

ARLINGTON COUNTY CIVIC FEDERATION LEGISLATION COMMITTEE RESOLUTION

ON NORTHERN VIRGINIA JUVENILE DETENTION CENTER

About the Northern Virginia Juvenile Detention Center

Arlington County, Falls Church City and the City of Alexandria are currently considering whether or not to close or “repurpose” the Northern Virginia Juvenile Detention Center (NVJDC or Detention Center)¹ which is used to detain Arlington youth, among others. The Detention Center is located at 200 South Whiting Street in the City of Alexandria. The Detention Center is overseen by the Northern Virginia Juvenile Detention Commission, whose 5 members are appointed by the each of the localities.²

The operational costs for the Detention Center are shared by the three participating localities. An interjurisdictional agreement with the Northern Virginia Juvenile Detention Commission (Detention Commission) was authorized by the Arlington County Board in 1988.³ However, that agreement has long since expired.⁴

The total projected budget for the Detention Center for FY2020 is \$5,801,544. The budget for the Detention Center increased by more than \$700,000 from FY2019 to FY2020, although utilization rates continue to trend downward.⁵

Dramatic Reduction in Utilization Rate at Detention Center

The Detention Center has a capacity of 70 beds, but its utilization rate has dropped 70% between FY2006 and FY2019.⁶ As of July of 2019, only 9 children were placed in the jail by Arlington courts, of which 7 were Arlington residents and 2 were DC residents. The trend in utilization rates over the course of years left significant excess capacity in the facility with the effect of increasing the per capita operating costs of the facility.

Per Capita Daily Cost of Detention

Based upon the Fact Sheet issued by the City of Alexandria, the average daily utilization rate was approximately 15.3 detainees in FY2019. The daily cost to operate the Detention Center in FY2019 was \$13,959. This yields an estimated daily cost per detainee of \$931 in FY2019. The Fact Sheet issued by the City of Alexandria indicates that Arlington pays the largest share of the expenses associated with the Detention Center. Arlington costs rose \$387,321 between FY2018 and FY2019. Costs continue to rise and are projected to be \$2,019,908 for Arlington in FY2020.

¹Regional meetings set on juvenile-detention center (November 1, 2019) *Sun Gazette Newspapers*.

² City of Alexandria (August 23, 2019) Fact Sheet Cost Benefit Analysis of the Use of the Northern Virginia Regional Juvenile Detention Center and Alternatives, page 1. (“August 2019 Fact Sheet”)

³ Arlington County Board Minutes, October 15, 1988.

⁴ August 2019 Fact Sheet, page 2.

⁵ August 2019 Fact Sheet, pages 2, 4.

⁶ August 2019 Fact Sheet, page 2.

Federal Juvenile Immigration Detention Contracts with NVJDC

Detention Center admissions data provided by county staff indicate that between FY2014 and FY2019, there were 327 admissions of youth under federal contract.⁷

On May 10, 2018, the Alexandria Gazette reported that the Detention Commission had a federal contract with the Office of Refugee Resettlement (ORR) for immigration detention. The contractual arrangement reportedly offset millions of dollars in costs for juvenile detention between 2010 and 2018.⁸ Records obtained from Arlington's juvenile court services unit confirm that the Detention Commission contracted with the federal government over a period of 10 years to detain children in secure immigration detention, beginning in 2008.⁹

On June 20, 2018, the Washington Post reported that the federal contract with the Office of Refugee Resettlement (ORR) would not be renewed when it expired in September of 2018.¹⁰ That contract was for more than \$3.9 million for the period September 4, 2017 through September 3, 2018.¹¹

On July 19, 2018, a federal lawsuit was filed in the form of a *habeas corpus* petition in the United States District Court for the Eastern District of Virginia relating to a youth held at the Detention Center, among others.¹²

In August of 2019, the Detention Commission notified the U.S. Marshal Service it was terminating its contract with that agency, which also terminated a rider with Immigration and Customs Enforcement (ICE).¹³ The Legislation Committee has confirmed with county staff that three youth detained by Immigration Customs and Enforcement (ICE) were held at the Detention Center. As of November 18, 2019, county staff confirmed that no immigration detainees are presently at the Detention Center.¹⁴

⁷ Source: Earl Conklin, Director of Court Services, Juvenile & Domestic Relations Court, Arlington County "JDC Admissions Data Summary through FY2020 Year to Date"

⁸ Brendel, D. (May 10, 2018) Holding Unaccompanied Alien Children in Alexandria, Local youth detention center has contract with federal program, *Alexandria Gazette*, quoting Commission Chair Alfred Taylor.

⁹ Sources: Budget Narrative "Golden Doors Secure Program" (2008); Federal Contract No. HHSP23320092905YC effective October 1, 2008 with the Office of Refugee Resettlement with a contract award of \$175,000 and options not to exceed \$700,000; Federal Contract No. HHSP233201700038C effective September 4, 2017 for the "Unaccompanied Alien Children Program" with a contract award of \$3,970,512.

¹⁰ Jouvenal, J. (June 20, 2018) Commission won't renew contract to house migrant children in Northern Virginia, *Washington Post*; see also Juvenile Detention Commission for Northern Virginia terminates contract with HHS (June 21, 2018) *Alexandria Times*.

¹¹ Source: Contract No. HHSP233201700038C

¹² . *J.E.C.M. v. Lloyd*, Case No.1:18-CV-903-LMB. Johnitha McNair, the Executive Director of the Northern Virginia Juvenile Detention Center was named a defendant in the lawsuit. According to court records, one minor child who had been apprehended at the border and originally detained in San Diego was released from the Detention Center to a sponsor shortly after the *habeas corpus* petition was filed. *J.E.C.M. v. Lloyd*, 352 F. Supp. 3d 559 (E.D. Va. 2018); Simon Sandoval-Moshenberg of Legal Aid Justice Center represents the plaintiffs. A motion for summary judgment is currently pending in the case.

¹³ August 2019 Fact Sheet, page 2.

¹⁴ August 2019 Fact Sheet, page 2; Earl Conklin, Director of Court Services, Juvenile & Domestic Relations Court.

Contracting records obtained from county staff reveal that the value of the immigration detention contracts with the federal government exceed \$10 million. The total sum obtained under federal contacts is unclear, and it is unknown how that money has been spent. A vague reference to federal grants to the Commission is made in Arlington County's regionals budget for FY2020 (All-in-One) and in the County Manager's Message for FY2019 reducing the county's contribution.

Legislation Committee Concerns Relating to Transparency and Oversight of the Detention Commission

The Legislation Committee has numerous concerns. The lack of transparency relating to the activities of the Detention Commission is striking, particularly compared to other commissions whose members are appointed by the Arlington County Board. It appears that the Detention Commission was fully empowered to approve multi-million dollar federal contracts without any authorization from the localities who appointed the commissioners. The lack of public discourse about dramatically falling utilization rates, the use of the Detention Center for immigration detention and the escalating cost to the taxpayer without any apparent accountability is unacceptable. Taxpayer dollars are used to fund the Detention Center. It is a matter of public interest how the Detention Center is managed, how children who are detained at the Detention Center are treated, whether there is any disproportionality in who is detained, and the Detention Center outcomes relating to mental health, disability and recidivism.

It is difficult to determine from public records what Arlington County oversight, if any, has been in place relating to the activities of the Detention Commission and Detention Center staff. Current Arlington County appointees to the Detention Commission are Alfred Taylor and Earl Conklin. Mr. Conklin is a county employer currently serving as Director of Court Services for the Juvenile and Domestic Relations Court. A review of County Board minutes indicates that the last public County Board action occurred on December 15, 2008 when Alfred Taylor was appointed by the Arlington County Board. Mr. Conklin's appointment does not appear in the minutes of any County Board meetings. The Commission is not listed among other commissions on Arlington County's website. There does not appear to be a term of service or any regular reporting requirement.

There is a reference to Mr. Earl Conklin speaking to the County Board regarding the Detention Center on June 19, 2018 during a recessed meeting of the Arlington County Board. It is unclear why this occurred during a recessed meeting rather than a public meeting. The rationale for any report provided by Mr. Conklin occurring outside of a public meeting is not explained in the Certification of Closed Meeting Discussions.

RESOLUTION

The Arlington County Civic Federation hereby resolves that the Arlington County Board and Arlington County Manager should take the following actions forthwith:

- (1) Immediately add the Northern Virginia Juvenile Detention Commission to the public website for Arlington County and include information about its appointees, meeting times and locations and all commission minutes.
- (2) Post on the Arlington County website the expired interjurisdictional agreement with the Northern Virginia Juvenile Detention Commission and all federal contracting records of the activities of the Northern Virginia Juvenile Detention Commission since 2008, as well as any existing budget narratives not provided in the Budget "All-In-One" records.
- (3) Develop a charge for the Arlington appointees of the Northern Virginia Juvenile Detention Commission that incorporates a regular reporting requirement to be held during a public County Board meeting relating to conditions at the Detention Center, programming, utilization rates, average length of stay, and recidivism rates.
- (4) Commence a forensic audit of all income and expenses of the Northern Virginia Juvenile Detention Center since 2008, and make the results of that forensic audit public.
- (5) Hold a public County Board hearing with a detailed staff update, with opportunity for public comment, relating to (1) the physical and programmatic considerations associated with the upcoming decision on whether or not to close the Northern Virginia Juvenile Detention and (2) whether to terminate Arlington's relationship with the Northern Virginia Juvenile Detention Commission.