

1 Introduction and Overview

The Department of Juvenile Justice (DJJ) provides services to youth and families. In FY 2022, DJJ operated 30 court services units (CSUs) (see Appendix A) and Bon Air Juvenile Correctional Center (JCC). As of June 30, 2022, DJJ audits and certifies 32 CSUs, including two locally operated units; 24 juvenile detention centers (JDCs); the JCC; eight community placement programs (CPPs); nine detention reentry programs; and 14 group homes, shelter care facilities, and independent living programs. The Board of Juvenile Justice regulates and monitors policies and activities for the programs and facilities for which DJJ is responsible. Additionally, DJJ contracts with providers for a variety of services.

Agency Description

DJJ's mission is to protect the public by preparing court-involved youth to be successful citizens. To accomplish this mission, DJJ uses an integrated approach to juvenile justice, bringing together current research and best practices to target delinquent behavior; meet the needs of court-involved youth, victims, and communities; and manage activities and resources in a responsible and proactive manner. DJJ's primary responsibilities are to hold youth accountable for wrongdoing, prevent further offending, and treat all youth fairly and equitably.

DJJ strives to balance the safety of the community with the needs of youth. When appropriate, youth may be diverted from the court system as a means to best address minor infractions and low-risk behaviors. For matters that require court involvement, DJJ uses a balanced approach that provides (i) protection of public safety by control of youth's liberties through community supervision or secure confinement, (ii) a structured system of incentives and graduated sanctions in both community and direct care settings to ensure accountability for youth's actions, and (iii) a variety of services and programs that build skills and competencies (e.g., substance abuse and aggression management treatment, academic and career readiness education). These strategies enable youth to become law-abiding members of the community during and upon release from DJJ's supervision.

DJJ is committed to using the Risk-Needs-Responsivity (RNR) principles by (i) focusing resources on youth with the highest risk of reoffending and (ii) addressing the individual risk factors that contribute to the initiation and continuation of delinquent behavior to create the greatest impact on offending. DJJ recognizes that successful outcomes require services that are individualized to the strengths and needs of youth, families, and communities. Individual risk factors are identified and addressed to increase the likelihood of successful outcomes. Likewise, appropriate public safety strategies such as electronic monitoring, drug screening, and various levels of supervision are matched to youth's individualized circumstances. DJJ also uses a set of research- and consensus-based instruments to guide decisions at different points within the juvenile justice system, including the initial decision to detain and the assignment to various levels of community probation or parole supervision.

DJJ continues to expand its continuum of services and alternative placements that offer programs and treatments to divert youth from further involvement with DJJ and provide appropriate dispositional options for youth under supervision that enable committed youth to return successfully to the community. DJJ contracts with two regional service coordinators (RSCs) to assist in assessing existing programming, developing new service capacity, and selecting and subcontracting with direct service providers (DSPs). Additionally, the CPPs and detention reentry programs in several JDCs provide alternatives to JCC placement for youth in direct care. These programs allow committed youth to be placed in smaller settings intended to keep them closer to family, provide individualized services to address criminogenic needs, and enhance reentry planning and services.

Although DJJ bears the primary responsibility for many aspects of Virginia's juvenile justice system, collaborative partnerships with both the public and private sectors and families are key to its work. For example, local governments and multi-jurisdictional commissions operate secure JDCs and provide an array of services to youth and families. Within each community, DJJ works with law enforcement, behavioral and mental health providers, schools, social services, and other bodies. DJJ also secures services from private providers to assist in



treating youth and connecting them to their communities. These partnerships enable DJJ to intervene effectively and efficiently in addressing the needs of youth, their families, and communities.

Agency Transformation

Nearly eight years ago, DJJ initiated a significant transformation plan. With the input of many stakeholders, DJJ undertook a rigorous self-analysis to ensure positive outcomes for the youth, families, and communities while using taxpayer resources effectively.

DJJ now has several years of reporting and reflection on the outcomes of this transformation plan. Under new leadership, DJJ will build upon the strength and successes it has achieved while developing new initiatives to address where DJJ has fallen short of its goals. As DJJ begins a new chapter, it reaffirms its commitment to the community through these strategic goals:

- » Expanding reentry services to include vocational, workforce development, and mentoring programs to provide resources that encourage a positive path for youth returning to the community;
- » Supporting successful community programs and creating new initiatives that will address the current concerns throughout the Commonwealth;
- » Building trust with law enforcement and judicial partners to ensure youth are placed in the best possible and most effective programs;
- » Addressing the concerns highlighted in the 2021 Joint Legislative Audit & Review Commission (JLARC) report, which focused on recidivism for the most serious offenders; and
- » Creating new resources to support victims and families, including those with limited English proficiency or disabilities, who have been impacted by violent crime.

As DJJ moves forward to face new challenges, it will work to accomplish these goals by maintaining the highest standards of accountability and ensuring it has the trust of the communities it serves.

DJJ will balance community safety with the rehabilitative needs of youth. Virginia's juvenile justice system must have the trust of all stakeholders, including elected leaders, judges, law enforcement, families, victims, and the broader communities.

DJJ must hold youth accountable for their actions while ensuring they receive the services they need, at the dosage they need, in order to create the greatest likelihood of success when they are no longer in DJJ's care. Addressing and preventing youth violent crime, especially

gun-related crime, must be a focus of DJJ and all community stakeholders.

DJJ will be transparent. DJJ must have an objective, critical analysis of its successes and failures. This commitment is vital to the community, the families, and the youth we serve.

Terminology

Acronyms, abbreviations, and terms commonly used by DJJ are defined below. Terms are referred to by their acronyms or abbreviations throughout the report. (In addition, see Appendix E for a listing of "Other" categories.)

Acronyms and Abbreviations

ACA: American Correctional Association

ADHD: Attention-Deficit/Hyperactivity Disorder

ADP: Average Daily Population

AMI: AMIkids

ART®: Aggression Replacement Training

AWOL: Absent Without Leave

BADGE: Balanced Approach Data Gathering Environment

BSU: Behavioral Services Unit

CANS: Child and Adolescent Needs and Strengths

CAP: Central Admission and Placement

CCRC: Central Classification and Review Committee

CD: Conduct Disorder

CEST: Classification and Evaluation Staffing Team

CHINS: Child in Need of Services

CHINSup: Child in Need of Supervision

COVID-19: Coronavirus Disease 2019

CPMT: Community Policy and Management Team

CPP: Community Placement Program

CQI: Continuous Quality Improvement

CRCP: Comprehensive Reentry Case Plan

CSA: Children's Services Act

CSU: Court Service Unit



CTE: Career and Technical Education	HFW: High Fidelity Wraparound
CTM: Community Treatment Model	ICJ: Interstate Compact for Juveniles
CTST: Classification and Treatment Services Team	ICN: Intake Case Number
CVIU: Cover Virginia Incarcerated Unit	ICRC: Institutional Classification and Review Committee
CY: Calendar Year	IEP: Individualized Education Program
CYT: Cannabis Youth Treatment	J&DR: Juvenile and Domestic Relations
DAI: Detention Assessment Instrument	JCC: Juvenile Correctional Center
DARS: Virginia Department of Aging and Rehabilitative Services	JDAI: Juvenile Detention Alternatives Initiative
DBHDS: Virginia Department of Behavioral Health and Developmental Services	JDC: Juvenile Detention Center
DBT: Dialectical Behavior Therapy	JP: Juvenile Profile
DCJS: Virginia Department of Criminal Justice Services	LEA: Local Education Agency
DGS: Virginia Department of General Services	LOS: Length of Stay (used for probation, detention, direct care, and parole)
DJJ: Virginia Department of Juvenile Justice	LOS Guidelines: LOS Guidelines for Indeterminately Committed Juveniles
DMAS: Virginia Department of Medical Assistance Services	LRD: Late Release Date
DMV: Virginia Department of Motor Vehicles	MHSTP: Mental Health Services Transition Plan
DPB: Virginia Department of Planning and Budget	MOA: Memorandum of Agreement
DR/CW: Domestic Relations and Child Welfare	MOE: Maintenance of Effort
DRG: Data Resource Guide	MSO: Most Serious Offense
DSM: Diagnostic and Statistical Manual of Mental Disorders	MST: Multi-Systemic Therapy
DSP: Direct Service Provider	OCS: Virginia Office of Children's Services
DSS: Virginia Department of Social Services	ODD: Oppositional Defiant Disorder
EBA: Evidence-Based Associates	OJJDP: United States Office of Juvenile Justice and Delinquency Prevention
ECO: Emergency Custody Order	PBIS: Positive Behavioral Interventions and Supports
EOC: End of Course	PREA: Prison Rape Elimination Act
EPICS: Effective Practices in Community Supervision	PO: Probation/Parole Officer
ERD: Early Release Date	Post-D: Post-Dispositional
FAPT: Family Assessment and Planning Team	Pre-D: Pre-Dispositional
FFT: Functional Family Therapy	PYD: Positive Youth Development
FIPS: Federal Information Processing Standards	QA: Quality Assurance
FY: Fiscal Year	RDC: Reception and Diagnostic Center
GED®: General Educational Development	RED: Racial and Ethnic Disparities



RNR: Risk-Needs-Responsivity

RPIC: Residential Practice Improvement Coach

RS: Resident Specialist

RSC: Regional Service Coordinator

RTI: Response to Intervention

RTC: Residential Treatment Center

SEAS: Screening for Experiences and Strengths

SGA: Student Government Association

SOL: Standards of Learning

SOP: Standard Operating Procedure

SPEP™: Standardized Program Evaluation Protocol

SPSHS: Secretary of Public Safety and Homeland Security

SY: School Year

TF-CBT: Trauma-Focused Cognitive Behavioral Therapy

TDO: Temporary Detention Order

VADOC: Virginia Department of Corrections

VCC: Virginia Crime Code

VCIN: Virginia Criminal Information Network

VCSC: Virginia Criminal Sentencing Commission

VDOE: Virginia Department of Education

VJCCCA: Virginia Juvenile Community Crime Control Act

VLDS: Virginia Longitudinal Data System

VPSTC: Virginia Public Safety Training Center

VSCC: Virginia State Crime Commission

VSP: Virginia Department of State Police

VTSS: Virginia Tiered Systems of Supports

WRS: Workplace Readiness Skills

W!SE: Working in Support of Education

YASI: Youth Assessment and Screening Instrument

Definitions

Admission: when a youth officially enters the direct care population.

Adjudication: the findings of a court on the merits of a petition (e.g., delinquency, CHINS, CHINSup, or status offense) based on evidence presented at the adjudicatory hearing.

Adjudicatory Hearing: a court hearing on the merits of a petition filed alleging a delinquent act, CHINS, CHINSup, or status offense.

Blended Sentence: a sentencing option for a youth convicted in circuit court, which combines a juvenile disposition with an adult sentence. For example, the circuit court may impose an adult sentence with a portion of that sentence to be served in the custody of DJJ; the judge may suspend the adult sentence pending successful completion of the juvenile disposition. See § 16.1-272 of the *Code of Virginia*. The exact use of this term can vary; in this report, blended sentence data reflect youth with an active VADOC sentence at the time of commitment to DJJ.

Certification: when a judge determines after a preliminary hearing that there is probable cause in the case of a youth 16 years of age or older charged with a violent juvenile felony, jurisdiction for the case is transferred to circuit court for trial as an adult. If the pending charges are for aggravated murder, first- or second-degree murder, lynching, or aggravated malicious wounding, the case is automatically certified to circuit court for trial. If the pending charges are for any other violent juvenile felony, the case may be certified to circuit court based on the discretion of the attorney for the Commonwealth if certain statutory requirements are met. Any youth convicted in circuit court after certification will be treated as an adult in any subsequent offense. Prior to FY 2021, the minimum age for certification to circuit court was 14 years of age. See page 9 and §§ 16.1-269.1 and 16.1-271 of the *Code of Virginia*.

CHINS: a child whose behavior, conduct, or condition presents or results in a serious threat to (i) the well-being and physical safety of that child or, (ii) if under the age of 14, the well-being and physical safety of another person. To meet the definition of CHINS, there must be a clear and substantial danger to the life or health of the child or another person, and the intervention of the court must be found to be essential to provide the treatment, rehabilitation, or services needed by the child or the child's family. See § 16.1-228 of the *Code of Virginia*.



CHINSup: a child who (i) is habitually and without justification absent from school despite opportunity and reasonable effort to maintain school attendance, (ii) runs away from family or lawful custodian on more than one occasion, or (iii) escapes from or leaves a court-ordered residential placement without permission. See § 16.1-228 of the *Code of Virginia*.

Commitment: the court-ordered disposition placing a youth in the custody of DJJ for a determinate or indeterminate period of time. To be eligible for commitment, a youth must be 14 years of age or older and adjudicated delinquent or convicted of a felony offense, a Class 1 misdemeanor and a prior felony, or four Class 1 misdemeanors that were not part of a common act, transaction, or scheme; or be 11 years of age or older and adjudicated delinquent of a violent juvenile felony. See § 16.1-278.8 of the *Code of Virginia*. A commitment to DJJ differs from an admission. An admission may occur days or weeks after the youth is committed to DJJ (during which time the youth is held in a JDC). A single admission could be the result of multiple commitments to DJJ (for example, a youth may be committed to DJJ by more than one court). For these reasons, the number of commitments to DJJ in a FY may be different from the number of admissions.

CPP: a direct care residential program in a JDC. The goal of CPPs is to place youth closer to their home community. CPPs focus on addressing PYD and increasing competency in the areas of education, vocational preparation, life and social skills, thinking skills, employability skills, and anger management.

CSU: a locally or state-operated entity that provides services to the J&DR district court, including intake, investigations and reports, probation, parole, case management, and other related services in the community. See Appendix A.

DAI: a detention screening tool used during CSU intake to guide detention decisions using objective criteria. See Appendix C.

Delinquent Offense: an act committed by a youth that would be a felony or misdemeanor offense if committed by an adult as designated under state law, local ordinance, or federal law. Delinquent offenses do not include status offenses. See § 16.1-228 of the *Code of Virginia*.

Detainment: the first admission of a continuous detention stay. A new detainment is not counted if a youth is transferred to another JDC or has a change

in dispositional status before being released or returns to a JDC as part of a disposition of weekend detention.

Detention Hearing: a judicial hearing held pursuant to § 16.1-250 of the *Code of Virginia* that determines whether a youth should be placed in a JDC, continue to be held in a JDC, or be released with or without conditions until an adjudicatory hearing for a delinquent offense.

Detention Reentry: a direct care residential program in a JDC. The goal of detention reentry is to allow youth in direct care to begin transitioning back to their community 30 to 120 days before their scheduled release date.

Determinate Commitment: the commitment of a youth 14 years of age or older to DJJ as a serious juvenile offender. The court specifies the length of the commitment, has continuing jurisdiction over the youth, and must conduct periodic reviews if the youth remains in direct care for longer than 24 months. A youth may be committed to DJJ as a serious juvenile offender for up to seven years, not to exceed the youth's 21st birthday. See § 16.1-285.1 of the *Code of Virginia*.

Direct Care: the time during which a youth who is committed to DJJ pursuant to §§ 16.1-272, 16.1-278.8(A)(14), 16.1-278.8(A)(17), or 16.1-285.1 of the *Code of Virginia* is under the supervision of staff in a juvenile residential facility operated by DJJ or an alternative placement.

Disposition: the treatment, conditions, services, and sanctions ordered by the court for a youth adjudicated delinquent, found to be a status offender, or found to be in need of services.

Dispositional Hearing: a hearing in the J&DR district court which occurs after an adjudication. During this hearing, the court may impose treatment, conditions, services, and sanctions. See §§ 16.1-278.4, 16.1-278.5, 16.1-278.6, and 16.1-278.8 of the *Code of Virginia*.

Diversion: the handling of a juvenile intake complaint in an informal manner as an alternative to the official court process. The intake officer must develop a plan for the youth that may include counseling, informal supervision, restitution, community service, or other programs. The youth and parents must agree to the diversion plan. An alleged violent juvenile felony and a complaint after a prior diversion or adjudication on a felony offense cannot be diverted. Truancy complaints may be diverted unless



there has been a prior truancy diversion or truancy adjudication within the preceding three years or a total of three prior truancy diversions or truancy adjudications. Through FY 2020, such supervision was limited to 90 days for truancy and 120 days for all other offenses. Beginning in FY 2021, supervision for truancy is limited to 120 days. See §§ 16.1-227 and 16.1-260 of the *Code of Virginia*.

Domestic Relations: matters before the J&DR district court having to do with family and child welfare, including child custody, visitation, paternity, and other petitions delineated in § 16.1-241 of the *Code of Virginia*. Criminal and delinquency matters are not included.

FY: the time period measured from July 1 of one year to June 30 of the following year. For example, FY 2022 began July 1, 2021, and ended June 30, 2022.

Group Home: a juvenile residential facility that is a community-based, home-like single dwelling or its acceptable equivalent. Placements can be pre-D or post-D.

Indeterminate Commitment: the commitment of a youth to DJJ in which the youth's LOS range (ERD to LRD) is calculated based on statutory requirements and the LOS Guidelines. The commitment may not exceed 36 continuous months except in cases of murder or manslaughter or extend past a youth's 21st birthday. See §§ 16.1-285 and 16.1-278.8(A)(14) of the *Code of Virginia*.

Intake Case: a youth with one or more intake complaints involving an alleged delinquent act, a CHINS, a CHINSup, or a status offense.

Intake Complaint: a request for the processing of a petition to initiate a matter that is alleged to fall within the jurisdiction and venue of a particular J&DR district court. An intake officer at the CSU decides whether the complaint will result in no action, diversion, or the filing of a petition initiating formal court action.

JCC: a DJJ secure residential facility with construction fixtures designed to prevent escape and to restrict the movement and activities of youth held in lawful custody. JCCs house youth who have been committed to DJJ. See §§ 16.1-278.8, 16.1-285, and 16.1-285.1 of the *Code of Virginia*.

JDC: a local or regional secure residential facility with construction fixtures designed to prevent escape and to restrict the movement and activities of youth held in lawful custody. JDCs may house pre-D and

post-D youth. See §§ 16.1-248.1, 16.1-278.8, and 16.1-284.1 of the *Code of Virginia*.

LOS Guidelines: a framework established by the Board of Juvenile Justice, as mandated by § 66-10 of the *Code of Virginia*, to determine the length of time a youth indeterminately committed to DJJ will remain in direct care. Factors that affect a youth's LOS include the seriousness of the committing offense(s) and YASI risk level. Treatment needs may also affect a youth's LOS. See Appendix D.

Parole: a period of supervision and monitoring of a youth in the community following release from commitment if ordered by the court or administratively determined by DJJ.

Petition: a document filed with the J&DR district court by the intake officer initiating formal court action. Petitions may allege that a youth is delinquent, a CHINS, a CHINSup, an abused or neglected child, or a status offender; may be for domestic relations purposes; or may be for other actions over which the J&DR district court has jurisdiction (e.g., protective orders, work permits, a minor seeking judicial consent for medical procedures).

Post-D Detention with Programs: the ordering of a youth by a judge to a JDC for up to six months (or 12 months for felony or Class 1 misdemeanor offenses resulting in death) with structured programs of treatment and services intended to build and maintain community ties. To be eligible for post-D detention, a youth must be 14 years of age or older and found to have committed a non-violent juvenile felony or a Class 1 or Class 2 misdemeanor offense that is punishable by confinement in a state or local secure facility. See §§ 16.1-278.8(A)(16) and 16.1-284.1 of the *Code of Virginia*.

Post-D Detention without Programs: the ordering of a youth by a judge to a JDC for up to 30 days without special programs provided. To be eligible for post-D detention, a youth must be 14 years of age or older and found to have committed a non-violent juvenile felony or a Class 1 or Class 2 misdemeanor offense that is punishable by confinement in a state or local secure facility. See §§ 16.1-284.1, 16.1-291, and 16.1-292 of the *Code of Virginia*.

Pre-D Detention: the confinement of a youth in a JDC while awaiting a dispositional or adjudicatory hearing. Generally, to be eligible for pre-D detention, there must be probable cause establishing that the youth committed an offense that would be a felony or Class 1 misdemeanor offense if committed by an adult, violated the terms of probation or parole



for such an offense, or knowingly and intentionally possessed or transported a firearm. In addition, the youth must be a clear and substantial threat to another person, the property of others, or to self; have threatened to abscond from the court's jurisdiction; or have willfully failed to appear at a court hearing within the last year. A youth may be placed in pre-D detention for other statutorily prescribed circumstances, such as when the youth is a fugitive from another state or failed to comply with conditions of release for what would be a felony or Class 1 misdemeanor charge if committed by an adult. See §§ 16.1-248.1 and 16.1-249 of the *Code of Virginia*.

Pre-D and Post-D Reports: documents prepared (i) within the timelines established by approved procedures when ordered by the court, (ii) for each youth placed on probation supervision, (iii) for each youth committed to DJJ or placed in post-D detention with programs, or (iv) upon written request from another CSU when accompanied by a court order. The report, also known as the social history report, must include identifying and demographic information for the youth, including current offense and prior court involvement; social, medical, psychological, and educational information about the youth; information about the youth's family; and dispositional and treatment recommendations if permitted by the court.

Probable Cause: there are reasonable grounds to believe that an offense has been committed, and the accused is the person who committed it.

Probation: the court-ordered disposition placing a youth under the supervision of a CSU in the community, requiring compliance with specified rules and conditions.

Psychotropic Medication: prescribed drugs that affect the mind, perception, behavior, or mood. Common types include antidepressants, anxiolytics or anti-anxiety agents, antipsychotics, and mood stabilizers.

Quarter: a three-month time period of a FY or CY. For example, the first quarter of FY 2022 began July 1, 2021, and ended September 30, 2021.

Recidivism Rate: the percentage of individuals who commit a subsequent offense, measured in this report by rearrest, reconviction, and reincarceration. See page 71.

Region: DJJ divides Virginia into five regions in order to manage the use of community resources statewide.

See map on page 11 for an overview of DJJ's regions.

Serious Offender: a youth who is committed to DJJ and given a determinate commitment. See § 16.1-285.1 of the *Code of Virginia*.

Shelter Care: a non-secure facility or emergency shelter specifically approved to provide a range of as-needed services on an individual basis. See § 16.1-248.1 of the *Code of Virginia*.

Status Offense: an act prohibited by law that would not be an offense if committed by an adult, such as truancy, curfew violation, or running away. See § 16.1-228 of the *Code of Virginia*.

Subsequent Commitment: commitments to DJJ received after the youth was admitted to direct care that require a recalculation of the original LOS. These commitments may be associated with an offense that occurred prior to admission but was not processed by the court until after admission or with an offense that occurred after admission while in direct care. An offense that occurred while in direct care also may result in an adult jail or prison sentence rather than a subsequent commitment to DJJ.

TDO: an order issued by a judge, magistrate, or special justice for the involuntary inpatient mental health treatment of a youth, after an in-person evaluation by a mental health evaluator, when it is found that (i) because of mental illness, the minor (a) presents a serious danger to self or others to the extent that a severe or irreversible injury is likely to result, or (b) is experiencing a serious deterioration of the ability to care for oneself in a developmentally age-appropriate manner; and (ii) the minor is in need of inpatient treatment for a mental illness and is reasonably likely to benefit from the proposed treatment. A TDO is for a brief period of time (up to 96 hours) for treatment and evaluation and pending a subsequent review of the admission (the minor may be released or involuntarily committed at the hearing). See Article 16 of Chapter 11 of Title 16.1 of the *Code of Virginia* (§ 16.1-335 et seq.).

Transfer: when the J&DR district court, after consideration of specific statutory factors, determines the J&DR district court is not the proper court for the proceedings involving a youth 14 years of age or older at the time of the offense who is accused of a felony and transfers jurisdiction to the circuit court. See page 9.

Transfer Hearing: a hearing in the J&DR district court wherein the judge determines whether the J&DR



district court should retain jurisdiction or transfer the case for criminal proceedings in circuit court. A transfer hearing is initiated by the attorney for the Commonwealth filing a motion in the J&DR district court for a hearing. The judge must determine that the act would be a felony if committed by an adult and examine issues of competency, the youth's history, and specific statutory factors. Any youth convicted in circuit court after transfer will be treated as an adult in all future criminal cases. See § 16.1-269.1 of the *Code of Virginia*.

Violent Juvenile Felony: any of the delinquent acts enumerated in §§ 16.1-269.1(B) and 16.1-269.1(C) of the *Code of Virginia* when committed by a youth 14 years of age or older. The offenses include murder, felonious injury by mob, abduction, malicious wounding, malicious wounding of a law enforcement officer, felonious poisoning, adulteration of products, carjacking, rape, forcible sodomy, and object sexual penetration. See § 16.1-228 of the *Code of Virginia*.

YASI: a validated tool which provides an objective assessment of an individual's risk of reoffending using both static and dynamic risk and protective factors in 10 distinct functional domains. See Appendix B.

Examples of Juvenile Dispositions

Juvenile dispositions may include the following:

- » Defer disposition for a specified period of time, with or without probation supervision, to consider dismissing the case if the youth exhibits good behavior during the deferral period
- » Impose a fine and/or order restitution
- » Order the youth to complete a public service project
- » Suspend the youth's driver's license
- » Impose a curfew on the youth
- » Order the youth and/or the parent to participate in programs or services
- » Transfer legal custody to an appropriate individual, agency, organization, or local board of social services
- » Place the youth on probation with specified conditions and limitations that may include required participation in programs or services
- » Place the youth in a JDC for 30 days or less
- » Place the youth in a post-D program in a JDC generally for a period not to exceed six months
- » Commit the youth to DJJ for an indeterminate or determinate period of time



Juveniles in Circuit Court

Consideration for Trial in Circuit Court

Pursuant to § 16.1-269.1 et seq. of the *Code of Virginia*, cases involving juveniles that meet certain age and offense criteria may be certified or transferred to circuit court, where the juvenile will be tried as an adult under one of the following circumstances:

Mandatory Certification: If a juvenile 16 years of age or older is charged with aggravated murder, first- or second-degree murder, murder by lynching, or aggravated malicious wounding, the juvenile receives a preliminary hearing in J&DR district court. If probable cause is found, the court certifies the charges, the case is sent to circuit court, and the juvenile is tried as an adult. The certification may not be appealed. Prior to FY 2021, mandatory certification applied to juveniles 14 years of age or older.

Prosecutorial Discretionary Certification: When a juvenile 16 years of age or older is charged with a violent juvenile felony as defined in § 16.1-228 of the *Code of Virginia*, which does not require mandatory certification, the prosecution may elect to certify if certain statutory requirements in § 16.1-269.1(C) are met. The juvenile receives a preliminary hearing in J&DR district court. If probable cause is found, the court certifies the charges, the case is sent to circuit court, and the juvenile is tried as an adult. The certification may not be appealed. Prior to FY 2021, prosecutorial discretionary certification applied to juveniles 14 years of age or older.

Transfer: When a juvenile 14 years of age or older is charged with a felony offense, the prosecutor may ask a J&DR district court judge to transfer the case to circuit court for trial as an adult. The judge receives a transfer report documenting each of the factors that the court must consider in the hearing (e.g., age, seriousness and number of alleged offenses, amenability to treatment and rehabilitation, availability of dispositional alternatives, prior juvenile record, mental capacity and emotional maturity, educational record). The judge decides whether the juvenile is a proper person to remain in the jurisdiction of the J&DR district court. If not, the case goes to the circuit court. The decision may be appealed by either party.

Direct Indictment: In cases proceeding under mandatory or prosecutorial discretionary certification, if the J&DR district court does not find probable cause, the attorney for the Commonwealth may seek a di-

rect indictment in the circuit court on the offense and all ancillary charges. The direct indictment may not be appealed.

Waiver: A juvenile 14 years of age or older charged with an offense that would be a felony if committed by an adult may waive the jurisdiction of the J&DR district court with the written consent of counsel and have the case heard in the circuit court.

Trial of Juveniles in Circuit Court

Juvenile cases transferred to circuit court are tried in the same manner as adults except youth are not sentenced by a jury. A conviction of a youth as an adult precludes the J&DR district court from taking jurisdiction of such youth for any subsequent offenses allegedly committed by that youth and any pending allegations of delinquency that had not been disposed of by the J&DR district court at the time of the criminal conviction. If a youth is not convicted in circuit court, jurisdiction over that youth for any future alleged delinquent behavior is initiated in the J&DR district court.

Sentencing of Juveniles in Circuit Court

Circuit court judges may sentence youth transferred or certified to their courts to juvenile dispositions, adult sentences, or both. For example, when a youth receives a blended sentence, the court orders the youth to serve the beginning of their sentence with DJJ and a later portion in an adult correctional facility.

According to a VCSC study, one-third of youth convicted of felonies in circuit court in FY 2017 were given a disposition involving DJJ. The other two-thirds of youth were sentenced to prison, jail, or adult probation.



DJJ Historical Timeline

DJJ, formerly named the Department of Youth and Family Services, began operations as a separate agency from VADOC in 1990. The information below presents a history by CY of the agency since 2000. (See DJJ's website for a complete historical timeline of the juvenile justice system in Virginia.)

2000: The criteria for indeterminate commitments were amended from being adjudicated delinquent for two Class 1 misdemeanors to four Class 1 misdemeanors that were not part of a common act, transaction, or scheme.

2003: DJJ implemented the After-Hours Video Intake Program.

2005: Barrett JCC was closed and mothballed.

2010: Natural Bridge JCC was closed and mothballed.

2012: A portion of the former Department of Correctional Education merged with DJJ and became DJJ's Division of Education.

2013: Hanover JCC was closed and repurposed as the VPSTC.

The program serving youth with mental disabilities, developmental delays, and emotional disturbances at Oak Ridge JCC was relocated to an autonomous section of Beaumont JCC, RDC was moved to the former Oak Ridge JCC building, and the former RDC building was repurposed as an administrative building.

2014: Hampton Place and Abraxas House, DJJ's two halfway houses, were closed. (The facilities were closed to youth in December 2013.)

Culpeper JCC was closed and transferred to VADOC.

DJJ partnered with Blue Ridge, Chesapeake, Rappahannock, and Virginia Beach JDCs to establish CPPs as alternative placements for youth in direct care.

2015: RDC was closed and mothballed.

Youth in the Oak Ridge Program were gradually integrated with the general population at Beaumont JCC for educational services and other programming while retaining specialized housing.

The Board of Juvenile Justice revised the LOS Guidelines.

CTM was piloted.

DJJ partnered with Merrimac and Shenandoah Valley JDCs to establish CPPs.

2016: DJJ partnered with Chesterfield and Lynchburg JDCs to establish CPPs.

DJJ contracted with two experienced service coordination agencies, AMI and EBA, to develop a statewide continuum of evidence-based services and additional alternatives to placement in secure facilities.

2017: Beaumont JCC was closed and mothballed.

DJJ partnered with Prince William JDC to establish a CPP.

CTM was fully implemented at Bon Air JCC.

RSCs implemented systems for managing centralized referrals, service coordination, billing, and reporting.

2019: DJJ partnered with Northern Virginia JDC to establish a CPP for females.

2020: Governor Northam declared a state of emergency due to the COVID-19 pandemic on March 12.

2021: Chesapeake CPP closed.

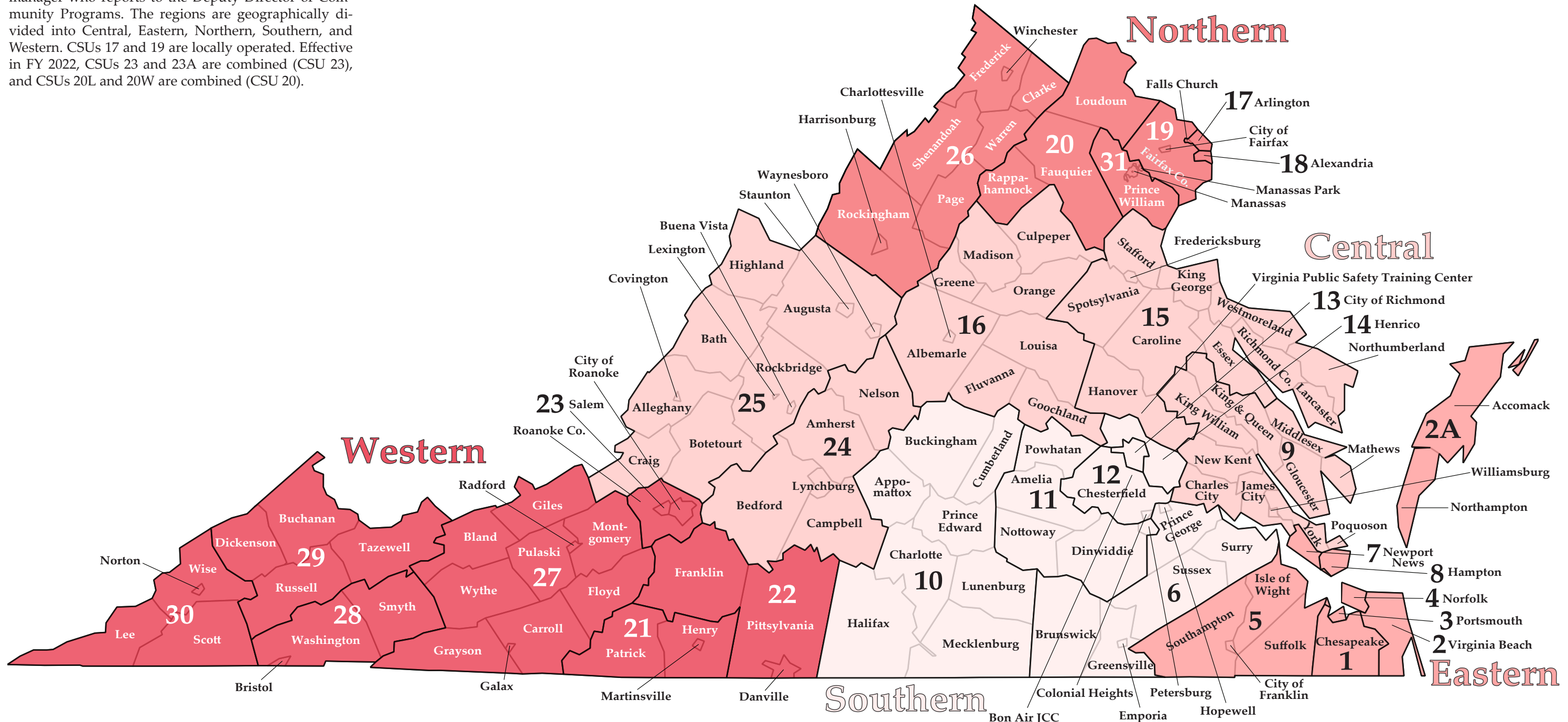
2022: Lynchburg and Northern Virginia CPPs closed.

DJJ began creating and implementing pre-court services.



Regional Map

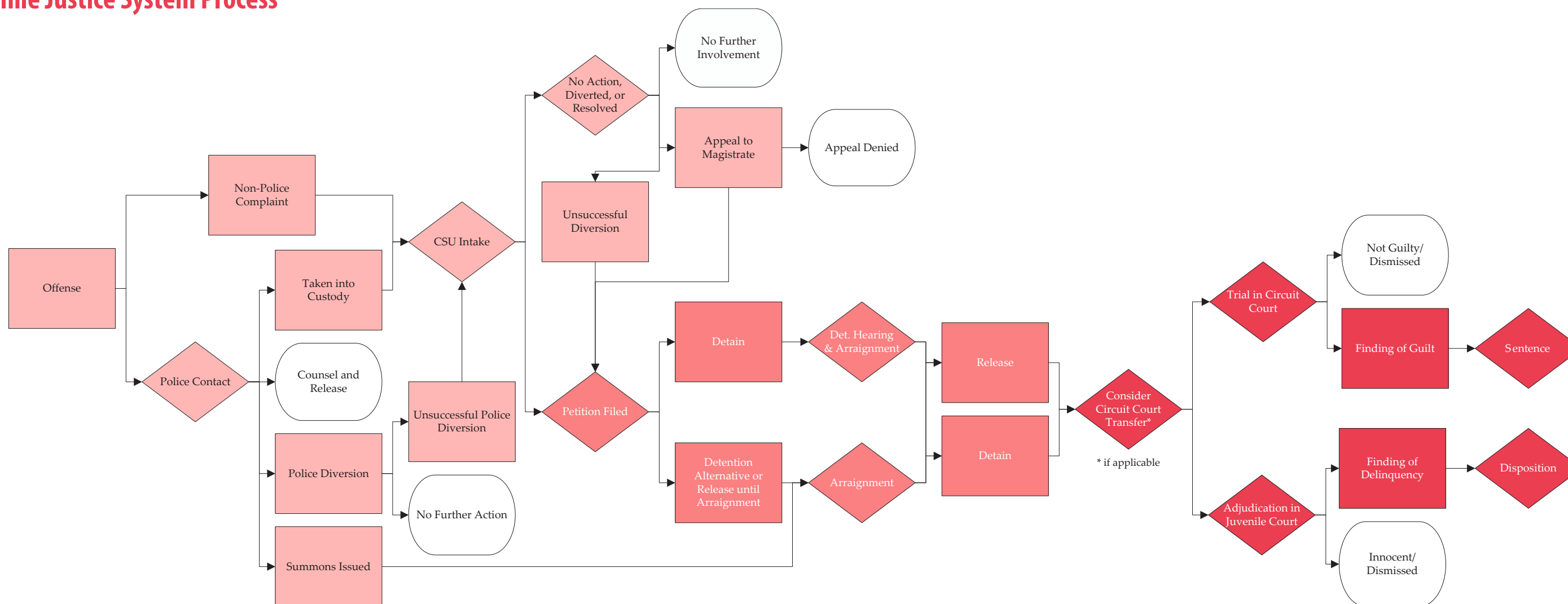
DJJ's Division of Community Programs is organized into five regions, each overseen by a regional program manager who reports to the Deputy Director of Community Programs. The regions are geographically divided into Central, Eastern, Northern, Southern, and Western. CSUs 17 and 19 are locally operated. Effective in FY 2022, CSUs 23 and 23A are combined (CSU 23), and CSUs 20L and 20W are combined (CSU 20).



Central	Eastern	Northern	Southern	Western
CSUs: 9, 15, 16, 24, 25	CSUs: 1, 2, 2A, 3, 4, 5, 7, 8	CSUs: 17, 18, 19, 20, 26, 31	CSUs: 6, 10, 11, 12, 13, 14	CSUs: 21, 22, 23, 27, 28, 29, 30



Juvenile Justice System Process



Steps in the Juvenile Justice System

Intake

- » When an offense is alleged against a youth, an individual (e.g., parents, agency representatives, law enforcement personnel) may file a complaint with an intake officer.
- » When the youth has contact with law enforcement, the youth may be taken into custody, summonsed and released until a hearing on the matter, diverted, or counseled and released with no further action.
- » The intake officer reviews the circumstances of the complaint to determine whether probable cause exists.
- » If the intake officer finds that no probable cause exists, the complaint is unfounded, and no further action is taken. The complaining party may appeal this decision to the magistrate if the offense is a felony or Class 1 misdemeanor.
- » If probable cause exists, in most cases the intake officer has the discretion to informally process or divert the case, file a petition to initiate court action, or file a petition with an order placing the youth in a JDC.

Petition and Detention

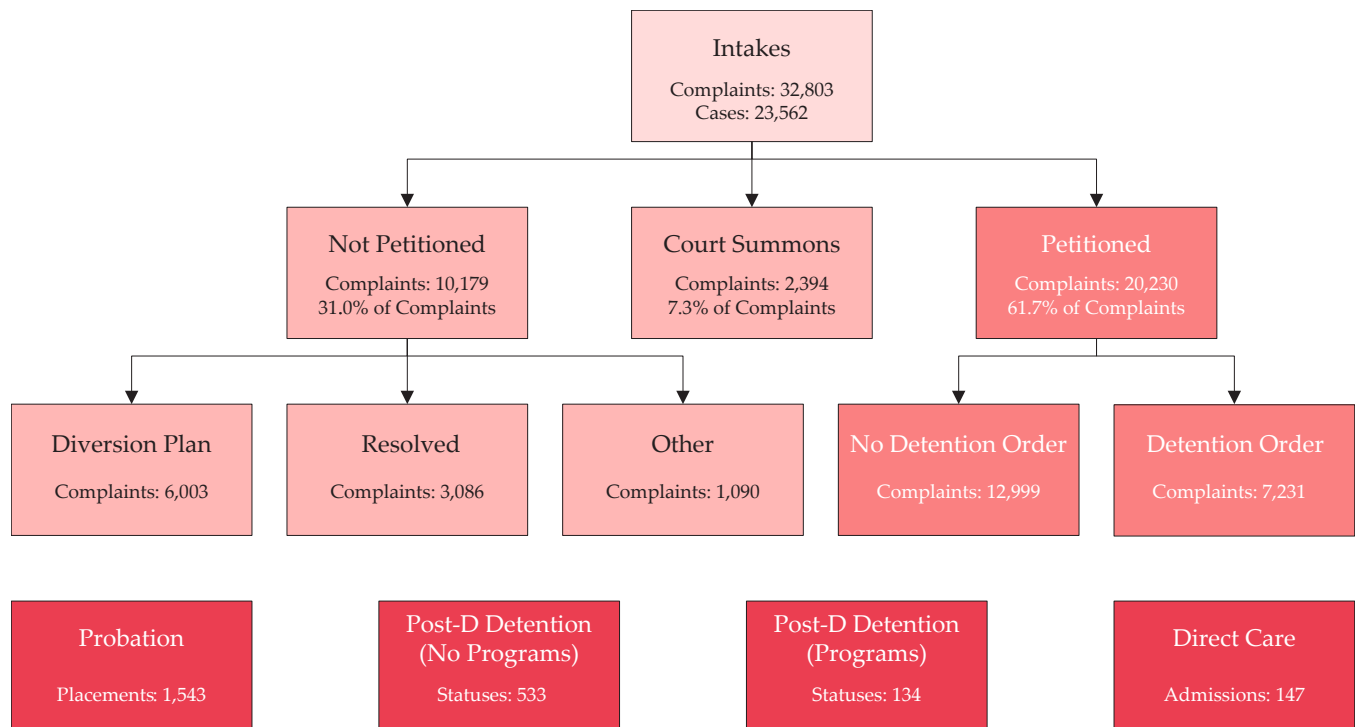
- » The filing of a petition initiates official court action on the complaint.
- » If the intake officer releases the youth, the next court appearance is the arraignment, where the youth is informed of the offenses charged in the petition, advised of the right to an attorney, and may be asked to enter a plea. The youth does not have the right to an attorney at the arraignment hearing.
- » If the youth is detained pending the hearing, a detention hearing must be held within 72 hours of the detainment. At the detention hearing, the youth has the right to an attorney and is arraigned on the offenses charged in the petition. The judge decides whether to hold the youth in a JDC or release the youth, with or without conditions, until the adjudication.

Adjudication or Trial

- » A youth who is adjudicated in J&DR district court does not have the right to a jury trial but has all the other constitutional protections afforded in criminal court, such as the right to an attorney, the right to call and cross-examine witnesses, and the right to refrain from self-incrimination. All delinquency charges must be proven beyond a reasonable doubt.
- » If the judge finds the youth delinquent, the case is usually continued to another day for the judge to make a dispositional decision. The judge's adjudication and dispositional decisions may be appealed by either party to the circuit court for a *de novo* review (as if the first adjudication never occurred).
- » When a youth is tried in circuit court as an adult, the trial is handled in the same manner as a trial of an adult. In the case of a jury trial, the court determines the sentence. The conviction and sentencing in circuit court may be appealed by either party to the Court of Appeals.



DJJ System Flow Chart, FY 2022*



* Not all CSUs receive and enter all court summons paperwork.

* The original intake decision is counted. Unsuccessful diversions with a petition filed are included in "Diversion Plan" because diversion is the original decision.

* In the chart above, "Other" includes the following intake decisions: adult criminal, accepted by ICJ, consent agreement signed, detention order only, pending, returned to out-of-state, shelter care only, and unfounded.

* Disposition categories (i.e., probation, post-D detention with or without programs, direct care) are not inclusive of all possible options.

* Probation, post-D detention, and direct care dispositions are counted based on placement, status, and admission start dates in FY 2022; they do not necessarily connect to the intakes or intake decisions above.

Intakes

- » There were 23,562 juvenile intake cases and 32,803 juvenile intake complaints. Juvenile intake cases may be comprised of one or more intake complaints. In FY 2022, juvenile intake cases had an average of 1.4 complaints.

Intake Decisions

- » A petition was filed for 61.7% of the juvenile intake complaints.
- » 7.3% of juvenile intake complaints were court summonses. A court summons is issued by a law enforcement officer and filed directly with the court rather than pursuing a petition through the CSU. A court summons may be issued to youth only for certain offenses, such as traffic offenses, low-level alcohol offenses, and select violations of local ordinances.
- » Of the remaining juvenile intake complaints, 59.0% had a diversion plan, and 30.3% were resolved.

Dispositions

- » Of probation, post-D detention, and direct care dispositions, probation was the most common.
- » There were 1,543 probation placements, 533 statuses for post-D detention without programs, 134 statuses for post-D detention with programs, and 147 direct care admissions.



Data in the DRG

Since 2001, DJJ has published the DRG annually to fulfill General Assembly reporting mandates. While there are many similarities between the current DRG and previous editions, changes have been implemented to report the data more accurately and to align with DJJ's changing operational and data needs. Some revisions and data clarifications are described below:

- » Any changes to the data after the download date are not reflected in this report. Data from previous reports may differ slightly.
- » Counts, percentages, and ADPs may not add to totals or 100% due to rounding. Decimal values are used in percentage calculations. Non-zero values may display as zero due to rounding.
- » Expunged cases are included unless otherwise specified.
- » Adult intake, probation, and parole cases are excluded from all data.
- » Not applicable or not available (N/A) is used in tables throughout this report to indicate instances where data cannot be calculated (e.g., groups of zero, offense definitions and classifications, absence of post-D detention with programs, and pending cases in the recidivism analysis).
- » Ethnicity is reported as "Hispanic," "Non-Hispanic," or "Unknown/Missing." Effective FY 2020, ethnicity is a required data entry field but may still be recorded as unknown.
- » Reported ages were expanded in FY 2021 to include youth over 20 and under 21. Prior to FY 2021, these youth were included in the "Missing" age category; therefore, age data are not comparable to reports prior to FY 2021.
- » Unless otherwise specified, the MSO is determined by a ranking assigned to each type of complaint. Periodically, DJJ uses VCC information published by VCSC to develop the rankings. Felonies are given the highest ranks, ordered first by their statutory maximum penalty and then their highest primary offense score on VCSC's guidelines. Next, misdemeanors are ranked by their statutory maximum penalty. Finally, the remaining complaints are ranked in the following order from most to least severe: technical violations, other offenses, non-delinquent traffic offenses, status offenses, and DR/CW complaints.
- » The DAI ranking of MSOs used by DJJ is checked periodically against the VCSC designation and the *Code of Virginia* to ensure consistency and is updated accordingly.
- » Offense categories on pages 21, 38, 49, and 54 are based on the VCC prefix, with the exception of technical and status offenses, which are categorized by the specific VCC. Offense categorizations are checked periodically and updated accordingly.
- » ADPs for probation and parole are calculated using only primary statuses; LOSs are calculated using the entire continuous placement. (See Appendix F for an explanation of continuous probation and parole statuses.)
- » With the exception of initial YASIs, when risk is reported, the closest risk assessment completed within 180 days before or after the measurement date (e.g., probation start date) is used unless otherwise specified.
- » Intake cases with successful diversions have at least one complaint with a successful diversion plan and no complaints with a petition.
- » Locality-specific CSU data are presented in summary form. More detailed locality-specific CSU data are available on DJJ's website.
- » Some localities utilize multiple JDCs. In the map on page 35, the localities served are determined by the highest number of detainments in FY 2022.
- » Direct care ADP is downloaded directly from DJJ's electronic data management system. In prior reports, this information came from daily population reports.
- » Subsequent commitments are excluded unless otherwise specified. An offense that occurred while in direct care also may result in an adult jail or prison sentence rather than a subsequent commitment to DJJ; these sentences are not included.
- » Blended sentences from circuit court are included as a commitment type. Data on blended sentences represent commitments with an active adult sentence at the time of commitment.
- » The categorization of commitment types (i.e., blended, determinate, indeterminate) and assigned LOSs are based on the initial commitment(s) and not subsequent commitment(s) unless otherwise specified.
- » The Division of Education SY starts in August and ends in June of the following year. Credits and credentials earned in the summer are counted toward the previous SY.
- » Canceled, rescinded, and successfully appealed commitments are not included except in the direct care ADP and Division of Education data.
- » Youth in non-JCC placements are not included in the Division of Education data.

