

**REPORT OF THE  
DEPARTMENT OF JUVENILE JUSTICE**

# **Juvenile Correctional Center Utilization Report - Update**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **HOUSE DOCUMENT NO. 64**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2006**

**EXECUTIVE SUMMARY****2006 Virginia Acts of Assembly Special Session 1 Chapter 3 Item 406 B.:**

*“The Department of Juvenile Justice shall update its October 2004 “Juvenile Correctional Center Utilization Report” to incorporate the results of the revised 2006 state and local juvenile offender population forecast that will be presented October 15, 2006 to the Governor by the Secretary of Public Safety. The updated report prepared by the department shall address its plans for the utilization of the state’s juvenile correctional centers. Such report shall first be based upon funding and staffing levels included in this act, and may include alternative plans, including utilization of excess local detention home capacity”*

A Juvenile Correctional Center (JCC) Utilization Report was issued in October, 2004, in response to language included in the 2004 Appropriation Act. The 2005 Appropriation Act contained language authorizing the department, in response to the plan, to mothball Barrett JCC, and to expand the utilization of Culpeper JCC. Those changes have been implemented, with additional utilization at Culpeper expected to come on line late in FY07, based on additional phased resources provided in the 2006 Appropriation Act.

In developing this report, we have reviewed recent changes in the population of committed juveniles and considered additional programmatic changes and needs.

**Sight and Sound Separation**

As noted in our earlier report, the Department of Juvenile Justice (DJJ) is required to meet “Sight and Sound Separation” requirements established by U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), regulations. This requires that wards who are convicted as adults (i.e. in Circuit Court) will, no later than 6 months of reaching the age of 18, be kept “sight and sound separated” from juvenile wards committed to the state through the Juvenile and Domestic Relations (J&DR) District Courts. Implementing the compliance plan involved significant physical plant, operational, and programmatic issues.

The Department was also challenged to deliver quality programs and services to its special populations (e.g., low intellectual functioning wards, sexual offenders, substance abusers, etc.) under the constraints of sight and sound separation. The Department came into compliance with the OJJDP sight and sound separation requirement as of May 2006 (See Appendix A), *with the exception* of the Department’s stance on low intellectual functioning wards, who have special needs, and who could face risks from higher functioning wards in other facilities. The current compliance plan uses an individual case review of wards 18 and over at Oak Ridge JCC. Based on this case review, a placement decision is then made in the best interest of the ward. This provision was included in the plan the department submitted to OJJDP, and no negative response has been received.

For planning purposes expressed in this document, the following definitions are used:

*Age <18* – includes all wards under the age of 18 who were committed by a J&DR or a circuit court.

*Age 18+ Not CC* – includes wards who have attained the age of 18 and were committed by J&DR court, and not by the circuit court.

*Age 18+ CC* – includes all wards who have attained the age of 18 and were committed by the circuit court.

## **Underlying Philosophy**

The Department of Juvenile Justice is charged with improving public safety through programs operated by the department. Additionally, DJJ provides funding to localities to maintain a range of services that are administered in the communities and in secure detention.

For those juvenile committed to the state, the department provides a secure environment designed to prepare them for return to their communities with an enhanced ability to become productive citizens, and thus a reduced risk to the safety of the public. This effort includes coordinated parole planning, as well as cooperation and coordination with the many local agencies which will provide services to these young people after they are released. Because education is a primary factor in determining success, DJJ works closely with the Department of Correctional Education (DCE) to support the schools operated within the JCCs, to plan for transition to local schools or jobs after release, and to continue to encourage our wards to be good citizens outside of the correctional center setting. Planning for utilization of juvenile correctional centers must incorporate these ultimate goals.

The JCCs in the department's inventory were designed and built to meet needs that have changed over the years. DJJ's utilization plan makes the best use of those facilities to meet the current and projected system needs. Some facilities were designed to house wards who presented high security risks, while others are more appropriate for housing minimum security risks. But in addition to risk levels, DJJ must consider ward ages, physical size, treatment and educational needs.

The number of wards who are over the age of 18 at release has grown considerably over the years. These wards require additional preparation for their reentry into society. In FY05, 39% of wards released from DJJ were over the age of 18, including those committed by J&DR and Circuit Court.

## **JCCs and Plans for Utilization**

Although DJJ's inventory of facilities includes several large JCCs, we are implementing new practices to reduce the size of ward groupings within those centers to allow for improved interrelations with staff, and for improved security and treatment settings. Smaller groupings within the juvenile correctional centers, along with use of a unit management concept, allow staff to model behavior and interact with wards in a manner that supports learning appropriate and adaptive behavior. Such grouping removes the feeling that wards may not be safe or that they are "lost in the shuffle." This approach allows wards to be treated as individuals and prepares them to begin the transition from secure confinement to less secure settings and the eventual return to the community. Additionally, to support these changes, a new incentive based behavior management program was recently developed by DJJ and the DCE staff and is now being implemented.

## **Use of Available Local Detention Capacity for State Committed Wards**

The budget language requesting this report also asked the department to consider using available local detention beds for state committed wards. DJJ currently contracts for two pilot programs, each housing 10 state wards in local detention facilities (Shenandoah Valley Detention Center in Staunton, and Tidewater Regional Detention Home in Chesapeake). These programs are

intended to place certain juveniles closer to their homes, and in smaller, more intensive, settings. Through an ongoing evaluation process, DJJ is working with these facilities to determine whether such settings produce improved outcomes.

At the 2006 General Assembly, an additional pilot project was funded to enhance the reentry process for wards leaving JCCs. Negotiations are underway with several local detention centers to allow DJJ to place wards in their facilities, located in the same communities to which the wards will be released, during the last 30-90 days of incarceration. During this time, parole officers will work to increase family visitation and reintegration, and will contract to have treatment, education, work preparation, etc. services provided by the same community entities that will provide these services after release. An evaluation component will determine whether these pilot programs improve outcomes following release.

Most detention facilities cannot house wards who are over 18 years of age. For this growing portion of our incarcerated population, use of detention space is not an option.

### **Continuing Challenges**

There are a number of challenges that DJJ faces in its attempt to improve the outcomes for juveniles who are committed to the state. As noted, DJJ's institutionalized population includes a greater number of older youth than in the past. These wards require different programming to prepare them to live on their own after release. As will be shown in subsequent sections of this report, the lengths of stay for committed youth have been increasing, particularly considering the numbers of juveniles committed to DJJ after having been convicted in Circuit Courts.

The relatively small number of females in the JCC population requires additional planning for meeting their specialized needs. Wards have differing educational needs (particularly those at the middle school level vs. those in high school vs. those who already have earned diplomas or GEDs). As mentioned earlier, many wards have varying treatment requirements, while others suffer mental handicaps, and others, because they were committed in Circuit Courts, must be held sight and sound separate from the rest of the population.

This plan attempts to balance all these needs with the resources that are available to the department to increase successful outcomes for juveniles committed to DJJ. The following sections provide more specific information.

*Part I* includes a description of DJJ's facilities.

*Part II* examines historical juvenile offender trends.

*Part III* looks at juveniles currently in DJJ's facilities.

*Part IV* reflects DJJ's state responsible juvenile offender population forecast.

*Part V* offers a summary of the data illustrated in this report.

*Part VI* looks at Hanover's storm damage

**Part I: DJJ Facilities**

DJJ currently operates six correctional centers and one reception and diagnostic center (RDC) to serve juveniles committed to the state. (As of April 30, 2005 Barrett JCC was vacated and staff assigned to other facilities. The physical plant was mothballed and only small portions of the facility remain in use for training purposes. DJJ has also allowed local Sheriff and Police Departments to utilize a vacant housing unit for specialized training.)

In an attempt to meet special needs and improve overall results, DJJ maintains contracts for alternative residential programs. These include a limited number of beds in specialized treatment facilities for youth with the most severe mental health needs, a 32 bed wilderness program in Southwest Virginia, and pilot projects with local detention facilities that will be described later.

The following descriptions provide additional information for each facility, including an outline of specialized programming, housing capacities, and outstanding capital outlay needs. It should be noted that many of these facilities contain buildings that have exceeded original anticipated life-cycle use. A number of renovations and expansions have been made over the past 10 years; however, some structures remain in need of extensive renovation.

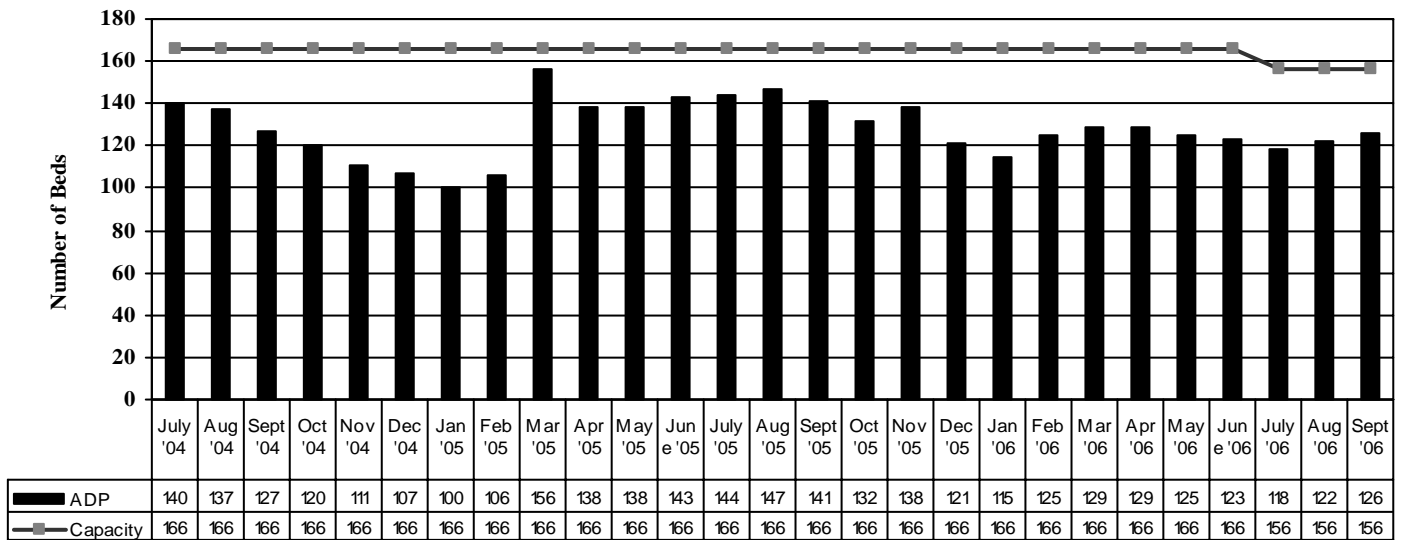
**Reception and Diagnostic Center (RDC)**

RDC is the central intake facility for the entire juvenile correctional system. All newly committed wards, regardless of age, gender, offense history, or committing court (circuit or J&DR) are housed initially at RDC. Juveniles undergo extensive psychological, educational and other assessments to determine the most appropriate placement and treatment during their commitment.

- Current Capacity: 136 Males, 20 Females
- Population Profile: Males and Females, ages 11-20
- Utilization rate for FY06: 79%
- August 2006 ADP:
 

<u>Males:</u>	<u>Females:</u>
Age < 18 = 99	Age < 18 = 12
Age 18+ Not CC = 6	Age 18+ Not CC = 1
Age 18+ CC = 4	Age 18+ CC = 0
<i>Total = 109</i>	<i>Total = 13</i>
- Outstanding Capital Needs:
  - Projects include HVAC, fire safety, windows, and electrical upgrades. See Appendix B for more detailed information.
  - Funding for the new 38,000 sq. ft. DCE school and infirmary to serve the RDC has been allocated by the General Assembly. This building is currently under design.

**Monthly ADP and Capacity  
July 2004 – September 2006**



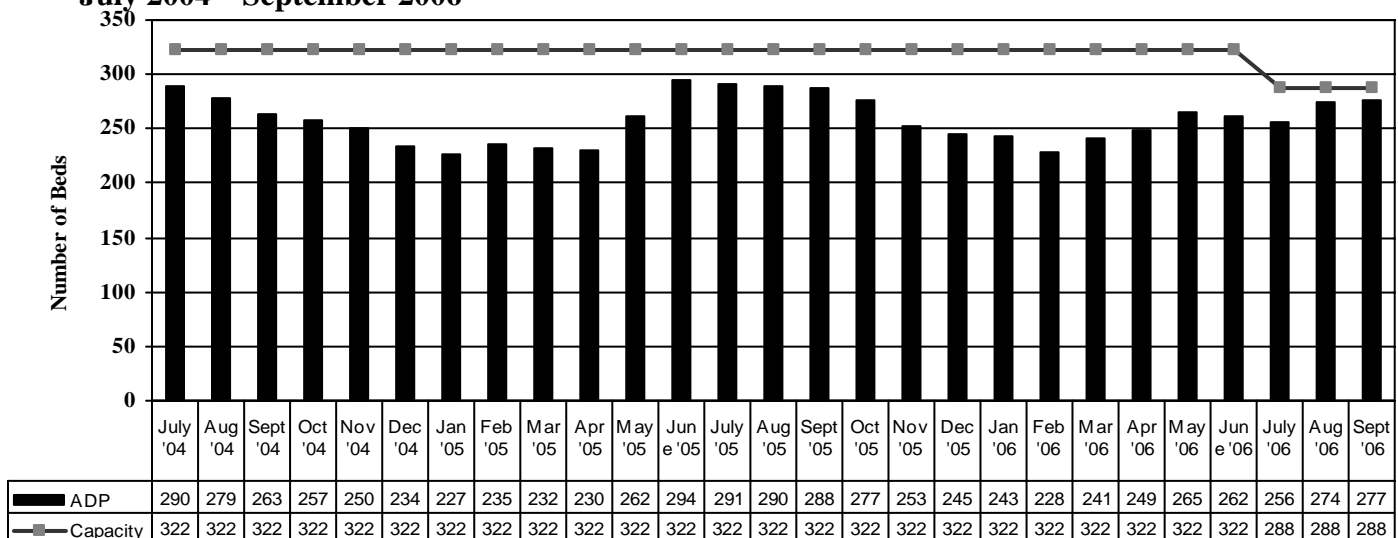
**Beaumont**

Beaumont JCC provides specialized programs such as intensive services, sex offender treatment, substance abuse treatment, and anger management, as well as general mental health services.

A transitional cottage program for Beaumont JCC is currently planned with a budget request having been submitted to enable it to open in FY08. These cottages are intended to be used as a pre-release program/work release. There will be two cottages with a capacity of 12 beds each. Security, program, and educational staff along with the program itself will be contracted. Resources will include: Youth Industries; DCE; Department of Rehabilitative Services (DRS); Behavioral Services Unit (BSU); JCC; Court Service Units (CSUs); halfway houses; and Workforce Investment Boards. Services to be offered include: case management; anger management; substance abuse relapse; sex offender relapse; GED preparation/testing; independent living curriculum; money management; employability skills; cooking/nutrition; computer skills; business class; recreation/leisure activities; family counseling; work opportunities; and college classes. The program will also use the point card system that rewards positive behavior. Among some of the incentives to be offered are off-campus trips, canteen items, personal items, television time, and trips home.

- Current Capacity: 288
- Population Profile: Beaumont currently houses the older, more aggressive male offenders in a close-custody facility, ages 17 to 20
- Utilization rate for FY06: 81%
- August 2006 ADP:
  - Age < 18 = 151
  - Age 18+ Not CC = 119
  - Age 18+ CC = 4
  - Total = 274
- Outstanding Capital Needs:
  - Renovation of the transitional housing units is currently in the construction completion stage and they are expected to be online November 3, 2006.
  - Other projects include the construction of a new classroom building to replace the temporary trailers currently being used and installation of an emergency water system. See Appendix B for more detailed information.

**Monthly ADP and Capacity  
July 2004 – September 2006**



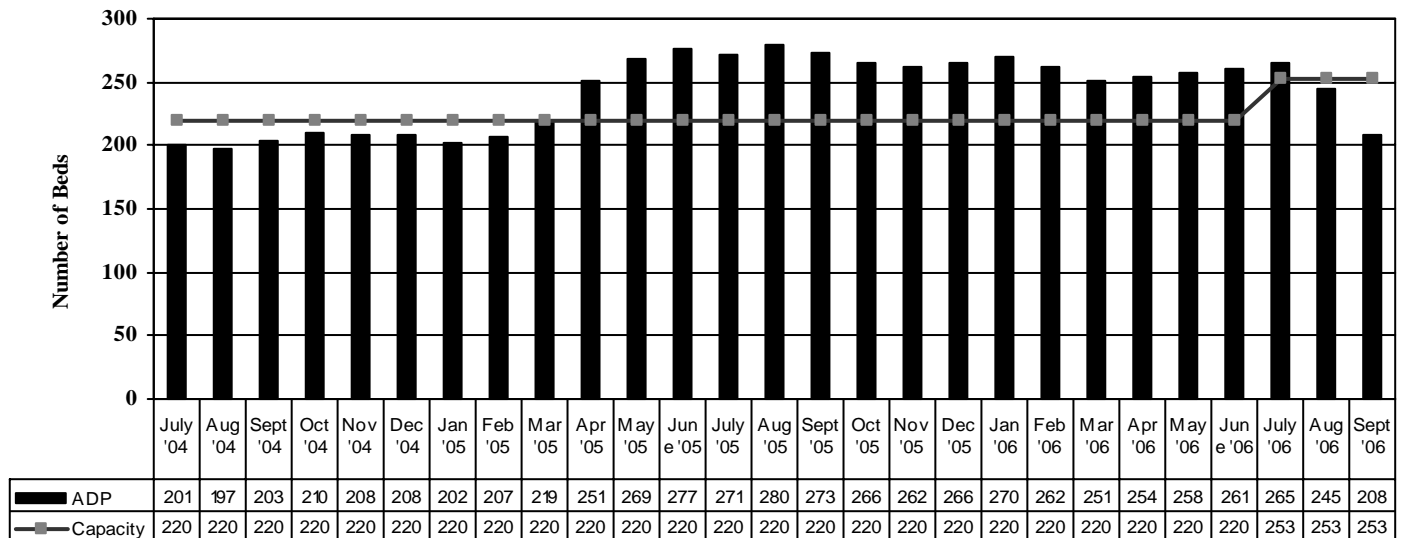
**Bon Air**

Bon Air JCC provides specialized programs including sex offender, substance abuse, anger management, and an intensive services program for wards with severe emotional problems.

- Current Capacity (*as of 10/01/2006*): 150 Males, 63 Females
- Population Profile: All females; Males ages 11 to 18 who were committed on moderate to serious offenses.
- Utilization rate for FY06: 120%
- August 2006 ADP:
 

<u>Males:</u>	<u>Females:</u>
Age < 18 = 178	Age < 18 = 47
Age 18+ Not CC = 10	Age 18+ Not CC = 4
Age 18+ CC = 0	Age 18+ CC = 6
Total = 188	Total = 57
- Outstanding Capital Needs:
  - Projects include HVAC, fire safety, windows, and electrical upgrades in cottages. See Appendix B for more detailed information.
  - An emergency generator will be installed in the dining hall.
  - Other projects include a campus-wide security system upgrade and a campus duress alarm system.

**Monthly ADP and Capacity  
July 2004 – September 2006**



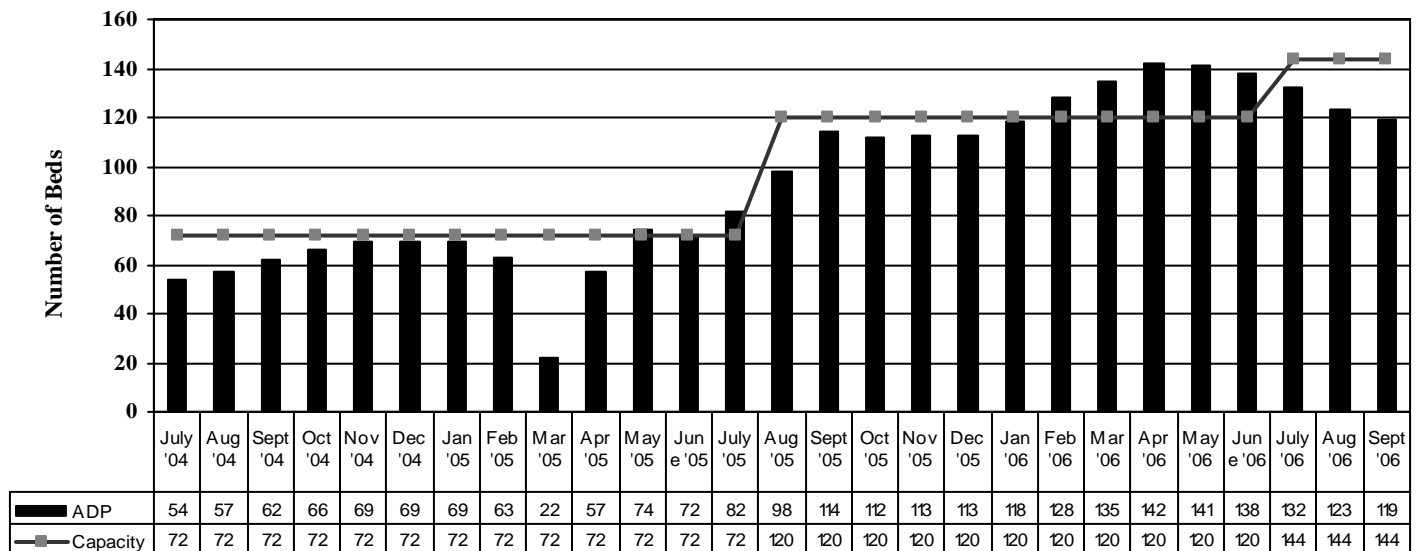


**Culpeper**

Culpeper JCC currently houses DJJ’s 18+ population and provides specialized programs including sex offender, substance abuse, anger management, and an intensive services program.

- Current Capacity: 144
- Population Profile: Males committed by Circuit Court; Males committed by Juvenile and Domestic Relations Court who are age 18+.
- Utilization rate for FY06: 99%
- August 2006 ADP:
  - Age < 18 = 7
  - Age 18+ Not CC = 18
  - Age 18+ CC = 98
  - Total = 123
- Outstanding Capital Needs:
  - In need of a stand-alone storage warehouse building and security system electronics upgrade. See Appendix B for more detailed information.

**Monthly ADP and Capacity  
July 2004 – September 2006**















### **Cedar Lodge Training Facility**

The Cedar Lodge Training Facility occupies a former housing unit of the RDC on the Bon Air campus. The training program housed at Cedar Lodge trains newly hired juvenile correctional officers and a range of introductory and in-service offerings for professionals who work with juveniles in all of the Department's divisions. Training for support staff is also offered. All training courses are subject to severe limitations in space and staffing. Construction of a new additional state of the art training center for the Department of Juvenile Justice is scheduled to begin.

- Outstanding Capital Needs:
  - A 5,800 sq. ft., two-story addition is currently under design. This project will also include partial renovation of the existing Cedar Lodge, specific to Correctional Officers' physical and self-defense techniques training needs.

### **Barrett**

As a result of recommendations made in the previous utilization report mandated by the General Assembly, Barrett was mothballed in FY05. Staff at Barrett JCC was assigned to other facilities and the site was vacated by April 30, 2005. Hanover JCC has taken over the role of physical plant caretaker while Barrett remains mothballed. Only small portions of the facility remain in use.

Since construction of the new training facility at Cedar Lodge has the potential of distracting from a positive learning environment and disrupting daily activities, DJJ has temporarily relocated some of the training programs (Basic Skills for JCOs, Security In-service, REACH Program training) to the vacant Addison-Perkins High School, Bldg 10, at Barrett JCC. An added benefit to the temporary location has been a designated classroom for Health Administration training and space for events where more than 50 people can attend. The Training Center staff continue to operate from the Cedar Lodge site and will travel to the Barrett JCC site to run the programs noted above.

- Outstanding Capital Needs:
  - Current projects at Barrett have temporarily been suspended. Please see Appendix B for more detailed information.

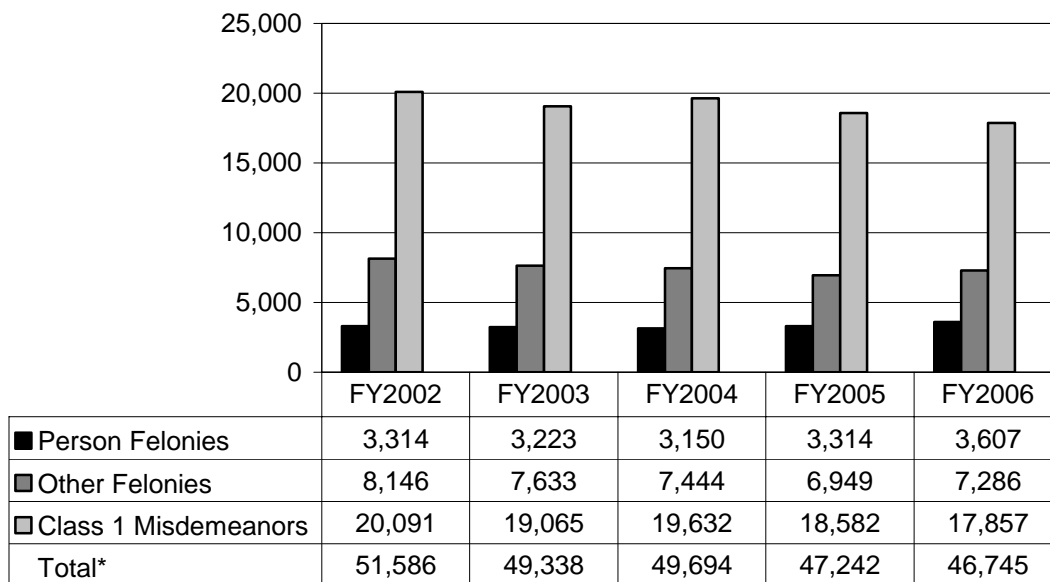


**Part II: Historical Trends**

This section will take a comprehensive look at the cases involved in juvenile justice. Among things to be examined are:

- Intake
- Secure Pre-Trial Detention
- Commitments to the State
- Admissions Trends
- Facility Capacity and ADP
- Length of Stay
- Determinate Commitments
- Offense Severity
- Commitment History
- Special Populations
  - Including sex offenders, substance abusers, juveniles with mental health needs, and females

**Petitioned Juvenile Intake Cases  
FY2002-FY2006**



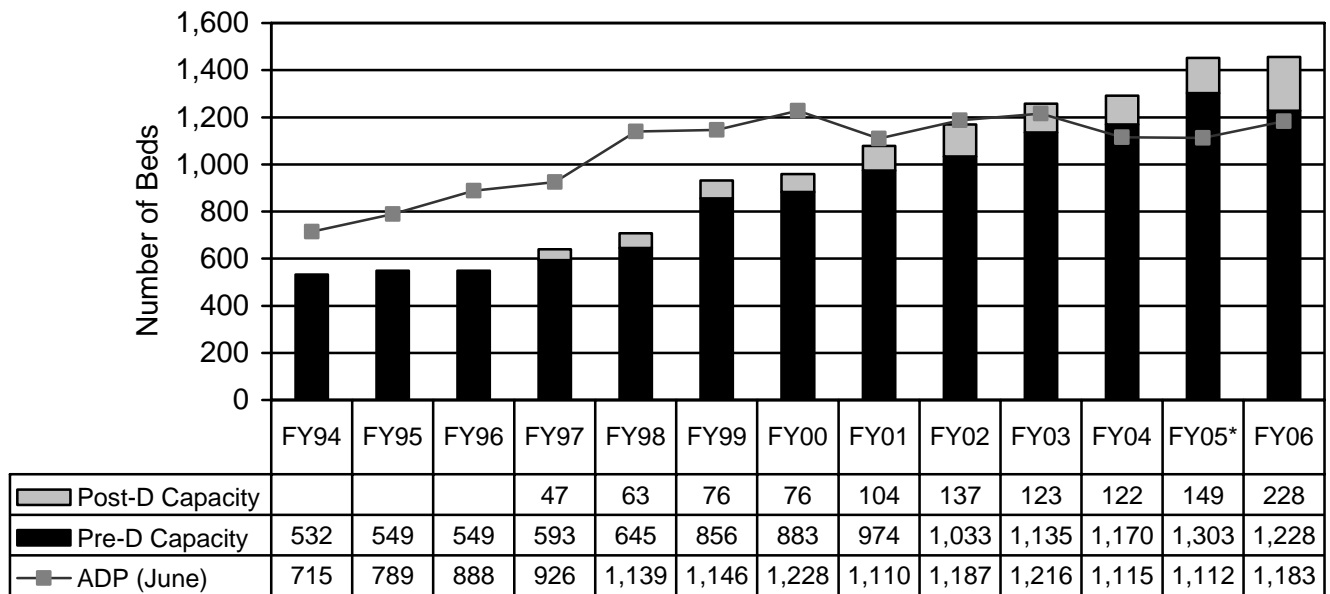
\*The Total also includes "Other Offenses"

- Felonies and Class 1 Misdemeanors are eligible for detention.
- A Felony or four Class 1 Misdemeanors (cumulative) are eligible for commitment.
- Even though the general trend has been a decline in the total number of petitioned intakes from FY02 through FY06, the number of intakes for person felonies increased by 8.8% during this same time span.

*Detention*

Section 16.1-284.1 of the Code of Virginia allows judges to use local detention programs as a disposition for juveniles for up to 180 days. Post-dispositional (post-d) detention is used by localities as a community-based alternative to state commitment that allows juveniles to receive services in secure custody while planning for transition back into their communities. With the addition of so many detention beds and the decline in the pre-dispositional (pre-d) population, many localities have planned for and are providing these programs.

**Detention Home Capacity<sup>†</sup> and Average Daily Population (June)  
FY1994 – FY2006**

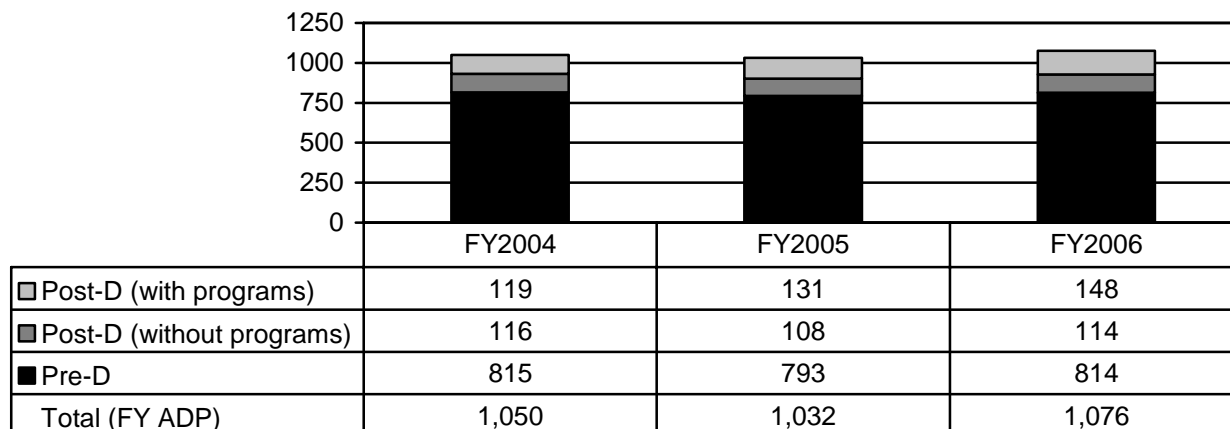


<sup>†</sup> Capacity reflects licensed beds

\* Since the previous utilization report, there was a shuffling in the distribution of Post-D and Pre-D beds, however the overall total remained the same.

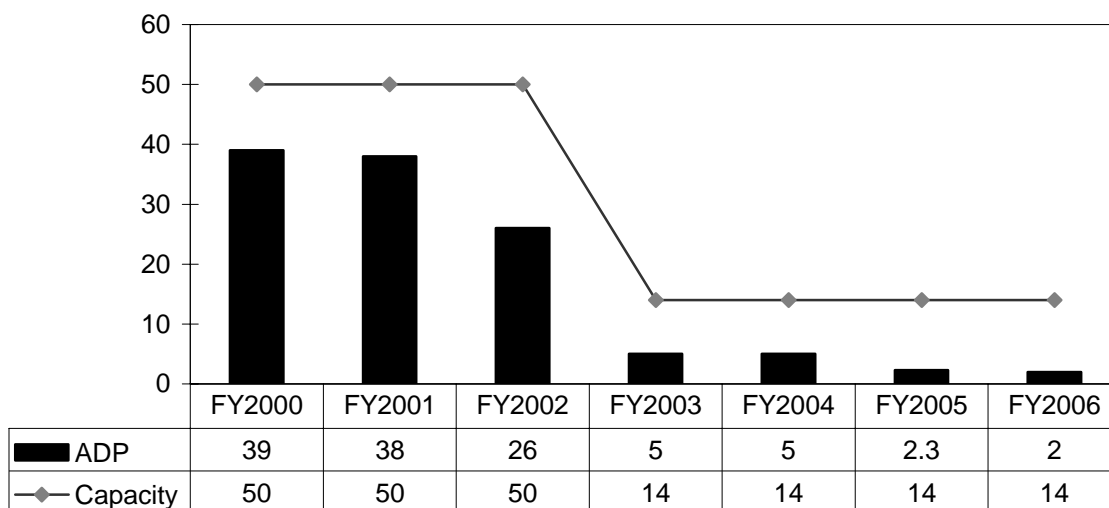
- Those juveniles who meet the eligibility criteria for state commitment must receive a suspended commitment when sent to a post-d detention program.
- 18 detention facilities have licensed post-d programs (dedicated beds for facility and community-based treatment services). Post-d detention with programs involves structured programs of treatment and services given to youth who have been sentenced by a judge. Services provided include substance abuse, anger management, education, vocational training, life skills, and community service. Programs are typically designed for 180 days and are intended to maintain and/or build community ties. Post-d detention without programs involves the sentencing of a juvenile by a judge to a detention facility for short periods of time without full services being provided.
- 82% of the total detention home capacity was utilized during FY06.

**ADP in Detention by Disposition Type  
FY2004-FY2006**



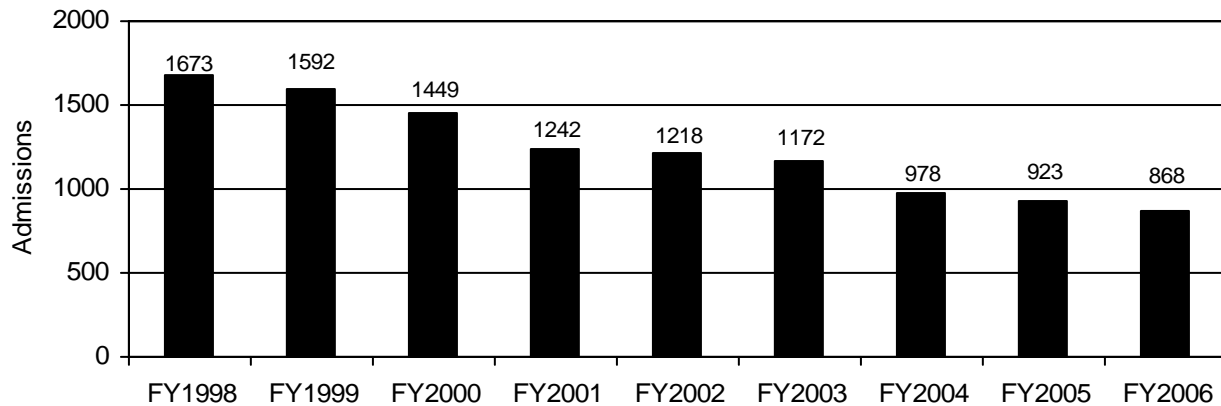
- The DJJ Juvenile Tracking System (JTS) Detention Home Module allows for a distinction between pre- and post-dispositional admissions that was previously unavailable.
- Eighteen of the 24 detention facilities currently have beds for juveniles who were admitted for post-dispositional programs. Post-dispositional beds (without programs) are available in all facilities and house juveniles sentenced up to 30 days of incarceration.

**Culpeper Detention Home ADP and Capacity  
FY2001-FY2006**



- Culpeper is the only state-operated detention home.
- ADP decreased 87% from FY00 and FY03 and 60% between FY03 and FY06.
- Culpeper County has contracted with DJJ for 14 detention home beds.
- Discussions have been held with Culpeper County officials to discontinue the MOU for detention services. Should at such time the contract with Culpeper County terminate, DCE will determine programmatic space needs utilizing the detention facility.

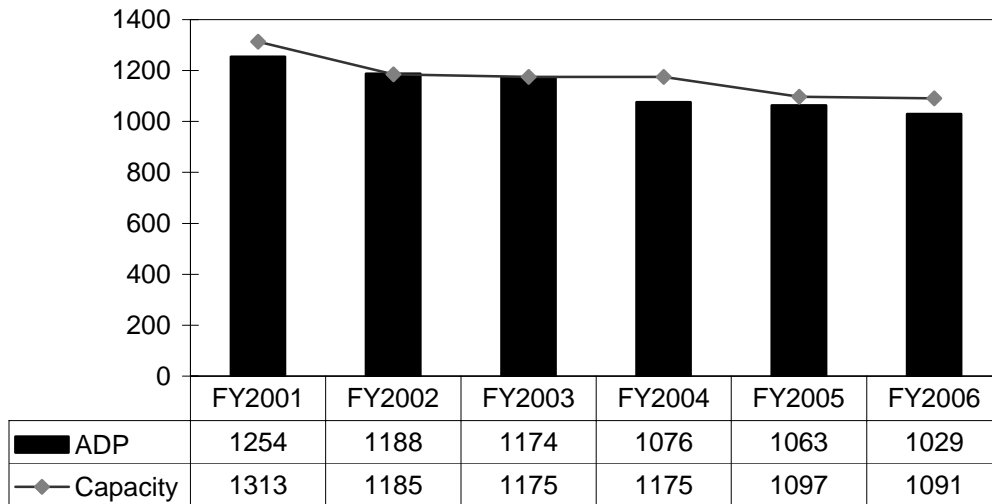
**State-Responsible Juvenile Offender Admissions\***  
**FY1998 – FY2006**



\*Appealed cases are excluded

- In July 2000, the threshold eligibility criteria for juveniles committed for misdemeanor offenses changed from being found guilty of two Class 1 Misdemeanors to four (cumulative) Class 1 Misdemeanors. The intention of the change was to reserve the use of commitment to DJJ for a population of more serious offenders.
- Between FY98 and FY00, admissions decreased by 13%. Subsequent to the change in eligibility criteria effective in FY01, a marked decrease of 14% between FY00 and FY01 was noted. This was followed by a continual decrease in each subsequent year from FY01 through FY06, resulting in a 30% decrease in admissions.

**State Responsible Capacity and ADP\*  
FY2001 – FY2006**

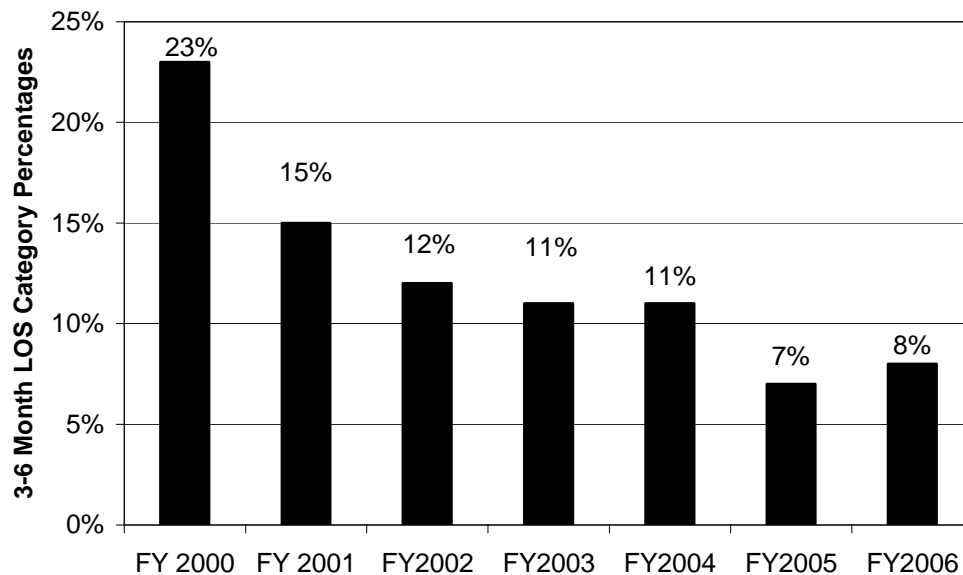


\*Includes VWI, Shenandoah CPP, and Chesapeake CPP

- ADP has been below capacity for the past four fiscal years.
- Even though admissions have declined so drastically, a similar decrease in ADP has not been evident.
- Shenandoah CPP came online in April of 2004; Chesapeake CPP came online in December of 2004.

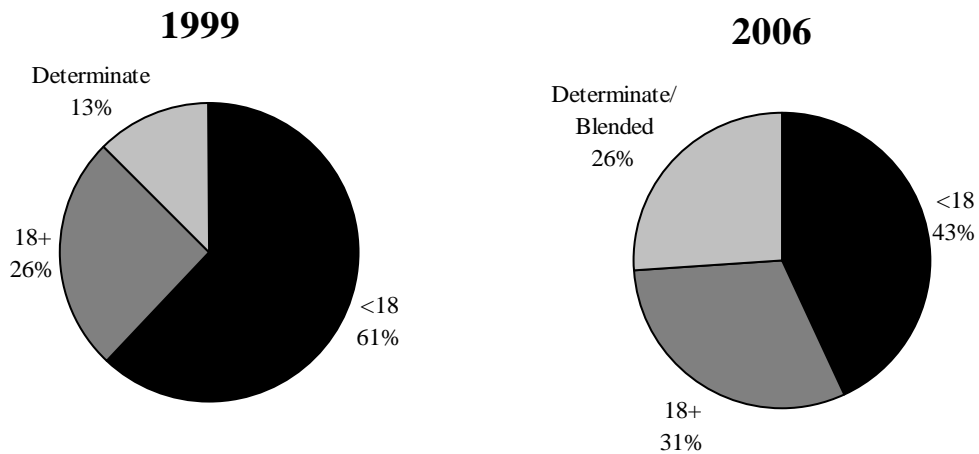
***LOS Guidelines***

The majority of commitments to DJJ are indeterminate, which means that the Department, not the court, is responsible for determining when a juvenile is released back to the community. Clearly how long a juvenile remains in direct care will have a direct, immediate, and continuing impact on the Department's use of its JCCs. The Board of Juvenile Justice is mandated by COV § 66-10.8 to establish Length of Stay (LOS) Guidelines that set the broad parameters within which the Department may decide when to release indeterminately committed wards. These guidelines establish criteria for discretionary release from indeterminate commitments; meld the punitive aspects of institutional confinement with the rehabilitative focus of indeterminate sentencing; promote consistency across individual juveniles' cases and across institutional programs; provide a proportionate penalty structure; and accommodate youth's treatment needs as they relate to offense behavior. By looking at LOS factors such as offense level, mandatory treatment, and projected release date, it is possible to project institutional bedspace needs for the indeterminately committed juvenile population.

**3-6 Month LOS Category of Admissions  
FY2002-FY2006**


- In FY00, 23% of the JCC population was assigned an LOS of 3-6 months; by FY06 only 8% of admissions to DJJ were assigned this LOS.
- Juveniles who qualify for an LOS of 3-6 months have only been adjudicated guilty for Class 1 Misdemeanors.
- The decrease following FY00 can be attributed to the change in the commitment criteria in §16.1-278.8. The result of this legislation change was that greater proportions of the JCC population were assigned longer LOS categories due to being committed for more serious offenses.
- In FY 2006, 92% of admissions were assigned an LOS greater than 6 months as compared to 77% in FY00.
- Average actual LOS for all juveniles committed to DJJ has increased from 9 months in FY98 to 12 months in FY06.

**Admissions by LOS Category (Months)  
FY1999 and FY2006**



- In FY98, the Board of Juvenile Justice issued guidelines that changed LOS categories.
- Juveniles with a longer LOS (either 18+ months or determinate/blended) have increased from 39% in FY99 to 57% in FY2006
- Looking at juveniles released from the JCCs, the average actual LOS for indeterminate commitments has increased annually:
  - 11.13 months in FY04
  - 11.79 months in FY05
  - 12.35 months in FY06

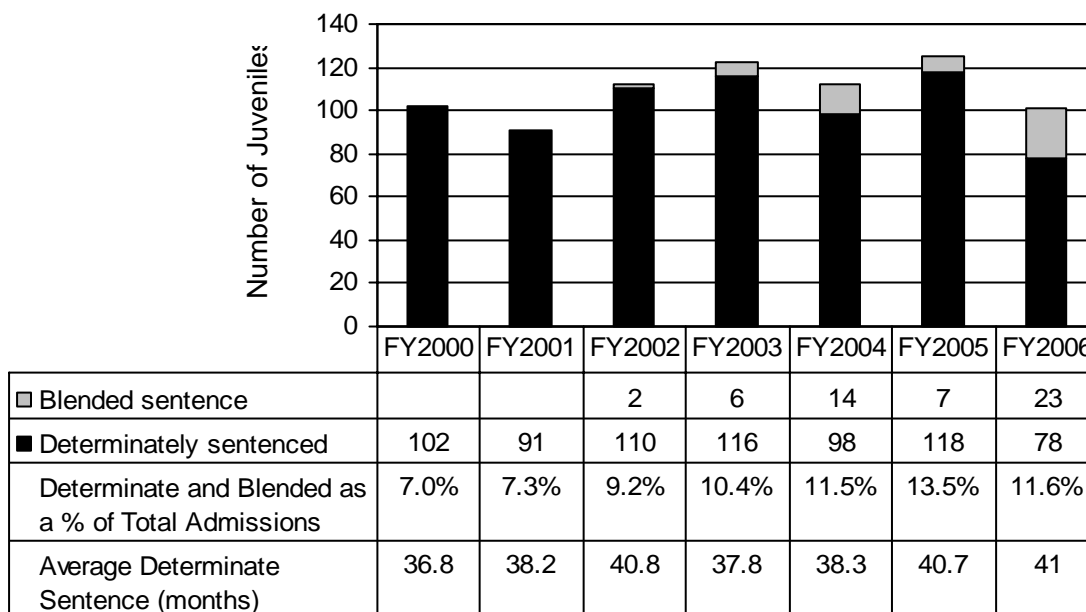
### ***Commitment Types***

Serious offenders may be determinately committed to the Department for up to seven years. The court, not the Department, determines when the individual will be released. As such commitments are for serious offenses, determinately committed wards are inherently more likely to remain in direct care for much longer than indeterminately committed juveniles. In addition, when a juvenile has been transferred to circuit court to be tried as an adult, the court may commit the juvenile determinately to the Department and may also impose an adult sentence to be served following the juvenile commitment. Such “blended sentences” result in a ward population that tends to stay with the Department for long periods of time. Wards with determinate commitments and with adult prison terms awaiting them after their stay with the Department present significant challenges to the utilization of JCCs.

Additional information on commitment types is presented in Appendix C.

### **Determinate Admissions to DJJ\***

#### **FY2000 to FY2006**



\*Appealed cases are excluded

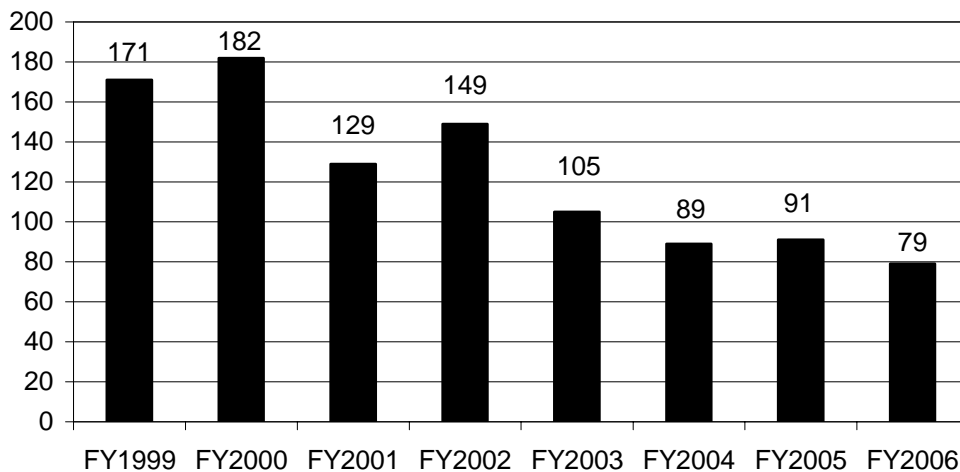
- Wards determinately admitted to DJJ have decreased over time but have remained steady as a percentage of total admissions.
- Determinately admitted wards represent a larger portion of admissions and they are being given longer sentences in FY05 and FY06 than in previous years.
- Determinately admitted juveniles tend to have longer sentences than the indeterminate wards creating a “stacking-up” effect. The effect shows fewer juveniles being cycled through the JCCs due to the increased numbers with longer lengths of stay.



### ***Female Wards***

It is important to examine female offenders because they are housed separately and they present different staffing and treatment challenges than do males. Gender specific issues, such as sexual abuse and trust, come into play when staffing a female facility. Females interact differently than do males and require staff that is cognizant and accepting of those differences. Females tend to present more mental health and medical issues and require more therapeutic intervention and support in order to effectively treat the issues. Females require more privacy and individual space to be comfortable and to feel safe. Not all staff are agreeable to working with females, and they require specialized training to deal with an adolescent female population.

### **Female Admissions to DJJ\* FY1999 – FY2006**



\*Appealed cases are excluded

- At any given time, females account for 10-13% of all admissions to DJJ.
- Overall, female admissions decreased 54% between FY99 and FY06.
- This is in contrast to what is happening nationally. According to the Office of Juvenile Justice Delinquency and Prevention's *Juvenile Offenders and Victims: 2006 National Report*, female commitments increased by 50% from 1991 to 2003 and by 9% from 1999 to 2003.

### Admissions to DJJ by Offense Severity FY2001-FY2006

Offense Severity	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
<b>Felonies:</b>						
Against Persons	28.2%	30.0%	29.3%	33.7%	36.9%	37.6%
Weapons/Narcotics	6.8%	7.6%	7.4%	7.2%	8.3%	7.7%
Other	34.6%	35.8%	36.9%	35.9%	32.9%	35.7%
<b>Class 1 Misdemeanors:</b>						
Against Persons	11.4%	9.4%	9.0%	9.4%	7.7%	7.9%
Other	11.3%	8.3%	9.8%	8.4%	7.9%	6.9%
Probation/Parole Violation	6.8%	6.4%	6.1%	5.4%	6.2%	3.9%
Contempt Of Court/Failure To Appear	0.2%	0.2%	0.0%	0.0%	0.0%	0.1%
Status Offense	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
Missing	0.8%	2.1%	1.4%	0.0%	0.0%	0.1%
<i>Total Admissions</i>	<i>1,242</i>	<i>1,218</i>	<i>1,172</i>	<i>978</i>	<i>923</i>	<i>868</i>

- Between FY01 and FY06, there was a 30% decrease in the number of admissions to DJJ.
- Although there has been a decrease in admissions to DJJ, the composition of these admissions is changing in such a way that the offenders being admitted are becoming more serious.
- Felonies are increasing as a percentage of total admissions. Felonies accounted for 70% of all admissions in FY01, whereas in FY06, they had increased to 81% of all admissions.
  - Felonies against persons accounted for 37.6% of all admissions in FY06, up from 28.2% in FY01.

### Commitment History FY2001-FY2006

Number of Prior Admissions	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
0	77.8%	79.3%	79.0%	80.8%	81.3%	85.9%
1	17.5%	16.3%	17.2%	16.3%	15.8%	11.5%
2	3.7%	3.5%	3.1%	2.8%	2.5%	2.3%
3	0.9%	0.7%	0.6%	0.2%	0.4%	0.2%
4	0.2%	0.2%	0.1%	0.0%	0.0%	0.0%
<i>Total Admissions</i>	<i>1,242</i>	<i>1,218</i>	<i>1,172</i>	<i>978</i>	<i>923</i>	<i>868</i>

- It is important to consider LOS and transfers to adult court when talking about commitment history. As individuals remain in the juvenile justice system for longer periods of time, they are more likely to enter the adult system if they reoffend.
- The rate at which juveniles with no prior admissions were admitted to DJJ remained steady from FY01 through FY05, with a slight increase from FY05 to FY06 (81.3% to 85.9%, respectively).
- This trend was also evident for juveniles who had prior admissions, except from FY05 to FY06 there was a slight decrease in the rate of admissions (18.7% to 14.1%, respectively).

### *Special Populations*

Special populations require specific training for both treatment and security staff. Interaction and supervision of a sex offender or a developmentally delayed juvenile is not the same as what would be required for other juveniles. Staff must be trained in the specific treatment modalities so that they understand the dynamics of the disorder and can consistently provide appropriate responses to questions, situations, tasks, and behaviors. Treatment approaches to special populations are highly sophisticated and require extensive training to ensure that what is delivered is both therapeutic and appropriate. Special populations require tailored approaches to both supervision and operational issues so that a therapeutic milieu is established.

Staff selection and training for special populations is critical. Not all staff want to work with special populations or is suited to work with them. Staff who cannot handle hearing the graphic details about the sexual offending history of a child cannot be effective working with that child. Staff that does not have the patience or desire to continuously repeat directions or repeatedly show a child how to perform a task will not be effective when working with a developmentally delayed child. Recognizing the need to have a highly trained and consistently assigned staff to work with special populations is the first step toward effective treatment.

### **ADP for Juveniles with Mental Health Treatment Needs FY2004 – FY2006**

<b>FY</b>	<b>Total</b>	<b>% of Total ADP</b>
FY2004	600	55.8%
FY2005	568	53.4%
FY2006	571	55.5%

<b>Males</b>				
<b>FY</b>	<b>Age &lt; 18</b>	<b>Age 18+ Not CC</b>	<b>Age 18+ CC</b>	<b>Total</b>
FY2004	63.7%	17.2%	11.0%	552
FY2005	60.0%	21.3%	9.5%	516
FY2006	59.6%	21.3%	9.6%	516

<b>Females</b>				
<b>FY</b>	<b>Age &lt; 18</b>	<b>Age 18+ Not CC</b>	<b>Age 18+ CC</b>	<b>Total</b>
FY2004	6.5%	0.8%	0.7%	48
FY2005	7.2%	1.5%	0.5%	52
FY2006	7.7%	1.1%	0.8%	55

- The total number of juveniles with a determined mental health treatment need decreased 5% between FY04 and FY06. However, as a percentage of the total population, this group has remained relatively stable over the past three years.
- In FY06, 15% of youth had a history of psychological hospitalizations.

**Substance Abuse ADP  
FY2004 – FY2006**

FY	Total	% of Total ADP
FY2004	429	39.9%
FY2005	413	38.9%
FY2006	383	37.2%

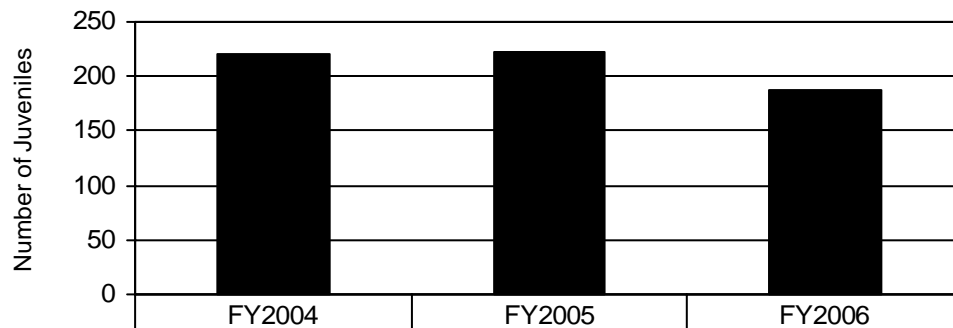
Males				
FY	Age < 18	Age 18+ Not CC	Age 18+ CC	Total
FY2004	60.6%	22.6%	11.2%	405
FY2005	58.5%	22.6%	11.1%	380
FY2006	59.5%	22.8%	11.3%	358

Females				
FY	Age < 18	Age 18+ Not CC	Age 18+ CC	Total
FY2004	4.4%	0.7%	0.5%	24
FY2005	6.3%	0.9%	0.7%	33
FY2006	4.2%	0.9%	0.8%	25

- Overall, the total ADP for juveniles with substance abuse needs has been decreasing over the last three fiscal years.

**Sex Offender ADP  
FY2004 – FY2006**

FY	Total	% of Total ADP
FY2004	221	20.5%
FY2005	222	20.9%
FY2006	188	18.3%



Total (males and females)	221	222	188
Age 18+ CC (males)	14.0%	9.8%	11.8%
Age 18+ Not CC (males)	20.0%	24.5%	29.1%
Age < 18 (males)	65.0%	65.0%	58.6%

Sex offenders are analyzed separately because they tend to have longer lengths of stay. For juveniles released from state custody in FY06, the average actual LOS for juveniles with a mandatory sex offender treatment need was 27 months versus 11 months for indeterminate committed non-sex offenders.

- It is important to consider ADP, not just admissions for sex offenders, because these juveniles often contribute to the “stacking up” effect. For example, sex offenders from 2004 are still in the population due to treatment requirements, and these individuals will be reflected in the ADP but not in this year’s admissions.
- Females represented less than 1% of sex offenders in the population for the last three fiscal years.

#### ADP for Low Intellectual Functioning Juveniles FY2004 – FY2006

FY	Total	% of Total ADP
FY2004	72	6.7%
FY2005	74	7.0%
FY2006	84	8.2%

Males				
FY	Age < 18	Age 18+ Not CC	Age 18+ CC	Total
FY2004	65.3%	19.4%	8.3%	67
FY2005	71.9%	16.9%	6.4%	70
FY2006	71.5%	16.8%	8.5%	81

Females				
FY	Age < 18	Age 18+ Not CC	Age 18+ CC	Total
FY2004	2.8%	1.4%	2.8%	5
FY2005	4.0%	0.0%	0.8%	4
FY2006	3.2%	0.1%	0.0%	3

- Juveniles are determined to be low intellectual functioning if they have an IQ score less than 75, Woodcock Johnson Math, Reading, and Writing grade scores less than five (5<sup>th</sup> grade) and approved by Custody Classification Review Committee (CCRC).
- This population is examined separately because they are eligible for admission to Oak Ridge JCC. Actual placement decisions take IQ scores and an overall Woodcock Johnson score into account.
- Between fiscal years 2004 and 2005, the total number of low intellectual functioning juveniles remained fairly steady. Between FY05 and FY06 there was a 14% increase in their total number.

### Part III: Current Population (Population on October 5, 2006)

While it is important to look at trends, it is also important to look at the current population to take into account the impact of juveniles with longer lengths of stay. This section will examine special populations within the current state-responsible population in order to ascertain DJJ's immediate needs. Specifically, information concerning females, sex offenders, substance abusers, juveniles with mental health treatment needs, and developmentally disabled juveniles will be presented. It is paramount that DJJ always consider sight and sound compliance and program compliance among other things as population management decisions are made.

#### Current Population by Age and Court Type

Facility	Age <18 Not CC	Age <18 CC	Age 18+ Not CC	Age 18+ CC	Total	Current Capacity
Beaumont	116	45	116	2	279	288
Bon Air (Males)	109	17	11	0	137	150
Bon Air (Females)	43	6	7	5	61	63
Culpeper	0	6	16	98	120	144
Hanover	102	15	16	2	135	140
Natural Bridge	34	2	26	8	70	71
Oak Ridge	23	8	6	3	40	40
RDC (Males)	91	16	10	3	120	136
RDC (Females)	8	1	0	0	9	20
<i>JCC Total</i>	<i>526</i>	<i>116</i>	<i>208</i>	<i>121</i>	<i>971</i>	<i>1052</i>
Shenandoah CPP	10	0	0	0	10	10
Chesapeake CPP	8	1	0	0	9	10
VWI	22	0	6	0	28	32
<b>State Total</b>	<b>566</b>	<b>117</b>	<b>214</b>	<b>121</b>	<b>1018</b>	<b>1104</b>

As of October 1, 2006, **general population** capacity at several of the facilities changed. Revised capacities are as follows:

Facility	FY 2006 Capacity	Revised Capacity
Beaumont	322	288
Bon Air (Males)	157	150
Bon Air (Females)	63	63
Culpeper	120	144
Hanover	100	140
RDC (Males)	144	136
RDC (Females)	22	20

*Sight and Sound Separation:*

- 23% of the juveniles in the current population were committed by a circuit court.
- To be in compliance with OJJDP's sight and sound separation requirement, DJJ needs to keep the juveniles age <18.6 separate from those who are 18+ CC.
- According to the newest interpretation of OJJDP's sight and sound requirement, juveniles who are 18+ not CC and juveniles <18 can be kept together; juveniles 18+ CC and 18+ not CC can also be housed together.
- A six month grace period will commence before juveniles need to be sight and sound separated. This begins once the juvenile turns 18 years of age.
- For juveniles age <18 and committed by the circuit court, two possibilities exist. Some will be released before they turn 18 while others will age into the 18+ CC group and thus eventually will need to be sight and sound separated.
  - As of October 5, 35 juveniles age <18 and committed by the circuit court are expected to turn 18 within six months and are expected to be in the JCC population.

**Current Offenders Assigned LOS (Population on October 5, 2006)**

<b>LOS Range</b>	<b>Females</b>	<b>Males</b>	<b>Total</b>
3 - 6	8	20	28
6 - 9	2	2	4
6 - 12	16	97	113
9 - 12	0	0	0
9 - 15	2	12	14
12 - 18	14	188	202
15 - 21	1	51	52
18 - 24	3	71	74
18 - 36	10	151	161
21 - 36	0	41	41
24 - 36	4	31	35
Blended	1	40	41
Determinate	8	227	235
Subsequent Recommitment*	1	8	9
Missing	0	9	9
<b>Total</b>	<b>70</b>	<b>948</b>	<b>1018</b>

\*The nine juveniles with subsequent recommitments had an LOS category exceeding 36 months.

- Eight of the 70 (11%) females currently housed in DJJ's institutions have a determinate sentence. 227 of 948 (24%) male juveniles currently in the JCC population have a determinate sentence.
- The average LOS for determinately committed males on October 5 was 45.3 months. Determinately committed females had an average LOS of 46 months.

**Current Special Populations by Facility (Population on October 5, 2006)**

<b>Facility*</b>	<b>Sex Offender</b>	<b>Substance Abuse</b>	<b>Mental Health Treatment</b>	<b>Low Intellectual Functioning</b>
Beaumont	39	99	135	13
Bon Air	38	58	123	8
Culpeper	24	48	63	7
Hanover	49	32	79	6
Natural Bridge	3	22	23	5
Oak Ridge	5	11	20	26
VWI	0	12	9	0
Shenandoah CPP	0	5	2	1
Chesapeake CPP	0	4	2	0
<i>Total</i>	<i>158</i>	<i>291</i>	<i>456</i>	<i>66</i>

\*RDC is not included because assessments are completed during a juvenile's stay

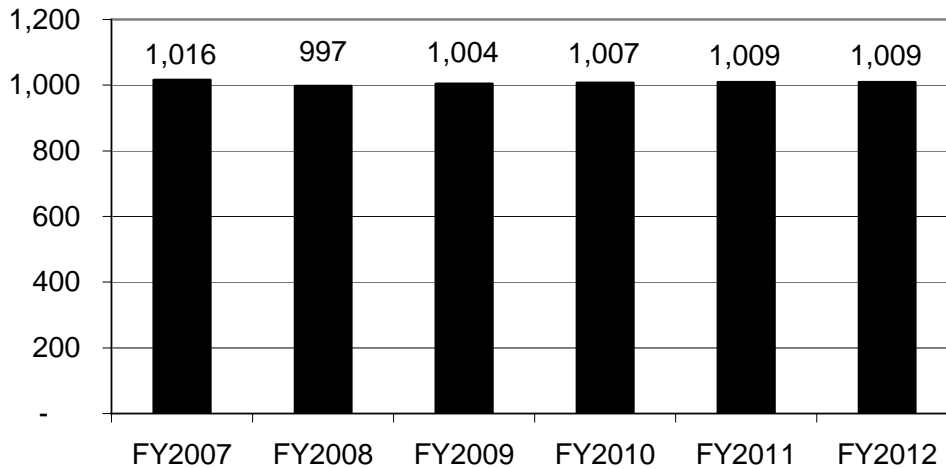
- A juvenile can be counted in more than one special needs category.
- The majority (95%) of sex offenders in the population on October 5 were housed at Beaumont (25%), Bon Air (24%), Culpeper (15%), and Hanover (31%).
- Over half (54%) of juveniles with mandatory substance abuse treatment needs were either at Beaumont or Bon Air.
- Over half (57%) of juveniles with a determined mental health treatment need were at either Beaumont or Bon Air.
- Oak Ridge housed 39% of low intellectual functioning juveniles; Beaumont housed another 20%.
- Special population data is presented in Appendix D for each facility broken down into each of the three defined age groups.



## Part IV: Juvenile Population Forecast

### State-Responsible Juvenile Population Forecast

FY2007-2012 (June Monthly Average for each Fiscal Year)



- The state-responsible juvenile offender population is expected to remain relatively steady between FY07 and FY12.
- It is important to note that a forecast model does not capture a change in trends. At some point the population will no longer continue its decline, but it is impossible to precisely determine when this change will occur. **Therefore, it is essential to consider the need for growth when looking at capacity issues.**

## Part V: Summary

- Admissions to DJJ have decreased every year since 1995.
- ADP in JCCs is at the lowest level in ten years. The official state-responsible juvenile population forecast is an average of 988 between FY07 and FY12.
- Compared to previous years, juveniles in JCCs are:
  - Older;
  - More serious offenders; and
  - Have longer LOSs.
  - This population is expected to increase as they are not released at the same rate as admitted. This population also creates issues for management because they are not required to attend school after they reach the age of 18 (unless they are special education students). Additional alternative programs for this population are needed.
- Currently, 121 juveniles over the age of 18 were committed by circuit court. OJJDP has required that they be sight and sound separated from juveniles under age 18.
- Female admissions have substantially decreased since FY99.
- The capacity for low intellectual functioning juveniles needs to be expanded as there continues to be a waiting list for placement into Oak Ridge JCC. The juveniles are currently housed in the general population until placement at Oak Ridge is available.
- Several of DJJ's facilities are old and have extensive outstanding capital outlay projects.
- Overall, the local detention home system has excess capacity compared to utilization (some individual facilities operate above capacity). Currently there are 1,456 beds available in local detention homes. The population in detention is forecasted to be 1,112 in FY07 and 1,087 in FY08. As DJJ makes efforts to ensure that only those juveniles who are a threat to public safety are detained, this population may decrease further.

**Part VI: Hanover Storm Damage****2006 Virginia Acts of Assembly Special Session 1 Chapter 3 Item 406B.:**

*“The report shall also address the status of storm damage repair on affected facilities and property at Hanover Juvenile Correctional Center.”*

**Erosion Repair and Stabilization Projects for Hanover JCC**

As a result of the unusual and extremely heavy rainfall experienced during the Storm Gaston event in August 2004, several areas of the Hanover JCC campus site were heavily damaged by erosion from deep and rapid storm water run-off. The main entry road washed out, and the sluice gate and pond dam adjacent to the road were damaged; the steep embankment behind cottage row to the southeast was severely eroded, washing away an electrical light pole, undermining the secure perimeter fence, and threatening the foundations of adjacent cottages. Further down slope the maintenance buildings below were flooded; the access road to the down-slope campus waste water treatment plant (WWTP) was washed out, and the plant itself was severely damaged and overtopped (the process pumps and control room basement were flooded out), creating heavily eroded slopes that undermined the perimeter fence just beyond the treatment beds at the top edge of the east ravine, and the concrete walkways and building entry slabs were undermined. The storm water outfall at the campus west edge ravine was also washed out and severely eroded.

The most serious damage occurred at the northern perimeter of the campus along the bank of the Pamunkey River, where approximately 600-feet of a 70-foot high bank was completely denuded of all vegetation (including mature old-growth trees) and severely eroded, piling all trees, root balls, etc., up at the bottom of the bank adjacent to and in the river. Since the top of the bank was undermined by the action of the rapid storm water overflow, we have continued to experience erosion all along this 600-foot section, and the erosion has considerably narrowed the once comfortable distance outside the perimeter fence, between the fence and the top edge of the bank. This space is needed for vehicle and foot patrol surveillance of the fence line, and for fire fighting equipment access to the rear of some of the cottage dormitories. Whether the undermined bank at this reduced width of ground will support the heavy weight of vehicles and equipment is doubtful.

DJJ contracted an experienced architectural/engineering firm (A/E) to survey the damaged areas of the campus, to document the extent of the damages, and to offer recommended stabilization and repair strategies. The report was received in October 2005 and DJJ immediately stabilized and repaired all eroded areas we could with the funds on-hand (\$520,000) from December 2005 through June 2006. The main entry road, pond dam, and sluice gate were repaired and new oversized under road storm water piping and outlets were installed to handle future heavy rains of this sort. The bank behind the cottages was stabilized and repaired and a new underground drainage system was installed to alleviate future flooding at that location, and the bank slope was re-graded and re-turfed. The WWTP buildings, road, walks, etc., were repaired, put back into working order, and the eroded areas stabilized and repaired and are now armored with protective stone against future erosion. The eroded ravine bank area to the west of the campus was completely re-graded and sloped, new storm-water piping installed, and the slope is now completely armored with protective stone.

Due to associated high repair costs, DJJ has not been able to address the 600-feet of eroded riverbank along the Pamunkey River. The A/E recommended two options for stabilizing and repairing the area in question:

1. Clear and grub, and remove all debris from the affected site. Re-grade and slope the bank back to stable soils. Completely cover the bank with geo-textile fabric and protect it with class 2 rip-rap armor stone. Estimated cost in 2005 dollars was \$8 million dollars for construction only.
2. Clear and grub, and remove all debris from the affected site. Re-grade the bank back to stable soils, bring in new stable fill as new foundation for installation of three “stepped-down” levels of concrete gabions and mats (to slow down and control future 500-year storm water run-off). Estimated cost in 2005 dollars was \$12.5 million dollars, for construction only.

The A/E and DJJ have opened a dialogue with the US Army Corps of Engineers regarding whether that body will impose any constraints upon our efforts to stabilize the bank, or whether they may have other options, suggestions or recommendations for this effort (including cost sharing since the Pamunkey may be defined as a navigable public waterway). Future developments in this regard will be documented and presented as they occur.

# **Appendix A**

## **VIRGINIA DEPARTMENT OF JUVENILE JUSTICE**

### **PLAN SUBMISSION**

#### **TO KEEP JUVENILE WARDS “SIGHT AND SOUND SEPARATE” FROM ADULT WARDS WHO WERE CONVICTED OF FELONIES IN CIRCUIT COURT**

#### **Introduction**

This plan is designed to bring Virginia into compliance with the OJJDP policy interpretation regarding the separation core requirement [Section 223(a)(13)(A)] of the JJDP Act. The policy requires that convicted wards over the age of 18 be kept “sight and sound separate” from juvenile wards in the Department’s juvenile correctional centers.

The Department of Juvenile Justice currently houses just over 1,000 wards committed to it by the courts of the Commonwealth. (On April 23, 2004 the ward population totaled 1,010). Approximately 118 of those wards have been convicted of a felony and committed by a circuit court and are over the age of 18.

It should be said at the outset that many, if not most, of the strategies being considered to effectuate sight and sound separation will entail financial costs, and that the Department, while it can propose such solutions, can implement only those that are funded by the General Assembly.

In Part I of this document, please find an overview of Virginia’s law concerning the sentencing of those juveniles convicted as adults. Part II of this document provides an overview of the new policy interpretation by the Office of Juvenile Justice and Delinquency Prevention and why the Department is developing this action plan. Part III of this document describes the physical plant resources, operations and programs currently existing.

The complexities of the physical layout, operations and programs of Virginia’s current juvenile correctional system present the Department with unique challenges in implementing the new sight and sound separation policy. The Department will develop a comprehensive planning process to implement immediate, intermediate and long-term steps towards full compliance with sight and sound separation requirements. In order to develop a comprehensive plan designed for the purposes of complying with the new sight and sound separation requirements, the Director shall create a task force. The task force shall identify, assess and make recommendations concerning the issues the Department may face by complying with the new sight and sound policy. The task force shall make recommendations concerning the components necessary for implementing the new sight and sound separation requirements. In Part IV, please find the purpose and functions of the task force.

### Definitions

For purposes of this Plan of Action only, the following terms have the meanings indicated:

“Adult ward” means any ward who has attained the age of 18, whether committed by a juvenile court or a circuit court.

“Convicted adult wards” mean those wards who were committed by a circuit court upon conviction of a felony, and who have attained the age of 18. (“Convicted adult wards” must be kept sight and sound separate from juvenile wards, but NOT from other adult wards).

“Juvenile ward” means any ward who has not yet attained the age of 18.

## **PART I OVERVIEW OF VIRGINIA JUVENILE JUSTICE LAW**

### **WHY ARE ADULTS CONVICTED IN CIRCUIT COURT INCARCERATED IN VIRGINIA JUVENILE CORRECTIONAL CENTERS?**

#### **1.00 Jurisdiction of the Juvenile Court in Virginia**

In Virginia, the age of majority is 18. Virginia Code § 16.1-241 gives the juvenile court jurisdiction over a child who is alleged to have committed a delinquent act or an adult who has committed a delinquent act prior to his eighteenth birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6. Once the juvenile court establishes jurisdiction in the case of a juvenile, the court may retain jurisdiction until the juvenile's twenty-first birthday.<sup>1</sup>

#### **2.00 Jurisdiction of the Department of Juvenile Justice Over Committed Juveniles**

Under Virginia Code § 16.1-278.8, a juvenile eleven years of age or older may be committed to the Department of Juvenile Justice if found delinquent for a felony offense; a Class 1 misdemeanor if the juvenile was previously found delinquent for a felony offense; or a Class 1 misdemeanor if the juvenile has previously been adjudicated delinquent on three occasions for Class 1 misdemeanor offenses. A juvenile who meets these criteria may be committed to the Department of Juvenile Justice pursuant to Virginia Code § 16.1-285 (indeterminate commitment, potentially to age 21) or § 16.1-285.1 (determinate commitment as a serious offender, not to exceed the individual's twenty-first birthday).

#### **3.00 Certifying or Transferring a Juvenile to be Tried as an Adult in Virginia.**

Virginia law allows a juvenile 14 years of age or older to be transferred, certified or waived to circuit court to be tried and convicted as an adult, as follows:

Virginia Code § 16.1-269.1(B) mandates certification for trial as adult for a juvenile who is fourteen years of age or older when there is probable cause to believe the juvenile committed a certain offense such as murder or aggravated malicious wounding.

Virginia Code § 16.1-269.1 (C) provides that the attorney for the Commonwealth may request that a juvenile, fourteen years of age or older, be tried as an adult when the juvenile is accused of certain other felonies, such as felony homicide, robbery or rape.<sup>2</sup>

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<sup>1</sup> See, Virginia Code § 16.1-242.

<sup>2</sup> The offenses for which a juvenile fourteen years of age or older may be certified to be tried as an adult are: murder in violation of § 18.2-33, felonious injury by mob in violation of § 18.2-41, abduction in violation of § 18.2-48, malicious wounding in violation of § 18.2-51, malicious wounding of a law-enforcement officer in violation of § 18.2-51.1, felonious poisoning in violation of § 18.2-54.1, adulteration of products in violation of § 18.2-54.1, robbery in violation of § 18.2-58 or carjacking in violation of § 18.2-58.1, rape in violation of § 18.2-61, forcible sodomy in violation of § 18.2-67.1 or



Finally, pursuant to Virginia Code § 16.1-269.1(A), if a juvenile, fourteen years of age or older, is accused of any other felony, then by motion of the attorney for the Commonwealth, the juvenile court may conduct a transfer hearing. The purpose of the hearing is to decide whether the juvenile should remain under the jurisdiction of the juvenile court or transferred to the circuit court to be tried as an adult.

#### **4.00 How May the Circuit Court Sentence a Juvenile Convicted as an Adult?**

During the adjudicatory phase of a trial of a juvenile in circuit court, the juvenile is treated as an adult and afforded the same due process rights as an adult. However, upon conviction a juvenile is not afforded the same dispositional rights as an adult. Whereas an adult can chose to be sentenced by a jury, a juvenile has no such right, and only a judge can impose sentence.

#### **4.10 Sentencing Options of the Circuit Court When a Juvenile is Convicted as an Adult**

Virginia Code § 16.1-272(A)(1) gives the circuit court several options for sentencing a juvenile who is convicted as an adult of a violent juvenile felony. The circuit court may (i) impose an adult sentence, but allow a portion of that sentence to be served in a juvenile correctional center;<sup>3</sup> or (ii) sentence the convicted juvenile as an adult; or (iii) sentence the juvenile as an adult, but suspend the adult sentence conditioned upon successful completion of a juvenile disposition including commitment to a juvenile correctional center.

In addition, if the juvenile is convicted of any felony other than a “violent juvenile felony,” under Virginia Code § 16.1-272(A)(2), the court may (i) sentence the juvenile as an adult; or (ii) commit the juvenile to the Department of Juvenile Justice; or (iii) impose an adult sentence and suspend the adult sentence conditioned upon successful completion of a juvenile disposition including commitment to a juvenile correctional center.

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object sexual penetration in violation of § 18.2-67.2, provided the attorney for the Commonwealth gives written notice of his intent to proceed pursuant to this subsection.

<sup>3</sup> Under this option, the juvenile can only be committed as a serious offender under Virginia Code § 16.1-285.1. Therefore, the juvenile is given a determinate commitment.

**PART II THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
ISSUED NEW POLICY ON SIGHT AND SOUND SEPARATION**

**WHY IS THE DEPARTMENT DEVELOPING A COMPLIANCE PLAN?**

**1.00 Notification of Enforcement Action: The Federal Government Informed the Department of its Intent to Require the Sight and Sound Separation of Juveniles Convicted in Circuit Court who Attain the Age of 18, from Juvenile Wards**

In a letter received by the Department on October 30, 2003, William Woodruff, Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP), informed all State Juvenile Justice Agency Directors of OJJDP's intent to implement and enforce a policy prohibiting the collocation of juveniles with those juveniles who have been convicted as adults and subsequently obtain the age of 18 in juvenile correctional centers.

**1.10 Summary of Letter: New Interpretation in Guidance Manual - No Substantive Change in Federal Law**

The letter asserts that a person aged 18 years or older who is convicted of a crime in circuit court and placed in a juvenile correctional facility must be kept separate from the juvenile ward population.

The letter cites the language in the "Guidance Manual For Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, September 29, 2003" as follows:

A juvenile who has been transferred or waived or is otherwise under the jurisdiction of a criminal court may be detained or confined in a juvenile correctional facility or a juvenile detention facility with other juveniles who are under the jurisdiction of the juvenile court. Once a transferred, waived, or certified youth becomes an adult, however, he or she must be transferred to an adult facility within six months.

This new policy contravenes previously issued policy in the Guidance Manual.<sup>4</sup>

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<sup>4</sup> Previously, the Guidance Manual stated in a footnote that:

OJJDP policy excepts individuals placed in a juvenile correctional facility while they are legally a juvenile and who becomes an adult while under criminal court jurisdiction as long as the placement is "uninterrupted." This policy precludes a transfer to another juvenile facility or the return of the individual to the juvenile facility following release on probation or parole. See, Guidance Manual for Monitoring Facilities Under the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended, December 2001, page 23.

**1.20 The New Policy Interpretation is Based Upon Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. 5633)**

The Juvenile Justice Delinquency Prevention (JJDP) Act was reauthorized in 2002. The language in the Reauthorized JJDP Act of 2002 (42 U.S.C. 5633, Section 223 (a) (12)) states that:

. . . juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11)<sup>5</sup> will not be detained or confined in any institution in which they have contact with adult inmates[.]

**1.30 The Definition of an Adult Inmate can be Found in Section 103 (26) of the JJDP Act**

The JJDP Act of 2002 defines an adult inmate in Section 103 (26) as “an individual” who

- (A) has reached the age of full criminal responsibility under applicable State law; and
- (B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal charge offense.

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<sup>5</sup> Paragraph 11 prohibits the incarceration of a juvenile in a secure detention facility or in a juvenile correctional center for a status offense.

## **PART III    OVERVIEW OF THE DEPARTMENT'S PHYSICAL PLANT RESOURCES, OPERATIONS AND PROGRAMS**

Implementing the compliance plan involves significant physical plant, operational and program issues. Below, please find an overview of the physical layout, operations and programs of Virginia's current juvenile correctional system.

### **SECTION I.    PHYSICAL PLANT RESOURCES**

#### **1.00    Juvenile Correctional Centers**

The Department of Juvenile Justice operates a Reception and Diagnostic center and seven juvenile correctional centers (JCCs) for juveniles committed to state care. These secure facilities, with support from the Behavioral Services Unit, the Central Infirmary and the Food Services Unit, address the treatment, disciplinary, medical, and recreational needs of the juveniles. The Department of Correctional Education operates a school in each facility.

Beginning in FY 2003 the combined operating capacity of the eight facilities was 1,143. Recently, the ward population has hovered just over 1,000. (On April 23, 2004 the ward population totaled 1,010). Approximately 118 of those wards have been convicted of a felony and committed by a circuit court and are over the age of 18.

To supplement the number of juvenile correctional center beds, DJJ contracts with private providers who provide direct-care community residential beds and treatment services for committed youth. In addition, the Department places a small number of wards in local detention homes by special arrangement with those facilities.

#### **1.10    Reception & Diagnostic Center**

The Reception and Diagnostic Center is the central intake facility for the entire juvenile correctional system. All newly committed wards, regardless of age, gender, offense history or status as a convicted or a delinquent ward, are housed initially at RDC, where they undergo extensive psychological, educational and other assessments to determine the most appropriate placement and treatment during their commitment. Wards also receive medical and dental examinations here. Each juvenile receives a battery of tests from the Department of Correctional Education staff to identify the appropriate educational level, vocational aptitude, and any special educational needs. This evaluation and assessment process takes place over a relatively short span of time, usually not more than 45 days.

Established in 1968, RDC occupies nine buildings along Old Bon Air Road, including an administration building, dining hall, four cottages, and three buildings where staff meet and conduct assessments on the youth, provide counseling treatment, educational services, and indoor recreation.

There are seven housing units; six for males and one for females.

The juveniles range in age from eleven to twenty, and the average length of stay at RDC is slightly more than six weeks. RDC operates a highly structured orientation and behavioral management program emphasizing development in areas of leadership, education, achievement, and discipline. From there, wards are sent to their designated correctional facilities.

**1.11 Capacity:** 144 Males & 22 Females

**1.12 Population Profile:** On April 23, 2004, there were 5 convicted adult wards at RDC and 128 other wards, for a total of 133.

## **1.20 Natural Bridge Juvenile Correctional Center**

The Natural Bridge JCC is located three miles south of Natural Bridge Station along Route 759 (Forest Road). The 110 acre site includes ten major buildings and fifteen smaller support structures, most of which are loosely grouped in a gently sloping open area near Forest Road. Wooded areas fringe this open area on the three remaining side of the property. Camp New Hope, located in the woods to the west of the developed portion of the center, provides an outdoor, experiential program of interpersonal, self-reliant, independent and interdependent relationships in a wilderness setting. Camp New Hope has provided group camping activities for over 35,000 youth from correctional facilities since 1973.

Natural Bridge is a minimum security facility that serves as a transitional facility prior to release. Programs include Substance Abuse Treatment, Anger Management, and Independent Living.

**1.21 Capacity:** 71

**1.22 Population Profile:** Male offenders, ages 15 to 20, who are lower security risks with all types of committing offenses, including a limited number of major and serious offenders. There were 7 convicted adult wards and 54 other wards on April 23, 2004.

## **1.30 Hanover Juvenile Correctional Center**

Hanover JCC is located approximately 20 miles northeast of Richmond, several miles off of Route 301 with direct access provided by Route 326. The center occupies approximately 100 acres of gently sloped natural open space on the 1900 acre property. There are thirteen major buildings generally arranged in a rectangle around a central open space which serves as the center's parade grounds. Eight residential units front one side and one end of the rectangle, and buildings for the school, the gymnasium and the dining hall/kitchen are located along the other side of the rectangle. The remaining end of the rectangle is open, except for the security fence and gate. Across the parking lot next to the main gate is the administration building, the only building at the complex located outside of the 12' high security fence.

Specialized programs include JROTC, anger management, sex offender treatment, and substance abuse treatment. To participate in JROTC, wards must be in the 9th grade and on a GED or high school diploma track. Participants can be 18 if they are working toward their GED or high school diploma.

**1.31 Capacity:** 154

**1.32 Population Profile:** Male offenders, primarily ages 11 to 18, committed for moderate to serious. There were 21 convicted adult wards and 98 other wards on April 23, 2004.

**1.40 Barrett Juvenile Correctional Center**

The Barrett JCC is located approximately 15 miles northeast of Richmond, several miles from Route 301. Direct access is provided by River Road, Route 651. The center occupies approximately 35 acres of gently rolling natural open space nestled into wooded surroundings on three sides. There are eleven major buildings generally arranged in a circle around a central open space which serves as the center's parade grounds. In addition to the five resident cottages, there are also buildings for administration, a school/gymnasium, a dining hall/kitchen, a storage building for maintenance and operations and the infirmary (combined with a sixth resident cottage).

Barrett's Substance Abuse Program provides comprehensive services to male wards who are experiencing significant life problems related to their use of alcohol and other drugs. The program was funded as a national demonstration project by a grant from the Center for Substance Abuse Treatment, an agency of the United States Department of Health and Human Services. The program, run by the Gateway Foundation at Barrett, was selected as the Virginia Association of Drug and Alcohol Program's Program of Excellence award winner for 1999. In July 1999 and again in August 2002, Barrett received a three-year certification from CARE, the Rehabilitation Accreditation Commission, making Barrett the only juvenile correctional facility in the nation to be certified as a treatment program. It is the largest and most comprehensive substance abuse treatment program in the country for juvenile offenders in a correctional setting.

**1.41 Capacity:** 98 Males

**1.42 Population Profile:** 7 convicted adult wards and 111 other wards on April 23, 2004.

**1.50 Oak Ridge Juvenile Correctional Center**

The Oak Ridge Center is a single story facility with a basement that stands somewhat apart from the rest of the Bon Air campus. The Oak Ridge facility houses male offenders with developmental disabilities and severe behavior disorders and is the Department's only facility dedicated to the care and treatment of mildly to moderately mentally impaired or developmentally delayed juveniles. The population has measured intelligence scores in the borderline to moderately retarded range. Offenders typically have an extensive history of maladaptive behavior and are committed for serious offenses. The facility operates a Behavioral "token economy" Program and offers Sex Offender and Substance Abuse Treatment programs. The average length of stay at this center is approximately one year.

**1.51 Capacity:** 40 Males

**1.52 Population Profile:** 3 convicted adult wards and 37 other wards on April 23, 2004.

**1.60 Beaumont Juvenile Correctional Center**

The Beaumont JCC is located approximately 20 miles northwest of Richmond, near route 522 and the James River in Powhatan County, Virginia. The site encompasses approximately 2,300 acres of which about 150 acres are developed with the facilities that comprise the center. The property is largely undeveloped and maintained in a natural state of wooded area and open fields. The buildings in the central campus area were constructed in the mid-1920s and mid-1930s and reflect a design vocabulary common to the other juvenile correctional centers developed in the same timeframe. The perimeter road is located at the outside edges of the moderately sloped complex. The majority of buildings were placed inside the perimeter road. A security fence encloses the entire perimeter of the site. The old administration building, one cottage, several staff residences and a collection of old farm buildings located near an old "Mansion" all lie outside of the fence. The chapel and two cottages are within a fence, the gates in these areas are kept open during the day. The medium security facility includes two separate housing units that receive support services from the other buildings at the center. The school/gymnasium, infirmary, counseling offices, and two housing blocks are located in a maximum security facility. There are twelve old housing cottages on the property.

Beaumont provides specialized programs such as sex offender treatment, substance abuse treatment, and anger management, as well as general mental health services. The Virginia Department of Correctional Education offers a comprehensive high school education program via the Paul S. Blandford School and Annex. DCE provides academic, business, and vocational programs, along with GED classes and testing, a College Bound Program, and SAT testing.

**1.61 Capacity:** 322

**1.62. Population Profile:** Beaumont currently houses the older, more aggressive male offenders, ages 16 to 20, in a close custody facility. On April 29, 2004, there were 67 convicted adult wards and 214 other wards, for a total of 281.

**1.70 Bon Air Juvenile Correctional Center**

Residential cottages at the Bon Air Juvenile Correctional Center are loosely grouped in the southeast quadrant of the complex site, intermixed with the school/gymnasium, dining hall/kitchen and the central infirmary. Further to the southeast are some small administrative and maintenance/operations buildings, and to the north of the cottages and school/gymnasium lies the relatively new medium security facility.

Specialized programs include sex offender, substance abuse, anger management, and an intensive services program for wards with severe emotional problems. Social workers and psychologists provide individual, group, and family therapy services. A consulting psychiatrist monitors the needs of wards requiring psychotropic medication.

**1.71 Capacity: 220**

**1.72. Population Profile:** Males age 11 to 20 who were committed on moderate to serious offenses. On April 29, 2004 there were 4 convicted adult wards plus 206 other wards, for a total of 210.

**1.80 Culpeper Juvenile Correctional Center**

Located approximately five miles south of the City of Culpeper, VA and ½ mile south of the town of Mitchells, VA on Route 615, Culpeper Juvenile Correctional Center and the Culpeper Detention Center opened in March, 1999. This facility, designed for maximum security to house older, more aggressive boys, is the first juvenile justice facility to house both a correctional center and a detention center in the Commonwealth.

Several opportunities for work are available to qualified wards. The Virginia Department of Correctional Education (DCE) offers, through Cedar Mountain High School, a full high school curriculum, GED preparation and testing, Reading Program, Tutorial Program, Armed Forces Vocational Aptitude Battery testing, Distance Learning for future college courses, and Cognitive Skills Training. The following vocational training subjects are also available: Career Pathways – the World of Work, Commercial and Residential Cleaning, Food Occupations, and Key Boarding.

**1.81 Current Capacity: 72 Females**

**1.82. Population Profile:** Since June, 2002, all female wards, regardless of age, offense history or status as a convicted or a delinquent ward, have been housed at Culpeper Juvenile Correctional Center. Residents range in age from 11 to 20. On April 29, 2004 there were 4 convicted adult wards plus 44 other wards, for a total of 48.

**SECTION II. OPERATIONS OVERVIEW**

**1.00 Delivery of Health Services**

The Department provides all medical, dental, nursing and related health services to wards. These youth typically have a wide range of medical and dental care needs which result from being medically underserved prior to admission. In addition to a staff of board-certified physicians, dentists, and nurses, the Department provides cost-effective health care services by qualified practitioners under a contract by which Anthem processes medical invoices for health care services rendered outside the facilities.

**2.00 Classification System and Ward Safety**

Board of Juvenile Justice Policy 19-002 states, “the Department has no higher duty than to provide for the safety of juveniles in its facilities and of the staff who supervise and care for them. Classification is essential to the operation of an orderly and safe juvenile correctional system. Classification enables the Department to gauge the proper custody level of a juvenile, to identify the juvenile’s educational, vocational and psychological needs, and to separate violent and non-violent juveniles.”



In 2001, the Department instituted an objective classification system to enable staff to assess wards' appropriate security and custody levels, determine the most appropriate services and programs for all wards, assign juveniles to appropriate housing units within a facility, and assess wards for placement in community transition programs and for special needs. Staff review all cases periodically in light of wards' needs and progress, and re-classify wards as appropriate.

Wards are classified according to their need for structure:

- Level I - low structure/
- Level II - medium structure
- Level III - high structure
- Level IV - intensive structure

Facilities are classified according to the level of security they provide:

- Level I - low security, structure, and supervision
- Level II - medium security, structure, and supervision
- Level III - high security, structure, and supervision
- Level IV - intensive security, structure, and supervision

Wards currently are assigned to facilities based on these classification levels, age, sex, and certain other factors. The new OJJDP policy will require that classification and placement determinations also incorporate a ward's convicted vs. delinquent status. This could entail a substantial adjustment to the complex and comprehensive classification system. In addition, case management practices will have to be reviewed to ensure that the appropriate questions regarding placement of adult wards are asked in time to take appropriate action.

### **3.00 Population Trends**

Each year the Department of Juvenile Justice, in conjunction with the Governor's Inmate Population Forecasting Committee, projects the state responsible juvenile average daily population. The most recent forecast projects the institutional population to increase by 6% by FY 2006, due primarily to increases in the number of committed juveniles who will stay with DJJ for longer periods of time.

## **SECTION III: PROGRAMS OVERVIEW**

The Department will be challenged to deliver quality programs and services to its special populations under the constraints of sight and sound separation.

The Virginia Department of Juvenile Justice places a high priority on the treatment and rehabilitation of wards. Over time, programs and services have been developed without regard to wards' age or delinquent vs. convicted status. While specific strategies are identified in the compliance plan for each special population (such as female wards, sex offenders, substance abusers, developmentally challenged wards, wards in work programs preparing to transition to their home communities, and newly arriving wards), there are significant operational barriers to delivering these specialized programs and services while keeping convicted adult wards separate from juvenile wards.

Virginia is fortunate to have both a well-established system for delivering mental health services and adequate resources to meet the mental health needs of wards. The Behavioral Services Unit has added staff in response to the increasing mental health treatment needs of the wards and the assumption of sex offender and substance abuse treatment. Currently, there are 74 full-time positions, with additional psychiatric services provided by contract at least 48 hours per week, spread out among the seven JCCs and RDC. All BSU therapists are supervised by licensed clinicians. Even though BSU staff are exempt from licensure requirements by law, 55% of BSU clinicians are licensed in their respective professions. Half of the unlicensed staff are in residency working toward licensure. BSU staff provide a variety of mental health services in the juvenile correctional centers including individual, group and family therapy; crisis intervention; sex offender treatment; substance abuse treatment; diagnostic assessments; staff training; and 24 hour a day on-call services for each facility, as well as supervision of the anger management counseling program. Over 80% of all wards receive some type of services from BSU.

### **1.00 Sex Offender Treatment**

When any ward, regardless of age, gender, offense history or status as a convicted or a delinquent ward, is determined to have committed serious sex offenses, the ward may be required to undergo "mandatory sex offender treatment," and may be assigned to self-contained residential sex offender treatment programs where they receive intensive therapy addressing their sexual offending. Non-completion of a mandatory treatment program may result in an extension of the ward's length of stay.

Wards committed for sexual offenses stay longer than most wards due to the amount of time it takes to successfully get through the treatment program. In fiscal year 2003, out of 1172 admissions, 7.8% of wards had mandatory sex offender treatment assignments and 1% had recommended sex offender treatment assignments.

### **2.00 Mandatory Substance Abuse Treatment**

Wards with serious substance abuse problems (regardless of the ward's age, gender, offense history or status as a delinquent or a convicted ward) may be assigned to "mandatory substance abuse treatment." Non-completion of a mandatory treatment program may result in an extension of the ward's length of stay. Will it be possible to deliver services to wards assigned to mandatory substance abuse treatment through time-phasing, dedicated programs for convicted adult wards, or alternative placements or arrangements?

### **3.00 Wards in Job Training Programs**

The Youth Industries Program helps wards overcome barriers to employment and prepare to enter the workforce. DJJ operates the program in partnership with the Department of Correctional Education (DCE) and the U.S. Department of Labor. Wards are selected for Youth Industries based on institutional adjustment, satisfactory progress toward service plan objectives, and demonstrated ability to work independently and with limited supervision. Youth in the program receive vocational and academic instruction; hands-on, work-based training; ongoing counseling services, transitional skills and services; and follow-up. Participating wards may be modestly compensated based on work-training hours completed or may receive an established piecework rate.

Fields of study may also be integrated with an Apprenticeship program. Such fields of study include horticulture, silk screening, offset printing, food service, woodworking, electrical, barbering, embroidery, vinyl sign-making, advertising and design, and computer repair. In the program, youth can develop positive work habits and values while receiving guidance on using newly acquired skills when entering the job market.

DJJ evaluates the Youth Industries program on an ongoing basis, beginning with juveniles released from the program in FY 2001. These findings indicate that wards who participated in Youth Industries had lower reoffense rates within 12 months after release than wards from the general JCC population.

The Department of Juvenile Justice, in collaboration with DCE, has received a grant from the U.S. Department of Labor to fund additional work programs for DJJ wards. The Workforce Preparation Project will create and fund organized programs to enhance JCC work programs and expand vocational education. The Project will teach marketable skills and positive workplace behaviors, providing work experience while wards are in the JCCs and assisting wards in their search for gainful employment upon release from DJJ. The first part of this project will focus on wards at Beaumont JCC, who will receive academic instruction as well as vocational training in barbering, printing, or electrical work. A transition component will be included for project participants who will be returned to localities in the Eastern Region of Virginia upon release from the JCC.

#### **SECTION IV THE FISCAL OPERATIONS**

The Department of Juvenile Justice is charged with operating eight juvenile correctional facilities, yet has been operating at a funding level sufficient to operate only 6 ½ facilities. In particular, the operating budget for Culpeper Juvenile Correctional Center was reduced by the Virginia General Assembly by \$6.1 million. To cope with the reduced funding level, Culpeper was converted into a female only facility with a reduced population and a reduced staff, and currently is able to operate only by borrowing resources (staff and funding) from other JCCs.

Already struggling with inadequate resources before tackling the sight and sound separation issue, it is difficult to see how the Department could dedicate an entire facility to an adults-only population, or even how the Department could add sufficient staff to ensure an acceptable “time-phasing” use pattern in JCCs with both juvenile and adult wards. As this plan is drafted, Virginia does not have a budget approved for the 2005-2006 biennium, and the Department is not certain what will be its budget, its authorized employment levels, or the mandated number of juvenile correctional centers to operate.

The Governor and the General Assembly may conclude that the cost of complying with the new policy is prohibitive. It is not clear what the consequence will be in terms of OJJDP funds (estimated at \$1.6 million) should the Department be found out of compliance with the sight and sound separation requirement—for example, whether and how the funds would be redirected, or how 20% of the total grant money would be earmarked towards addressing the issues creating the noncompliance, as required by law. The Department is attempting to get answers to these issues.

- Juvenile Correctional Center Annual Cost Per Capita (FY 03) \$57,599.00
- Department of Correctional Education Annual Cost Per Capita \$14,019.00
- Total Annual Cost Per Capita (FY 03) \$71,618.00

## **SECTION V INTRA-AGENCY EDUCATIONAL OPERATIONS: THE DEPARTMENT OF CORRECTIONAL EDUCATION**

Virginia is unique among all the states in that the Department of Correctional Education (DCE), a separate executive branch agency, provides educational instruction in state correctional facilities. DCE is by law an independent school district with its own school board that operates schools and educational programs for both the Department of Corrections and the Department of Juvenile Justice. DCE Juvenile Schools are accredited by the Virginia Department of Education. All academic and vocational teachers meet state certification and endorsement standards.

DCE provides testing and educational assessments for all youth and adult offenders as well as specially mandated special education evaluation and services for identified youth and adult offenders in compliance with federal regulations (46 percent of DCE's youth and 12 percent of its adult students up to age 22 are receiving services for students eligible for special education.) DCE provides mandated middle- and secondary-level academic instruction, special education, social skills, transition education, cognitive skills development, GED (General Educational Development) instruction and 26 vocational instruction programs in seven occupational trade areas to the total youth population.

DCE operates eight schools, one in each juvenile correctional center and the Reception and Diagnostic Center. DCE's FY 02-03 annual operating budget is \$48.6 million, consisting of \$46.8 million in general fund revenues, \$1.6 million in federal funds and \$138,000 in special revenues. Salaries and benefits account for about 90 percent of the total operating budget. DCE has a maximum employment level of 784 full-time staff; approximately 80 percent are directly involved in the instructional process.

In FY 01-02, 199 youth students completed individual career and technical education (CTE) courses, and 16 of these completed CTE programs. There are 60 courses in 26 program areas. In FY 01-02, six youth students completed the course requirements for a diploma from their home school, and 26 earned DCE diplomas. In FY 2002, 53 youth students passed the GED exam.

Virginia's compulsory school attendance law requires children to attend public or private school until the age of 18.5. This law applies to juveniles who are committed to the Department of Juvenile Justice; it does not apply to adult wards, nor to a child who has obtained a high school diploma, its equivalent or a certificate of completion.

## **PART IV THE SIGHT AND SOUND COMPLIANCE TASK FORCE: ASSESSMENT AND PLANNING PHASE**

### **How Will the Compliance Plan be Implemented and What Will it Cost?**

The complexities of the physical layout, operations and programs as identified in the previous section presents the Department with unique challenges in implementing the new sight and sound separation policy. The Department will develop a comprehensive planning process to implement immediate, intermediate and long-term steps towards full compliance with sight and sound separation requirements. In order to develop a comprehensive plan designed for the purposes of complying with the new sight and sound separation requirements, the Director shall create a task force. The task force shall identify, assess and make recommendations concerning the issues the Department may face by complying with the new sight and sound policy. The task force shall make recommendations concerning the components necessary for implementing the new sight and sound separation requirements.

#### **SECTION I: SIGHT AND SOUND COMPLIANCE TASK FORCE**

##### **Objective 1: Create Task Force by June 1, 2004**

Activity 1: The Director will create a task force to:

- oversee implementation of the compliance plan.
- provide analysis and information to the Director on the fiscal, operational and programmatic impact of the sight and sound separation requirement.
- recommend specific steps to achieve sight and sound separation

Activity 2: A consultant will be hired to chair the task force and coordinate plan-related activities:

Activity 3: The Director will invite the following to participate on the task force:

- The Secretary of Public Safety
- The Superintendent of the Department of Correctional Education
- The Department of Planning and Budget
- The Department of Criminal Justice Services (Juvenile Services Unit)
- The Office of the Attorney General
- Staff of the Senate Finance Committee Subcommittee on Public Safety
- Staff of the House Appropriations Subcommittee on Public Safety
- The Department of Corrections

- Activity 4: The Director will designate DJJ staff to support the task force:
- Director's Office: Disproportionate Minority Confinement; Human Resources; Policy and Legislation
  - Division of Administration and Finance: Budget; Capital Outlay; Research and Evaluation
  - Division of Community Programs: Halfway Houses; Regional Offices
  - Division of Institutions: Behavioral Services; Health Services; Institutional Operations; Institutional Case Management; Juvenile Correctional Centers

## **SECTION II PHYSICAL LAYOUT ASSESSMENTS**

### **1.00 Adult Only Juvenile Correctional Center Assessment**

Determine the advantages and disadvantages of operating one or more of the Department's existing JCCs as an adults-only facility, or of establishing a new facility. (To be completed in conjunction with the Department's scheduled report to the General Assembly regarding its planned utilization of juvenile correctional centers)

### **2.00 Assess the Feasibility of Separating Convicted Adult Wards from Juvenile Wards at the Reception and Diagnostic Center**

### **3.00 Assess Needs for Renovation or Construction to Achieve Sight and Sound Separation, Based on Findings of Completed Feasibility Studies**

## **SECTION III OPERATIONAL ASSESSMENTS**

### **1.00 Assess the Feasibility of Housing Only Juvenile Wards in Certain Facilities as a Short-Term Strategy to Reduce Contact Between Juvenile Wards and Convicted Adult Wards**

Issues: Adults-Only Facility, adults-only facility operating under standards for juvenile residential Facilities, or adults-only facility operating under standards for adult correctional facilities.

### **2.00 Assess the Impact of the Separation Requirement on Health Care Services**

Issue: Central Infirmary and sick call practices in the JCCs.

### **3.00 Review Classification Procedures to Facilitate Sight and Sound Separation**

Issue: Integrating Sight and Sound variables into Department's classification system.

**4.00 Assess Population Trends to Determine Needs for Future Resources Given Sight and Sound Separation Requirements**

Issue: The most recent forecast projects the ward population will increase by 6% between FY 2003 and FY 2006, due primarily to longer lengths of stay.

**SECTION IV PROGRAMMATIC ASSESSMENTS**

**1.00 Assess the Feasibility of Separating Female Convicted Adult Wards from Female Juvenile Wards in an existing Juvenile Correctional Center**

**2.00 Assess the Feasibility of Separating Convicted Adult Wards from Juvenile Wards in Mandatory Self-Contained Intensive Treatment Programs for Sex Offenders**

Issue: Can sight and sound separation be achieved among sex offenders assigned to self-contained intensive treatment programs?

**3.00 Assess the Feasibility of Separating Convicted Adult Wards from Juvenile Wards in Mandatory Substance Abuse Treatment Programs**

Issue: Can sight and sound separation be achieved among wards assigned to mandatory substance abuse treatment?

**4.00 Assess Feasibility of Separating Convicted Adult Wards from Juvenile Wards in Job Training Programs for Those Transitioning Back to Their Communities**

Issue: As an example, to comply with the new OJJDP policy, will convicted adult wards be provided a separate Youth Industries program or be excluded from participation altogether (thus raising possible "right to treatment" concerns).

**5.00 Assess the Feasibility of Removing Adult Wards from Oak Ridge JCC when Suitable Alternative Placement is Available**

**6.00 Assess the Feasibility of Housing Convicted Wards ONLY with Wards Over the Age of 18 in one or more existing juvenile correctional centers (thus obviating the need for sight and sound separation within the facility).**

**SECTION V FISCAL IMPLICATIONS ASSESSMENT**

Assess the fiscal implications of implementing the new sight and sound separation requirement. The Task Force will review the assessment and make recommendations to the Department's administration. The Department will work closely with the Secretary of Public Safety, the Department of Planning and Budget, the Office of the Governor, and the appropriate committees of the General Assembly to obtain adequate funding to operate its juvenile correctional centers.

## **SECTION VI EDUCATIONAL ASSESSMENT**

Assess Impact of Separation Requirements on Schools, Vocational, and Work Training Programs Conducted by the Department of Correctional Education (DCE)

Issue: How will separation requirements affect educational and vocational training programs conducted by the Department of Correctional Education?

## **SECTION VII GENERAL ASSEMBLY ACTION REQUIRED**

Although the specific requirements to comply with the sight and sound separation requirement will only be known when the various feasibility assessments are completed, the Department anticipates that additional funding will be required to come into full compliance. For example, where the feasibility studies identify the possibility of time-phasing of activities, programs and services, there may yet be the need to modify existing structures to ensure sight and sound separation. In addition, even with time-phasing strategies, there may very well be a need for additional staff—both security staff and programming staff. Finally, if the feasibility studies indicate the need for substantial renovation or for expanded or new facilities, capital funds will need to be appropriated.

Although the Department intends to identify and request funds necessary to come into compliance with the sight and sound separation requirement, the ultimate availability of funds will depend, first, on any such requests being included in the Governor's proposed biennium budget for 2007-2008, and finally will be subject to the availability of funds and approval by the General Assembly.

To the extent that the planning process identifies short-term strategies to ameliorate contact between convicted adult wards and juvenile wards in the Department's custody, it may be possible to request adjustments to the current budget when the General Assembly meets in 2005. Again, such short-term adjustment will depend on the requests' being included in the Governor's proposed budget amendments, and ultimately upon the availability of funds and approval by the General Assembly. Any adjustments to current appropriations would be available as of July 1, 2005.

If funds are needed beyond an incidental adjustment to the current budget, Virginia's biennial budget structure is such that the earliest that substantial funds would be available would be in the budget for the FY 2007-2008 biennium, which becomes effective July 1, 2006.



**PROPOSED TIMELINE FOR IMPLEMENTING COMPLIANCE PLAN**

- 5/4/ 2004**      **DJJ submits plan to DCJS**
- 5/7/2004**      **DCJS submits plan to OJJDP**
- 5/15/2004**      **Invitations sent to Implementation Task Force members**  
**DJJ applies to DCJS for funding to engage a consultant to facilitate the planning and implementation process**
- 6/1/2004**      **Task force meets.**  
**Feasibility study groups formed and charged**
- 7/1/2004**      **Consultant engaged to facilitate the planning process**
- 9/1/2004**      **Interim feasibility assessments due, with costs for personnel, per diems; needs for renovation identified**
- 12/15/2004**      **Capital outlay reports cost estimates for identified renovations to Task Force**
- 1/1/2005**      **Final feasibility assessments due to Task Force**
- 5/1/2005**      **Task Force prioritizes recommendations per final feasibility assessments**
- 9/30/2005**      **Task Force recommendations included in DJJ budget proposal**
- 6/1/2005**      **Based on FY 2007-2008 Biennium budget, DJJ updates Compliance Plan and submits to DCJS; DCJS will in turn submit the modified Compliance Plan to OJJDP.**
- 7/1/2006**      **FY 2007 Budget effective -- Funds approved by the General Assembly to implement the Compliance Plan (if any) now become available**

## **Appendix B**

## Outstanding Capital Needs

### RDC

Structure/Use	Repairs Needed	Cost Estimate
A-2 Cottage	HVAC, fire safety, windows Electrical Upgrades	\$750,000
A-3 Cottage	HVAC, fire safety, windows Electrical Upgrades	\$750,000
B Cottage (On Emer Gen.)	Fire safety, windows	\$350,000
A-4 Cottage (On Emer.)	Fire safety, windows	\$350,000
Building C-1	Fire safety, windows Electrical Upgrades	\$350,000
Building C-2	Windows	\$100,000
Building C-3	Fire safety, windows Electrical Upgrades	\$350,000
New Infirmery School	Capital New Construction	\$13, 077,000*

\*Capital Project

### Barrett

Structure/Use	Repairs Needed	Cost Estimate
Walker Cottage	HVAC, fire safety Windows/Doors (SUSPENDED)	\$750,000
McNeil Cottage	HVAC, fire safety Windows/Doors (SUSPENDED)	\$750,000
Lowe Cottage	HVAC, fire safety Windows/Doors (COMPLETED)	\$750,000
Buck Cottage/ Infirmery	HVAC, fire safety Windows/Doors (SUSPENDED)	\$750,000
O'Kelley Cottage	Windows/Doors (SUSPENDED)	\$300,000

### Cedar Lodge

Structure/Use	Repairs Needed	Cost Estimate
New Addition	Capital New Construction	\$1,400,000

### Bon Air

Structure/Use	Repairs Needed	Cost Estimate
Central Campus	Main Electrical Feed Upgrade	\$150,000
Light Cottage	New roof, HVAC Electrical upgrades, fire safety	\$750,000
Stuart Cottage	New roof, HVAC Electrical upgrades, fire safety	\$750,000
Keller Cottage	New roof, HVAC Electrical upgrades, fire safety	\$750,000
Fisher-Jackson	HVAC, electrical, fire safety, Windows	\$750,000
Nichols Cottage	New roof, HVAC Electrical upgrades, fire safety	\$750,000
Carroll Cottage	AC, electrical, fire safety Windows, new roof	\$550,000
Buchanan Cottage	New roof, HVAC Electrical upgrades, fire safety	\$750,000
Dining Hall	HVAC, electrical, fire safety Emergency Generator	\$430,000 \$200,000
Campus-wide	Security system upgrade Campus duress alarm system	\$385,000 \$350,000

### Beaumont

Structure/Use	Repairs Needed	Cost Estimate
New Classroom	Capital New Construction	\$750,000
Campus-wide	Emergency water system Water supply system piping replacement	\$1,000,000

### Culpeper

Structure/Use	Repairs Needed	Cost Estimate
Campus-wide	Stand-alone storage warehouse building Security system electronics upgrade	\$800,000 \$500,000

**Hanover**

Structure/Use	Repairs Needed	Cost Estimate
Winston Cottage	Windows/Doors, electrical, fire upgrades	\$500,000
Bannister Cottage	Emergency Generator	\$285,000*
Cardwell Cottage		
Martha Washington		
Ellen Allen	Doors, electrical, HVAC, fire safety (under construction)	\$850,000*
Edwards Cottage	Doors, electrical, HVAC, fire safety (under construction)	\$850,000*
New Entry Building	Capital New Construction	\$3,585,000**
Campus-wide	Propane piping system	\$200,000
	Duress alarm system	\$150,000
	Water system piping replacement	\$250,000
	Packaged waste water treatment facility	\$650,000
	Damage resultant of Tropical Storm Gaston	\$12,500,000
DCE School	Fire alarm/sprinkler system	\$200,000

\*Project being implemented using Federal grant funds

\*\*Capital Project

**Natural Bridge**

Structure/Use	Repairs Needed	Cost Estimate
New Admin. Building	Capital New Construction	\$2,425,000
Gymnasium	Renovation/expansion	\$3,500,000
Campus-wide	Fire safety system upgrade	\$345,000
	Water piping replacement	\$350,000
	Waste water piping replacement	\$290,000

**Oak Ridge**

Structure/Use	Repairs Needed	Cost Estimate
New Addition	Capital New Construction	\$4,033,000

## **Appendix C**

## **Jurisdiction of the Juvenile Court in Virginia**

Pursuant to Virginia Code § 16.1-228 "child," "juvenile" or "minor" means “a person less than 18 years of age.” In Virginia, the age of majority is 18. Virginia Code § 16.1-241 gives the juvenile court jurisdiction over a child who is alleged to have committed a delinquent act or an adult who has committed a delinquent act prior to his eighteenth birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6. Once the juvenile court establishes jurisdiction in the case of a juvenile, the court may retain jurisdiction until the juvenile’s twenty-first birthday.<sup>1</sup>

## **Offense Criteria for Committing a Juvenile to the Custody of the Department of Juvenile Justice**

Under Virginia Code § 16.1-278.8, a juvenile eleven years of age or older may be committed to the Department of Juvenile Justice if found delinquent for a felony offense; a Class 1 misdemeanor if the juvenile was previously found delinquent for a felony offense; or a Class 1 misdemeanor if the juvenile has previously been adjudicated delinquent on three occasions for Class 1 misdemeanor offenses if each such prior offense was not part of a common act, transaction, or scheme. A juvenile who meets these criteria may be committed to the Department of Juvenile Justice pursuant to Virginia Code § 16.1-285 (indeterminate commitment, potentially to age 21) or § 16.1-285.1 (determinate commitment as a serious offender, not to exceed the individual’s twenty-first birthday).

### **Indeterminate Commitments: Va. Code § 16.1-285**

The first option available to the court is committing a juvenile to a juvenile correctional center for an indeterminate period. Any juvenile who is eligible for commitment under the statutory requirements listed in Virginia Code § 16.1-278.8(A)(14) can be committed for an indeterminate period under § 16.1-285. Indeterminate commitments cannot be longer than 36 continuous months or until such juvenile has attained the age of 21. For any juvenile who is indeterminately committed, DJJ is vested with the statutory authority to determine when that juvenile should be released. However, the 36 month limitation does not apply in cases of commitment for an act of murder or manslaughter. Therefore, DJJ has the authority not to release a juvenile committed for murder or manslaughter until that juvenile reaches the age of 21.

### **Determinate Commitments - Serious Juvenile Offenders: Va. Code § 16.1-285.1**

The second commitment option available to the court is committing a juvenile to a determinate period of incarceration in a juvenile correctional center as a serious juvenile offender pursuant to Virginia Code § 16.1-285.1. To be committed as a serious offender, the juvenile must be 14 years of age or older, adjudicated or convicted of a felony and satisfy the remaining statutory requirements concerning the seriousness of the offense or past offenses. If the statutory requirements are satisfied, the sentencing court may commit the juvenile as a serious offender for a determinate period that cannot exceed seven years or the juvenile’s 21st birthday.

## **Sentencing a Juvenile Convicted as an Adult**

Virginia law allows a juvenile 14 years of age or older to be transferred, certified or waived to circuit court to be tried and convicted as an adult when that juvenile is alleged to have committed a certain

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<sup>1</sup> See, Virginia Code § 16.1-242.

offense. Virginia Code § 16.1-272 provides the circuit court with its authority for imposing a sentence upon a juvenile convicted as an adult. When a juvenile is convicted as an adult, Virginia Code § 16.1-272(A)(1) gives the circuit court several options for sentencing a juvenile who is convicted as an adult of a violent juvenile felony. The circuit court may (i) impose an adult sentence, but allow a portion of that sentence to be served in a juvenile correctional center;<sup>2</sup> or (ii) sentence the convicted juvenile as an adult; or (iii) sentence the juvenile as an adult, but suspend the adult sentence conditioned upon successful completion of a juvenile disposition including commitment to a juvenile correctional center.

If the juvenile is convicted of any felony other than a “violent juvenile felony,” under Virginia Code § 16.1-272(A)(2), the court may (i) sentence the juvenile as an adult; or (ii) commit the juvenile to the Department of Juvenile Justice; or (iii) impose an adult sentence and suspend the adult sentence conditioned upon successful completion of a juvenile disposition including commitment to a juvenile correctional center. If the juvenile is convicted of a misdemeanor, then the circuit court may only impose a disposition in the same manner of a delinquency case in the juvenile court.

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<sup>2</sup> Under this option, the juvenile can only be committed as a serious offender under Virginia Code § [16.1-285.1](#). Therefore, the juvenile is given a determinate commitment.

## **Appendix D**



Special Populations in the Current Population by Age and Facility  
(October 5, 2006)

FACILITY	Mandatory Sex Offender Treatment			Mandatory Substance Abuse Treatment		
	<18	18+ Not CC	18+ CC	<18	18+ Not CC	18+ CC
Beaumont	8	30	1	50	49	0
Bon Air	29	9	18	49	5	4
Culpeper	0	5	2	2	4	41
Hanover	39	8	2	27	4	1
Natural Bridge	1	0	1	10	11	1
Oak Ridge	3	1	0	9	2	0
VWI	0	0	0	9	3	0
Shenandoah (CPP)	0	0	0	5	0	0
Chesapeake (CPP)	0	0	0	4	0	0
Total	80	53	24	165	78	47

FACILITY	Mental Health Treatment Need			Low Functioning		
	<18	18+ Not CC	18+ CC	<18	18+ Not CC	18+ CC
Beaumont	71	63	1	7	5	1
Bon Air	101	17	5	7	1	0
Culpeper	4	10	48	0	2	5
Hanover	65	12	2	4	2	0
Natural Bridge	8	10	5	3	2	0
Oak Ridge	13	5	2	22	4	0
VWI	8	1	0	0	0	0
Shenandoah (CPP)	2	0	0	1	0	0
Chesapeake (CPP)	2	0	0	0	0	0
Total	274	118	63	44	16	6