Heidi W. Abbott, Chair
David R. Hines, Vice Chair
Karen Cooper-Collins, Secretary
Tyren Frazier
Helivi L. Holland
Mary E. Langer
Robyn Diehl McDougle
Dana G. Schrad
Jennifer Woolard

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COMMONWEALTH *of* VIRGINIA

Board of Juvenile Justice

DRAFT MEETING MINUTES

August 3, 2015

Main Street Centre
600 East Main Street, 12th Floor, Conference Room South
Richmond, Virginia 23219

Board Members Present: Heidi Abbott, Karen Cooper-Collins, Tyren Frazier, David Hines, Mary Langer, Dana Schrad, Jennifer Woolard

Board Members Absent: Helivi Holland, Robyn McDougle

Department of Juvenile Justice (Department) Staff Present: Jill Becker, Andrew "Andy" K. Block, Jr., Valerie Boykin, Lisa Floyd, Daryl Francis, Lynda Hickey, Wendy Hoffman, Jack Ledden, Andrea McMahon, Mark Murphy, Margaret O'Shea (Attorney General's Office), Deron Phipps, Angela Valentine, Janet Van Cuyk

Guests Present: DaQuon Beaver (JustChildren Program), Justine Blincoe, Michael Cassidy (Commonwealth Institute), Judy Clarke (Virginia Center for Restorative Justice), Mike Doucette (Commonwealth's Attorney for the City of Lynchburg), Kate Duvall (JustChildren Program), Michael Herring (Commonwealth's Attorney for the City of Richmond), Tracey Jenkins (Department of Criminal Justice Services), Amanda Long, Nancy Parr (President of the Virginia Association of Commonwealth's Attorneys), Shannon Taylor (Commonwealth's Attorney for the County of Henrico), Jeree Thomas (JustChildren Program), Lynetta Thompson (Richmond Branch NAACP), Marie Walls (City of Suffolk Commonwealth's Attorney Office)

CALL TO ORDER

Chairperson Heidi Abbott called the meeting to order at 9:40 a.m.

INTRODUCTIONS

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

APPROVAL of June 10, 2015, MINUTES

The minutes of the June 10, 2015, Board meeting were provided for approval. On MOTION duly made by Karen Cooper-Collins and seconded by Tyren Frazier to approve the minutes as presented. Motion carried.

PUBLIC COMMENT PERIOD

Judy Clarke, Executive Director, Virginia Center for Restorative Justice

Ms. Clarke presented to the Board a brochure on the Virginia Center for Restorative Justice (attached). In addition, Ms. Clarke provided information to the Board on the February 2012 Coordinating Council meeting highlighting points from a study on serious juvenile offenders (attached).

Nancy Parr, President of the Virginia Association of Commonwealth's Attorneys (VACA)

Ms. Parr submitted a letter to the Board dated June 15, 2015, indicating that VACA could not reach a consensus on the proposed revisions to the length of stay guidelines. Ms. Parr expressed to the Board that the "no consensus" did not mean VACA does not care about this issue, rather they care tremendously. Ms Parr went on to say the lack of consensus means there are very passionate arguments on both sides of the issue.

Ms. Parr asked the Board to take into consideration the concerns expressed during the VACA meetings in May and June. The first concern is the differences amongst jurisdictions concerning the quality and quantity of programs and services offered to juveniles prior to commitment and after release. The second concern is that there are no guarantees the projected savings from the length of stay reduction would be redirected to the Department's programs.

The letter VACA submitted during the public comment period can be found on pages 169-170 in the Board packet.

Shannon Taylor, Commonwealth's Attorney for the County of Henrico

Ms. Taylor expressed to the Board that the VACA includes 120 elected officials from 120 jurisdictions that have different make ups with respect to the community and the community's concerns. Ms Taylor expressed the need to trust the Department's research and to trust the recommendations put forward. Ms. Taylor believes that both adult and juvenile corrections needs more post supervision to really establish the necessary relationships that will make transition and rehabilitation successful.

The letter Ms. Taylor submitted during the public comment period can be found on page 138 in the Board packet.

Marie Walls, City of Suffolk Commonwealth's Attorney Office

As a prosecutor, Ms. Walls stated that she handles issues involving children and deals with the repercussions when children act out. Ms. Walls detailed the importance of respecting both the children and the community.

Ms. Walls believes that changing the length of stay guidelines will not give the Department's programs the opportunity to work and help its youth. After reviewing the proposed changes to the

length of stay guidelines, Ms. Walls indicated that some youth could stay for as few as 90 days. Ms. Walls believes this is just putting a band aid on the problem. When youth return to the community, problems still exists. Ms. Walls noted that the City of Suffolk does not have a lot of programs to serve its youth and some are better served in juvenile correctional centers.

Ms. Walls talked about the kids receiving education and job skills while in the custody of the Department. Ms. Walls noted that parents and the City of Suffolk cannot force kids to go to school, but, in a structured environment, the youth are getting education and learning job skills while in the Department's care. Ms. Walls believes that lowering the length of stay does not give the youth the services they need and does not fix the problem. Ms. Walls indicated that the City of Suffolk is committing a very small percentage of children. This is being done not to punish them but to rehabilitate them.

Ms. Walls indicated the need for structure and the unity that the programs the Department offer which is why the City of Suffolk opposes the length of stay changes and reductions.

Board Member Schrad asked what in the proposed changes to the length of stay guidelines would prohibit a child from completing any of the treatment or education programs.

Ms. Walls believes, after reading the proposed changes and associated documents and looking at the grid detailing the proposed projected ranges, there is not enough time to complete the anger management or other treatment and rehabilitative programs in a meaningful way. Especially when the youth enters the system, the first 30 days are generally lost with deciding on unit placement and program needs. Ms. Walls indicated that anger management, substance abuse, and sex offender treatments are the three major programs offered to youth while in the Department's custody and are needed in order to properly prepare youth the return to the community. Ms Walls noted that the community does not provide these services, and there are only a handful of probation officers servicing a community of almost 90,000.

Board Member Schrad asked the Department if they foresee any juveniles not completing the appropriate programs before release.

Director Block noted that projected lengths of stay are guidelines and every release from the Department is subject to review. If a young person has not finished treatment and treatment is not available in the community, then that would be a reason not to release them. Director Block indicated that the Department's aggressive replacement therapy, an evidence based anger management program, lasts about three to four months. Director Block informed the Board about the option of using the treatment override in the proposed length of stay guidelines for those youth with clinically assessed inpatient sex offender treatment need. The proposed lengths of stay would not apply to these youth in the Department's care. The Director explained that when the youth enters the system, its assessment team determines, either based on their offense or on their assessments, that the youth has an inpatient sex offender treatment need which then overrides the length of stay ranges. The Director Block stated that the Department does not want the youth going back to Suffolk or any other place who have not successfully completed treatment or who does not have appropriate continuation of treatment available in the community.

Ms. Walls added that the Department has the power to override indeterminate sentences. Ms. Walls would like to keep the structure in place for the children, and the Department then could use its authority to release them back to the community.

Additional comments by the Office of the Commonwealth's Attorney for the City of Suffolk during the public comment period are located on page 186 of the Board packet.

Michael Herring, Commonwealth's Attorney for the City of Richmond
Mr. Herring noted that, as prosecutors, we are relative experts at sending people to the Department. We defer to the Department and their expertise to rehabilitate and reform the youth. Mr. Herring finds it easy, in fact comforting, to think of adult offenders with regard to punishment; it requires something far more scrutinizing and discerning to consider juvenile offenders where the mission is rehabilitation.

As Mr. Herring read through the proposed length of stay guidelines, his understanding is that they are grounded in empirical data and suggest this data is now regarded as evidence-based practices around the country. Mr. Herring stated that this is not Virginia going out on a limb; this is actually Virginia taking advantage of findings that have been determined elsewhere.

Mr. Herring indicated that the proposed length of stay guidelines account for both risk of re-offense and offense severity. Mr. Herring noted his understanding of the Youth Assessment and Screening Instrument (YASI) calculation is that it also takes into account legal history of the committed juvenile which allays any concern that prior history would be overlooked. Mr. Herring stated that he looks for an ulterior motive in everything; it would make no sense for the Department to prematurely release juvenile offenders even to save money because they would be rearrested and, due to their criminal record, would be staying longer with the Department. Mr. Herring encourages the Board to adopt the proposed length of stay guidelines.

Board Member Hines noted that he too went through the proposed length of stay guidelines thoroughly and even gave the guidelines to his staff to conduct their own research on this subject; they came to the same conclusion regarding the empirical data. Board Member Hines asked if prosecutors still have the ability to request the juvenile court judge for what is known as "judge time" which is not affected by the length of stay guidelines. If a youth is considered a predator and the Commonwealth's Attorney knows should stay in the Department's custody, do you have the ability to ask for judge time?

Mr. Herring replied that it would be a violation of the doctrine of separation of powers for the Board to try to constrain and limit the discretion of prosecutors or the judge. Mr. Herring noted that prosecutors always have the trump card asking for determinate commitments, and judges always have the inherent discretion to sentence offenders to appropriate lengths of stay.

Mr. Herring asked the Board to adopt his June 11th email as public comment. Mr. Herring's email is available on page 174 of the Board packet.

Michael Doucette, Commonwealth's Attorney for the City of Lynchburg
Mr. Doucette indicated he was speaking only on behalf of himself.

Mr. Doucette stated that, when juvenile and domestic relations judges sentence juveniles to indeterminate commitments to the Department, this is only as a last resort. Mr. Doucette noted that commitments to the Department are reserved only for those most dangerous juveniles or repeat offenders who have proven that community resources are inadequate to curtail their criminal behavior. Mr. Doucette is concerned with the information contained on the bottom of page six and the top of page seven of the proposed length of stay guidelines. On these two pages, it is claimed that for every additional month of length of stay in Virginia the probability of rearrest within one year increases 2.4% and for every additional year of length of stay the probability of rearrest within one year increases 32.7%. Mr. Doucette noted that unlike all the other statistics within the proposal, this one is not footnoted; it does not have any source attributed to it. Mr. Doucette's concern is that this claim is counterintuitive. Mr. Doucette said basically, in a nut shell, the longer juveniles stay in a program designed to cut down on recidivism, the more likely the recidivism rates go up. That is counterintuitive, which suggest to Mr. Doucette that at a minimum the programs need to be overhauled before, or simultaneously with, any suggestion to reducing length of stay but certainly not afterwards.

Mr. Doucette pointed out that, on the summary sheet to the proposed length of stay guidelines, it states that the average annual cost for a juvenile commitment is $137,000. Mr. Doucette believes that, while the argument is not made outright, the implication of reducing length of stay considerably would incur a significant savings. Representatives from the Department who spoke to the Virginia Association of Commonwealth's Attorneys said these savings could then be used to fund necessary programmatic changes. Mr. Doucette's concern is that this is putting the cart before the horse and could be detrimental to public safety and the well-being of the juveniles. Mr. Doucette indicated that on page seven of the proposal acknowledges that "the citizens of Virginia have a right to safe and secure communities." However, to release these juveniles back to their home communities before they have received the benefits of revised programs designed to help them cope with the problems which have led them to be committed in the first place, is neither a service to the juveniles nor the community. He stated that the argument that makes the most sense is contained in the paragraph on page six of the guidelines which states "both intensity and length of treatment should be consistent with the offender's risk level to reduce the likelihood of future offending and 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." It seems that the only conclusion is, when the quality of the rehabilitative program improves, that the offenders' recidivist rates go down and the public's right to safe and secure communities is satisfied.

Mr. Doucette acknowledged that a length of stay based both on the risk level category as determined by the YASI and an offense severity tier makes sense. Mr. Doucette is not arguing against a reduction in length of stay but that a reduction in length of stay without a guarantee of major and simultaneous programmatic changes, only with effective rehabilitative programs, does a shorter length of stay make sense. Mr. Doucette stated that the Commonwealth's Attorneys have been told by Department representatives that these programmatic changes are in the works: Mr. Doucette heard "plans are in place to add more programs, the system will be working better soon and that the Department is

already making some of the changes." But that appears to be after the fact; that is not before the fact or simultaneously.

Mr. Doucette indicated that the Commonwealth's Attorneys have also been told that the savings from shortening length of stay can be put back in the facilities and programs. Mr. Doucette is the chair of the Criminal Justice Services Board and indicated they had a similar proposal recently relating to reduction in probation supervision based on empirical data. Mr. Doucette noted that the reaction of the members of the General Assembly who sit on the Criminal Justice Services Board was basically, if the Department of Corrections goes through with their proposal, then the General Assembly will "take care of them in the budget and not in a good way." Mr. Doucette suggested to the Board that to rely on the savings from reducing the length of stay and to fund programmatic changes might be very short sighted. Mr. Doucette concluded that, without a guaranteed simultaneously programmatic overhaul, juveniles will be released back into an environment that lacks support and nurture to prevent them from relapsing into further delinquent and criminal behavior.

The letter Mr. Doucette submitted during public comment period can be found on pages 171-173 of the Board packet.

With no additional public comment, Chairperson Abbott closed the public comment period.

DIRECTOR'S CERTIFICATION ACTIONS
Deron Phipps, Policy and Planning Director, Department

Included in the Board packet are the individual reports and summary of the Director's certification actions completed on June 29, 2015.

There were no questions from the Board.

ADOPTION OF THE DRAFT PROPOSED LENGTH OF STAY GUIDELINES
Janet Van Cuyk, Legislative and Research Manager, Department

Ms. Van Cuyk is seeking the Board's authorization to adopt the revised length of stay guidelines. As presented at the April 24 and June 10 Board meetings, a proposal is before the Board to amend the length of stay guidelines to a two tiered system deciding the length of stay for juveniles who have been indeterminately committed to the Department.

Ms. Van Cuyk indicated that the Department has spent a considerable amount of time receiving public comment. The draft proposed length of stay guidelines were published in the *Virginia Register* on March 19, 2015. A written public comment period was open from March 19, 2015, through April 19, 2015. The Board requested the Department solicit additional feedback. As requested, the Department solicited additional feedback from victims groups, Commonwealth's Attorneys, juvenile and domestic relations district court judges, and law enforcement personnel. At the June 10, 2015, Board meeting, the Board voted to delay consideration of whether to adopt the proposed changes to the length of stay guidelines to allow Director Block to present to the VACA. Additionally, the public comment period was reopened through June 26, 2015. All public comments received are summarized in the Board packet beginning on page 125 and additional public comments received after the closed

period are in a supplemental memorandum which is attached. Of all the public comment, two commenters opposed the proposed changes and one indicated no position, the rest of the commenters supported some or all of the proposed changes with similar position statements as those heard during the public comment period at the beginning of this meeting.

Ms. Van Cuyk summarized the proposed changes to the length of stay guidelines.

The projected length of stay determination will be made by calculating by 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 YASI administered closest in time to the 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 Department used Virginia specific data to determine the projected length of stay ranges for the most serious committing offense severity. Juveniles who have the lowest risk for reoffending are in tier one; juveniles who have the highest risk for reoffending are graded into tier four; and juveniles who have variations on person and nonperson offenses are graded in the middle of the tiers.

Under the proposed length of stay guidelines, the lengths of stay will vary from 2 to 4 months to 9 to 15 months. Under the current guidelines, the lengths of stay vary from 2 to 6 months to 18 to 36 months. The purpose of the 9 to 15 months as the end point of the ranges is because when the Virginia specific data was reviewed the Department saw an increased rate of reoffending at 10, 12, and 15 months. So the Department decided to set the policy to correlate with its data to ensure our practices are matching what works best for our youth. Ms. Van Cuyk noted, in response to Mr. Doucette's public comment, that the Virginia specific data does not have a source footnoted because it is new analysis completed by the Department on a two year JCC-release cohort.

Ms. Van Cuyk noted that the Department has the ability to retain juveniles based on behavior and treatment progress, until their statutory release date, which is reached after the resident is committed for 36 continuous months or their 21st birthday, whichever occurs first. The proposed guidelines also contain a "Treatment Override" where residents clinically assessed as requiring inpatient sex offender treatment will not be assigned a projected length of stay. The juveniles who receive a treatment override will be eligible for consideration for release upon completion of the designated treatment programs and only earlier if the resident has progressed in treatment and services are available in the community. It was mentioned earlier that the sex offender treatment program tends to be longer than the proposed ranges of length of stay; therefore not assigning a projected range does not set the resident up for disappointment with the assignment of an unrealistic range. Additionally, there are procedural protections in the length of stay guidelines that include a series of individual unit, facility, and central reviews of the case to ensure the juveniles are progressing through their treatment and are continually assessed for appropriateness for return to the community.

The Department recognizes that each juvenile is unique and individual circumstances shall be considered upon release from commitment. The length of stay 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.

Board Member Woolard asked about the central review committee.

Ms. Van Cuyk explained the levels and memberships of the committees that review cases of juveniles in direct care. The unit treatment team consists of an educator, counselor, therapist, and security series staff; the Institutional Review Committee includes the principal, superintendent, chief of security, and one of the higher level case managers; and the Central Review Committee includes an administrative program manager, superintendent for education, chief psychologist, and community programs manager. Each indeterminately committed juvenile who remains in direct care for 15 months shall have their case reviewed through the Department Director.

Board Member Langer noted that the YASI is a validated and reliable instrument; however, the YASI still needs to be uniformly applied in all jurisdictions. What are the plans to train Department and court service unit staff to implement the YASI in a more universal and consistent manner.

Ms. Van Cuyk answered that the Department has and will prior to implementation take steps to ensure interrater reliability. First, the court service units will have access to a length of stay estimator, a computerized formula, at the time the social history report on the committed juvenile is completed. This will provide an increased transparency in the process and give prosecutors and judges a projected length of stay before sentencing. In addition, the Central Assessment and Placement Unit will make sure the estimator data is accurate but checking the YASI prior to assigning the "official" length of stay. Additionally, the Department is retraining court service unit personnel on completing YASI assessments.

Board Member Langer noted that the YASI information is gathered during the interview process. Will the Department re-interview the juveniles? Will the Department make sure the information gathered in the YASI and the interview matches?

Ms. Van Cuyk responded that the Department's Central Assessment and Placement Unit will make sure all the information that informs the YASI is accurate and, if the Unit identifies inaccurate information, then the information will be amended and the YASI updated.

Director of Community Programs Valerie Boykin noted that all probation officers are trained in the YASI; it is part of their initial training during the basic skills class for new employees. Over the last five to seven years, the Department has had a concerted effort in training staff and supervisors in the YASI. There is a new initiative that will roll out this fall to complete YASI retraining. The Department is looking to develop within the Department a team of certified train-the-trainers to perform the retraining and will be bringing the actual developers of YASI in to assist. The Central Assessment and Placement Unit is reassessing the YASI; this entails reviewing the results done at the court service unit levels on the YASI to make sure there is reliability in the scoring. The Department has checks and balances built in and will continue to try and improve the processes.

Ms. Van Cuyk ended her presentation and respectfully requested the Board approve the proposal to amend the length of stay guidelines to be effective no later than October 15, 2015.

Chairperson Abbott asked for the motion to be read which will allow the Board to discuss the issue.

On MOTION duly made by Karen Cooper-Collins and seconded by Tyren Frazier that the Board of Juvenile Justice approve and adopt the draft proposed Guidelines for Determining the Length of Stay of Juveniles Indeterminately Committed to the Department of Juvenile Justice, as amended, to become effective no later than October 15, 2015.

Board Member Schrad noted that Board members have the authority and ability to vote their personal conscious; however, professionally she represents Virginia's police chiefs and felt this required due diligence on her part to thoroughly discuss this issue with them. The Executive Board of the Virginia Association of Police Chiefs (Executive Board) is composed of ten members from across the Commonwealth representing large urban areas to small rural areas. The members of the Executive Board clearly know and are concerned with the widely varying community support services across the state. The Executive Board took a long time to review the guidelines including posing questions to Director Block who provided answers. The Executive Board ultimately decided to support the revised length of stay guidelines with some caveats.

Board Member Schrad indicated that the Executive Board is very much concerned with having ample community services and supervision in place across the Commonwealth. In addition, the Executive Board would like to see the Department not encourage the early release of juveniles who have not completed required treatment programs, are considered dangerous, or have not met the rehabilitation goals within the Department. Board Member Schrad noted that the Executive Board is also suggesting that the process be continually monitored for success and, after a full three years under the new guidelines, to re-evaluate and determine the following: (i) if the Department's recidivism rates have changed and (ii) if there is an impact on rehabilitation and overall public safety. Board Member Schrad went on to say the Executive Board knows that community services will be better in some communities than others and problems in the home will still exist with dysfunctional families or lack of sufficient supervision in the community when a juvenile is ready to be released. Board Member Schrad stated that we are going to have to trust the Department to look at those external factors and make the decision when the community is not ready to support a juvenile transitioning back to the community at this time. The Department will have to either keep them in its custody in a positive rehabilitation mode or look at ramping up community services.

Board Member Schrad will vote in favor of the revised length of stay guidelines, but, with a caveat that the Executive Board will be monitoring the process very carefully and, if issues arise, Board Member Schrad will be the first one on this Board to say we need to scale back. Board Member Schrad noted that, if juveniles can be released sooner because of completion of programs and/or availability of treatment in the community and it is in the best interest of the juvenile to be released from two or three months off their indeterminate sentence, then the flexibility of the guidelines should be there to allow that to happen.

Board Member Woolard indicated that, if these guidelines are implemented, they are not going to work perfectly for every juvenile all the time. There will be situations where recidivism will occur, so Board Member Woolard would like to encourage the Board, our stakeholders, and community members to look at the bigger picture as the process moves forward.

Board Member Woolard would like to reiterate that, after reading the guidelines extensively, these are consistent with what the best empirical data is showing from a number of different states already. Board Member Woolard has had the opportunity to work at the state level in policy reform with a number of different states, and this proposal is consistent with the best work happening in those other states. Board Member Woolard commended the Department for working on the YASI and its interrater reliability and for moving forward with the retraining. Board Member Woolard stated that many people read data in different ways, but the empirical support that undergirds these guidelines is quite sound.

Chairperson Abbott commended the Department for their patience and hard work in reaching out to different stakeholders to solicit their feedback and for making this a good process for the Board, the community, and the youth in the facilities.

Chairperson Abbott recognized two Board Members who were not able to attend today's meeting. Board Member Holland had a family issue and unable to attend. Board Member McDougle is meeting with President Obama who is the only person that would have kept her away from today's Board meeting. Board Member McDougle did send an email proclaiming her support.

Chairperson Abbott noted appreciation for the comments made by Ms. Walls, Mr. Doucette, and the other public comment speakers about the lack of services in the community and the concerns regarding money being redirected elsewhere. Chairperson Abbott indicated that it behooves us all, as members of the Board and also as advocates in the community, to make sure this initiative by the Department happens the way it was told to the Board.

Board Member Hines noted that he is a pretty tough sell when it comes to law and order. Board Member Hines has gone over the guidelines extensively, completed his own research, and posed questions to Director Block and Ms. Van Cuyk. Board Member Hines stated that he is going to vote in favor of the adoption of the revised length of stay guidelines. Board Member Hines believes that if these guidelines are not working, Director Block will bring this back to the Board letting us know this is not the answer.

The MOTION to approve the proposal to amend the length of stay guidelines to be effective no later than October 15, 2015, has been previously read and seconded. Chairperson Abbott asked the Board to vote on the MOTION. The Board unanimously passed the MOTION.

AGENDA ADJUSTMENT

Mr. Phipps indicated that the topic on the agenda entitled Juvenile Correctional Center Standard Operating Procedure Review has been passed over until next Board meeting.

BOARD VICE-CHAIR

Chairperson Abbot entertained nominations for the Board's Vice-Chair since this position has been vacant due to the departure of Tamara Neo.

Board Member Hines was nominated by Board Member Schrad for his strong representation of the law enforcement community and consideration for the Department's population.

Hearing no additional nominations, on MOTION made by Dana Schrad and seconded by Jennifer Woolard, the Board approves the nomination of David Hines as its Vice-Chair. Motion carried.

DIRECTOR'S COMMENTS
Andy Block, Director, Department

Director Block announced that the first ever combined high school graduation from both Beaumont and Bon Air Juvenile Correctional Centers was held on June 19th at the Beaumont Campus. There were a total of 60 young people who received a diploma this year which was a 30% increase from last year. Of those, 36 young people received a standard diploma and one received an advanced diploma and that too was a 30% increase from the previous year. The Division of Education is working hard to make the most of the opportunities with the children while committed to the Department. This summer, the Division of Education has developed many exciting programs for its young people. Board Member McDougle helped coordinate a basketball camp at our facilities that included Virginia Commonwealth University players. Earlier this summer, students and graduates from the Darden School of Business from the University of Virginia began the Department's first financial literacy class at the Beaumont Campus.

Director Block noted that last week, Beaumont and Bon Air Juvenile Correctional Centers underwent a federal audit on the Prison Rape Elimination Act (PREA). The Department is cautiously optimistic that when the final report comes out in 30 days the auditors will have found the Department to be in full compliance. 100% compliance is required to pass the PREA audit. There are some technical adjustments that need to be made, but, more importantly, other than being in compliance with the law, this also signifies that the Department is doing everything it can to keep young people safe when they are in our custody.

Director Block announced that the Department submitted a substantial federal grant at the end of June to improve our delivery of reentry services. The Department is one of six states invited by the Office of Juvenile Justice and Delinquency Prevention to submit a grant to establish and implement a statewide comprehensive reentry plan. This will allow our reentry division to build on what they are currently doing and make it uniform across the Commonwealth. It was a very strong proposal and one that focuses on continuing to build capacity and expertise rather than purchase one-time programs that go away after the pilot funding is gone.

Director Block thanked those who spoke in support and in opposition to the revised length of stay guidelines. Director Block wants to assure all involved that the Department is first and foremost a public safety agency. The Department is trying to reduce further victimization by getting young people back on the right track. Director Block noted that he loses sleep when something happens with a young person on probation and parole supervision. The Department has created this system with checks and balances, but, at the end of the day, the whole focus is to keep communities safe and help young people return and contribute to the community. Director Block noted there will be a greater transparency in this process. Director Block believes that this will result in all having an increased awareness and recognition that will give the prosecutors, defense attorneys, and judges more information in their decision-making capability.

Director Block thanked the Board for encouraging the Department to reach out to stakeholders to discuss the revised length of stay guidelines. If local prosecutors have concerns about what the Department is doing or about the level of services in their community, Director Block would like to know about it and be responsive. Director Block thanked the Board, his staff, and the child advocates for all of their hard work.

BOARD COMMENTS

There were no Board comments.

NEXT MEETING

The next meeting is scheduled for November 10, 2015, at the Main Street Centre, 600 East Main Street in Richmond.

EXECUTIVE SESSION

On MOTION made by Tyren Frazier and seconded by David Hines for the Board of Juvenile Justice 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 passed

After conclusion of the Executive Closed Session, the members of the Board certified that to the best of their knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting and (ii) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed, or considered.

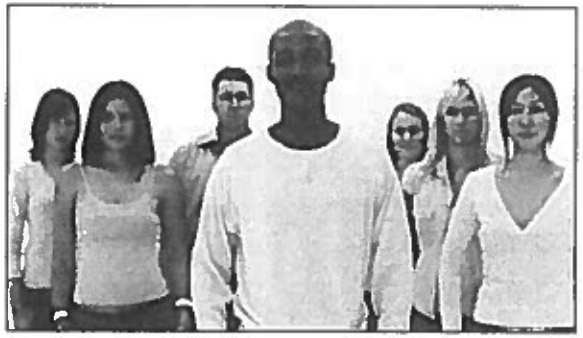
ADJOURNMENT

Chairperson Abbott adjourned the meeting at 11:54 a.m.

Outcomes

The outcome of the conference is often a written agreement signed by the person who was harmed and the wrongdoer. The agreement will be implemented and followed up by the restorative justice facilitator. During the conference, the participants talk about the harm that was caused by the crime and what it will take to repair the harm. The actions that are discussed will be agreed on and written out in detail.

Agreements may involve a variety of practical solutions to the problem. Research shows that 90 percent of restorative justice conferences result in agreements. Because they involve a collective response to the problem, conference agreements often increase the support provided by the local community where people are affected by the crime.



Virginia Center for Restorative Justice

Virginia Center for Restorative Justice
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Virginia Center for Restorative Justice

Turning Hurts Into Healing

Restorative Justice Practices

Turning Hurts Into Healing

Restorative Justice Practices

Restorative Justice ... What is it?

Restorative justice program facilitators help wrongdoers and the people they have harmed come together in a safe space and respectfully discuss what needs to take place to make right the wrong. Each person involved may bring a supporter to the meeting, and members of the community may also be invited.

During this conference, each person is given the opportunity to voice concerns and describe the ways in which they and others around them were harmed. After taking responsibility for the offense and hearing the harms caused, the wrongdoer is made accountable not only to the law (if this is a court referred offense), but also to the person who was harmed and to the community. Often in the restorative justice conference, the person who was harmed and the wrongdoer make decisions together which repair the harm, restore the relationships, and restore the wrongdoer's place within their community.

Why Restorative Justice?

Restorative justice views wrongdoing as harm. The person who was harmed, the person doing the harm, and the community work together to find a restorative justice approach that will:

- Provide the opportunity for everyone who has been directly or indirectly involved in a wrongdoing to have a voice in how to repair the harm caused.
- Give the community an opportunity to be involved in the process of making things right.
- Allow individuals and communities to seek peace in a restorative manner.

Benefits of Restorative Justice

If you are a person who has been harmed, restorative justice will help you:

- Tell the offender how you and others have been affected.
- Decide how the harm should be repaired.
- Receive support from the community.
- Have your questions answered about why this happened to you.

If you are a person who has done harm to another, restorative justice allows you to:

- Assume accountability for your actions.
- Hear how your actions affected others.
- Express remorse.
- Help decide how the harm should be repaired.
- Begin the process of restoring trust.

Referrals

After the wrongdoing has been documented, the case may be referred to the Virginia Center for Restorative Justice. A restorative justice facilitator will contact the wrongdoer and the person who was harmed by phone call or letter and make an appointment to meet with them face to face. At the-face-to face meeting, the restorative justice facilitator will talk about the offense and explain the restorative justice conference that will be set up. A date, time and place for the conference will be decided and all participants will agree to meet in a respectful manner.

Coordinating Council Meeting Highlights Study on Serious Juvenile Offenders

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At the February 10, 2012, meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention, invited guests Edward P. Mulvey, Ph.D., director of the Law and Psychiatry Program at the University of Pittsburgh School of Medicine; and Carol Schubert, the medical school's research program administrator, offered key policy recommendations for promoting desistance from crime among youth who have committed serious offenses. The recommendations are based on an OJJDP-supported longitudinal study, Pathways to Desistance, led by Mulvey.

Researchers conducted more than 21,000 interviews over 8 years with more than 1,300 felony offenders ages 14–18 in the cities of Philadelphia and Phoenix. Researchers also interviewed parents and peers and examined arrest records.

Following are findings and policy recommendations presented by Dr. Mulvey and Ms. Schubert at the council meeting. A more detailed explanation of the study's findings may be found in the publications cited in the sidebar below, "OJJDP's Pathways to Desistance Publication Series."

- **Finding: Adolescents who have committed serious offenses are not necessarily on track for adult criminal careers.** Only a small proportion of the offenders studied continued to offend at a high level throughout the followup period. In addition, serious juvenile offenders vary considerably in patterns of offending, risk factors, and life situations.

  Recommendation: A youth's presenting offense is a poor predictor of future recidivism or positive development. To increase the impact of justice interventions, promote policies that address adolescents' individual patterns of offending, risk factors, and needs; and target services to the highest-risk offenders.

- **Finding: In jails, prisons, and residential facilities, adolescents with mood/anxiety problems were no more likely to receive mental health treatment than those without such problems.** In addition, institutional environments that emphasize positive youth development rather than harsh punishment decrease the probability of future antisocial activity. Adolescents who perceive their institutional experience more positively have better outcomes.

  Recommendation: Promote procedures, policies, and assessment tools that review whether adolescent offenders are receiving services in institutional care matched to their needs and promote periodic assessment of institutional environments from the perspective of the adolescents in their care.

Edward P. Mulvey, Ph.D., professor of psychiatry and director of the Law and Psychiatry Program at the University of Pittsburgh School of Medicine, discusses the findings and policy implications of a longitudinal study showing, among other findings, that substance use is a major factor in continued criminal activity by serious adolescent offenders. On the left is Carol Schubert, research program administrator, University of Pittsburgh School of Medicine.

- **Finding: Longer stays in juvenile facilities do not reduce reoffending; institutional placement raised offending levels in even those with the lowest level of offending.** In contrast to youth in institutional care, youth who received community-based supervision and aftercare services were more likely to attend school, go to work, and avoid further offending during the 6 months after release, and longer supervision periods increased these benefits.

  Recommendation: Reduce the rate of placement of serious adolescent offenders in institutions as well as the duration of these placements. Increase the level of community-based services to these adolescents.

- **Finding: Substance use is a major factor in continued criminal activity by serious adolescent offenders.** Substance abuse treatment for young offenders reduces both substance use and non-drug-related offending if the treatment period is long enough and if families take part in the treatment with the offender.

  Recommendation: Increase the provision of substance abuse prevention services to serious adolescent offenders in both institutions and in the community, ensuring that the services are of

adequate intensity and that they involve family members.

"The study shows that there is a strong relationship between crime and substance abuse," said Terry Zobeck, Associate Director for Research/Data Analysis at the White House Office of National Drug Control Policy, in commentary following the presentation. "If we're going to have any success in reducing substance abuse, we need to address that association. Substance abuse magnifies and makes the problem of crime so much worse among these populations. Those offenders who receive treatment have better outcomes on rearrest."

OJJDP's Pathways to Desistance Publication Series

In December 2010, OJJDP launched a publication series presenting the findings of the Pathways to Desistance study. This study has collected the most comprehensive data set currently available about serious adolescent offenders and their lives in late adolescence and early adulthood. Following are the publications released to date:

Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders

This fact sheet presents an overview of findings from the Pathways to Desistance study. The primary findings of the study to date deal with the decrease in self-reported offending over time by most serious adolescent offenders, the relative inefficacy of longer juvenile incarcerations in decreasing recidivism, the effectiveness of community-based supervision as a component of aftercare for incarcerated youth, and the effectiveness of substance abuse treatment in reducing both substance use and offending by serious adolescent offenders.

Substance Use and Delinquent Behavior Among Serious Adolescent Offenders

This bulletin presents key findings on the link between adolescent substance use and serious offending. Serious/chronic offenders are much more likely than other juvenile offenders to be substance users and have related disorders. Dispositional factors (sensation seeking, disinhibition, poor affect regulation, stress, depression) can lead to externalizing behaviors such as substance use and criminal activity. Studying the factors that help youth desist from these behaviors may reveal avenues for intervention.

Future publications in this series will address the transfer of adolescents to adult court; psychosocial maturity and desistance from crime; mental health services for serious adolescent offenders; deterrence among high-risk adolescents; and cultural orientation, substance use, and offending among Mexican American youth offenders.

Resource:

For more information about the Pathways to Desistance study, visit its Web site.

Andrew K. Block, Jr.
Director

COMMONWEALTH OF VIRGINIA

Department of Juvenile Justice

MEMORANDUM

TO: State Board of Juvenile Justice

FROM: The Department of Juvenile Justice

DATE: August 3, 2015

SUBJECT: **Additional Public Comments for the Proposed Length of Stay (LOS) Guidelines**

I. Summary

The packet provided to Board members and available to the public for the August 3, 2015, Board meeting contained a memorandum summarizing and copies of all written comments received on the proposed changes to the LOS Guidelines pending before the Board. Since the memorandum was drafted three additional written comments have been submitted. This memorandum serves to supplement the previous memorandum with the additional comments received.

II. Public Comment

A summary of the public comments received since the memorandum provided in the Board packet was drafted is provided below.

Name	Position			Summary of Comments
	Support	Oppose	No Position	
Natasha O'Dell Archer National Director Fight Crimes: Invest in Kids July 31, 2015	x			"…The research shows that the proposed guidelines are a step in the right direction…The proposed changes to the LOS guidelines will make it less likely that Virginia youth are re-arrested and re-convicted." A 2009 study of two cities and a study of youth in California showed no positive benefits of longer lengths of stay (increased reported

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Hoffman, Wendy (DJJ)

Subject: Incarceration of youth

-----Original Message-----
From: Linda K Larsen [mailto:lklebelarsen@comcast.net]
Sent: Monday, July 27, 2015 10:09 AM
To: Hoffman, Wendy (DJJ)
Cc: David L Larsen; Jon Larsen; Kristin M Larsen; David K Larsen
Subject: Incarceration of youth

Dear Wendy,

I believe that the youth of our commonwealth are incarcerated for excessively long terms. The lengthy terms do not necessarily facilitate a change in behavior that enables young offenders to renter society in a productive manner. Please consider the VA data as well as the models of other states to reduce the length of incarceration for youthful offenders. Perhaps by enacting a shorter and meaningful length of incarceration for them, we can encourage a change in behavior that will benefit our community.

Linda Larsen

Sent from my iPhone

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Chair of Election and
Campaign Procedures

MICHAEL MORTON
Chair of Awards

KATHLEEN JONES
Chair of Resource Development

MARK BAUER
Chair of Legislation & Policy

TRACEY CHILES
Chair of Training /Professional Developme

KATHERINE FARMERADRIENNE FOSTER
Co-Chairs of Marketing and
Public Relations

ASHAKI MCNEIL
Chair of Institute Planning

FRANCES BROWN
Chair of Board Standards

July 29, 2015

Andrew K. Block, Director
Virginia Department of Juvenile Justice
600 East Main Street, 20th Floor
Richmond, VA 23219

Re: DJJ Changes to LOS Guidelines

Dear Mr. Block:

I am writing this letter on behalf of the Virginia Juvenile Justice Association (VJJA) Board of Directors. In June, the Board of Directors reviewed and discussed the proposed changes to the guidelines for determining the length of stay (LOS) of juveniles indeterminately committed to the Virginia Department of Juvenile Justice (DJJ). The VJJA Board of Directors voted unanimously to support of the proposed changes to the length of stay guidelines.

Our organization has a proud history of advocating for system-involved children. The changes to the length of stay guidelines are aligned with the guiding principles of our organization. We believe that the proposed changes minimizes the deprivation of liberty and favors the least restrictive means necessary to achieve public safety. Please share our letter of support with the Board of Juvenile Justice.

Sincerely,

Stephanie Garrison

Stephanie C. Garrison
President

Nearly 5,000 Police Chiefs, Sheriffs, Prosecutors, other Law Enforcement Leaders, and Violence Survivors Preventing Crime and Violence

Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, Virginia 23219

July 31, 2015

Dear Members of the Virginia Board of Juvenile Justice:

On behalf of the 5,000 police chiefs, sheriffs, prosecutors, and other law enforcement executives – including 121 Virginia members – who are members of Fight Crime: Invest in Kids, a national, non-profit, anti-crime organization, I write to express our strong support for Department of Juvenile Justice (DJJ) proposed changes to the length of stay (LOS) guidelines for indeterminately committed youth.

Our members are committed to preventing crime by looking at evidence-based research on what works to get kids on the right track and stop them from becoming criminals. The research shows that the proposed guidelines are a step in the right direction.

Longer lengths of stay in juvenile correctional centers do not have a positive impact on youth or recidivism rates. A 2009 study using longitudinal data of serious juvenile offenders in two cities found there was no benefit or decrease in recidivism among youth with longer lengths of stay between 3 and 13 months. In fact, the study found that among youth with low-level offenses, incarceration increased their level of self-reported offending. In Florida, research on youth in correctional centers found that there was "no consistent relationship between length of confinement and recidivism." A study of youth in California linked longer periods of incarceration as juveniles to heightened criminality as adults.

Virginia's current LOS guidelines do not curb recidivism. According to the Department of Juvenile Justice 2014 Data Resource Guide, 78.4 percent of youth released from juvenile correctional centers in 2009 were re-arrested within 36 months and 73.5 percent were re-convicted. According to DJJ's own analysis, "controlling for offense and risk and protective factors, the probability of re-arrest increased by 32.7% for every additional year" that a youth remained in custody.

Virginia's average LOS is above the national average. In 2009, the Council of Juvenile Correctional Administrators reported that the majority of states had average lengths of stay ranging from 6 to 12 months. Virginia's average length of stay for all juveniles is 18.7 months and the average length of stay for indeterminately committed juveniles is 16.1 months.

In addition, longer lengths of stay are not cost effective for Virginia. DJJ currently spends $150,994 to incarcerate one youth for one year in a juvenile correctional center, approximately $413.68 per day. According to a 2014 report by Youth Advocate Programs, using the American Correctional Associations' average cost of youth incarceration, nationally Americans spend $240.99 a day incarcerating one youth compared to $75 a day

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Fight Crime: Invest in Kids is a membership organization of law enforcement leaders and crime victims
under the umbrella non-profit Council for a Strong America

for community-based wrap around services. Not only are community-based services and parent coaching more cost effective, they have the added benefit of improving kids connections to their families, communities and support systems.

Fight Crime: Invest in Kids members want to see youth returned back to the community and stay out of trouble. The proposed changes to the LOS guidelines will make it less likely that Virginia youth are re-arrested and re-convicted. We urge you to vote in favor of these changes.

Sincerely,

Natasha O'Dell Archer, J.D.
National Director
Fight Crime: Invest in Kids

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