

Heidi W. Abbott, Chair
Tamara Neo, Vice-Chair
Karen Cooper-Collins, Secretary
Tyren Frazier
David R. Hines
Helivi L. Holland
Robyn Diehl McDougle
Dana G. Schrad
Kenneth W. Stolle



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COMMONWEALTH of VIRGINIA

Board of Juvenile Justice

MEETING MINUTES

April 24, 2015

Main Street Centre
600 East Main Street, 12th Floor, Conference Room South
Richmond, Virginia 23219

Board Members Present: Heidi Abbott, Tyren Frazier, Helivi Holland, Robyn Diehl McDougle, Tamara Neo (participating by telephone), Dana Schrad, Kenneth Stolle

Board Members Absent: Karen Cooper-Collins, David Hines

Department of Juvenile Justice (Department) Staff Present: Andrew "Andy" K. Block, Jr., Valerie Boykin, Vincent Butaitis, Greg Davy, Lisa Floyd, Daryl Francis, Wendy Hoffman, Jack Ledden, Mark Lewis, Joy Lugar, Andrea McMahan, Mike Morton, Mark Murphy, Jim Nankervis, Margaret O'Shea (Attorney General's Office), Barbara Peterson-Wilson, Deron Phipps, Paul Reaves, Jr., Ralph Thomas, Angela Valentine, Janet Van Cuyk, Robert Wade

Guests Present: Michael Cassidy (Commonwealth Institute), Judy Clarke (Virginia Center for Restorative Justice), Kate Duvall (JustChildren Program), Laura Goren (Commonwealth Institute), Christa Pierpont (Blue Ridge Criminal Justice Board), Jeree Thomas (JustChildren Program), Tom Woods (Annie E. Casey Foundation), Amy Woolard (Voices)

CALL TO ORDER

Chairperson Heidi Abbott called the meeting to order at 9:41 a.m.

INTRODUCTIONS

Chairperson Abbott welcomed all that were present and asked for introductions.

APPROVAL of January 6, 2015, MINUTES

The minutes of the January 6, 2015, Board meeting were provided for approval. On MOTION duly made by Helivi Holland and seconded by Dana Schrad to approve the minutes as presented. Motion carried.

PUBLIC COMMENT PERIOD

Representing the Blue Ridge Criminal Justice Board, Christa Pierpont provided support on the proposed Length of Stay (LOS) guidelines that are on today's Board agenda.

Judy Clarke, representing the Virginia Center for Restorative Justice, provided the Board with handouts (attached) on restorative justice in Virginia. Ms. Clarke travels across the United States to high poverty, high crime areas teaching and providing technical assistance in the establishment of restorative justice through schools, courts, and detention centers as an intervention for juveniles at risk.

Jeree Thomas, representing the JustChildren Program, strongly supports the proposal before the Board today on the changes to the LOS guidelines. Ms. Thomas conveyed a story about a client who would be positively impacted by the changes. Ms. Thomas went on to say that the proposed LOS guidelines are not only a step toward Virginia aligning with the rest of the country, but a step towards research based practices and the just treatment of youth based on their individual needs. The JustChildren Program encourages the Board to approve the proposed changes to the LOS guidelines.

Jim Nankervis, representing the Court Service Unit Directors Association (CSUDA), fully supports the proposed changes to the LOS guidelines. Mr. Nankervis stated that not only are the revisions supported by research and data but also align with the other positive changes being made in the juvenile correctional centers, the Department overall, and in the community.

DIRECTOR'S CERTIFICATION ACTIONS

Deron Phipps, Policy and Planning Manager, Department.

Mr. Phipps presented the Director's certification actions that were completed on February 1, 2015. In summary, each of the court service units (CSU) audited were found to be compliant with the regulatory requirements and certified for three years. Fairfax Juvenile Detention Center was certified for three years with 100% compliance on all regulatory requirements and received a congratulatory letter. Lynchburg Regional Juvenile Detention Center, following an implementation of a corrective action plan pertaining to tuberculosis (TB) screenings, was certified for three years with a status report in six months on the TB screenings. The Lynnhaven Boys' Home and Norfolk Juvenile Detention Center were found to be compliant with the regulatory requirements and certified for three years.

OTHER BUSINESS

Department Regulatory Update

Barbara Peterson-Wilson, Regulatory and Policy Coordinator, Department

Ms. Peterson-Wilson summarized the Department's regulatory update (page 42 of the Board packet) which requires no action by the Board at this time. There were additional updates not found on the summary. Executive Order 17 (2014) is a reissuance of an existing requirement that mandated all Department regulations be reviewed every four years. The Department is behind in that requirement. The Department will publish the Public Participation Guidelines and the Regulations Governing Juvenile Work and Educational Release Programs in the Virginia Register of Regulations in May that includes a public comment period.

A Roadmap for Transforming Juvenile Justice in Virginia

Andy Block, Director, Department

Prior to today's meeting, Director Block met with Board members individually to explain in detail the proposed revisions to the LOS guidelines. Board Members Holland and Cooper-Collins suggested a presentation would be helpful on the LOS modifications in context with other Departmental changes to understand how it all fits together.

Director Block provided his presentation (attached) with significant items noted below.

Slide 3

In the fall 2014, the Department invited the Annie E. Casey Foundation (AECF) to conduct an assessment of Virginia's juvenile justice system.

Slide 4

A glaring fact is the amount of money spent on youth in the Department's facilities and the relatively low rate of return received on that investment with approximately 80% of the youth being re-arrested within three years of their release. This is a major concern.

Slide 7

The AECF findings were not surprising but were troubling. The assessment results found our facilities had a high rate of violence, aggressive behavior in our residents, lack of educational opportunities, and a lack of family connection. AECF also found that the Commonwealth has different practices and approaches throughout its CSUs.

The AECF asked personnel from the Missouri Youth Services Institute (MYSI) to visit the Department. MYSI imbedded for two weeks in the facilities and followed staff and talked with residents.

Slide 9

Detention is a predictor of deeper penetration into the juvenile correctional system.

Slide 11

In August 2014, the Department was one of only six states awarded a juvenile reentry planning grant by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention to develop and finalize a comprehensive statewide juvenile reentry plan. Upon development of the reentry plan, the Department will then be eligible to apply for a second, multi-year grant of up to \$2 million to implement the plan.

Board Member Stolle had several questions about the type of charges resulting in state or local detention. Director Block noted that the percentage of youth who are state committed is lower than the percentage of youth placed in detention. Janet Van Cuyk explained that in 2014 there were 43,811 juvenile intake complaint cases, of those cases 10,038 resulted in local or regional detention; only 392 resulted in state commitment; and of those 392 cases, 5.6% of juveniles have their most serious committing offense as a misdemeanor. Director Block stated that Virginia, compared to other states, does a good job willowing out lower level offenders.

Board Member Stolle and Ms. Van Cuyk exchanged dialogue discussing the recidivism rate involving state commitments and local detention. Board Member Stolle noted that part of the changes to sentencing is to shift responsibility back to the localities; need to make sure the localities are able to handle this shift of responsibility and can do a better job than the Department. Director Block stated that the Department has developed the Community Placement Program (CPP) which pre-purchases local juvenile detention beds for committed youth. An agreed upon Memorandum of Understanding (MOU) is used that outlines expectations of the youth while they are located in the detention centers. This is the first year of this program; initial results are very promising. The Department will be looking into making performance measures a part of the MOU because of the varying practices in local juvenile detention centers.

Length of Stay Guidelines: Proposed Changes 2015

Janet Van Cuyk, Legislative and Research Manager, Department

Ms. Van Cuyk provided her presentation (attached) with significant items noted below.

Slide 4

Juvenile and Domestic Relations District Court Judges have two options when sentencing juveniles: indeterminate commitment is govern by the LOS guidelines or determinate commitment which is a defined length decided by the judge.

14.3% of juveniles who are committed indeterminately have a misdemeanor as the most serious committing offense and 26.5% have larceny as the most serious committing offense. 57.3% of juveniles who are committed determinately have robbery as their most serious committing offense.

Slide 7

The LOS guidelines were last modified by the Board in 2008; the most substantive changes included moving drug offenses to a lower category and requiring an administrative review for misdemeanors offenders who are committed for longer than a year. They have remained relatively the same since 1998.

Slide 9

The average LOS in Virginia is 18.2 months and if you take out the determinate commitment numbers, the average LOS in Virginia is 16.1 months, which is still very high compared to other states.

Board Member McDougle asked, regarding the 8.4 months (estimated national average for LOS) and 9.1 months (LOS in six comparable states), does that include either determinate and indeterminate commitments or just indeterminate commitments.

Ms Van Cuyk responded that the national data does not distinguish between indeterminate and determinate commitments.

Board Member Holland asked for the average recidivism rate nationally or in the comparable states.

Ms. Van Cuyk replied that we do not have the data on those recidivism rates. What we do have are Virginia recidivism rates for youth based on their LOS over a period of time which we compared to the national LOS. It was determined from that comparison, that there is a point when incarceration has no benefit for the youth.

Annie E. Casey Foundation Senior Analyst Tom Woods responded that there is no national definition of recidivism. There is no consistent practice either state to state or jurisdiction to jurisdiction in measuring recidivism.

Board Member Holland asked, so using 8.4 months (estimated national average LOS) as our guide as to whether Virginia is too high or too low, do we not know what 8.4 months means with regards to recidivism.

Ms. Van Cuyk replied that the Pew Charitable Trusts brief provided to the Board looked at recidivism rates based on LOS in individual states; however, there is now way to compare across states. Adult correctional centers look at recidivism rates the same way in every state; they look at their releases and their 12 month state-responsible reincarceration rates. The Department analyses recidivism in many ways but the Department is unable to compare with other states because of different populations, facility types, and methodologies.

Director Block stated that just because Virginia is different than the national average is not a reason in itself to change; however, it is an indicator to evaluate the Department's program and practices and pay attention to other states data.

Board Member Stolle stated that when the Division of Youth and Family Services changed to the Department in 1995 or 1996, they adopted all the policies in 1998. One of the beliefs the General Assembly was convinced of by the Department, at the time, was the existence of a crime prone age group for violent crimes (ages 15 to 24) and the longer you incarcerate a juvenile in that crime prone age group the less likely they were to become a harden criminal. Are you saying that data is incorrect?

Ms. Van Cuyk indicated yes that data was incorrect. Since then, large amounts of research has been done on juveniles and their outcomes. There is a period of time where research has said that criminal activity declines closer to the age of 30. When you look at juveniles regardless of age, there is no increase prophecya for violent acts at a specific time or with a specific population and there is a point where longer incarceration does not serve to improve outcomes.

Board Member Stolle indicated that he does not think that is what the data suggests. The data suggests that an individual who has committed at least two violent offenses as a juvenile in that crime prone age group was likely to reoffend as a violent offender at a higher prophecya then other juveniles.

Ms. Van Cuyk replied that our best data is on the committed youth. The juveniles committed for violent offenses, when they are released, reoffend nonviolently at higher rates than other offenses. The juveniles committed for nonviolent and misdemeanor offenses have a higher rate of re-offense after release that is for violent offenses.

Slide 10

Board Member Holland asked while doing your research, did you look at any common denominators, such as age or IQ or are you only looking at LOS.

Ms. Van Cuyk responded that for this analysis the Department only looked at LOS. However, we have looked at factors that are significant in assessing risk for reoffending that included age at first intake into the system, and youth with multiple offenses. These individual demographic factors are incorporated in the Youth Assessment and Screening Instrument (YASI) which assesses the risk level in the proposed changes.

Board Member Neo requested the identification of the six states identified in Slide 9 as comparable states and why were they comparable.

Ms. Van Cuyk stated that during the McDonnell Administration the Department contracted with a company called KMD to complete an assessment of our juvenile justice system and they chose the six states. Tom Woods followed on that the six states were Indiana, Oregon, Missouri, Maryland,

Massachusetts, and South Carolina. The states were chosen based on their size and composition of their youth population as being comparable to Virginia.

Board Member Stolle asked if it was safe to say that the comparison states are only there to compare the numbers nationally; and that your recommendations are based on state information.

Ms. Van Cuyk acknowledged that yes, the proposed changes to the LOS guidelines is based on Virginia information.

Slide 11

Chairperson Abbott asked for a point of clarification, most person felony offenses are determinant and secondly is there discretion within the LOS guidelines particularly with felony offenses.

Ms. Van Cuyk responded that a higher rate of juveniles with person felony offenses receives a determinant commitment. If the juvenile has a person felony offense with an indeterminate commitment, there is flexibility in the proposed LOS guidelines to address the issue. The LOS may be extended until the statutory release date, 36 continuous months or the 21st birthday whichever occurs first.

Slide 12

Board Member Holland asked how the Department solicits public comment. The concern is specifically for the judges, victim groups, and the Commonwealth's Attorney Association. The concern is with judges and prosecutors who might seek more determinant commitments because of the fear of having to tell a victim there is a possibility the person on trial will be returning home sooner. Board Member Holland needs a comfort level that other groups have had a chance to respond, not the usual group that checks on the happenings of the Department.

Ms. Van Cuyk detailed the public comment process. The proposed LOS guidelines were posted to the Department's website and the Regulatory Town Hall. Regulatory Town Hall has the ability for any person in the Commonwealth to sign up to track the actions of state government including when public comment periods are opened. If an individual signed up to track the Department's action they would be notified of the public comment period. Barbara Peterson-Wilson sent an email to those signed up to track the Department and provided them a copy of the proposed LOS guidelines.

Director Block noted that the Department is responsible for the Judicial Liaison Committee and has shared the proposed LOS guidelines with the Chairman of the Committee. In addition, he is scheduled to speak next week to all the juvenile court judges at their annual conference. Director Block has not talked to everybody and frankly many people do not know what the Department does or how long juveniles stay because the youth are out of sight, out of mind. Hopefully this process will make LOS more transparent.

Slide 13

The Director maintains the ability to hold any juvenile longer if the juvenile is a risk to public safety.

Board Member Stolle asked if the current process allowing the Director to make decisions on who to hold passes due process.

Director Block responded that yes it conforms to due process. As long as the decisions are not arbitrary and capricious and based on individual factors.

Attorney General Representative Margaret O'Shea indicated that the United States Supreme Court has directly held that you do not have a constitutional due process right to release prior to the expiration of the state term of confinement. By statute when there is an indeterminate commitment, the juvenile can only stay up to 36 months so you have no due process right to release prior to that and, if you do get released, good for you; but, there is no particular due process considerations in terms of the Director's authority. The Director of the Department cannot hold juveniles beyond their statutory dates as cited in *Greenholtz v. Inmates of the Nebraska Penal & Correctional Complex*. This is cited all the time for adults and it applies to juveniles too.

Board Member McDougle asked that the purpose of these new changes is to have a clear uniformed framework; it is discretion but it is discretion based upon factors that were not there before.

Director Block said correct. The current system considered fewer factors and had broader ranges. The proposed LOS guidelines consider more factors and have tighter ranges. But if a youth is acting in a dangerous manner or if a youth is mandated to complete sex offender treatment, there are overrides that will be in place to ensure safety and treatment are provided.

Ms. Van Cuyk asked the Board to turn to page 57 in their Board packets. Based on that chart, Risk Levels are the columns and Offense Severities are the rows. The Department took the YASI scores and the YASI subcategory scores and looked to see where there was precipitous drop offs in the risk of reoffending upon release from a juvenile correctional center. So Risk Level A, the lowest rate of reoffending of all crime categories; Risk Level B and C looks substantially similar but are different because Risk Level B has a lower rate of reoffending for person offenses/violent offenses and Risk Level C has a higher rate of reoffending for violent/person felonies; and Risk Level D has the highest rate of reoffending in all categories.

Ms. Van Cuyk reviewed the diagram on page 65 and the chart on page 68 of the Board packet.

Director Block explained that it is the Department's responsibility to bring the best proposal forward, supported by data and research, to promote public safety and the success of its residents. Director Block acknowledged Janet Van Cuyk for her hard work on this massive effort.

Ms. Van Cuyk indicated there is a typographical error in the printed version of the proposed LOS guidelines found in the Board's packet. Please see the memorandum (attached) requesting a line item amendment be adopted by the Board. An error was identified on pages 16-17 in section 9.1 of the draft of the proposed "Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)." The current proposed language in this section contradicts in that it requires staff to conduct a case review prior to the projected early release date, but after the early release date has passed. Line amendments are required to address the error and eliminate confusion.

Ms. Van Cuyk also respectfully requested that the effective date of the proposed LOS guidelines be moved back to August 1 because the Department must reprogram the LOS module in our electronic data collection system and then train staff. The proposed new LOS will be automatically calculated to have an estimation for the judge at the time of disposition. Then, once the juvenile is committed, a confirmatory system at the Reception and Diagnostic Center (RDC) will confirm that the calculation is accurate.

The line amendments have been provided to the Board for approval. On MOTION duly made by Ken Stolle and seconded by Robyn McDougle to approve the line amendments to the proposed LOS guidelines so they are in the proper format before the Board decides on the matter. Motion carried.

Board Member Stolle indicated that the Department is making a huge mistake, not by adopting these proposed changes to the LOS, but by not telling the judges beforehand. If the plan is to speak to the judges next week and inform them that the Board has adopted the proposed changes without their input, the judges might have a problem. Board Member Stolle went on to say that he thinks the Department should obtain the judge's input and recommendations before you ask the Board to adopt the proposed guidelines.

Director Block understands the concern and suggested the Board consider a conditional approval of the proposed LOS guidelines. This will allow the Department to move forward with implementation steps and the Director will bring back the judges' input for the June Board meeting.

Board Member McDougle indicated that there were conversations that if the Board enacts the guidelines, the Board would have the ability in a year to look at the data on this new system and if needed, allow the Board to make changes.

Ms. Van Cuyk said that it would take longer than a year to have sufficient data to allow the juvenile to be released and have time to reoffend but the Department will be constantly evaluating the impact and outcomes.

Board Member Stolle understands, but believes the judges might view this with a jaundiced-eye because they were not given the opportunity to comment before the vote. Board Member Stolle

followed up by asking about the financial aspect. There is something known as the Woodrum amendment in the General Assembly, when you submit a bill that impacts the spending of the General Assembly or the Commonwealth of Virginia, a financial impact statement is completed. The proposed LOS guidelines might have a multimillion dollar effect on the Department and also on the local facilities. It will probably increase the number of people in the local facilities, which in turn will be impacted financially and could result in an unfunded mandate that might cause opposition.

Director Block stated that local placements would be paid by the Department and the additional support services required might be handled through Medicaid or the Comprehensive Services Act which might impact the locality. The Department can do a financial analysis, but ultimately there might be a cost savings due to the shorten LOS. The Department has discussed the proposed LOS guidelines informally with local detention administrators and local government who were supportive.

Board Member Stolle noted that he believes a financial impact analysis is needed, whether it is good or bad. Board Member Stolle believes it is probably irresponsible for the Board to enact something as sweeping as this without knowing the financial impact.

Board Member Holland noted that her perspective and questions relate to her experiences with judges, prosecutors, defense attorneys, public defenders, victims, and having been the Director of the Department. There is a group of people, depending on their area of expertise, that know very well what LOS is; however the general population might not know the details just that "he is going upstate and will serve such and such months."

On a MOTION duly made by Helivi Holland and seconded by Tamara Neo to table the vote on the proposed LOS guidelines until the June Board meeting with specific notifications of the proposed LOS guidelines, at a minimum, be made to judges with Director Block asking for their input, Commonwealth's Attorney Association, as well as any victim rights organizations. The Board did not vote on this motion and it was not carried.

Board Member Holland further noted that with discussion on reducing sentencing, the Board has an obligation to make more people aware of the proposed changes. Whatever the Board decides, the Board will be making an informed decision and could cut back on negative comments from outside groups about not being notified of the new guidelines.

Board Member Stolle asked for a substitute motion.

On a MOTION duly made by Ken Stolle and seconded by Robyn McDougale to allow the Board an opportunity to debate the proposal before a vote is conducted. Motion carried.

Chairperson Abbott asked for comments from the Board.

Board Member Schrad noted that if there is a delay in adopting these guidelines, it would provide additional time to discuss the issue with the Chiefs of Police in Virginia and would probably allow Sheriff Stolle time to do the same for the Sheriffs and the law enforcement community. No public comments have been received by law enforcement.

Board Member Stolle assumed this would not be applied retroactively, that the youth in the system now stay under the current system.

Ms. Van Cuyk responded correct, it would affect only the commitments after the effective date. The reason why the Department is requesting the Board to approve at this meeting is to begin the implementation of the process such as changing the electronic data collection system and train employees on the new system.

Board Member Schrad asked hypothetically if this was adopted today what would be the implementation schedule.

Director Block stated that our request today was to have an August 1 effective date because it would take three months to get online.

Board Member Holland stated that the delay is to make sure that when the vote happens, the Board does not have to defend its actions. Please do not forget that in the current system the Department's Director can still release a juvenile; Board Member Holland is confident that if a juvenile is there that does not need to be there, Director Block will make that decision as long as the juvenile has an indeterminate commitment. So the Board is not delaying the juvenile's liberty at justice.

On MOTION duly made by Helivi Holland to table the approval of the proposed changes to the LOS guidelines until the Board's June meeting so notifications can be made to various groups, including, but not excluding others, Commonwealth's Attorney Association, law enforcement, judges, and victim rights organizations.

Board Member Stolle asked if the Board would be amenable to include a financial impact statement in that motion.

Chairperson Abbott asked if that was a request that could be accomplished before the June meeting.

Director Block confirmed that the analysis can be completed and the Department will do its best to determine the fiscal impact on the Department's budget, the locality's budget, probation and parole. We will provide the information to you prior to the June meeting.

On MOTION duly made by Helivi Holland and seconded by Tamara Neo to table the approval of the proposed changes to the LOS guidelines until the Board's June meeting so notifications can be

made to various groups, including, but not excluding others, Commonwealth's Attorney Association, law enforcement, judges, and victim rights organizations and in addition provide the Board with a fiscal impact analysis. Motion carried.

Director Block asked the Board if there are any other issues pertaining to the proposed LOS guidelines that the Board would like more information on or clarification. Director Block wants to provide as much information to the Board as possible in order for them to vote in June. Board members had no additional concerns.

A member of the public made a request to reopen the public comment period for the proposed LOS guidelines through the Regulatory Town Hall. Chairperson Abbott approved the request.

DIRECTOR'S COMMENTS

Andy Block, Director, Department.

Director Block introduced two new staff members to the Department's leadership team. Valerie Boykin, the current Norfolk Court Service Unit Director, was named the Department's new Director of Community Programs. Mike Morton, currently the Hampton Court Service Director, was named the Department's Regional Program Manager for the eastern part of the Commonwealth.

Director Block suggested that the Board might be interested in observing or participating in training sessions on the new community treatment model.

Director Block informed the Board on the reestablishment of vocational and certification programs in the Department's facilities. For example, residents participated in the public safety dog training program. The company that does the training was very taken with our residents that in their final class they invited the residents to their training facility. The Department is always looking for opportunities for our residents.

Board Member McDougle noted that it is now a requirement for all freshman VCU basketball players to visit the Department's facilities in the fall of their first year and participate in the Robyn McDougle experience. It does have a huge impact on the residents and players.

BOARD COMMENTS

Chairperson Abbott is very much appreciative of the hard work that Director Block, Ms. Van Cuyk, and other staff have done on the proposed LOS guidelines.

NEXT MEETING

The next meeting is scheduled for June 10, 2015, at Central Office, 600 East Main Street, 12th Floor, Richmond, at 9:30 a.m.

EXECUTIVE SESSION MOTION

On MOTION duly made by Helivi Holland and seconded by Tyren Frazier to reconvene in Executive Closed Session, pursuant to Section 2.2-3711(A)(1) and (A)(7), for a discussion of certain personnel matters and to consult with legal counsel and obtain briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation and any other specific legal matters requiring the provision of legal advice by counsel. Motion carried.

The Executive Closed Session was concluded. The members of the Board of Juvenile Justice present certified that, to the best of their knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting, and (2) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed, or considered.

ADJOURNMENT

Chairperson Abbott adjourned the meeting at 12:25 p.m.

WHY RESTORATIVE JUSTICE?

Virginia Center for Restorative Justice
a 501-c(3) non-profit organization.

MISSION:

The Virginia Center for Restorative Justice is dedicated to providing cooperative methods of resolving conflict. Where ever people are in conflict, VCRJ will help make right the harm.



Restorative Justice – A Good Tool for Your Toolbox

Making Things Right by Addressing
Harms , Needs and Obligations



What is restorative justice?



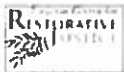
Restorative justice can be defined as a theory of justice that focuses on repairing the harm that a criminal offense inflicts on victims, offenders, and communities.



2010 Virginia State Crime Commission Report

Criminal Justice History

➤ 11th Century – Henry I - Crime not against the victim, but crime against the King's peace. Offenders paid ransom to the King. King got rich.



➤ Later, English law translated this idea to mean that crime not against the victim, but against the state (law broken). Offenders pay the state fines and court costs.

Restorative Justice History

➤ Evolved from traditional practices of indigenous peoples in North America, New Zealand, Australia, Africa, and parts of the Middle East.

➤ Conflict is reconciled through community involvement and peace circles.



➤ Introduced in Canada and the US in the early 1970's with the introduction of Victim-Offender Reconciliation Programs (VORP).

**Criminal Justice Process –
3 Questions:**

1. What law was broken?
2. Who did it?
3. How shall we punish him/her?



Restorative Justice - 3 questions:

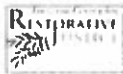
1. What harm took place?
2. What needs arose as a result of that harm?
3. Whose obligation is it to "make things right?"



Central Focus

Criminal Justice – offender getting what he/she deserves.

Restorative Justice - victim needs and offender responsibility for repairing harm.

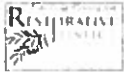
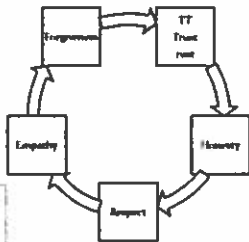


Theory of Change

1. Personal
2. Relational
3. Structural
4. Cultural
 - Learn to deal with Guilt and Shame
 - Stigmatization vs. "Reintegrative Shame"



Circle of Community – Facing Conflict with Core Values



Program Areas

- Churches
- Schools
- Juvenile Courts
- Prisons
- Workplace



Practices

Circles and Conferencing:

Dialog Circle
Healing Circle
Peace Circle
Sentencing Circle

Family Group Conference
Victim – Offender Conference



Restorative Justice

Always Voluntary

1. Meet with victim – prepare.
2. Meet with offender – prepare.
3. Meet together in safe place to tell their story and ask questions.
4. Create agreement.
5. Follow up to see agreement implemented.



Story Telling Empowers as it Heals



Restorative Justice Puts a Face on Crime

Victim:

- › Gets to ask why me?
- › Explain impact of the harm.
- › Describe the needs that have come about as a result of the harm which took place.
- › Tell what it takes to make things right.

Offender:

- › Accept responsibility for the harm.
- › Explain what he/she was thinking.
- › Obligation to make things right.
- › Work out an agreement.



Virginia Center for Restorative Justice

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SUPREME COURT
OF VIRGINIA

July 2014, Volume 22, Issue 1

RESOLUTIONS

OFFICE OF THE EXECUTIVE SECRETARY

*Department of Judicial Services
Division of Dispute Resolution*

100 North Ninth Street
Richmond, Virginia 23219

Workers' Compensation Commission ADR Program



**Deputy Commissioner-ADR, Deborah W. Blevins
and Al Bridger, Program Manager**

The Virginia Workers' Compensation Commission (VWC) is charged with administering the Workers' Compensation Act (Virginia Code Section 65.2). It enforces the Act by requiring covered employers (generally those who have three or more employees) to carry workers' compensation insurance; maintaining official records of awards for employees who sustain covered injuries or occupational diseases; and adjudicating disputes between injured workers and their employers/insurance carriers. See www.workcomp.virginia.gov.

The VWC's Judicial Division includes twenty-three Deputy Commissioners who

hold hearings across the Commonwealth. Mini bench trials, these hearings involve taking sworn testimony so that the Deputy Commissioner can determine whether or not the injured worker is entitled to the benefits sought. Written opinions issued by the Deputy Commissioners can be appealed to the Full Commission, which consists of three Commissioners appointed by the General Assembly, and then on to the Court of Appeals of Virginia.

Mediation and ADR have a dynamic life in the VWC. From the late 1990's the Commission offered mediation. Initially, mediation took the form of an in-person mediation to resolve an entire claim, with claimant accepting a lump sum of money in exchange for releasing any rights to current or future benefits, including the lifetime medical benefits which accompany any award of compensation. Still offered by the Commission, this form of mediation is referred to as "Full and Final Mediation."

Articles in This Issue

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Workers' Compensation Commission ADR Program

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Keeping You Informed: DRS Update

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In November 2012 the VWC undertook a pilot project in Alternative Dispute Resolution. For three months cases with discrete, defined issues were referred to the project. Issue facilitation or issue mediation was offered by phone, in an attempt to make ADR convenient and affordable. 95% of the referrals resulted in resolution of some or all of the issues in controversy.

Mediators at the Commission, who have met certification requirements as set forth by the Judicial Council of Virginia, facilitate parties' discussion, provide guidance through the process in identifying each party's interests, and assist the parties in determining creative solutions for possible settlements. Many of these mediators are Deputy Commissioners, who mediate claims that are not on their hearing dockets. These Deputy Commissioners are knowledgeable not only about the intricacies of the Workers' Compensation Act, but also about the interrelationship between Workers' Compensation and Medicare, Medicaid, and other benefits to which an injured worker might be entitled, such as long or short term disability. There is no cost when a worker's compensation mediator serves as the neutral third party.

The ADR Department schedules mediation sessions and provides facilitation services upon the request of the parties or upon referral from a Deputy Commissioner. In 2012 the ADR Department conducted 213 ADR sessions; in 2013 the ADR Department conducted 410 sessions, an increase of 93%. In 2013, issue mediations and facilitations resulted in resolution of all or some of the issues in 91.5% of those claims. Issues commonly referred to ADR include COLA, average weekly wage, mileage, return to work, vocational rehabilitation, medical bills, wage loss and medical treatment.

As the number of ADR events has increased inside the Commission, there has arisen a need for private mediators to assist in the increasing demand for mediation. Because of the specialized subject matter, few private mediators hold themselves out as competent to mediate workers' compensation claims. Mediators who are interested in establishing a workers' compensation mediation practice might seek education in workers' compensation.

Success does not come overnight but is built over time and the Commission is building success stories daily. A claimant recently put it in writing best: "Thank you for your professional and kind demeanor during the recent mediation. I was quite anxious initially, but your courteous manner put me at ease." There was resolution in this case and both sides walked away feeling that a good decision was made, and they made it!

For more information on the Virginia Workers' Compensation ADR program, please feel free to contact Deputy Commissioner-ADR, Deborah W. Blevins or Al Bridger, Program Manager.

Submitted by Al Bridger

Al has worked with and assisted in the training of hundreds of mediators in Virginia since 1993. He served as the Executive Director of the Dispute Resolution Center in Richmond and left the field temporarily after running the Office of Consumer Affairs Dispute Resolution Program. He has returned as Program Manager of the new and developing ADR Department at the Virginia's Workers' Compensation Commission.

Virginia Center for Restorative Justice to Provide RJ Training Nationally

The Virginia Center for Restorative Justice (VCRJ), located in Richmond, Virginia, has sub-contracted with the US Department of Labor and Big Brothers Big Sisters of America (BBBSA) to provide restorative justice (RJ) training to 10 local BBBS organizations around the country. BBBSA received a \$5 million grant to provide one-to-one mentoring services to 1,000 teens and young adults through the BBBSA's Youth Workforce Opportunity Initiative (YWOI). The YWOI goal is to help at-risk youth who live in high-crime/high-poverty areas graduate from high school or earn an industry recognized certificate. The grant comes from the U.S. Department of Labor's Workforce Investment Act (WIA) program.



Big Brothers Big Sisters

Judy Clarke, the Executive Director of VCRJ, will train and provide technical assistance to the BBBSA affiliate staff who in turn will work with the program participants. It is believed that exposure to RJ principles and practices will help these at-risk youth become more employable. Judy said the organization looks forward to sharing its knowledge of evidenced based restorative practices and how to integrate those practices with the juvenile court, the community and the local BBBSA organizations. "We believe in the power of mentoring and restorative justice to improve outcomes for court-involved youth as they assume responsibility for the harm, the needs that arose as a result of that harm and the obligation to make things right."



VCRJ was organized as a faith-based, 501 – (c) (3) in Richmond, VA in August of 2010. The organization is operated by an all-volunteer Board of Directors, experienced Restorative Justice Facilitators and the Executive Director. Now in its fourth year of operation, its intent is to expand its program and begin to offer training to community members, Court-Certified Mediators and Lawyers. Restorative justice is a victim-initiated process which may be

offered to those who have entered the criminal justice process or those who want to avoid prosecution and take the restorative justice route. It is particularly effective with juveniles who are involved with the court both pre and post adjudication.

VCRC provides the following restorative programs:

Family Group Conference (Victim-Offender Conference)

The conference is a process whereby a restorative justice facilitator brings together the person who was harmed with the person who did the harm, their families, and supporters. Each participant listens with respect and without interruption while the other tells his story. The victim gets answers to his questions about the wrongdoing. The offender accepts responsibility for the harm created and understands how his wrongdoing has affected the victim. A plan for repairing the harm is drafted and signed by all participants. A copy of the plan is sent back to the referring source, (i.e., Pastor, School Officer, Juvenile Court Intake Officer, or Judge) and follow-up will continue until the plan is complete.

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Circles

Circles are used in many different settings such as school, juvenile detention center, juvenile court, jail and/or prison. Wherever there is conflict, this is a respected process for dealing with conflict. The three primary stakeholders are 1) a person who caused harm; 2) a person who was harmed; and 3) the community, all of whom participate in the process. The Restorative Justice Facilitator creates a safe space for the participants to tell their stories. Story telling is healing and the Circle is often referred to as a sacred space. The power behind the Circle is that the offender accepts responsibility for the harm and power is returned to those most affected by the crime. It focuses not just on problem solving but on healing for all.

Values Program

People in conflict often need to be reminded of the values they were taught as a child. Perhaps they were not taught values and the idea of living a principled life is new. Participants in the five-week Values Program learn how to use these five tools: Trust, Honesty, Respect, Empathy and Forgiveness. They learn that these tools help to build character.

Restorative Justice Training

Restorative Justice Training includes workshops designed to teach participants how to provide restorative justice practices: circles, family group conferences and the values program. The VCRJ approach to such training views restorative justice as encompassing every aspect of the way we choose to live our lives. VCRJ training is focused on answering the question: What is restorative justice and how can one practice a restorative lifestyle?

For more information, please see the VCRJ web site: www.VCRJ.org or contact Judy Clarke at judy.clarke@vcrj.org or 804-313-9596.

Child Support Guidelines Changed July 1



Changes to Virginia Code §20-108.2, the child support guidelines, were approved by the legislature, signed by the governor, and were effective July 1, 2014. §20-108.2 has changed in three ways: the basic monthly obligation amounts have changed, judges are given more discretion in deviating from the presumptive minimum when the payor meets certain income requirements, and courts will split out of pocket medical expenses based on income shares from \$0 instead of \$250. Nothing else has changed. Definitions of income, day, etc. are still the same, and support is calculated the same way. This change should not have a drastic impact on how mediators talk about and mediate child support. In courts that allow it, mediators have already been deviating from the presumptive minimum and writing agreements where parties share out of pocket medical expenses in a variety of ways.

Mediators using CivilWare or VADER need to ensure their software is updated to reflect the changes. Any mediators using Support Solver should not use it after June 30. That website was created by a third party in the mid-early 2000's, and there is no known plan to update it. An updated DC-631 is available online.

Link to HB933: <http://lis.virginia.gov/cgi-bin/legp604.exe?141+sum+HB0933>

Virginia Certified Mediator Jim Smith Wins Governor's Volunteerism Award

Jim Smith, a Virginia certified mediator and volunteer with the Piedmont Dispute Resolution Center (PDR) in Warrenton, received one of seven 2014 Governor's Volunteerism and Community Service Awards at a ceremony at the Governor's Mansion in April. Lawrie Parker, PDR's Executive Director, said PDR is "very proud of Jim and excited that the Governor's office recognizes the importance of mediation in the Commonwealth."

On the evening of April 10, 2014, the PDR staff and DRS's Sally Campbell accompanied Jim to the award reception and ceremony. A crowd of enthusiastic supporters packed the first floor of the Mansion, celebrating with delightful food and drink. Governor McAuliffe presented seven awards, one from each of seven categories. To heavy applause, Jim accepted the Outstanding Senior Volunteer Award from the Governor.

The awards reception pamphlet explained that "[i]n partnership with the Office on Volunteerism and Community Service at the Virginia Department of Social Services, the Governor's Advisory Board on Service and Volunteerism is charged by the Governor with saluting Virginians who have significantly contributed to the life and welfare of the Commonwealth and its citizens." The Advisory Board selected recipients for four group achievement awards and three outstanding individual awards based on age. The Board chose Jim from nominees from across the state for the Outstanding Senior Volunteer Award.



**Jim Smith receives his award from
The Honorable Terry R. McAuliffe**

Jim has dedicated his retirement years to working with families. He mediates court-referred custody, visitation and support issues in several J&DR courts. He puts in at least forty hours each week and travels approximately 20,500 miles each year to mediate, meeting with families where and when they are available. Jim is a foster parent himself and has a heart for children who are often caught in the middle of family conflict. He has been a JDR certified mediator since 2008.

Jim graduated from the University of Michigan with a bachelor's degree in nuclear engineering. He served in the Navy on submarines for five years. He reports that he "taught high school math for nine weeks but was fired when I could not control the class (no crowd control)." Jim worked for 26 years as a computer scientist at a Navy lab testing submarine software. During that time, he earned a Master's degree in computer science. After retiring as a federal Department of Defense employee in 2006, he attended UVA Law School, graduating in 2009 and passing the Bar exam. Jim is an active member of the bar, but except for drawing a few wills, he has chosen to spend his time serving families as a mediator.

Congratulations to Jim for winning this award and serving as a role model for making a positive difference in the lives of others!

Virginia Certified Mediator Pamela Trotter Chosen as Higginbotham Fellow

In December 2013, DRS notified certified mediators that the American Arbitration Association was seeking applicants nationally for its 2014 AAA Higginbotham Fellows Program. Virginia certified mediator Pamela Trotter applied and was chosen as one of the 15 fellowship recipients!

The one-year Fellows Program is an unpaid Fellowship that is open to up and coming diverse lawyers, neutrals and other ADR practitioners who have demonstrated an interest in and commitment to alternative dispute resolution. The AAA named the program in honor of Judge A. Leon Higginbotham Jr., one of the country's most prominent African-American judges and a highly respected legal scholar and civil rights advocate.

Pamela Trotter is a court-certified mediator and mentor and one of about 2,500 participants worldwide to complete training in Negotiation, Leadership and Conflict Management offered by the Program on Negotiation at Harvard Law School. In addition to mediation, Pamm is a real estate broker and licensed real estate instructor with over ten years of experience. She is also a hospital volunteer, working with cancer patients in the "Look Good, Feel Better" program sponsored by the American Cancer Society.

As to her interest in ADR, Pamm explained, "I developed an interest in alternative dispute resolution shortly after I developed my real estate brokerage. I knew it would be an effective way to handle real estate disputes. I really enjoyed learning about ADR so I decided to get court certification in mediation and [to pursue] mentorship. Mediation works."

The Fellows Program invited Pamm to San Francisco in May to engage with leading ADR practitioners for an intensive week of training, seminars and networking opportunities. During her term as a Fellow, she will be granted mentoring opportunities and will attend AAA educational programs and events in various cities.

The AAA selects Fellows based on the promise they demonstrate to become future ADR leaders. Congratulations to Pamm for this honor!



2014 Higginbotham Fellow Pamela Trotter

VACCR Gets Executive Director, Continues Legislative and Public Education Efforts

Christine Poulson's title has been changed from VACCR Coordinator to VACCR Executive Director to signify the enhanced role she will play in promoting community-based dispute resolution throughout Virginia. She has joined the VMN task force investigating the issue of mediator compensation for court-referred cases and will coordinate VACCR's legislative agenda. VACCR's legislative agenda currently entails continuing to build relationships with state legislators and state agencies to determine how the resources of Virginia's community-based dispute resolution centers can be expanded to allow for increased service provision, particularly to Virginians who earn low to moderate incomes.

VACCR will continue to use some earnings from the Community Peacebuilding license plate to provide public education about mediation. Recently, VACCR had "Keep Calm and Call a Mediator" shirts produced, which were ordered by mediators all around the country. To order a shirt, please contact Christine at info@vaccr.org or 1-888-VAPEACE ext. * (press star) and ask her to let you know before the next order is placed.



Apple Valley Mediation Network Appoints New Director



**Executive Director
Victoria Squier**

Apple Valley Mediation Network, Inc. is pleased to announce the appointment of its new Executive Director, Victoria L. Squier. Victoria takes over from Apple Valley's founder and Executive Director of 20 years, Ed Wilkins, who retired at the end of May.

Victoria Squier has been mediating since 1991. She served as Chief of Adjudication, Mediation, and Discrimination Complaints for the Bureau of Mines, U.S. Department of Interior; and as Bureau Dispute Resolution Manager for the National Park Service, U.S. Department of the Interior; and is a certified Federal Mediator. She has had extensive training from the Harvard-MIT Project on Negotia-

tion, the American Bar Association Dispute Resolution Section, and the Atlanta Center for Justice, and has Federal Mediation training and arbitration training.

Victoria conducted numerous mediations for workplace complaints, discrimination complaints, and land use issues for the Department of the Interior from 1993 to 2009, and conducted mediations for the Rappahannock Mediation Center in 1990 and 1991. She was a member of SPIDR and Federal Dispute Resolution, where she presented at conferences, and a member of ABA Dispute Resolution Section.

Associated with Apple Valley since 1997, Victoria served as a board member for three years. In 2013 she graduated from Eastern Mennonite Seminary with a Masters of Divinity and work towards the Theology of Peacebuilding certificate. She is a United Methodist Minister. Apple Valley is an Extension Ministry of the Virginia Conference of the United Methodist Church, as a peace and justice ministry.

Virginia Association of Community Conflict Resolution

Apple Valley Mediation Network

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Lawrie Parker, Executive Director
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Keeping You Informed: A DRS Update



*Best Wishes for a Joyous
and Peaceful Summer Season!*

Links to ADR-Related Resources

Virginia certified mediator Rachel Virk's article, published in the Winter 2013 Family Law Section newsletter, is entitled, "Thoughts on Third Party Assisted Negotiation and the High Pressure Settlement of Disputes." The article appears on pages 3 through 6.

This brief animated video was created by Katy Davis of the Royal Society for the Encouragement of the Arts. Empathy from a mediator has the potential to lead to an important shift in a party's perspective. RSA Shorts - The Power of Empathy

SPLIT - A Film for Kids of Divorce (and their Parents)

"SPLIT is a deeply personal film that explores the effects of divorce on children. The film features twelve children aged 6-12, who explore the often frightening and always life altering separation of their parents." A trailer of the film and DVD purchase is available on the website.

Mediate.com article discussing options after the closure of LA Superior Court ADR programs: Crisis in the Courts: Making a Virtue Out of Necessity

Article in the *Virginia Lawyers Weekly*: "Don't wait for trouble to seek ADR" by Nancy Crotti (VLW subscribers will be able to log in and read the article)

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Booklist from the ABA DR Annual Meeting in Miami

Critical patience and pedagogy – examining the role of patience and observation in dispute resolution and dealmaking --trainers take note (follow up to Miami conference)

Virginia mediator John Settle's article, "Mediation Tips and Techniques: Helping Parties Move Ahead and Overcome Roadblocks," was published in the American Bar Association's Tort, Trial and Insurance Practice Section's periodical, *The Brief* (Winter 2014, Vol 43, No 2). ABA members will be able to sign in to read the article.

Mediation Webinars

View various ADR webinars at www.ADRHub.com. Click on "ADRHub webinars" on the banner. Some presentations provide for the download of PowerPoint slides.

How to Order Brochures

The following mediation brochures can be ordered in packets of 50 by emailing Greg Charles in the OES Purchasing Office at gcharles@courts.state.va.us. Include in the email the number of packets of 50 requested and the person and street mailing address to which the order should be shipped.

Mediation: A Consumer Guide

Mediating Child Support: Things to Know Before You Go

Mediating Child Support: A Resource for Attorneys and Mediators

Visitation Factors to Consider

In the Best Interest of the Child: What Parents Can Do

CME Requests

Applicants for recertification may request approval by DRS of training or education relevant to mediation practice. Programs from organizations such as the Association for Conflict Resolution, the American Bar Association Dispute Resolution Section, appropriate courses sponsored by Virginia Continuing Legal Education, and others may meet the requirements for continuing education.

In order to request CME for these types of trainings, please submit a description of the course and an agenda if available to DRS. Non-live trainings (e.g. videos) will be considered if at least two certified mediators "attend" the training together and confirm one another's attendance. It is best to request CME credit in advance; however, CMEs can be granted retroactively. There is no guarantee that any training will be granted CME.

If you have any questions, please do not hesitate to contact Mandy Sarkissian, msarkissian@courts.state.va.us or 804-371-6064.

ADR Training Calendar

The training calendar is updated regularly as a service to inform certified mediators and prospective mediators of upcoming training classes approved by DRS. The classes under "Specialized Training" are appropriate for recertification.

Mediation Conferences Calendar

**LEGAL AID
JUSTICE CENTER**

For LAJC use only
Office location:
Staff Name:
Main Benefit:

LEGAL AID CLIENT FEEDBACK FORM

Please help us serve clients better by filling this out.

1. Please tell us your lawyer or paralegal's name: Terre Thomas

2. Legal Aid gave you . . . (check all that apply)

- Brief advice (such as explaining the law and how it applies to your problem)
- Legal representation (such as contacting another person about your case, or going to a meeting or court for you)

3. How helpful was Legal Aid to you?

Not Helpful at All 1 2 Very Helpful

0 1 3

4. How satisfied are you with what you got from Legal Aid?

Not Satisfied at All 1 2 Very Satisfied

0 1 3

5. Were you treated with courtesy and respect?

Yes No

6. Were you kept up-to-date about your case?

Yes No

7. If there was a meeting or hearing in your case, was your advocate prepared for the meeting or hearing?

Yes No

CONTINUED ON THE OTHER SIDE



8. How has your life changed since you came to Legal Aid? (If we helped you by representing your relative, such as a child or person with a disability, please answer for your relative.)

Much Worse

(3)

0

1

Stayed the Same

2

3

Much Better

(4)

(5)

Please tell us how your/your relative's life changed since you came to Legal Aid:

At first I didn't understand my case, so I contacted Just For Children and spoke with a lawyer. I did not understand my court appointed lawyer after I spoke. Ms. Irene Thomas she came and visited me shortly after she looked into my case and told me what was going on. She did the best she could for me and got me released before my 36 months.

9. Please tell us anything else you would like us to know about our services:

I would just like to thank Just For Children and Ms. Irene Thomas for all the help and support they provided me with. It was very helpful. She did not give on me when things got hard. Whenever she contacted someone about my case she let me know first and to see if I would like that. She also kept my Grandmother and mother up to date about what was going on. She got me any kind of papers that would be helpful for me when I'm released. I just want to say thank you to everyone!

10. May we contact you to learn more about your story?

Yes, you may call/email me at:

No, thank you.

Your Name (optional):

Please return to:



A Roadmap for Transforming Juvenile Justice in Virginia

Andrew K. Block, Jr.
Virginia Department of Juvenile Justice



Agenda



- **The Need to Assess Our Current Juvenile Justice System**
- **Assessment Findings**
- **DJJ's Transformation and Creating the "Virginia Model"**



Baseline Question



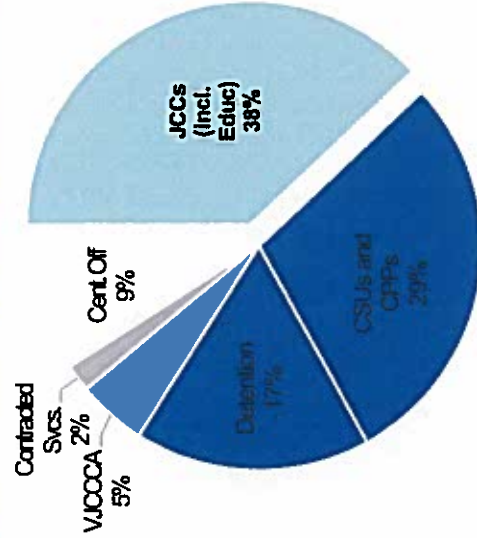
- **Are we fulfilling our mission of promoting public safety by helping court involved youth become successful citizens?**
- **In addition to our recidivism rates, how do we meet key benchmarks of positive youth development?**



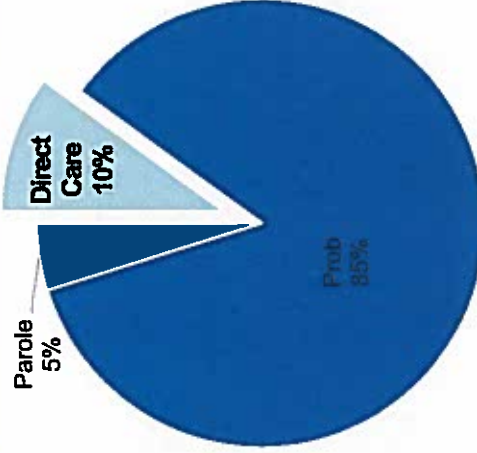
Disproportionate Expenditures & Results

38% of our General Fund Budget is used to confine approximately 10% of the children we serve, of whom 75% are rearrested within 3 years of release from our facilities.

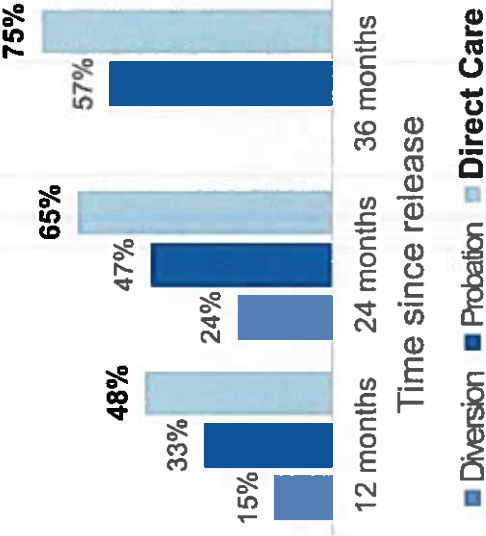
DJJ Budget



DJJ Population



Recidivism





Assessing the Need for Change in Virginia



- **Annie E. Casey and Missouri** - Governor, Secretary and Children's cabinet supportive of DJJ's ongoing work with the Annie E. Casey Foundation and the Missouri Youth Services Institute (MYSI).
- **Center for Educational Excellence in Alternative Settings (CEEAS)** - CEEAS is helping DJJ create a comprehensive plan to improve the quality of education being provided in DJJ's schools.



The Assessment Process



DJJ opened its doors to the Casey team in order to learn about the juvenile justice system across Virginia. The following assessment activities were completed over the past two months:

1. Quantitative:

The following data from BADGE was analyzed by the Casey team: FY2013-2014 JCC admissions, FY2013-2014 JCC releases, as well as intake, detention, and disposition information on all youth with an intake during FY2012-2013.

2. Qualitative:

Casey reviewed more than 100 policy and procedure documents and conducted nearly 200 interviews.

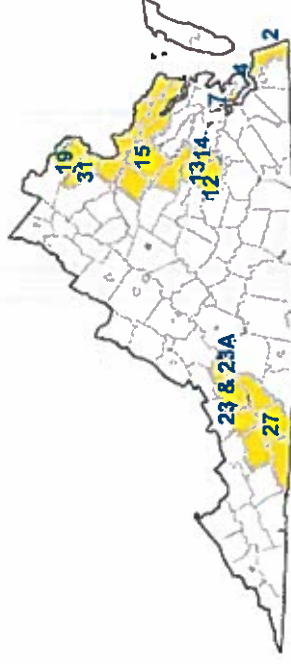
➤ Juvenile Correctional Centers:

MYSI spent two weeks assessing the JCCs and also visited the training academy as well as a Post-D program.

➤ Court Service Units:

Casey staff visited 12 CSUs (see map at right) spread across the Commonwealth that contain roughly 40% of Virginia's youth, 50% of juvenile intakes, and 60% of commitments.

Interviewees included, but were not limited to, judges, commonwealth attorneys, defense attorneys, supervisors, probation line staff, parole line staff, intake staff, detention specialists, social workers, CSA coordinators, VJCCA program coordinators, public school representatives, law enforcement, diagnostic staff, and CSU directors



We sought to learn about the following three questions:

1. How do kids move through the juvenile justice system?
2. What is the practice and philosophy around the use of out of home placement?
3. Is it possible to keep more juveniles in or close to home? What would that take?



Varying Practices Across the Commonwealth

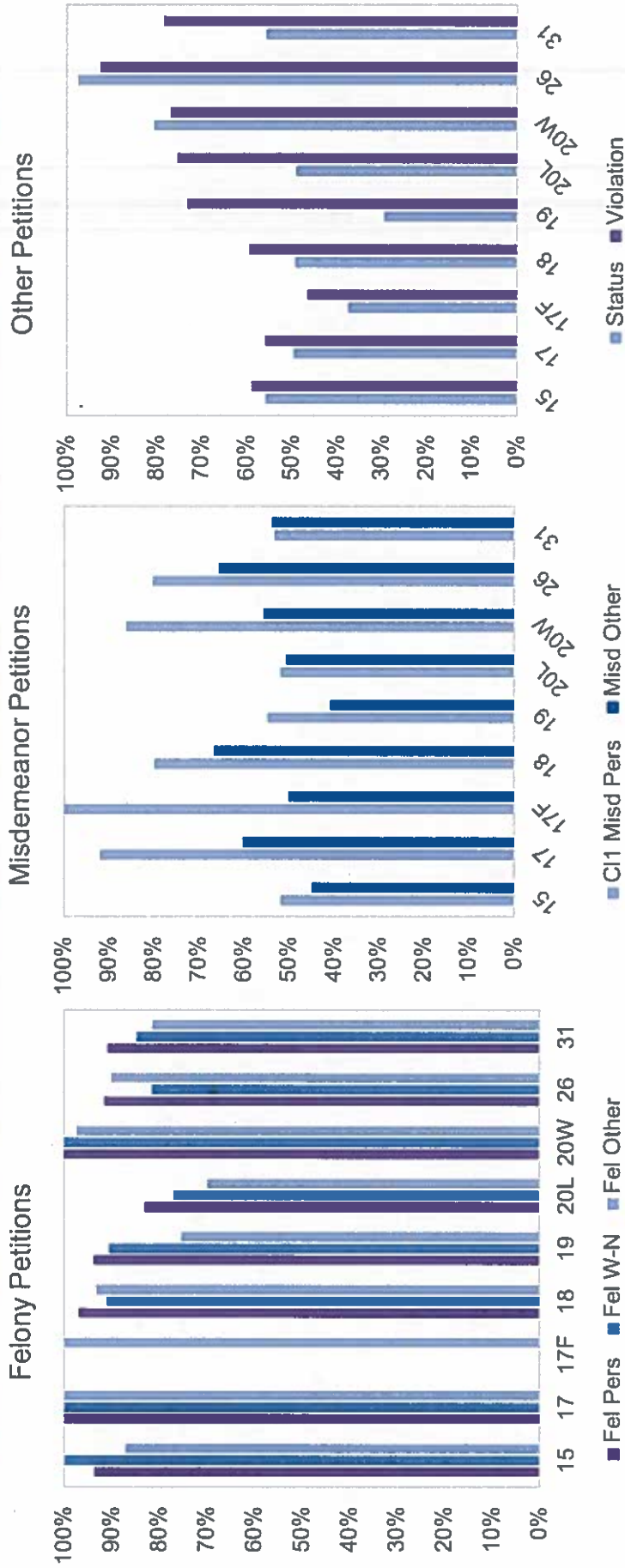


- **Practices Vary throughout the Commonwealth:**
 - *Petition Decisions* - The odds of an intake case being petitioned vary considerably across CSUs, even within the same categories of offense.
 - *Pre-D Detention Decisions* - The odds that an intake case will result in detention vary significantly by CSU.
 - *Commitment Decisions* - The odds that a petitioned intake case will result in commitment vary widely across CSUs within every category of offense.



Example of Findings: Northern Region Petition Decisions

The odds of an intake case being petitioned vary considerably across CSUs, even within the same categories of offense.

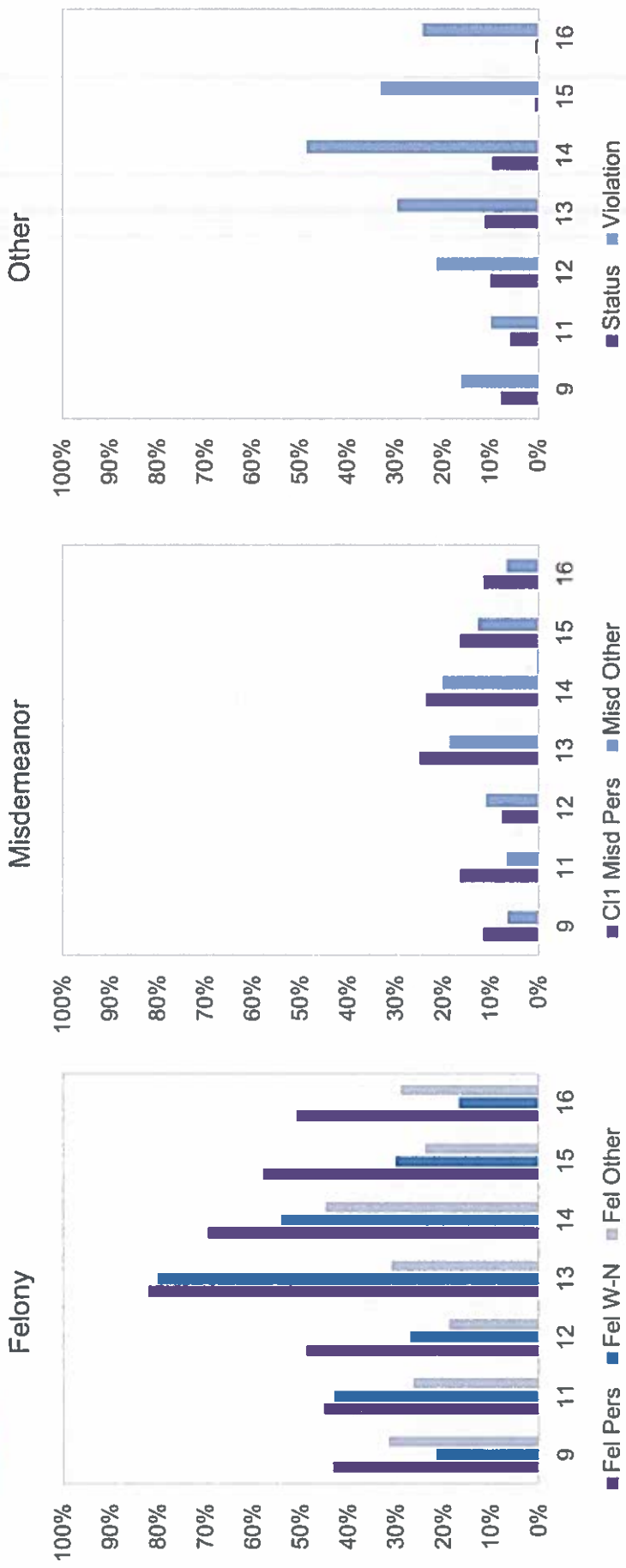


- Overall, the odds that a case will involve detention are lower in the CSUs presented above than in other parts of the state.
- Much like the rest of the state, those odds vary much more by CSU in this region than they vary by the severity of offense.



Example of Findings: Central Region Pre-D Detention Decisions

The odds that an intake case will result in detention vary even more significantly by CSU.



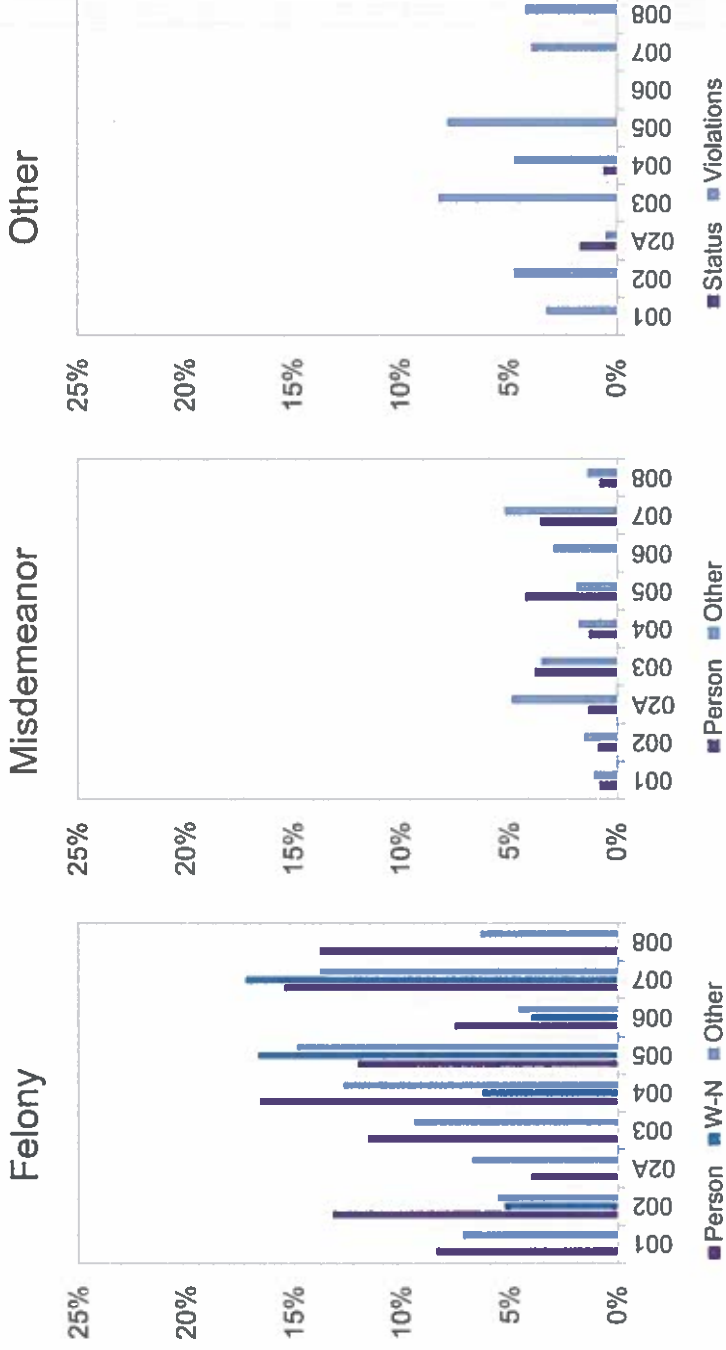
- Among the CSUs present at this briefing, the odds that an intake case will result in detention vary much more by CSU than by the severity of offense.
- In particular, some CSUs detain intake cases involving violations at a much higher rate than others.



Example of Findings: Eastern Region

Commitment Decisions

The odds that a petitioned intake case will result in commitment vary the most widely of all – significant differences can be found across CSUs within every category of offense.



- Among the CSUs in this briefing, the odds that a petitioned intake case will result in commitment vary in much the same way as the odds that an intake case will be detained – except for weapons-narcotics felonies (which are committed at notably low rates in some CSUs).
- The odds of commitment for a petitioned intake case based on a violation vary widely by CSU.



Casey Recommendation

(1) Improve the Re-entry Planning Process and Enhance the Quality of Parole Services

- **The proposed changes in classification and LOS will significantly increase the demands on the re-entry planning process.**
- **The Federal re-entry planning grant, awarded under the Second Chance Act, presents a powerful opportunity to think anew about the re-entry process.**
- **We want to expand the role of evidence-based interventions to work with youth on parole and increase the array of educational and vocational supports available to parolees.**
- **We want to focus on:**
 - Identifying & disseminating effective parole practices in high-performing CSUs
 - Increasing family engagement
 - Increasing parole’s influence over the planning process
 - Ensuring that the JCCs provide a high, consistent level of support for the CSU parole function



Casey Recommendation

(2) Work with Localities and CSUs to Create More Effective and Consistent Probation Practices



- **DJJ and the CSUs will need to work with the Local Partners to closely examine:**
 - The use of detention for youth pre-disposition and for technical violations
 - Dispositional decision making
 - The array of community based services, supports, and opportunities
 - Community supervision
- **To help CSUs and their local partners rise to these challenges, we are reviving and expanding our commitment to the Juvenile Detention Alternatives Initiative (JDAI).**



Casey Recommendation
**(3) Create the “Virginia” Model:
Culture Change in the JCCs**



- **Begin a Phased Transition to a Team-Based Model of Operations – the “Virginia Model”**
 - Potential impact: Developing a strong, effective, team-based approach that reflects Virginia’s distinctive values will be an asset that can start producing better results for youth in the current facilities, while also paving the way for transition to new facilities
 - Shorter Shifts
 - More engaged and empowered direct care staff
- **Adopt a Positive Youth Development Framework Across JCC Programs**
 - Focus areas: reduce isolation, improve the Serious Incident Reporting (SIR) process, boost educational programming, and increase family contact.
- **Develop a Family Engagement Framework Across Institutional and Community Programs**
 - Potential impact: Although families may present challenges at times, family is always part of the solution to both prevent out-of-home placement and ensure successful reentry from commitment.



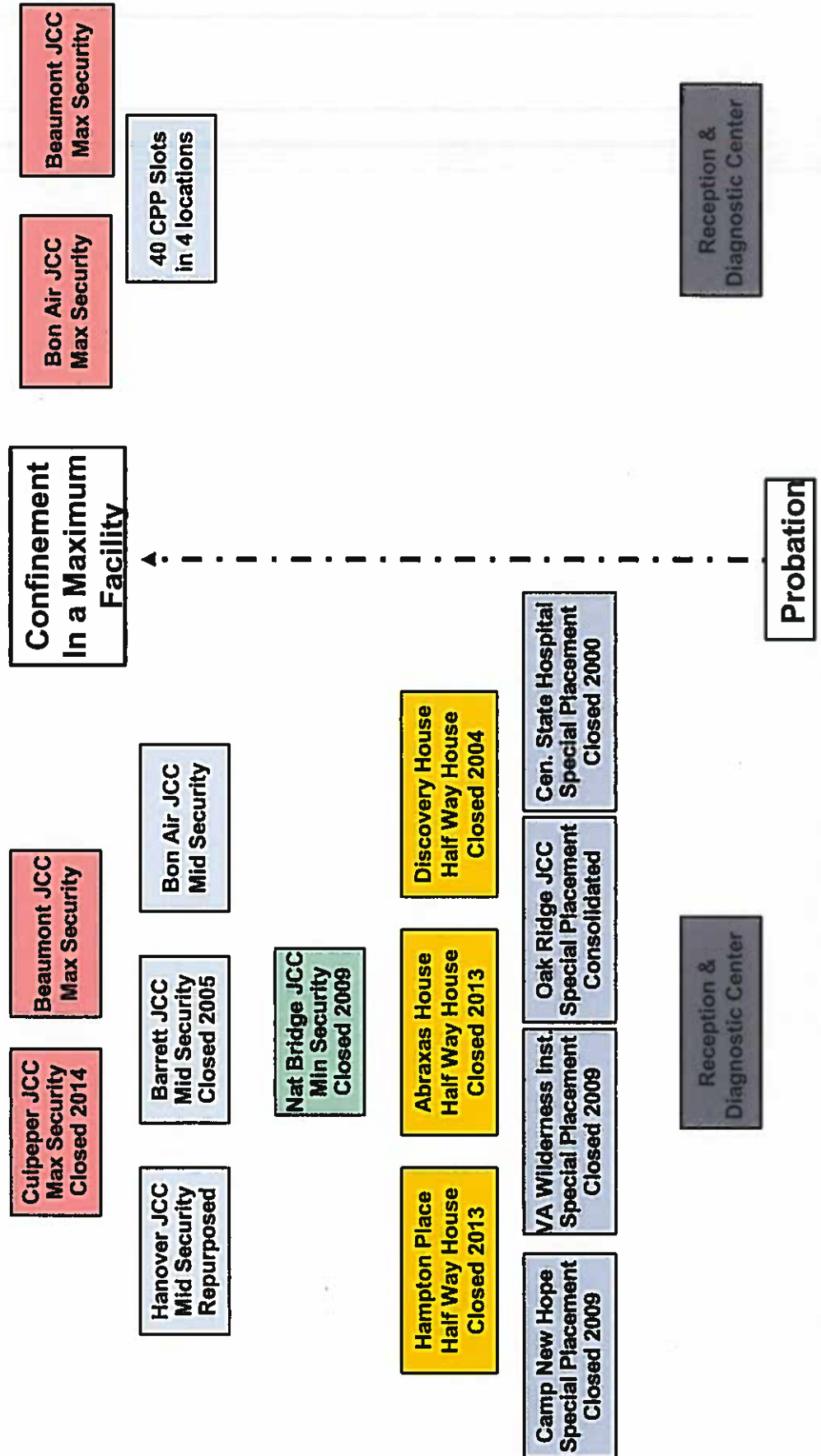
Casey Recommendation

(4) Change the LOS/Classification Process

- **Closer in time to disposition**
- **Closer to home**
- **Merge classification and LOS**
- **Move beyond offense only determinations: research, our own data, and the application of YASI creates the basis for the new guidelines**



The Past Continuum of Placements The Current Continuum of Placements





Transformation

- **QUESTIONS?**
- **COMMENTS?**

Length of Stay (LOS) Guidelines Proposed Changes - 2015

Janet. P. Van Cuyk
Legislative and Research Manager
April 24, 2015



**Virginia Department of
Juvenile Justice**

Presentation Outline



- Background Information
- Public Attitudes for Juvenile Rehabilitation
- Current Guidelines
- Supporting Data
- Proposed Changes

Background Information



Statutory Authority

- Section 66-10 of the Code of Virginia.
- The Board shall have the power and duty *“to establish length-of-stay guidelines for juveniles indeterminately committed to the Department and to make such guidelines available for public comment.”*

Background Information, cont.



Scope

- The LOS Guidelines apply to indeterminately committed juveniles.
- The LOS Guidelines do not apply to determinately committed juveniles.
- In fiscal year (FY) 2014, 80% of juvenile correctional center admissions were indeterminately committed; 20% had a determinate or blended commitment.

Public Attitudes for Juvenile Rehabilitation



- Pew Public Safety Performance Project –
National Survey Key Findings
 - 75% believe juvenile treatment and rehabilitation is more important than punishment.
 - 65% believe juvenile offenders should be treated differently than adults. Only 24% believe they should be treated the same.
 - 71% agree that the main purpose of residential placement of juveniles should be rehabilitation.

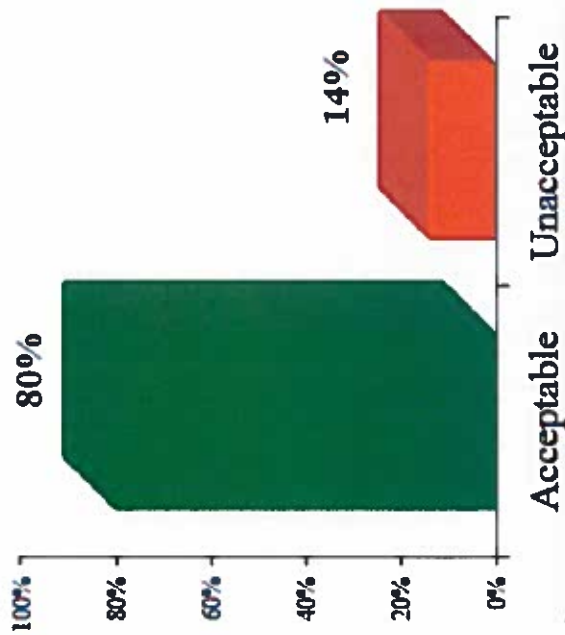
Public Perspective, cont.



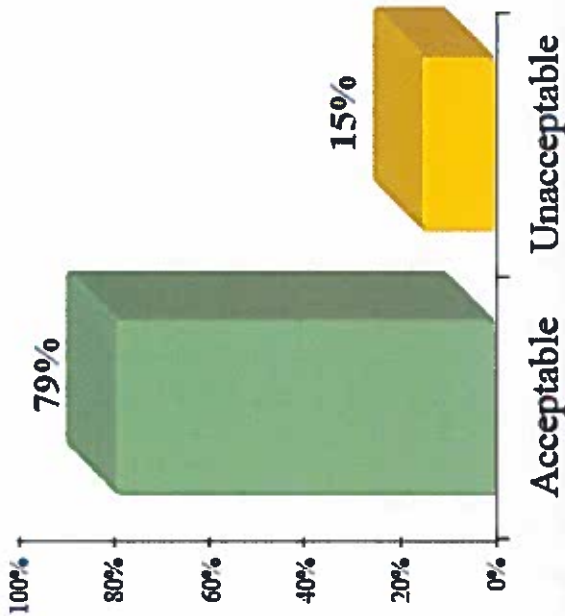
Most Support Reinvesting In Community Based Options

As a way to reduce the cost of the juvenile corrections system in your state, do you believe (reducing the time that less serious juvenile offenders spend in / sending fewer less juvenile to) juvenile corrections facilities and using some of the savings to create a stronger probation system that holds juvenile offenders accountable for their crimes in the community is generally acceptable or generally unacceptable?

Reduce Time



Send Fewer Offenders





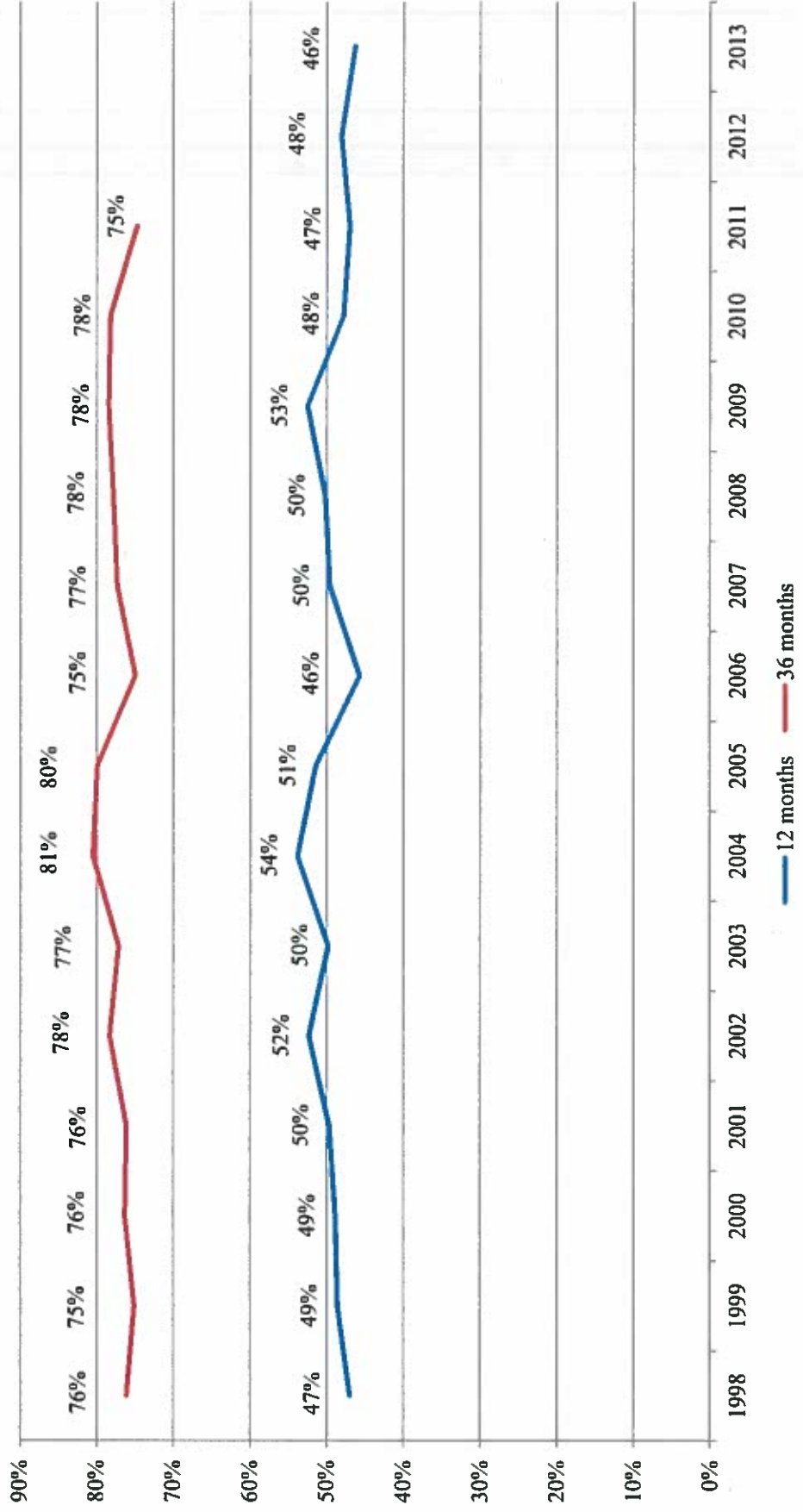
Current Guidelines

- The current LOS Guidelines:
 - Originally adopted in 1998
 - Modified in 2008
 - Estimated release dates rely solely on offense history
- FY 2014 actual LOS:
 - For all direct care releases: 18.7 months
 - For indeterminately committed juveniles: 16.1 months
- Cost of commitment:
 - \$137,000 for one year of confinement per juvenile
 - Over \$200,000 for each juvenile commitment
- Most recent rearrest rates for direct care releases:
 - 12 month (FY 2013): 46.3%
 - 36 month (FY 2011): 74.5%



Rearrest Rates Under Current Guidelines

12-Month and 36-Month Rearrest Rates for FY 1998-2013 Direct Care Releases



* Due to the follow-up period, 36 month rearrest rates are not available for FYs 2012 and 2013.

Supporting Data



- Estimated National Average LOS:
8.4 months¹
- LOS in six comparable states between 2011
and 2013:
9.1 months²
- Virginia's Average LOS:
18.2 months³

¹ Office of Juvenile Justice and Delinquency Prevention. (2012). *Census of juveniles in residential placement for 2011*. Washington, DC: U.S. Census Bureau. This figure is based on the average number of reported days in custody on the census date for juveniles with a legal status of "committed" in a long-term secure facility; it does not represent the final LOS.

² Data originally obtained by Chinn Planning on behalf of DJJ and updated where possible by the Annie E. Casey Foundation. Reported averages for each state are weighted according to the number of admissions in each state. Averages are based on completed stays.

³ 15.6 months for indeterminate commitments, and 29.8 months for determinate commitments.

Supporting Data, cont.



- When looking at a two-year release cohort, controlling for offense and YASI risk and protective factors, the following probabilities were identified (run independently):
 - 2% increase of rearrest within one year for every additional month of LOS.
 - 33% increase of rearrest within one year for every additional year of LOS.
 - 33% increase of rearrest within one year if the LOS were longer than 15 months.
 - 44% higher rate of rearrest within one year for juveniles with LOSs longer than 15 months compared to juveniles with LOSs of 10 months or less.

Supporting Data, cont.



- Juveniles with misdemeanor and non-person felonies have an increased likelihood for rearrest by 14.8% and 4.0%, respectively, when their LOS is over 12 months.
- Juveniles with person felonies have a 5.2% lower rearrest rate when their LOS is over 12 months.
 - *Note: Juveniles with person felonies have much lower overall rearrests than those committed on other offenses.*

Proposed Changes



Review Process

- Multidisciplinary Review Committee
 - National Data
 - Other States
 - Virginia Data
- Director's Oversight Committee
- Public Comment Period

Proposed Changes, cont.



- The proposed revisions use data to balance public safety, personal accountability, and competency development for juveniles to become law-abiding citizens upon return to the community.
 - Weighs the risk for rearrest, based on factors and offense severity to estimate the projected LOS
 - Incorporate seven primary LOS ranges, from 2-4 months to 9-15 months.
 - Maintain that a juvenile may stay until the statutory release date (36 months or 21st birthday) based on behavior, adjustment, and progress in treatment.

Review Process



Public Comment

- 8 Supporting Comments:
 - Citizen (Karen Sale)
 - National Juvenile Justice Network (Sarah Bryer)
 - Independent Public Policy Research (John Morgan)
 - JustChildren (Kate Duvall and Jeree Thomas)
 - Voices for Virginia’s Children (Amy Woolard)
 - American Civil Liberties Union (Claire Guthrie Gastanaga)
 - disAbility Law Center of Virginia (Colleen Miller)
 - Court Services Unit Directors’ Association (Mike Morton)
- 1 General Comment
 - Joann Wright



Questions/Comments?



COMMONWEALTH OF VIRGINIA

Andrew K. Block, Jr.
Director

Department of Juvenile Justice

MEMORANDUM

TO: The State Board of Juvenile Justice
FROM: The Department of Juvenile Justice
DATE: April 24, 2015
SUBJECT: Line Amendment to the Proposed Length of Stay (LOS) Guidelines

I. Purpose

The Department of Juvenile Justice (DJJ) requests the Board of Juvenile Justice (Board) approve a line amendments to the proposed "Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)."

II. Proposed Line Amendments

An error was identified on pages 16-17 in section 9.1 of the draft of the proposed "Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)." The current proposed language in this section contradicts in that it requires staff to conduct a case review prior to the projected early release date, but after the early release date has passed. Line amendments are required to address the error and eliminate confusion.

The proposed line amendments address language in section 9.1 (1):

1. Line 6, after "*the*" strike "*juvenile's*" and insert "*juvenile is expected to be held beyond his/her*"
2. Line 6, after "*Date*" strike "*has passed*"
3. Line 10, after "*beyond*" strike "*their*" insert "*his/her*"
4. Line 11, after "*the*" strike "*Late*" and insert "*Early*"

III. Proposed Change to The Guidelines

Below, please find the proposed amendments inserted into the applicable section of the "Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)" for your consideration.

9.1 Case Reviews for LOS Categories

Juveniles who are assigned a projected LOS pursuant to section 7.4 shall, at a minimum, have their cases reviewed as follows:

1. If the ~~juvenile's~~ *juvenile is expected to be held beyond his/her* projected Early Release Date ~~has passed~~:
 - a. The case shall undergo a facility-level review a minimum of thirty (30) days prior to the projected Early Release Date; and
 - b. If the facility-level review recommends that the juvenile be held beyond ~~their~~ *his/her* projected Early Release Date, the ~~Late-Early~~ Release Date may not be extended unless approved through a central review committee.
2. If the juvenile's Late Release Date has passed:
 - a. The case shall undergo a facility-level review a minimum of thirty (30) days after the projected Late Release Date; and
 - b. If the facility-level review recommends that the juvenile remain in direct care for longer than 30 days from the date of the review, the case shall be reviewed through a central review committee. The juvenile shall not remain in direct care unless approved by a central review committee. The central review committee shall set a schedule for additional and on-going reviews for juveniles referred to it under this section.



COMMONWEALTH OF VIRGINIA

Andrew K. Block, Jr.
Director

Department of Juvenile Justice

MEMORANDUM

TO: State Board of Juvenile Justice

FROM: The Department of Juvenile Justice

DATE: April 24, 2015

SUBJECT: Public Comments for the Proposed Length of Stay (LOS) Guidelines

I. Statutory Authority and Mandated Solicitation of Public Comments

Section 66-10 of the *Code of Virginia* gives the Board the authority to establish the LOS Guidelines for juveniles indeterminately committed to DJJ, and the section requires the Board to make the guidelines available for public comment.

II. Public Comment

- A. A copy of "Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)" was posted on the DJJ website. Additionally, a general notice providing information about the proposed changes was posted on the Virginia Regulatory Town Hall website. The public comment period was April 2, 2015 through April 19, 2015.
- B. A summary of the public comments along with copies of the comments have been provided for your review.

Name	Support		Summary of Comments
	Yes	No	
Ms. Karen Sale	x		Ms. Sale supports the assessments and recommendations of the professionals in the field. She would like the Board to consider putting juveniles to “-good, hard, back-breaking work.”
Ms. Joeann Wright			Ms. Wright shares her experience as a grandparent to a committed juvenile. She would like the juvenile centers to be “more understanding of the need of families, especially since the youth in the system are at their most emotional and critical stage of their lives.” Ms. Wright does not state a position of support or opposition to the LOS Guidelines.
Sarah Bryer, Director National Juvenile Justice Network	x		The National Juvenile Justice Network strongly supports the proposed changes because Virginia’s average LOS is out of step with the rest of the nation, it does not curb recidivism, nor does it improve outcomes for youth. Longer lengths of stay are ineffective, costly, and the majority of indeterminately committed youth have not committed a violent felony.
John R. Morgan, Ph.D. Independent Public Policy Research	x		Independent Public Policy Research strongly endorses the proposed revisions stating, “several revisions are strongly supported by juvenile justice and youth development research and by emerging best practice standards.” Independent Public Policy Research supports reducing the maximum late release term from 36 to 15 months, use of validated risk assessment instruments to assign early and late release dates, and more frequent case reviews.
Kate Duvall, Jeree Thomas JustChildren Legal Aid Justice Center	x		JustChildren strongly supports the proposed revisions because the current LOS guidelines are out of step with the rest of the nation and they do not reduce recidivism. The proposed guidelines will reduce the amount of time that youth are away from their families, which will assist in their re-entry.
Amy L. Woolard, Senior Policy Attorney Voices for Virginia’s Children	x		Voices for Virginia’s Children strongly supports the proposed revisions stating, “Family engagement and strong ties to community are critical components of ensuring juvenile offenders become law-abiding community members and preventing recidivism.” The revisions support this approach. Additionally, Voices for Virginia’s Children recommends that a family- and community-focused approach is more

		appropriate for a significant percentage of juvenile offenders requiring mental health care.
Claire Guthrie Gastanaga American Civil Liberties Union of Virginia	x	The American Civil Liberties Union of Virginia strongly supports the proposed changes to the LOS guidelines because Virginia's average LOS is above the national average, it does not curb recidivism, nor does it improve outcomes for youth. Longer lengths of stay are ineffective, costly, and the majority of indeterminately committed youth have not committed a violent felony. Additionally, longer lengths of stay in juvenile correctional centers negatively impact family engagement for youth who are far from home.
Colleen Miller, Executive Director disAbility Law Center of Virginia	x	The disAbility Law Center of Virginia strongly supports the proposed changes to the LOS guidelines because Virginia's average LOS is above the national average, it does not curb recidivism, nor does it improve outcomes for youth. Longer lengths of stay are ineffective, costly, and the majority of indeterminately committed youth have not committed a violent felony. Additionally, longer lengths of stay in juvenile correctional centers negatively impact family engagement for youth who are far from home.
Mike Morton, President Court Service Unit Director's Association	x	The Court Service Unit Director's Association supports the proposed LOS guidelines. The Association would welcome an opportunity to discuss with Director Block the impact of the changes on the court service unit operations.

Peterson-Wilson, Barbara (DJJ)

From: Karen Sale [karensale@icloud.com]
Sent: Thursday, April 09, 2015 10:16 PM
To: Peterson-Wilson, Barbara (DJJ)
Subject: Request for Public Comments: Guidelines for Determining the Length of Stay...

Thank you for inviting me to comment. If everything else in the program remains the same, I am confident the assessment and recommendations of the professionals in the field are accurate and will prove beneficial to their goals. However, if the Board would like to change the course of these boys and girls lives, consider putting them to work - good, hard, back-breaking work. Not an abusive environment, just a working hard environment. We all feel better about ourselves when we accomplish something with good, hard work. We become stronger inside and out. When this happens, they will not ever want to go back to feeling worthless and thinking they don't matter. They will have enough confidence in themselves, they won't need a gang to feel whole. If you have ever worked hard and accomplished something, you know what I'm talking about. Hard work will sweat the sad, defeated poison out of anyone.

Thank you again. Good-luck

Karen Sale
3706 Howsen Avenue
Fairfax, VA 22030
703-402-2312
karensale@icloud.com

Peterson-Wilson, Barbara (DJJ)

From: Jeree Thomas [jeree@justice4all.org]
Sent: Thursday, April 16, 2015 10:23 AM
To: Peterson-Wilson, Barbara (DJJ)
Cc: jwright196@cox.net
Subject: Re: Proposed Length of Stay Guidelines- Public Comment

Dear Mrs. Peterson-Wilson,

Below is public comment from Mrs. Joeann Wright (cc'd here) regarding the length of stay guidelines and the impact of extended incarceration on families.

Best Regards,
Jeree Thomas

Greetings:

I am writing on behalf of the young people in the juvenile justice system. I speak from experience gained by trial and error in dealing with the juvenile justice system. I entered the system operating under the misconception that the family, and the justice system, including the courts, the Commonwealth attorneys, as well as the defenders were part of a team working to act in the best interests of the child. I was wrong.

Many of the youth are being raised by grandparents like myself or extended family members who do not understand the system and the brief overview that you get when you are two minutes away from facing the judge doesn't really cover it. When you get the copy of the psychological report and it says the child (who has no prior offenses) can get the treatment they need locally you prepare for continued visits and providing support at the local facility. Unfortunately, the report is ignored and your grandchild is turned over to the juvenile system and one day you go to visit him and discover he left that morning for the Reception and Diagnostic Center (RDC). Then you get the information about where they are and when you can see them. You are also informed that you can come to Richmond on a weekday to participate in the review that will tell you how long your child will be gone. You worry because your child is special needs. No, he doesn't look broken. Most youth with mental illness never do. He was diagnosed with ADHD, with impulsive tendencies, and has difficulty being still and controlling impulsive blurting out, especially in frightening or frustrating situations, and so it begins.

Being so far from home is so difficult. There is a hardship in preparing for a six hour round trip drive for the hour and a half visit, especially if you are elderly grandparents and great-grand parents. You have to adjust when you take your medication and you have to stop to eat at certain times if you are diabetic. You never know what will happen when you get there because although there are rules, not everyone interprets them the same way. I saw a grandmother who was healing from foot surgery crying because she came so far to see her grandson and was told she could not because her shoes (orthopedic) were wrong. I offered to go to my car for an asthmatic mother who had driven all the way there to realize she didn't have her inhaler (some staff wouldn't allow you to take it in when you go to visit so you had to leave it in the car). She had to be sent to the infirmary and the ambulance came to attend to her, but she wanted to go home and not stay in a strange city and hospital with no one there with her.

It's hard on the youth when you drive away and they don't know when they will see you again. Since my grandson has been incarcerated, I have been diagnosed with cancer in my kidney and had to have it surgically removed, we have had our oldest son (the youth's uncle) die, our 14 year old great-granddaughter became ill with a virus and died, our oldest family uncle (92 years young) has died.

In March of 2014, a young man committed suicide. All they told the press was there was an ongoing investigation, but the young man was depressed because his grandmother who was his primary visitor had cancer and the visits were getting more difficult. The juvenile centers should be more understanding of the need of families, especially since the youth in the system are at their most emotional and critical stage of their lives. They are like the elephants that get separated from their families and so seek family connection in their environment for the necessary nurturing that they need to go from adolescence to young adult. How can one become an empathetic and compassionate adult if one never receives empathy or compassion?

There are so many local agencies, closer to the youth's homes that can provide the services they need to correct their behavior and guide them to more positive choices for their lives. It isn't necessary for them to be sent so far from home. The separation goes against everything you are trying to achieve. You want them to be a productive and conscientious citizen, but that is not what is taught. Inside all human beings is the desire to be part of an accepted group, be it family or otherwise. It is difficult to incorporate the ideals needed to be positively accepted and function in today's society without incorporating family values and you need real family to do that.

Joeann Wright
4249 Schooner Trail
Chesapeake, VA 23321
757-535-4230

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NATIONAL JUVENILE JUSTICE NETWORK

April 17, 2015

Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, Virginia 23219

Re: New Length of Stay Guidelines

Dear Chair Abbott and Members of the Board of Juvenile Justice:

The National Juvenile Justice Network strongly support[s] the proposed changes to Virginia Department of Juvenile Justice's (DJJ) length of stay (LOS) guidelines. As a national network of state-based juvenile justice coalitions and organizations working to secure fair, equitable and developmentally appropriate justice system for youth, we have seen far too many youth held in juvenile correctional centers beyond the point of rehabilitation. In Virginia, there are stories of youth being held beyond their late length of stay because they were denied access to treatment, their programming was impacted by staff shortages, or they received inadequate re-entry planning support. Such stories highlight the need for redressing Virginia's current length of stay guidelines, bringing them in line with national best practice.

We encourage the board to redress the need for new length of stay guidelines and vote in favor of the proposed changes for the following reasons:

- **Virginia's average LOS is out of step with the rest of the nation.** In 2009, the Council of Juvenile Correctional Administrators reported that the majority of states had average lengths of stay ranging from 6 to 12 months.¹ Virginia's average length of stay for all juveniles is 18.7 months and the average length of stay for indeterminately committed juveniles is 16.1 months.²
- **Virginia's current LOS guidelines do not curb recidivism.** According to the Department of Juvenile Justice 2014 Data Resource Guide, 78.4 percent of youth released from juvenile correctional centers in 2009 were re-arrested within 36 months and 73.5 percent were re-convicted.³ According to DJJ's own analysis, "controlling for offense and risk and protective factors, the probability of re-arrest increased by 32.7% for every additional year" that a youth remained in custody.⁴

¹ *No Place for Kids*, 15 (2011)

² Virginia Department of Juvenile Justice, *Data Resource Guide*, 40 (2014)

³ Virginia Department of Juvenile Justice, *Data Resource Guide*, 54 (2014)

⁴ Virginia Department of Juvenile Justice, *Draft Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately committed to the Department of Juvenile Justice (DJJ)*, 7 (2015).

- **Furthermore, research shows that longer lengths of stay do not improve outcomes for youth.** A 2009 study using longitudinal data of serious juvenile offenders in two cities found there was no benefit or decrease in recidivism among youth with longer lengths of stay between 3 and 13 months.⁵ In fact, the study found that among youth with low-level offenses, incarceration increased their level of self-reported offending. In Florida, research on youth in correctional centers found that there was “no consistent relationship between length of confinement and recidivism.”⁶ A study of youth in California linked longer periods of incarceration as juveniles to heightened criminality as adults.⁷
- **A majority of indeterminately committed youth have not committed violent felonies against the public.** In FY 2014, a majority of indeterminately committed youth were committed to DJJ for non-person felony offenses and misdemeanor offenses. In FY 2014, 42.5 percent of the youth indeterminately committed to a JCC had non-person felony offenses.⁸ 14.3 percent of youth had misdemeanor offenses.⁹ This is particularly alarming when considered in light of the above 2009 study, which would suggest Virginia’s current LOS requirements increase rather than decrease a youth’s risk of reoffending.
- **Not only are longer lengths of stay ineffective, longer lengths of stay are not cost effective for Virginia.** The Department of Juvenile Justice currently spends \$150,994 to incarcerate one youth for one year in a juvenile correctional center, approximately \$413.68 per day.¹⁰ According to a 2014 report by Youth Advocate Programs, using the American Correctional Associations’ average cost of youth incarceration, nationally Americans spend \$240.99 a day incarcerating one youth compared to \$75 a day for community-based wrap around services.¹¹ Not only are community-based services more cost effective, they have the added benefit of keeping kids connected to their communities and their support systems.

<http://www.djj.virginia.gov/pdf/Admin/2015%20Proposed%20Guidelines%20for%20Determining%20Length%20of%20Stay.pdf>

⁵ Loughran, T., Mulvey, E. P., Schubert, C. A., Fagan, J., Losoya, S. H., & Piquero, A. R. (2009). *Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders*. *Criminology*, 47, 699-740. See also Brian Lovins, K., *Putting Wayward Kids Behind Bars: The Impact of Length of Stay in a Custodial Setting on Recidivism*, (PhD dissertation, University of Cincinnati, 2013).

⁶ Winokur, Kristin Parsons, Alisa Smith, Stephanie R. Bontrager, & Julia L. Blankenship, *Juvenile Recidivism and Length of Stay*, *Journal of Criminal Justice*, Vol. 36, No. 2, 2008.

⁷ Ezell, Michael E., *Examining the Overall and Offense-Specific Criminal Career Lengths of a Sample of Serious Offenders*, *Crime & Delinquency*, Vol. 53, No. 1, 2007. See also, Mendel, Richard, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation, 15 (2011)

⁸ Block, Andrew, *Department of Juvenile Justice Overview Presentation*, Slide 8, January 6, 2015.


⁹ *Id.* at 8.

¹⁰ *Id.* at 7.

¹¹ Fazal, S. (2014). *Safely Home: Reducing youth incarceration and achieving positive youth outcomes for high and complex need youth through effective community-based programs*, Washington, DC. Youth Advocate Programs Policy & Advocacy Center.

The vision of the Department of Juvenile Justice is to “provid[e] effective interventions that improve the lives of youth, strengthening both families and communities within the Commonwealth.” The proposed changes to the LOS guidelines will help align DJJ’s policies with its vision by making sure youth are not separated from their communities and families for a period of time that is more harmful than rehabilitative.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah".

Sarah Bryer
Director, National Juvenile Justice Network

John R. Morgan, Ph.D.
Independent Public Policy Research
5711 North Chase Road
Midlothian, Virginia 23112

April 17, 2015
Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, Virginia 23219

Re: New Length of Stay Guidelines

Madame Chair and Members of the Board:

I strongly endorse the proposed Revised Guidelines for Length of Stay. As a career-long advocate for best practices in juvenile justice, I can attest that the revised guidelines are a significant and highly positive step in a much-needed initiative to install best practice reforms in Virginia's juvenile justice system. Current length of stay guidelines fall far short of the more enlightened and effective best practices being used in many other states.

Along with steps to reduce Virginia's long-standing overreliance on institutional placements through the use of more effective community-based alternatives, reforms on the institutional side of the system can enhance rehabilitative impact, reduce recidivism, and promote better long-term outcomes for troubled youths and greater public safety in Virginia communities. Several revisions in particular are strongly supported by juvenile justice and youth development research and by emerging best practice standards.

- Reducing the maximum late release term from 36 to 15 months. Research has shown no added effectiveness from longer lengths of stay; on the contrary, evidence suggests that longer stays may produce more rather than less criminal behavior due to increased exposure to criminogenic influences and increased risk of violence and harm during incarceration.
- Use of validated risk assessment instruments to assign early and late release dates. Such instruments permit data-based, objective decision making that better matches confinement duration to offender needs and to the probability of re-offending.
- More frequent case reviews. Periodic reviews can ensure that confinement is not arbitrarily extended beyond desirable duration due to administrative or procedural missteps.

These proposed guidelines represent commendable progress in the effort to reform juvenile corrections. Please vote to adopt the revised guidelines so that Virginia can join other states in repudiating a "lock 'em up and throw away the key" stance in favor of more rational, effective and just approaches. Thank you for the opportunity to comment on this positive initiative.

Respectfully submitted,

John R. Morgan, Ph.D.

April 18, 2015

Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, Virginia 23219

Re: Proposed Length of Stay Guidelines

Dear Chair Abbott and Members of the Board of Juvenile Justice:

JustChildren strongly supports the proposed length of stay (LOS) guidelines, and encourages the Board to vote in favor of their adoption. The current LOS guidelines are out of step with national practices and do not reduce recidivism. In contrast, the proposed guidelines are informed by a validated risk/needs assessment; more cost-effective than the current guidelines; and most importantly the proposed guidelines will not keep youth away from their families and communities beyond the point of rehabilitation.

JustChildren regularly represents young people committed to the Department of Juvenile Justice (DJJ). We have worked with many youth who sat idle in DJJ facilities after completing therapy and education because they had not reached their assigned early release date under the current guidelines. Some of these youth sat for months or even a year waiting to return home, despite their positive behavior record in DJJ.

Public safety is and should be a priority for DJJ; but unfortunately, the current LOS guidelines do not reduce recidivism. The current LOS guidelines are outdated and do not reflect recent research and best practices regarding the rehabilitation of youth offenders. In fact, Virginia's average length of stay for youth is three times the national average.¹ DJJ's own analysis shows the problems inherent with incarcerating young people for too long. When looking at a two-year release cohort, controlling for offense and YASI risk and protective factors, the following probabilities were identified (run independently):

- A 2% increase of rearrest within one year for every additional month of LOS.
- A 33% increase of rearrest within one year for every additional year of LOS.
- A 33% increase of rearrest within one year if the LOS were longer than 15 months.
- A 44% higher rate of rearrest within one year for juveniles with LOSs longer than 15 months compared to juveniles with LOSs of 10 months or less.

Comparatively, the proposed guidelines are based on a validated and individualized risk and need assessment instrument. Using a validated assessment will ensure that youth are given a length of stay that closely aligns with their individualized treatment and rehabilitation needs.

¹ Mendel, Richard, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation, 15 (2011).

DJJ currently spends \$150,994 to incarcerate one youth for one year in a juvenile correctional center, approximately \$413.68 per day.² The proposed guidelines are more cost-effective than the current guidelines because the length of incarceration is shorter and more aligned with the rehabilitation needs of each youth. If the guidelines are adopted, the cost savings for DJJ could be used to strengthen the network of evidence-based services and supports for youth in the community.

Finally, one of the most common concerns we hear from clients and their families about their time in DJJ is the negative impact that the distance from home and length of time away from their families has on their ability to successfully re-enter their communities. The Vera Institute studied the impact of family visitation on the behavior and school performance of incarcerated youth in Ohio's Department for Youth Services (DYS). Their study concluded that "[y]outh who were never visited had statistically significant higher behavioral incident rates compared to youth who were visited infrequently or youth who received regular visits.³ They also found that "distance was a significant barrier to visitation; youth who were placed far from home were less likely to receive an in-person visit while incarcerated."⁴ Keeping youth connected to their families is critical both in DJJ and in their communities. The proposed guidelines will reduce the amount of time that youth are away from their families, which will assist in their re-entry.

For the reasons outlined above, JustChildren strongly encourages the Board of Juvenile Justice to adopt the proposed LOS guidelines.

Sincerely,

Kate Duvall

Jeree Thomas

² Block, Andrew, Department of Juvenile Justice Overview Presentation, Slide 7, January 6, 2015.

³ Villalobos Agudelo, Sandra, *The Impact of Family Visitation on incarcerated Youth's Behavior and School Performance: Findings from the Families as Partners Project*, Vera Institute of Justice, 3 (April 2013)

⁴ *Id* at 4.



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April 17, 2015

Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, VA 23219

Re: Proposed DJJ Length of Stay Guidelines

Dear Chairperson Abbott and Members of the Board of Juvenile Justice:

Voices for Virginia's Children strongly supports the proposed revisions to the Department of Juvenile Justice's length of stay guidelines, and encourages the DJJ Board to take swift action to adopt them. Far too many of Virginia youth are confined in correctional institutions—far from their communities and families—with results that run counter to a core component of the Department's mission to employ best practices and data-driven strategies.

In our work with the child welfare and foster care systems, both research and practice demonstrate that children have better outcomes when they are living in family settings, connected to their communities, and offered appropriate services and trauma-informed care. Similar strategies are also more appropriate for juvenile offenders. Family engagement and strong ties to community are critical components of ensuring juvenile offenders become law-abiding community members and preventing recidivism. The proposed revisions to the length of stay guidelines would properly support this approach.

Voices for Virginia's Children also coordinates the Campaign for Children's Mental Health, through which we advocate for evidence-based best practices in providing access to quality children's mental health services. It is our recommendation that a family- and community-focused approach to treatment is also more appropriate for the significant percentage of juvenile offenders who need such mental health care.

The proposed guidelines will bring Virginia more in-line with best practices, while improving outcomes, reducing recidivism, and avoiding unnecessary expense to the Commonwealth. We urge the Board to vote in favor of this proposal.

Sincerely,

Amy L. Woolard
Senior Policy Attorney, Voices for Virginia's Children

Claire Guthrie Gaatañaga
Executive Director



April 17, 2015

Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, Virginia 23219

Re: New Length of Stay Guidelines

Dear Chair Abbott and Members of the Board of Juvenile Justice:

The American Civil Liberties Union of Virginia and its more than 10,000 members and supporters across Virginia strongly support the proposed changes to the Department of Juvenile Justice's (DJJ) length of stay (LOS) guidelines. Too many youth have been held in our juvenile correctional centers (JCC) beyond the point of rehabilitation. There are stories of youth being held beyond their late length of stay because they were denied access to treatment, their programming was impacted by staff shortages, or they received inadequate re-entry planning support.

We encourage the board to vote in favor of the proposed changes for the following reasons:

- **Research shows that longer lengths of stay do not improve outcomes for youth.** A 2009 study using longitudinal data of serious juvenile offenders in two cities found there was no benefit or decrease in recidivism among youth with longer lengths of stay between 3 and 13 months.¹ In fact, the study found that among youth with low-level offenses, incarceration increased their level of self-reported offending. In Florida, research on youth in correctional centers found that there was "no consistent relationship between length of confinement and recidivism."² A study of youth in California linked longer periods of incarceration as juveniles to heightened criminality as adults.³
- **Virginia's current LOS guidelines do not curb recidivism.** According to the Department of Juvenile Justice 2014 Data Resource Guide, 78.4 percent of youth released from juvenile correctional centers in 2009 were re-arrested within 36

¹ Loughran, T., Mulvey, E. P., Schubert, C. A., Fagan, J., Losoya, S. H., & Piquero, A. R. (2009). *Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders*. *Criminology*, 47, 699-740. See also Brian Lovins, K., *Putting Wayward Kids Behind Bars: The Impact of Length of Stay in a Custodial Setting on Recidivism*, (PhD dissertation, University of Cincinnati, 2013).

² Winokur, Kristin Parsons, Alisa Smith, Stephanie R. Bontrager, & Julia L. Blankenship. *Juvenile Recidivism and Length of Stay*. *Journal of Criminal Justice*, Vol. 36, No. 2, 2008.

³ Ezell, Michael E., *Examining the Overall and Offense-Specific Criminal Career Lengths of a Sample of Serious Offenders*. *Crime & Delinquency*, Vol. 53, No. 1, 2007. See also, Mendel, Richard, *No Place for Kids: The Case for Reducing Juvenile Incarceration*. The Annie E. Casey Foundation, 15 (2011).

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months and 73.5 percent were re-convicted.⁴ According to DJJ's own analysis, "controlling for offense and risk and protective factors, the probability of re-arrest increased by 32.7% for every additional year" that a youth remained in custody.⁵

- **Virginia's average LOS is above the national average.** In 2009, the Council of Juvenile Correctional Administrators reported that the majority of states had average lengths of stay ranging from 6 to 12 months.⁶ Virginia's average length of stay for all juveniles is 18.7 months and the average length of stay for indeterminately committed juveniles is 16.1 months.⁷
- **A majority of indeterminately committed youth have not committed violent felonies against the public.** In FY 2014, a majority of indeterminately committed youth were committed to DJJ for non-person felony offenses and misdemeanor offenses. In FY 2014, 42.5 percent of the youth indeterminately committed to a JCC had non-person felony offenses and 14.3 percent of youth had misdemeanor offenses.⁸
- **Longer lengths of stay are not cost effective for Virginia.** The Department of Juvenile Justice currently spends \$150,994 to incarcerate one youth for one year in a juvenile correctional center.⁹ According to a 2014 report by Youth Advocate Programs, using the American Correctional Associations' average cost of youth incarceration, nationally Americans spend \$240.99 a day incarcerating one youth compared to \$75 a day for community-based wraparound services.¹⁰ Not only are community-based services more cost effective, they have the added benefit of keeping kids connected to their communities and their support systems.
- **Longer lengths of stay in juvenile correctional centers negatively impact family engagement for youth who are far from home.** The Vera Institute studied the impact of family visitation on the behavior and school performance of incarcerated youth in Ohio's Department for Youth Services (DYS). Their study concluded that "[y]outh who were never visited had statistically significant higher

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⁴ Virginia Department of Juvenile Justice, *Data Resource Guide*, 54 (2014).

⁵ Virginia Department of Juvenile Justice, *Draft Guidelines for Determining the Length of Stay (LOS) of Juveniles Indeterminately Committed to the Department of Juvenile Justice (DJJ)*, 7 (2015).

<http://www.djj.virginia.gov/pdf/Admin/2015%20Proposed%20Guidelines%20for%20Determining%20Length%20of%20Stay.pdf>

⁶ *No Place for Kids*, 15 (2011).

⁷ Virginia Department of Juvenile Justice, *Data Resource Guide*, 40 (2014).

⁸ *Id.* at 8.

⁹ *Id.* at 7.

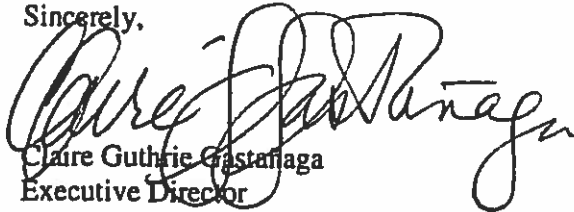
¹⁰ Fazal, S. (2014). *Safety Home: Reducing youth incarceration and achieving positive youth outcomes for high and complex need youth through effective community-based programs*, Washington, DC. Youth Advocate Programs Policy & Advocacy Center.

behavioral incident rates compared to youth who were visited infrequently or youth who received regular visits.¹¹ They also found that “distance was a significant barrier to visitation; youth who were placed far from home were less likely to receive an in-person visit while incarcerated.”¹²

The vision of the Department of Juvenile Justice is to “provid[e] effective interventions that improve the lives of youth, strengthening both families and communities within the Commonwealth.” The proposed changes to the LOS guidelines will help align DJJ’s policies with its vision by making sure youth are not separated from their communities and families for a period of time that is more harmful than rehabilitative.

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Sincerely,



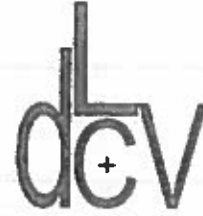
Claire Guthrie Gastanaga
Executive Director

¹¹ Villalobos Agudelo, Sandra, *The Impact of Family Visitation on incarcerated Youth's Behavior and School Performance: Findings from the Families as Partners Project*, Vera Institute of Justice, 3 (April 2013).

¹² *Id.* at 4.

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April 19, 2015

Heidi W. Abbott, Chair
Virginia Board of Juvenile Justice
600 East Main Street
Richmond, Virginia 23219

Re: New Length of Stay Guidelines

Dear Chair Abbott and Members of the Board:

The disAbility Law Center of Virginia (dLCV) is the federally authorized Protection and Advocacy organization for the Commonwealth of Virginia, and is mandated to protect and advance the civil rights of individuals with disabilities, including children and adolescents with disabilities in educational and residential facilities. A disproportionate number of youth served by DJJ have mental, emotional, or developmental disabilities.

dLCV strongly supports the proposed changes to the Department of Juvenile Justice's (DJJ) length of stay (LOS) guidelines. These proposed changes recognize that the current guidelines have not been effective in promoting effective rehabilitation or reducing recidivism. There are stories of youth being held beyond their late length of stay because they were denied access to treatment, their programming was impacted by staff shortages, or they received inadequate re-entry planning support.

We encourage the board to vote in favor of the proposed changes for the following reasons:

- **Longer lengths of stay do not improve outcomes for youth.**
- **Virginia's current LOS guidelines do not curb recidivism.**
- **Virginia's average LOS is above the national average.**
- **A majority of indeterminately committed youth have not committed violent felonies against the public.**
- **Longer lengths of stay are not cost effective for Virginia.**
- **Longer lengths of stay in juvenile correctional centers negatively impact family engagement for youth who are far from home.**

The vision of the Department of Juvenile Justice is to "provid[e] effective interventions that improve the lives of youth, strengthening both families and communities within the Commonwealth." The proposed changes to the LOS guidelines will help align DJJ's policies with its vision by making sure youth are not

separated from their communities and families for a period of time that is more harmful than rehabilitative.

Sincerely,

//signed//

Colleen Miller

Executive Director

On Apr 15, 2015, at 5:39 PM, Morton, Michael G. (DJJ) <Michael.Morton@djl.virginia.gov> wrote:

Director Block;

The Court Service Unit Director's Association (CSUDA) supports the 2015 Proposed Length of Stay Guidelines. We would welcome an opportunity to discuss with you the impacts of these changes on court service unit operations at one of our next association meetings.

Thank you for recognizing and seeking the support of the CSUDA.

**Mike Morton
CSUDA President**



Re-Examining Juvenile Incarceration

High cost, poor outcomes spark shift to alternatives

Overview

A growing body of research demonstrates that for many juvenile offenders, lengthy out-of-home placements in secure corrections or other residential facilities fail to produce better outcomes than alternative sanctions. In certain instances, they can be counterproductive. Seeking to reduce recidivism and achieve better returns on their juvenile justice spending, several states have recently enacted laws that limit which youth can be committed to these facilities and moderates the length of time they can spend there. These changes prioritize the use of costly facilities and intensive programming for serious offenders who present a higher risk of reoffending, while supporting effective community-based programs for others.

Out-of-home placements do not improve outcomes for most youth

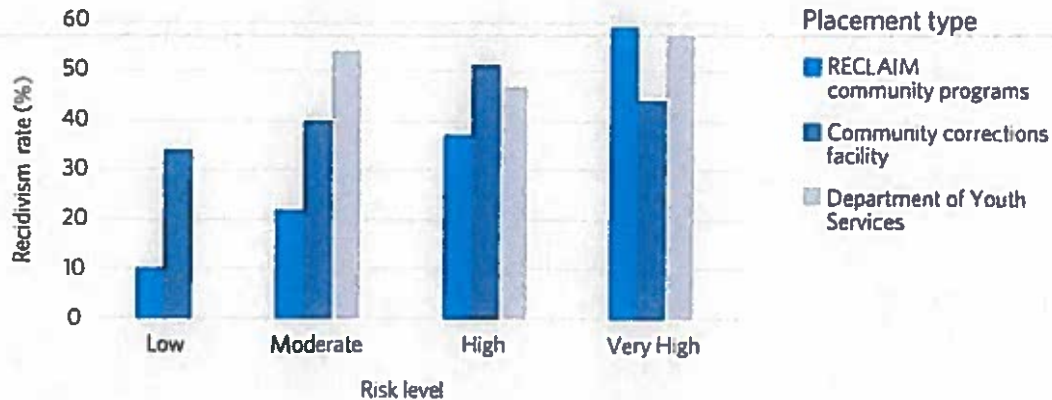
In general, research has found that juvenile incarceration fails to reduce recidivism:

- Meta-analyses—studies that combine the results of multiple evaluations—suggest that placement in correctional facilities does not lower the likelihood of juvenile reoffending and may, in fact, increase it in some cases.¹ One longitudinal study of serious adolescent offenders in Maricopa County, Arizona, and Philadelphia County, Pennsylvania, found that after matching youth offenders on 66 factors, including demographics and criminal history, those in placement fared no better in terms of recidivism than those on probation.²
- A separate analysis of the same data found that youth who reported the lowest levels of offending before being placed were more likely to reoffend following institutional stays.³
- In Texas, a recent study found that youth in community-based treatment, activity, and surveillance programs had lower rearrest rates than those with similar criminal histories and demographic characteristics who were released from state facilities.⁴
- An examination of long-term recidivism and education outcomes in Cook County, Illinois, found that juveniles who experienced confinement were more likely to drop out of high school and to be incarcerated as adults than youth offenders who were not incarcerated.⁵

Figure 1

Most Ohio Youth Supervised in the Community Have Lower Recidivism Rates

Outcomes were better for all but the very high-risk juveniles



Notes RECLAIM is a state initiative that encourages the supervision of youth offenders in the community. Recidivism is defined as a subsequent adjudication, conviction, or commitment to a state juvenile or adult facility within 2½ to 3½ years

Source: Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM Funded Programs: Community, Corrections Facilities, and DYS Facilities" (2005)

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Studies of juveniles at low risk to reoffend point to better recidivism outcomes for those who remain in community-based programs compared with those in out-of-home facilities:

- An evaluation of Ohio's Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors (RECLAIM Ohio) program—a state initiative to supervise youth offenders in the community rather than placing them in institutions—found that the recidivism rate for low- and moderate-risk juveniles in facilities was at least twice that of comparable youth under supervision or in programs in their communities.⁶ (See Figure 1.) For all but the very high-risk group, recidivism outcomes were better for offenders supervised in the community than for those in facilities.⁷
- In a study of low-risk juvenile offenders, the Florida Department of Juvenile Justice reported that diversion programs demonstrated lower recidivism rates compared with more restrictive options and that out-of-home placement was associated with the highest recidivism rates.⁸

Evidence does not support longer lengths of stay

Several studies examining different populations and using various methodologies have found no consistent relationship between the length of out-of-home placements and recidivism. (See Figure 2.)

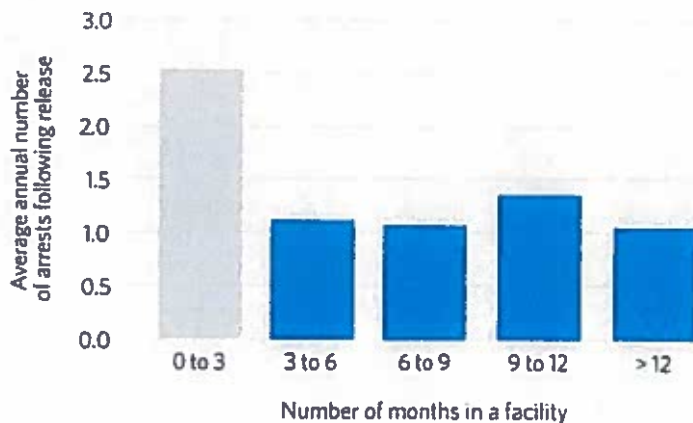
- One meta-analysis combining the results of juvenile and adult studies found that longer sentences were associated with a small increase in recidivism.⁹
- The Arizona and Pennsylvania longitudinal study referenced above reported that longer periods of confinement did not reduce recidivism in most cases.¹⁰ (See Figure 2.)
- A study in Florida found no consistent relationship between juveniles' length of stay in confinement and the likelihood of recidivism.¹¹
- An Ohio study found that, after controlling for juveniles' demographics and risk levels, those placed in state facilities for longer periods had higher rates of re-incarceration than did those held for shorter periods.¹²

Research in the area of treatment duration is limited but suggests that the intensity and length of treatment should be consistent with the offender's risk level to reduce the likelihood of future offending.¹³ Although some research has demonstrated a relationship between longer treatment periods or more contact hours and reduced recidivism, general agreement exists that extended treatment times show diminishing returns.¹⁴ Other factors, such as the risk levels of juveniles, the characteristics of programs, and the quality of their implementation, are key determinants in reducing recidivism, regardless of whether treatment is delivered in institutions or in the community.¹⁵

Figure 2

Longer Stays Do Not Yield Consistent Reductions in Juvenile Recidivism

Rearrest rates in 2 counties remained steady for offenders with longer placements



Note: Study evaluated serious adolescent offenders in Maricopa County, Arizona, and Philadelphia County, Pennsylvania.

Source: Thomas A. Loughran et al., "Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders," *Criminology* 47, no. 3 (2009): 699-740, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2801446>

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High cost to taxpayers, poor return on investment

High recidivism rates for juveniles released from out-of-home placements have prompted policymakers in several states to ask if the price tag is justified given the results. Though institutional placements vary substantially in cost, they are generally the most expensive options available for sanctioning young offenders. (See Figure 3.) States spend anywhere from tens to hundreds of thousands of dollars annually to hold a single juvenile offender in a corrections or other residential facility. The three-year outcomes in four states suggest a poor return on public investments:

- Nearly two-thirds of Georgia's \$300 million budget for the Department of Juvenile Justice was directed in 2013 to out-of-home facilities, including secure youth development campuses where housing an offender cost \$91,126 annually. Sixty-five percent of juveniles released from these facilities in 2007 were re-adjudicated or convicted as adults within three years.¹⁶
- The cost of placing an offender at the Hawaii Youth Correctional Facility was \$199,329 in 2013, and 3 in 4 youth released in 2005-07 were re-adjudicated or convicted within three years.¹⁷
- The average per-bed cost for Virginia's six juvenile correctional centers (including the Reception and Diagnostic Center) was \$85,549 in 2012, and 45 percent of offenders released in fiscal year 2008 were recommitted or incarcerated within three years.¹⁸
- In California, where the average annual cost of housing a juvenile offender in a state Department of Juvenile Justice facility was \$179,400 in 2012,¹⁹ more than half (54 percent) of juvenile offenders released from these facilities in fiscal 2007 and 2008 were returned to custody in a state-level juvenile or criminal facility within three years.²⁰

Figure 3

Daily Costs at Secure Juvenile Facilities Exceed Those of Other Common Sanctions

In South Carolina, a secure bed costs more than 30 times intensive probation



Note All cost figures are based on facility or program capacity and include personnel, operations, education, treatment, and some administrative costs. Figures are rounded to the nearest dollar. Wilderness camps provide youth with outdoor skills along with counseling and other support services.

Source: South Carolina Department of Juvenile Justice.

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Voters prioritize rehabilitation and recidivism reduction

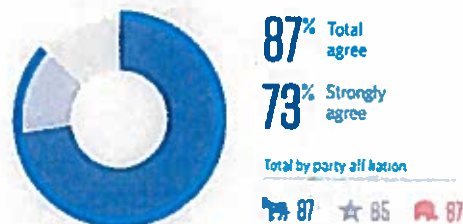
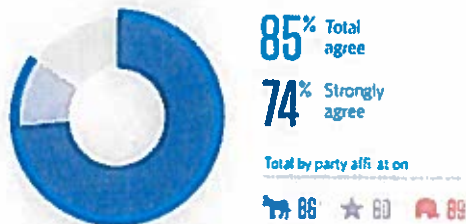
When it comes to the juvenile justice system, the major concerns of voters are rehabilitating offenders and reducing the likelihood that they will commit future crimes. A nationally representative poll of 1,200 registered voters in 2014 found that:

- Nearly 9 in 10 registered voters believe that juvenile correctional facilities should be used to house serious offenders and that policymakers should find less costly alternatives for lower-level offenders.
- 3 in 4 voters believe that juvenile offenders should receive treatment, counseling, and supervision to help them avoid reoffending, even if it means that they spend no time in a correctional facility.
- Voters support reducing the overall number of low-level juvenile offenders who are sent to correctional facilities and the length of time that these youth spend in such institutions.
- Voters strongly support using the cost savings from reduced juvenile confinement to build a more robust probation system.

Voters Care Less About Whether or How Long Juvenile Offenders Are Incarcerated Than About Preventing Crime

"It does not matter whether a juvenile offender is sent to a juvenile corrections facility or supervised in the community. What really matters is that the system does a better job of making sure that he or she is less likely to commit another crime."

"It does not matter whether a juvenile offender is in a juvenile corrections facility for 6 or 12 or 18 months. What really matters is that the system does a better job of making sure that when a juvenile does get out, he or she is less likely to commit another crime."



Household type



Household type



Note: Party affiliations of voters represent registered Democrats, independents and Republicans.

Source: The Pew Charitable Trusts, Public Opinion on Juvenile Justice in America (November 2014), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/12/public-opinion-on-juvenile-justice-in-america>

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States put research into action

In recent years, a number of states have passed laws excluding certain juveniles from being placed in state custody, reflecting a growing recognition of the steep cost and low public safety return of confining juveniles who commit lower-level offenses in residential facilities. Some states also have modified the length of time juveniles spend in custody. Because research shows little to no recidivism reduction from extended stays for many offenders, a handful of states have adopted mechanisms to evaluate youth placements and shorten them when appropriate.

Limiting out-of-home placements

- In 2014, Hawaii banned commitment to the state's youth correctional facility for misdemeanor offenses.²¹
- Kentucky adopted reforms in 2014 that prohibit most misdemeanor offenders and Class D felons—the least serious class—from commitment to the Department of Juvenile Justice.²²
- Georgia passed legislation in 2013 to prohibit residential commitment for all status offenses, such as skipping school or running away, and for misdemeanor offenders except those with four prior adjudications, including at least one felony.²³
- In 2011, Florida banned state commitment for misdemeanors, with certain exceptions for youth with prior delinquency and those at high risk of reoffending.²⁴
- In 2009, Mississippi prohibited commitment to the state training school for any juvenile offender adjudicated as delinquent for a nonviolent felony or with fewer than three misdemeanors.²⁵
- In 2007, California banned state commitment for all low-level and nonviolent offenses.²⁶
- As part of a complete overhaul of its juvenile corrections system in 2007, Texas barred commitments to secure facilities for misdemeanor offenses.²⁷
- Several other states, including Ohio and Virginia, took steps to remove misdemeanor offenders from state commitment in the 1980s and 1990s.²⁸

Moderating length of stay

- In 2014, Kentucky limited the amount of time a juvenile may be held by the Department of Juvenile Justice in out-of-home placement for treatment, and the total amount of time a youth may be committed or under court supervision.²⁹
- In 2013, Georgia eliminated the mandatory minimum sentence for certain felony offenses and reduced the maximum term for less serious felony offenses from five years to 18 months.³⁰
- In 2011, Ohio expanded judicial discretion in release decisions for committed youth.³¹ Legislation authorized the courts to release from the Department of Youth Services offenders serving mandatory sentences once certain minimum terms are met.³²

Endnotes

- 1 Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson, "Imprisonment and Reoffending," *Crime and Justice: A Review of Research* 38 (2009): 115-200, Paula Smith, Claire Goggin, and Paul Gendreau, *The Effects of Prison Sentences and Intermediate Sanctions on Recidivism: General Effects and Individual Differences* (January 2002), <http://www.publicsafety.gc.ca/cnt/rsrscs/pbictns/flicts-prsn-sntncs/index-eng.aspx>, and Patrice Villettaz, Martin Killias, and Isabel Zoder, "The Effects of Custodial vs. Noncustodial Sentences on Re-Offending: A Systematic Review of the State of Knowledge" *Campbell Systematic Reviews* 13 (October 2006) doi:10.4073/csr.2006.13. These reviews synthesize the results of individual adult and juvenile justice studies that compared the effects on recidivism of custodial sanctions with those of alternatives. In each review, including for juvenile samples, the weight of the evidence suggests that incarceration does not reduce recidivism.
- 2 Thomas A. Loughran et al., "Estimating a Dose-Response Relationship Between Length of Stay and Future Recidivism in Serious Juvenile Offenders," *Criminology* 47, no. 3 (2009), 699-740, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2801446/>. This study standardized recidivism as an average yearly rate of rearrest, controlling for time in the community over the 48-month follow-up period.
- 3 Edward P. Mulvey et al., "Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders," *Development and Psychopathology* 22 (November 2010): 453-75, doi: 10.1017/S0954579410000179. This study included multiple measures of self-reported offending collected every six months during a three-year period following adjudication and a baseline interview.
- 4 Tony Fabelo et al., "Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms" (January 2015), <http://csgjusticecenter.org/wp-content/uploads/2015/01/texas-jj-reform-closer-to-home.pdf>.
- 5 Anna Aizer and Joseph J. Doyle Jr., "Juvenile Incarceration, Human Capital and Future Crime: Evidence From Randomly-Assigned Judges," working paper, National Bureau of Economic Research (June 2013), http://www.mit.edu/~jdoyle/aizer_doyle_judges_O6242013.pdf.
- 6 Christopher T. Lowenkamp and Edward J. Latessa, *Evaluation of Ohio's RECLAIM Funded Programs, Community Corrections Facilities, and DYS Facilities* (2005), http://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/Final_DYS_RECLAIM_Report_2005.pdf.
- 7 *Ibid.* This study included multiple measures of recidivism. In this instance, recidivism refers to a subsequent adjudication, conviction, or commitment to a state juvenile or adult facility within the 2½- to 3½-year follow-up period.
- 8 Michael Baglivio, Florida Department of Juvenile Justice, "Briefing Report: The Risk Principle" (2013), <http://www.djj.state.fl.us/docs/research2/briefing-report-the-risk-principle.pdf?sfvrsn=0>. This study measured recidivism as a subsequent adjudication or conviction within 12 months of program completion.
- 9 Smith, Goggin, and Gendreau, *The Effects of Prison Sentences*.
- 10 Loughran et al., "Estimating a Dose-Response Relationship."
- 11 Kristin P. Winokur et al., "Juvenile Recidivism and Length of Stay," *Journal of Criminal Justice* 36 (2008): 126-37. This study measured recidivism as a subsequent adjudication or conviction for an offense within 12 months of release to the community or to a conditional-release program.
- 12 Brian K. Lovins, "Putting Wayward Kids Behind Bars: The Impact of Length of Stay in a Custodial Setting on Recidivism" (PhD diss., University of Cincinnati, 2013), http://cech.uc.edu/content/dam/cech/programs/criminaljustice/docs/phd_dissertations/lovinsb.pdf. This study measured recidivism as a subsequent commitment to a juvenile or adult correctional facility for a new offense within a three-year follow-up period.
- 13 James C. Howell and Mark W. Lipsey, "Research-Based Guidelines for Juvenile Justice Programs," *Justice Research and Policy* 14, no. 1 (November 2012): 17-34; Jeff Latimer et al., Department of Justice Canada, *Treating Youth in Conflict With the Law: A New Meta-Analysis* (April 2003), http://www.justice.gc.ca/eng/rp-pr/cj-jp/yj-jj/rr03_yj3-rr03_jj3/rr03_yj3.pdf, Mark W. Lipsey, "Primary Factors That Characterize Effective Interventions With Juvenile Offenders: A Meta-Analytic Overview," *Victims & Offenders* 4, no. 2 (April 2009): 124-47, doi:10.1080/15564880802612573; and Mark W. Lipsey, David B. Wilson, and Lynn Cothorn, "Effective Intervention for Serious Juvenile Offenders," *Juvenile Justice Bulletin* (April 2000).
- 14 *Ibid.*
- 15 Howell and Lipsey, "Research-Based Guidelines"; and Lipsey, "Primary Factors."
- 16 The Pew Charitable Trusts, *Georgia's 2013 Juvenile Justice Reform: New Policies to Reduce Secure Confinement, Costs, and Recidivism* (July 2013), <http://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/georgias-2013-juvenile-justice-reform>.
- 17 The Pew Charitable Trusts, *Hawaii's 2014 Juvenile Justice Reform: New Law Will Strengthen Community Supervision and Reduce Secure Confinement* (July 2014), <http://www.pewtrusts.org/Research-and-Analysis/Issue-Briefs/2014/07/Hawais-2014-Juvenile-Justice-Reform>.

- 18 Virginia Department of Juvenile Justice, Data Resource Guide, Fiscal Year 2012 (February 2013), http://www.djj.virginia.gov/pdf/AboutDJJ/DRG/FY2012_DRG.pdf
- 19 California Legislative Analyst's Office, Completing Juvenile Justice Realignment (February 2012), http://www.lao.ca.gov/analysis/2012/crim_justice/juvenile_justice_021512.pdf
- 20 California Department of Corrections and Rehabilitation, 2012 Outcome Evaluation Report (October 2012), http://www.cdcr.ca.gov/adult_research_branch/Research_Documents/ARB_FY_0708_Recidivism_Report_10_23_12.pdf
- 21 The Pew Charitable Trusts, Hawaii's 2014 Juvenile Justice Reform.
- 22 The Pew Charitable Trusts, Kentucky's 2014 Juvenile Justice Reform: New Law Will Strengthen Community Supervision and Reduce Secure Confinement (July 2014), <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2014/07/kentuckys-2014-juvenile-justice-reform>. Exceptions include youth who have been adjudicated for deadly weapon offenses or offenses that would classify them as sex offenders, or those who have three or more prior delinquency adjudications or four or more previous adjudications for supervision violations.
- 23 The Pew Charitable Trusts, Georgia's 2013 Juvenile Justice Reform.
- 24 Florida Senate Bill 2114 (2011), <http://www.flsenate.gov/Session/Bill/2011/2114>.
- 25 Mississippi: Senate Bill 2984 (2009), <http://billstatus.ls.state.ms.us/documents/2010/html/SB/2900-2999/SB2984SG.htm>
- 26 California Senate Bill 81 (2007), http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0051-0100/sb_81_bill_20070824_chaptered.pdf. Counties may send an offender to a state facility only if he or she has committed one of the serious or violent offenses listed in section 707(b) of the California Welfare and Institutions Code, or a sex offense listed in Penal Code 290(d)(3).
- 27 Texas Senate Bill 103 (2007), <http://www.legis.state.tx.us/billlookup/text.aspx?LegSess=80R&Bill=SB103>
- 28 Ohio Code § 2152.16, <http://codes.ohio.gov/orc/2152.16> and Virginia Code § 16.1-278.8(A)(14), <https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+161-278.8>
- 29 The Pew Charitable Trusts, Kentucky's 2014 Juvenile Justice Reform.
- 30 The Pew Charitable Trusts, Georgia's 2013 Juvenile Justice Reform.
- 31 Ohio House Bill 86 (2011), http://archives.legislature.state.oh.us/BillText129/129_HB_86_EN_N.html. Also see Ohio Criminal Sentencing Commission, "HB 86 Summary" (August 2011), 34, http://opd.ohio.gov/Legislation/Le_OhioCrimSentSummary.pdf
- 32 Ibid.

For further information, please visit:
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