

The Director ended his presentation and the Board asked questions.

Board Member Dana Schrad noted that many times youths return to families who are not engaged in their success and could be detrimental to their future. What can the Department do to facilitate family healing or family improvement to make the child successful?

The Director indicated that he would like to learn from the Department of Social Services (DSS) in how best to work with dysfunctional families. DSS brings in the families at every step in the process to help strengthen the youth's support system. Parents can be part of the problem, but they also can be part of the solution.

Board Member Tyren Frazier asked out of the 5,900 kids that the Department supervises, how many of those cases are shared with the DSS?

Legislative and Research Manager Janet Van Cuyk said it is an average of 18 youths a year who are in the custody of social services and then committed to the Department. The number under probation supervision who are also involved with social services is unknown.

Board Member Robyn McDougle noted that there are localities who work well with social services and others who do not. Best practices should be issued on the best way to work with and establish a solid relationship with DSS.

Ms. Van Cuyk noted that the Department and DSS have a workgroup specifically to address the crossover youth. Comprehensive Services Act for At-Risk Youth and Families (CSA) are also represented on that workgroup. The current guidance is fragmented. Memorandums of Understanding and best practices are planned to be issued to work towards the best outcome for the youth and help organizations/agencies that are struggling to work together.

Chairperson Abbott noted from her personal experience that when youth are released, some have aged out of foster care and others go back to blended relationships with their families. Since the Department has closed the halfway houses, please talk about not being able to successfully re-enter a youth due to their age.

Director Block noted there is legal ambiguity concerning the responsibility for youth who are in social services custody and then committed to the Department. Uneven practices are a problem in local social service agencies. Some agencies keep in contact with the youth during their time with the Department and other agencies only make contact with the youth after their release from the Department's custody. There are also efforts underway to extend foster care to 21 years of age which would be a benefit to the older kids who are being released from the Department. The Department is working with DSS on a Memorandum of Understanding to make sure both sides are consistent in their approach. While in the Department's custody, the Department could use this time as an opportunity to strengthen their biological family or find other family members where the youth could return to after their custody with the Department.

Board Member Holland stated that if the youth is under the age of 18 years of age when they are released from the Department's custody, the law states the youth has the right to stay in foster care and receive services or can refuse. Some refuse because of the stringent guidelines that need to be followed. Some choose to stay in foster care to take advantage of the services.

Director Block noted that partnering with the DSS is a great opportunity to be on the same page and help young people make better decisions. Waiting 20 days before the youth's release date from the Department seems not to be effective.

Board Member Holland thought that the law was changed in 2010 to reflect at least 90 days.

Ms. Van Cuyk stated that in Section 16.1-293 that the Department will cooperate throughout the duration of the youth's sentence, but will start the planning process in 90 days of the youth's release from the Department's custody.

**Request Authorization for Submission of a Notice of Intended Regulatory Action for Initiation of the Regulatory Process**

Janet Van Cuyk, Legislative and Research Manager, Department.

The Department requests authorization to submit a Notice of Intended Regulatory Action (NOIRA) to begin the regulatory process for a comprehensive review of the Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6 VAC 35-160).

Per the requirements in §§ 2.2-4017 and 2-2-4007.1 of the *Code of Virginia* and Executive Order 17(2014), the Department must conduct a "periodic review" every four years of its regulations. The Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6 VAC 35-160) became effective August 16, 2004, and have not undergone a periodic review.

In response to questions from Board members, Ms. Van Cuyk explained the scope and purpose of the regulation, the rationale for requesting the inclusion of a process when a researcher violates the approved protocol, the requirement for self-reporting violations, and the parallel tracks of the Department's Human Research Review Committee to that of federally-mandated Institutional Review Committees.

On MOTION duly made by Karen Cooper-Collins and seconded by Helivi Holland the Board authorizes the Department's submission of a Notice of Intended Regulatory Action (NOIRA) for initiation of the regulatory process for the Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System (6VAC35-160).

**DIRECTOR'S COMMENTS**

Andy Block, Director, Department.

Director Block had no further comments.

**BOARD COMMENTS**

The Board had no comments.

**NEXT MEETING**

The next meeting is scheduled for April 15, 2015, at Central Office, 600 East Main Street, 12<sup>th</sup> Floor, Richmond, at 9:30 a.m.

Due to a conflict, the Board has agreed to change the April 15<sup>th</sup> meeting to April 24, at Central Office, 600 East Main Street, Richmond, at 9:30 a.m.

#### **EXECUTIVE SESSION MOTION**

On MOTION duly made by Karen Cooper-Collins and seconded by Robyn Diehl McDougal to reconvene in Executive Closed Session, pursuant to Section 2.2-3711(A)(1) and (A)(7), for a discussion of certain personnel matters and to consult with legal counsel and obtain briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation and any other specific legal matters requiring the provision of legal advice by counsel. Motion carried.

The Executive Closed Session was concluded. The members of the Board of Juvenile Justice present certified that, to the best of their knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting, and (2) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed, or considered.

#### **ADJOURNMENT**

Chairperson Abbott adjourned the meeting at 12:26 p.m.

**SUMMARY OF CERTIFICATION ACTIONS**  
**February 1, 2015**

**3<sup>rd</sup> District Court Service Unit (Portsmouth)**

Certified the 3<sup>rd</sup> District Court Service Unit for three years.

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

**18<sup>th</sup> District Court Service Unit (Alexandria)**

Certified the 18<sup>th</sup> District Court Service Unit for three years.

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

**24<sup>th</sup> District Court Service Unit (Lynchburg)**

Certified the 24<sup>th</sup> District Court Service Unit for three years.

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

**27<sup>th</sup> District Court Service Unit (Pulaski)**

Certified the 27<sup>th</sup> District Court Service Unit for three years with a letter of congratulations for 100% compliance.

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

**Fairfax Juvenile Detention Center**

Certified Fairfax Juvenile Detention Center and Post-dispositional Detention Program for three years with a letter of congratulations for 100% compliance.

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

**Lynchburg Regional Juvenile Detention Center**

Certified Lynchburg Regional Juvenile Detention Home and Post-dispositional for three years with a status report in six months on TB screenings.

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

**Lynnhaven Boys' Home**

Certified the Lynnhaven Boys' Group Home for three years.

*Pursuant to 6VAC35-20-100C.2, if the certification audit finds the program or facility in less than 100% compliance with all regulatory requirements and a subsequent status report, completed prior to the certification action, finds 100% compliance on all regulatory requirements, the*

## **SUMMARY OF CERTIFICATION ACTIONS**

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*director or designee shall certify the facility for a specific period of time, up to three years.*

### **Norfolk Juvenile Detention Center**

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

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

**PROGRAM AUDITED:**

3<sup>rd</sup> District Court Service Unit (Portsmouth)  
P.O. Box 638  
1325 Court Street  
Portsmouth, Virginia 23705  
(757) 393-8571  
Katherine A. Grimm, Director  
katherine.grimm@djj.virginia.gov

**AUDIT DATES:**

August 18-19, 2014

**CERTIFICATION ANALYST:**

Shelia L. Palmer

**CURRENT TERM OF CERTIFICATION:**

January 21, 2012 – January 20, 2015

**REGULATIONS AUDITED:**

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

**PREVIOUS AUDIT FINDINGS September 7, 2011:**

100% Compliance Rating

**CURRENT AUDIT FINDINGS – August 19, 2014:**

98.07% Compliance Rating  
No repeated deficiencies from previous audit.  
**6VAC35-150-140 (A). Records Management**

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified the 3<sup>rd</sup> District Court Service Unit for three years.

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

**TEAM MEMBERS:**

Shelia L. Palmer, Team Leader  
Clarice T. Booker, Central Office  
Mark Lewis, Central Office  
Deborah Hayes, Central Office  
Paul Reaves, Central Office  
Gina Burton, 1<sup>st</sup> District Court Service Unit  
Lotus Wheeler, 8<sup>th</sup> District Court Service Unit

**POPULATION SERVED:**

The 3<sup>rd</sup> District Court Service Unit serves the City of Portsmouth.

**PROGRAMS AND SERVICES PROVIDED:**

The 3<sup>rd</sup> District Court Service Unit provides mandated services including:

- Intake
- Probation supervision
- Direct care and parole supervision
- Investigative reports
- Pre-dispositional monitoring
- Drug screening
- Courtroom duties

The Unit interacts with the community in obtaining such services as:

- VJCCA Programs-Outreach Detention/Electronic Monitoring
- Community Service
- Substance Abuse Screening/Treatment
- In-home services
- Shelter Care

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

**FACILITY/PROGRAM:** 3<sup>rd</sup> District Court Service Unit (Portsmouth)

**SUBMITTED BY:** Katherine A. Grimm, CSU Director

**CERTIFICATION AUDIT DATES:** August 18-19, 2014

**CERTIFICATION ANALYST:** Shelia L. Palmer

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

**6VAC35-150-140 (A). Records Management**

**Case records shall be indexed and kept up to date and uniformly in content and arrangement in accordance with approved procedures. Case record identified by JTS number and juvenile's name (last, first and middle initial)**

**Audit Finding:**

**Twenty-one out of 21 applicable case files reviewed did not identify the JTS number of the juvenile on the file as required by approved procedure 9450.**

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**Program Response**

**Cause:**

The Portsmouth Court Service Unit opens a file for every new juvenile intake whether domestic, status offense or criminal. When a youth's case initially comes to Portsmouth intake, a file is created with a unique internal filing number that follows the youth's case until the file is



expunged. The long standing internal filing system places on the label on each file with the following information: last name, first name, middle initial and an internal filing number. The internal filing number is the last two digits of the year the case was opened by Portsmouth CSU intake and the order in which the case was received. For example, a custody petition is filed in 2001 and it is the 531st case received that year. The internal number would be J#: 01-531. A blue index card is created using the same information that is on the file label. The blue card is used to check an existing file for a youth. If the file does not exist, a new file is created. The blue card also indicates where an existing file is located in the file room and name of the probation officer that is assigned to the case. Files are filed by year and the order received in the file room. All files have the Juvenile Tracking System (JTS) number on the face sheet and that number is kept inside the file rather than on the outside label.

**Effect on Program:**

This area of non-compliance has no effect on the services provided by the Court Service Unit to youth and their families.

**Planned Corrective Action:**

1. JTS numbers will be typed on all case file labels by the office services assistant (OSA).
2. Each label will be placed on the outside of each case file.
3. All probation and parole staff will place the JTS number on all open case files by September 15<sup>th</sup>, 2014.
4. Prior to filing a closed file, the OSA will put the JTS numbers on all closed files that do not have a number before filing in the Court Service Unit (CSU) file room.
5. Probation Supervisors will check each case for JTS numbers on the case file labels during the 70-day case file reviews. If the file label is missing the JTS number, the Probation Supervisor will place the JTS number on the case file label.
6. The CSU Director will pull random case files no less than quarterly for the next year to ensure that the CSU is in compliance with standard 140(A) Records Management-Placement of JTS numbers on case file labels.

**Completion Date:**

All cases that are listed in BADGE Workload: the 3<sup>rd</sup> District CSU will ensure that JTS numbers are placed on case file labels no later than September 15, 2014. New case files that are opened thereafter will have JTS numbers placed on case file labels. When a file is created, the case file label will contain the following information: the youth's name, JTS number and an internal file number.

**Person Responsible:**

Katherine A. Grimm, Director-Portsmouth Court Service Unit

**Current Status on November 19, 2014: Compliant**

Fifteen of 15 applicable case files reviewed identified the JTS number and juvenile's name (last, first and middle initial) on the file.

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

**PROGRAM AUDITED:**

18<sup>th</sup> District Court Service Unit (Alexandria)  
520 King Street  
Alexandria, Virginia 22314  
(703) 746-4144  
Michael Locke, Acting Director  
Michael.Locke@djj.virginia.gov

**AUDIT DATES:**

September 8-9, 2014

**CERTIFICATION ANALYST:**

Shelia L. Palmer

**CURRENT TERM OF CERTIFICATION:**

January 21, 2012 – January 20, 2015

**REGULATIONS AUDITED:**

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

**PREVIOUS AUDIT FINDINGS September 28, 2011:**

96.78% Compliance Rating  
6VAC35-150-80 – Background Checks  
6VAC35-150-350.A – Supervision Plans

**CURRENT AUDIT FINDINGS – September 9, 2014:**

96.22% Compliance Rating  
No repeated deficiencies from previous audit.  
6VAC35-150-140 (A). Records Management  
6VAC35-150-335 (A). Diversion

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified the 18<sup>th</sup> District Court Service Unit for three years.

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

**TEAM MEMBERS:**

Shelia L. Palmer, Team Leader  
Clarice Booker, Central Office  
Deborah Hayes, Central Office  
Paul Reaves, Central Office  
Faye Jones-Majette, 17<sup>th</sup> District Court Service Unit  
Monica Newman, 31<sup>st</sup> District Court Service Unit

**POPULATION SERVED:**

The 18<sup>th</sup> District Court Service Unit (CSU) serves the City of Alexandria.

**PROGRAMS AND SERVICES PROVIDED:**

The 18th District CSU provides mandated services including:

- Intake including after-hours services
- Probation supervision
- Direct care and parole supervision
- Investigative reports

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

- Alexandria Police Department
- Alexandria Public Schools
- Alexandria Mentoring Partnership
- Intensive case management and mentoring programs
- Re-entry
- Referrals to Community Services Board
- Referrals to Department of Social Services
- Referrals to private non-profit organizations

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

**FACILITY/PROGRAM:** 18<sup>th</sup> District Court Service Unit (Alexandria)

**SUBMITTED BY:** Michael G. Locke, Acting CSU Director

**CERTIFICATION AUDIT DATES:** September 8-9, 2014

**CERTIFICATION ANALYST:** Shelia L. Palmer

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

**6VAC35-150-140 (A). Records Management**

**Case records shall be indexed and kept up to date and uniformly in content and arrangement in accordance with approved procedures. Case record identified by JTS number and juvenile's name (last, first and middle initial)**

**Audit Finding:**

**Thirteen of 21 applicable case files reviewed did not identify the JTS number and or the middle initial of the juvenile on the file as required in approved procedure 9450.**

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**Program Response**

**Cause:**

There are several factors that contributed to the CSU's noncompliance with the standard. The Intake Unit, which is responsible for setting up folders, was without an administrative assistant

for an extended period of time. In addition, folders were created by others who were not familiar with the full requirement; that the file required the juvenile's JTS number as well as the juvenile's full name. Furthermore, files are made up based on the information provided on the Juvenile Arrest Form and if the officer fails to give the juvenile's full name at the time the form is submitted, Intake uses what is provided

**Effect on Program:**

In examining the impact of the omission of information, we did not identify any significant impact. No complaints were lodged against the wrong person due to the cited noncompliance.

**Planned Corrective Action:**

Upon learning of the noncompliance issue, the administrative staffs were instructed in writing that all files created for juvenile cases must have the following on the identifying label: juvenile's last name, first name and middle initial, the juvenile's date of birth, race, sex and juvenile's JTS number. Staff has also been directed to submit to the Intake Unit's administrative assistant, any file which does not contain the juvenile's full name, date of birth, race, sex and JTS number. In addition, a copy of the procedure was developed and placed in the Unit's In-house Procedure Manual.

**Completion Date:**

The corrective action was completed and put in place September 11, 2014.

**Person Responsible:**

Michael Locke, Acting CSU Director

**Current Status on December 31, 2014: Compliant**

Seventeen of 17 applicable case files reviewed did identify the JTS number and or the middle initial of the juvenile on the file.

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**6VAC35-150-335 (A). Diversion**

When an intake officer proceeds with diversion in accordance with subsection B of § 16.1-260 of the Code of Virginia, such supervision shall not exceed 120 days. For a juvenile alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 of the Code of Virginia, such supervision shall be limited to 90 days.

**Audit Finding:**

Two of four applicable case files reviewed exceed supervision of 120 days by 71 days in accordance with subsection B of § 16.1-260 of the Code of Virginia and or 90 days by 42 days in accordance with § 22.1-258 of the Code of Virginia.

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**Program Response**

**Cause:**

Each case found to be out of compliance, have specific reasons for being noncompliant. The case that was kept open beyond the 120 days involved a special needs child. He did not meet the agreed time for submitting a written apology letter and rather than refer the case to court the intake officer extended the time and worked with the child's mother to get the letter written and submitted. The other case was a truancy related case. It was out of compliance because the child's case was being supervised by school personnel, who were not aware of the 90 day

limitation of the diversion.

**Effect on Program:** None

**Planned Corrective Action:**

Intake staff who supervise diversion cases have been reminded in writing of the standard for supervision of diversion cases. School personnel will no longer supervise diversion cases. All staff who supervise diversions will have to indicate in the diversion rules when the case will close. To ensure compliance, the supervisor will keep a record of and monitor diversions and their closure date

**Completion Date:**

September 22, 2014

**Person Responsible:**

Michael Locke, Acting CSU Director

**Current Status on December 31, 2014: Compliant**

All applicable case files reviewed did not exceed supervision of 120 days in accordance with subsection B of § 16.1-260 of the Code of Virginia or 90 days in accordance with § 22.1-258 of the Code of Virginia.

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

**PROGRAM AUDITED:**

24<sup>th</sup> District Court Service Unit (Lynchburg)  
909 Court Street, Level B1  
Lynchburg, Virginia 24504  
(434) 455-2660  
Robert G. Wade, CSU Director  
robert.wade@djj.virginia.gov

**AUDIT DATES:**

July 14-15, 2014

**CERTIFICATION ANALYST:**

Shelia L. Palmer

**CURRENT TERM OF CERTIFICATION:**

January 30, 2014 - January 29, 2015

**REGULATIONS AUDITED:**

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

**PREVIOUS AUDIT FINDINGS – August 7, 2013:**

93.11% Compliance Rating  
6VAC35-150-300.B Pre-dispositionally placed juvenile  
6VAC35-150-336.A Social histories  
6VAC35-150-336.B Social histories  
6VAC35-150-350.A Supervision plans for juveniles

**CURRENT AUDIT FINDINGS – July 15, 2014:**

98.27% Compliance Rating  
6VAC35-150-300.A. Predispositionally Placed Juveniles

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified the 24<sup>th</sup> District Court Service Unit for three years.

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

**TEAM MEMBERS:**

Shelia L. Palmer, Team Leader  
Clarice T. Booker, Central Office  
Deborah Hayes, Central Office  
Mark Lewis, Central Office  
Sean Milner, Central Office  
Kevin Heller, Pulaski (27<sup>th</sup>) Court Service Unit

**POPULATION SERVED:**

The 24<sup>th</sup> District Court Service Unit (CSU) serves the City of Lynchburg and the counties of Amherst, Bedford, Campbell and Nelson.

**PROGRAMS AND SERVICES PROVIDED:**

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

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

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

- YWCA of Central Virginia
  - Community Service Work
  - SPARC (girls group home)
  - Opportunity House (boys group home)
  - Inpatient Mental Health through Centra Health in Krise 6
  - Residential Mental Health (Bridges Treatment Center)
  - Individual and Family Counseling
  - Mentoring Services
  - Anger Management
  - In Home Therapy
  - Multi Systemic Therapy (MST)
  - Blueprints Home/Kindred Homes (therapeutic foster homes)
  - JuDi Initiative
  - Substance Abuse Programs
  - Juvenile Drug Screening
  - Sex Offender Services
  - Post-Dispositional Detention Program
  - Job Programs
  - Parenting Programs
  - Community Court
  - Youthful Offender Initiative
  - Lynchburg Boys and Girls Club
  - Jubilee Center
-

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

**FACILITY/PROGRAM:** 24<sup>th</sup> District Court Service Unit (Lynchburg)  
**SUBMITTED BY:** Robert G. Wade, CSU Director  
**CERTIFICATION AUDIT DATES:** July 15, 2014  
**CERTIFICATION ANALYST:** Shelia L. Palmer

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

**6VAC35-150-300 (A). Predispositionally placed juvenile**

In accordance with approved procedures, a representative of the CSU shall make contact, either face-to-face or via videoconferencing, with each juvenile placed in predispositional detention, jail, or shelter care pursuant to § 16.1-248.1 of the Code of Virginia, within five days of the placement.

**Audit Finding:**

Two out of four applicable case files reviewed did not have documentation that a representative of the CSU made contact either face-to-face or via videoconferencing with each juvenile placed in predispositional detention, jail or shelter care within five days of placement.

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**Program Response**

**Cause:**

Staff that was covering detention hearings via video conferencing documented the video conference as the initial five day contact but did not have face-to-face contact in a private setting to discuss issues with the juvenile in confidence.

**Effect on Program:**

There were two occurrences when a juvenile was not seen face to face in a private setting within five days from the date of their confinement.

**Planned Corrective Action:**

**DETAINED YOUTH:** Juveniles shall be seen during the first five days of the initial placement in the detention center. The detention hearing/advisement does not count as face-to-face contact with the juvenile unless the CSU representative is allowed to visit with the youth in privacy over the video. If so, the CSU representative shall document one contact in BADGE for the detention hearing and document a second contact in reference to their private meeting with the juvenile. Otherwise, the CSU representative shall visit the juvenile face-to-face at the detention center before or after the hearing. Additionally, during the meeting the PO shall inquire at a minimum



regarding the juvenile's adjustment and safety, answer any questions posed by the juvenile, provide necessary information to the juvenile and thoroughly document the contact in BADGE.

**SHELTER CARED YOUTH:** Juveniles shall be seen during the first five days of their initial placement in shelter care. On the same day of the shelter care hearing/advisement, the CSU representative shall make the mandatory contact with the juvenile. The contact shall be a private meeting with the juvenile away from the courtroom. During the meeting the probation officer shall inquire at a minimum regarding the juvenile's adjustment and safety, answer any questions posed by the juvenile, provide necessary information to the juvenile and thoroughly document the contact in BADGE. Two separate entries shall be documented in BADGE. One will be required to document the court hearing and the second BADGE entry to address the private meeting with the juvenile.

The CSU supervisors shall determine during their supervisory review and document in BADGE whether the probation officer has made the appropriate contact with juvenile within the mandatory five days of initial placement and determine that the reasons for the juvenile remaining in detention is still appropriate.

Staff will be informed of the new clarification by memo on July 21, 2014.

**Completion Date:**

July 21, 2014

**Person Responsible:**

Supervisors Daryl Holt, Joseph Gong, Jennifer Blodgett, Director Robert Wade

**Current Status on December 5, 2014: Compliant**

One of 15 applicable case files reviewed did not have documentation that a representative of the CSU made contact either face-to-face or via videoconferencing with each juvenile placed in predispositional detention, jail or shelter care within five days of placement. This demonstrates an appropriate level of compliance with this noncritical regulation.

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

**PROGRAM AUDITED:**

27<sup>th</sup> District Court Service Unit (Pulaski)  
55 Commerce Street  
Pulaski, Virginia 24301  
(540) 980-7712  
Robert M. Hiatt, Director  
robert.hiatt@djj.virginia.gov

**AUDIT DATES:**

September 29-30, 2014

**CERTIFICATION ANALYST:**

Shelia L. Palmer

**CURRENT TERM OF CERTIFICATION:**

January 30, 2014 – January 29, 2015

**REGULATIONS AUDITED:**

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

**PREVIOUS AUDIT FINDINGS – August 28, 2013:**

92.98% Compliance Rating  
**6VAC35-150-250. Absconders**  
**6VAC35-150-320. Notice of Juvenile's Transfer**  
**6VAC35-150-336.A. Social Histories**  
**6VAC35-150-350.B. Supervision Plans for Juveniles**

**CURRENT AUDIT FINDINGS – September 30, 2014:**

100% Compliance Rating

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified the 27<sup>th</sup> District Court Service Unit for three years with a letter of congratulations for 100% compliance.

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

**TEAM MEMBERS:**

Shelia L. Palmer, Team Leader  
Clarice T. Booker, Central Office  
Mark I. Lewis, Central Office  
Sean Milner, Central Office

**POPULATION SERVED:**

The 27<sup>th</sup> District Court Service Unit (CSU) serves:

- Carroll County
- Grayson County
- Wythe County
- Pulaski County
- Montgomery County
- Floyd County

## 27<sup>th</sup> District Court Service Unit (Pulaski)

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- City of Galax
- City of Radford

### **PROGRAMS AND SERVICES PROVIDED:**

The 27<sup>th</sup> District CSU provides mandated services including:

- Intake
- Probation supervision
- Direct care and parole supervision

The Unit interacts with the community in obtaining such services as:

- Mental Health Case Management
  - Mental Health Individual, Group, and Family Treatment
  - Mental Health Support and Behavior Aid
  - Intensive Care Coordination
  - Mental Health Comprehensive Evaluations
  - Mental Health Child Abuse Evaluation
  - Psychological Testing and Evaluations
  - Mental Health In-Home Services
  - Substance Abuse Evaluations and Treatment
  - Life Coaching
  - Apprenticeship Program
  - Transitional Services
  - Therapeutic Day Treatment
  - Kids Program for Assertive Community Treatment (KPACT)
  - Healthy Alternatives to Residential Treatment (HART)
  - Strategic, Assertive Family Engagement (SAFE)
  - Behavior Treatment
  - Parent Coach
  - Home Confinement
  - Electronic Monitoring
-

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

**PROGRAM AUDITED:**

Fairfax Juvenile Detention Center  
10650 Page Avenue  
Fairfax, VA 22030  
(703) 246-2844  
Jason E. Houtz, Superintendent  
Jason.houtz@fairfaxcounty.gov

**AUDIT DATES:**

September 22-23, 2014

**CERTIFICATION ANALYST:**

Clarice T. Booker

**CURRENT TERM OF CERTIFICATION:**

January 13, 2012 – January 12, 2015

**REGULATIONS AUDITED:**

6VAC35-101 Regulation Governing Juvenile Secure Detention Centers

**PREVIOUS AUDIT FINDINGS - September 14, 2011:**

6VAC35-51-780.E Structured Program of Care

**CURRENT AUDIT FINDINGS – September 23, 2014:**

100% Compliance Rating

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified Fairfax Juvenile Detention Center and Post-dispositional Detention Program for three years with a letter of congratulations for 100% compliance.

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

**TEAM MEMBERS:**

Clarice Booker, Team Leader  
Marc Booker, Central Office  
Deborah Hayes, Central Office  
Jason Henry, Rappahannock Juvenile Detention Center  
Mark Lewis, Central Office  
Linda Lindsay, Prince William Juvenile Detention Center  
Erin Maloney, Northwestern Regional Juvenile Detention Center  
Shelia Palmer, Central Office  
Paul Reaves, Central Office  
Phyllis Thaggard, Loudoun Juvenile Detention Center

**POPULATION SERVED:**

Fairfax Juvenile Detention Center is a secure custody facility operated by Fairfax County. The facility serves a pre-dispositional population of 121 male and female residents, ages seven through 17. There is also a post-dispositional detention program for 15 male and female residents, ages 14 through 17, included in the rated capacity.

**PROGRAMS AND SERVICES PROVIDED:**

In addition to all mandated services Fairfax Juvenile Detention Center interacts with the community in obtaining such services as:

- Human sexual awareness and health by a public health nurse
- Religious programming by community volunteers
- On-site education through the Fairfax County Public School System

The Medical Unit provides health care services including arrangements for all levels of health care, consistent with prevailing community standards and medical ethics. The Mental Health Unit provides Emergency Mental Health Services as well as consultations to the general population. This includes weekly groups that respond to common issues prevalent in court involved adolescents. The Beta Post-dispositional Program addresses the behavioral and substance abuse needs of delinquent youth in a secure short-term residential setting, using an intensive therapeutic approach to eliminate the involvement of juveniles in delinquent activities upon their release and re-entry into the community.

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

**PROGRAM AUDITED:**

Lynchburg Regional Juvenile Detention Center  
1400 Florida Avenue  
Lynchburg, VA. 24501  
(434) 455-7878  
(434) 455-7860 Fax  
Bernard Mitchell, Superintendent  
bernard.mitchel@lynchburgva.gov

**AUDIT DATES:**

September 15-16, 2014

**CERTIFICATION ANALYST:**

Paul Reaves, Jr.

**CURRENT TERM OF CERTIFICATION:**

February 11, 2012 – February 10, 2015

**REGULATIONS AUDITED:**

6VAC35-101 Regulation Governing Juvenile Detention Centers

**PREVIOUS AUDIT FINDINGS June 20, 2011:**

98.5 % Compliance Rating

\*One repeated deficiency from previous audit.

**\*6VAC35-51-790.B – Health Care Procedures (Mandatory)**

**6VAC35-51-810.E – Medication (Mandatory)**

**6VAC35-51-810.F – Medication (Mandatory)**

**6VAC35-51-1060.K – Emergency and Evacuation Procedures (Mandatory)**

**6VAC35-140-160.C – Insurance**

**6VAC35-140-550.E – Disciplinary Process**

**CURRENT AUDIT FINDINGS – September 16, 2014:**

99.4% Compliance Rating

No repeat deficiencies

**6VAC35-101-100 (A). Grievance procedure.**

**6VAC35-101-990 (A). Tuberculosis screening. CRITICAL**

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified Lynchburg Regional Juvenile Detention Home and Post-dispositional for three years with a status report in six months on TB screenings.

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

**TEAM MEMBERS:**

Paul Reaves, Jr., Team Leader  
Shelia Palmer, Central Office  
Don Inge, Central Office  
Deborah Hayes, Central Office  
Marc Booker, Central Office

Pam Jeffries, Lynchburg Juvenile Detention Center  
Nikia Miller, WW Moore Detention Home  
Greg Davis, Chesterfield Juvenile Detention Center  
Michelle Hodges, Piedmont Regional Juvenile Detention Center

**POPULATION SERVED:**

Lynchburg Regional Juvenile Detention Center (LRJDC) is a secure detention facility that provides short-term/temporary detention services to male and female juveniles awaiting disposition by the court and a post-dispositional program for youth who have been placed in detention for more than 30 days. LRJDC's service area includes the cities of Lynchburg and Bedford and the counties of Amherst, Appomattox, Bedford, Campbell, Charlotte and Nelson.

**SERVICES PROVIDED:**

Staff provides supervision to the youth to ensure the youth are safe, healthy, and secure in the facility and that the youth are available for conferences, court appearances, and appointments.

Services include:

- **Facility:** Casework, education, medical, mental health counseling, volunteers, recreation, Street Law Program, and post disposition life skills classes.
- **Community:** Group therapy, substance abuse therapy, opportunities to participate in community services, mentoring, anger management classes, exposure to local services regarding employment and education, and recreation.

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

**FACILITY/PROGRAM:** Lynchburg Regional Juvenile Detention Home  
**SUBMITTED BY:** Bernard Mitchell  
**CERTIFICATION AUDIT DATES:** September 15-16, 2014  
**CERTIFICATION ANALYST:** Paul Reaves, Jr.

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

**6VAC35-101-100 (A). Grievance procedure.**

**A. Written procedure shall provide that residents are oriented to and have continuing access to a grievance procedure that provides for:**

- 1. Resident participation in the grievance process with assistance from staff upon request;**
- 2. Investigation of the grievance by an objective employee who is not the subject of the grievance;**
- 3. Documented, timely responses to all grievances with the reasons for the decision;**

4. At least one level of appeal;
5. Administrative review of grievances;
6. Protection from retaliation or threat of retaliation for filing a grievance; and
7. Hearing of an emergency grievance within eight hours.

**Audit Finding:**

In five of five applicable resident grievances, there was no documentation of an administrative review conducted of the grievance filed by the resident.

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**Program Response**

**Cause:**

No member of Administration signed the final review.

**Effect on Program:**

No final decision was made.

**Planned Corrective Action:**

An Administrator will sign off on all final reviews of a grievance.

**Completion Date:**

Immediately.

**Person Responsible:**

Bernard Mitchell

**Current Status on December 16, 2014 Compliant**

The facility had one resident grievance since the certification audit and that one grievance had documentation of the administrative by staff

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**6VAC35-101-990 (A). Tuberculosis screening. CRITICAL**

**Within five days of admission to the facility each resident shall have had a screening assessment for tuberculosis. The screening assessment can be no older than 30 days.**

**Audit Finding:**

In five of eighteen medical case files reviewed there was no documentation that T B screenings were conducted on residents within five days of admission.

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**Program Response**

**Cause:**

Did not complete the required TB tests within the proper timeframe of five days.

**Effect on Program:**

None.

**Planned Corrective Action:**



All TB tests will be conducted within four days of admission. This will ensure that we meet the five day deadline.

**Completion Date:**  
Immediately.

**Person Responsible:**  
Bernard Mitchell

**Current Status on December 16, 2014: Compliant**

Fourteen of 14 medical case files reviewed had documentation that TB screenings were conducted on residents within five days of admission.

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

**PROGRAM AUDITED:**

Lynnhaven Boys' Home  
2293 Lynnhaven Pkwy  
Virginia Beach, Virginia 23456  
(757) 471-0141  
Donet Rose, Director  
drose@tyscommision.org

**AUDIT DATES:**

September 24-25, 2014

**CERTIFICATION ANALYST:**

Mark Ivey Lewis

**CURRENT TERM OF CERTIFICATION:**

February 11, 2014 – February 10, 2015

**REGULATIONS AUDITED:**

6VAC35-41 Regulation Governing Juvenile Detention Centers

**PREVIOUS AUDIT FINDINGS SEPTEMBER 10, 2013**

97.8% Compliance Rating  
6VAC35-51-310.B – Staff Development  
6VAC35-51-580.B – Building and Grounds  
6VAC35-51-700.E – Face Sheet  
6VAC35-51-720.I – Service Plan/Quarterly Reports  
6VAC35-51- 800.E – Medical Examination and Treatment  
6VAC35-51- 810.E – Medication  
6VAC35-140- 280.D – Training

**CURRENT AUDIT FINDINGS – September 25, 2014:**

99.65% Compliance Rating  
6VAC35-41-1200. Health Screening at Admission

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified the Lynnhaven Boys' Group Home for three years.

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

**TEAM MEMBERS:**

Mark Ivey Lewis, Team Leader  
Clarice Booker, Central Office  
Shelia Palmer, Central Office  
Paul Reaves, Central Office  
Carolyn Radcliff, Crossroads  
Daniel Moore, Chesapeake Juvenile Services

**POPULATION SERVED:**

Lynnhaven Boys' Home is a 12-bed residential facility that serves post-dispositional males 13 to

17 years of age, who are referred by the juvenile court and social services. The facility is operated by Tidewater Regional Group Home Commission (TRGHC) and serves residents and family from the cities of Portsmouth, Chesapeake, Virginia Beach, Suffolk, Franklin, and Isle of Wight County.

**PROGRAMS AND SERVICES PROVIDED:**

LBH is a community based program where the residents live, attend school, and work in the community just as if they were living at home. LBH provides a structured environment in which immediate feedback and counseling is provided to encourage growth in the areas of social skills and positive behavior. LBH utilizes a point sheet which is broken down in time frames that corresponds with the facilities daily schedule. This provides the resident the opportunity to turn his behavior around without affecting the entire day. Residents earning 85 out of 100 daily points earn extra privileges such as playing video games and having extra phone privileges. LBH merit system rewards noted effort on the resident's part to exhibit appropriate and helpful behavior. The primary focus of the program is to provide a climate whereby responsible and mature behavior is taught, learned, and practiced. The result will be that residents live productively within the law. This can best be accomplished by engaging the family and the resident in an ongoing process that will alleviate personal difficulties and prompt healthier future relations.

LBH educational component is provided by the Virginia Beach Public Schools. The majority of the youth attend the Renaissance Academy which provides both middle school and high school education. Transportation is provided by the Virginia Beach Public Schools transportation system. Any resident who is suspended from school is required to do assigned homework and community project. If a resident is unable to attend public school due to expulsion, a computer based GED program is available at the facility and the resident has access to a certified teacher/tutor two days a week.

The facility has a strong recreational program that includes educational, cultural, recreational, and therapeutic components. Activities can range from going to the museum to canoeing and biking.

Services provided include the following:

- Direct
  - Case management
  - Individual counseling
  - Family counseling
  - Group counseling
  - Community Group
  - Mental Health Services
  - Skill Streaming
  - Anger Control
  - Moral Reasoning
- Community:
  - Education
  - Sex Education and Planning
  - Book Club
  - Community: (Services offered by community agencies and resources)

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

**FACILITY/PROGRAM:** Lynnhaven Boys Group Home

**SUBMITTED BY:** Donet Rose, Director

**CERTIFICATION AUDIT DATES:** September 24-25, 2014

**CERTIFICATION ANALYST:** Mark Ivey Lewis

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

**6VAC35-41-1200. CRITICAL**

The facility shall require that:

1. To prevent newly arrived residents who pose a health or safety threat to themselves or others from being admitted to the general population, all residents shall immediately upon admission undergo a preliminary health screening consisting of a structured interview and observation by health care personnel or health-trained staff. As necessary to maintain confidentiality, all or a portion of the interview shall be conducted with the resident without the presence of the parent or guardian.
2. Residents admitted to the facility who pose a health or safety threat to themselves or others shall not be admitted to the facility's general population but provision shall be made for them to receive comparable services.
3. Immediate health care is provided to residents who need it.

**Audit Finding:**

One of ten case files reviewed had documentation that a resident was admitted into the facility on 7/28/14 but did not undergo a preliminary health screening until 7/30/14.

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**Program Response**

**Cause:**

Staff failed to complete the Health Screening immediately upon admission.

**Effect on Program:**

The client could have posed a health and safety risk to everyone in the facility and/or client could have had a health condition that needed attention or exposed the facility to a health risk.

**Planned Corrective Action:**

Written memorandum was issued to all staff members, which reiterated the importance of completing the Health Screening immediately upon admission. Also, the staff member involved received a written reprimand. Finally, the policy was again addressed at our recent staff meeting.

**Completion Date:**

September 25, 2014 and October 8, 2014 respectively.

**Person Responsible:**

Donet M. Rose

**Current Status on December 15, 2014: Compliant**

Ten of 10 case files reviewed had documentation that the resident underwent a preliminary health screening consisting of a structured interview and observation by a health-trained staff immediately upon admission.

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

**PROGRAM AUDITED:**

Norfolk Juvenile Detention Center  
1260 Security Lane  
Norfolk, Virginia 23323  
(757) 441-5667  
Carey Patterson, Superintendent  
[carey.patterson@norfolk.gov](mailto:carey.patterson@norfolk.gov)

**AUDIT DATES:**

August 24 – 25, 2014

**CERTIFICATION ANALYST:**

Mark Ivey Lewis

**CURRENT TERM OF CERTIFICATION:**

January 14, 2012 – January 13, 2015

**REGULATIONS AUDITED:**

6VAC35-101 Regulation Governing Juvenile Detention Centers

**PREVIOUS AUDIT FINDINGS September 20, 2011:**

98.5 % Compliance Rating

**6VAC35-51-580.B – Buildings and Grounds**

**6VAC35-51-800.D – Medical Examinations and Treatment**

**6VAC35-51-810.E – Medication**

**6VAC35-51-810.F – Medication**

**6VAC35-140-560.C – Room Confinement and Isolation**

**6VAC35-140-707.D – Post Dispositional Placement**

**CURRENT AUDIT FINDINGS – August 25, 2014:**

99.69% Compliance Rating

**6VAC35-101-90 (C). Suspected child abuse or neglect.**

**DEPARTMENT CERTIFICATION ACTION – February 1, 2015:** Certified Norfolk Juvenile Detention Home and Post-dispositional Program for three years.

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

**TEAM MEMBERS:**

Mark Ivey Lewis, Team Leader

Clarice Booker, Central Office

Shelia Palmer, Central Office

Paul Reaves, Central Office

Deborah Hayes, Central Office

Mark Ball, Chesapeake Juvenile Services

Marilyn Brown, Chesterfield Juvenile Detention Center

Lorenzo Case, Newport New Juvenile Detention Center

Aaron Knight, Virginia Beach Juvenile Detention Center

Gina Mingee, Merrimac Juvenile Detention Center

**POPULATION SERVED:**

The Norfolk Juvenile Detention Center is an 80-bed facility (64 pre-dispositional beds--48 male and 16 female) and 16 post-dispositional beds serving youth from Norfolk and other areas on a per diem basis.

**PROGRAMS AND SERVICES PROVIDED:**

**Post-dispositional**

Post-disposition is a program that is an alternative to commitment to DJJ. Local services are offered to all residents and families. The Norfolk JDC offer Individual counseling, group counseling, family meetings, substance abuse and anger management. This program is directly supervised by a Detention Center Supervisor. He works in conjunction with the Courts, Social workers, Probation Officers and Judges to ensure the success of the residents. Once the residents have completed the program, they may be transitioned to family members, group homes and/or other programs. Average daily population of 2014 was nine (9) residents.

**Re-Entry Program Overview**

Norfolk Juvenile Detention Center Re-entry Program will service and provide bed space for juvenile's ages 13 to 20. The juvenile length of stay can range from 30 – 120 days prior to their release from the Department of Juvenile Justice. These juveniles will be housed in general population while at Norfolk Juvenile Detention Center. The objective of the program is to allow the juvenile offenders to transition from a Juvenile Correction Center (JCC) to a local detention facility; and obtain community resources such as education, employment, treatment services, and reconnect with their families.

**Norfolk Public School (NPS)**

The NPS system provides appropriate grade specific schooling for all residents. Classes begin at 08:00 daily and end at approximately 14:15. The classes include regular classes and include academic and special education classes in addition to Life Skills Enhancement and Character Education. On site, there is a principal, 11 teachers (various subject matters), one guidance counselor, one clerk, one media specialist and one teaching assistant.

Services provided include the following:

- Direct
  - School Program
  - Medical Services
  - Indoor and Outdoor Recreation
  - Mental Health Services
  - Post Dispositional Program
  
- Community:
  - Educational Services
  - Employment Counseling
  - Mental Health Services
  - Social Services
  - Recreational Programs

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

**FACILITY/PROGRAM:** Norfolk Juvenile Detention Center  
**SUBMITTED BY:** Carey L. Patterson, Superintendent  
**CERTIFICATION AUDIT DATES:** August 25 – 26, 2014  
**CERTIFICATION ANALYST:** Mark Ivey Lewis

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

**6VAC35-101- 90.C**

**C. Any case of suspected child abuse or neglect shall be reported and documented as required in 6VAC35-101-80 (serious incident reports). The resident's record shall contain a written reference that a report was made.**

**Audit Finding:**

**Two of four case files reviewed did not make any reference that a suspected child abuse incident alleged by the resident had been reported to Child Protective Services.**

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**Program Response**

**Cause:**

While there was information noted regarding the existence of the CPS investigation for the files, the information was not a part of the resident file. The reference was made in the incident reports. Despite the incident reports being present in the files, the CPS allegations was reported by the resident after the incident report was completed and submitted.

**Effect on Program:**

The program was not in compliance with **6VAC35-101- 90.C**.

**Planned Corrective Action:**

The Assistant Superintendent-Program Services, will review and ensure that all serious incident reports involving child abuse and neglect are documented in the resident's case file. A copy of the serious incident report and the documentation of the allegation by the resident in the residents file will be forwarded to the Superintendent for review.

**Completion Date:**

August 28, 2014.

**Person Responsible:**

Tommie Clark, Assistant Superintendent.



***Current Status on December 15, 2014: Compliant***

One case file reviewed had documentation that a suspected child abuse incident alleged by the resident on 9/30/14 had been reported to Child Protective Services.

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# DEPARTMENT OF JUVENILE JUSTICE REGULATORY UPDATE

April 24, 2015

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6VAC35-51  
6VAC35-140

## Standards for Interim Regulation of Children's Residential Facilities Standards for Juvenile Residential Facilities

Purpose: This action repealed the Standards for Interim Regulation of Children's Residential Facilities and the Standards for Juvenile Residential Facilities.

Stage: The regulations were repealed February 13, 2015 (Fast-track).

Status: The Board regulates three types of facilities (juvenile correctional centers, juvenile secure detention centers, and juvenile group homes) that, until January 1, 2014 were governed by two sets of regulations (6VAC35-140 and 6VAC35-51). On January 1, 2014, 6VAC35-41 (Regulation Governing Juvenile Group Homes and Halfway Houses), 6VAC35-71 (Regulation Governing Juvenile Correctional Centers), 6VAC35-101 (Regulation Governing Juvenile Secure Detention Centers) became effective. These chapters replaced 6VAC35-51 and 6VAC35-140 for all residential facilities regulated by the Board. As such, the regulatory process was initiated to repeal these chapters. The Executive Branch review was completed on September 8, 2014. The fast-track stage was submitted to the Virginia Register on December 3, 2014. The public comment period ended on January 28, 2015. The regulations were repealed on February 13, 2015.

Next Step:

✓ None.

6VAC35-71  
6VAC35-101

## Regulation Governing Juvenile Correctional Centers Regulation Governing Secure Detention Centers

Purpose: This action will amend 6VAC35-71-350 and 6VAC35-101-420 relating to the resident-to-toilet ratio in juvenile correctional centers and juvenile secure detention centers. The proposed amendment changes the date for which juvenile correctional centers and juvenile secure detention centers are required to comply with the requirement to have one toilet, one hand basin, and one shower or tub for every four residents (one-to-four ratio) in any building constructed or structurally modified after July 1, 1981, to require only those buildings constructed or structurally modified after December 28, 2007, to meet the aforementioned one-to-four ratio. This amendment will bring the regulation into alignment with the prior residential regulation (6VAC35-51-460) that was effective September 17, 2008, and superseded on January 1, 2014.

Stage: Executive Branch review (Fast-track).

Status: The Board approved the submission of a Notice of Intended Regulatory Action (NOIRA) using the fast-track regulatory process on November 13, 2013. The fast-track was submitted on April 25, 2014. The fast-track is currently undergoing Executive Branch review.

Next Step:

✓ Upon notification of the completion of the Executive Branch review, the fast-track will be submitted to the Virginia Register of Regulations.

**6VAC35-160 Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System:**

Purpose: To conduct a comprehensive review of the Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System.

Stage: NOIRA Executive Branch Review (Standard Regulatory Process).

Status: On January 6, 2015, the Board approved the submission of a NOIRA. The NOIRA was submitted for Executive Branch review on March 18, 2015.

Next Step:

✓ The NOIRA will undergo review by the Executive Branch and, upon approval, will be submitted to the *Virginia Register of Regulations*. Once published there will be a 30-day public comment period.

**6VAC35-180 Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice:**

Purpose: To conduct a comprehensive review of the Minimum Standards for Research Involving Human Subjects or Records of the Department of Juvenile Justice.

Stage: Proposed (Standard Regulatory Process).

Status: On November 13, 2013, the Board approved the submission of a NOIRA. The NOIRA was submitted on February 18, 2014, and this stage was completed on May 21, 2014. The Board approved submission of the Proposed Stage on November 12, 2014. The Proposed Stage was submitted on November 14, 2014, and is currently being reviewed by the Executive Branch.

Next Step:

✓ Upon notification of approval from the Executive Branch the proposed language will be submitted to the *Virginia Register of Regulations*. Once published there will be a 60-day public comment period.



# COMMONWEALTH OF VIRGINIA

Andrew K. Block, Jr.  
Director

## Department of Juvenile Justice

April 24, 2015

### MEMORANDUM

**TO:** Board of Juvenile Justice

**FROM:** Department of Juvenile Justice

**SUBJECT:** Submission of Public Comments and Approval of the Proposed "Guidelines for Determining the Length of Stay of Juveniles Indeterminately Committed to the Department of Juvenile Justice (Length of Stay Guidelines)"

#### **I. Public Comments**

On April 2, 2015, notice was provided through the Regulatory Town Hall that the Board of Juvenile Justice (Board) would be considering modifications to its "Guidelines for Determining the Length of Stay of Juveniles Indeterminately Committed to the Department of Juvenile Justice (Length of Stay Guidelines)" as amended by the Board on July 1, 2008. The following documents were made available in draft format for review and public comment:

- "Guidelines for Determining the Length of Stay (LOS) of Juvenile Indeterminately Committed to the Department of Juvenile Justice (DJJ)."
  - The document contains the proposed LOS Guidelines.
- "Guidelines for Determining the Length of Stay (LOS) of Juvenile Indeterminately Committed to the Department of Juvenile Justice (DJJ) 2015 Proposed Revisions."
  - The document provides a one page summary of the supporting data and proposed changes to the LOS Guidelines.
- "2015 Proposed Guidelines for Determining the Length of Stay (LOS) of Juvenile Indeterminately Committed to the Department of Juvenile Justice (DJJ). Comparison of the Existing (2008) LOS Guidelines to the 2015 Proposed LOS Guidelines."
  - The document provides a detail summary of the differences between the 2008 LOS Guidelines and the 2015 proposed LOS Guidelines.

## **II. Public Comment Period**

The public comment period was from Thursday, April 2, 2015, through Sunday, April 19, 2015. Any written comments submitted during this period will be submitted to the Board for their consideration at the April 24 Board meeting.

## **III. Background-Statutory Authority and Mandated Solicitation of Public Comments**

Except for juveniles committed as “serious juvenile offenders” under §16.1-285.1 of the *Code of Virginia*, commitments to the DJJ “shall be for an indeterminate period having regard to the welfare of the juvenile and interests of the public” (*Code of Virginia* § 16.1-285). Section 66-10 of the *Code of Virginia* gives the Board the authority to establish the LOS Guidelines for juveniles indeterminately committed to DJJ and the section requires the Board to make the guidelines available for public comment.

## **IV. Purpose and Intent of the Proposed Revisions**

The modifications are intended to update the Length of Stay Guidelines that were amended in 2008. The Department is granted broad discretion to determine when a juvenile should be released, and the State Board of Juvenile Justice is directed to provide “guidelines” that the Department consults in making decisions concerning a resident’s length of stay and release. Broadly speaking, the role of the Board’s guidelines is to express the factors that should be weighed in deciding when to release an indeterminately committed juvenile. The Department is responsible for applying these guidelines generally and for making exceptions with regard to the welfare of the juvenile and the interests of the public.

## **V. Requested Board Action**

The Department respectfully requests the Board to pass the Length of Stay Guidelines as amended.

**GUIDELINES FOR DETERMINING THE LENGTH OF STAY (LOS) OF JUVENILES INDETERMINATELY  
COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE (DJJ)  
2015 Proposed Revisions**

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**Purpose:** The LOS Guidelines have not changed substantively since 1998<sup>1</sup> and, since then, have not served to improve outcomes for committed juveniles.

- Under the current guidelines, juveniles remain in direct care for an average of 18.2 months.<sup>2</sup>
- The average annual cost of confinement is \$137,000 per juvenile. Thus, it costs approximately \$207,000 for each juvenile commitment.
- Since 1998, the recidivism rate has not improved (the one-year post-release rearrest rate ranged from 46% to 53% and the three-year rearrest rate ranged from 75% to 78%).

**Scope:** The LOS Guidelines *only* apply to juveniles given an indeterminate commitment to DJJ.

- This population *does not* include juveniles committed as a serious offender (determinate commitment) or determinately sentenced to DJJ by a circuit court after being tried as an adult.
- For FYs 2012-2014: 18.3% of admissions were determinately committed.

**Supporting Data:** The following data support the proposed changes to the LOS Guidelines:

- *National Findings:*
  - ✓ The estimated national average LOS is 8.4 months.<sup>3</sup>
  - ✓ LOS for juveniles from six comparable states was 9.1 months between 2011 and 2013.<sup>4</sup>
- *Virginia LOS Findings:* When looking at a two-year release cohort, controlling for offense and YASI risk and protective factors, the following probabilities were identified (run independently):
  - ✓ A 2% increase of rearrest within one year for every additional month of LOS.
  - ✓ A 33% increase of rearrest within one year for every additional year of LOS.
  - ✓ A 33% increase of rearrest within one year if the LOS were longer than 15 months.
  - ✓ A 44% higher rate of rearrest within one year for juveniles with LOSs longer than 15 months compared to juveniles with LOSs of 10 months or less.
- *Virginia Offense Findings:*
  - ✓ Juveniles with misdemeanor and non-person felonies have an increase in rearrest by 14.8% and 4.0%, respectively, when their LOS is over 12 months.
  - ✓ Juveniles with person felonies have a 5.2% lower rearrest rate when their LOS is over 12 months.  
Note: Juveniles with person felonies have much lower overall rearrests than those committed on other offenses.

**Proposed Changes:** The proposed revisions use data to balance public safety, personal accountability, and competency development for juveniles to become law-abiding citizens upon return to the community.

- Weighs the risk for rearrest, based on factors and offense severity to estimate the projected LOS (the current guidelines are based solely on offense severity).
- Incorporates seven primary LOS ranges, from 2-4 months to 9-15 months (the current guidelines have four primary categories, 3-6 months to 18-36 months, with the possibility of enhancement for chronicity). Under both, a juvenile may stay until the statutory release date (36 months or 21<sup>st</sup> birthday) based on behavior, adjustment, and progress in treatment.

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<sup>1</sup> The LOS Guidelines were reviewed, with minor revisions in 2008. Notwithstanding those changes, the core structure of the LOS calculation has remained unchanged since 1998.

<sup>2</sup> 15.6 months for indeterminate commitments, and 29.8 months for determinate commitments.

<sup>3</sup> Office of Juvenile Justice and Delinquency Prevention. (2012). *Census of juveniles in residential placement for 2011*. Washington, DC: U.S. Census Bureau. This figure is based on the average number of reported days in custody on the census date for juveniles with a legal status of "committed" in a long-term secure facility; it does not represent the final LOS.

<sup>4</sup> Data originally obtained by Chinn Planning on behalf of DJJ and updated where possible by the Annie E. Casey Foundation. Reported averages for each state are weighted according to the number of admissions in each state. Averages are based on completed stays.

# DRAFT

## GUIDELINES FOR DETERMINING THE LENGTH OF STAY (LOS) OF JUVENILES INDETERMINATELY COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE (DJJ)

Effective July 1, 2015

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PROPOSED DRAFT



## **GUIDELINES FOR DETERMINING THE LENGTH OF STAY (LOS) OF JUVENILES INDETERMINATELY COMMITTED TO THE DEPARTMENT OF JUVENILE JUSTICE (DJJ)**

Effective July 1, 2015

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### **1.0 PURPOSE**

*“Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)”* (LOS Guidelines) provide direction for determining the projected LOS for juveniles committed to DJJ for an indeterminate period of time.

These LOS Guidelines seek to promote accountability and rehabilitation by using data-driven decision making to support juveniles’ successful re-entry from commitment to the community. The LOS Guidelines provide consistency across determinations while allowing reasonable flexibility in accommodating case differences and treatment needs, as applicable and appropriate.

### **2.0 SCOPE**

The LOS Guidelines apply to all juveniles who are committed to DJJ for an indeterminate period of time pursuant to subdivision A 14 of § 16.1-278.8 or § 16.1-272 (excluding subdivision A 2) of the *Code of Virginia*.

The LOS Guidelines do not apply to juveniles determinately committed to DJJ as a serious offender under § 16.1-285.1 or subdivision A 2 of § 16.1-272 of the *Code of Virginia*.

The LOS Guidelines shall neither restrict nor limit the authority of the DJJ Director or designee to release juveniles under §§ 16.1-285 and 66-3 of the *Code of Virginia* or other applicable statutes and regulations.

### **3.0 AUTHORITY**

Section 66-10 of the *Code of Virginia* requires the Board of Juvenile Justice to “establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment.”

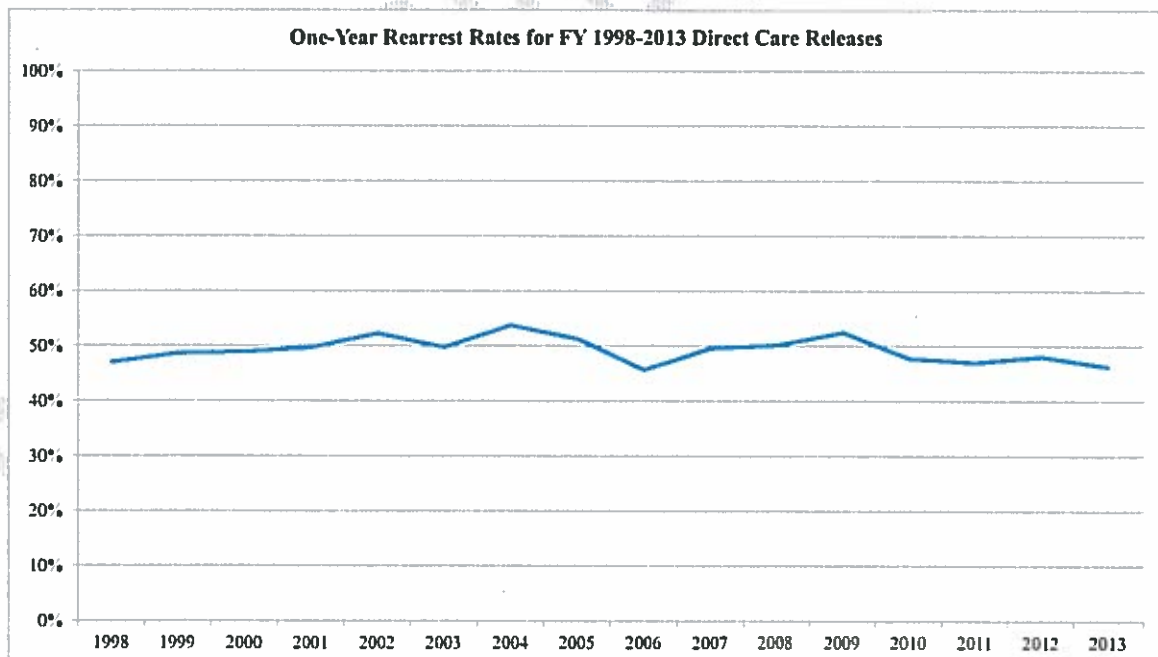
## 4.0 RATIONALE

Current policy regarding assigned LOS for indeterminately committed juveniles, which has been in place since 1998 and was slightly modified in 2008. The general structure of the guidelines has not been substantively reviewed or substantially modified since 1998 and is in need of revision based on three key findings:

### 4.1 *DJJ Direct Care Recidivism Rates*

One-year rearrest rates for juveniles released from direct care between fiscal years (FYs) 2011 and 2013 ranged from 46.3% to 48.1%. Three-year rearrest rates for juveniles released from direct care between FYs 2009 and 2011 ranged from 74.7% to 78.4%. Furthermore, one-year rearrest rates remained relatively stable between FYs 1998 and 2013. At the one-year follow-up period, rearrest rates ranged from a low of 45.7% in FY 2006 to a high of 53.8% in FY 2004. These high rates and lack of improvement over the FYs examined indicate that current policies and practices are not effective in preparing juveniles to be successful citizens in the community.

The chart below details the one-year rearrest rates for direct care releases between FYs 1998 and 2013:



## 4.2 *National Standards*

The average actual LOS of juveniles admitted to DJJ is much higher when compared to national averages and comparable states. The average actual LOS for juveniles released from DJJ between FYs 2013 and 2014 was 18.2 months (15.6 months for indeterminate commitments and 29.8 months for determinate commitments). By comparison, using data from the 2011 Census of Juveniles in Residential Placement, the estimated national average LOS is 8.4 months, which is less than half of DJJ's actual average LOS. (This figure is based on the average number of reported days in custody on the census date for juveniles with a legal status of "committed" and placed in a long-term secure facility; it does not represent their final LOS.)<sup>1</sup> Additionally, the average LOS for juveniles from six comparable states (i.e., Indiana, Missouri, Massachusetts, Maryland, Colorado, and Oregon) was 9.1 months between 2011 and 2013.<sup>2</sup>

## 4.3 *Best Practices and the Impact of LOS*

Juveniles in direct care in Virginia also stay much longer than what research suggests is the best practice. In general, research has found that juvenile incarceration fails to reduce recidivism and can, in certain instances, be counterproductive. If youth are placed out of home, evidence does not support longer LOSs. Several studies examining different populations and using various methodologies have found no consistent relationship between the length of out-of-home placements and recidivism.

In a meta-analysis of recent studies on juvenile incarceration, Lambie and Randell (2013)<sup>3</sup> found that incarceration in a secure residential setting had little to no benefits in the juvenile justice system. Incarceration negatively affected mental health and increased reoffending, and it was more expensive and less effective than community-based alternatives. Although this meta-analysis did not address the length of a secure residential stay, it found that incarceration, in general, was unwise for juvenile delinquents. Another meta-analysis combining the results of juvenile and adult studies and found that longer sentences were associated with a small increase in recidivism.<sup>4</sup>

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<sup>1</sup> Office of Juvenile Justice and Delinquency Prevention. (2012). *Census of juveniles in residential placement for 2011*. Washington, DC: U.S. Census Bureau.

<sup>2</sup> Data originally obtained by Chinn Planning on behalf of DJJ and updated where possible by Annie E. Casey Foundation. Reported averages for each state were weighted according to the number of admissions in each state. Averages were based on completed stays in placement.

<sup>3</sup> Lambie, I., & Randell, I. (2013). The impact of incarceration on juvenile offenders. *Clinical Psychology Review, 33*, 448-459.

<sup>4</sup> Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sentences and intermediate sanctions on recidivism: General Effects and Individual Differences*. Ottawa: Solicitor General Canada.

Loughran and colleagues (2009)<sup>5</sup> studied the juveniles' institutional LOSs by examining four-year rearrest and self-report data of serious juvenile offenders, controlling for over 60 other variables that may have influenced risk. They concluded that for institutional stays lasting between 3 and 13 months, longer periods of confinement did not reduce recidivism.

A study in Florida found no consistent relationship between juvenile LOSs and recidivism, but longer stays were associated with some positive effects for males and for youth released from facilities for high-risk offenders.<sup>6</sup> An Ohio study found that, after controlling for juveniles' demographics and risk levels, those placed in state facilities for longer periods had higher rates of re-incarceration than those held for shorter periods.<sup>7</sup>

Research in the area of treatment duration is limited but suggests that the intensity and length of treatment should be consistent with the offender's risk level to reduce the likelihood of future offending. Although some research has demonstrated a relationship between longer treatment periods or more contact hours and reduced recidivism, there is general agreement that extended treatment times show diminishing returns after a certain point.<sup>8</sup> Other factors, such as the risk level of the offender and the characteristics and quality of implementation of programs, are key determinants in reducing recidivism, regardless of whether treatment is delivered in institutions or in the community.<sup>9</sup>

Virginia-specific data also do not support the long LOSs that are current practice. Recidivism data were analyzed for two years for juveniles released from direct care, matched with most serious committing offenses, Youth Assessment Screening Instrument (YASI) assessments at admission, and actual LOSs. Controlling for offense and risk and

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<sup>5</sup> Loughran, T., Mulvey, E. P., Schubert, C. A., Fagan, J., Losoya, S. H., & Piquero, A. R. (2009). Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders. *Criminology*, 47, 699-740.

<sup>6</sup> Kristin P. Winokur, et al., "Juvenile Recidivism and Length of Stay," *Journal of Criminal Justice* 36 (2008): 126-137. This study measured recidivism as a subsequent adjudication or conviction for an offense within 12 months of release to the community or to a conditional-release program.

<sup>7</sup> Brian K. Lovins, "Putting Wayward Kids Behind Bars: The Impact of Length of Stay in a Custodial Setting on Recidivism," (PhD dissertation, University of Cincinnati, 2013), [http://cech.uc.edu/content/dam/cech/programs/criminaljustice/docs/phd\\_dissertations/lovinsb.pdf](http://cech.uc.edu/content/dam/cech/programs/criminaljustice/docs/phd_dissertations/lovinsb.pdf). This study measured recidivism as a subsequent commitment to a juvenile or adult correctional facility for a new offense within a three-year follow-up period.

<sup>8</sup> James C. Howell and Mark W. Lipsey, "Research-Based Guidelines for Juvenile Justice Programs," *Justice Research and Policy* 14, No. 1 (November 2012): 17-34; Jeff Latimer, et al., Department of Justice Canada, "Treating Youth in Conflict with the Law: A New Meta-Analysis" (2003), [http://www.justice.gc.ca/eng/rp-pr/cj-jp/yj-ji/r03\\_vj3-r03\\_jj3/r03\\_vj3.pdf](http://www.justice.gc.ca/eng/rp-pr/cj-jp/yj-ji/r03_vj3-r03_jj3/r03_vj3.pdf); Mark W. Lipsey, "Primary Factors That Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview," *Victims & Offenders* 4, No. 2 (April 2009): 124-147; Mark W. Lipsey, David B. Wilson, and Lynn Cothorn, "Effective Intervention for Serious Juvenile Offenders," *Juvenile Justice Bulletin*, (April 2000).

<sup>9</sup> Howell and Lipsey, "Research-Based Guidelines for Juvenile Justice Programs"; Lipsey, "Primary Factors That Characterize Effective Interventions with Juvenile Offenders."

protective factors, the probability of rearrest within one year increased by 2.4% for every additional month of LOS. The probability of rearrest increased by 32.7% for every additional year of LOS. More specifically, the probability of rearrest within one year increased by 33.3% if the juvenile's LOS was longer than 15 months, and the probability of rearrest within one year was 44.3% higher for a juvenile with a LOS longer than 15 months compared to a juvenile with a LOS of 10 months or less. These differences indicate that holding juveniles longer in direct care lowered their chances of success in the community when controlling for offense and risk and protective factors.

## 5.0 OVERVIEW

The LOS Guidelines have been developed to achieve a balance of public safety, personal accountability, and competency development.

- Public safety places a primary emphasis on the fact that the citizens of Virginia have a right to safe and secure communities. Achieving this goal requires supervision strategies and techniques that provide for effective monitoring and control.
- Accountability requires that every effort be made by staff to instill in juveniles a recognition of the harmful consequences of their actions.
- Competency development requires juveniles to be provided opportunities to acquire or build on interpersonal, cognitive, and behavioral skills and strengths to ensure juveniles are released from direct care with increased likelihood of success when returning to the community.

In determining the projected LOS, this balance is achieved by weighing the juvenile's risk for rearrest and offense severity. The juvenile's risk for reoffending shall be determined by looking at levels of risk and protective factors on the most recently administered YASI at the time of admission to direct care. The juvenile's offense severity will be determined by looking at the most serious committing offense and determining into which of four tiers the offense falls.

The Board of Juvenile Justice and DJJ recognize that each juvenile is unique and that individual circumstances shall be considered for release from commitment. The projected LOS is a guide for release determinations. The decision for release, however, shall be case-specific, taking into account the juvenile's behavior, facility adjustment, and progress in treatment.

## 6.0 DEFINITIONS

*“Date of Commitment”* means the hearing date on which the court made the determination that a final order committing the juvenile to DJJ be issued.

*“Detention Assessment Instrument (DAI)”* is a detention screening tool used during court services unit intake to guide detention decisions using objective criteria.

*“Direct Care”* means the time during which a juvenile who is committed to DJJ pursuant to § 16.1-272 or subsections A 14 or 17 of § 16.1-278.8 of the *Code of Virginia* is under the supervision of staff in a juvenile residential facility operated or contracted by DJJ.

*“Dynamic Protective Score”* means the juvenile’s protective score on exclusively “dynamic” (changeable) items on the YASI. Examples of dynamic protective factors include relationships with pro-social adult role models, good school performance, pro-social peers, good parental supervision, usually obeying and following rules, consistently appropriate consequences from parents for bad behavior, consistently appropriate rewards from parents for good behavior, and involvement in two or more school activities.

*“Dynamic Risk Score”* means the juvenile’s risk score on exclusively “dynamic” (changeable) items on the YASI. Examples of dynamic risk factors include negative peer influences; negative family influences and failure to follow rules at home; school behavioral problems and poor school attendance; lack of empathy, dispositions favorable toward crime, and lack of receptivity toward change; and deficits in problem solving, interpersonal skills, and other cognitive skills that normally promote pro-social adjustment.

*“Early Release Date”* means the estimated minimum amount of time that indeterminately committed juveniles are expected to be in direct care, starting from their Date of Commitment.

*“Juvenile”* means a juvenile, either a minor or an adult, who is committed to DJJ and is residing in a juvenile residential facility. For the purposes of the LOS Guidelines, a juvenile is restricted to juveniles committed to DJJ pursuant to § 16.1-272 or subsections A 14 or 17 of § 16.1-278.8 of the *Code of Virginia*.

*“Juvenile Residential Facility”* means a publicly- or privately-operated facility, a secured custody facility defined in § 16.1-228 of the *Code of Virginia*, or an alternative placement for juveniles where 24-hour-per-day care is provided to juveniles under the direct care of DJJ.

“*Late Release Date*” means the estimated maximum amount of time that indeterminately committed juveniles are expected to be in direct care, starting from their Date of Commitment.

“*Overall Risk Score*” means the category of overall risk to reoffend, considering all domains that are part of the YASI. See the definition of YASI for a list of domains.

“*Projected Length of Stay (Projected LOS)*” means the projected duration, as calculated by the LOS Guidelines, a juvenile will spend in DJJ’s direct care after receiving an indeterminate commitment to DJJ. A juvenile’s actual LOS may vary from the projected LOS, based on the provisions of these guidelines.

“*Statutory Release Date*” means the date upon which DJJ’s legal authority to confine the juvenile expires. For indeterminately committed juveniles, with the exception of juveniles committed for murder or manslaughter, the statutory release date is the day before their 21<sup>st</sup> birthday or the date that occurs 36 continuous months from the latest Date of Commitment, whichever occurs first. Juveniles indeterminately committed for murder or manslaughter shall not be held in direct care after the day before their 21<sup>st</sup> birthday.

“*Youth Assessment and Screening Instrument (YASI)*” is the instrument used by DJJ to assess juveniles’ risk and protective factors. The full-screen measure includes 87 items across the following 10 domains: legal history, family, school, community and peers, alcohol and drugs, mental health, aggression, (pro-social and antisocial) attitudes, (social and cognitive) skills, and employment and free time.<sup>10</sup> The legal history accounts for previous intake contacts for delinquent offenses, age at first intake contact, intake contacts for offenses, felony offenses, weapon offenses, intake contacts for offenses against person, intake contacts for felony offenses against persons, placements, juvenile detention, DJJ custody, escapes, failure to appear in court, and violations of probation or rules of supervision.

## 7.0 CALCULATING THE PROJECTED LOS

DJJ shall determine an appropriate projected LOS for every juvenile indeterminately committed to DJJ. This determination shall be made by the juvenile court services unit no later than three (3) business days following the Date of Commitment if a social history report was previously completed prior to disposition and a maximum of five (5) business days following the Date of Commitment if a social history report was not completed prior to disposition.

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<sup>10</sup> Orbis Partners, Inc. conducted a validation study of the YASI in New York in 2007. The National Council on Crime and Delinquency conducted a study comparing the validity, inter-rater reliability, and costs of juvenile risk assessments that included the implementation of the YASI pre-screen in Virginia in 2013.

The projected LOS will be made using two criteria:

1. The assessed Risk Level Category (A, B, C, D); and
2. The LOS most serious committing offense severity tier (I, II, III, IV).

### **7.1 *Determining Risk Level Category***

The committed juvenile's risk level shall be assessed as one (1) of four (4) categories. In determining the juvenile's risk level, static and dynamic risk and protective factors are assessed by the YASI based on responses to the questions in the 10 domains and are scored as being low through high or very high. The overall risk score takes into account the juvenile's historical information relating to intake contacts by offenses type, chronicity, compliance with rules of supervision, detainments and commitments, escapes, failures to appear in court, and violations of probation or rules of supervision. The categories are as follows in order of ascending levels of risk:

1. "*Risk Level A*" means the juvenile committed to DJJ has an Overall Risk Score of none/low or moderate on the juvenile's most recent YASI full screen assessment. This is the lowest possible level of risk;
2. "*Risk Level B*" means the juvenile committed to DJJ has (i) an Overall Risk Score of high and (ii) a Dynamic Protective Score of moderate-high to very high on the juvenile's most recent YASI full screen assessment;
3. "*Risk Level C*" means the juvenile committed to DJJ has (i) an Overall Risk Score of high, (ii) a Dynamic Protective Score of none to moderate, and (iii) a Dynamic Risk Score of less than very high; and
4. "*Risk Level D*" means the juvenile committed to DJJ has (i) an Overall Risk Score of high, (ii) a Dynamic Protective Score of none to moderate, and (iii) a Dynamic Risk Score of very high. This is the highest possible level of risk.

Appendix A provides a flow chart depicting how the LOS Risk Level Category is to be determined.

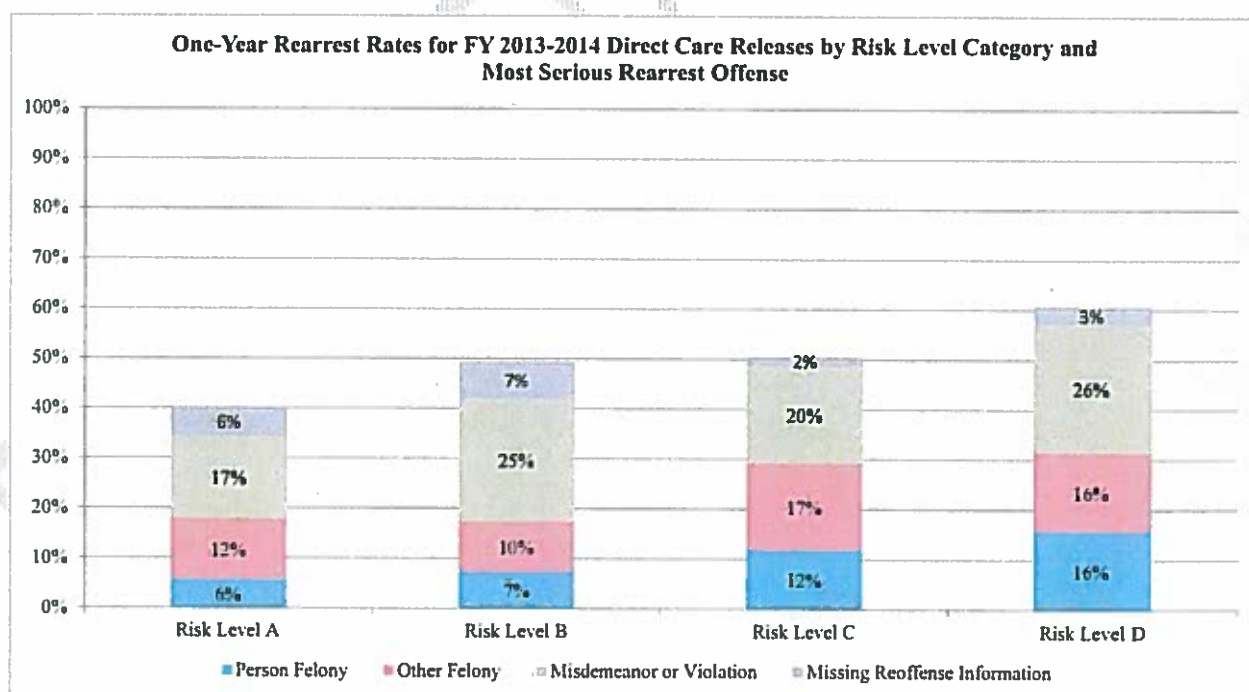
### **7.2 *Rationale for LOS Risk Level Hierarchy***

The decision on how to categorize and rank risk levels was determined by a review of DJJ data. Each progressive LOS Risk Level has a measurable increased risk for rearrest, either overall or for felony offenses, within one-year of release from direct care.



- The likelihood of rearrest rate for Risk Level A direct care releases is only slightly higher than probation placements. The total rate of rearrests within one year for probation placements averaged 35% between FYs 2011 and 2013. The rearrest rate within one year for direct care releases between FYs 2013 and 2014 who would have been classified as Risk Level A was 40%.
- Rearrest rates for Risk Level B and Risk Level C direct care releases during that same time period were considerably higher than Risk Level A at approximately 50%. Risk Level C releases were more likely to be rearrested for felony offenses than Risk Level B releases.
- Risk Level D releases had a 61% rearrest rate, roughly 25% higher than the rates for direct care releases at Risk Levels B and C, and roughly 50% higher than the rates for Risk Level A direct care releases and juveniles placed on probation. Risk Level D releases were more likely than other direct care releases to be rearrested for all three major categories of offense, except that their likelihood of being rearrested for a person felony was the same as that for Risk Level C.

The chart below details these findings for FYs 2013 to 2014 direct care releases with YASI assessments completed:



### **7.3 *Determining the LOS Most Serious Committing Offense Severity***

Offenses are separated into four tiers which primarily use the same definitions established by the DAI offense categorization:

1. “*Tier I*” means the juvenile’s most serious committing offense fell into the DAI offense category of (i) misdemeanor against persons, (ii) any other misdemeanor, or (iii) violation of parole. This is the least serious of the LOS most serious committing offense designation;
2. “*Tier II*” means the juvenile’s most serious committing offense fell into the DAI offense category of (i) felony weapons or felony narcotics distribution or (ii) other felony and the felony offense is not punishable for twenty (20) or more years of confinement if the offense were committed by an adult;
3. “*Tier III*” means the juvenile’s most serious committing offense fell into the DAI offense category of felony against persons and the felony offense is not punishable for twenty (20) or more years of confinement if the offense were committed by an adult.
4. “*Tier IV*” means the juvenile’s most serious committing offense is a felony offense punishable for twenty (20) or more years of confinement if the offense were committed by an adult. These offenses are enumerated in Appendix B. This is the most serious of the LOS most serious committing offense designation.

Commitments on Violations of Probation shall be categorized as provided in section 7.33.

#### **7.31 *Only Current Committing Offenses will be Used***

Only current committing offenses (delinquent or criminal offenses for which the resident was committed for this admission to direct care) will be used to determine the projected LOS. Offenses not resulting in the current commitment, with the exception of Violations of Probation discussed below, shall not be considered in classifying the LOS most serious committing offense severity tier.

#### **7.32 *LOS Most Serious Committing Offense Severity Tier Overlap***

If a most serious committing offense falls within two LOS most serious committing offense severity tiers, it will be categorized into the most serious tier.

### **7.33 *Violations of Probation***

If a juvenile has been committed after violating the terms or conditions of his or her probation, for a violation of a court order, or for a violation of a suspended commitment, then the most serious underlying offense will be used to determine the LOS most serious committing offense severity tier.

When a juvenile is committed for a violation of probation along with another Class 1 misdemeanor or felony offense, both the underlying offenses for the Violation of Probation and the additional offenses shall be considered in determining the LOS most serious committing offense severity tier.

### **7.4 *Determining the Projected LOS***

Except as provided in section 7.5, the Risk Level Category and LOS most serious committing offense severity tier determinations shall be used to assign the juvenile a projected LOS range. The Risk Level Categories and the LOS most serious committing offense severity tiers are each ranked into four levels, ranging from low risk or severity to high risk or severity. Appendix C provides these projected LOS ranges in a table format.

#### **7.41 *Risk Level A Category***

The projected LOS for juveniles in Risk Level A by offense tier is as follows:

1. Tier I: 2-4 months
2. Tier II: 3-6 months
3. Tier III: 5-8 months
4. Tier IV: 6-9 months
5. Tier V: Treatment Override

#### **7.42 *Risk Level B Category***

The projected LOS for juveniles in Risk Level B by offense tier is as follows:

1. Tier I: 3-6 months
2. Tier II: 5-8 months
3. Tier III: 6-9 months
4. Tier IV: 7-10 months
5. Tier V: Treatment Override

#### **7.43 Risk Level C Category**

The projected LOS for juveniles in Risk Level C by offense tier is as follows:

1. Tier I: 5-8 months
2. Tier II: 6-9 months
3. Tier III: 7-10 months
4. Tier IV: 9-12 months
5. Tier V: Treatment Override

#### **7.44 Risk Level D Category**

The projected LOS for juveniles in Risk Level D by offense tier is as follows:

1. Tier I: 6-9 months
2. Tier II: 7-10 months
3. Tier III: 9-12 months
4. Tier IV: 9-15 months
5. Tier V: Treatment Override

#### **7.5 Treatment Override**

The following cases will be handled outside the projected LOS determinations above:

1. Juveniles committed on a sex offense who have been assessed as needing inpatient sex offender treatment; and
2. Juveniles who, regardless of committing offense, have been identified as needing inpatient sex offender treatment.

These cases will not be assigned a projected LOS. The juveniles who receive a Treatment Override will be eligible for consideration for release upon completion of the designated treatment program.

Note: if a juvenile is committed on a sex offense and the assessment does not indicate a need for inpatient sex offender treatment, that juvenile's projected LOS shall be determined pursuant to the provisions of section 7.3.

## **7.6 *Pending Charges***

In some cases, a juvenile may have pending charges (an alleged offense committed before the Date of Commitment on which there was not a final disposition or sentence prior to the determination of the projected LOS) on which the disposition or sentence results in a commitment to DJJ. If the pending offense that resulted in the commitment falls into a higher LOS most serious committing offense severity tier, the projected LOS shall be reassessed. The revised projected LOS shall run from the earliest Date of Commitment.

## **8.0 OTHER FACTORS AFFECTING LOS**

### **8.1 *Subsequent Commitments***

If a juvenile receives a subsequent commitment (a commitment to DJJ for an offense that a juvenile commits after the Date of Commitment), the case shall undergo a facility-level review. The facility-level review shall consider (i) how the behavior resulting in the offense may be addressed, if not already determined; (ii) whether the new committing offense would result in a higher LOS most serious committing offense severity tier; and (iii) whether the projected Early and Late Release Dates should be readjusted.

If the facility-level review recommends extending the projected LOS, the LOS may not be extended unless approved through a central review committee.

### **8.2 *Institutional Offenses***

When a juvenile earns an institutional offense (violation of the facility's code of conduct governing juvenile behavior), the case shall undergo a unit-based review to consider how the behavior resulting in the offense may be addressed and whether the projected Early and Late Release Dates should be adjusted.

If the unit-based review recommends extending the projected LOS, the decision shall undergo a facility-level review and may not be extended unless approved through a central review committee.

### **8.3 *Escape or Attempted Escape***

If a juvenile is found guilty, through DJJ's due process procedures, of escape, attempted escape, or aid and abetting escape, the juvenile's projected Early and Late Release Dates

may be administratively extended up to 12 months, as provided for in DJJ procedures, not to exceed the juvenile's statutory release date.

If the escape behavior is subject to prosecution in a court of competent jurisdiction and the court finds the juvenile guilty or not guilty, the juvenile shall not be subject to an administrative adjustment to the projected LOS, unless specifically provided in the court order. Such proceedings shall not affect or override other disciplinary actions imposed in accordance with DJJ procedures.

If the escape behavior is not adjudicated or tried on its merits, the juvenile may be subject to an administrative adjustment of the projected Early and Late Release Dates. Any such adjustment shall be recommended through a facility-level review and a central review committee and approved by the DJJ Director.

## **9.0 MANDATORY CASE REVIEWS**

To ensure that juveniles remain in direct care for the appropriate amount of time, each case shall be reviewed at the intervals as provided herein to (i) review progress, (ii) identify barriers to successful re-entry, and (iii) assess the appropriateness of the existing treatment plan.

No juvenile shall be held in direct care, without approval by a central review committee, beyond the following dates:

1. The Late Release Date for juveniles assigned a projected LOS pursuant to section 7.4; and
2. Twelve months past the Date of Commitment for juveniles who are not assigned a projected LOS as provided under section 7.5.

### **9.1 *Case Reviews for LOS Categories***

Juveniles who are assigned a projected LOS pursuant to section 7.4 shall, at a minimum, have their cases reviewed as follows:

1. If the juvenile's projected Early Release Date has passed:
  - a. The case shall undergo a facility-level review a minimum of thirty (30) days prior to the projected Early Release Date; and

- b. If the facility-level review recommends that the juvenile be held beyond their projected Early Release Date, the Late Release Date may not be extended unless approved through a central review committee.
  2. If the juvenile's Late Release Date has passed:
    - a. The case shall undergo a facility-level review a minimum of thirty (30) days after the projected Late Release Date; and
    - b. If the facility-level review recommends that the juvenile remain in direct care for longer than 30 days from the date of the review, the case shall be reviewed through a central review committee. The juvenile shall not remain in direct care unless approved by a central review committee. The central review committee shall set a schedule for additional and on-going reviews for juveniles referred to it under this section.

### **9.2 Case Reviews for Treatment Override Exceptions**

Juveniles who are not assigned a projected LOS due to a Treatment Override pursuant to section 7.5 shall have their cases reviewed through a facility-level review six (6) and twelve (12) months after the Date of Commitment. If the facility-level review recommends at either of these points for the juvenile to be held longer than 12 months past the Date of Commitment, the case shall be reviewed through a central review committee. The juvenile shall not remain in direct care unless approved through a central review committee. The central review committee shall set a schedule for additional and on-going reviews for juveniles referred to it under this section.

### **9.3 Case Reviews by the DJJ Director**

Each indeterminately committed juvenile who remains in direct care for 15 months shall have their case reviewed through the DJJ Director. The information provided to the DJJ Director for review shall include (i) the juvenile's behavior, facility adjustment, and progress in treatment and (ii) the facility's and court services unit's plan to facilitate the juvenile's return to the community.

## **10.0 ELIGIBILITY AND REVIEW FOR RELEASE**

To encourage and enhance program participation, those juveniles who make substantial progress in their treatment plans will be given consideration for release at the Early Release Date of their projected LOS. Each juvenile's behavior and progress in treatment shall be considered at each review for release as provided herein.

**11.0 STATUTORY RELEASE DATE**

DJJ has the authority to keep juveniles who are indeterminately committed in direct care until their statutory release date. At no point shall a juvenile remain on continuous direct care status longer than the statutory release date.

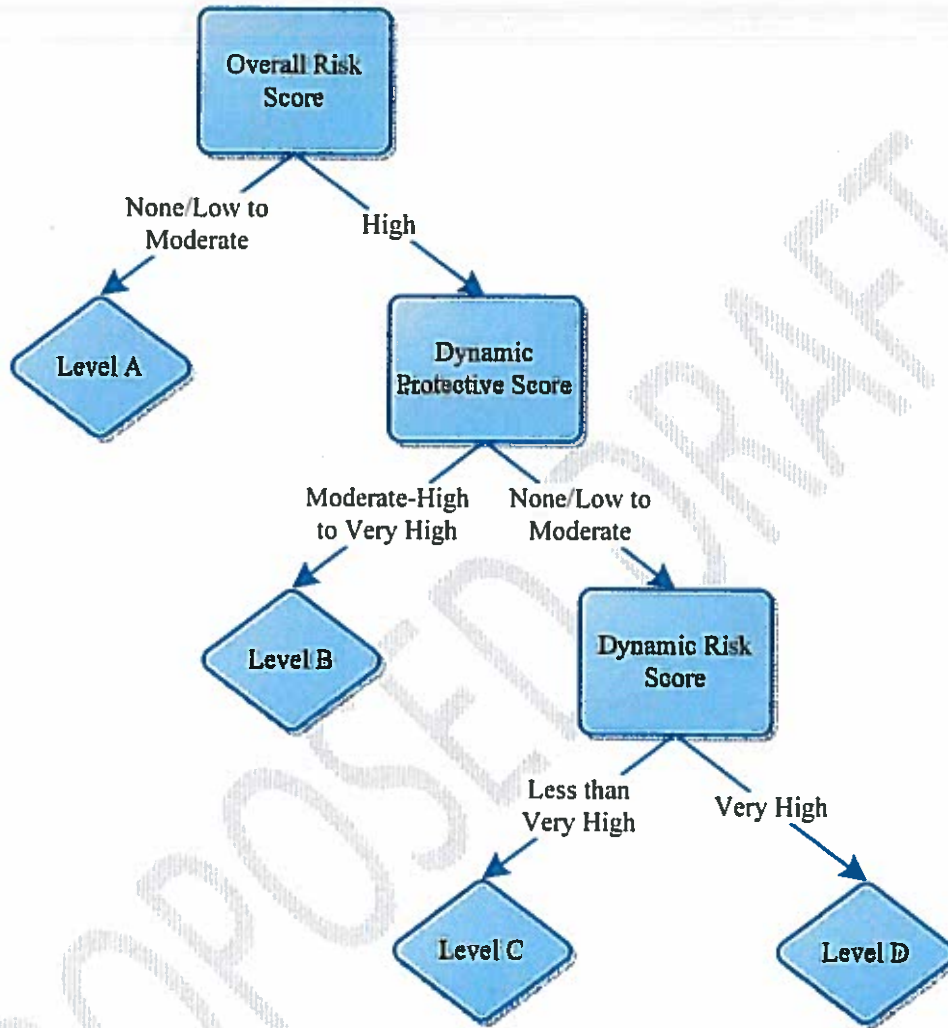
**12.0 DJJ DIRECTOR'S AUTHORITY TO RELEASE**

The DJJ Director or designee may extend or reduce the LOSs of any indeterminately committed juvenile if such change would serve the welfare of the juvenile, other juveniles, staff within a juvenile residential facility, or the public.

PROPOSED DRAFT



**APPENDIX A**  
**RISK LEVEL CATEGORY FLOWCHART**



PROPOSED DRAFT

**APPENDIX B  
 TIER IV OFFENSES**

<b>OFFENSE</b>	<b>VCC</b>	<b>STATUTE</b>
<b>MALICIOUS WOUNDING</b>		
Pregnant victim, permanent impairment or pregnancy terminations	ASL-1340-F2	18.2-51.2 (B)
Stab/cut/wound w/ malicious intent of perm. impairment	ASL-1336-F2	18.2-51.2 (A)
<b>BURGLARY</b>		
Enter bank armed w/ intent to commit larceny	BUR-2207-F2	18.2-93
Occupied dwelling, enter w/ intent to commit a misdemeanor, w/ deadly weapon	BUR-2220-F2	18.2-92
Dwelling at night w/ intent to commit felony, w/ deadly weapon	BUR-2222-F2	18.2-89
Dwelling w/ intent to murder, etc., w/ deadly weapon	BUR-2212-F2	18.2-90
Other structure w/ intent to murder, etc., w/ deadly weapon	BUR-2215-F2	18.2-90
Dwelling w/ intent to commit larceny, A&B, etc., w/ deadly weapon	BUR-2214-F2	18.2-91
Other structure w/ intent to commit larceny, A&B, etc., w/ a deadly weapon	BUR 2217-F2	18.2-91
<b>KIDNAPPING</b>		
Abduction with the intent to defile	KID-1004-F2	18.2-48 (ii)
Extortion, abduct with intent for pecuniary gain	KID-1012-F2	18.2-48 (i)
Abduction of a minor, for manufacturing child pornography	KID-10220F2	18.2-48 (v)
Abduction of child under 16 years of age for prostitution	KID-1003-F2	18.2-48 (iii)
Abduction for the purpose of prostitution	KID-1023-F2	18.2-48 (iv)
<b>CAPITAL MURDER</b>		
Abduction, in the commission of	MUR-0913-F1	18.2-21 (1)
By person engaged in a continuing criminal drug enterprise	MUR-0926-F1	18.2-21 (10)
Furthering drug distribution of a Schedule I or II substance	MUR-0921-F1	18.2-21 (9)
Judge	MUR-0990-F1	18.2-21 (14)
Killing for hire	MUR-0922-F1	18.2-21 (2)
Killing in the commission of a terrorist act	MUR-0911-F1	18.2-21 (13)
Killing of child under 14 or younger by person 21 or older	MUR-0927-F1	18.2-21 (12)
Law enforcement officer	MUR-0923-F1	18.2-21 (6)
More than one person	MUR-0924-F1	18.2-21 (7)
More than one person in 3 year period	MUR-0961-F1	18.2-21 (8)
Pregnant victim	MUR-0920-F1	18.2-21 (11)
Prisoner	MUR-0932-F1	18.2-21 (3)
During rape, sodomy, object sexual penetration (or attempt)	MUR-0914-F1	18.2-21 (5)
During robbery or attempted robbery	MUR-0933-F1	18.2-21 (4)
Witness	MUR-0992-F1	18.2-21 (15)
<b>CAPITAL MURDER – ACCESSORY BEFORE THE FACT</b>		

Abduction, in the commission of	MUR-0913-F1	18.2-21 (1)
By person engaged in a continuing criminal drug enterprise	MUR-0926-F1	18.2-21 (10)
Furthering drug distribution of a Schedule I or II substance	MUR-0921-F1	18.2-21 (9)
Judge	MUR-0990-F1	18.2-21 (14)
Killing for hire	MUR-0922-F1	18.2-21 (2)
Killing in the commission of a terrorist act	MUR-0911-F1	18.2-21 (13)
Killing of person under 14 by person 21 or older	MUR-0927-F1	18.2-21 (12)
Law enforcement officer	MUR-0923-F1	18.2-21 (6)
More than one person	MUR-0924-F1	18.2-21 (7)
More than one person in 3 year period	MUR-0961-F1	18.2-21 (8)
Pregnant victim	MUR-0920-F1	18.2-21 (11)
Prisoner	MUR-0932-F1	18.2-21 (3)
During rape, sodomy, object sexual penetration (or attempt)	MUR-0914-F1	18.2-21 (5)
During robbery or attempted robbery	MUR-0933-F1	18.2-21 (4)
Witness	MUR-0992-F1	18.2-21 (15)
<b>NON-CAPITAL MURDER</b>		
First degree	MUR-0925-F2	18.2-32
Fetus of another, kill with premeditation	MUR-0937-F2	18.2-32.2 (A)
<b>SEX OFFENSES</b>		
Object sexual penetration of victim under 13 years (indicted as adult)	RAP-1154-F9	18.2-67.2 (A)(1)
Object sexual penetration of victim under the age of 13, with kidnapping, burglary, wounding	RAP-1152-F9	18.2-67.2 (A)(1)
Forcible Rape of victim under 13 years (indicted as adult)	RAP-1131-F9	18.2-61 (A)(iii)
Forcible Rape of victim under the age of 13, with kidnapping, burglary, wounding	RAP-1150-F9	18.2-61 (A)(iii)
Forcible Sodomy, victim under 13 years (indicted as adult)	RAP-1153-F9	18.2-67.1 (A)(1)
Forcible Sodomy of victim under the age of 13, with kidnapping, burglary, wounding	RAP-1151-F9	18.2-67.1 (A)(1)
<b>TERRORISM</b>		
Act of Terrorism, base offense 20 years or more	TER-8000-F2	18.2-46.5 (A)
Possess, etc., weapon of terrorism with intent to terrorize	TER-80002	18.2-46.6 (A)
<b>TREASON</b>		
Levying war against national or state government	TRE-0111-F2	18.2-481
<b>VANDALISM</b>		
Radioactive damage resulting in death	VAN-2915-F2	18.2-162
<b>WEAPONS</b>		
Possess Machine Gun in perpetration of crime	WPN-5227-F2	18.2-289
Possess Sawed-off Shotgun in perp. of a violent crime	WPN-5261-F2	18.2-300 (A)

**APPENDIX C  
 PROJECTED LOS RANGES**

The Projected LOS Ranges below represent the *estimated* LOSs. A resident may be released early or stay longer depending on his behavior, adjustment, and progress in treatment.

Most Serious Committing Offense **		Risk Level			
		A	B	C	D
<b>Tier I</b>	<ul style="list-style-type: none"> <li>Misdemeanor Offenses</li> <li>Violations of Parole</li> </ul>	2-4 months*	3-6 months*	5-8 months*	6-9 months*
<b>Tier II</b>	<ul style="list-style-type: none"> <li>Non-person Felony Offenses</li> </ul>	3-6 months*	5-8 months*	6-9 months*	7-10 months*
<b>Tier III</b>	<ul style="list-style-type: none"> <li>Person Felony Offenses</li> </ul>	5-8 months*	6-9 months*	7-10 months*	9-12 months*
<b>Tier IV</b>	<ul style="list-style-type: none"> <li>Class 1 and 2 Felony Offenses</li> </ul>	6-9 months*	7-10 months*	9-12 months*	9-15 months*
<b>Tier V</b>	<ul style="list-style-type: none"> <li>Treatment Override</li> </ul>	Juveniles who have been assessed as needing inpatient sex offender treatment are managed as an exception to the grid.*^			

\* **Statutory Release:** A resident may be held in direct care due to negative behavior, poor adjustment, or lack of progress in treatment for any period of time until his statutory release date, which is reached after the resident committed for 36 continuous months (except murder and manslaughter) or his 21<sup>st</sup> birthday, whichever occurs first.

^ **Treatment Override:** These cases will not be assigned a projected LOS. The juveniles who receive a Treatment Override will be eligible for consideration for release upon completion of the designated treatment program.

\*\* **Violations of Probation:** Violations of Probation shall be categorized by the most serious underlying offense.

**2015 PROPOSED  
GUIDELINES FOR DETERMINING THE LENGTH OF STAY (LOS)  
FOR JUVENILES INDETERMINATELY COMMITTED  
TO THE DEPARTMENT OF JUVENILE JUSTICE (DJJ)**

**Comparison of the Existing (2008) LOS Guidelines  
to the 2015 Proposed LOS Guidelines**

2008	Proposed 2015
<b>Purpose</b>	
<ul style="list-style-type: none"> <li>The Guidelines provide direction for determining LOS.</li> <li>The Guidelines link LOS to offense behavior to hold juveniles accountable and allow flexibility to accommodate differences and treatment.</li> </ul>	<ul style="list-style-type: none"> <li>The Guidelines provide direction for determining LOS.</li> <li>The Guidelines promote accountability and rehabilitation by using data driven decision making and provide flexibility to accommodate differences and treatment.</li> </ul>
<b>Scope</b>	
<ul style="list-style-type: none"> <li>The Guidelines apply only to indeterminate commitments.</li> <li>They do not limit the Director's authority to release.</li> </ul>	<ul style="list-style-type: none"> <li>Technical changes only.</li> </ul>
<b>Authority</b>	
<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Section 66-10 of the Code of Virginia gives the Board the authority to promulgate the Guidelines.</li> </ul>
<b>Rationale</b>	
<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>The revisions to the Guidelines are precipitated by (1) lack of improvement in rearrest rates for direct care releases under the existing guidelines; (2) the existing guidelines are inconsistent with national standards; (3) the existing guidelines are not supported by best practices, and research has shown that unnecessary and extended juvenile incarceration is not the best means to rehabilitate juveniles; and (4) DJJ data analysis on risk of rearrest for direct care releases does not support the existing guidelines.</li> </ul>
<b>Overview</b>	
<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>The Guidelines are developed to balance public safety, personal accountability, and competency development for juveniles to develop skills necessary to become successful citizens.</li> <li>The guidelines balance these by weighing the risk for rearrest and offense severity. Risk is determined using a validated risk assessment instrument (YASD).</li> <li>The projected LOS is a guide with the decision to release case-specific (looking at behavior, adjustment, and treatment).</li> </ul>

<b>Definitions</b>	
<ul style="list-style-type: none"> <li>Defines terms relevant to interpret or implement the Guidelines (Date of commitment, Department, Direct care, Early release date, Early release incentive, Guidelines, Juvenile residential facility, Late release date, Length of stay, Mandatory treatment, Misdemeanant, Recommended treatment, and Statutory release date)</li> </ul>	<ul style="list-style-type: none"> <li>The following terms were not changed or only had technical amendments: Date of commitment, Direct care, Early release date, Juvenile residential</li> <li>The following terms were added: Detention Assessment Instrument, Dynamic protective score, Dynamic risk score, Overall risk score, and Youth Assessment and Screening Instrument.</li> <li>The following terms were deleted: Department (short cited in the title), Early Release Incentive, Guidelines (short cited in title), Mandatory treatment, Misdemeanant, and Recommended treatment.</li> </ul>
<b>Definitions of Offenses</b>	
<ul style="list-style-type: none"> <li>Defines offense terms relevant to interpret or implement the Guidelines (Class 1 misdemeanor offense, Current committing offense, Felony offense, Major institutional offense, Moderate institutional offense, Pending offense, Prior offense, Serious institutional offense, Subsequent offense).</li> </ul>	<ul style="list-style-type: none"> <li>The following terms were defined within the proposed guidelines: Current committing offense (subsection 7.31), Pending offense (section 7.6), and Subsequent offense (section 8.1).</li> <li>The following terms were deleted: Class 1 misdemeanor offense, Felony offense, Major institutional offense, Moderate institutional offense, Prior offense, and Serious institutional offense.</li> </ul>
<b>Calculating the Initial/Projected LOS</b>	
<ul style="list-style-type: none"> <li>The process for determining the initial LOS is: (1) determine the most serious committing offense and assign a severity level of 1 through 4; (2) determine the most serious prior offense and assign a severity level of 1 through 4; (3) use the current/prior offense score dyad to place in LOS table to find the preliminary ERD and LRD; and (3) determine the chronicity score and adjust the preliminary LOS range up (adding 3 or 6 months to the ERD and LRD), if indicated.</li> </ul>	<ul style="list-style-type: none"> <li>The process for determining the LOS is: (1) determine the level of risk using the YASI overall risk score, dynamic risk score, and dynamic protective factors score and place into one of four categories (A,B, C, D); and (2) categorize the most serious committing offense into one of four tiers (I, II, III, IV).</li> <li>The overall risk score takes into account the juvenile's historical information relating to intake contacts by offenses type, chronicity, compliance with rules of supervision, detainments and commitments, escapes, failures to appear in court, and violations of probation or rules of supervision.</li> </ul>
<ul style="list-style-type: none"> <li>The offense severity levels are:             <ul style="list-style-type: none"> <li>Level 1: Class 1 misdemeanors</li> <li>Level 2: Class 4, 5, and 6 felonies and unclassified felonies with a maximum sentence of 10 years</li> <li>Level 3: Class 3 felonies, unclassified felonies with a maximum sentence of 20 years, and unclassified non-person felonies with a maximum sentence of 20 years</li> <li>Level 4: Class 1 and 2 felonies and unclassified felonies against persons carrying a maximum sentence of more than 20 years.</li> </ul> </li> <li>Violations of probation are classified based on the most serious underlying offense.</li> <li>Violations of parole are classified as Level 1.</li> </ul>	<ul style="list-style-type: none"> <li>The risk levels are:             <ul style="list-style-type: none"> <li>Level A: An overall risk score of none/low or moderate</li> <li>Level B: An overall risk score of high and a dynamic protective score of moderate-high to very high</li> <li>Level C: An overall risk score of high, a dynamic protective score of none to moderate, and a dynamic risk score of less than very high</li> <li>Level D: An overall risk score of high, a dynamic protective score of none to moderate, and a dynamic risk score of very high.</li> </ul> </li> <li>The most serious committing offense levels are:             <ul style="list-style-type: none"> <li>Tier I: Any misdemeanor offense and violations of</li> </ul> </li> </ul>

	<p>parole</p> <ul style="list-style-type: none"> <li>- Tier II: Non-person felony offenses</li> <li>- Tier III: Person felony offenses</li> <li>- Tier IV: A felony offense punishable for twenty or more years of confinement (if committed by an adult)</li> </ul> <ul style="list-style-type: none"> <li>• If an offense falls into Tier IV and another tier, the offense will be categorized as a Tier IV offense.</li> <li>• Violations of probation are classified based on the most serious underlying offense.</li> <li>• Violations of parole are classified as Tier I.</li> </ul>
<ul style="list-style-type: none"> <li>• The four primary LOS ranges are:           <ul style="list-style-type: none"> <li>- 3-6 months (for dyad of 1-1)</li> <li>- 6-12 months (for dyads 1-2, 1-3, 2-1, 2-2)</li> <li>- 12-18 months (for dyads 1-4, 2-3, 2-4, 3-1, 3-2, 3-3)</li> <li>- 18-36 months (for dyads 3-4, 4-1, 4-2, 4-3, 4-4)</li> </ul> </li> <li>• The ERD and the LRD may be adjusted up three to six months depending on the chronicity score.           <ul style="list-style-type: none"> <li>- Each Class 1 misdemeanor = 1 points; each felony = 2 points</li> <li>- Score of 7 or less, no adjustment; score of 8-11 adjust up 3 months; score of 12 or more, adjust up 6 months</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The risk and tier levels will result in the LOS falling into one of 16 categories (representing 7 total ranges).</li> <li>• Projected LOS ranges by risk level are:           <ul style="list-style-type: none"> <li>- Level A: 2-4 months, 3-6 months, 5-8 months, 6-9 months</li> <li>- Level B: 3-6 months, 5-8 months, 6-9 months, 7-10 months</li> <li>- Level C: 5-8 months, 6-9 months, 7-10 months, 9-12 months</li> <li>- Level D: 6-9 months, 7-10 months, 9-12 months, 9-15 months</li> </ul> </li> <li>• Projected LOS ranges by offense-tier level are:           <ul style="list-style-type: none"> <li>- Tier I: 2-4 months, 3-6 months, 5-8 months, 6-9 months</li> <li>- Tier II: 3-6 months, 5-8 months, 6-9 months, 7-10 months</li> <li>- Tier III: 5-8 months, 6-9 months, 7-10 months, 9-12 months</li> <li>- Tier IV: 6-9 months, 7-10 months, 9-12 months, 9-15 months</li> </ul> </li> <li>• Treatment override: An individual assessed as needing inpatient sex offender treatment is not categorized by tier and is not assigned a projected LOS. Juveniles who receive a treatment override will be eligible for consideration for release upon completion of the designated treatment program.</li> </ul>

**Recalculations: Multiple Offenses, Multiple Commitments, and Pending Charges**

<ul style="list-style-type: none"> <li>• Multiple Commitment Orders for offenses committed prior to the Date of Commitment are all classified as current committing offenses.</li> <li>• Pending offenses (committed prior to the Date of Commitment) resulting in commitment are classified as current committing offenses; pending offenses not resulting in commitment are classified as prior offenses (unless sentenced to jail post-commitment, then not counted).</li> <li>• Subsequent offenses (for charges after the Date of Commitment) result in recalculation of the LOS. The new calculation is added to the old calculation (if original range was 6-12 and the new calculation is 12</li> </ul>	<ul style="list-style-type: none"> <li>• Multiple Commitment Orders for offenses committed prior to the Date of Commitment are all classified as current committing offenses.</li> <li>• Pending offenses (committed prior to the Date of Commitment) resulting in commitment are classified as current committing offenses.</li> <li>• If there is a subsequent commitment (commitment on charges that occurred after the Date of Commitment), the case shall undergo a facility-level review. If the facility level review recommends extending the projected LOS, it must be approved through a central review committee (see section 8.1).</li> </ul>
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<p>to 18, the recalculated range is 18-30).</p> <ul style="list-style-type: none"> <li>• If there is a subsequent commitment (disposition of commitment on a subsequent offense), statutory LOS restarts at the latest Date of Commitment.</li> </ul>	
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<b>Other Factors Affecting LOS</b>	
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<ul style="list-style-type: none"> <li>• If designated mandatory treatment (assigned if related to a current committing offense or a major institutional offense) is not completed, the juvenile will remain in direct care until the statutory release date.</li> <li>• If designated recommended treatment (if treatment need is determined not relating to offenses) is not completed, the juvenile will remain in direct care until the late release date.</li> <li>• To be eligible for release, the juvenile must be 30 days free of a moderate institutional offense and 90 days free of a major institutional offense.</li> <li>• Allows the following administrative adjustments to LOS:       <ul style="list-style-type: none"> <li>- 6 months for attempted escape, assault on staff, gang activity, and offenses listed in §§ 53.1-203, 18.2-55, 18.2-49, and 18.2-48.1.</li> <li>- 12 months for escape.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The terms mandatory and recommended treatment are not included.</li> <li>• A juvenile assessed as requiring inpatient sex offender treatment will be released upon completion of the treatment.</li> <li>• The final decision for release shall be determined by a case-specific review considering the juvenile's behavior, facility adjustment, and progress in treatment (see section 5.0 and 10.0).</li> <li>• The terms major and moderate offenses are not included. When a juvenile earns an institutional offense, the case undergoes a unit-based review. If the review recommends extending the projected LOS, the recommendation shall undergo a facility-level review and receive approval through a central committee review.</li> <li>• If a juvenile escapes, attempts to escape, or aids and abets an escape, the projected LOS may be extended <i>up to</i> 12 months. Any such recommendation shall be approved through a central review committee and the DJJ Director. If the case is prosecuted and adjudicated, the administrative adjustment may not be applied.</li> </ul>
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<b>Mandatory Case Reviews</b>	
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<ul style="list-style-type: none"> <li>• A misdemeanor (committed on a misdemeanor with no prior felony offenses) may not be held past 12 months without a review of his case (review provisions in VIII: 1.40, 2.22, and 3.03).</li> <li>• If a juvenile with a mandatory treatment need is projected to stay past the LRD or a juvenile with a recommended treatment need is projected to stay past the ERD and the failure to complete treatment is not the juvenile's fault, the case shall be reviewed as provided in DJJ procedures (review provisions in VIII: 1.30 and 2.21).       <ul style="list-style-type: none"> <li>- The review shall consider the welfare of the juvenile, the juvenile's amenability to treatment, the availability of treatment in the community, the interests of the public, and whether the juvenile is considered a manageable risk if released.</li> <li>- The review shall determine whether the juvenile should be released on parole supervision.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A juvenile may not be held past the projected LRD without approval through a central review committee.</li> <li>• For juveniles with a projected LOS:       <ul style="list-style-type: none"> <li>- If the ERD has passed, a facility-level review will be conducted 30 days prior to the LRD. If that review recommends holding beyond the LRD, it must be approved through a central review committee.</li> <li>- If the LRD has passed, a facility-level review will be conducted 30 days after the LRD. If that review recommends holding the juvenile longer than 30 days from the date of the review, it must be approved through a central review committee.</li> </ul> </li> <li>• For Treatment override cases: These cases will undergo a review at 6 and 12 months after the date of the commitment. If a review recommends the juvenile to be held longer than 12 months, the juvenile shall not remain in direct care longer than 12 months without approval through a central review committee.</li> <li>• If a juvenile remains in direct care for 15 months, the case shall be reviewed through the DJJ Director.</li> </ul>
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<b>Eligibility and Review for Release</b>	
<ul style="list-style-type: none"> <li>To be eligible for release at the ERD the juvenile must complete all assigned mandatory and recommended treatment and not have committed a moderate institutional offense within 30 days or a major institutional offense within 90 days.</li> </ul>	<ul style="list-style-type: none"> <li>Juveniles who make substantial progress in their treatment plans will be given consideration for release at the ERD. The juvenile's behavior and progress in treatment will be considered at each review for release.</li> </ul>
<b>Statutory Release Date</b>	
<ul style="list-style-type: none"> <li>If there is a subsequent commitment (disposition of commitment on a subsequent offense), statutory LOS restarts at the latest Date of Commitment.</li> </ul>	<ul style="list-style-type: none"> <li>Under no circumstances shall a juvenile remain on continuous direct care status longer than the statutory release date.</li> </ul>
<b>Director's Authority to Release</b>	
<ul style="list-style-type: none"> <li>Allows the Director to extend or reduce, including through an Early Release Incentive (ERI), the time a juvenile remains in direct care if the change would serve the welfare of the juvenile, other juveniles, the staff, or the public.</li> </ul>	<ul style="list-style-type: none"> <li>Removes the specific reference to ERI.</li> </ul>
<b>Appendix A Risk Level Category Flow Chart</b>	
<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Shows the decision progression for determining the risk level category.</li> </ul>
<b>Appendix B Tier IV Offenses</b>	
<ul style="list-style-type: none"> <li>The highest tier offenses are: Class 1 and 2 felonies and unclassified felonies against persons carrying a maximum sentence of more than 20 years.</li> <li>The minimum LOS range for these offenses is 18-36 months.</li> </ul>	<ul style="list-style-type: none"> <li>Lists offense description, Virginia Crime Code, and statute for Tier IV offenses.</li> </ul>
<b>Appendix C Projected LOS Ranges</b>	
<ul style="list-style-type: none"> <li>The LOS ranges are in Table II, section V.</li> </ul>	<ul style="list-style-type: none"> <li>The projected LOS ranges by risk level category are in section 7.4.</li> <li>This appendix provides the grid of the 16 possible LOS ranges.</li> </ul>

LOS RANGE TABLES

**Current Guidelines, effective 2008:**

Offense Severity determines the initial LOS Step. The initial steps are followed by adjustments for chronic offense behavior.	RELEASE DATES Early - Late
1-1	3 months - 6 months
1-2, 1-3, 2-1, 2-2 1-1, increased 3 months for chronicity	6 months - 12 months
1-1, increased 6 months for chronicity 1-2, 1-3, 2-1, 2-2, increased 3 months for chronicity	9 months - 15 months
1-4, 2-3, 2-4, 3-1, 3-2, 3-3 1-2, 1-3, 2-1, 2-2, increased 6 months for chronicity	12 months - 18 months
1-4, 2-3, 2-4, 3-1, 3-2, 3-3, increased 3 months for chronicity	15 months - 21 months
1-4, 2-3, 2-4, 3-1, 3-2, 3-3, increased 6 months for chronicity	18 months - 24 months
3-4, 4-1, 4-2, 4-3, 4-4	18 months - 36 months
3-4, 4-1, 4-2, 4-3, 4-4, increased 3 months for chronicity	21 months - 36 months
3-4, 4-1, 4-2, 4-3, 4-4, increased 6 months for chronicity	24 months - 36 months

**Proposed Guidelines 2015:**

Most Serious Committing Offense **		Risk Level			
		A	B	C	D
<b>Tier I</b>	<ul style="list-style-type: none"> <li>Misdemeanor Offenses</li> <li>Violations of Parole</li> </ul>	2-4 months*	3-6 months*	5-8 months*	6-9 months*
<b>Tier II</b>	<ul style="list-style-type: none"> <li>Non-person Felony Offenses</li> </ul>	3-6 months*	5-8 months*	6-9 months*	7-10 months*
<b>Tier III</b>	<ul style="list-style-type: none"> <li>Person Felony Offenses</li> </ul>	5-8 months*	6-9 months*	7-10 months*	9-12 months*
<b>Tier IV</b>	<ul style="list-style-type: none"> <li>Class 1 and 2 Felony Offenses</li> </ul>	6-9 months*	7-10 months*	9-12 months*	9-15 months*
<b>Tier V</b>	<ul style="list-style-type: none"> <li>Treatment Override</li> </ul>	Juveniles who have been assessed as needing inpatient sex offender treatment are managed as an exception to the grid.*^			

\* **Statutory Release:** A resident may be held in direct care due to negative behavior, poor adjustment, or lack of progress in treatment for any period of time until his statutory release date, which is reached after the resident committed for 36 continuous months (except murder and manslaughter) or his 21<sup>st</sup> birthday, whichever occurs first.

^ **Treatment Override:** These cases will not be assigned a projected LOS. The juveniles who receive a Treatment Override will be eligible for consideration for release upon completion of the designated treatment program.

\*\* **Violations of Probation:** Violations of Probation shall be categorized by the most serious underlying offense.