

VIRGINIA ADVISORY COMMITTEE
ON JUVENILE JUSTICE



*2005 Annual Report
to the Governor*



Virginia Department of Criminal Justice Services, Juvenile Services Section
October 2006

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Introduction

This Annual Report of the Advisory Committee on Juvenile Justice describes its activities for fiscal year 2005. It includes funding priorities, issues and accomplishments in juvenile justice, details about awarded grants and Challenge funds, and data concerning Virginia's monitoring of the four core requirements of the federal Juvenile Justice and Delinquency Prevention Act.

Members of the Advisory Committee on Juvenile Justice are appointed by the Governor¹. The Committee is composed of individuals who are knowledgeable about the prevention and treatment of juvenile delinquency and the juvenile justice system. It includes representatives of local law enforcement, juvenile justice agencies, state and local government, judges, counsel for children, and other citizens, including youth. Membership requirements are specified in the federal Juvenile Justice and Delinquency Prevention Act².

The Committee is responsible for reviewing the operation of the juvenile justice system in Virginia, for recommending needs and priorities for the development and improvement of the juvenile justice system, for recommending grant awards, and for advising the Governor on matters related to the Juvenile Justice and Delinquency Prevention Act.

The Advisory Committee reports to the Criminal Justice Services Board, the governing board of the Virginia Department of Criminal Justice Services (DCJS). The Advisory Committee makes recommendations to the Criminal Justice Services Board on awards under three federal JJDP Act grants: Title II Formula Grants, Title V Delinquency Prevention Grants, and Juvenile Accountability Block Grants. It also approves funding priorities for Part E Challenge funds³.

For information about other grant programs and activities of DCJS related to children, refer to Virginia's Three Year Plan, 2006-2008, which is available on the agency web site at www.dcjs.virginia.gov/juvenile/publications.

¹ *Code of Virginia*, § 9.1-111

² Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. § 5633, Sec. 223 (a) available online at <http://ojjdp.ncjrs.org/about/appendixa1.html>.

³ The federal Challenge grant program has ended. Final awards to states were given in fiscal year 2003. States continue to award those funds.

Virginia Advisory Committee on Juvenile Justice⁴

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Arlington

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The Virginia Senate

The Honorable Robert F. McDonnell^F
The Honorable Robert B. Bell^N
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The Virginia House of Delegates

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(Proxy: Ms. Jane B. Brown)

Mr. Barry Green, Director
Virginia Department of Juvenile Justice
(Proxy: Ms. Lynette Greenfield)

Dr. James S. Reinhard, Commissioner
*Virginia Department of Mental Health, Mental
Retardation, & Substance Abuse Services.*
(Proxy: Ms. Janet Lung)

⁴ This listing includes members as of the end of the 2005 fiscal year, June 30, 2005, and new members appointed between July 1, 2005 and October 31, 2006.

Notes. N designates new members; F designates former members; Y designates youth members. Youth members must be younger than age 24 at the time of their appointment.

Priorities and Accomplishments in Virginia's Juvenile Justice System, FY 2005

This section contains descriptions of funding priorities in Virginia's juvenile justice system in FY 2005 and the accomplishments that relate to those priorities.

Funding priorities are determined through a planning process that includes data analysis and input from constituent groups. They are developed across all grant programs administered by the Advisory Committee on Juvenile Justice – Title II Formula Grants, Title V Prevention Grants, Juvenile Accountability Block Grants, and Challenge funds. The Advisory Committee on Juvenile Justice makes the final determination of priorities.

Priorities

Priorities for the 2005 fiscal year are shown in the box. They include two additions to the 2004 priorities – gangs and aftercare/reentry – and reordering of the 2004 priorities.

They were funded under various funding streams. Alternatives to detention, young juvenile offenders, truancy, and minority overrepresentation were priorities for Title II funding. The legal representation of juveniles, truancy, and mental health problems of juveniles were priorities for Challenge funding. Alternatives to detention, aftercare services, and juvenile sex offender treatment were Juvenile Accountability Block Grant (JABG) priorities.

No new Title V funds were available. However, continuation grants were funded that replicated model prevention programs.

Priorities: 2005 Fiscal Year

- ◆ Detention Alternatives
- ◆ Aftercare/Reentry
- ◆ Disproportionate Minority Contact
- ◆ Mental Health Needs
- ◆ Sex Offenders
- ◆ Legal Representation
- ◆ Young Juvenile Offenders
- ◆ Rural Services
- ◆ Truancy
- ◆ Gangs

The following pages provide descriptions of the priorities and of Virginia's accomplishments in addressing those priorities.

PROVIDING ALTERNATIVES TO DETENTION

Issue

It is known that detention is harmful for low-risk offenders⁵; it exposes them to delinquent peers and that exposure is a predictor of delinquency⁶.

Virginia detains juveniles at a rate that far exceeds the national average and the rates of adjoining states, as the chart shows.

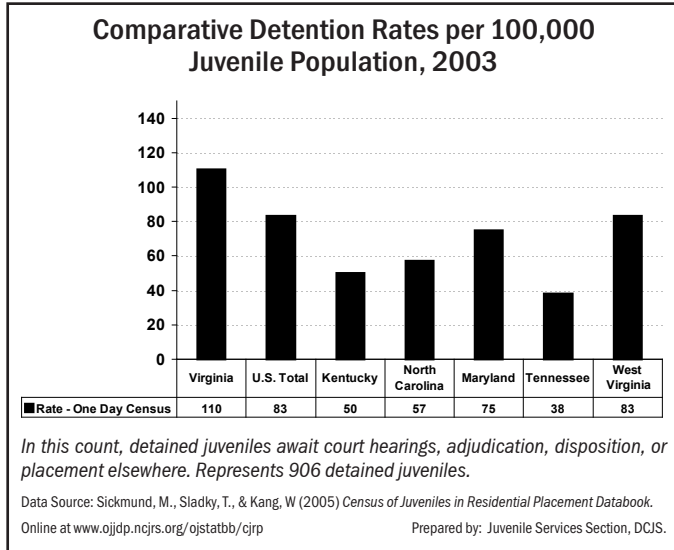
In FY 2005, there were over 17,000 admissions⁷ of children to secure detention facilities in Virginia. In comparison, there were less than

1,000 commitments to juvenile correctional centers. The average stay of children in secure detention facilities is 3-4 weeks whereas it is 1-2 years in juvenile correctional centers. The disparity in numbers suggests that more children may be detained than is necessary.

Over one-third of admissions are for technical violations such as probation or parole violations, contempt of court, or failure to appear. Indeed, they are the most frequent most serious committing offense.

Accomplishments

- ◆ In the 2004 and 2005 legislative sessions, legislation was passed which ensures that youth charged with felony offenses cannot waive representation by an attorney without consulting with an attorney (Virginia Code 16.1-266). The change in legislation was effective July 1, 2005. With counsel earlier in the process, it is expected that fewer children will be detained predispositionally.
- ◆ The Virginia Department of Juvenile Justice continues to participate in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative. This initiative aims to ensure that only those children who require detention are held. One expected impact of this initiative is to reduce the number of children detained for technical violations.



⁵ Bell, James. Presentation at the Virginia Department of Juvenile Justice Disproportionate Minority Contact conference, Crystal City, Virginia. June 28, 2004.

⁶ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D. Catalano, R., Harachi, T., & Cothorn, L. (2000). *Predictors of youth violence*. Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

⁷ This represents 10,532 children of whom about 65% were admitted once and the rest multiple times during the fiscal year.

- ◆ DCJS has continued the Juvenile Accountability Block Grant (JABG) to the Department of Juvenile Justice to allow those pilot localities participating in the detention alternatives initiative to provide alternatives to detention. This grant is designed to provide successful community models that can be implemented locally after the grant has terminated.
- ◆ In FY2005, 4 new Title II grants were funded that provide local detention expeditors to search out alternatives to detention (Hampton, Loudoun, Norfolk, Newport News).
- ◆ Challenge funds were provided to the Indigent Defense Commission for a series of workshops for juvenile defenders, "Advocating Release: Alternatives to Detention". The workshops began in the 2006 fiscal year.

Issue

Juveniles released from Virginia juvenile correctional centers are reoffending at high rates.

As the chart shows, within three years, more than three-fourths of them have been rearrested.

Two-thirds have been reconvicted.

More than half have been reincarcerated.

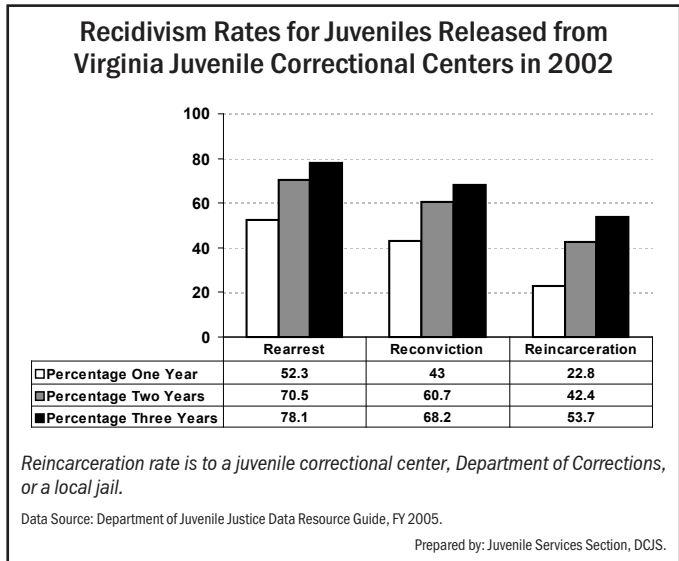
Most juveniles are held in correctional centers for 1-2 years. Given the recidivism data, attention is needed to the types of programs offered and their implemen-

tation in the correctional centers, to the reintegration of children into their communities and to aftercare services for them.

Incarceration in a juvenile correctional facility is expensive. In 2005, the annual per capita cost was \$88,271⁸, which includes \$17,808 Department of Correctional Education per capita cost.

Accomplishments

- ◆ The Department of Juvenile Justice received continuation funding for its Juvenile Accountability Block Grant for a transitional living program to provide independent living beds for juveniles as a step-down from commitment in a juvenile correctional center or transition from a halfway house.



⁸ Virginia Department of Juvenile Justice (2005), *Data Resource Guide: Fiscal Year 2005* (p.194). Richmond, Virginia.

DISPROPORTIONATE MINORITY CONTACT WITH THE JUVENILE JUSTICE SYSTEM

Issue

Racial disparity in the juvenile justice system may not be based on racial discrimination exclusively. It may result from school policies, targeting of crime-ridden neighborhoods, inability of the indigent to retain paid counsel, and lack of available prevention opportunities and alternatives to detention in economically deprived communities.

It is evident in Virginia.

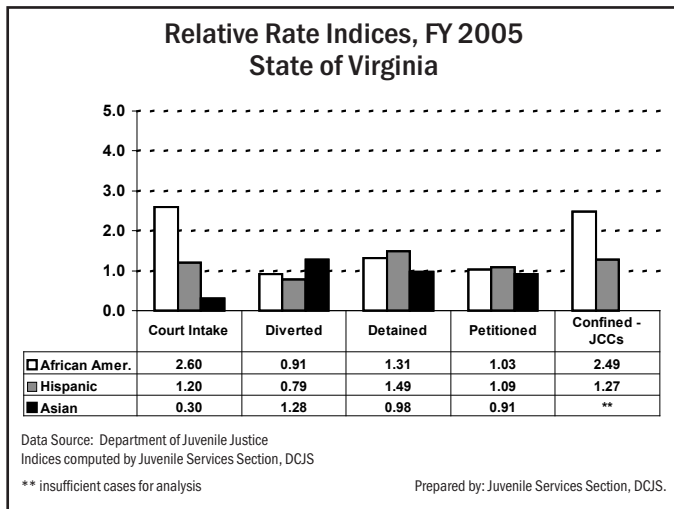
African American youth are over-represented throughout the juvenile justice system in Virginia, relative to their percentage in the juvenile population. For the State, the juvenile at-risk population aged 10-17 is about 825,000 children. The racial distribution is about 65% white, 25% African American, 6% Hispanic and 4% Asian.

The *relative rate index* is a measure of disproportionate minority contact with the juvenile justice system. It provides a means of comparison of white to minority juveniles. As the graph indicates, African American children at the state level are more than twice as likely to be referred to court as white children. Hispanic children are about as likely as white children to be brought to court whereas Asian children are less likely. Numerically, about 64,000 children were referred to court in FY 2005. About 30,000 were white and about 29,000 were African American.

As the chart shows, the relative rate index for diverted and petitioned juveniles is close to 1.0, indicating that no racial disproportionality is evident at the diverted and petitioned stages.

At the detention stage, both African American and Hispanic children are somewhat more likely than white children to be detained. There were about 11,000 children admitted in 2005 for a total of about 17,000 admissions as many were admitted more than once. The racial distribution of admissions was about 9,000 African American, 7,000 white and 1,000 Hispanic. The average stay is about 3 weeks.

African Americans are more than twice as likely to be committed to juvenile correctional centers. As only 9 Asian children were committed to juvenile correctional centers, the index for Asian children is not shown. About 1,000 children were committed – about 300 white, 700 African American and less than 100 Hispanic. The average stay is 1 – 2 years.



Accomplishments

- ◆ The Juvenile Services Section, DCJS, continued activities designed to address this issue.
 - The DCJS fact sheet, *Reducing Minority Overrepresentation in Virginia's Juvenile Justice System*, was published in the 2003 fiscal year and reprinted in the 2005 fiscal year. It has been distributed widely and is available online at www.dcjs.virginia.gov/juvenile/publications.
 - The Disproportionate Minority Contact Coordinator continues to provide training and assistance to local officials and detention staff.
 - DCJS Juvenile Services Section maintains a Juvenile Justice System Demographics web page, at www.dcjs.virginia.gov/juvenile. The web page is accessed frequently.
- ◆ Disproportionate contact of African American children with the system may be best addressed indirectly through seeking alternatives to detention and improving the legal representation of children. Those priorities and accomplishments related to them are described elsewhere in this Section.

MENTAL HEALTH NEEDS OF JUVENILE OFFENDERS

Issue

Many children in Virginia's juvenile justice system have demonstrated mental health needs. In 2003, 23% of males and 42% of females committed to Virginia juvenile correctional centers⁹ had a history of prior psychiatric hospitalization.

The juvenile justice system is used also as an alternative treatment resource for children with mental health needs who do not otherwise need to be in the system. Thus, mental illness is becoming criminalized. A 2002 report of the American Bar Association recommends,

*The Commonwealth should address the increase in mental health and school-related referrals to juvenile court and evaluate their appropriateness, especially as this impacts minority youth.*¹⁰

Accomplishments

- ◆ DCJS Challenge grant funds were provided to the University of Virginia to develop a cd-rom, *The Kid in Trouble*, which provides a tutorial for juvenile justice professionals on the identification, diagnosis, and treatment for children in contact with the juvenile justice system or children at risk. Distribution continued in the 2005 fiscal year. Because of its popularity, another 300 copies of the cd-rom were ordered.

⁹ Waite, D., & Neff, J. (2004). *Profiles of Incarcerated Adolescents in Virginia's Correctional Facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

¹⁰ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association.

- ◆ JABG funds were used to provide funding to DMHMRSAS to provide mental health services to children in five detention facilities. This grant includes funding for transition services for these children to receive mental health treatment in their communities. The grant was continued for the 2005 fiscal year.
- ◆ One of the sessions at the 2005 annual Juvenile Justice and Delinquency Prevention conference addressed mental health needs of children in the juvenile justice system.

JUVENILE SEX OFFENDERS

Issue

Juvenile sex offenders are a population of concern. They have multiple treatment needs and require specialized aftercare and supervision in the community. They pose a risk to public safety. Some are committed to the Department of Juvenile Justice and treated in Virginia juvenile correctional centers. Some are treated in the community.

They are often quite young. Of the 635 children referred to court services unit intake for sex offenses in 2005, 29% were aged 13 and younger and over 40% (44%) were aged 14 and younger.

Treatment works. Virginia research supports the efficacy of treatment for juvenile sex offenders. Research funded by a Juvenile Accountability Block Grant¹¹ indicates that the rate of sex offense re-arrest for juvenile sex offenders who have completed sex offender treatment in Virginia juvenile correctional centers, is about 7% within ten years¹². Their 10-year re-arrest rates for other offenses, although higher, are all well below the 3-year 78% re-arrest rate for the juvenile correctional center population released in 2002¹³.

National research indicates that most juvenile sex offenders are not destined to become adult sex offenders¹⁴.

Accomplishments

- ◆ The Department of Juvenile Justice received continuation JABG grant funding for community sex offender treatment, which it dispersed to the 13th, 16th, 19th, 20th and 31st district court services units.
- ◆ The Portsmouth/Tidewater Regional Group Home Commission received a Title II grant for sex offender treatment programs.

¹¹ At the time of funding, the program was called the Juvenile Accountability Incentive Block Grant.

¹² Pinkerton, R. (June, 2003). *Juvenile sex offenders: Current treatment techniques and recidivism data*. Presentation at the Juvenile Justice and Delinquency Prevention Conference, Williamsburg, Virginia.

¹³ Virginia Department of Juvenile Justice, *Data resource guide, FY 2005*.

¹⁴ Center for Sex Offender Management. (2002) *An overview of sex offender management*. Silver Spring, MD: Center for Sex Offender Management. (Available online at www.csom.org.)

LEGAL REPRESENTATION OF JUVENILES

Issue

In 2002, the American Bar Association and the Mid-Atlantic Defender Center published a report about the legal representation of juveniles in Virginia¹⁵ that indicated that access to legal counsel and quality representation in delinquency proceedings is lacking in Virginia.

This assessment reveals significant gaps in indigent defense practices, including flaws in the appointment process, lack of time and resources to adequately prepare a case, a tendency to accept plea offers rather than aggressively protect the rights and needs of children and the near absence of any post-dispositional legal representation. The system, as it is presently structured, is, at best, uneven, and clearly has had a disproportionate impact on poor and minority children (page 1).

At the time of the report, in Virginia, counsel was not appointed until the detention hearing. The practice was that only retained private counsel participated at arrest, intake, and initial detention hearings. That has changed. In the Virginia 2004 and 2005 General Assembly sessions, legislation passed providing that counsel would be appointed prior to the detention hearing¹⁶.

There is a lack of available juvenile counsel. The report indicated that indigent children in jurisdictions served by public defenders fare better than those in jurisdictions where court-appointed attorneys represent juveniles. However, most jurisdictions in Virginia use the court-appointed system for juvenile representation. New legislation was enacted in 2004 that addresses this issue. It expanded the responsibility of the Public Defender Commission to include court-appointed counsel for indigent clients and renamed it the *Indigent Defense Commission*¹⁷.

The report also suggested that some juvenile counsel are untrained, inexperienced, unprofessional, and incompetent. The expanded mandate of the Indigent Defense Commission includes enforcing qualification standards for attorneys seeking to become court-appointed counsel, developing training courses, and developing standards of conduct. Training responsibilities include providing additional training on representing juveniles to attorneys seeking to qualify as counsel in juvenile and domestic relations district court¹⁸.

Accomplishments

- ◆ Legislation passed in the 2005 and 2006 legislative sessions that ensures that those youth charged with felony offenses cannot waive representation by an attorney without consulting with an attorney (Virginia Code 16.1-266). The change in legislation was effective July 1, 2005.

¹⁵ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association.

¹⁶ This amends the *Code of Virginia*, §16.1-250.

¹⁷ Virginia Code, Ann. §19.2-163.01

¹⁸ Virginia Code, Ann. §19.2-163.01.

- ◆ Challenge funds were provided to the Indigent Defense Commission for a juvenile defender summit to train public defenders and private attorneys in October 2004.
- ◆ Challenge funds were provided to the Indigent Defense Commission for a series of workshops for juvenile defenders, "Advocating Release: Alternatives to Detention". The workshops began in the 2006 fiscal year.
- ◆ A session at the 2005 Juvenile Justice and Delinquency Prevention conference, *Juvenile Justice Issues in the 2005 Legislative Session*, was designed to educate and inform participants about new legislation and outstanding legislative issues.

YOUNG JUVENILE OFFENDERS

Issue

The number of young children having contact with the juvenile justice system has been a concern to DCJS for several years. Virginia has had the Young Juvenile Offender Initiative since 2002 with priority for Title II grants.

Research has shown that a juvenile offense at ages 6-11 is the strongest predictor of subsequent violent or serious delinquency even if the offense did not involve violence¹⁹. It is the second strongest predictor for children aged 12-14.

Recent Virginia data confirm the pattern of offenses at a young age leading to later more serious delinquency. Of children committed to the Department of Juvenile Justice in 2003, almost three-fourths (73.5%) were first adjudicated at age 14 or younger²⁰.

Thousands of the children referred to court in Virginia each year are aged 13 or younger. Of the 63,000 children referred to court in 2005, almost 10,000 (9,813) were aged 13 and younger. Some of these children are penetrating further into the system. About 1,400 of the 17,000 admissions to secure detention facilities in 2005 were of children aged 13 or younger. Of the 992 children committed to juvenile correctional facilities in 2005, 28 were aged 13 or younger. Another 78 were aged 14. The usual stay in a secure detention facility is 3-4 weeks; in a juvenile correctional facility, it is 1-2 years.

Accomplishments

- ◆ The Young Juvenile Offender Initiative targets children aged 13 and younger who have had contact with the juvenile justice system. It has been a funding priority for Title II grants since 2002. Six grants were funded beginning in 2002 and continue; four additional grants were approved for funding in 2003 and began in the 2004 fiscal year. All of these grants were continued in the 2005 fiscal year. The Young Juvenile Offender grants are designed to replicate model programs that have been demonstrated effective.

¹⁹ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., & Cothorn, L. (2000). *Predictors of youth violence*. Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

²⁰ Waite, D., & Neff, J. (2004). *Profiles of incarcerated adolescents in Virginia's correctional facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

- ◆ A cross-site evaluation of the Young Juvenile Offender project sites has been funded since 2002 to measure for re-offense rates including new intakes, petitions, and adjudications; detention and commitment rates; school enrollment, attendance, behavior, and academic performance.
- ◆ A plenary session and workshop at the 2005 annual Juvenile Justice and Delinquency Prevention conference highlighted the principles of effective intervention with youthful offenders.
- ◆ A Title V continuation grant to James City County targets middle school students.
- ◆ Title V continuation grants to Newport News and Richmond provide cognitive/behavioral training for families with children aged 6-12 using the *Strengthening Families* model program.

ACCESS TO SERVICES FOR JUVENILES IN RURAL LOCALITIES

Issue

Access to services for juveniles who have had contact with the juvenile justice system is inconsistent across the state. With few exceptions, rural areas have fewer services available to the people in their communities.

Although the number of children who need services is fewer in rural areas, the lack of available local services is problematic. For juveniles, the lack of available services includes access to quality legal representation, including public defender services, and lack of diversion and post-adjudication programs and treatment services such as substance abuse, mental health, and sex offender treatment. For juvenile justice professionals, cost and time to access training may be problematic.

Accomplishments

- ◆ There were four JABG continuation grants awarded to the rural localities of Amherst, Campbell, Fluvanna, and Isle of Wight counties.
- ◆ Two of the six continuing 2002 Young Juvenile Offender (YJO) Title II grants were to rural localities. They were continued in the 2005 fiscal year.
- ◆ The tutorial, *The Kid in Trouble*, produced by the University of Virginia with Challenge funds for training on juvenile diagnosis, treatment and risk is on cd-rom, making the training readily accessible to juvenile justice professionals in rural areas. Additional copies of the cd-rom were reproduced during the 2005 fiscal year.
- ◆ The DCJS Juvenile Services grant application process is designed so that it increases access for small localities.
 - It is a two-stage process with a concept paper required before the full application to enable applicants to determine if their idea is acceptable before writing a full grant application.

- For JABG grants, there is a separate Request for Proposals that invites rural localities to apply for funding.
- Grant applications for Title II, Title V, and JABG funding continue to allow for small geographically adjacent localities to join together and submit one application.
- ◆ DCJS Juvenile Services publications and the juvenile justice system demographics web page are available online on the Juvenile Services Section web page at www.dcjs.virginia.gov/juvenile.

TRUANCY

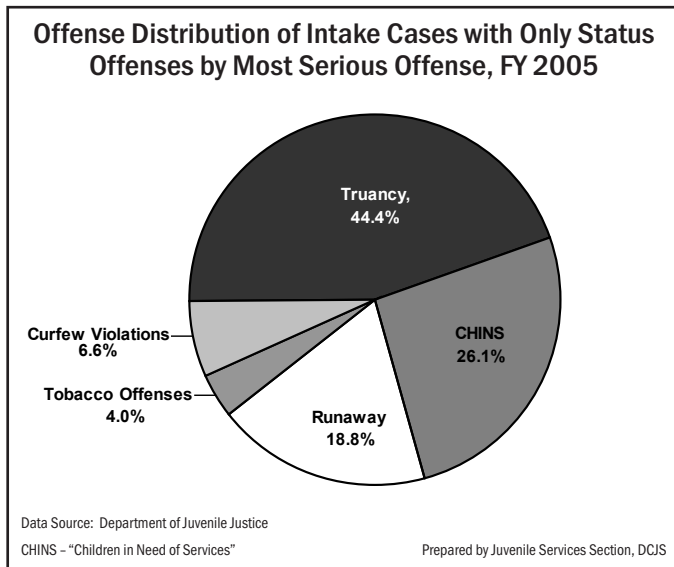
Issue

For any student who is absent five days without parental knowledge, Virginia law requires the school system to develop an intervention plan with a series of planned steps involving the school and the family. When earlier steps fail, the final required step is filing a petition in the juvenile and domestic relations district court²¹.

Truancy cases are impacting judicial workload and docket. In 2005, almost 5,000 children (4,865) were referred to court for truancy. Seventy-one percent of those were petitioned to court as *children in need of supervision*.

Truancy can have long-term implications. For children aged 12-14, school attitude and performance are moderate predictors of later violent or serious delinquency²². Most juveniles who are in juvenile correctional centers and thus are far into the juvenile justice system have little schooling. Over half of males committed in 2003 had completed only grade 6-8 and they read and write below that level²³.

Truancy is not just a problem of the child. A coordinated response among local community service providers is needed to respond to the individual and familial causes of truancy.



²¹ *Code of Virginia, Ann.*, §22.1-258 and 16.1-260B

²² Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., & Cothorn, L. (2000). *Predictors of youth violence*. Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

²³ Waite, D., & Neff, J. (2004). *Profiles of Incarcerated Adolescents in Virginia's Correctional Facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

Accomplishments

- ◆ Through Challenge funding to the Virginia Department of Education, a project was undertaken designed to increase knowledge in the school system about best truancy intervention practices. During the 2005 fiscal year, plans were made for a statewide Institute on truancy and regional forums. These will occur during the 2006 fiscal year.
- ◆ A Title V continuation grant to Petersburg was designed specifically to address truancy.
- ◆ New Title II grants to the City of Richmond, and Shenandoah County were designed to address truancy.

GANGS

When DCJS solicited input for priorities, gangs were identified as a problem by our sister agency, the Department of Juvenile Justice, and other community and juvenile justice professionals.

Although at that time there were no reliable data available on the gang problem in Virginia, it was seen as a concern by enough members of the juvenile justice community and the public that the Advisory Committee included it in the 2005 list of priority issues.

Juvenile Justice and Delinquency Prevention Grant Programs

Virginia participates in four grant programs that come under the purview of the Advisory Committee on Juvenile Justice. From the Office on Juvenile Justice and Delinquency Prevention, Virginia receives Juvenile Justice & Delinquency Prevention (JJDP) Title II Formula Grants, JJDP Title V Prevention Grants, JJDP Part E Challenge Grants, and Juvenile Accountability Block Grant (JABG) funds.

The Advisory Committee on Juvenile Justice reviews and comments on each of the Title II and Title V grant applications and those JABG grants that are not awarded to local governments by formula²⁴. For grants for continuation funding, the Advisory Committee requires a clear description of program accomplishments and evaluation data to assess the merits of continued funding. The Advisory Committee makes funding recommendations to the Criminal Justice Services Board, which has final authority to award these grant funds. The Advisory Committee also approves the priority areas for use of Challenge Grant funds.

TITLE II FORMULA GRANTS

Title II funds are allocated to states based on their youth population under age 18. To receive funds, states must be in compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act: deinstitutionalization of status offenders, sight and sound separation of juvenile and adult offenders, removal of juveniles from adult jails and lockups, and addressing disproportionate minority contact in the juvenile justice system.

Virginia's share of federal Title II funds in fiscal year 2005 was \$1,454,000. Funds were awarded to 9 new programs and 13 continuation programs. Title II funds may be awarded to local units of government or state agencies. Title II funds are available for a maximum of 5 years per program. After two years, community participation in funding is encouraged. The table below provides information about each of the funded projects.

The Young Juvenile Offender Initiative began in FY 2002 and is described in detail in the 2001 and 2002 Annual Reports. It was designed to foster the development of community-based sanctions and services for children under the age of 14 and to reduce the number of these children moving deeper into the juvenile justice system. New Young Juvenile Offender grants were awarded in 2002 and 2004. Many of those grants continue. They are identified in the project title as Young Juvenile Offender Initiatives.

14 ²⁴ This would include grants to state agencies, one-special fund grants, and grant to rural localities.

Title II Formula Grants Awarded Fiscal Year 2005		
Locality/Agency Project Title Contact	Amount of Award & Grant Year	Project Description
First Year Grants (in alphabetical order by locality)		
City of Hampton Detention Alternative Utilization & Review <i>Mary L. Allen</i> 757-825-4590	\$42,345	Detention expeditor to monitor placements in the juvenile detention system to expedite early release or step down to alternative programs.
Loudoun County Detention Alternatives <i>Robert Chirles</i> 703-771-0185	\$69,371	Detention expeditor to facilitate community placement of appropriate youth with detainable offenses or who are already detained.
City of Newport News Detention Alternatives <i>William J. Sharkey</i> 757-926-8891	\$45,706	Detention expeditor to reduce the average daily population & length of stay in detention centers.
City of Norfolk Detention Alternatives <i>N. Clark Earl</i> 757-664-6101	\$45,706	Detention expeditor to identify non-secure alternatives for juveniles pending trial or disposition. Development of a collaborate network to expedite hearings and judicial reviews.
City of Richmond CORTIP <i>Sandra Martin</i> 804-646-3763	\$99,706	Adaptation of the Colorado truancy case manager model. Clients are provided services to respond to the unexcused absences. The court, schools, and the Commonwealth Attorney are the primary partners.
Roanoke County Functional Family Therapy <i>Gina Bevins-Wilburn</i> 540-345-9841	\$190,865	Program is designed to serve approximately 30-40 youth age 11-18 in the 23 rd Court Services District. <i>Model Program: Functional Family Therapy</i>
Shenandoah County Truancy Reduction <i>Rod Jones</i> 540-667-5770	\$59,161	Program assesses the needs of high-risk truant students age 7-17 & their families & provides community services. School performance & family participation are monitored.
Warren County Restorative Justice Conferences Edward F. Wilkins 540-740-4178	\$26,476	Program provides restorative justice and truancy conferences for children referred to court or petitioned to court for truancy.

Title II Formula Grants Awarded Fiscal Year 2005		
City of Lynchburg Young Juvenile Offender Initiative <i>Carolyn Pritchard</i> 434-929-8224	\$99,269 2 nd year	Program uses a comprehensive community assessment model to serve offenders under age 14 at the time of adjudication in Amherst, Campbell, Bedford, Appomattox and Nelson Counties, and the Cities of Bedford and Lynchburg. Multi-Systemic Therapy is available for some of the youths.
Newport News / Hampton Young Juvenile Offender Initiative <i>Larry Robinson</i> 757-926-8717	\$72,528 3 rd year	Joint Newport News and Hampton program for juveniles under age 14 and their families to develop problem-solving skills, maintain structure, and provide access to community resources.
Portsmouth Tidewater Regional Group Home Commission Aftercare Program <i>David L. Hawkins</i> 757-488-9161	\$22,001 4 th year	Enhanced supervision and case management system for treating adjudicated juvenile sex offenders.
City of Richmond Richmond Dept. of Juvenile Justice Services Young Juvenile Offender Program <i>David Avery</i> 804-646-3763	\$37,500 3 rd year	Program provides services to status and delinquent offenders age 7 to 11 and their families residing in the Bellemeade/Hillsdale community of the City of Richmond. Interagency service teams located in two elementary schools and public housing projects provide services.
City of Virginia Beach Young Juvenile Offender Initiative <i>William R. Butler</i> 757-437-6203	\$68,555 2 nd year	Project reflects the expansion of an existing Multi-Systemic Therapy Program (MST) to serve adjudicated youth under the age of 14. <i>Model Program: Multi-Systemic Therapy</i>
Virginia Department of Criminal Justice Services Evaluation of the Young Juvenile Offender Initiative <i>Dr. James McDonough</i> 804-371-0532	\$59,311 2 nd year	Evaluation methodology includes implementation and outcome components and data collection. Analysis is at both the site level and across all funded sites.
Wise County Young Juvenile Offender <i>Paul Kuczko</i> 276-523-5064	\$70,463 3 rd year	Project serves young juvenile offenders under the age of 14 who reside in the counties of Lee, Wise, Scott & and the city of Norton. This program assesses repeat offenders and their siblings. It also provides incentives for transportation, flexible scheduling & in-home services.

Title II Formula Grants Awarded Fiscal Year 2005		
York County Young Juvenile Offender Program <i>Anne B. Smith</i> 757-890-3880	\$158,348 2 nd year	Functional Family Therapy (FFT) Model Program to enhance protective factors within families of adjudicated youth under the age of 14 for York County, James City County and the City of Williamsburg. Neighboring localities can purchase services on a case-by-case basis. <i>Model Program: Functional Family Therapy</i>

TITLE V PREVENTION GRANTS

Title V of the JJDP Act provides a source of funds for states to award grants to communities for delinquency prevention and early intervention programs. Grantees must be in compliance with the four core requirements of the JJDP Act, have an approved comprehensive delinquency prevention plan, and provide a match, either cash or in-kind, of at least 50% of the federal dollars awarded. Title V funding was first available in Virginia in 1995. Localities are eligible for up to 36 months of Title V funding.

Virginia was awarded \$336,000 in Title V federal funds for fiscal year 2005. Grants were designed to address needs identified in localities' Three-Year Comprehensive Community Delinquency Prevention Plans.

In the 2005 fiscal year, no new Title V grants were awarded. Seven localities received continuation funding. The table below provides information about each of the funded projects.

Title V Prevention Grants Awarded Fiscal Year 2005		
Locality/Agency Project Title Contact	Amount of Award & Grant Year	Project Description
Continuing Grants (<i>in alphabetical order by locality</i>):		
Isle of Wight County Reaching Out- Reconnecting Youth <i>Donald Robertson</i> 757-365-6202	\$31,577 2 nd year	Program uses a partnership model involving peers, school personnel and parents to deliver interventions to decrease drug involvement, increase school performance and decrease emotional distress. Youth in grades 9-12 who are at-risk for school suspension or dropout are the target group. <i>Model program: Reconnecting Youth</i>
James City County Beyond the Bell <i>Seth Benton</i> 757-259-3219	\$56,465 3 rd year	Middle school after-school program. The goals of the program are to increase socialization, decrease substance abuse, enhance academic performance & increase positive parental involvement.
Loudoun County Preventing Adolescent Pregnancy & Friendly PEERsuasion <i>Charleen Johnson</i> 703-777-0392	\$65,000 3 rd year	Program focuses on preventing pregnancy & substance use. The target group is Hispanic girls ages 9-18. <i>Model Program: Girls Inc.</i>

Title V Prevention Grants Awarded Fiscal Year 2005		
<p>Newport News Strengthening Families Project <i>Rosanne D. Walters</i> 757-727-2134</p>	<p>\$52,879 2nd year</p>	<p>Program provides family systems and cognitive-behavioral training to 56 families in Newport News with children ages 6 – 12. The goal is to prevent delinquency by improving family relationships and parenting skills and increasing social and life skills of youth.</p> <p><i>Model program: Strengthening Families</i></p>
<p>City of Petersburg Petersburg Court Services Unit Petersburg Operation Save Kids <i>Frances Hayes Brown</i> 804-733-2371</p>	<p>\$62,286 3rd year</p>	<p>Program uses a multi-agency approach to reduce truancy by providing counseling and supervision to truant youth with 5 or more absences and their families.</p> <p><i>Model program: Operation Safe Kids</i></p>
<p>City of Richmond Strengthening Families Programs <i>David Avery</i> 804-646-3763</p>	<p>\$45,989 2nd year</p>	<p>Project is to develop a Strengthening Families Program for families and youth age 6-10. Iowa State University provided replication training to ensure fidelity to its model.</p> <p><i>Model program: Strengthening Families</i></p>
<p>City of Richmond Functional Family Therapy <i>David Avery</i> 804-646-3763</p>	<p>\$65,000 3rd year</p>	<p>Program assists children in a high-risk neighborhood who are assessed at level 3 or 4 of the Richmond DJJS Graduated Level System Placement Guide. The goal is to improve family management & cohesiveness & reduce youth recidivism.</p> <p><i>Model program: Functional Family Therapy</i></p>

JUVENILE ACCOUNTABILITY BLOCK GRANTS (JABG)

The Juvenile Accountability Block Grant (JABG) program was first established in the 1998 federal Appropriations Act. It is a federal block grant program designed to promote greater accountability in the juvenile justice system. This grant allows States to strengthen their policies, programs, and administrative systems that foster the creation of safe communities. The underlying supposition is that young people, their families, and the juvenile justice system must be accountable for improving the quality of life in every community.

States and units of local government eligible for receiving JABG funding must establish a planning body, a Juvenile Crime Enforcement Coalition (JCEC). The DCJS has delegated this responsibility to the Virginia Advisory Committee on Juvenile Justice.

Like Title II funds, JABG funds are allocated to states based on their youth population under age 18. Virginia's share of JABG funds in FY2005 was \$994,400.

JABG funds may be awarded to local units of government or state agencies. Most funds are distributed directly to units of local government on a formula basis. Localities must qualify for a \$10,000 minimum under the allocation formula to receive an award.

In Virginia, remaining funds are directed specifically to rural localities or are used for grants to state agencies. In 2005, there were 4 continuation grants to rural localities and 4 continuation grants to state agencies. The table below provides information about these grants.

JABG Grants Awarded Fiscal Year 2005		
Locality/Agency Project Title Contact	Amount of Award & Grant Year	Project Description
Continuing Rural Grants <i>(in alphabetical order by locality)</i>		
Amherst County Implementing Multi- systemic Therapy <i>Barbara Crowder</i> 434-948-4831	\$69,841 2 nd year	Program provides multi-systemic therapy, an intensive family and community-based treatment to address multiple dimensions of serious antisocial behaviors in chronic, violent, juvenile offenders. <i>Model Program: Multi-Systemic Therapy</i>
Campbell County Anger Management Services <i>Juanita F. Irby</i> 434-592-9573	\$13,320 2 nd year	Program provides anger management training for juveniles age 14-17 who have been adjudicated delinquent.

JABG Grants Awarded Fiscal Year 2005		
Fluvanna County Graduated Sanctions Program <i>Dr. Jacqueline A. Meyers</i> 434-591-1910	\$67,500 2 nd year	Program ensures availability of a continuum of services for disposition of juvenile cases.
Isle of Wight County Victim/Witness Impact Program Palinda Belcher 757-365-6260	\$39,662 2 nd year	Program goal is to enhance community-based sentencing alternatives. Key components include victim and neighborhood-focused community service, victim-offender reconciliation and victim-offender groups.
Continuing Grants to State Agencies (in alphabetical order):		
Department of Juvenile Justice (DJJ) Alternatives to Detention: Day Reporting Centers Scott Reiner 804-371-0720	\$450,000 2 nd year	Program provides day reporting centers as sanctioning and dispositional alternatives for juvenile offenders who are probation/parole violators and likely to be placed in secure detention.
Department of Juvenile Justice Transitional Services: Independent Living Program Angela Valentine 804-225-3911	\$450,000 2 nd year	Program provides independent living beds as a step-down from incarceration in a juvenile correctional center or transition from a halfway house. The goal of the program is to promote public safety and reduce recidivism by focusing on life and employment skills while providing supervision and structure.
Department of Juvenile Justice Sex Offender Treatment Program Scott Reiner 804-371-0720	\$273,600 3 rd year	DJJ disperses funds among 5 court service units for treatment and consultation services for community-based sex offender treatment programs in 5 localities.
Department of Mental Health/Mental Retardation and Substance Abuse Services Mental Health Needs of Juvenile Offenders Janet Lung 804-371-2137	\$465,660 2 nd year	Implementation of 5 collaborative pilot projects between local Community Service Boards and detention centers to provide mental health and substance abuse services to juveniles in detention, and assist juveniles during the transitional process into the community.

TITLE II, PART E CHALLENGE AWARDS

The purpose of State Challenge grants²⁵ is to provide incentive for states participating in the formula grants programs to develop, adopt, and improve policies and programs in any of ten specified Challenge areas. Federal Challenge awards ended with the 2003 awards. Federal awards are for two years, and an additional extension year may be allowed and was allowed for Virginia's 2002 grant. Therefore, there were activities pertaining to the 2002 and 2003 awards during fiscal year 2005. Virginia's priorities for the 2003 Challenge award were:

- ◆ Increasing the effectiveness of prevention and intervention efforts aimed at keeping children in school,
- ◆ Improving mental health services for juvenile offenders, and
- ◆ Improving access to quality legal representation for juveniles with contact with the juvenile justice system.

These are in keeping with Virginia's overall priorities for 2005, as described in the *Priorities and Accomplishments* section. Virginia's allocation for FY 2003 under the Challenge program was \$286,000.

Agency Project Title Contact	Project Description
University of Virginia, Institute of Law, Psychiatry & Public Policy Assessment, Diagnosis and Treatment of Mentally Ill and at Risk Juveniles: An Integration of Training, Policy and Research Dr. Janet Warren 434-924-5435	Purchase of additional copies of the cd-rom, <i>The Kid in Trouble: Issues of Development, Diagnosis, Treatment and Risk: A cd-rom Tutorial</i> , developed under a previous grant. The cd-rom was designed to train non-clinicians about mental health issues for juveniles in the juvenile justice system or at risk for entry.
Virginia Department of Education Truancy Project Dr.Cynthia Cave 804.225.2818	A Truancy Advisory Committee was established. Challenge funds paid for them to attend the National Truancy Conference in December 2004. They have met to begin planning a statewide institute (September 2005) and regional forums.
Virginia Indigent Defense Commission Juvenile Defenders Summit Alice Sheridan 804.662.7249, ext. 29	The Indigent Defense Commission was provided funds for a juvenile defender summit for public defenders and private attorneys. It occurred in October 2004.

²⁵ The 1992 reauthorization of the JJDP Act of 1974 added Part E, State Challenge Activities, to the programs funded by OJJDP.

Requirements of the Juvenile Justice and Delinquency Prevention Act

To receive funding under the Juvenile Justice and Delinquency Prevention (JJDP) Act, states are required to comply with four core requirements of the Act: deinstitutionalization of status offenders, sight and sound separation of juvenile and adult offenders, removal of juveniles from adult jails and lockups, and reduction of minority overrepresentation in the juvenile justice system.

Virginia has gone beyond the federal requirements for compliance monitoring by creating a system of record-keeping and on-site inspection that ensures that all juvenile facilities are monitored continuously and receive on-site inspection at least annually. Jurisdictions with verified violations are provided technical assistance and educational training about the proper placement of juveniles.

Annually, Virginia's Compliance Monitor visits all of Virginia's 25 secure juvenile detention facilities, the 9 lockups that are certified by the Department of Corrections to hold juveniles for up to 6 hours, and all 16 regional jails that are certified to hold juveniles. Site visits are made to the remaining 58 local and regional jails every three years. An annual site visit and review of records at the Reception and Diagnostic Center, the intake point for juveniles committed to the Department of Juvenile Justice, enables monitoring of juveniles committed to juvenile correctional centers. Because of the change in sight and sound separation requirements, on-site monitoring of juvenile correctional centers will occur more regularly.

Since 1994, the Advisory Committee on Juvenile Justice²⁶ has restricted grant funding for any locality that has demonstrated an unjustifiable pattern of compliance violations. A special compliance improvement funding category is available to these localities. To access these funds, the locality is required to establish a corrective action plan, agree to self-reporting of all new violations, and be subject to quarterly on-site compliance monitoring inspections until it demonstrates that no violations have occurred for a full fiscal year.

Annual training regarding the JJDP Act and the *Code of Virginia* is provided by the Department of Criminal Justice Services to juvenile justice system professionals such as Court Service Unit Directors, Juvenile and Domestic Relations District Court Judges, Detention Home Superintendents, sheriffs, police and other law enforcement personnel. Individual locality training is made available upon request.

The four core requirements are summarized in the following sections. Data are provided showing Virginia's compliance with the core requirements.

²⁶ Formerly the Juvenile Justice and Delinquency Prevention Advisory Committee.

DEINSTITUTIONALIZATION OF STATUS OFFENDERS

Juveniles who are charged with or adjudicated for conduct that would not be criminal if committed by an adult are *status offenders*. Neither status offenders nor non-offenders such as abused and neglected children may be placed in secure detention facilities or correctional facilities²⁷. Status offenders include, but are not limited to, truants, runaways, and minors in possession of alcohol²⁸. Violations of the JJDP Act occur when accused status offenders are held in secure juvenile detention centers for more than 24 hours, excluding weekends and holidays, and when adjudicated status offenders are held for any length of time in secure detention centers or any adult jail or municipal lockup. Under no circumstances may children be placed in secure detention facilities because of abuse and neglect.

Despite prohibitions within the *Code of Virginia*, and federal regulations addressing the deinstitutionalization of status offenders and non-offenders, on occasion violations are recorded. The federal government allows states to have a limited rate of violations and still be found in compliance with the JJDP Act.

In fiscal year 2005, there were 68 violations in Virginia of accused or adjudicated status offenders or nonoffenders held in secure detention facilities for more than 24 hours.

In addition, there were detained status offenders who fell under the exceptions provisions of the JJDP Act. For violations of court orders, 2,867 status offenders were placed in secure detention. Another 635 juvenile status offenders who violated the Youth Handgun Safety Act were placed in secure detention; 99 were placed in juvenile correctional centers. Thirty federal wards were placed in juvenile detention centers.

For the 2005 fiscal year, Virginia's deinstitutionalization of status offenders violation rate was 3.82/100,000 juveniles, which falls well below the allowable federal compliance rate.

²⁷ Under the provisions of the Juvenile Justice and Delinquency Prevention Act, status offenders who violate a court order, violate the Youth Handgun Safety Act, or have been held under the Interstate Compact on Juveniles may be placed in secure detention or correctional facilities.

The *Code of Virginia* was amended in 2002 to permit the placement of juveniles in secure detention for violation of probation or parole only when their original offense was a felony or a Class 1 misdemeanor, not a status offense (Va. Code Ann. § 16.1-248.1(A1)).

²⁸ In Virginia, possession of alcohol by a minor is a Class 1 misdemeanor offense under *Virginia Code* §4.1-305.

In contrast, under the provisions of the federal Juvenile Justice and Delinquency Prevention Act, possession of alcohol by a minor is considered a status offense (42 U.S.C. § 5633, sec. 223(11)).

SIGHT AND SOUND SEPARATION

The JJDP Act provides that during the temporary period that a juvenile may be held in an adult jail or lockup, no sight or sound contact is permitted between the juvenile and adult inmates. Virginia law prohibits the placement of a juvenile in any secure adult facility that has not been approved by the Department of Corrections for the detention of juveniles. Sight and sound separation is a requirement for approval. The Department of Criminal Justice Services collaborates with the Department of Corrections' certification team to ensure that uniform standards of sight and sound separation are used throughout the Commonwealth. A facility that exhibits a pattern of violations is subject to losing its certification to hold juveniles from the Board of Corrections. There have been no violations regarding an adult jail or lockup since 1997.

Early in 2003, DCJS was made aware of a policy change by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). There are two categories of persons in Virginia's juvenile and correctional facilities who have been sentenced while juveniles but whose sentence may exceed their 18th birthday: those sentenced as juveniles in juvenile court and those sentenced as adults in circuit court and placed in a juvenile facility under Virginia's blended sentencing provisions for juveniles. Past policy permitted contact between persons sentenced as adults in circuit court and juveniles as long as they had "continuous stay" in juvenile facilities. OJJDP's change in policy prohibits contact between persons sentenced as adults while juveniles when they become over age 18½²⁹ and juveniles under age 18.

In Virginia in the 2005 fiscal year, there were 146 persons over the age of 18½ in juvenile correctional centers who were sentenced in circuit court. These persons are now considered *adult inmates*. Each juvenile who comes into contact with one of these persons represents a violation of the sight and sound provision. Virginia developed and submitted a plan to OJJDP to meet federal requirements to come into compliance with the policy change by May 2006.

The *Code of Virginia* permits co-located facilities, that is, adult and juvenile facilities located on the same site³⁰. A workgroup with representation from the Departments of Criminal Justice Services, Juvenile Justice, and Corrections has developed compliance and regulatory protocols related to co-located facilities. Each agency has responsibility for different aspects of the facility certification and monitoring. Currently, Virginia has six co-located juvenile detention facilities. All are in compliance with federal and state regulations for co-location of juvenile secure detention facilities.

²⁹ A 6-month grace period is provided by OJJDP.

³⁰ A co-located facility is defined as a separate juvenile detention facility, located upon the site of an adult regional facility approved and certified by the Department of Juvenile Justice (*Code of Virginia* §16.1-249(5)).

REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

Juveniles accused of committing a delinquent act may be held in temporary custody, not to exceed 6 hours, at an adult jail or lockup for purposes of identification, processing, interrogation, transfer to a juvenile facility, court appearance or release to parents (jail removal). This federal jail removal exception includes 6-hour time periods both immediately before and after a court appearance, provided that the juvenile has no sight and sound contact with incarcerated adults during this time³¹.

In fiscal year 2005, there were 6 violations of this requirement. They all fell under an exception to Virginia's law prohibiting the placement of juveniles in jails. The *Code of Virginia*³² allows a judge to transfer a juvenile who is 14 years or older from a secure juvenile detention facility to an adult facility if it is determined that his or her presence is a demonstrated threat to the safety or security of other juveniles or staff of the juvenile facility. Under such placements, the separation and supervision requirements for juveniles within an adult facility must be met. Virginia's rate of jail removal violations per 100,000 for 2005 was 0.34.

DISPROPORTIONATE REPRESENTATION OF MINORITY YOUTH IN SECURE FACILITIES

In Virginia and nationally, African American youth have been disproportionately represented at all stages in the juvenile justice system in comparison to their proportions in the juvenile population. Minority overrepresentation in the juvenile justice system is a national, state, and local problem. Under the JJDP Act, states must address the disproportionate representation of minority youth in secure facilities, where such conditions exist.

In Virginia, the data show a potential pattern of racial disparity, particularly at the court referral and correctional center commitment stages. These data are depicted graphically in the *Issues and Accomplishments* section of this report. That section also describes the strategies that Virginia has used to reduce minority overrepresentation in the juvenile justice system.

³¹ The JJDP Act of 2002 (effective November, 2003) permits extension of this time for juveniles accused of delinquent offenses who are awaiting an initial court appearance in a jail or lockup that is in a rural area or where conditions of safety do not allow for reasonably safe travel (42 U.S.C §5633, sec.223 (13B)).

³² *Code of Virginia*, § 16.1-249.E

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³³ As of October 2006. Includes senior management (listed first) and Juvenile Services Section staff assigned to programs under the JJDP Act.

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