

Summary of *Evaluating the Effectiveness and Efficiency of Virginia's Juvenile Detention Centers* Presentation at the June 2 VJDA Meeting

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Summary

The Virginia Juvenile Detention Association (VJDA) invited Policy Analyst Elizabeth Spinney to its June 2, 2022, meeting in Virginia Beach. The purpose of her 1.5-hour presentation was to: 1) discuss the planned activities for the *Evaluating the Effectiveness and Efficiency of Virginia's Juvenile Detention Centers* study and 2) listen to VJDA members' concerns, feedback, and things they would like considered as we move forward with the study.

Elizabeth gave an overview of the study's planned activities, using many of the same slides as were used during the first advisory group meeting. She explained that the advisory group has reviewed information from several sources (e.g., JLARC, VDJJ, Moss Group, Senate Finance and Appropriations Committee), but that they need additional information to make informed recommendations to the Commission on Youth for potential changes to the operation of local and regional juvenile detention centers (as it relates to state spending) to accommodate for the documented population decline.¹ She also explained that although the title of the study is "effectiveness and efficiency," the primary issue is the "efficiency" part. Elizabeth expressed that the advisory group understands how complex and difficult this situation is and that it wants to do the best thing by the Commonwealth's voters, children, youth, and their families.

Elizabeth asked the group what additional information they would like the advisory group to know. Some of the main themes that emerged from the discussion were:

- ***Overestimation of money to be saved from consolidation.*** The members felt that the amount of money JLARC calculated that could be saved was an overestimate. They felt that JLARC had not properly accounted for several important factors, such as transportation costs, the increased needs of the youth in their care (specifically the mental health needs), classification needs, CSA services, and the resources required for remote hearings and visits.
- ***Some of the metrics being used to define the problem are not relevant.***
 - Members felt that the ADP-to-beds comparison is not a useful comparison. They felt that the comparison should be ADP to operational capacity.
 - Peaks in numbers need to be accounted for (not just ADP). The trend of decreasing numbers in detention may reverse.
 - JLARC didn't account for youth's home zip codes when determining that there could be consolidation.

¹ From 2012 to 2021, total juvenile detainments in the 24 juvenile detention centers in Virginia decreased by 66 percent, and the average daily population decreased by 53 percent.

- ***There may be unintended consequences for consolidation.***
 - Transportation consequences include increased burden on sheriffs, increased time of youth being shackled and transported with law enforcement officers who are not trained to meet the youth’s needs, and increased staffing for the transportation process.
 - The members felt that having youth close to their families was important and that online visits were not sufficient.
 - They shared that closeness to home schools and community-based services were important to maintain continuity between home and detention facility and that CSBs don’t want to serve youth outside of their area.
 - They stated that meeting in person with attorneys was important and would be more difficult with longer distances for them to drive.
 - Changing dynamics in facility with youth from different regions.
 - Less space for classification.
 - Remote hearings also have certain drawbacks (though members also mentioned the risks of having youth shackled during transportation).
- ***Needs of youth have increased over time.*** There is an increase in the severity of mental health challenges that need to be addressed
- ***The number of facilities is not a problem.*** Most members did not feel the number of facilities was a problem.

One of the VJDA member asked what recommendations were most likely being considered. Elizabeth responded by saying that as part of this process, there will be a discussion of options that may be considered and passed on to the administration. The advisory group hopes to put together a number of options, which will go to the administration and to the house and senate money committees.

Background

The purpose of the study is to identify potential changes to the operation of local and regional juvenile detention centers (as it relates to state spending) to accommodate for the documented population decline. From 2012 to 2021, juvenile detainments have decreased by 66 percent, and the average daily population has decreased by 53 percent. However, funding levels have not decreased. The Joint Legislative Audit and Review Commission (JLARC) conducted an in-depth study of juvenile justice in Virginia, with some of its analysis related specifically to juvenile detention. They estimated that \$7 to \$14 million in state funds could be saved by consolidating facilities. JLARC made other recommendations as well.

The VJDA responded to the JLARC report with several points. They felt that while JLARC calculated that there might be cost savings to regionalization, JLARC felt that there would be both financial and systemic costs that outweigh any of these savings. Many less densely populated areas of Virginia are already regionalized and serve as many as 18 jurisdictions over a vast geographic region. Also, localities that operate detention homes that do not serve multiple jurisdictions finance the programs at a much higher local share, on average, compared to the state funds, and many who have considered the option of regionalization in the past as a cost saving have elected not to do so for a variety of reasons. The VJDA response also identified Virginia’s lack of residential mental health facilities for youth, especially those who are juvenile justice-involved, as an issue. Finally the VJDA noted their role as a provider of last resort for children in need of a residential placement.

Summary of All Comments from June 2 Meeting

Commenter #1

- The ADP and beds comparison is not correct. Programs are not staffed for that number of beds. ADP should not be compared to capacity. It should be compared to operational capacity.
- You also need to consider classification of youth. if I run a girls' unit, I have 10 operational beds, maybe I only need 5.
- ADP doesn't take into consideration peaks in numbers
- I am hoping for a deeper dive into these complexities
- It should be more than just squeezing the maximum number of youth into the fewest number of facilities. this is a bad idea for the schools, too (squeezing the maximum number of youth in our educational programs is also not helpful).
- The metric of interest for a detention center is not recidivism. We should not be judged on recidivism. It would be better to measure family relationships, medication delivery, etc.
- Some parts of consolidation wouldn't be good for the youth.

Commenter 2

- Things may be changing after Covid is over.
- There is an increase in the severity of mental health challenges that need to be addressed
- There are also changes at the DJJ level philosophically
- We don't want to be short sighted by reducing capacity only to need it again

Commenter 3

- In the past 4 months, there has been an increase in the number of youth in our programs

Commenter 4

- In Virginia the compulsory age for education is 18. So all of these youth need to be in school. And we need to provide "comparable" instruction as in a regular school (22.17). We interpret this as meaning there needs to be teachers trained in each of the 4 main subjects. We are NOT a common core state. we have our own standards of learning (SOLs).

Commenter 5

- JLARC talked about opportunity for consolidation that don't move kids too far, but especially for the pre-D kids, they are in and out of the facility a lot. And the analysis doesn't account for where the kids live. Transportation issues need to be looked at. There may be an underestimation of cost savings once they take into consideration the transportation cost increases if there is consolidation.

Commenter 6

- Sheriffs are already understaffed. What would this additional transportation cost?

Commenter 7

- The amount of savings calculated by JLARC is artificial at best. We need to get more detail from JLARC on their calculations.

Commenter 8

- There needs to be some kind of incentive.

Commenter 9

- Only 2 facilities only serve 1 jurisdiction. The others all serve more than one jurisdiction. So we already are consolidated.

Commenter 10

- Sheriffs, law enforcement, mental health providers will all have transportation issues. It's hard for the CSBs.

Commenter 11

- This is the case in Culpepper. The CSBs only serve kids in their own jurisdictions.

Commenter 12

- We all need more mental health services

Commenter 13

- The JLARC report mentioned locations within 45 miles of another facility, but they aren't taking into consideration the processing time (e.g., in and out of Sally Port). A savings of \$7 to \$12 million is pure nonsense.

Commenter 14

- What is the impact on families if we put more miles between them and their children? We do considerable family therapy with pre- and post-D youth. Some even go to school in the community. We need to be near the communities where the youth live. Taking them out causes harm to youth, families, and communities. We have worked hard to increase community-based opportunities for these youth. We work hard to do this, to build these relationships in the communities.

Commenter 15

- When you join 2 centers, there is a change in the dynamics. This is a challenge.

Commenter 16

- There is a security issue of mixing populations. Knowing the other kids from your community is helpful. At the JCC, the kids have to posture to figure out who is in control. Familiarity can have its benefits (there are also some challenges). Focus on treatment and rehab is a missed element. There is also danger (and a need for safety and security) in the transporting process.

Commenter 17

- Have both delinquents and criminals who are awaiting adult trial. These youth awaiting criminal trials are just spending their time getting better at being detained. The challenge of working with youth demonstrating criminal behavior and going to adult. We shoehorned them into adult court. This hurts everyone involved. For kids waiting for long-term – they can't be separated out from more minor, lower-level offenders. Don't have funding and staffing for that classification.

Commenter 18

- The number of transports per facility would be good information to gather.

Commenter 19

- There is some assumption that having so many detention centers doesn't make us look good. But it's not necessarily a bad thing. The Northern Virginia detention home wanted to close but still wants to serve it's own kids. JLARC also talked about quality of counsel, families, mental health...if the localities want to pay for this, who cares?
- Kids are shackled when they are transported. This can be traumatic. We try to minimize this time they spend with law enforcement because they aren't trained to work with this population. They don't know how to give the meds or what foods the kids need during transport.

Commenter 20

- Speaking to classification, 7 of 11 pods are open with 42 kids (Newport News)

Commenter 21

- There has been mention that we should better use tech for services and that this can reduce the number of necessary face-to-face contacts with family, attorneys, mental health professionals, etc. I would use caution there. Educationally, this wasn't great. We will be playing catchup for years. detention did better than the rother schools because we mostly stayed in person. Telemedicine. All should be face-to-face whenever possible.
- Virtual court hearing are a train wreck.
- Any forward-facing interactive visits in detention need more space. We need more space to do these things (staff, tech, overseeing, private rooms).
- Courts are a good example: to do the hearing remotely, we need tech, infrastructure, staff, coordination, and other resources.
- Sometimes actions taken in the courtroom can rend us holding them illegally. If the youth is released but there is no parent to pick up, we need to wait for them (and this is illegal).

Commenter 22

- Virtual versus in person court study. Judges always want to see the kid in person.
<https://www.brennancenter.org/our-work/research-reports/impact-video-proceedings-fairness-and-access-justice-court>