

Summary: Potential Transfer of DJJ to HHR

WHAT WE FOUND

DJJ provides rehabilitative services to youth, which are similar to services provided by HHR agencies and reportedly more accessible

Youth in the juvenile justice system are eligible to receive rehabilitative services that are similar to the types of services provided by health and human resources (HHR) agencies. For example, some youth receive services in their communities through the Virginia Juvenile Community Crime Control Act (VJCCCA), which is administered by DJJ. Youth in the juvenile justice system also receive a variety of community-based rehabilitative services through DJJ's regional service coordinator (RSC), a private contractor who coordinates services. The RSC offers services such as individual and family therapy, substance abuse treatment, anger management, mentoring, and skill building. In some cases, the RSC arranges for youth to receive services directly from HHR agencies.

It appears that the RSC delivers services that are timely and accessible. DJJ's RSC contract requires the contractor to arrange for services to be provided within five days of referral. Stakeholders report that the RSC tends to deliver services more promptly than programs operating under the HHR secretariat, such as the Children's Services Act (CSA). Additionally, DJJ staff report that with implementation of the RSC model, access to services has expanded, and the number of direct service providers has increased by more than 50 percent since FY17. DJJ does not document specific services individual youth receive through the RSC, but observations and information obtained from multiple sources suggest that court-involved youth generally have access to the services they need.

Youth confined in one of the state's juvenile detention centers (JDCs) or at Bon Air Juvenile Correctional Center also must receive rehabilitative services, such as anger and aggression management, substance abuse treatment, sex offender treatment, family therapy, and life skills training. Services for detained and committed youth are primarily delivered by staff in the facilities (versus through the RSC), though some services for youth in JDCs are provided directly by local HHR agencies like community services boards (CSBs) and local departments of social services.

JLARC's 2021 study recommended improvements to the services provided to youth in Virginia's detention centers and at Bon Air, and some of those recommendations have not been fully implemented. Bon Air's staffing shortages—also a topic of 2021 JLARC recommendations—may impact rehabilitative service delivery for committed

WHY WE DID THIS STUDY

In November 2023, the Joint Legislative Audit and Review Commission (JLARC) directed its staff to review the potential transfer of the Department of Juvenile Justice (DJJ) from the Secretariat of Public Safety and Homeland Security to the Secretariat of Health and Human Resources.

ABOUT THE DEPARTMENT OF JUVENILE JUSTICE

DJJ is the state agency responsible for administering and overseeing Virginia's juvenile justice system. Its mission is to "protect the public by preparing court-involved and committed youth to be successful citizens." DJJ operates 30 of 32 court service units (CSUs) and the Bon Air Juvenile Correctional Center, as well as oversees juvenile detention center (JDC) compliance with applicable laws and regulations. DJJ also contracts for services and alternative placement options for youth, including services in the community and at JDCs.

youth to some extent, though DJJ reports that most committed youth are able to complete core rehabilitative programming (i.e., aggression management, substance abuse) before their release date.

Placing DJJ and HHR agencies in different secretariats does not appear to hinder coordination

Steps have been taken to improve court-involved youth's access to rehabilitative services, and many are served through DJJ as well as HHR agencies. Few stakeholders reported firsthand knowledge of coordination challenges between DJJ and HHR agencies. Instead, most cited examples of effective collaboration. For instance, in FY24, DJJ referred youth and their families to various HHR agencies as part of its pre-court services (e.g., local departments of social services, CSBs, housing and food assistance programs), and over 5,000 families took advantage of those services. Additionally, in FY24, DJJ referred 470 youth to CSA programs, which arranged for community-based services or placements in group homes and residential treatment facilities. In some parts of the state, youth in the juvenile justice system receive behavioral health services directly from CSB mental health workers who are embedded within court service units and juvenile detention centers.

About half of states place juvenile justice functions with health and human resources programs, but other factors have a greater influence on outcomes

States' placement of juvenile justice agencies within state government varies, and it is not unusual for juvenile justice to be placed under a HHR secretariat or in an agency with HHR programs. Among other states with a secretariat-based system, five include juvenile justice responsibilities under a health and human resources-equivalent secretariat, while four place them under a public safety secretariat. Of the remaining states, 19 place their juvenile justice functions with agencies delivering HHR or family services. Nine states place juvenile justice responsibilities in agencies performing public safety functions. In the remainder of states, juvenile justice is a stand-alone and independent agency.

Regardless of where states locate their juvenile justice systems, there was no conclusive evidence found that organizational placement affects rehabilitative outcomes or access to services for youth in the juvenile justice system. According to national subject matter experts and practitioners in other states, the placement of juvenile justice within state government does not determine the agency's focus on youth rehabilitation or the availability and quality of rehabilitative services. Other factors are reportedly more influential, including leadership policies, procedures, and goals; funding available to expand services; and approaches to fostering cross-agency collaboration on policies and initiatives for court-involved youth.

Transferring DJJ to the HHR secretariat would not ensure better access to services, and there are valid concerns a transfer could hinder DJJ's public safety mission

Transferring DJJ to the HHR secretariat would not ensure that court-involved youth access better or additional services. DJJ staff and other stakeholders report that HHR agencies across the state already have long waitlists and cumbersome processes and generally do not have the capacity to serve more youth. Additionally, HHR agencies' services are delivered and coordinated at the local level, which would limit the effects of any organizational changes at the state level. Furthermore, DJJ likely would not receive additional attention under the HHR secretariat, which has 12 separate agencies, most of which have extremely large budgets, programs, and staff. Virginia and national subject matter experts stated that transferring DJJ to HHR could result in DJJ receiving less focus and resources than it does in the public safety and homeland security secretariat, which has fewer agencies and programs.

In addition to providing rehabilitative services, DJJ must ensure public safety, and several stakeholders expressed concerns that fulfillment of this mission could be hindered by moving to the HHR secretariat. DJJ's public safety mission is embedded within its rehabilitative programming, which is specifically designed to address youth's risk factors that contribute to delinquent behavior and to reduce the likelihood of reoffending. Stakeholders worry that if DJJ were transferred to the HHR secretariat, this specialized focus could diminish.

DJJ's public safety responsibility is essential, and a higher proportion of court-involved youth are at risk of reoffending and have committed more serious offenses than in previous years. For example, the proportion of youth committed to DJJ custody identified as "high risk" has grown by nearly 20 percent over the past decade, with 84 percent of committed youth identified as high risk in FY24. It does not appear to be prudent to take actions that could hinder DJJ in carrying out its public safety function.

Related to its public safety mission, DJJ must maintain a high degree of coordination with other public safety agencies. For example, the Department of Criminal Justice Services oversees the state's compliance with the federal Juvenile Justice Delinquency and Prevention Act requirements and administers related funding. The Virginia Department of Corrections (VADOC) coordinates case planning with DJJ for committed youth who will serve time at a VADOC facility after their DJJ commitment. DJJ also shares and receives intelligence and information from public safety agencies, such as the Virginia State Police and local law enforcement, which helps prevent and address criminal activity while ensuring due process. Public safety officials have expressed concerns that their ability to transmit and receive such information could be hindered if DJJ were more removed from the secretariat and further separated from other public safety agencies.

If the General Assembly wishes to move DJJ to the HHR secretariat, few costs would be incurred

Transferring DJJ to the HHR secretariat would entail minimal to no costs. Based on other recent transfers, the Department of Planning and Budget indicated a DJJ transfer would result in only minor, one-time administrative expenses, such as letterhead changes and updates to department codes and references by administrative and financial agencies (e.g., Department of Human Resource Management).

Several alternative strategies could achieve intended goals of transferring secretariats

Several strategies may better achieve the intended goals of transferring DJJ to another secretariat, such as improving rehabilitative services for court-involved youth and coordination between DJJ and HHR agencies, including:

- either codifying a Children’s Cabinet responsible for ensuring coordination between DJJ and HHR agencies or creating a cabinet-level position for this purpose;
- increasing funding for the Virginia Juvenile Community Crime Control Act (VJCCCA), which funds rehabilitative services for youth in each locality, and is one of the only statewide funding sources that can be used on early intervention services intended to prevent youth from engaging in delinquent behavior;
- increasing funding to provide embedded CSB mental health workers in all of DJJ’s court service units statewide (10 currently do not have embedded CSB workers); and
- taking additional steps to fully implement relevant recommendations from previous JLARC reports, including improving rehabilitative programming for youth in JDCs and at Bon Air JCC (*Virginia’s Juvenile Justice System*, 2021) and requiring local CSA programs to serve youth under the non-mandated category, which includes some youth in the juvenile justice system (*Review of the Children’s Services Act and Private Special Education Day School Costs*, 2020).

WHAT WE RECOMMEND

Executive action

- Track data on rehabilitative services youth are receiving through DJJ’s regional service coordinator to evaluate access to services and identify whether changes to the RSC model and its offerings are needed.

The full recommendation is available on page v.