

Virginia Commission on Youth

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**Virginia Department
of Juvenile Justice**

**Safety. Connection.
Purpose. Fairness.**



Shenandoah Valley Juvenile Center (SVJC)

- The SVJC is an independent juvenile detention facility managed by the Shenandoah Valley Juvenile Center Commission.
- SVJC staff are not state employees.
- For ten years, SVJC has had a contract with Office of Refugee Resettlement to house unaccompanied immigrant minors deemed to be a risk to public safety (1 of 3 such contracts across the country).



DJJ Oversight of Juvenile Detention Centers (JDCs)

- DJJ has oversight, but not operational, responsibility.
- DJJ Board establishes regulations for JDCs.
- DJJ certifies and regulates JDCs.
- DJJ Certification Unit conducts periodic audits of local facilities.
- **But** there is no existing regulatory or statutory mechanism allowing the DJJ's Certification Unit to interview residents detained in a JDC who are under the custody of an outside entity.
- Upon finding health, welfare, or safety violation, DJJ Director may:
 - ✓ Withhold funds.
 - ✓ Remove juveniles from the facility/program.
 - ✓ Place facility/program on probationary certification status for up to 6 months.
 - ✓ Summarily suspend the facility's certificate.



Office of Refugee Resettlement (ORR)

- The ORR is a federal program under the U.S. Department of Health and Human Services (HHS) that works with unaccompanied immigrant minors.
- Unaccompanied minors are placed at SVJC when ORR has determined that a less secure placement would not be appropriate.
- Pursuant to a cooperative agreement that SVJC entered with ORR and HHS, ORR monitors SVJC for compliance with their requirements through announced and unannounced monitoring visits.
- The federal youth program is audited and overseen solely by ORR. DJJ has no contractual relationship with ORR, and has no auditing, monitoring authority or responsibility over the federal youth housed at SVJC.



Ongoing DJJ/SVJC Contact

- SVJC has had a Community Placement Program (CPP) since Sept. 1, 2015, which places DJJ youth in SVJC physical custody.
- Youth in the CPP receive regular contact from Quality Assurance staff, parole officers, and others.
- Court Service Unit staff regularly visit youth in pre-trial detention.
- DJJ certification unit conducts monitoring visits for pre-trial detention at least annually, or more often if requested by Board, DJJ, or administrator.



Investigation Timeline

- **October 2017** – Federal lawsuit filed on behalf of youth in ORR custody incarcerated at SVJC. Allegations denied by SVJC.
- **March 2018** – DJJ Certification Team visits SVJC to observe current conditions in non-ORR units, and to review prior certification documents.
- **June 21, 2018** – Associated Press publishes story reporting filing of federal lawsuit.



Investigation Timeline

- **June 21, 2018** – Governor Northam orders an investigation. Secretary of Public Safety and Homeland Security Brian Moran and Director Block conduct evening visit of facility.
 - DJJ Certification Staff and Quality Assurance staff also visit facility June 21 and 25 and interview youth in ORR custody.
- **June 22, 2018** – DJJ staff file two complaints with Child Protective Services (CPS) as a result of interviews.
- **June 25, 2018** – DJJ staff review records of youth in ORR custody. DJJ staff did not interview plaintiffs in lawsuit or review their records.
 - Identities and records sealed.



Findings

- **July 3, 2018** – CPS investigation concludes that there was no abuse or neglect.
- **Aug. 13, 2018** – Secretary of Public Safety and Homeland Security's office issues final report, including DJJ investigation, concluding that SVJC was meeting its regulatory obligations, and that there were no apparent threats to health or safety of residents, including in the ORR program.
 - The report does not address the merits of the lawsuit or the allegations contained in the lawsuit.



Report Recommendations for SVJC

In addition to findings DJJ also made recommendations for SVJC:

- **Recommendation 1:** SVJC should provide staff with training and professional development in the areas of positive youth development, cognitive behavioral interventions and trauma informed care.
 - *SVJC Response:* In progress. Missouri Youth Services Initiative (MYSI) training was completed Nov. 2017 in SVJC's Community Placement Program unit and with two assistant shift supervisors. MYSI to provide more coaching to all SVJC staff on MYSI methods in first week of October.
- **Recommendation 2:** SVJC should increase the staff's understanding of and sensitivity toward the unique cultural backgrounds of the youth in the federal program, expanding culturally relevant programming and number of bilingual staff.
 - *SVJC Response:* SVJC continues ongoing effort to recruit bilingual staff. Mental Health Clinician recently hired to work directly with ORR Program youth.



SVJC Recommendations / Response

- **Recommendation 3:** SVJC should strengthen the procedures for the use of mechanical restraints and re-train staff on the use of physical and mechanical restraints.
- **Recommendation 4:** SVJC should provide ongoing training in the effective use of de-escalation techniques for all staff at SVJC.
 - ***SVJC Response:*** *From June through August, all SVJC direct care staff underwent 12 hours of recertification in “Handle With Care” curriculum, including verbal de-escalation techniques and appropriate use of physical and mechanical restraints. An additional two-hour component, “Verbal Instead of Physical,” was included in the recertification, and is now a regular part of the training. It uses relationship building as an agent of change.*



SVJC Recommendations / Response

- **Recommendation 5:** SVJC should explore design and furniture modifications to create a setting more conducive to working with a population that has high rates of trauma.
 - ***SVJC Response:** SVJC's activities coordinator has worked with youth on design changes, such as murals and whiteboards, in collaboration with MYSI. The youths' feedback will be considered alongside SVJC's current research of possible furniture options which are conducive to working with a high-trauma population and also meet safety and security concerns in a juvenile detention facility.*



Recommendations For DJJ Board

- **Recommendation 1:** The Board of Juvenile Justice should amend the regulations governing local juvenile detention centers to require that any time such a center enters into a contract with a third party to house youth in the custody of the third party, the contract must allow for DJJ staff to have the same access to the youth and their records as DJJ has to all other youth in that facility.
- **Recommendation 2:** DJJ will inform and educate the Board about the use of mechanical restraints in juvenile correctional centers and locally operated juvenile detention centers in Virginia in order that the Board may properly consider the current regulations regarding the use of mechanical restraints and whether any changes might be necessary.



Proposed Regulation Regarding 3rd Party Contracts With Juvenile Detention Centers

Background

- DJJ presented an amendment to the JDC regulation to the Board on September 5. The proposed amendment will apply to agreements between JDCs and any third party (including DJJ) to address this oversight gap.
- DJJ requested Board approval of the proposed amendments for submission through the expedited “fast-track” process available for noncontroversial regulatory proposals.



Proposed Regulation Regarding 3rd Party Contracts With Juvenile Detention Centers

- Proposed amendment provides that when JDCs enter into contracts with separate entities to detain a juvenile in the separate entity's custody, the agreement must:
 - (i) provide that the program housing the juvenile is subject to the department's certification regulations; and
 - (ii) give the department the same access to these juveniles and their records as all other residents for purposes of complying with the certification regulations.



Proposed JDC Regulation Regarding 3rd Party Contracts - Status

- The Board approved the proposed amendment for submission through the fast-track regulatory process on September 5, 2018.
- The fast-track action is undergoing Executive Branch review.
 - The fast-track was reviewed by the Office of the Attorney General, the Department of Planning and Budget, and the Secretary of Public Safety and Homeland Security and is currently undergoing Governor's office review.
 - Upon Governor's review, the fast-track will be published in the *Virginia Register of Regulations*, followed by a 30-day public comment period.



Questions?