

Charlottesville Task Force Report
on Disproportionate Minority
Contact in the Juvenile Justice
System

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And finally, we would like to thank the following people as they contributed significantly to the collection and facilitation of data for this initiative: Nick Rudman, Wendy Lewis, Dave Shifflett from the Charlottesville Police Department, and Martha Carroll, Barbara Ferrier, and Jessica Turfboer, from the Virginia Department of Juvenile Justice. Their contributions to this report are greatly appreciated.

Executive Summary

Background

At the request of the Charlottesville City Council, this report was created to examine and explain racial disproportionality and disparities associated with the local juvenile justice system. According to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), *racial disproportionality* refers to one race being over- or under-represented compared to the racial makeup of the whole community. *Racial disparity* is when youth and families in similar situations receive different outcomes based on race. As a result of the request from City Council, a task force consisting of a diverse group of members of the community, key system stakeholders, and people working directly in the juvenile justice system was formed to investigate suspected disproportionality and disparities in the juvenile justice system. A second goal was to summarize evidence-based best practices aimed at reducing racial differences over a sustained period of time. The best practice recommendations in the current report can provide support and guidance for the continued development of new programs in the community, along with the expansion and refinement of current programs aimed at reducing racial inequalities in the local juvenile justice system.

Research from the Office of Juvenile Justice and Delinquency Prevention indicates that disproportionate minority contact (DMC) within the juvenile justice system is a nationwide problem; the City of Charlottesville is no exception. According to the U.S. Census, 51% of Charlottesville youth ages 10-17 are White, 41% are Black, and 8% are of more than one race or another race. In an earlier report presented to Charlottesville City Council in 2011, minority overrepresentation, specifically for Black youth, was found at nearly each of the decision points in the juvenile justice system. As a result, the Charlottesville Task Force on Racial Disparities and Disproportionality was charged by City Council to seek answers to the following key questions. More detailed research questions were identified for specific areas within the juvenile justice system.

1. What laws influence decisions?
2. What policies influence decisions?
3. Is there disparity by race in decisions?
4. If disparity is found, what is the level or degree of disparity?
5. Who is responsible for decision-making?
6. What is the cause of disparity?

In order to answer these questions, the Task Force implemented a strategic three-step approach. First, key stakeholders working within the juvenile justice system were identified and approached to be interviewed about their experiences and opinions regarding local disproportionate minority contact. People working in nearly every capacity of the juvenile system were interviewed for this initiative, including police officers, commonwealth's attorneys, defense attorneys, court services personnel, and judges. Next, local data on *de-identified* juvenile records was gathered from the Charlottesville Police Department and the Virginia Department of Juvenile Justice. This data was analyzed to have a clearer understanding of the extent of disparity and disproportionality in the juvenile justice system and to target specific areas for improvement that will foster sustainable change. And finally, multiple community engagement forums were held both to inform the community of the current initiative and to also solicit active ideas and solutions to racial differences seen in the juvenile system. Members of the Task Force also conducted focus groups with a small number (14) of juveniles. However, this work was not done or observed by the researchers, but rather by interested members of the Task Force; therefore it is not included in this report. The results of the focus groups are reported in Appendix E of this report.

Summary of Findings from Interviews

1. Professional stakeholders were hesitant to acknowledge the existence of racial disparities during interviews. However, the majority of professional stakeholders recognized that Black youth enter the system in higher numbers than White youth. Others reported that in their experience, there have been no differences with respect to the way Black youth are treated within the juvenile justice system.
2. No participants explicitly stated that individual behavior or overt bias against Black youth could be an explanation for why racial disproportionality and/or disparity exist. Nevertheless, participants did not *deny* that racial differences exist in the juvenile justice system and were prone to fault policies and procedures as responsible for these differences rather than individuals.
3. When asked to provide an opinion about why racial differences might exist, participants described a number of circumstances including:
 - a. Real differences in opportunity and stress based on racial and economic disparity:
 - i. Economic disadvantage; and
 - ii. Family and parenting stresses: some opinions expressed in this section may reflect a view that Black families experience difficulties more often.
 - b. Bias and discrimination:

- i. Unconscious bias in working with Black and White youth; and
- ii. Residents being more likely to report perceived misbehavior of Black youth.

Summary of Findings from Data Analyses

1. Overall, juvenile arrests for criminal offenses in the City of Charlottesville are down 70 – 80% from 2000 – 2001 levels according to the Virginia Department of Criminal Justice Services.
2. Based on all data from multiple sources, Black youth were substantially overrepresented at the referral for intake stage based on what would be expected given the percentage of Black youth living in the City of Charlottesville.
3. Black youth were much more likely to be arrested as a result of a call for service from a resident than from an officer-initiated arrest. Results from the Stop and Frisk data were consistent with this trend suggesting that residents in the community are more likely to call the police about Black youth compared to White youth.
4. Black youth were more likely, compared to White youth, to have multiple referrals for intake and multiple arrests. This smaller group of youth (68 of 311) with multiple arrests and intakes, account for a substantial number, more than half (52%), of intakes filed over a 3.5 year period.
5. Black and White youth differ substantially with regard to the types of offenses they are being charged with at referral. Specifically, at referral for intake, Black youth are more likely to be charged with crimes against persons (both felony and misdemeanors), more likely to be charged with failure to appear in court or contempt of court, and much more likely to receive a referral for a probation violation. White youth were more likely to be referred to intake for a drug or alcohol related charge.
6. Although many more Black youth are referred into the system, Black and White youth were equally likely to receive a similar outcome after cases were matched for offense severity or charge that was referred at intake. In other words, Black and White youth charged with the same crime were likely to receive similar consequences.
7. Although more Black youth were stopped in the community for questioning by police, only 17 stops involving 36 youth total were reported over a 1-year span and Black youth were not more likely to be arrested as a result of being stopped by the police compared to White youth. The amount of data collected is limited, which may be a reflection of implementation issues associated with this new reporting procedure. The stops reported are centered in three geographic areas and, as a result, there were some concerns that underreporting could have been an issue or that police officers were simply unfamiliar with the new policy in place over the 1st year of data collection.

8. While more Black youth have received probation as the result of an offense and have been detained prior to adjudication, Black youth charged with similar offenses as compared with White Youth are not more likely to receive probation or be detained prior to their court hearing compared to White youth.

Summary of Community Forum Meetings

1. Community attendance and feedback was encouraging as more than 200 residents in 4 separate communities actively participated in the forums.
2. Each of the community meetings had its own unique contribution, but common themes regarding disproportionate minority contact did emerge. Below are some of those themes discussed at the meetings:
 - a. Unequal treatment by police
 - b. Increased access to service providers in the community
 - c. Increased access to information on *how* to navigate the juvenile justice system
 - d. A need for support in navigating the juvenile justice system
 - e. Neighborhood peer support networks were suggested and endorsed
 - f. Lack of engagement and of fair treatment in the City school system
 - g. Parenting issues and supervision of youth
 - h. Parenting issues and supervision of youth

Summary of Best Practices Recommendations

Based on the findings included in this report and research on evidence-based best practices to reduce DMC, the Task Force recommends the following:

1. *Training* for police, youth, and juvenile justice professionals on disproportionate minority contact, and ways to reduce it, as well as training on interacting with youth.
2. Provide greater *delinquency prevention and system support* to families and youth in the community.
3. *Continue the DMC Task Force* with the charge to monitor, report and make recommendations to continue reducing DMC in the juvenile justice system in Charlottesville on an ongoing basis.
4. Support system stakeholders by *evaluating formal and informal policies that contribute to DMC*.
5. *Support the School Board* in continuing to implement policies and programs to reduce the occurrence of disproportionality in suspensions, school-based arrests, and referrals.

Conclusions and Implications

The main conclusion of this report is that Black youth are entering the system in disproportionate numbers compared to their White counterparts. Once youth are involved with the system, the

treatment or outcomes they receive is similar with the exception of referrals for probation violations which Black youth were more likely to receive. This disparity within the system was consistent across sources and should be closely monitored moving forward. It is important to note that overall numbers of Black (and White) youth encountering the juvenile justice system are decreasing and quite small. Over 97% of Black youth in Charlottesville have no contact with the juvenile justice system.

The current investigation has revealed that Black youth are entering the system at greater numbers for a variety of reasons. There is no *single* marker of disproportionality that needs to be addressed but rather a number of ways that Black youth enter the system in greater numbers compared to their White counterparts. The cumulative effect of these disproportionate avenues into the system contributes to the *overall* disproportionality of Black youth that exist today and was the genesis for this report. Research from the National Institute of Justice has echoed the same conclusions regarding disproportionate minority contact studied in other localities. Listed above in the data summary are some of the largest contributors of disproportionality that were identified and targeted as areas for improvement. The recommendations brought forth in this report target these areas and incorporate evidence-based practices that have been shown to reduce disproportionate minority contact in other localities.

Another conclusion from this report is the apparent disconnect between the opinions offered by professional stakeholders in the community, perceptions of residents in the community, and what the data tell us about disproportionate minority contact in Charlottesville. During the interviews, some stakeholders shared their opinions that minority youth in Charlottesville were treated equitably or indicated they did not realize there was disproportionality in the system at all. Yet, upon looking at the data its quite clear Black youth are disproportionately represented in the juvenile justice system suggesting a certain amount of implicit bias may be present. Therefore, another conclusion from this initiative is that efforts need to be made to more effectively educate stakeholders about DMC locally in a way that does not hold an accusatory tone.

Alternatively, many residents of the community voiced frustration that youth in the community were being profiled and unfairly targeted by law enforcement and the justice system. While the data clearly show that Charlottesville has disproportionate minority contact at the referral stage, the extent or degree of disproportionality does not seem to match the perceptions voiced at the

community forums from residents. For example, data over the last year on youth being stopped by police showed only 17 stops total and officer initiated stops were fairly equitable compared to the disproportionality seen in police stops that were called-in from the community. Furthermore, juvenile arrests are down almost 80% compared to 2001, school-based referrals are decreasing, and over 95% of youth in Charlottesville never come into contact with the juvenile justice system. Yet, this message regarding positive gains specifically targeting the prevention of youth becoming involved in the juvenile justice system seems to not be reaching the community in an effective way. Because this topic is so sensitive and emotionally charged, it is crucial that everyone involved support the need for an open exchange and dialogue regarding the current state of how youth interact with the justice system.

One final encouraging conclusion for this report is the engagement of the community as a whole. This report represents a conscious ongoing effort from the community to improve race relations in Charlottesville. This city is unique in that its stakeholders and residents are very committed to helping youth in this community as evidenced by the participation in this initiative. Police officers, judges, local government personnel, parents, commonwealth attorneys, and concerned residents have all been *active* participants in this initiative. This is a very encouraging sign for sustainable change and will be instrumental in helping the youth of this community receive fair treatment in the juvenile justice system. Vital to this process is the ongoing efforts and engagement from the community to implement the continued monitoring of DMC and recommendations brought forth in this report.

Introduction

This report was prepared at the request of City Council on behalf of the City of Charlottesville Task Force on Racial Disparities and Disproportionality in the Juvenile Justice System.

In February 2013, the Task Force identified the following goals for the initiative:

1. Collect and understand the current state of data collection procedures for monitoring Disproportionate Minority Contact (DMC)
2. Examine each step in our local juvenile justice system by analyzing data and conducting interviews to identify factors contributing to DMC
3. Recommend specific policy and practice changes based on the results of data analysis and national, evidence-based best practices
4. Explore and implement new data collection procedures and practices
5. Provide appropriate and sustained training for persons working in the juvenile justice system
6. Enhance protective factors and diversions
7. Reduce disproportionality and disparities over a sustained period using a systematic approach

Who is responsible for making decisions?

Table 2 identifies those responsible for making decisions at each stage as youth move through the juvenile justice system. These descriptions are simplified and are not intended to be comprehensive or exhaustive.

Table 2

Stage	Decision-Maker
Arrest/Charges	Complainant/Petitioner (includes the police, probation officers, relatives, victims, school officials, etc.)
Intake	Court Service Unit personnel Youth (eligible youth are given options that they must choose from)
Pre-Trial Detention	Court Service Unit personnel Judges
Adjudication	Judges Youth (youth may decide to admit guilt)
Disposition (e.g., sentencing recommendations)	Court Services Unit personnel (disposition recommendations) Prosecuting and defense attorneys (respective recommendations to the judge regarding disposition) Judges

Background

In July, 2009, the Charlottesville/Albemarle Commission on Children and Families convened a Task Force on Race Disparity and Disproportionality in Youth Services. *Racial disproportionality* refers to one race being over- or under-represented compared to racial makeup of the whole community. Demographic information for 2010 - 2012 from the U.S. Census American community survey for Charlottesville is provided below.

Table 3

City of Charlottesville Population Demographics				
	White alone	Black alone	Other	Total
Total population	70% (30,582)	20.5% (8,921)	9.5% (4,141)	100% (43,644)
Ages 10-17	51.3% (1,382)	40.6% (1,093)	8.1% (218)	100% (2,693)

Racial disparity occurs when youth and families in similar situations receive different outcomes based on race. National research shows that young children, children living in low-income households, and non-Caucasian children are at the highest risk for disparate outcomes; and, while poverty is a risk factor for all children, race and ethnicity additionally contribute to this risk. Local data were gathered in the areas of education, mental health, physical health, social services, and juvenile justice, and analyzed to understand better the extent of disparity and/or disproportionality in local service provision to children and families. The current report expands upon the original with a focus on the potential mechanisms underlying disparities and disproportionality in the area of juvenile justice.

Findings from the 2011 Task Force report

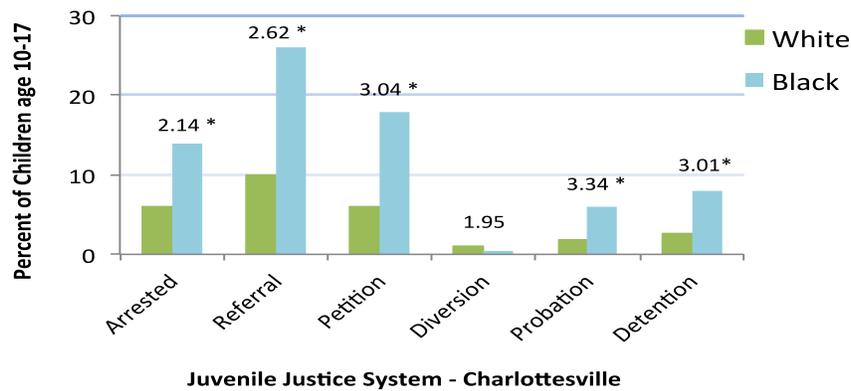
The initial investigation of racial disparity found that Black youth are substantially over-represented in every local service delivery system (i.e., juvenile justice, child welfare, education, physical health, and mental health), compared to the percentage expected given the number of Black children living in Charlottesville. With regards to juvenile justice, the original Task Force found the following based on data from 2004-2007:

1. In a population of youth on *probation* for at least 2 months, there were *no differences* between Black and White youth in assessed risk in the areas of family, school, and individual risk factors.

2. However, Black youth were more than 2 times more likely to be arrested for allegedly breaking the law, referred to intake to determine whether charges will be filed, petitioned to go to trial before a judge, placed on probation to receive supervision, sent to detention for confinement, and sentenced to serve time in a correctional facility than White youth (See Figure 1).

Figure 1

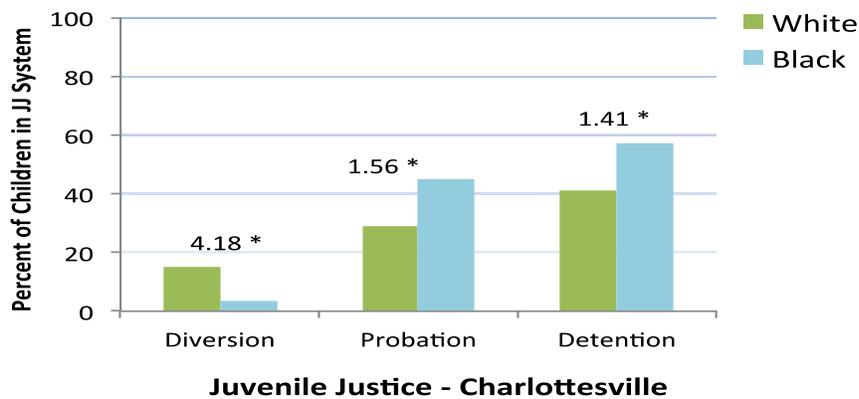
Findings from Initial Report



Even after accounting for differences in arrests, Black youth were still about 1½ times more likely to go to detention and more than 1½ times more likely to be put on probation. White youth were 4 times more likely to be diverted (See Figure 2).

Figure 2

Findings from Initial Report



In sum, despite the fact that Black and White youth show similar risk patterns across family, individual, school and juvenile justice risk factors, the 2011 Task Force report found disparities at nearly every decision point in the system. In comparing between reports, there are stark differences, most notably, the differences in outcomes that youth receive (e.g. diversion, probation, detention). The reason there are such stark differences has to do with the amount of data that was available between the 2011 report and the current report. In the 2011 report, the only available data for outcomes was what was publicly available on the Virginia Department of Criminal Justice's website and case file data on approximately 300 youth placed on probation from 2004-2006. Simply put, the only available data at the time were the aggregate numbers for Black and White youth at each decision point. In the current (2014) report, data were available to match youth with the same or similar charges and then compared the outcomes received for Black and White youth. After matching youth on the offense charge, we were able to conclude that Black and White youth generally receive the same outcome. This information was not available for the 2011 report and is the biggest difference across both reports. This (2014) report outlines the results of a more focused investigation of racial disproportionality and disparity in the Charlottesville juvenile justice system. We present the results of stakeholder interviews and data that were collected from all points of contact within the juvenile justice system and conclude with recommendations for action.

Local History

Understanding racial disparity and disproportionality is especially important in Charlottesville due to a history of segregation and gentrification as well as very recent efforts by local government aimed at concretely addressing race relations. In 1958, Charlottesville participated in Virginia’s Massive Resistance to integration by closing Lane High School and Venable Elementary School for five months rather than enroll Black students. Shortly thereafter, between 1960 and 1965, the city demolished one church, 30 businesses, and the homes of 158 families in the Vinegar Hill area—140 of whom were Black—in the name of urban renewal (see a short history in Appendix B). The long-term deleterious effects of these actions include the widespread belief that many Black residents do not trust local officials in a variety of capacities and public processes, and perceive a lack of responsiveness when their concerns are expressed. Anecdotally, service system staff report that many Black residents often do not view human service programs as accessible or reliable in addressing their needs.

In a 2008 retreat, the Charlottesville City Council identified race relations as a priority. The Council issued an apology for the local actions associated with Massive Resistance and launched the Dialogue on Race, a community-wide initiative to engage residents in “on-going discussion to better understand each other, our backgrounds, our history, our perceptions and how past actions continue to affect life in Charlottesville today.” In 2013, the City established a Human Rights Commission “to act as a strong advocate for justice and equal opportunity by providing citywide leadership and guidance in the area of civil and human rights.”

Assessment Process

The extent of racial disproportionality and disparity in the juvenile justice system was assessed in several ways. First, a series of interviews with key stakeholders working directly in the juvenile justice system was conducted to examine the possible causes of disproportionate minority contact. Quantitative data were collected to analyze key decision points and more closely examine how juveniles move through the system. Because of the sensitive nature of the data collected from the Charlottesville Police Department and the Department of Juvenile Justice, precautionary measures were taken to ensure the anonymity of juvenile records. Furthermore, all data collection procedures were thoroughly reviewed by the Institutional Review Boards at the University of Virginia and the Virginia Department of Juvenile Justice. Finally, a series of community forums were conducted to talk with residents about the causes and possible solutions to disproportionate minority contact.

Research Questions and Methods

The following key assessment questions were developed by the Task Force and address specific decision points within the juvenile justice system.

Contact Point: Police Involvement

- Assessment questions:
 - What policies influence decisions?
 - How are street-level policing decisions made?
 - Are there disparities by race as a result of street police contact?
 - If so, what is the level of disparity?
 - What are the causes of disparity?

- Assessment methods:
 - Collection and analysis of “stop with and without frisk (search)” data by police;
 - Collection and analysis of arrest/charge data by police;
 - Informational interviews with police officers who work in the community, as well as officers who work in the school settings.

Contact Point: Intake Hearing

- Assessment questions:
 - What policies influence decisions?
 - Are there disparities by race at intake?
 - If so, what is the level of disparity?
 - What are the causes of disparity?

- Assessment methods:
 - Longitudinal data analysis of intake charges, and resulting dispositions using data from the Virginia Department of Juvenile Justice; and Informational interviews with court services personnel who conduct intakes with youth.

Contact Point: Diversion

Assessment questions: What policies influence decisions?
 Are there disparities by race in who receives diversions when the severity of the offense is similar?
 If so, what is the level of disparity?
 What are the causes of disparities?
 How are completion determinations made?

Assessment methods: Longitudinal data analysis of diversion disposition data from Virginia Department of Juvenile Justice; and
 Informational interviews with court services personnel who make decisions regarding diversions.

Contact Point: Pre-trial Detention Order

Assessment questions: What policies influence decisions?
 Are there disparities by race as a result of pre-trial detention decisions?
 If so, what is the level of disparity?
 What are the causes of disparities?

Assessment methods: Longitudinal data analysis of pre-trial detention charges from Virginia Department of Juvenile Justice;
 Analysis of Detention Assessment Instrument (DAI) overrides by race; and
 Informational interviews with court services personnel and Commonwealth Attorneys regarding how detention decisions are made.

Contact Point: Adjudication

Assessment questions: What laws and policies influence decisions?
 Are there disparities by race for adjudication hearing outcomes?
 If so, what are the causes?

Assessment methods: Longitudinal data analysis of adjudications from Virginia Department of Juvenile Justice; and
 Informational interviews with juvenile court judges and Commonwealth Attorneys.

Contact Point: Disposition

Assessment questions: What laws and policies influence decisions?
 Are there disparities by race in disposition decisions?
 If so, what is the level of disparity?
 What are the causes of disparities?

Assessment methods: Longitudinal analysis of judicial disposition decision data ;
 Analysis of probation dispositional recommendations; and
 Informational interviews with court service personnel, juvenile court judges, and Commonwealth Attorneys.

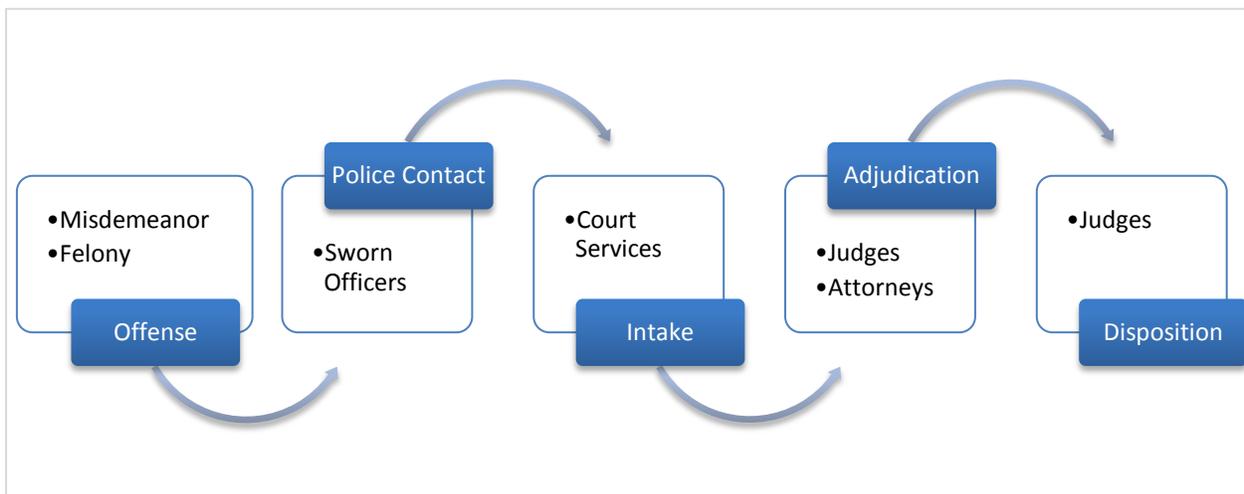
Data Analysis: Interviews

Findings from the interview data analysis can be found on page 22. Figure 3 reflects a summary of how juveniles may move through the juvenile justice system, to aid in the explanation of how people were identified for an interview. People were interviewed at each point of contact in the juvenile justice system. In particular, the goal was to speak with decision makers whose roles involved engaging with juveniles who enter the system through the possible commission of misdemeanors, felonies, and certain status offenses (i.e., truancy). The content of each interview was reviewed and approved by the Institutional Review Board for Ethical Research at the University of Virginia. Researchers notified all participants that their responses during the interview would remain anonymous.

We conducted interviews with 27 stakeholders:

- 12 Police Officers
- 8 Court Service Unit Personnel
- 3 Attorneys (representing both prosecution and defense)
- 2 School Attendance Officers
- 2 Juvenile Court Judges

Figure 3



Local Data Analysis

Local data were gathered from the Charlottesville Police Department and the Virginia Department of Juvenile Justice for the 16th District Juvenile Court Service Unit. These data were analyzed to better understand the extent of disparity and/or disproportionality in the City of Charlottesville. Although both data sets involve many of the same youth, the data did not allow us to match youth cases across the two different data sets. Therefore, each data set was analyzed independently of the other. While this restriction prevented us from following individual cases across data points, we were able to analyze some overlapping trends across data sets allowing us to be more confident in the interpretations and conclusions drawn from the data¹. All the data that was gathered from both the Charlottesville Police Department and the Virginia Department of Juvenile Justice was de-identified and juveniles were assigned a random number. All identifying information (e.g. name, address of residence) was removed to protect the identity of youth involved in the justice system during this time period. We obtained approval to conduct the current research project from the Institutional Review Boards for both the University of Virginia and the Virginia Department of Juvenile Justice (see Appendices for copies of official IRB approval forms). Descriptions of the data that were collected and detailed analyses are contained in the sections that follow.

Of note, due to time constraints, as well as gaps and limitations in the available data, *there are many more statistical analyses and ways to understand disparity and disproportionality than are presented in this report.* For example, the Virginia Department of Juvenile Justice data are very rich and many analyses were conducted for this report. However, many more analyses could be conducted to further understand nuanced issues regarding how youth become involved with the system and how far they penetrate the system after becoming involved. Further exploration and analysis of this data is encouraged beyond the completion of this report.

Results must be interpreted with caution and thoughtfulness. When race is used to predict outcomes, it can foster the misinterpretation of the data as saying that race or ethnicity *causes* different outcomes (i.e., that being Black *causes* deeper penetration into the juvenile justice system), and it can promote thinking about race in terms of what is “good” and “bad” by implying that race *per se* predicts negative outcomes. In other words, race does not *cause* someone to be more or less likely to

¹ As with any ‘real-world’ data sets and data coming from multiple sources, there will be missing files, missing case information, data entry errors, etc. Therefore, numbers will not always align across the different sources of data (e.g. arrest data). When discrepancies were found, every attempt was made to understand the discrepancy and resolve the issue when possible.

perpetrate criminal activity. Therefore, interpretation of the data regarding race and various outcomes should examine the various environmental and systematic variables available for analysis.

Data Sources

Police Data

The Police data set was provided by the Charlottesville Police Department's Crime Analysis Unit. Data was provided to the Task Force from Police Field Contact Cards², Summonses, and Petitions issued to minors over a 4.5 year period from 2009 – 2013. The Crime Analysis Unit provided the data during the fall of 2013 so only the first six months of data were included for that calendar year. Data was also provided regarding both stops with, and without searches involving minors over a one year period from July 2012 to August 2013. The recording of this data by the Charlottesville Police Department is now *required* and Charlottesville has the only police department in the Commonwealth that has instituted such a policy. Data was not available prior to July 2012 because this was when the new policy went into effect.

Department of Juvenile Justice Data

Data for the Court Services Unit (16th district) was provided by the Commonwealth of Virginia Department of Juvenile Justice ("DJJ") on intakes, charges, petitions, diversions, detention, and probation supervision decisions over a 3.5 year period from 2010 – 2013. The Department of Juvenile Justice provided the data during the fall of 2013 so only the first six months of data were included for that calendar year. Furthermore, only youth who received a referral for an offense occurring within the City of Charlottesville were included in the analyses. (Note: data from police and Department of Juvenile Justice is based on place of offense, not place of residence).

² Although data was provided regarding the use of Field Contact Cards, the data was not included in the report because at the time the data was being collected, the use of Field Contact Cards by the Charlottesville Police Department was not a required policy. Therefore, the Task Force could not be confident in any of the conclusions resulting from the analysis of this data www.dcis.virginia.gov.

Findings: Interview Data Analysis

Interview questions were developed with help from members of the task force including local attorneys, residents, and human services personnel from both governmental and non-governmental organizations. See Appendix C for examples of the interview protocols.

Each interview gathered information regarding:

- Demographics (i.e. job descriptions and responsibilities, length of employment, etc.)
- Education and training
- The manner in which he or she comes into contact with juveniles
- The frequency of contact with juveniles
- His or her perspective with respect to how juveniles move through the system
- His or her perspective about whether racial disproportionality and disparities exist and, if so, what the possible explanations are

Qualitative research methods were employed to help us better understand the context in which decisions are made and to make sense of the data (i.e. the numbers) we collected on racial disparity and disproportionality. In particular, these methods were used to understand and interpret the information we obtained from the interviews. Interviews were transcribed and then analyzed for any pertinent and consistent themes. These themes or "codes" were organized and simplified in order for them to be coherently reported. Codes were used to organize the responses to the research questions discussed below. The comments reported below represent the opinions of individuals and are not necessarily facts.

Research questions discussed in this section include the following:

- Is racial disparity or disproportionality recognized? If so, why does it exist?
- What factors influence decision-making?
- What are the frustrations with the current policies or procedures?
- What recommendations or solutions have been offered to improve the current policies or procedures?

Is racial disparity or disproportionality recognized?

This subsection addresses whether racial disparity or disproportionality is acknowledged and the extent to which these racial differences are attributed to other (i.e. non-race-related) sources according to the various stakeholders.

The majority (55%) acknowledged that there are larger numbers of Black youth in the system; however, a few interviewees (15%) stated that in their experience, Black youth do not constitute the majority of justice-involved youth.

The majority (55%) of those interviewed recognized that Black youth enter the system in higher numbers than White youth. However, several stakeholders noted that they see juveniles from, “all walks of life” and expressed concern that “the numbers” may not be accurate. In particular, 15% of interviewees said that based upon their personal experiences, there are just as many White youth in the system as non-White youth. Another interviewee said, *“I know a lot of statistics are out there and [I’ve heard] a lot of anecdotal evidence, but [my experience] is contrary to what has been reported in the statistics.”*

Furthermore, a few interviewees reported that they were mistrustful of the statistics being reported. They reported that the statistics and data could be manipulated to tell whatever story was consistent with a biased agenda against the juvenile justice system. It was their opinion that the data were being used specifically to make them “look bad.”

Moreover, a handful of stakeholders asserted that, in their experience, there have been no differences with respect to the way Black youth are treated within the juvenile justice system. In the opinion of these interviewees, skin color is not at issue when making decisions affecting delinquent youth.

One officer explained: *“I don’t look at color; I look at the incident at hand.”* Similarly, another officer stated that *“when we respond to a call pertaining to a juvenile, the race is not discussed, when we get there, a call is a call, whether you’re White, Black, Hispanic, or whatever ...we deal with that call accordingly.”*

Interviewees’ Thoughts on Why the Disparity Exists

In discussions with stakeholders who agreed that racial disproportionality and disparity exists, four themes emerged regarding why racial differences in the juvenile justice system exist: (1) Low

Socioeconomic Status (SES); (2) Difficult Family Situations; (3) Unconscious Bias; and (4) Residents' Reporting Behaviors.

Table 4

Suggested Reasons or Explanations for Racial Disparity and Disproportionality
<p><i>Low SES:</i> Overrepresentation has more to do with poverty and a lack of resources</p> <p><i>Difficult Family Situations:</i> lack of parental supervision and guidance increase the likelihood of entering the system, which may reflect a view that Black families experience difficulties more often than other families.</p> <p><i>Unconscious Bias:</i> biases that occur outside of conscious awareness that result in Black youth coming to the attention of the police more frequently and receiving differential treatment by persons working in the system compared to White youth.</p> <p><i>Residents' Reporting Behaviors:</i> higher call volumes coming from largely Black neighborhoods and more frequent reporting of incidents involving Black youth may contribute to disproportionality.</p>

LOW SOCIOECONOMIC STATUS. Stakeholders at every stage most commonly reported the influence of economic disadvantage as the primary explanation for the existence of racial differences within the juvenile justice system. A majority of the stakeholders (63%) reported that they most often see youth from low-income households moving through the system. Not all of these youth are Black and rather than ethnicity, what they were reported to have in common seems to be poverty-related vulnerability. As one interviewee said, *"I don't know about the race piece, I don't know where that fits in. I see it as more of [problem with] poverty and a lack of resources."*

DIFFICULT FAMILY SITUATIONS. According to nearly all interviewees (96%), difficult family situations account, at least in part, for the higher numbers of Black youth entering the system. Stakeholders reported that the majority of youth in the system come from families where there are significant challenges. In particular, lack of parental supervision and guidance were cited by interviewees as factors contributing to the likelihood of entering the juvenile justice system. A number of these opinions seem to reflect a bias (conscious or otherwise) that disadvantaged Black families more often experience difficulties.

LACK OF PARENTAL SUPERVISION AND GUIDANCE. A little less than half (48%) of stakeholders commented that a significant number of the juveniles they see moving through the system have parents that are largely absent. As explained by one stakeholder, *"a lot of these moms are working 2 and 3 jobs so they're not there; they're trying to provide and those kids unfortunately are not being taken care of so ... then bad influences [get to them]."* This stakeholder went on to state, *"a good number [of moms] are trying to do the*

right thing, but they're never there."

Other interviewees believed that youth may be vulnerable because they lack parental guidance. One officer noted, *"You have a kid and you go to their house and caught them doing something minor or major and the parent is mad at that the child for being caught, not for doing wrong, doing wrong is ok, but getting caught, because you been taught better than that."* Rather than race, many interviewees seem to believe that lack of guidance and supervision account for the disparity in the system.

UNCONSCIOUS BIAS. A small group (15%) of those interviewed mentioned the possibility that the unconscious attitudes and beliefs of people working in the juvenile justice system may result in racial disparities. While harmful biases may play a role at every stage within the system, our interviewees most often discussed the behavior of those at the front end of the system (i.e. the police). It may be that biases result in Black youth coming to the attention of the police more frequently than other youth. One interviewee noted that *"I do think that if kids are hanging out at the downtown mall, if police officers see [that] they're Black kids, [then] they are going to pay attention to them a lot closer than [if] they were White kids."* This interviewee further explained that *"if they're in a shopping center, or walking through CVS and they're two or three Black kids walking around, someone's going to watch them. That doesn't mean they're committing more crimes, it just means [that] they're getting watched."*

Similarly, a few interviewees suggested that cultural misunderstandings might be to blame for disparate outcomes. More experienced officers talked about how race may play a part in how comfortable other officers felt when interacting with economically disadvantaged Black youth. As one officer explained *"you might have friends that are Black, but you've never dealt with poor, poor, adverse condition minorities and that's a whole different realm you're dealing with because there's things, actions that would be disrespectful to them that you may think nothing about."* Likewise, with respect to the Court Services Unit, one interviewee raised questions regarding how race might influence diversion recommendations stating that those more relatable youth may have more positive outcomes.

RESIDENTS' REPORTING BEHAVIORS. Discussions with the interviewees suggest they perceive that:

1. Neighborhoods where higher numbers of Black youth reside may also have higher police call volumes; and
2. Community members may call more often to report incidents that involve Black youth.

Moreover, those neighborhoods with historically high call volumes may have a larger number of officers assigned to comparatively smaller geographic areas. Closer proximity to police may result in a higher likelihood of arrest. Similarly, several stakeholders expressed the belief that members of the community call the police more often when Black youth are suspected of a crime. In fact, when asked whether people call the police simply because they see a group of Black kids, one police officer responded by saying, *"absolutely."* This officer went on to explain that people call the police to say that they believe that groups of Black youth are *"acting suspicious."* Similarly, another interviewee said, *"when residents see something that causes them discomfort or concern"* they call the police. This person continued by saying, *"possibly more White people would be nervous having some young Black kids in their neighborhood and some Black families would if White kids came at night."* When incidents are reported, police are required to respond. If the interviewees' suspicions are accurate, then Black youth are more likely to come into contact with the police.

What factors influence decision-making?

While policies exist to guide the decision-making process, other influences also come into play, which in turn impact outcomes for juveniles. These influences can include both individual and family characteristics. The purpose of this question is to understand which factors, beyond set policies, also influence the decision making process.

Table 5

Factors Reported to Influence Decision Making	
Individual Characteristics	Previous Criminal Record: those with records are less likely to receive leniency
	Severity of Offense: much less discretion is available at each point in the system for those who are alleged to have committed more serious crimes
	Demeanor: a Juvenile's attitude at each stage in the process can impact the outcome in a positive or negative way.
	Need for Services: decisions regarding entry into and length of time spent in the system may depend upon the types of social services needed
Family Characteristics	Parental Control: system is compelled to act when parents can't or won't do what is necessary
	Family Involvement: the extent to which a family member is available to support the juvenile can be a risk or protective factor.
	Parents' Negative Perceptions/Lack of Knowledge: poor decisions may be made with the help of well-meaning parents who are unfamiliar with how to function well within the juvenile justice system

INDIVIDUAL CHARACTERISTICS Circumstances or attitudes unique to the juvenile in question were repeatedly mentioned as being heavily influential at all stages of the process. Of particular importance are the severity of offense and the existence of a prior criminal record. Simply put, for those youth who have long criminal histories or have committed the most serious crimes, there is little to no discretion. State law largely determines the outcomes for these youth.

For those who have been involved in less serious crimes, the most influential factor seems to be the demeanor or attitude of the youth. For instance, the decision of whether to press charges may rest largely on a juvenile's attitude and behavior. According to a number of officers interviewed, a juvenile who shows remorse and is compliant will be more likely to be issued a warning and less likely to be brought to intake than one who uses foul language or attempts to get physical with an officer. It should be noted however, that officers seem to be aware that these responses cannot be taken out of context. A number of officers mentioned social setting could influence that demeanor. For example, at times, juveniles will act out because in some neighborhoods being “friendly” with police officers is “not cool.” Consequently, both the context in which demeanor is judged and an individual officer's idea of what's appropriate are important to the interpretation of a juvenile's behavior.

Both attorneys and court service unit staff emphasized that in addition to demeanor, a juvenile's need for services influences the decisions made on that child's behalf. According to members of the CSU staff, a focus on a child's needs is particularly important when making the decision to override probation or detention policies. Youth in the juvenile justice system are administered standard measures of risk assessment: the Youth Assessment Screening Instrument (YASI: related to probation decisions) and the Detention Assessment Instrument (DAI: related to detention decisions), and are assigned scores based on various factors (See Appendix D for more detailed descriptions of these measures). Nearly all interviewed CSU personnel mentioned that after calculating a juvenile's score, in consultation with a supervisor, a decision could be made to overrule the score based upon that juvenile's individual needs. The discretion afforded at this stage in the process does not have universal approval. Some interviewees felt that such discretion was necessary and beneficial to address the needs of the individual. Others felt that the discretion permitted those with more power to be overly punitive. For data related to the use of overrides, see page 54.

FAMILY CHARACTERISTICS. Stakeholders at every stage of the process also placed high emphasis on the circumstances surrounding a juvenile's family. Several stakeholders expressed that *"the system"* is in a sense compelled to *"make up"* for the parents when they are unwilling or unable to do what is deemed necessary. To the extent that the parent's attitude indicates that he or she does not take the child's behavior seriously, interviewees suggested that more restrictive or severe consequences might be imposed on the juvenile. On the other hand, a few interviewees noted that where parents *"seem to have things under control"* they might exercise discretion in a way that benefits the child. For instance, if a juvenile has been charged with a driving offense and *"you can tell that their parent is very, very displeased at what the kid did ... and I find out that the parent has already taken their license for 90 days, my feeling is that the public is less at risk because the parent is upset, they've done something about it, and the child's really sorry for what he did."*

Furthermore, family involvement is perceived to either pose a risk or be protective with respect to the potential outcome for juveniles. For instance, parents may pose a risk if they are not deemed to be fit to ensure that the juvenile complies with the terms of probation. Under these circumstances a juvenile may be detained pre-adjudication if suitable arrangements cannot be made. Parents and other family members are considered to be protective factors if they provide the support that the juvenile needs. As one interviewee explained,

"if there's a really strong family advocate that's willing to guarantee that there's going to be 24/7 supervision, that they'll make sure the child comes to court, that is one of the mitigating factors in not to issue a detention order because we try to use the least restrictive environment."

Parents' familiarity with the juvenile justice system is believed by interviewees to also significantly impact the decisions made on the youth's behalf. Parents are reported to have minimal knowledge about the system or have knowledge that is impacted by previous negative experiences. Both of these circumstances have the potential to be harmful to the child. Interviewees explained that there are many decisions to be made at various stages of the process (e.g. whether to accept a diversion or plea bargain). Unbeknownst to many parents, these decisions are to be made by the juvenile, with or without their parents' knowledge or consent. Parents' who disagree or who are generally unhappy with these decisions reportedly can derail agreements that otherwise may have been in the juvenile's best interest. As one attorney explained, *"the kid [may] get a sweetheart deal from the commonwealth's*

attorney ... because the commonwealth's attorney sees this kid has potential. We don't want to slam this kid. And the mother will try to thwart it." The implication is that the parent, who may not have all of the relevant information because the attorneys cannot legally provide that information, might encourage the juvenile to make a decision that ultimately does not benefit him or her. These disagreements are usually not described as malicious. As another stakeholder said, "*[Parents] are usually helpful. They don't always know how to be helpful, but they want the best for their kids, most of them do."*

What are the frustrations with the current policies or procedures?

In an effort to pinpoint those policies and procedures that may be perpetuating problems with racial disparity, we asked each individual to identify aspects of the system that are frustrating and that may lead to differential treatment of individuals. Five themes were identified and are summarized below.

Table 6

Professional Stakeholder Frustrations with the Current Policies and Procedures	
Poor Communication Among Stakeholders	<ul style="list-style-type: none"> ▪ Current confidentiality laws and policies (e.g., HIPPA) prevent communication among stakeholders that might help prevent youth from entering the system ▪ Relationships among stakeholders and across stakeholder groups can be difficult, stifling communication ▪ Personnel are spread thinly resulting in few opportunities within a working day to communicate with others
Lack of Flexibility	<ul style="list-style-type: none"> ▪ State-level pressure to recommend more severe punishments is restrictive and undesirable ▪ Reliance on objective measures (e.g. YASI or DAI) may not effectively address individual needs
Lack of Training	<ul style="list-style-type: none"> ▪ Few opportunities for training that specifically address working with youth ▪ Insufficient opportunities for addressing cultural biases
Lengthy Processes	<ul style="list-style-type: none"> ▪ Lots of time spent waiting (on parents, for a decision from probation officers, etc.) ▪ Time period between offense and eventual punishment may be too long
Inadequate Deterrence	<ul style="list-style-type: none"> ▪ Punishment is both too inconsistent and too lenient to be effective

As most system-involved stakeholders seemed satisfied with the current policies and procedures, any discussion of frustrations was a relatively small part of each interview. Of the five identified themes, two are particularly noteworthy: poor communication among stakeholders and the length of time it takes to move through the system.

POOR COMMUNICATION AMONG STAKEHOLDERS. A few stakeholders noted that the inability to communicate with others might impair their ability to help youth. In particular, police officers and school truancy officers advocated for the dissemination of more information between and amongst police officers, probation officers, and social service agencies. At least one stakeholder gave an example of an incident where, if [s]he had been aware of the extenuating circumstances, a situation may have been handled differently, perhaps with more leniency. However, current law and policies intended to protect privacy can prevent the dissemination of relevant information. For example, with respect to an issue concerning a child at school, an interviewee said:

"The school psychologist could not get information from social services on the same kid that they were calling about. I don't quite understand -- if they're not communicating, how are we going to assist?"

Similarly, some respondents indicated that juveniles may "fall through the cracks" because stakeholders don't have quick (i.e. real time) access to relevant information. For instance, if a juvenile receives warnings from a police officer during one shift, the officers on duty in the next shift and the assigned probation officers may not have access to that information in a timely manner. Likewise, an interviewee expressed his frustration by saying:

"when the kid is on probation and ... if he's on house arrest and no one's monitoring him to see if he's staying in the house and he's running around stealing scooters and getting away with it, what kind of message is that sending?"

These missed opportunities were described as possibly leading to more risk to the public and perhaps a lost opportunity to prevent youth from committing more serious crimes.

LENGTHY PROCESSES. Several interviewees reported frustrations related to the lengthy booking process. Many view this process as a hassle; having difficulties with the time-consuming nature, in both waiting time and in time spent filling out paperwork and answering questions. In particular, officers reported spending extended periods waiting to release juveniles to responsible adults such as

a parent or related guardian. Should parents be unwilling or unable to pick up their children, officers must wait until these issues have been resolved. Occasionally, this results in the officer spending several hours of his or her shift waiting with youth. Additionally, a number of interviewees reported that it could take months for a case to move on to the adjudication phase, as there are a large number of cases on the docket.

Because of this frustration, some officers are reluctant to deal with juveniles, preferring to handle offenses informally rather than formally. For example, one officer said:

“When I worked the streets sometimes you would turn a blind eye to the juveniles. I’ll be honest just because of all the paperwork and you having to wait for a parent to come pick them up; it was time consuming. You could spend almost four hours of your shift and there would still be other calls in your district taking place.”

Similarly, another officer explained:

“I think the way the system’s in place, officers generally tend to ... to me there’s a tendency ... officers will shy away from arresting [juveniles]. It’s a last resort.”

What recommendations or solutions have been offered to improve the current policies or procedures?

Finally, based on the responses to the previous questions, interviewees were asked to provide any recommendations or solutions to address those and other problems encountered. Four themes were identified and are summarized below.

Table 7

Recommendations and Solutions provided by System Stakeholders
<ul style="list-style-type: none"> ▪ Focus on cultural competency training may resolve issues leading to negative interactions with the community ▪ Training specifically designed to improve interactions with juveniles may lead to greater understanding ▪ Increasing opportunities for positive interactions with the community may be particularly important for police officers ▪ Hiring additional personnel would lessen the burden that may drive poor communication among stakeholders

System-involved stakeholders were generally in favor of increasing the focus on multicultural training and cultural differences to resolve issues that may have led to problematic interactions with residents. The majority of officers interviewed stressed the importance of building rapport and establishing strong working relationships with the community. Many saw these as crucial factors that contributed to their successful interactions with both the community as a whole and with juveniles one-on-one. As one officer explained:

“The only way you can be successful with [a] juvenile is to make them understand that you care and you’re not there to arrest them [for no reason]. It’s important that they know we have a job to do.”

The ability to establish these important relationships could be improved by improving cultural competencies. Some officers felt that such skills were difficult to learn and were generally underutilized. In particular, officers felt that building strong relationships with different communities should be emphasized in training new, incoming officers.

Summary of Findings

The purpose of the qualitative interviews was to provide some context for the numbers associated with racial disparity and disproportionality. Key findings are summarized below.

1. Interviewees generally did not overtly acknowledge the existence of racial differences. However, the majority of interviewees recognized that Black youth enter the system in higher numbers than White youth. Others explained that in their experience, there have been no differences with respect to the way Black youth are treated within the juvenile justice system.
2. Participants' responses to the question of why racial differences might exist included:
 - a. economic disadvantage;
 - b. difficult family situations (some of which may reflect biased views towards Black families);
 - c. unconscious bias; and
 - d. residents' reporting behaviors.
3. For those youth who have long criminal histories or have committed the most serious crimes, there is little to no discretion. For those accused of less serious crimes, the individual and family factors that influence decision-making include:
 - a. the juvenile's demeanor;
 - b. the need for services;

-
- c. the level of family involvement; and
 - d. poor decisions made on the juvenile's behalf that are based upon the parents' negative experiences or their lack of knowledge of the system.
 4. Interviewees were generally satisfied with the current policies and procedures. However, there were a number of significant frustrations that may contribute to disparate outcomes. In particular, the lack of communication among stakeholders may influence important decisions because crucial contextual information about youth is sometimes not available to the person making the decision.
 5. Important recommendations that may improve the current state of affairs include:
 - a. cultural competency training;
 - b. increased opportunities for relationship building; and
 - c. funding for additional staff.

Findings: Data Analysis

All analyses only included Black and White youth for the purposes of this report. Youth from other ethnic backgrounds were not included because they constituted less than 10% of the youth involved in the juvenile justice system in a given year and the total number of these youth over this time period was too low to include in the analyses. Furthermore, all analyses included in this report only examine youth receiving a referral to intake to determine whether charges will be filed, petition for a trial before a judge, diversion from the juvenile justice system, or probation for supervision as the result of a criminal offense.

Police Data

Stop with(out) Frisk

The Charlottesville Police Department provided data on juveniles stopped with and without searches. To clarify, although these data are classified as “stops”, these interactions with youth are made up of both officer initiated stops *and* dispatched calls from Charlottesville residents. An analysis of each is provided below.

****NOTE: As with any data that is analyzed, there are limitations and this dataset is no exception. One limitation to the stop and frisk data below is that there was no system in place to ensure that each stop with minors was documented. As a result, there were some concerns that underreporting could have been an issue or that police officers were simply unfamiliar with the new policy in place over the 1st year of data collection. Consequently, these results should be interpreted with caution. ****

However, the data do provide a valuable glimpse into police officers’ interactions with youth in the City where discretion may be exercised. From July 2012 – August 2013, there were 17 stops total involving 36 juveniles. Analyses regarding both the characteristics of the stop, and the individual juveniles are included below.

- Nearly 80% of stops occur on the Downtown Mall and in the Garrett Street and Belmont areas.
 - Although the majority of stops took place in a relatively centralized geographic location, it does not appear that specific officers are more likely to stop Black or

White youth. All stops were examined by a supervising officer for legality and only 1 officer was involved with more than 3 incidents (3 Black, 2 White).

➤ Of the 17 stops total:

1. Seven stops were dispatched as the result of a call for police service. More “Black Stops” were reported to police compared to “White Stops” (1 White, 5 Black, 1 both).
2. Ten stops were officer-initiated. Overall, more officer-initiated stops were made, but they were slightly less disproportionate (4 White, 6 Black) than stops reported to police from Charlottesville residents.
3. There was a larger disparity in dispatched stops (more Black youth) compared to officer-initiated stops. Officer-initiated stops also showed some disproportionality but to a lesser degree

Table 8

Total Number of Incidents By Race and Origin of Stop				
Source	White only	Black only	Both	Total Stops
Dispatched	1	5	1	7
Officer-initiated	4	6		10
Total	5	11	1	17

Table 9

Total Number of Youth Stopped By Race and Origin of Stop			
Source	White	Black	Total Youth
Dispatched	3	15	18
Officer-initiated	6	12	18
Total	9	27	36

4. As shown in Table 10 below, when Black youth were stopped, there were more youth in the group (2.5 juveniles), on average, compared to White youth (1.8 juveniles). This would partially explain why more Black youth were “stopped” compared to White youth. For example, one dispatched call from the community for suspected larceny, resulted in a stop containing 6 Black youth, accounting for nearly 17% of all the youth stopped by police.

Table 10

Total Number of Incidents By Race and Reason for Stop – In parentheses are total number of youth involved				
Source	White only	Black only	Both	Total Stops
Curfew Violation	0	1 (3)	0	1 (3)
Disorderly Conduct	0	1 (3)	0	1 (3)
Larceny-Vehicle	0	1 (6)	0	1 (6)
Narcotics Violation	2 (4)	2 (2)	0	4 (6)
Runaways	1 (2)	0	0	1 (2)
Simple Assault	0	1 (2)	0	1 (2)
Suspicious Circumstances	0	1 (3)	1 (3)	2 (6)
Traffic Stop	2 (2)	2 (3)	0	2 (5)
Underage Tobacco	0	1 (2)	0	1 (2)
Weapon Offense	0	1 (1)	0	1 (1)
Total	5 (8)	11 (25)	1 (3)	17 (36)

- As reflected in Tables 11 and 12 below, although fewer White youth were stopped, more White youth were stopped and searched compared to Black youth. In contrast, Black youth were more likely to be stopped without a search compared to White youth. This is likely the result of more Black youth being stopped as a result of a call for service from a Charlottesville resident (see above). Officer observed stops were somewhat more equitable (4 White, 6 Black), more likely to result in search, and more likely to result in an arrest or intake (see below).

Table 11

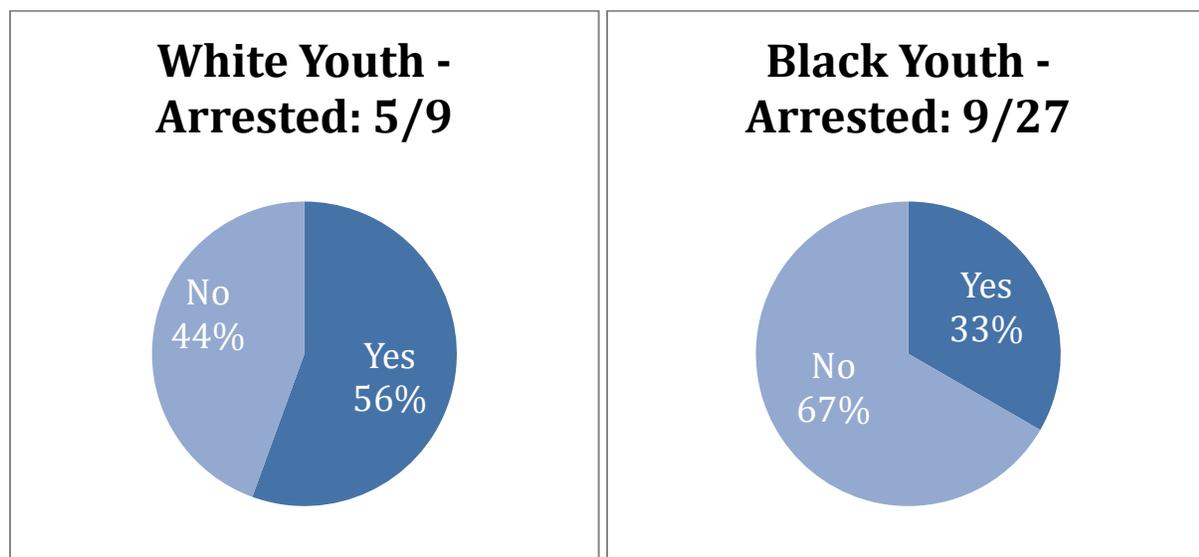
Total Number of Incidents By Race and Search Status				
Frisk status	White only	Black only	Both	Total Stops
Frisk	5	5	1	11
Without Frisk	0	6		6
Total	5	11	1	17

Table 12

Total Number of Youth Stopped by Frisk Type			
Frisk status	White	Black	Total Youth
Frisk	8	7	15
Without Frisk	1	20	21
Total	9	27	36

6. As shown in Table 10 above, there were differences by race in reasons for stops. White youth were only stopped for a suspected *Narcotics, Runaway, or Traffic* violation, whereas Black youth were more likely to be stopped for *a variety of different reasons* including those for which White youth were stopped. This is likely the result of nearly all the White stops being officer-initiated, and Black youth being stopped due to dispatched calls from Charlottesville residents *and* Officer-initiated stops.
7. And finally, stops resulting in arrest were analyzed. Although significantly more Black youth were stopped than White youth, stops of White youth were almost twice as likely to result in deeper/further involvement with the criminal justice system through arrests or open and active cases. Again, this is likely the difference of White youth being more likely to be stopped as a result of an officer-initiated incident.
 - White Youth - 55% result in arrest or open/active (5/9)
 - Black Youth - 33% result in arrest or open/active (9/27)

Figure 4



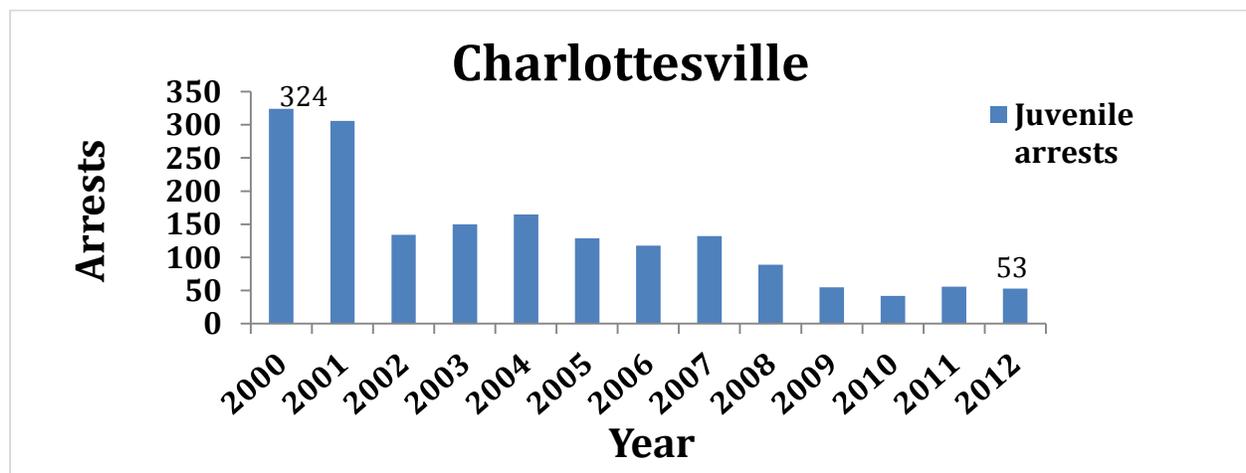
Charges and Arrests:

An individual arrest can have more than one associated charge. However, data is currently recorded for each specific charge rather than each specific arrest. Therefore, arrests were calculated by matching the charge dates together for specific juvenile case numbers. For example, if multiple charges were issued that included the same juvenile case number and same date, those charges were

counted together as one arrest. Using this procedure, we found that 304 *total* arrests with an accompanying 431 *total charges* involving minors were made from 2009 – 2013. Two-hundred seven *different* youth accounted for the total number of arrests (i.e. we did not count the same youth for multiple arrests) over this time period and the average age at arrest was 15 with ages ranging from 10 – 17 years old. The majority of youth arrested were Black (67%) and 77% were male. Arrest numbers from the Virginia State Police were also gathered to supplement the data provided by the Charlottesville Police Department.

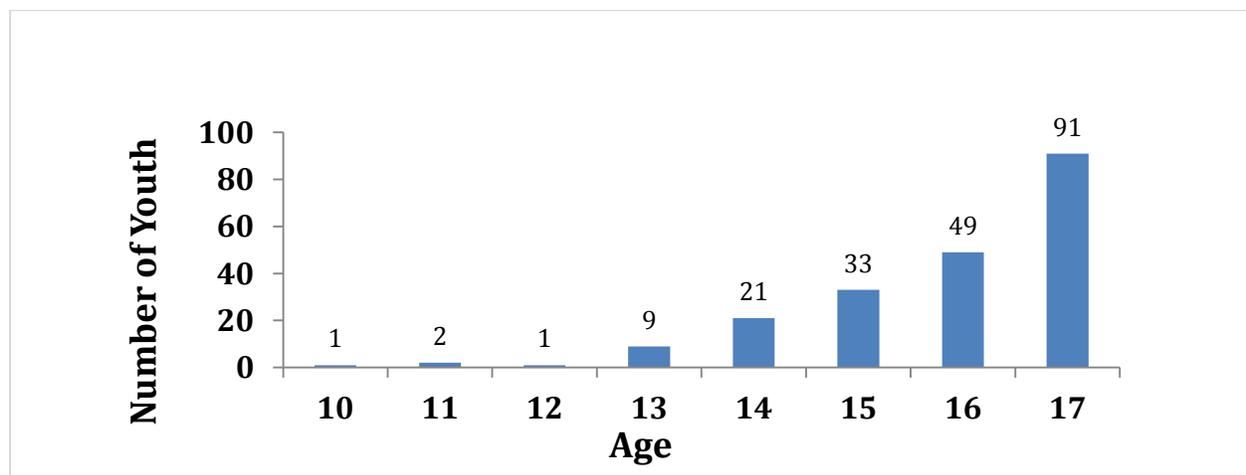
Overall, according to statistics available from the Virginia State Police, juvenile criminal arrests in Charlottesville are down 70 – 80% from 2000 – 2001 levels (See Figure 5 below).

Figure 5



As shown in Figure 6, the vast majority of youth (84%) that were arrested from 2009 – 2013 were between the ages of 15 – 17.

Figure 6



As reflected in Table 13 below, from 2009-2013, there is disproportionality by race in the *Total* number of Arrests as Black youth represented 67% of total arrests compared to White youth that represented only 33% of these arrests. Additionally, more Black youth were arrested compared to White youth for each year during this time period. This includes youth who have been arrested more than once during this time period.

Table 13

Total Number of Arrests By Race		
Year	Race	Total arrests
2009	White	28
	Black	36
	Total	64
2010	White	13
	Black	36
	Total	49
2011	White	19
	Black	55
	Total	74
2012	White	21
	Black	47
	Total	68
2013	White	18
	Black	31
	Total	49
Total	White	99
	Black	205
	Total	304

Table 14 shows there is disproportionality in arrests even after accounting for repeat offenders. Here, we are not counting repeat offenders multiple times. Therefore, each youth that was arrested was only counted once over this time period to understand how many different youth are accounting for the total number of arrests during this time period. In other words, this helps the Task Force understand how much of the disproportionality in arrests are the result of repeat offenders who are arrested multiple times. Combined with the table above, results suggest that disproportionality exists in the total number of arrests overall and among different juveniles when we count repeat offenders only once.

In 2013 the number of arrests for each juvenile individually became more equitable. Further examination shows there appears to be an increase in White youth charged with Drug/Alcohol violations and a decrease in Black youth charged with court violations, or probation violations. However, there is still disproportionality in the total number of arrests for 2013 suggesting that Black youth are more likely to be re-arrested.

Table 14

Youth Arrested By Race		
Year	Race	Youth arrested (Counted once)
2009	White	25
	Black	29
	Total	54
2010	White	12
	Black	20
	Total	32
2011	White	12
	Black	29
	Total	41
2012	White	17
	Black	29
	Total	46
2013	White	18
	Black	16
	Total	34
Total	White	84
	Black	123
	Total	207

As shown in Table 15 below, Black youth were more likely to be re-arrested compared to White youth. While there is some disproportionality among Black and White youth arrested once, we see a larger degree of disproportionality when we examine youth who are arrested 2 or more times.

Table 15

Total Number of Repeat Arrests (207 Youth)				
Year	Race	Arrested only once	Arrested 2+ times	Total
2009	White	21	4	25
	Black	22	7	29
	Total	43	11	54
2010	White	11	1	12
	Black	13	7	20
	Total	24	8	32
2011	White	7	5	12
	Black	17	12	29
	Total	24	17	41
2012	White	13	4	17
	Black	17	12	29
	Total	30	16	46
2013	White	15	3	18
	Black	9	7	16
	Total	24	10	34
Total	White	67	17	84
	Black	78	45	123
	Total	145	62	207

Based on the results from the 2011 report cited earlier, one conclusion was that Black youth seem to penetrate the system further compared to White youth. Therefore, we wanted to examine in more detail if this trend was continuing and if so, what were some contributing factors. As one possible factor, we tested to see if Black youth were receiving more charges per arrest compared to White youth. An analysis of how many charges, on average, youth receive per arrest showed no disproportionality between Black and White youth.

Table 16

Total Number of Charges By Race (207 youth)			
Year	Race	Total charges	Charges per Arrest (C/A)
2009	White	52	52/28 = 1.86
	Black	57	57/36 = 1.58
	Total	109	109/64 = 1.70
2010	White	18	18/13 = 1.38
	Black	58	58/36 = 1.61
	Total	76	76/49 = 1.55
2011	White	20	20/19 = 1.05
	Black	69	69/55 = 1.25
	Total	89	89/74 = 1.20
2012	White	25	25/21 = 1.19
	Black	70	70/47 = 1.49
	Total	95	95/68 = 1.40
2013	White	27	27/18 = 1.50
	Black	35	35/31 = 1.13
	Total	62	62/49 = 1.27
Total	White	143	142/99 = 1.43
	Black	287	289/205 = 1.41
	Total	431	431/304 = 1.42

In a separate report filed by the Charlottesville Police Department examining 161 juvenile arrests over this time period, Table 17 shows that Black youth were much more likely to be arrested as a result of a call for service from the community compared to officer initiated arrests. In other words, this suggests that residents might be more likely to call the police to report incidents more frequently with Black youth compared to White youth. The interactions with youth for officer initiated arrests were much more equitable.

Table 17

Total Number of Youth Arrested By Race and Origin of Arrest			
Source	White	Black	Total Youth
Dispatched	36	73	109
Officer-initiated	25	24	49
Total	61	97	158

Summary – Police Data

Data on 207 youth that were arrested from 2009 – 2013, and data on 36 youth that were stopped by police from 2012 - 2013 were analyzed.

- Overall number of juveniles arrested in Charlottesville has seen a dramatic decline over the last 12 years.
- Black and White youth receive a similar number of charges per arrest.
- However, Black youth are still disproportionately represented at arrest, and more likely to be re-arrested compared to White youth.
- Majority of youth arrested were, Black Males, 15 – 17 years old.
- Results of the stop with and without frisk (search) show that Black youth disproportionately represented for stops without a search. This is likely the result of disproportionality in calls originating from residents as Black youth are more likely to be stopped as a result of a resident call for service than White youth.

Department of Juvenile Justice

The Virginia Department of Juvenile Justice provided data on 483 different minors that received a referral for intake hearing to determine whether charges should be brought before a judge from 2010 – 2013 (only Jan – Aug in 2013). All referrals were for violations that took place in the City of Charlottesville. All of the following analyses are for criminal offenses committed by juveniles. Juveniles charged with status offenses such as truancy or runaway were removed from all the following analyses.

Intake and Referral

INTAKE: As shown in table 18, the 16th District Court Services Unit received a total of 603 referrals for intakes over a 3.5 year period from 2010 – 2013. Only charges for violations that occurred within the city of Charlottesville were included in the analyses. Not all youth charged with offenses in the City actually live in the City. Overall, there were 311 youth total (see Table 19) that accounted for the 603 intakes: 213 Black youth and 98 White youth. The majority of youth at referral were male (66%), with an average age at referral of 15, and ages ranging from 10 – 19. As indicated in Table 20 below, a smaller number of youth had 3 or more intakes suggesting that a subset of youth, could account for a proportionally larger amount of intakes.

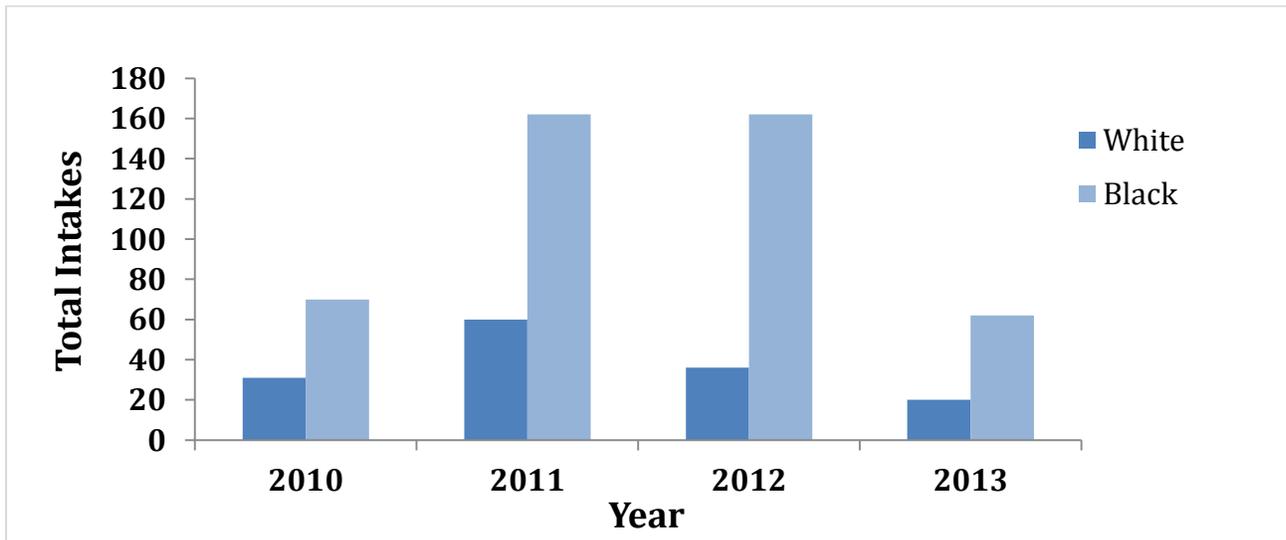
Table 18

Total Number of Youth at Intake	
White	98
Black	213
Total	311

Table 19

Total Number of Intakes By Race			
	White	Black	Total
Year			
2010	31	70	101
2011	60	162	222
2012	36	162	198
2013	20	62	82
Total	147	456	603

Figure 7



Some youth were identified as having multiple intakes. These youth, specifically the youth with 3 or more intakes, accounted for more than half (52%) of the total number of intakes analyzed during this time period. Black youth were more likely to have had multiple intake appointments (2 or more intakes).

Table 20

Number of Intakes for Individual Youth by Race				
	1 intake	2 intakes	3 or more	Total
White	75	11	12 (50)*	98
Black	119	38	56 (261)*	213
Total	194	49	68	311

* Number of intakes accounted for by respective category

Black and White youth differ with regard to the types of offenses that referred them to intake. Black youth were more likely to be involved in crimes against persons (felony and misdemeanors), more likely to be charged with Failure to Appear/Contempt of Court, and probation or parole violations. This difference was found across each category for each year analyzed (2010 – 2013). Other differences that were found but to a lesser degree, were that Black youth were more likely to be

referred for larceny and disorderly conduct (see Table 21). Alternatively, White youth were more likely to be referred to intake for a misdemeanor alcohol or drug charge.

**Note = Categories of felony weapons and narcotics distribution, and other violations were not included because there were so few of these charges over this time period.*

Table 21

Charges by Offense Category and Race			
Source	White	Black	Total Charges
Crimes against persons	27	134	161
- Misdemeanor	(17)	(93)	(110)
- Felony	(10)	(41)	(51)
Contempt of court/failure to appear	27	90	117
Other class 1 misdemeanors (non-person)	54	75	129
Other felonies (non-person)	8	35	43
Violations of probation/parole	16	95	111
Total	132	429	561

The overwhelming majority of these crimes against persons were for assault (see Figure 8 below). All other crimes against persons categories contained 6 or fewer charges over a 3.5 year period so they were not included below.

Figure 8

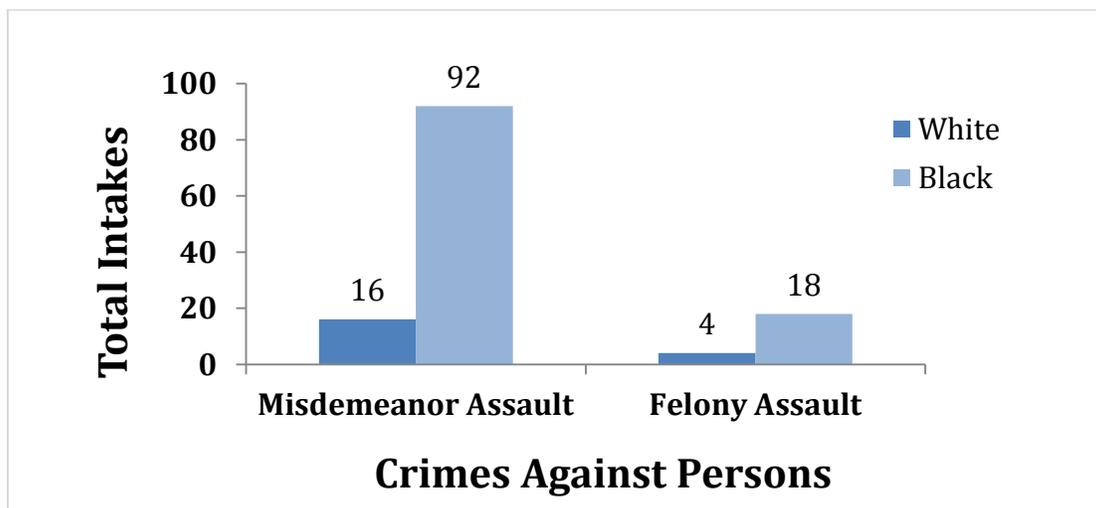


Figure 9

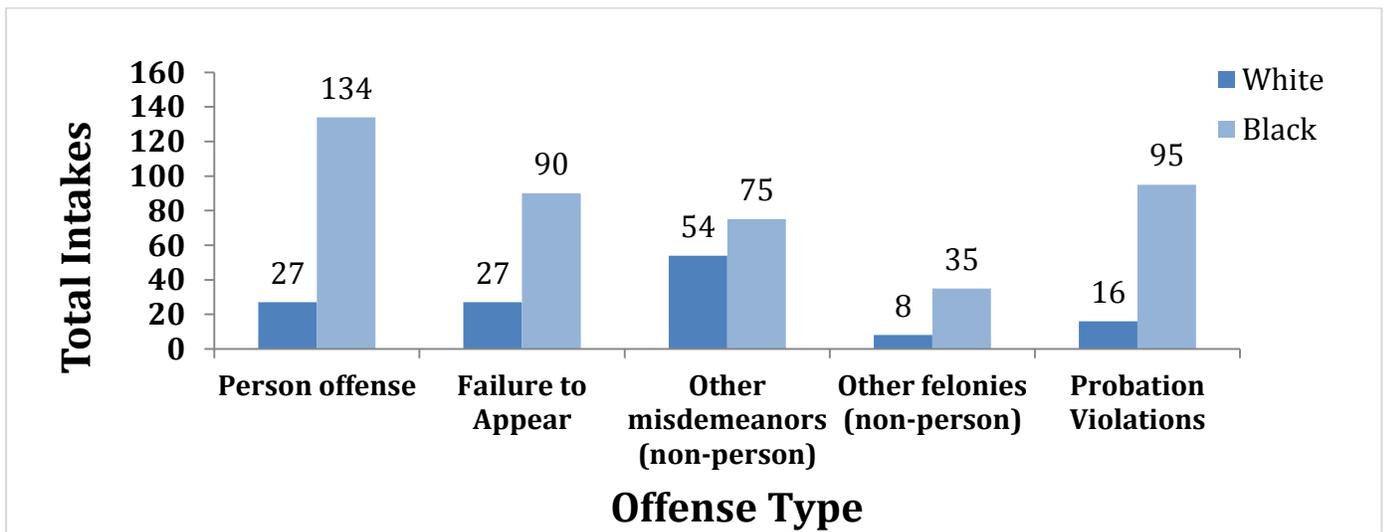
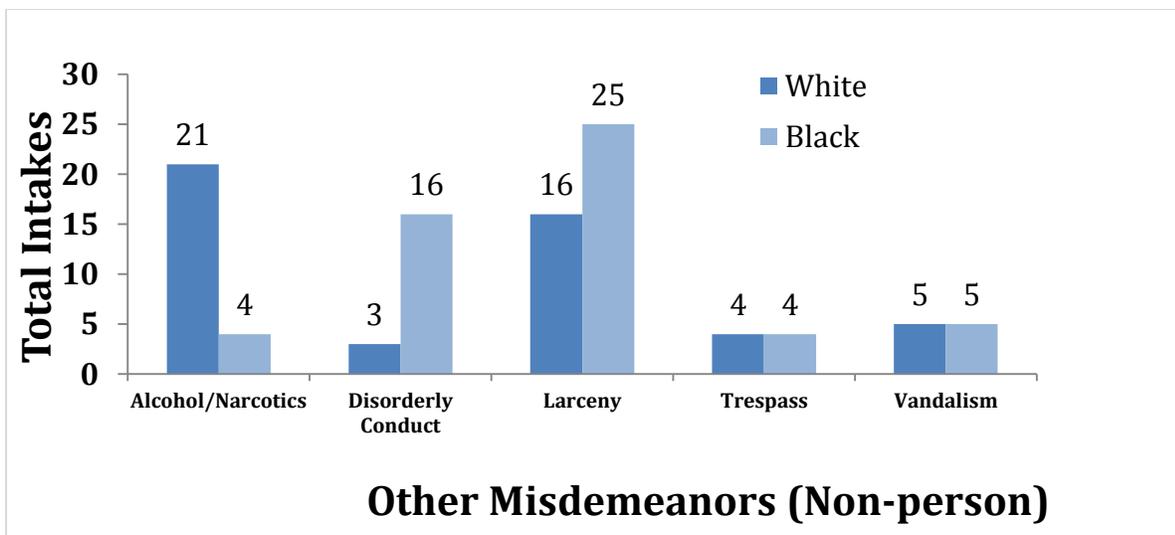


Figure 10



As shown in Table 22, police and probation officers initiated the largest percentages of referrals to obtain a petition to take a youth to Court. While police officers have the highest number of petitions referred, there are many different reasons that police officers become petitioners. For example, sometimes merchants will report a larceny incident, want charges brought forth but do not wish to be the petitioner in which case the police officer becomes the petitioner during the intake process. For the following table, detention home, group

home, sheriff’s department, social services, and state police were not included because each petitioner type had fewer than 5 referrals to intake over this time period.

Table 22

Referrals by Petitioner and Race			
Petitioner	White	Black	Total Referrals
Resident	1	14	15
Court	4	11	15
Merchants	5	7	12
Police Department	77	193	270
Probation Officer	35	153	188
Relative	14	35	49
School Official*	5	25	30
Total	141	438	579

* Note: School Resource Officers are categorized as Police Department petitioners, and not as school officials. More detailed information on intake referrals coming from School Resource Officers can be found in the following section.

Intakes from School Resource Officers (SRO) and School Officials: By combining the 30 intakes above with the School Official as the petitioner and the 83 intakes below coming from School Resource Officers, we found that intakes for criminal charges coming from a school setting have accounted for approximately 19% of all intakes (113/603) from 2010 – 2013. While there is clear disproportionality in cases brought to intake by School Resource Officers (SRO) and School Officials, there has been a steady decline in school related criminal intakes over this time period. For SRO-initiated intakes, the highest number in a given year was 30. Due to the relatively low numbers overall, school-based referrals *do not* appear to be large contributors to disproportionate minority contact.

Note = The table below includes all of 2013 and not just the 1st 6 months.

Table 23

Total Number of Intakes from School Resource Officers			
	White	Black	Total
Year			
2010	6	24	30
2011	4	20	24
2012	0	19	19
2013	2	8	10
Total	12	71	83

A review of the school generated intakes that actually led to a petition being filed can be found in Figure 11. Black youth were more likely to have a petition filed for a trial before a judge and also more likely to receive a diversion from court as an alternative to trial (see Figure 14). This suggests that Black youth are disproportionately represented at intake when the intake originates in the school setting. However, this trend has been declining and in the most recent year of data, 2013, only 10 school-related intakes were conducted for criminal offenses.

Figure 11

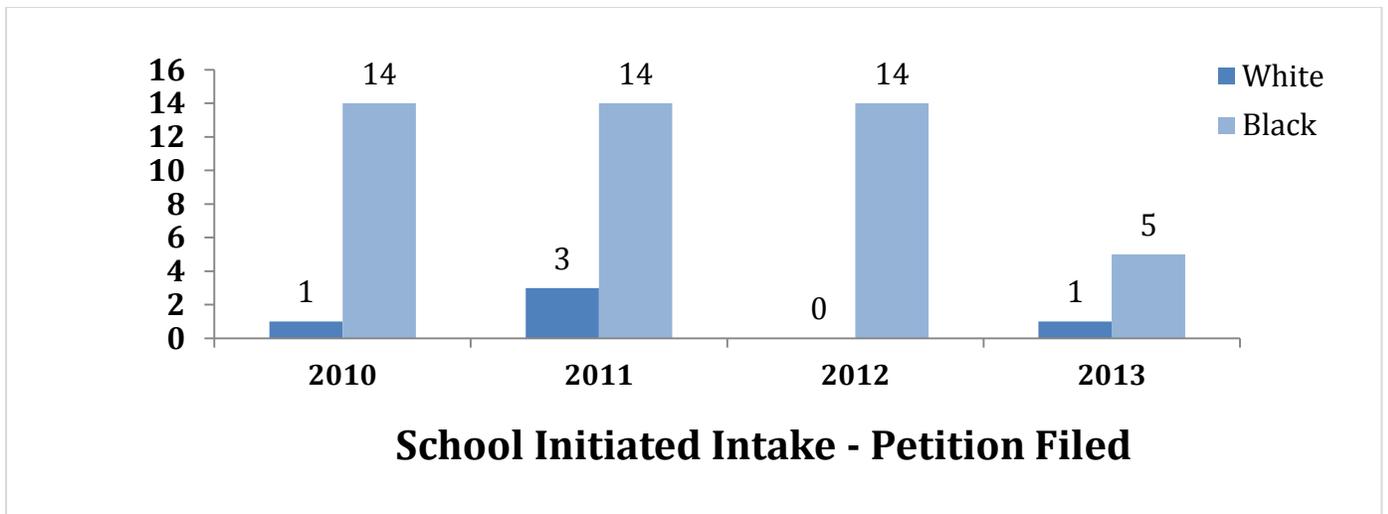
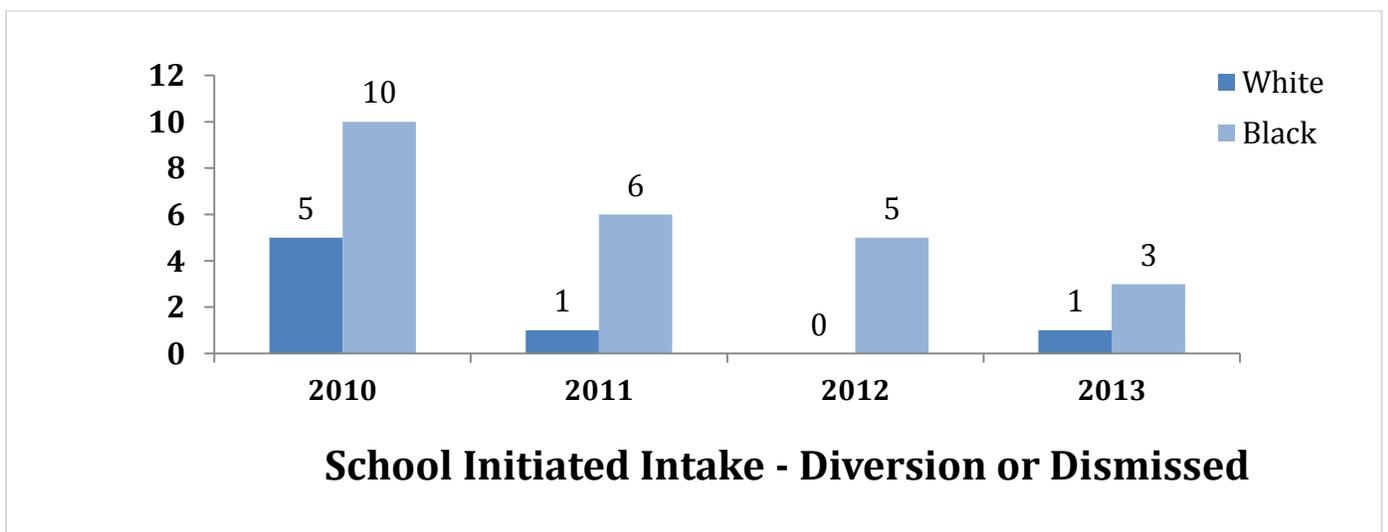


Figure 12



Intake Disposition: One research question, which the Task Force was very interested in answering, was whether youth who were charged with similar offenses, received different outcomes? To test this, the research team conducted a series of Statistical Multinomial Regression Analyses. This statistical test allows us to examine whether juveniles who are charged with similar offenses are receiving different outcomes. Table 24 below (on the left) shows the offense category for which youth were matched for this analysis. And Table 25 below (on the right) shows the possible dispositions that were included in the analysis. In other words, youth were matched by offense category (left) to test whether Black and White youth were receiving different outcomes (right). Results of the Multinomial Regression analyses revealed that youth who are charged with similar crimes at intake were *not* more or less likely to receive different outcomes. This means that when youth are matched for crime severity (or crime type) they are likely to receive a similar outcome (i.e. intake disposition).

Table 24

Charges by Offense Category and Race
Crimes against persons
- Misdemeanor
- Felony
Contempt of court/failure to appear
Other class 1 misdemeanors (non-person)
Other felonies (non-person)
Violations of probation/parole

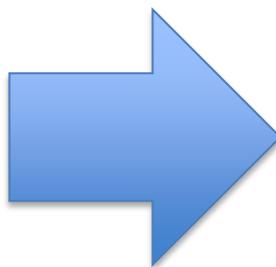


Table 25

Resulting Dispositions of Intake Referrals
Court Summons
Petition Filed
Petition and Detention Order
Diversion Opportunity
Resolved (no petition or diversion)

Diversion

For the following analyses, only class 1 misdemeanors against persons, other class 1 misdemeanors, and ‘other violations’ were included in the analyses because they contained diversions, whereas the other, more severe crimes contained very few diversions if any at all (i.e. felonies against persons, failure to appear, other felonies). Also, data on prior diversion usage or eligibility for diversion for each juvenile was not available. So, these results should be interpreted cautiously. A thorough analysis showed that when matching for offense category, we found that Black and White youth were about equally likely to receive a diversion opportunity (*Note, this is different from a successful diversion *completed*). However, one exception to apparent diversion equality was revealed for offenses classified as “other violations.” These referrals included vandalism, trespassing, protective orders, traffic, and narcotics violations that *did not* meet criteria for an “Other Class 1 misdemeanor.” There were 35 total ‘other violations’ that fell into this category over a 3.5 year period from 2010-2013. Overall, White youth in this category were approximately 7 times more likely to receive a diversion opportunity compared to Black youth.

Table 26

Diversion Opportunities for ‘Other Violations’			
Diversion Status	White	Black	Total
No diversion	3	15	18
Diversion Opportunity	10	7	17
Total	13	22	35

Pre-adjudication Detention

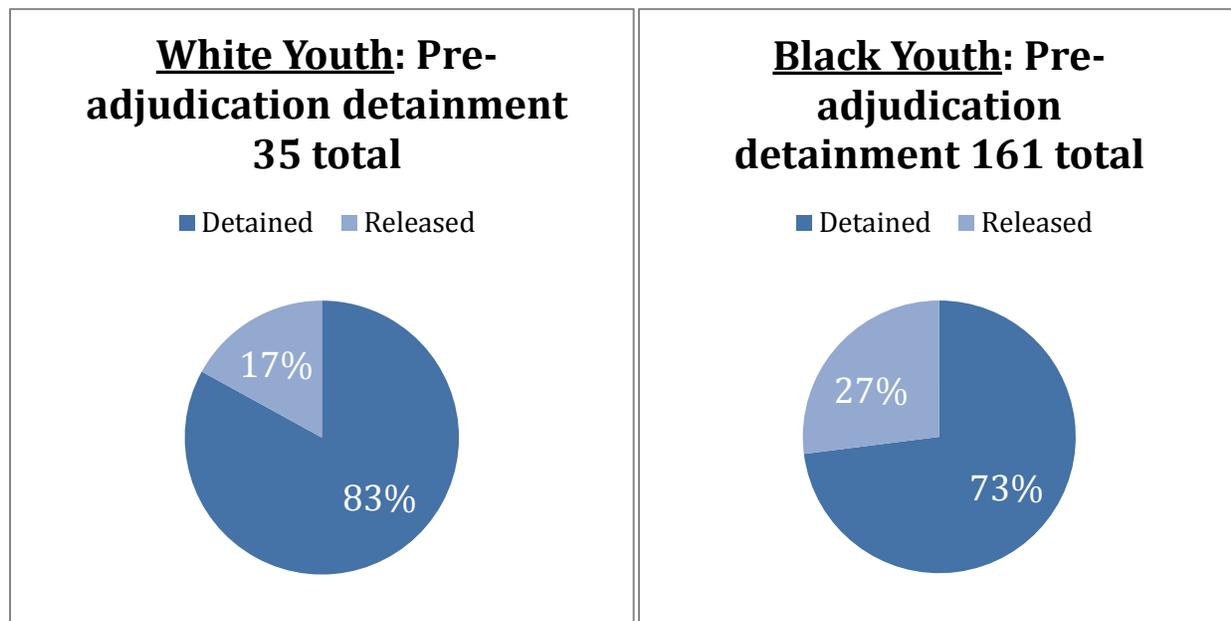
DETENTION: In some cases, juveniles may be held in secure detention pending adjudication (trial before a judge). From 2010 – 2013, a total of 49 decisions to release youth (43 Black youth) and 196 decisions to detain youth (161 Black youth) prior to adjudication were made (this includes only youth for whom detention was a consideration). As indicated in Table 27, many more Black youth were detained compared to White youth over this time period.

Table 27

Total Number of Youth Detained pre-adjudication			
	White	Black	Total
Released	6	43	49
Detained	29	118	147
Total	35	161	196

As indicated in the prior table, many more Black youth are being detained pre-adjudication. However, Figure 13 shows that among detention eligible youth (i.e. youth with offenses severe enough to consider detention), White youth are actually 1.76 times more likely to be detained pre-adjudication. This suggests disproportionality regarding pre-adjudication status rather than disparity in decision-making.

Figure 13

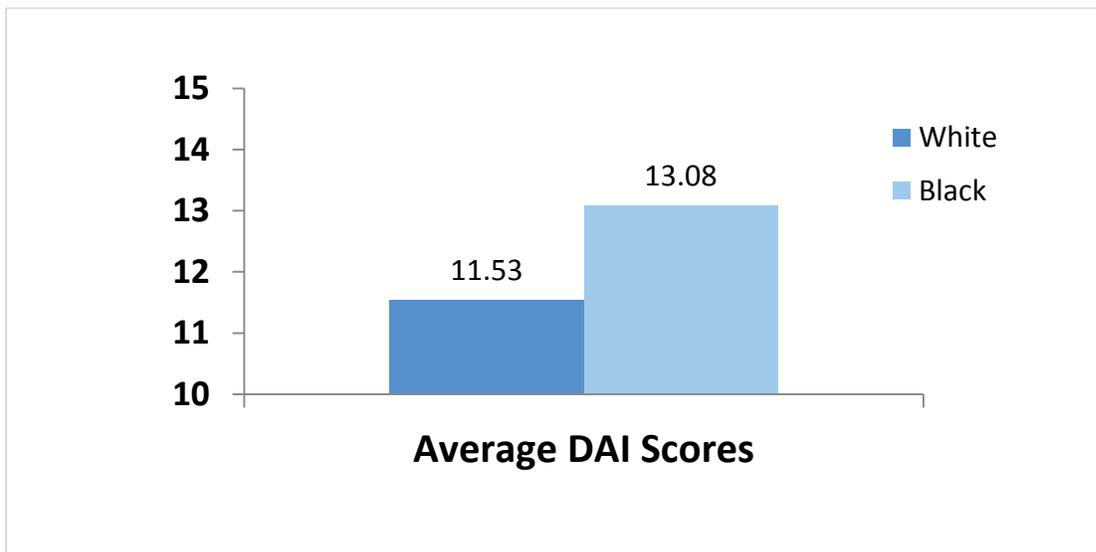


DETENTION ASSESSMENT: In accordance with Virginia’s Department of Juvenile Justice policy regarding detention assessment, each minor that is brought to intake with a charge severe enough to consider detaining prior to trial, must have a Detention Assessment Instrument completed. This is a standardized instrument that scores fields such as prior offense history, current offense severity, the

number of current charges related to incident, history of failing to appear in court, and whether a weapon was used in the current charge.

DETENTION ASSESSMENT INSTRUMENT (DAI) AND OVERRIDES: After examining scores on youth who received the Detention Assessment Instrument, Black youth, on average, scored higher than White youth (see figure 14). The difference in DAI scores for Black and White youth in Charlottesville *was* found to be statistically significant meaning that Black youth are more likely to score higher on the instrument. As shown in earlier analyses, this is perhaps the result of Black youth being more likely to have had a prior intake, referral for a person-related crime, or a probation violation.

Figure 14



Detention decisions typically are made based on the assessment; but there are certain situations that require Mandatory Overrides and others that allow Discretionary Overrides. As indicated in Tables 29 and 30, more discretionary overrides were granted to Black youth to release *and* to detain prior to adjudication.

MANDATORY OVERRIDES: Mandatory Overrides are issued as a result of a gun being used with the current charge, the youth being charged has an escapee history, and/or as the result of a local policy. In Charlottesville, there are essentially two types of local policy that require overrides. The first is a general judicial policy that requires an override when a juvenile is charged with a cocaine charge while in possession of a weapon. The second local policy is case-specific in a situation where a judge

has issued a written order requiring that an individual juvenile be detained if he or she has any further criminal charges or violations. Because there are almost no cases of juveniles receiving a cocaine charge while in possession of a weapon, Table 28 shows the number of overrides to detain based on a juvenile specific written judicial order.

Table 28

Total Number of Mandatory Overrides to Detain by Local Policy			
Offense Type	White	Black	Total Overrides
Contempt of Court	2	6	8
Larceny	0	3	3
Narcotics	0	1	1
Parole Violation	0	2	2
Probation Violation	1	10	11
Total	3	22	25

DISCRETIONARY OVERRIDES: Discretionary overrides are made by the Court Service Unit Director. The director may release a juvenile whose assessment requires detention based on mitigating factors. Such factors may include the juvenile’s age, the presence of a safety plan, appropriate services being in place, or the petitioner’s request that the juvenile not be detained. The following tables show the number of discretionary overrides granted to release. More Black youth were granted a discretionary override to release compared to White youth. The accompanying charge is also included in the table.

Table 29

Total Number of Discretionary Overrides to Release by Mitigating Factors			
Offense Type	White	Black	Total Overrides
Arson	1	2	3
Assault	0	9	9
Extortion	1	4	5
Fraud	0	3	3
Larceny	0	2	2
Narcotics	0	1	1
Robbery	0	1	1
Weapons	0	1	1
Total	2	23	25

The Court Service Director may also detain a juvenile whose assessment does not require detention based on aggravating factors. Such overrides may be made in cases where the victim is believed to be in danger, domestic assault, or a risk to the community. Table 30 shows the number of discretionary overrides granted to detain. A particularly concerning area of disparity or disproportionality is that Black youth were much more likely to be detained as a result of a probation violation (17 to 1). Further examination of what these violations are and the decisions to detain as a result are strongly encouraged.

Table 30

Total Number of Discretionary Overrides to Detain by Aggravating Factors			
Offense Type	White	Black	Total Overrides
Assault	4	6	10
Burglary	1	1	2
Contempt of Court	0	2	2
Disorderly Conduct	0	1	1
Larceny	1	1	2
Narcotics	1	0	1
Obstruction of Justice	0	1	1
Parole Violation	0	3	3
Probation Violation	1	17	18
Weapons	0	1	1
Total	8	33	41

Adjudication: 2010-2013

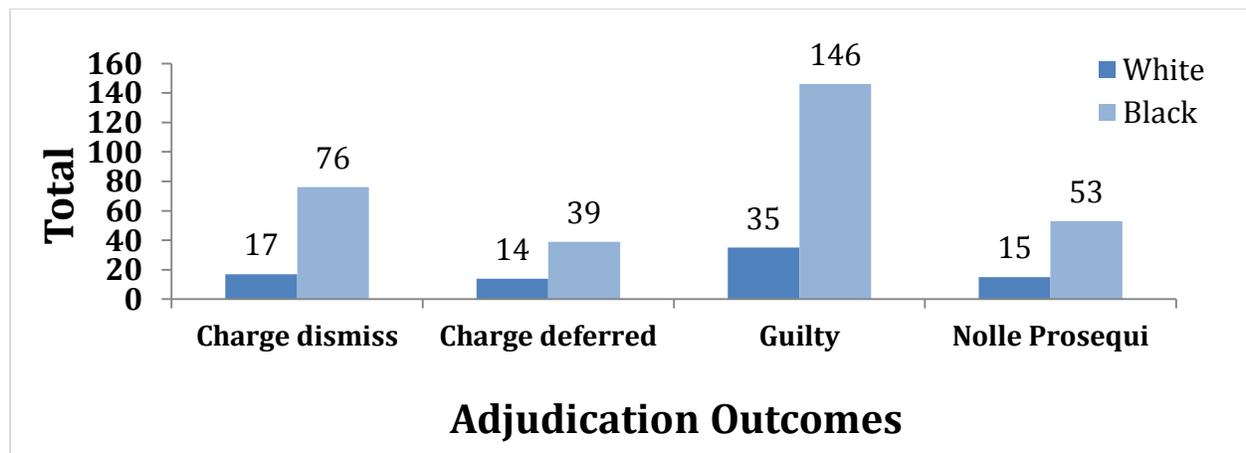
ADJUDICATED YOUTH: As reflected in Table 31 below, 100 total youth were adjudicated delinquent (found guilty of an offense) over this 3.5 year period. This does *not* include multiple adjudications from the same juvenile (i.e. each juvenile only counted once). Significantly more Black youth compared to White youth were adjudicated delinquent over this time period.

Table 31

Total Number of Youth Adjudicated Delinquent				
		White	Black	Total
Year	2010	7	20	27
	2011	9	29	38
	2012	7	17	24
	2013	1	10	11
Total		24	76	100

ADJUDICATED CHARGES: As reflected in figure 15 below, significantly more charges (as opposed to individuals) associated with Black youth compared to charges associated with White youth were adjudicated delinquent over this time period. Additionally, many more charges associated with Black youth were dismissed, deferred, or nolle prossed. This pattern seems again reflective of the disproportionate total number of Black youth receiving charges at the referral stage.

Figure 15



Probation

PROBATION: 2010-2013:

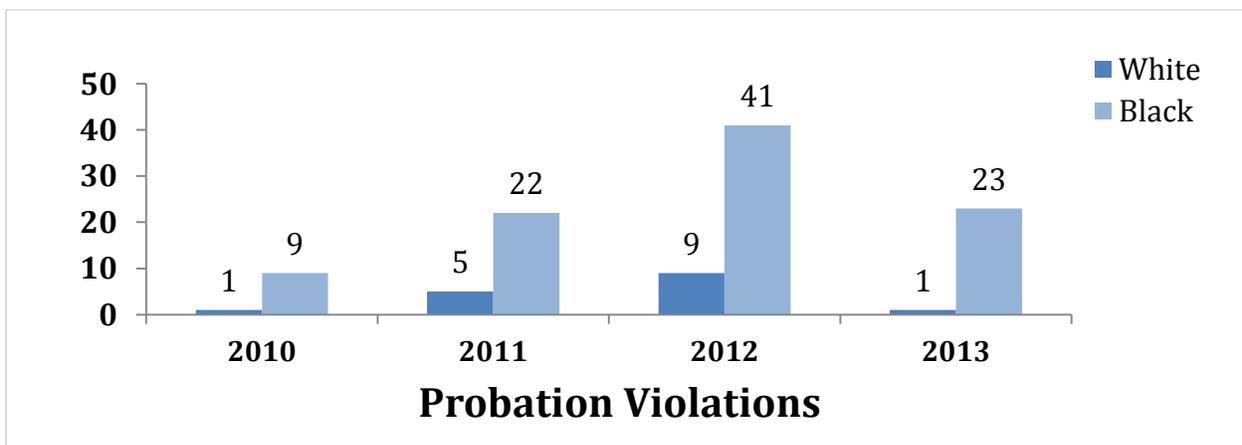
In the past 5 years, 143 offenses committed by youth resulted in probation. As reflected in the tables below, a larger number of Black youth received probation than would be expected given the number in the population. Over this time period, 62 total youth (12 White; 50 Black) were on placed on probation.

Table 32

Total Number of Youth Placed on Probation				
		White	Black	Total
Year	2010	2	12	14
	2011	4	15	19
	2012	3	17	20
	2013	3	5	8
Total		12	50	62

PROBATION VIOLATIONS: As reflected in graph Figure 16 below, 111 total probation violations were issued over this time period. Significantly more probation violations were issued for Black youth compared to White youth. This was found across both datasets that were analyzed for this initiative. Unfortunately, one limitation in the current data is that the researchers were unable to match probation violation decisions with the actual charge or behavior for which the violation was filed. Therefore, we could not run any follow-up analyses regarding actual behaviors associated with probation violations actually being filed.

Figure 16



Community Engagement

Community Forums

In July 2013, the Task Force organized four forums in order to offer the community a chance to engage in this process. Locations for these forums were Friendship Court Community Center, the Boys and Girls Club, Westhaven Community Center, and South First Street Community Center. Over 200 Charlottesville residents attended the forums. Descriptions of the objectives and how they were accomplished can be found in Table 33. The main objective for these forums was to solicit experiences, ideas, and possible solutions regarding disproportionate minority contact.

Residents were asked two questions:

1. In your opinion, what are some possible causes of the disproportionate minority contact seen locally?
2. What are some possible solutions to this problem?

Residents' comments were recorded, compiled, and then analyzed to establish common themes, which are displayed below. Common themes include issues with the police; family concerns; issues with the judicial system; issues regarding race, class and neighborhoods; and concerns about school experiences. The comments below represent the opinions of individuals who attended the forums and are not necessarily facts. Statements described below may be consistent with or contradict other opinions and data in this report.

Table 33

Objective	Achievement of Objective
<ul style="list-style-type: none"> ▪ To provide information about the current state of the juvenile justice system ▪ To solicit ideas, suggestions and experiences from the community ▪ To establish an open dialogue with the community 	<ul style="list-style-type: none"> ▪ Presented data from the 2011 report and the most recent data regarding youth on probation ▪ Asked residents to provide opinions about the causes of and possible solutions for DMC ▪ Agreed to hold additional forums where data from this report will be presented

Themes Discussed

Police Interactions

Much of the discussion at each of the forums involved the sharing of experiences with the police. Several residents described unfair treatment and harassment by the police. A number of suggestions including cultural competence and diversity training were made with an eye towards improving interactions with the police.

Reported Problems

Suggested Solutions

Treatment

Officers are pushy to the point that youth become angry
 Black youth are unfairly targeted and approached by the police
 Police harass youth not involved in criminal activity
 Black youth are treated poorly based upon officers' prior experiences with family members

Police Training

Increase diversity training
 Include effective ways to interact with young people
 Consider training programs that jointly involve youth and police

Youth Education

Inform youth about interacting with police at high school assemblies or programs and middle school civics classes

Fears

Black youth are treated differently than White youth
 Fear of youth being unjustly identified as a gang member
 Fear of entrapment by the police

General Perceptions

Large police presence in Black neighborhoods is indicative of police harassment
 Racism exists within the police department
 Police don't respond when called or are slow to respond
 Police display negative demeanor and body language

Issues related to Juvenile Justice System

Reported Problems

Suggested Solutions

Representation

Public defenders don't meet you until after you go to court
 Finances impact how you present yourself in court and who represents you

Presentation of Information

Court officials should be made aware of the community's perceptions of them
 Peer-to-peer network could be a source of information for parents

Reported Problems

Suggested Solutions

Judges

Question regarding who can question the judges and/or hold them accountable.
Judges make unfair assumptions based on family history

Efforts should be made to present the results of this study to the community

General Perceptions

Once you enter the system you never leave it
For some youth being incarcerated is "fun"
Parents believe the system is "unfriendly" and lack knowledge with respect to how things work
Prison is a commodity designed to keep Black people in prison and White people working

Race, Class, and Neighborhood Issues

Reported Problems

Suggested Solutions

Racism

Cultural racism has eradicated the fabric of the community

Black youth have negative outcomes because of implicit and explicit bias
Black and White communities are isolated from each other
Black youth are set up for failure

Education and Training

Policies regarding cultural competency need to be sustainable
Need to address biases through training

Class/Neighborhood

Need to acknowledge the history of racism in Charlottesville
Perception of "guilt by association" or "guilt by neighborhood"
Problems in the neighborhood are not being addressed

School Experiences

While the intention was to discuss the juvenile justice system, residents were free to cover any topics deemed important. Several residents expressed concerns about the experiences of youth in schools. Selected comments and proposed solutions are described below.

Reported Problems

Engagement	<p>Black youth do not feel engaged or supported by teachers and administrators</p> <p>Black youth are over-looked in classes</p>
Interactions with Staff	<p>Black youth are placed in classes that are below their ability</p> <p>Parents are intimidated by school administrators</p> <p>Black parents do not want to go the school because they are treated differently and are uncomfortable</p>
General Perceptions	<p>Administrators misuse authority</p> <p>Black youth are treated poorly as compared with White youth</p> <p>Negative assumptions are made about Black youth</p> <p>Black youth are unfairly and unjustly disciplined</p>

Suggested Solutions

Dialogue with School Officials	<p>Should involve school administrators, the school board, city council and the community</p> <p>Need to interface with the truancy efforts of the Juvenile Justice Advisory Committee</p>
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Family Concerns

Reported Problems

Parenting Methods	<p>Recurring theme of issues beginning at home because parents' want to be "friends" with their children and neglect the role of parent.</p> <p>Parents don't know who their children are "hanging with"</p> <p>Single parents are overwhelmed which makes it difficult to monitor the youth's behavior</p> <p>Fathers are not involved enough in the lives of youth</p>
Lack of Support	<p>Housing authority rules and laws bar family members/friends that may serve as a source of support for youth</p> <p>Parents can't get help for their children unless they are in trouble</p>
General Perceptions	<p>Parents of different generations do not get along</p> <p>Parents don't ask for help</p>

Suggested Solutions

Family Support	<p>Explore fatherhood programs</p> <p>Evaluate how to address legal restrictions and housing authority rules for parents that have been banned from certain housing areas</p> <p>Mentoring programs for youth should be explored</p>
Access to Services	<p>Need to more effectively disseminate information about available services to families</p>
Peer to Peer Networks	<p>Establish peer-to-peer network that will allow community members to support each other</p> <p>Help inform parents and youth about how to navigate the system</p>

Task Force Recommendations

The following recommendations result from the Task Force’s examination of best practices and are based on the information available to the DMC Task Force. Because DMC is a multi-faceted problem, these recommendations address a broad scope of identified issues.

Summary of Proposed Recommendations	
Recommendation 1:	<i>Training</i> for police, youth, and juvenile justice professionals on disproportionate minority contact, and ways to reduce it.
Recommendation 2:	Provide greater <i>delinquency prevention and system support</i> to families and youth.
Recommendation 3:	<i>Continue the DMC Task Force</i> with the charge to monitor, report and make recommendations to continue reducing DMC in the juvenile justice system in Charlottesville on an ongoing basis.
Recommendation 4:	<i>Evaluate</i> formal and informal <i>policies</i> that contribute to DMC
Recommendation 5:	<i>Support the School Board</i> in continuing to implement policies and programs to reduce the occurrence of disproportionately in suspensions, school-based arrests, and referrals.

Recommendation 1: Training to Reduce DMC

The Task Force proposes training for the police, juvenile justice professionals and youth in the community on disproportionate minority contact and ways to reduce it.

Police Training and Implementation Ongoing training should be provided to police officers in order to improve their interactions with youth. Training should include regularly scheduled follow-up sessions (for example, small group meetings to reflect on experiences and ways to implement training recommendations). Among the programs reviewed is the [Strategies for Youth Training Program](#). Furthermore, in order to address community members' concerns, the Task Force advocates for the adoption of a protocol for police interactions with youth.

Proposed Implementers: Charlottesville Police Department, City Council, City Manager, DMC Task Force

Youth Education The Task Force proposes training for youth on interacting with the police. An example of this type of training is the [Juvenile Justice Jeopardy Program](#).

Proposed Implementers: JustChildren, Community Attention, Boys and Girls Club, Charlottesville City Schools

Juvenile Justice Practitioners' Training The Task Force proposes training for all juvenile justice staff. Possible training programs include Strategies for Youth, Cultural Differences for Law Enforcement/Juvenile Justice Practitioners, and Strategic Training Initiative in Community Supervision.

Proposed Implementers: Court Services, Community Attention, Charlottesville Police Department, Commonwealth's Attorney's Office, Public Defender Officer, other designated service providers

Recommendation 2: Delinquency Prevention & System Support for Youth and Their Families

Evidence suggests that providing families with social support and education may reduce the number of youth entering the system and contribute to better outcomes for justice involved youth. The Task Force recommends that any City funds saved from arresting and detaining fewer youth be reinvested in order to support prevention services and family support programs and that additional funding, if available, be dedicated to the following.

Delinquency Prevention The Task Force advocates for increased access and utilization of parental education and support, including culturally focused programming

Proposed Implementers: DMC Task Force and Community Partners (e.g., Region Ten, CYFS, City of Promise, etc.)

Support for Navigating the System The Juvenile Court Guide should be updated and reprinted in both English and Spanish

The Task Force proposes the development of a well-coordinated peer-to-peer network with peer support providers to assist families navigating the system. Existing staff may be used to enroll and train peer advocates. Compensation should be provided for those that are a part of the peer-to-peer network.

Proposed Implementers: Charlottesville Human Services, DMC Task Force, Partnership of Peer Network, Community Attention

Recommendation 3: Continue the DMC Task Force

The work of the DMC Task Force should continue beyond the delivery of this report. The Task Force should continue to monitor, report, and make recommendations in order to continue reducing DMC in the juvenile justice system in Charlottesville on an ongoing basis.

On-going Community Dialogue The Task Force should ensure on-going community dialogue about DMC issues to ensure improvements/needs are communicated through a contract with a community-based organization. This organization would provide outreach services in connection with reporting back to the community regarding the findings, recommendations, and continued work of the DMC Task Force.

Proposed Implementers: DMC Task Force and Community-based organizations

Additional Data Collection & Analysis The Task Force advocates for the additional collection and analysis of relevant DMC data. This would include school-based referrals to the court system, and interactions, both positive and negative, between the police and community members, particularly for youth.

The Task Force also proposes to work with the Court Services Unit to determine available data collection and reporting options to facilitate ongoing monitoring of DMC in intake, referrals to court, and probation and parole violations.

Proposed Implementers: Charlottesville Police Department, Court Services Unit, DMC Task Force

Review Gaps Analyses Existing gaps analyses should be reviewed in order to better understand the unmet needs of youth in the areas of mentoring, mental health, and substance abuse.

Proposed Implementers: DMC Task Force, Charlottesville Human Services

Memorandum of Agreement Regarding Data Collection A memorandum of agreement should be established among stakeholders with respect to the regular gathering and reporting of DMC data.

Proposed Implementers: Charlottesville City Manager, Virginia Department of Juvenile Justice, Charlottesville Police Department, and Charlottesville City Attorney's Office.

Recommendation 4: Evaluate Formal and Informal Policies that Contribute to DMC.

The Task Force proposes to work with stakeholders to identify, analyze, and make recommendations regarding formal and informal policies and procedures that contribute to DMC.

Review Current Policies & Procedures

Current policies and procedures that may contribute to DMC should be reviewed. These include:

- probation violations and diversion decisions
- the "co-defendant rule" whereby a youth with no prior record, who is arrested with other youth(s) who are repeat offenders, is treated as though (s)he has a prior record by the court.
- the influence of family and household members' criminal records on risk-assessment decisions to determine if this is not warranted
- the contact made with parents and youth regarding court appearances

Best practices regarding electronic monitoring should be reviewed.

The impact of overrides on the detention of youth should continue to be examined and monitored.

Proposed Implementers: Court Services Unit, Charlottesville Police Department, Community Attention, Judges, attorneys, parents, community members, youth advocates, service providers

Encourage Transparency

Written standards regarding discretionary decision-making at intake, diversion, and detention stages are encouraged in order to increase transparency.

Increased transparency of the results of all police complaints is encouraged.

Proposed Implementers: Court Services Unit, Judges, DMC Task Force, Charlottesville Police Department, Charlottesville City Attorney

Gap Analysis of Diversion Programs

A gaps analysis of diversion programs is proposed, which will enable the Task Force to make recommendations in order to incorporate best practices that will minimize DMC. An example would be the use of restorative justice practices.

Proposed Implementer: Charlottesville Human Services, DMC Task Force

Recommendation 5: Support for the School Board in Continuing to Reduce Disproportionality in School-Based Discipline

The Task Force proposes to support the Charlottesville City School Board in continuing to implement policies and programs to reduce the occurrence of disproportionality in suspensions, school-based arrests, and referrals.

Behavioral Interventions Schools should expand the use of and continue with fidelity Positive Behavioral Interventions and Supports (PBIS) and restorative justice practices in order to reduce the need for suspensions, referrals, and school based-arrests.

Proposed Implementers: Charlottesville School Board and School Personnel

Professional Development Schools should continue to enhance professional development opportunities for teachers with programs that will both improve academic achievement as well as eliminate the racial discipline gap.

Proposed Implementers: Charlottesville City Schools

Educational Programming The Task Force supports the use of disparity-reducing educational programming. For example, the [Check and Connect Program](#) is currently in use and it is designed to decrease truancy petitions.

Proposed Implementers: Community Attention, DMC Task Force, Charlottesville City Schools

Joint Memorandum of Agreement The Task Force proposes the development of a joint Memorandum of Agreement (MOA) between the Charlottesville Police Department and the School Division concerning School Resource Officers (SROs) based upon best practice models that have been shown to reduce disproportionality and minimize referrals to court from the school system.

Proposed Implementers: Charlottesville Police Department and Charlottesville City Schools

Recommendations for Data Collection and Monitoring:

The Task Force strongly recommends additional collection and analysis of relevant DMC data. The following recommendations are broken down into overall improvements for data collection and recommendations specific to the Police Department and the Court Services Unit.

An especially important recommendation for monitoring DMC moving forward is the consultation of someone with expertise in collecting and analyzing data prior to, and during the implementation of any changes regarding how data is collected. Working with a data consultant to implement these changes will prove useful for sustainable monitoring of DMC beyond the tenure of this Task Force.

Overall Data Recommendations

The following recommendations are intended to improve the time and efficiency of data collection and monitoring for all the different stakeholders in the juvenile justice system.

1. Data must be recorded for each individual juvenile and not for each charge in order to more easily monitor DMC moving forward. Currently, data is entered and recorded for each charge or case number. However, this makes it difficult to run analyses examining the total number of Black and White youth in the system. A separate or easily converted dataset to analyze by each individual juvenile is needed in order to monitor DMC moving forward.
2. Data must be entered into the system using *numerical* values only. Using letters and words to record data are fine for addresses, notes, and providing context. However, when letters are used for categorical variables (e.g. W = White) this practice is very limiting because it's impossible to run statistical analyses to monitor DMC using letters. Numerical codes for distinct categories are strongly recommended for future data collection (e.g. 1 = White; 2 = Black; etc.).

Police Data Collection

The following recommendations are intended to improve the time and efficiency of data collection and monitoring of DMC for the Charlottesville Police Department.

1. Collecting data on *how* police become involved with youth. In other words, what was the origin of the interaction with the youth? Was it a call for service from the community or was it something the officer observed and then intervened? This is critical to monitoring DMC moving forward regarding the possible discretionary decision making of police officers and residents of the community.
2. Documenting all contact with youth to establish how often police come into contact with youth that do *not* result in a search, arrest, or petition. Documenting positive youth contact would be a valuable tool in monitoring the positive impact that the DMC initiative could be having moving forward.

**Department of
Juvenile Justice
Data Collection**

The following recommendations are intended to improve the time and efficiency of data collection and monitoring of DMC for the Court Services Unit.

1. Currently, there is no data on the 'co-defendant rule' and diversions. Tracking which youth would be 'diversion-eligible' if not for the co-defendant rule would be helpful in tracking DMC. Furthermore, during the interviews it was discovered that some of these cases get sent back from court to be reconsidered for diversion eligibility. It would be valuable to understand how many and under what circumstances these cases occur for monitoring DMC.
2. Consolidated database for monitoring youth for DMC purposes. Currently, the way the Virginia Department of Juvenile Justice tracks data for youth is very fragmented. For example, there is a database for intake information, another database for youth receiving probation, another for adjudicated youth and so on. So, not only are data collected by charge rather than by youth, they are also recorded in separate databases. This makes it very difficult to track how specific youth move through the system at each decision point which is critical for monitoring DMC. A separate database for monitoring DMC that pulls the essential information on specific youth from each database in its current form would be very useful.
3. Monitoring and recording how decisions are made regarding probation violations is strongly encouraged. A limitation in the current data is that there is no way to understand what specific behavior constituted the violation being filed. Documenting how these decisions are made will help monitor DMC moving forward and also provide feedback regarding the recently instituted 'Graduated Sanctions' policy in place for the Department of Juvenile Justice.
4. Continued monitoring of school-based referrals for intake and distinguishing truancy/status offense referrals vs. criminal offense referrals.
5. Collecting data on parental involvement with the justice system. During the interviews, it was the opinion of some stakeholders that youth with parents or other family members involved in the justice system are unfairly targeted which might contribute to DMC. It would be valuable to see if this variable predicts differential treatment.

Summary and Conclusions

This report was prepared at the request of Charlottesville City Council on behalf of the Task Force on Racial Disparities and Disproportionality in the Juvenile Justice System. The Task Force's objective was to collect and analyze data on the current state of the juvenile justice system that might shed light on racial differences with respect to disproportional entry into and disparate treatment within the juvenile justice system.

Research Questions

The following research questions were addressed in this report.

1. The extent to which racial disparity and disproportionality currently exists at various contact points within the juvenile justice system including:
 - a. Police Contact
 - b. Intake
 - c. Diversion
 - d. Pre-trial Detention
 - e. Adjudication
2. Is racial disparity or disproportionality present? If so, what are contributing factors that we can target to reduce differences?
3. What factors influence decision-making?
4. What are the frustrations with the current policies or procedures?
5. What recommendations or solutions have been offered to improve the current policies or procedures?

Data Sources

This study employed a mixed-methods approach, incorporating information from key stakeholders in the juvenile justice system, quantitative data, and input from residents of the community. The sources of data included:

- 27 interviews with key professional stakeholders representing critical decision points within the juvenile justice system

- Local data obtained from the City of Charlottesville Police Department
- Local data obtained from the Virginia Department of Juvenile Justice for the 16th District Court Service Unit
- Information gathered from Charlottesville residents across 4 community forums

What have we learned?

- Overall, the numbers of juveniles entering the juvenile justice system are down:
 - 70% decrease in the number of arrests since 2001
 - Only 25 different youth were detained pre-trial last year
- The vast majority of youth in our community never enter the juvenile justice system:
 - 97% of Black youth were not arrested over this time period
 - 98% of White youth were not arrested over this time period
- These results suggest that, locally, racial disproportionality is contributing to the overrepresentation of Black youth more than racial disparity
 - **Racial disproportionality** refers to one race being over- or under-represented compared to racial makeup of the whole community.
 - **Racial disparity** is inequality on how youth and their families are served based on race (outcomes achieved).
- A disproportionate number of Black youth are charged with person related crimes, failure to appear in court or contempt of court, and probation violation charges.
- No juvenile justice participants believed that individual behavior or overt bias against Black youth could be an explanation for why racial disproportionality and/or disparity exist. However, the majority of interviewees recognized that Black youth enter the system in higher numbers than White youth. Others explained that in their experience, there have been no differences with respect to the way Black youth are treated within the juvenile justice system.
- When asked to explain why racial differences might exist, juvenile justice participants described opinions that were categorized into four main influences: (1) economic disadvantage; (2) difficult family situations; (3) unconscious bias; and (4) residents' reporting behaviors.

- For those youth who have long criminal histories or have committed the most serious crimes, there is little to no discretion. For those accused of less serious crimes, the individual and family factors that influence decision-making include: (1) the juvenile's demeanor; (2) the need for services; (3) the level of family involvement; and (4) poor decisions made on the juvenile's behalf that are based upon the parents' negative experiences or their lack of knowledge of the system.
- For community residents, common themes include issues with the police; issues with the judicial system; issues regarding race, class and neighborhoods; concerns about school experiences; and family concerns.

Implications and Future Directions

Disproportionate minority contact in the juvenile justice system is a complex and multifaceted issue. A thorough examination of the literature on disproportionate minority contact has concluded that racial disproportionality and disparities are the result of compounding factors that cumulatively contribute to racial differences seen in the system as a whole. Based on the findings in this report, Charlottesville is no exception. The task force cannot say that we have identified a *single* cause, nor will a single solution be effective. The possibility that any given community has one particular problem that is contributing to minority overrepresentation in the justice system is very unlikely. On the other hand, it's more realistic that a combination of factors is interacting in complex ways that are contributing to the different outcomes that are negatively impacting minority youth. Understanding and communicating this to the community and persons actively involved in alleviating racial disproportionalities and disparities will be a rather difficult challenge moving forward. The Task Force recognizes the difficulty of communicating a complex set of solutions to a seemingly simple problem to understand. In fact, figuring out how to communicate this message to the community and illustrating the impact of the resulting recommendations is probably the most difficult challenge facing the Task Force moving forward. That said, regardless of the causes the Task Force has discovered concerns in several places and conclusively identified best-practice recommendations that are the result of this report's findings and are what has been shown to be effective in other localities. These recommendations and solutions are consistent with the City's ongoing community dialogue regarding race and positively contribute to Charlottesville City Council's mission to provide, "*concrete solutions and paths to action that promote racial reconciliation, economic justice, and equity.*"

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Appendix A-Glossary

Acquittal – Court judgment that a juvenile is not guilty of the charges filed.

Adjudication hearing – The trial; the court hearing to determine whether the defendant is guilty or innocent.

Adult – In Virginia, a person at least 18 years old.

Allegation – A claim that a law has been broken. Police or a community member, including a parent or guardian, can make this statement.

Arrest – Taking a person into custody for the purpose of charging him or her with an offense or starting court proceedings.

Charge – A formal allegation that a person has broken a law or committed an offense.

Child in Need of Supervision: A juvenile who is absent from school without a reason or who runs away from home. Also known as a *Status Offense*.

Citation – A written order to appear in court to answer a charge (usually for a traffic charge).

Commitment – An order by a judge which transfers a juvenile’s legal custody to the State Department of Juvenile Justice for incarceration in a Juvenile Correctional Facility.

Commonwealth’s Attorney (also called the Prosecutor) – A lawyer who works for the state and is responsible for presenting the state’s evidence against those who are accused of breaking the law.

Complainant – The person who brings a charge against the defendant.

Complaint – A formal written accusation filed in court charging that an individual committed a specific offense.

Counsel – Another term for a lawyer.

Court – A setting in which formal testimony and evidence can be heard before a judge and decisions can be made about cases.

Court Appointed Counsel (may be called a Public Defender or Assigned Counsel) – This is a lawyer appointed by the court to represent a defendant who is unable to afford a private attorney.

Court Service Unit – A part of the juvenile court system which includes intake, probation, parole supervision, and other services.

Crime – An act in violation of law; also referred to as an offense or delinquency.

Delinquent – An act committed by a juvenile for which an adult could be prosecuted in criminal court.

Defendant – the person that is accused of committing an offense.

Defense Attorney – The lawyer who represents the defendant in court.

Department of Juvenile Justice- A branch of the state government that is responsible for community and correctional services for juvenile delinquents.

Detention Assessment Instrument (DAI)- a detention screening tool used by CSU intake officers to guide detention decisions using objective criteria.

Detention Assessment Instrument Overrides Mandatory- The Virginia Department of Juvenile Justice requires that youth be detained in some situations, regardless of the rating. These include: Use of firearm in current offense, escape from a secure placement or local court policy

Detention Assessment Instrument Overrides Discretionary- The local Court Service Unit director may override the instrument, regardless of the rating, if s/he finds that there are aggravating or mitigating factors or if there is an approved local graduated sanction for probation/parole violation

Detention Hearing – A hearing before a judge to determine whether a juvenile should be placed in detention, continue to be held in detention, or be released until the next court hearing.

Detention Center – A secure facility where juveniles are held temporarily; a juvenile jail.

Appendix A-Glossary

Disposition – Sentencing; a court decision on what will happen to a juvenile who has been found guilty.

Disposition hearing – Sentencing hearing. A court hearing to decide the most appropriate action in a case where a juvenile has been found guilty of the charges.

Divert or Diversion—the handling of a juvenile intake complaint in an informal manner rather than through the official court process. The intake officer must develop a plan for the juvenile that may include counseling, informal supervision, restitution, community service, and other programs. The juvenile and his parents must agree to the diversion plan. By law, the following offenses cannot be diverted: an alleged violent juvenile felony; a complaint after a prior diversion or adjudication on a felony offense; and a second or subsequent truancy complaint.

Felony – A criminal offense which is more serious than a misdemeanor and which can carry more severe penalties.

Guilty: A finding by the juvenile court judge that the defendant did commit the offense he or she has been charged with.

Hearing – A court proceeding in which charges, evidence, and arguments are heard.

Innocent – A finding by the judge that the defendant did not commit the offense he or she has been charged with.

Intake – The first contact with the juvenile justice system in which the referral is reviewed and a decision is made to file a petition for court or divert the case. The Intake Hearing is where an Intake Officer determines that there is probable cause to believe that the juvenile committed an offense and then decides how to handle the case.

Intake Officers – Probation officers who review charges brought against a juvenile and decide how to handle each case.

Juvenile - A person younger than age 18 (in Virginia).

Juvenile Correctional Facility: A secure setting where sentenced juveniles are confined and receive 24-hour supervision, education, treatment services, recreational services, and a variety of special programs; a juvenile prison.

Juvenile Court Judge – The court official who conducts the hearings for a case and makes the final decision as to what will happen. The judge listens to both sides of the story and makes sure that the people in the courtroom follow the rules. The judge decides if a person is guilty or not guilty of the charges. If a person is found guilty, the judge will decide what kind of sentence he or she will get and how long the sentence will last.

Misdemeanor – An offense which is less serious than a felony and carries lesser penalties.

Nolle Prosequi (or nol pros)- a declaration made to the judge by a prosecutor in a criminal case either before or during trial, meaning the case against the defendant is being dropped.

Offense – An act committed in violation of law.

Parole – The court supervision of a juvenile after release from a juvenile correctional facility. Rules are set and must be followed.

Penalty – A punishment given by the court to a convicted offender.

Petition – A document filed at court intake alleging that a juvenile is delinquent, a child in need of services or supervision (CHINS), or an abused or neglected child.

Person crimes- Offenses which are committed against an individual with the intent or result of harm to that individual. Misdemeanor person crimes would include assault. Felony person crimes would include malicious wounding, armed robbery, or rape, for example.

Police Officers – A police officer's job is to protect the community. If a juvenile is suspected of breaking the law, a police officer can make an arrest.

Probable Cause – Based on the evidence presented, there is reason to believe that the alleged offense occurred.

Appendix A-Glossary

Probation – The court supervision of a juvenile found guilty of the charges. Rules are set and must be followed.

Probation Officer – A Department of Juvenile Justice employee who works with juveniles on probation to set rules for their behavior and help them to get services to avoid future legal problems.

Probation Violation – A juvenile’s failure to follow the rules of probation, which can result in the juvenile’s return to juvenile court.

Stakeholders (Juvenile Justice Professional Stakeholders)- In this report, stakeholders refer to individuals working within the juvenile justice system, including police, prosecutors, defense attorneys, probation officer, and detention facility staff.

Stop without frisk (or stop and question)- police may temporarily stop an individual for questioning if the officer has reasonable suspicion that the person has committed or is about to commit a crime. (Also known as Terry stop)

Stop with frisk- police may temporarily stop an individual for questioning if the officer has reasonable suspicion that the person has committed or is about to commit a crime. The officer may “pat down” the person to determine if there is a weapon present if the officer has a reasonable fear for his or her own or others’ safety. (Also known as Terry stop)

Summons – A document requiring a person to appear in court at a specified time to testify.

Youth Assessment Screening Instrument (YASI)- a validated tool which provides an objective classification of an individual’s risk of reoffending by assessing both static and dynamic risk and protective factors in 10 distinct functional domains.

Appendix B: A Brief History of Vinegar Hill

Vinegar Hill, typically defined as the triangular area bounded by West Main to the South, Preston to the North, and Fourth Street to the West, first appeared in the mid-1830s, according to James Alexander, an early historian of the Charlottesville area¹. There are several theories behind the naming of this area. Originally named Random Row, in large part due to its deviation from the rectangular design followed by the rest of downtown Charlottesville, Vinegar Hill was popular prior to the 1870s. First inhabited by Irish immigrants during railroad construction, the area would later become associated largely with the free African American community developing in the area after the Civil War.

In 1893, Midway School was erected on the site of an old hospital atop Vinegar Hill; however, this school was entirely devoted to the education of Caucasian students. African American youth were sent to Jefferson School located on the western side of Vinegar Hill.² The Jefferson School offered education only through the 8th grade until 1926, when it was expanded to accommodate students wishing to pursue a high school-level education.

Following the outcome of the landmark Supreme Court case of *Brown v. Board of Education of Topeka, KS*, Lindsay Almond, governor of Virginia, ordered the closing of James Lane High and Venable Elementary Schools in 1958 to prevent integration.³ This left many African American youth without educational opportunities; families were forced to find private instruction from tutors, schooling through churches, and education received at the offices of the school board until integration was able to move forward with the reopening of local schools in January 1959.

Beginning in the 1950s, the Charlottesville Housing Authority began to reassess the use and condition of the Vinegar Hill area, which had demonstrated itself as a center for African American-owned enterprises, accounting for \$1.6 million of the city's gross income by 1959. However, in light of economic attempts to refocus commerce within the downtown area and to remove the run-down homes and businesses that populated the Vinegar Hill area, it was decided that urban renewal was required.² It was decided that, through urban renewal, living conditions for residents of Charlottesville would be improved in light of "a shortage of safe and sanitary dwelling accommodations in the city."³

The decision for urban renewal of the Vinegar Hill area was far from apolitical. Occurring shortly after the forced integration of city schools, and accompanied by a \$1.50 poll tax, which effectively limited voter turnout for low-income individuals, many believe that the planned demolition of Vinegar Hill was dominated by racism rather than sound reason. Still today, many see the renewal project as little more than a relocation project conducted by the city.³ The Hill was all but razed to the ground, with 29 different African American-owned businesses, and both dilapidated and functional homes torn down in exchange for fair market value, moving expenses, and an additional \$5,000 for homeowners.

In place of the Vinegar Hill area, public housing became available in the Westhaven community, currently almost 3 times greater in population density than the rest of Charlottesville. Westhaven, though providing new amenities for many of Vinegar Hill's former residents such as

What's in a Name?

The legend of Vinegar Hill

The rich oral history of Charlottesville gives rise to several possible origins of the name 'Vinegar Hill.'

- *Illicit trade of spirits through grocers, who sold the alcohol out of casks labeled as vinegar*
- *A tannery at the base of the Hill was credited with producing a foul, vinegar-like stench*
- *An original inhabitant of the area George O'Toole named the Hill after Vinegar Hill in Ireland, where the O'Tooles lived*

Appendix B: A Brief History of Vinegar Hill

indoor sewage facilities and running water, the area did not provide opportunity for the resurrection of African American-owned businesses, either through land availability or through loan availability from local lenders. With a long-standing history of rejection from Caucasian-owned businesses, many African-Americans were disinclined to seek positions at “Caucasian” firms.

The impacts of this urban renewal project, along with remnants of hurt and disgust from the era of segregation, are still being realized today in the dramatic racial disparities that exist in Charlottesville and Albemarle County. Vinegar Hill, once a source of African American recreation and entertainment, offering a community of togetherness and opportunity for African American residents, has transformed into an overwhelmingly Caucasian-owned location that now exists as some of the city’s prime real estate. The Vinegar Hill of yesterday, rich in heritage and culture, has lost much of its charm since the mid-1900s, and may have given rise to many of the issues faced by disenfranchised communities in Charlottesville.

References

1. James Alexander, *Early Charlottesville: Recollections of James Alexander 1828-1874*, Edited by Mary Rawlings, Albemarle County Historical Society, Charlottesville, 1942.
2. *History of Vinegar Hill*. Institute for Advanced Technology in Humanities. Last Updated: July 28, 2005. <http://www2.iath.virginia.edu/schwartz/vhill/vhill.history.html>
3. Saunders, James R. and Renae Shadine Shackelford. *Urban Renewal and the End of Black Culture in Charlottesville, Virginia: an oral history of Vinegar Hill*. Jefferson; McFarland and Company, Inc., 1998.

Vinegar Hill – circa 1960 (Prior to Demolition)²



Appendix C: Interview Protocols

JUVENILE JUDGE - INTERVIEW

Introduction:

Hello (____name), I am ____ and I am an interviewer working on behalf of the City of Charlottesville Task Force on Racial Disparities & Disproportionality. The task force was formed in response to a report that revealed that racial disparities affecting minority children exist within a number of domains including mental health, physical health, child welfare and the juvenile justice system. This task force is charged with finding out how we might improve the juvenile justice system. In deciding where to begin, we are interested in examining in detail the process through which juveniles move through the justice system. With this information we hope to assess our policies and procedures and compare them to other communities in order to determine whether there are things that we might do differently.

We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others in order to examine the decision making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on this issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record this interview. The recording will be used to make sure that we understand exactly what you are telling us. Once the interviews are complete and transcribed, the recordings will be destroyed. No one beyond the interviewers will be listening to this recording. With others that we are interviewing, we are providing confidentiality of individual responses; however you may be the only judge we talk to, so some of your comments may be obviously yours. We will send you any comments that we would like to publish that could be attributable to you prior to publication.

1. DEMOGRAPHICS:

- a. Please give a brief overview of your job and specific responsibilities.
- b. Please briefly describe how you have come to preside over juvenile cases?
 - i. Any juvenile or child development training?
- c. How long did (have) you preside over cases in juvenile court?
- d. Have you worked within criminal law in any other capacity?
 - i. If so, please briefly describe that position. Where was it and for how long did you work there? Have you worked with juveniles in any other capacity?

2. ADJUDICATION OF DELINQUENCY

- a. What are the types of juvenile cases over which you have presided?
 - i. Are the aspects that you have found particularly frustrating?

Appendix C: Interview Protocols

1. What sort of improvements would you like to see?

3. DISPOSITION

- a. How do you balance culpability and accountability with the rehabilitative goals of the juvenile court for dispositional decisions?
 - i. To what extent do family, school or individual (job status, attitude, etc.) factors influence your decision(s)?
 - ii. To what extent do you take into account the potential impact on the victim (i.e. restorative justice)?
 - iii. How does a juvenile's offense history impact the decision?
 - iv. How do you balance the sentencing recommendations given by the commonwealth's attorney, the defense, and court services?
- b. Have you noticed any disparities by race among the dispositional recommendations put forth by the *commonwealth's attorney or the defense*?
- c. Have you noticed any disparities by race among the dispositional recommendations put forth by the *court services* personnel?
- d. Please share any thoughts you have about racial disparities in the juvenile justice system and why they exist.
- e. Do you believe that differences in social class or poverty are related to teens becoming involved with the juvenile justice system?
 - i. If so, why do you think that?
- f. Several people we have talked to have suggested that one of the reasons more black juveniles are brought to court than white juveniles is the Court's policy on co-defendants. As we understand it, if several juveniles are involved in an alleged offense together and one of them has a prior offense, all must be charged. Is this accurate?
 - i. How do you think it affects disproportionate minority contact?
- g. What other things should we be looking at in order to determine why racial differences might exist?
 - i. Is there anything that you believe we have missed with these questions that you would like to add?

4. **INTERVIEWER:** *Be sure to thank them for their time!*

Appendix C: Interview Protocols

PROSECUTING ATTORNEY - INTERVIEW

Introduction:

Hello (___name), I am ___ and I am an interviewer working on behalf of the City of Charlottesville Task Force on Racial Disparities & Disproportionality. The task force was formed in response to a report that revealed that racial disparities affecting minority children exist within a number of domains including mental health, physical health, child welfare and the juvenile justice system. This task force is charged with finding out how we might improve the juvenile justice system. In deciding where to begin, we are interested in examining in detail the process through which juveniles move through the justice system. With this information we hope to assess our policies and procedures and compare them to other communities in order to determine whether there are things that we might do differently.

We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others in order to examine the decision making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on this issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record this interview. The recording will be used to make sure that we understand exactly what you are telling us. Once the interviews are complete and transcribed, the recordings will be destroyed. No one beyond the interviewers will be listening to this recording.

1. DEMOGRAPHICS:

- a. Please give a brief overview of your job and specific responsibilities.
- b. Please briefly describe your educational background?
- c. Please briefly describe how you have come to be an expert in juvenile law?
 - i. Any juvenile or child development training?
- d. How long have you been employed at your current job?
- e. Have you worked with in criminal law in any other capacity? If so, please briefly describe that position. Where was it and for how long did you work there? Have you worked with juveniles in any other capacity?
- f. How long have you lived in this area?

2. PETITION:

- a. At what point do you first come into contact with a juvenile offender?
 - i. At what point are you assigned a case?
 - ii. Are you involved in circumstances where an intake appointment occurs, but no petition is filed?

Appendix C: Interview Protocols

1. Are you involved in deciding whether a case is diverted?
 2. Does this happen before a petition is filed?
 - b. What are the circumstances under which a petition is filed, but an adjudication hearing does not occur?
 - i. Are you involved in deciding whether or not an adjudication hearing occurs?
 1. What factors influence your decision?
 2. Is anyone else involved in making this decision?
 - a. Dave, CSU, Liz?
 3. For example, with the codefendant rule and there is a kid with no prior offenses who is eligible for diversion.
 - a. How often does this occur?
 - ii. Are there any other circumstances where a petition is filed and an adjudication hearing does not occur?
 - c. The following questions address when a petition is filed and the case does go to an adjudicated hearing:
 - i. When a petition is filed who determines how many charges will be brought against a juvenile offender? Are there guidelines (or a protocol) for determining how many charges should be brought?
 1. Is anyone else involved in making this decision?
 - a. Dave, CSU, Liz?
 2. Are there factors (mitigating or otherwise) that might influence whether you decide to add, keep, drop charges?
3. DETENTION HEARING:
- a. Are you involved at all with preadjudication detainment?
 - i. If so, in what capacity?
 - ii. What are the factors that influence your recommendations to detain or not detain?
4. ADJUDICATION HEARING
- a. How often do you file a petition for a case that gets to the adjudication hearing, but the case gets dismissed (nolle prosequi)?
 - b. Are there circumstances under which a case may have been diverted but for the fact that the judge has issued a mandate that all cases under a certain category must be adjudicated before him or her?
 - i. For example with certain drug cases? How often does this occur?
 - c. Please describe the discovery process including how freely information is shared between your office and the office of the opposing attorney.
5. SENTENCING:
- i. How do you determine the most appropriate course of action for kids? (e.g. Restorative Justice?, Services?, Increased legal supervision, etc.)
 1. How do you balance that with the concerns and/or support of both police officers and CSU?

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- ii. **(NOTE: ...ask if not answered above)** Who is involved in making sentencing recommendations?
 1. Probation? Case Managers? Social Workers? Defense? Dave, Liz
 2. How often do you agree with others' sentencing recommendations?
If you don't agree, then what happens?
 - a. Please describe the last time you disagreed and why.
 - b. Are there factors (mitigating or otherwise) that might influence your decision?
 - i. Need for services? School performance? Compliant behavior? Parental response.

6. YOUR IMPRESSIONS:

- a. Do you think that African-American teens are arrested more frequently in this geographic area?
 - i. If so, why do you think that?
- b. Do you think that African-American teens are more frequently involved in criminal activity in and around Charlottesville?
 - i. If so, why do you think that?
- c. Do you believe that differences in social class or poverty are related to teens becoming involved with the juvenile justice system?
 - i. If so, why do you think that?
- d. What other things should we be looking at in order to determine why racial differences might exist?
- e. Is there anything that you believe we have missed with these questions that you would like to add?

7. INTERVIEWER: *Be sure to thank them for their time!*

Appendix C: Interview Protocols

DEFENSE ATTORNEY - INTERVIEW

Introduction:

Hello (___name), I am ___ and I am an interviewer working on behalf of the City of Charlottesville Task Force on Racial Disparities & Disproportionality. The task force was formed in response to a report that revealed that racial disparities affecting minority children exist within a number of domains including mental health, physical health, child welfare and the juvenile justice system. This task force is charged with finding out how we might improve the juvenile justice system. In deciding where to begin, we are interested in examining in detail the process through which juveniles move through the justice system. With this information we hope to assess our policies and procedures and compare them to other communities in order to determine whether there are things that we might do differently.

We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others in order to examine the decision making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on this issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record this interview. The recording will be used to make sure that we understand exactly what you are telling us. Once the interviews are complete and transcribed, the recordings will be destroyed. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous, meaning that your name will not be associated with any of your comments.

1. DEMOGRAPHICS:

- a. Please give a brief overview of your job and specific responsibilities.
- b. Please briefly describe your educational background?
- c. Please briefly describe how have come to be an expert in juvenile law?
 - i. Any juvenile or child development training?
- d. How long have you been employed at your current job?
- e. Have you worked with in criminal law in any other capacity? If so, please briefly describe that position. Where was it and for how long did you work there? Have you with juveniles in any other capacity?

2. ADJUDICATION PROCEEDINGS

- a. At what point do you first come into contact with a juvenile offender?
 - i. At what point are you assigned a case?
 - ii. Please describe the size of your typical juvenile caseload.

Appendix C: Interview Protocols

1. Are there changes that could be made to make your job easier or improve your ability to be effective?
 - iii. Is there any attempt at continuity when a juvenile reoffends?
 1. So for example is there an attempt to place you with a juvenile because you have represented this kid before? (Does probation status matter?)
 - b. Please explain the nature of your initial contact with the Commonwealth's attorney's office pre-adjudication.
 - i. Do you discuss the number of charges to be filed against a juvenile?
 - ii. Do you discuss the severity of the charge(s) to be filed (i.e. whether a lesser charge is more appropriate given the circumstances)?
 1. What do you do if you think a case should have been diverted?
 2. What happens if you disagree with the Commonwealth's attorney's office?
 - iii. Are there guidelines (or a protocol) for bargaining with respect to the number or severity of charges?
 1. How do you come evaluate the adequacy of a deal?
 2. What factors influence your thoughts on this process?
 - a. Need for services? School performance? Compliant behavior?
 - b. Does the ability to pay for outside services ever play a part?
 - iv. Please describe circumstances where you push to have the charges dropped in their entirety.
 1. What factors influence your decision?
 - a. e.g. lack of evidence, probable cause, family factors, mental health, etc.?
 - v. Please describe the discovery process including how freely information is shared between your office and the commonwealth's attorney's office.
 - c. Sentencing
 - i. Who is involved in making sentencing recommendations?
 1. Probation? Case Managers? Social Workers? Dave, Libby?
 2. How often do you agree with others' sentencing recommendations? If you don't agree, then what happens?
 - a. Please describe the last time you disagreed and why.
 - b. Are there factors (mitigating or otherwise) that might influence your decision?
 - i. Need for services? School performance? Compliant behavior?
3. YOUR IMPRESSIONS:
- a. Do you think that African-American teens are arrested more frequently in this geographic area?
 - i. If so, why do you think that?

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- b. Do you think that African-American teens are more frequently involved in criminal activity in and around Charlottesville?
 - i. If so, why do you think that?
 - c. Do you believe that differences in social class or poverty are related to teens becoming involved with the juvenile justice system?
 - i. If so, why do you think that?
 - d. What other things should we be looking at in order to determine why racial differences might exist?
 - e. Is there anything that you believe we have missed with these questions that you would like to add?
4. **INTERVIEWER:** *Be sure to thank them for their time!*

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SCHOOL RESOURCE OFFICERS - INTERVIEW

Introduction:

Hello (___name), I am ___ and I am an interviewer working on behalf of the City of Charlottesville Task Force on Racial Disparities & Disproportionality. The task force was formed in response to a report that revealed that racial disparities affecting minority children exist within a number of domains including mental health, physical health, child welfare and the juvenile justice system. This task force is charged with finding out how we might improve the juvenile justice system. In deciding where to begin, we are interested in examining in detail the process through which juveniles move through the justice system. With this information we hope to assess our policies and procedures and compare them to other communities in order to determine whether there are things that we might do differently.

We are conducting a series of interviews with probation officers, judges, police officers, prosecutors and others in order to examine the decision making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on this issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record this interview. The recording will be used to make sure that we understand exactly what you are telling us. Once the interviews are complete and transcribed, the recordings will be destroyed. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous, meaning that your name will not be associated with any of your comments.

Do you have any questions before we begin?

1. DEMOGRAPHICS:
 - a. Please give a brief overview of your job and specific responsibilities.
 - b. How long have you been employed at your current job?
 - c. Have you worked in law enforcement in any other capacity? If so, please briefly describe that position. Where was it and for how long did you work there?
 - d. How long have you lived in this area?
2. EDUCATION & TRAINING:
 - a. Please briefly describe your educational background?
 - b. What juvenile specific training have you received, if any?
 - i. Have you found this training to be helpful?
 - ii. Is this training different from what other non-SRO officers receive?
 - iii. Is there any additional training that you think would be helpful?
3. CONTACT/ENTRY
 - a. Could you briefly explain the last time you released a juvenile with a warning?
 - i. What were the circumstances of the situation?

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- ii. Why did you decide to release the juvenile?
 - b. Could you briefly explain the last time were involved in a case where the juvenile was charged?
 - i. What were the circumstances of the situation?
 - ii. Did you decide to charge the juvenile?
 - 1. If so, why did you decide to charge him or her?
 - c. How do you view your role in school? (**INTERVIEWER:** *Use the following points a-e as examples or follow-up questions*).
 - i. I provide support to the administration.
 - ii. I am essentially a member of the staff and take direction from the principal.
 - iii. I provide direction to the administration regarding school safety and security.
 - iv. I represent the police department in keeping order and developing relationships with young people.
 - v. I provide primary crime prevention.
 - d. What are the most common incidents at school that require your intervention?
 - e. Per week, how often do you intervene in incidents between students?
 - f. Approximately, how many referrals actually go to juvenile court intake from your school?
 - g. Is there a school policy (written or unwritten) regarding what incidents should go to intake. (I know there is a statute on what incidents must be reported to law enforcement) Is there a police policy?
 - h. Have you ever given talks or provided training to the students in your school about your role? Do you provide curriculum based training for students (i.e. GREAT)?
 - i. Do you informally talk to students in your school about your role?
 - j. Under what circumstances are you required to document contact with juveniles?
 - i. When are you required to complete an Incident Based Report?
 - ii. Do you document contact with juveniles when you are not required to do so?
- 4. SYSTEM ENTRY: (**INTERVIEWER:** *These questions may NOT be relevant if the depending on what officer does when school is not in session*).
 - a. The following questions address circumstances where a police officer has probable cause to charge a juvenile.
 - i. When you have probable cause to charge a juvenile, how often do you:
 - 1. Release with a warning and no charge;
 - 2. Handle within the Police Department without charging but with more intervention than a warning; **OR**
 - 3. Charge the juvenile (either by issuing a uniform summons or by releasing the juvenile to a parent or guardian and obtaining a petition at Intake at a later date).
 - ii. What factors related to the whole juvenile justice system might impact your decision making about whether to release a juvenile with warning, handle an issue within the school system or to charge a juvenile?
 - iii. Are there any issues with the intake process that you find frustrating or could be improved?

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1. If so, what specifically do you find most frustrating?
 2. Do you have any suggestions regarding how to improve the intake process that would be helpful to you?
 - iv. From your experience, is there anything about going to juvenile court that you find frustrating?
 1. If so, what specifically?
 - v. Are there extra-legal factors that impact your decision-making about whether to release a juvenile with warning, handle an issue within the police department or to charge a juvenile?
 1. Family Circumstances?
 2. Individual Attitudes?
 3. Peer Affiliation? (e.g. factors related to gang involvement)?
 4. Safety Concerns?
 - vi. For those cases where a juvenile is charged, how often do you:
 1. Release the juvenile to a parent or guardian on a summons or with the understanding that a charge will be obtained on a petition at intake on a later date
 2. Call Intake to request or ask about immediate overnight juvenile detention and the juvenile is not ordered detained and you then release the juvenile to a parent or guardian and charge the juvenile at a later date at intake; **OR**
 3. Call Intake to request or ask about immediate overnight juvenile detention and intake orders the juvenile detained and issues charges against the juvenile on the same day without a later intake appointment.
5. YOUR IMPRESSIONS:
- a. Do you think that African-American teens are arrested more frequently in this geographic area?
 - i. If so, why do you think that?
 - b. Do you think that African-American teens are more frequently involved in criminal activity in and around Charlottesville?
 - i. If so, why do you think that?
 - c. Do you believe that differences in social class or poverty are related to teens becoming involved with the juvenile justice system?
 - i. If so, why do you think that?
 - d. Is there anything that you believe we have missed with these questions that you would like to add?
6. **INTERVIEWER:** *Be sure to thank them for their time!*

Appendix C: Interview Protocols

POLICE OFFICERS - INTERVIEW

Introduction:

Hello (___name), I am ___ and I am an interviewer working on behalf of the City of Charlottesville Task Force on Racial Disparities & Disproportionality. The task force was formed in response to a report that revealed that racial disparities affecting minority children exist within a number of domains including mental health, physical health, child welfare and the juvenile justice system. This task force is charged with finding out how we might improve the juvenile justice system. In deciding where to begin, we are interested in examining in detail the process through which juveniles move through the justice system. With this information we hope to assess our policies and procedures and compare them to other communities in order to determine whether there are things that we might do differently.

We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others in order to examine the decision making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on this issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record this interview. The recording will be used to make sure that we understand exactly what you are telling us. Once the interviews are complete and transcribed, the recordings will be destroyed. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous, meaning that your name will not be associated with any of your comments.

Do you have any questions before we begin?

1. DEMOGRAPHICS:
 - a. Please give a brief overview of your job and specific responsibilities.
 - b. How long have you been employed at your current job?
 - c. Have you worked in law enforcement in any other capacity? If so, please briefly describe that position. Where was it and for how long did you work there?
 - d. How long have you lived in this area?
2. EDUCATION & TRAINING:
 - a. Please briefly describe your educational background?
 - b. What juvenile specific training have you received, if any?
 - i. Have you found this training to be helpful?
 - ii. Is there any additional training that you think would be helpful?
3. INITIAL CONTACT:
 - a. Could you briefly explain the last time you released a juvenile with a warning?

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- i. What were the circumstances of the situation?
 - ii. Why did you decide to release the juvenile?
 - b. Could you briefly explain the last time you were involved in a case where the juvenile was charged?
 - i. What were the circumstances of the situation?
 - ii. Did you decide to charge the juvenile? If so, why did you decide to charge him or her?
 - c. On average, how often do you come into contact with juveniles (as opposed to adults) per week?
 - d. For cases involving juveniles, from where do the calls for service originate most often (e.g. witnesses, your own observations, merchants, etc.)?
 - i. Are there geographic areas where *people seem to request* police involvement more often than others?
 - ii. Are there *merchants* that are more likely to request police involvement when an incident occurs?
 - e. Under what circumstances are you required to document contact with juveniles?
 - i. When are you required to complete a Field Contact Card?
 - ii. When are you required to complete an Incident Based Report?
 - iii. What distinguishes the FCC from the IBR?
 - iv. Do you document contact with juveniles when you are not required to do so?
4. SYSTEM ENTRY:
 - a. For cases involving juveniles, how often is it the case that when you respond to a service call that:
 1. the suspect is known and on the scene; or
 2. the suspect is known and not on the scene.
 - b. The following questions address circumstances where a police officer has probable cause to charge a juvenile.
 - i. When you have probable cause to charge a juvenile, how often do you:
 1. Release with a warning and no charge;
 2. Handle within the Police Department without charging but with more intervention than a warning; **OR**
 3. Charge the juvenile (either by issuing a uniform summons or by releasing the juvenile to a parent or guardian and obtaining a petition at Intake at a later date).
 - ii. What factors related to the whole juvenile justice system might impact your decision making about whether to release a juvenile with warning, handle an issue within the police department or to charge a juvenile?
 - iii. Are there any issues with the intake process that you find frustrating or could be improved?
 1. If so, what specifically do you find most frustrating?
 2. Do you have any suggestions regarding how to improve the intake process that would be helpful to you?
 - iv. From your experience, is there anything about going to juvenile court that you find frustrating? If so, what specifically?

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- v. Are there extra-legal factors that impact your decision-making about whether to release a juvenile with warning, handle an issue within the police department or to charge a juvenile?
 - 1. Family Circumstances?
 - 2. Individual Attitudes?
 - 3. Peer Affiliation? (e.g. factors related to gang involvement)?
 - 4. Safety Concerns?
 - vi. For those cases where a juvenile is charged, how often do you:
 - 1. Release the juvenile to a parent or guardian on a summons or with the understanding that a charge will be obtained on a petition at intake on a later date
 - 2. Call Intake to request or ask about immediate overnight juvenile detention and the juvenile is not ordered detained and you then release the juvenile to a parent or guardian and charge the juvenile at a later date at Intake; **OR**
 - 3. Call Intake to request or ask about immediate overnight juvenile detention and intake orders the juvenile detained and issues charges against the juvenile on the same day without a later intake appointment.
5. YOUR IMPRESSIONS:
- a. Do you think that African-American teens are arrested more frequently in this geographic area?
 - i. If so, why do you think that?
 - b. Do you think that African-American teens are more frequently involved in criminal activity in and around Charlottesville?
 - i. If so, why do you think that?
 - c. Do you believe that differences in social class or poverty are related to teens becoming involved with the juvenile justice system?
 - i. If so, why do you think that?
 - d. Is there anything that you believe we have missed with these questions that you would like to add?
6. **INTERVIEWER:** *Be sure to thank them for their time!*

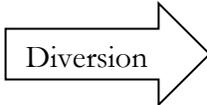
A. 1920. Decision Making by Intake Officers

- I. Statutory Reference: None.**
- II. Regulatory Reference: None.**
- III.** When processing complaints, the intake officer shall consider statutory law, standards, Department of Juvenile Justice policy, and court procedure in attempting to balance the needs of the complainant, the defendant and the community. Diversion from the court will be considered in every case where law and policy permit.
- IV.** In its simplest form, there are five dispositional alternatives available to intake officers:
 - A.** Take no action.
 - B.** Resolve the matter at intake.
 - C.** Use informal supervision or diversion program.
 - D.** File a petition.
 - E.** File a petition and issue a detention or shelter-care order.

Virginia Department of Juvenile Justice

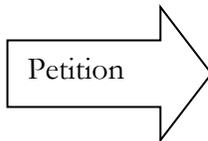
B. 16th District Court Service Unit Diversion Tree

- Eligible for Diversion:
- 1st Non-violent Juvenile Felony
 - 1st Child in Need of Supervision or Child in Need of Services
 - Misdemeanor Offenses, excluding Underage Possession of Alcohol



- Level 1: Diversion plan for Informal Monitoring
- Level 2: Diversion plan with assessment (YASI, Community Attention or OPTIONS) and recommendations.
- Level 3: Diversion plan with specific instructions for completion of community service work, shoplifting program, etc.
- Level 4: Diversion plan plus informal supervision with scheduled contacts with intake officer.

- Not Eligible for Diversion:
- Underage Possession of Alcohol
 - Violent Juvenile Felony
 - Subsequent Non-violent Juvenile Felony
 - Subsequent Child in Need of Supervision or Child in Need of Services
 - Codefendant will be formally proceeded against in the form of a petition.
 - Complainant disagrees with diversion
 - Juvenile denies involvement with offense at intake
 - Juvenile and parents fail to show up for intake appointment after second attempt
 - Juvenile refuses to comply with diversion
 - Juvenile is not compliant with diversion



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Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

DJJ Policy 9314-Graduated Sanctions and Incentives: Juveniles are supervised according to the risk level established through the YASI risk assessment. The level of supervision corresponds to the risk level. Violations of the conditions set for probation or parole are determined by the risk and supervision level.

New Offenses: When a juvenile commits a new offense while under supervision, the intake officer shall review the case with the assigned probation or parole officer to determine how the violation will be addressed, including detention options, if appropriate. If the new offense is a **felony** offense, the intake officer **shall** issue a detention order in conjunction with the new felony offense petition(s). This shall be considered a mandatory detention assessment instrument override category. In other words, when a juvenile on probation or parole is charged with a new felony, a detention order is issued regardless of why they are on probation (delinquent or CHINSup).

For Violation of probation or parole, juveniles are broken down into two categories for the purpose of determining how the violation will be handled: High Risk and Moderate to Low Risk.

High Risk Juveniles: High risk juveniles, subject to Sanctions Grid II (Section VI), shall include the following juveniles:

1. Juveniles on all levels of parole supervision.
2. Juveniles assessed as high risk on the YASI risk instrument.
3. Juveniles convicted or adjudicated delinquent with category A, B, and C offenses, as defined by the Detention Assessment Instrument.
4. Juveniles convicted or adjudicated delinquent with a sex offense involving sexual harm (e.g., rape, forcible sodomy, object sexual penetration).
5. Juveniles who are entered into the Gang Management System as an identified gang members.
6. Juveniles who are in SHOCAP Programs.
7. Juveniles convicted or adjudicated delinquent with a felony weapon offense.

Sanctions Grid I: Low and Moderate Risk Probation Cases Sanction Grid

When a juvenile under supervision, who is not classified as a High Risk Juvenile, violates the conditions of supervision, each CSU shall utilize this grid in addressing the behavior:

Problem Behavior	Minor Violation	Moderate Violation	Serious Violation
SCHOOL SUSPENSION FOR BEHAVIOR	First Incident	Second Incident [^]	Frequent/repeated incidents [^]
	Informal/Non Judicial Sanctions	Alternative to Detention	File VOP or a VOP and DO*
VIOLATION OF ALTERNATIVE TO DETENTION (e.g., GPS, evening reporting)			File VOP or a VOP and DO *
REQUIRED TREATMENT ATTENDANCE (e.g., substance abuse)	First Incident	Two or more absences [^]	Continued absence/ Refuses to attend
	Informal/Non Judicial Sanctions	Alternative to Detention	File VOP or a VOP and DO *
UNSUCCESSFUL TERMINATION FROM TREATMENT			File VOP or a VOP and DO*

Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

Problem Behavior	Minor Violation	Moderate Violation	Serious Violation
UNEXCUSED SCHOOL/ WORK ATTENDANCE	Two or more absences [^]	Continued Absence [^]	Continued absence/ Refuses to attend
	Informal/Non Judicial Sanctions	Alternative to Detention	File VOP or a VOP and DO*
SUPERVISION CONTACTS	First Incident	Continued absence [^]	Continued absence/ Refuses to attend
	Informal/Non- Judicial Sanction	Alternative to Detention	File VOP or a VOP and DO*
CURFEW VIOLATIONS	First Incident	Second Incident [^]	More than two incidents [^]
	Informal/Non- Judicial Sanction	Alternative to Detention	File VOP or a VOP and DO*
WHEREABOUTS UNKNOWN (less than 24 hours)		First Incident	Repeat Incidents [^]
		Alternative to Detention	File VOP or a VOP and DO*
ABSCONDER (24 hours or longer) <i>Follow Procedure 9471</i>			File VOP and Detention Order (<i>DAI Override</i>)
DRUG OR ALCOHOL USE	First Incident	Second Incident [^]	Frequent/Repeat Incidents [^]
	Refer for Assessment Increased Drug Screening Informal Sanction	Alternative to Detention	File VOP or a VOP and DO*
VIOLATION OF OTHER PROBATION/PAROLE REQUIREMENTS		Alternative to Detention or File VOP or a VOP and DO*	File VOP or a VOP and DO*

* Serious consideration shall be given to the issuance of a detention order. However, the criteria for placement in detention provided for in § 16.1-248.1 of the Code of Virginia shall govern the eligibility for issuance of a detention order.

[^] The probation or parole officer shall impose the sanction grid using reasonable limitations for duration between incidents or violations. The intent of this grid is to capture consecutive instances or behaviors occurring within a short duration indicating a pattern.

Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

When a juvenile under supervision, who is classified as a High Risk Juvenile, violates the conditions of supervision, each CSU shall utilize this grid in addressing the behavior:

Problem Behavior	Minor Violation	Moderate Violation	Serious Violation
SCHOOL SUSPENSION FOR BEHAVIOR		First Incident	Frequent/repeated^
		Alternative to Detention	File VOP or a VOP and DO*
VIOLETION OF ALTERNATIVE TO DETENTION (e.g., GPS)			File VOP or a VOP and DO*
REQUIRED TREATMENT ATTENDANCE (e.g., substance abuse)		First absence	Continued absences/ Refuses to attend
		Alternative to Detention	File VOP or a VOP and DO*
UNSUCCESSFUL TERMINATION FROM TREATMENT			File VOP or a VOP and DO*
UNEXCUSED SCHOOL/ WORK ATTENDANCE		First absence	Frequent/Repeated Incidents^
		Alternative to Detention	File VOP or a VOP and DO*
SUPERVISION CONTACTS		First Incident	Second Incident^
		Alternative to Detention	File VOP or a VOP and DO*
CURFEW VIOLATION		First Violation	Second Violation^
		Alternative to Detention	File VOP or a VOP and DO*
ABSCONDER (24 hours or longer) <i>Follow Procedure 9471</i>			File VOP and Detention Order (DAI Override,)
DRUG OR ALCOHOL USE		First Incident	Second Incident^
		Refer for assessment Alternative to Detention	File VOP or a VOP and DO*
OTHER PAROLE/PROBATION REQUIREMENTS		First Violation	Second Violation^
		Alternative to Detention and/or File VOP and/or Detention Order*	File VOP or a VOP and DO*

* Serious consideration shall be given to the issuance of a detention order. However, the criteria for placement in detention provided for in § 16.1-248.1 of the Code of Virginia shall govern the eligibility for issuance of a detention order.

^ The probation or parole officer shall impose the sanction grid using reasonable limitations for duration between incidents or violations. The intent of this grid is to capture consecutive instances or behaviors occurring within a short duration indicating a pattern.

DJJ Policy 9471 Absconders, AWOLS and Escapees:

Juveniles on probation or parole who leave their home or placement without permission are in violation of their conditions/rules of probation or parole. The decision to issue a detention order is made according to the Code of

Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

Virginia and this policy. The charge that put them on probation determines whether or not they are eligible for detention on a violation of probation. All parolees are eligible for a detention order when charged with a violation of parole.

If the juvenile is eligible as specified in § 16.1-248.1 of the Code of Virginia, a detention order **shall be** issued (absconder status is a mandatory override on the Detention Assessment Instrument). If the juvenile is apprehended and brought before the intake officer, a decision shall be made then whether to actually detain the juvenile or to withdraw the detention order. If the juvenile is not eligible for secure detention (i.e., the underlying offense is a status offense), a shelter care order may be issued if a shelter care facility is an available resource. *[Shelter Care is not available for intake officers in the 16th District]* If the juvenile's whereabouts become known prior to the issuance of a detention order, the CSU staff shall assess whether the juvenile continues to meet the criteria for detention.

VIRGINIA DEPARTMENT OF JUVENILE JUSTICE

C. DETENTION ASSESSMENT INSTRUMENT

Juvenile Name: _____ DOB: ____/____/____ Juvenile #: _____ ICN# _____
 Intake Date: ____/____/____ Time: ____:____ AM PM Worker Name: _____ CSU #: _____
 Completed as Part of Detention Decision: Completed as Follow-Up (On-Call Intake):

	Score
1. Most Serious Alleged Offense (see reverse for examples of offenses in each category)	
Category A: Felonies against persons.	15
Category B: Felony weapons and felony narcotics distribution.	12
Category C: Other felonies.	7
Category D: Class 1 misdemeanors against persons.	5
Category E: Other Class 1 misdemeanors.	3
Category F: Violations of probation/parole	2
2. Additional Charges in this Referral	
Two or more additional current felony offenses	3
One additional current felony offense	2
One or more additional misdemeanor OR violation of probation/parole offenses	1
One or more status offenses OR No additional current offenses	0
3. Prior Adjudications of Guilt (includes continued adjudications with “evidence sufficient to finding of guilt”)	
Two or more prior adjudications of guilt for felony offenses	6
One prior adjudication of guilt for a felony offense.....	4
Two or more prior adjudications of guilt for misdemeanor offenses.....	3
Two or more prior adjudications of guilt for probation/parole violations.....	2
One prior adjudication of guilt for any misdemeanor or status offense	1
No prior adjudications of guilt	0
4. Petitions Pending Adjudication or Disposition (exclude deferred adjudications)	
One or more pending petitions/dispositions for a felony offense	8
Two or more pending petitions/dispositions for other offenses	5
One pending petition/disposition for an other offense	2
No pending petitions/dispositions	0
5. Supervision Status	
Parole	4
Probation based on a Felony or Class 1 misdemeanor	3
Probation based on other offenses OR CHINSup OR Deferred disposition with conditions	2
Informal Supervision OR Intake Diversion	1
None	0
6. History of Failure to Appear (within past 12 months)	
Two or more petitions/warrants/detention orders for FTA in past 12 months	3
One petition/warrant/detention order for FTA in past 12 months.....	1
No petition/warrant/detention order for FTA in past 12 months.....	0
7. History of Escape/ Runaways (within past 12 months)	
One or more escapes from secure confinement or custody	4
One or more instances of absconding from non-secure, court-ordered placements.....	3
One or more runaways from home.....	1
No escapes or runaways w/in past 12 months.....	0
8. TOTAL SCORE	_____

Indicated Decision: ____ 0 - 9 Release ____ 10 - 14 Detention Alternative ____ 15+ Secure Detention

- Mandatory Overrides:** 1. Use of firearm in current offense
 (must be detained) 2. Escapee from a secure placement
 3. Local court policy (indicate applicable policy) _____
Discretionary Override: 1. Aggravating factors (override to more restrictive placement than indicated by guidelines)
 2. Mitigating factors (override to less restrictive placement than indicated by guidelines)
 3. Approved local graduated sanction for probation/parole violation

Actual Decision / Recommendation: _____ Release _____ Alternative _____ Secure Detention

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Offense Categories and Included Offenses

Category A: Felonies Against Persons

Abduction
Aggravated assault
Aggravated sexual battery
Arson of an occupied dwelling
Assault, law enforcement officer
Burglary of an occupied dwelling
Carjacking
Forcible sodomy
Larceny > \$5 from a person
Malicious wounding
Murder
Manslaughter
Inanimate object sexual penetration
Rape
Reckless driving/disregard police with
bodily injury
Robbery
Take indecent liberties with a child

Category B: Felony Weapons & Felony Narcotics

Distribute Schedule I or II
Distribute Schedule I, II, III, IV or
marijuana on school property
Possess Schedule I or II with intent
to sell
Possess Schedule I or II
Sell Schedule I or II or > 1 oz. Marijuana
to a minor 3 years junior
Brandish/point a firearm on school property or
within 1000 ft.
Discharge firearm from motor vehicle
Discharge firearm in/at an occupied building
Possess a sawed-off shotgun

Receive a stolen firearm

Category C: Other Felonies

Arson of an unoccupied dwelling
Auto theft
Burglary/Breaking and entering/
Possess burglary tools
Escape from a correctional facility
(not detention)
Escape from secure juvenile detention
by force/violence
Extortion
Failure to appear in court for a felony
Fraud/bad checks/credit card > \$200
Grand larceny/Larceny > \$200
Larceny of a firearm
Receive stolen goods > \$200
Shoplift > \$200
Unauthorized use of an automobile
Vandalism > \$1000 damage

Category D: Misdemeanors Against Persons

Assault, simple
Sexual battery

Category E: Other Misdemeanors

Brandish/point a firearm
Carry concealed weapon
Disorderly conduct
Escape from secure juvenile detention
without force/violence
Fraud/bad checks/credit card < \$200
Failure to appear for a misdemeanor
Larceny < \$200
Receive stolen goods < \$200

Common Aggravating / Mitigating Factors (Known at the time of Intake)

Aggravating

History of 2+ violent/assaultive offenses
Parent unwilling to provide appropriate supervision
Parent unable to provide appropriate supervision
Juvenile has significant mental health problem/
mental retardation
Juvenile has significant substance abuse problem
Juvenile does not regularly attend school/work
Juvenile has violated conditions of a detention alternative
Juvenile is charged with a new (detainable) offense
while in a detention alternative
Juvenile is an explicit threat to flee if released
Juvenile is currently an absconder from a non-secure placement
Other Aggravating factor/Detention Alternative not available

Mitigating

Juvenile marginally involved in the offense
Parent able/willing to provide appropriate
supervision
Juvenile has significant mental health problem/
mental retardation
Juvenile has significant substance abuse problem
Juvenile regularly attends school/work
Offense less serious than indicated by charge
Juvenile has no/minor prior record

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Virginia Department of Juvenile Justice

D. 9135. Detention Assessment Instrument Procedure Revised

I. Statutory Reference:

§ 16.1-248.1. Criteria for detention or shelter care.

§ 16.1-250. Procedure for detention hearing.

§ 16.1-255. Limitation on issuance of detention orders for juveniles; appearance by juvenile.

Chapter 978 (Acts of Assembly, 2000) as amended by Chapter 648, Acts of Assembly, 2002.

2. That the Department of Juvenile Justice shall establish a uniform risk assessment instrument for use when making a detention decision pursuant to § [16.1-248.1](#) and when making recommendations to the court at a detention hearing pursuant to § [16.1-250](#). The uniform risk assessment instrument and related procedure shall be implemented by each court service unit and distributed to each juvenile court judge no later than October 1, 2002.

II. Regulatory Reference: None.

III. General:

- A. The Detention Assessment Instrument indicates whether juveniles eligible for pre-dispositional detention should be released to parents or other appropriate persons, placed in a detention alternative, or detained.
- B. The Detention Assessment Instrument was developed through a consensus approach and allows for mandatory and discretionary overrides.

IV. Procedures:

- A. The Department has a standardized instrument for conducting pre-dispositional detention assessments. (DJJ Form 9135).

Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

- B. Prior to completion of a Detention Assessment Instrument, the intake officer shall make a determination that the juvenile meets criteria for secure detention or shelter care as established in § 16.1-248.1, COV.
- C. DJJ staff shall complete a Detention Assessment Instrument:
 - 1. Whenever detention is requested *during regular office hours* by law enforcement, another complainant, a CSU staff, or when the staff performing the intake feels detention may be warranted.
 - a. In such instances, the Detention Assessment Instrument shall be completed *prior* to making the decision regarding whether the juvenile should be detained, released to a responsible adult, or placed in a detention alternative program/service.
 - 2. Whenever detention is requested *after regular office hours* by law enforcement, another complainant, a CSU staff, or when the staff performing the intake feels detention may be warranted.
 - a. In these instances, if the on-call intake staff does not have access to all information necessary to complete the Detention Assessment Instrument, it need not be completed at the time of the on-call intake.
 - b. If the Detention Assessment Instrument cannot be completed at the time of an on-call intake as described in Section a. above, it shall be completed on the next business day following the on-call intake. If the on-call intake resulted in the juvenile's being detained, the instrument shall be completed prior to the detention hearing.
 - 3. Whenever a petition is filed for a juvenile alleged to have committed a felony against a person, as defined by the Category A offenses on the Detention Assessment Instrument.
 - 4. The Detention Assessment Instrument shall not be required when considering detention of juveniles pursuant to the Interstate Compact on Juveniles (ICJ). (See Procedure 9420).
- D. During detention hearings, if the judge asks for a recommendation regarding detention from the intake officer/other CSU staff, the results of the Detention Assessment Instrument should be considered by the staff when making their detention recommendation.
- E. When completing the Detention Assessment Instrument, staff shall:

Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

1. Complete the identifying information on the top of the form.
 2. Select the most appropriate response for each of the identified seven (7) items on the form, based on the definitions, and enter the numerical value on the blank adjacent to each indicator.
 3. Determine the total score and indicated detention decision.
 4. Consider mandatory and discretionary overrides before making a final detention decision. If a discretionary override is selected, staff shall note the specific aggravating or mitigating factors that support their decision.
 5. Indicate actual detention decision or recommendation.
- F. Information regarding most items on the instrument requires access to the Juvenile Tracking System's (JTS) Intake and Workload modules. Staff completing the instrument should research information using JTS and other available automated and non-automated sources of information. Staff are expected to make a good faith effort in researching available information.
- G. Use of Overrides to the Indicated Decision on the Detention Assessment Instrument
1. While it is expected that the Indicated Decision on the DAI will be followed in the majority of decisions, it is recognized that there will be occasions which require the Indicated Decision to be overridden, to either a more or less secure/restrictive outcome.
 - a. All discretionary overrides processed during regular court service unit business hours shall require the approval of a supervisor. This includes both aggravating and mitigating discretionary overrides.
 - b. All discretionary overrides processed in an on-call situation, outside of regular court service unit business hours, shall be reviewed by the appropriate supervisor. This includes both aggravating and mitigating discretionary overrides.
 - c. If the discretionary override results in a juvenile's being detained, it is expected that the detaining intake officer will have explored and ruled out all reasonable alternatives to secure detention prior to the final decision to override and will document such activities in the JTS intake record.

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2. If placement in a detention alternative is the decision indicated by the instrument, but no alternative is currently available, staff shall use their discretion in placing the juvenile in detention or releasing the juvenile, with due consideration for public safety and the safety of the juvenile.

H. Completing a Second Detention Assessment Instrument on the Same Intake Case

1. There are some instances in which a juvenile who was not detained at the time of the issuance of the original petition will later be considered for secure detention (e.g., the juvenile was placed in a detention alternative based on the indicated decision on the DAI or as a discretionary, mitigating override to the DAI). In most instances, reconsideration of the original detention decision is based on the juvenile's failure to comply with the terms and conditions of the detention alternative or his being accused of a new offense while in the detention alternative.
2. In such instances, a second DAI shall be completed on that juvenile.
 - a. The most serious alleged offense (DAI Item 1) should be that for which the juvenile was originally charged.
 - b. The DAI should be completed as for the original charge, utilizing the appropriate override (e.g., "Juvenile has violated conditions of a detention alternative" or "Juvenile is charged with a new (detainable) offense while in a detention alternative) as necessary.
 - c. Both the original and subsequent DAIs shall be entered and saved in the Juvenile Tracking System.

I. Detention Assessment Instrument data shall be entered into the Detention Assessment module of the Juvenile Tracking System (JTS) not later than five (5) working days after completion.

1. If a discretionary override has been utilized, and the "Other" factor has been selected as one of the items, the staff shall enter a brief narrative explaining the nature of this "Other" factor.

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E. Virginia Department of Juvenile Justice

9314. Graduated Sanctions and Incentives

I. Definitions

Alternative to Detention: Measures that may be imposed on juveniles that places additional restrictions, restricts movement, or enhances supervision and are designed to prevent a juvenile from being placed in a secure facility. Alternatives to detention include various programs in the community and degrees of supervision matched to the risks of juveniles on probation and parole (e.g., evening reporting, GPS monitoring, house arrest/restriction).

Incentives: The use of rewards with positive reinforcement as a tool to shape behavior.

Sanctions: The use of consequences with negative reinforcement as a tool to shape behavior.

II. Purpose

The purpose of DJJ Graduated Sanctions and Incentives is to provide probation and parole officers with a tool to respond in a systemic, consistent, and effective manner to juveniles failing to adhere to supervision requirements.

Successful response to probation and parole supervision involves the juvenile's compliance with the rules of supervision, as well as satisfactory accomplishment of the objectives described in the Supervision and Parole Plan. The use of incentives and sanctions as tools to shape behavior are well-established principles of behavioral change. DJJ court services units (CSUs) make use of both types of interventions toward the goal of reducing risk and recidivism and assisting juveniles in accomplishing important competency, accountability, and community safety goals.

III. Guiding Principles

- Behavioral expectations should be clearly defined, understood and achievable (from the juvenile's perspective).
- Behavior should be consistently monitored by all responsible individuals (e.g. parole officer, parents, school personnel, employers, and treatment providers) and each should provide frequent verbal feedback to the juvenile.
- Risk tolerance is lower and sanction responses are more restrictive for those juveniles who pose the greatest risk to community safety.
- Sanctions should be focused on specific problem behavior(s).

Appendix D: Virginia Department of Juvenile Justice and Court Service Unit Policies and Procedures

- The severity of the sanction should be proportional to the severity of the undesirable behavior/violation.
- Sanctions should be applied only as long as necessary to assist the juvenile to become compliant with supervision expectations and requirements.
- Sanctions should be progressive for repeated problem behaviors.

- Incentives should be used to reinforce law abiding and pro-social behaviors.
- When employing incentives, there should be a variety available for consideration so as to allow the juvenile some choices.
- Delivery of both sanctions and incentives should be consistent and predictable and implemented in a coordinated manner.
- Delivery of both sanctions and incentives should be implemented as swiftly and as close as possible in time to the behavior being addressed.
- Sanctions and incentives should be implemented with parent or guardian involvement and input.
- Documentation of compliance problems and sanction response are essential to promoting greater system and offender accountability.

IV. Procedures

- A. Sanctions: Each CSU shall consistently apply this procedure to address when a juvenile under supervision violates a condition of supervision or commits a new offense. Each CSU shall implement the Department's sanction grids (see Sections V and VI) utilizing the available resources and services in the community.
1. Sanctions for failure to comply with the requirements of supervision may include an extension of time on supervision, loss of privileges (e.g., earlier curfew), and deprivation of freedom.
 2. Violations of Probation or Parole shall be in accordance with Procedure 9326 (Violation of Court Orders and Rules of Probation).
- B. Incentives: The services available to each CSU shall include incentives for meeting quantifiable objectives and sanctions for failure to comply with rules and supervision requirements. A listing of possible incentive and reward options is provided in Section VII.

Each CSU is encouraged to develop its own program of incentives and to be creative in the cultivation of local resources, including volunteers and the business community, in establishing a meaningful incentive program. Incentives for completion of supervision plan objectives and overall positive performance may include such actions as movement to less restrictive supervision, reduction of time on supervision, extended curfews, decreased surveillance, or tangible rewards.

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- C. **High Risk Juveniles:** High risk juveniles, subject to Sanctions Grid II (Section VI), shall include the following juveniles:
1. Juveniles on all levels of parole supervision.
 2. Juveniles assessed as high risk on the YASI risk instrument.
 3. Juveniles convicted or adjudicated delinquent with category A, B, and C offenses, as defined by the Detention Assessment Instrument.
 4. Juveniles convicted or adjudicated delinquent with a sex offense involving sexual harm (e.g., rape, forcible sodomy, object sexual penetration).
 5. Juveniles who are entered into the Gang Management System as an identified gang members.
 6. Juveniles who are in SHOCAP Programs.
 7. Juveniles convicted or adjudicated delinquent with a felony weapon offense.
- D. **Documentation:** All case reviews wherein a noncompliance is discussed between the probation or parole officer and the supervisor shall be documented in the Department's electronic data collection system.
- E. **New Offenses:** When a juvenile commits a new offense while under supervision, the intake officer shall review the case with the assigned probation or parole officer to determine how the violation will be addressed, including detention options, if appropriate. If the new offense is a felony offense, the intake officer shall issue a detention order in conjunction with the new felony offense petition(s). This shall be considered a mandatory detention assessment instrument override category.

Appendix E: Results of Youth Forums About Racial Disparities in Juvenile Justice November 2013

Three discussions about racial disparities in juvenile justice were held with youth groups meeting at the City of Promise and Community Attention (Teens Give and the Attention Home). During these meetings, a total of 14 students were asked two questions about race and the juvenile justice system. A summary of their responses is below, including specific comments related to each theme. Facilitators and members of the Best Practices Committee involved with the forums reviewed youth input and made additional recommendations to those below: increase awareness of African-American history, expand positive media coverage, and train providers (judges, POs, prosecutors, SROs, etc.) to learn from youth and others about how to decrease disparities. At the forums, youth were also asked to complete a brief survey; the results are explained on the following page.

Question 1: What do you think causes racial differences in the juvenile justice system?

a. Racism

1. “Have you ever seen a black judge? Employees in the juvenile justice system are white.”
2. “White people know how to talk their way out of stuff.”
3. “Black kids get blamed, for example in school, when white kids don’t get in trouble.”

b. Poverty, neighborhoods, school placement

1. “You have better access to legal representation [if you’re rich].”
2. “We’re judged by where we go to school.” (From a student attending alternative school.)
3. “People talk about ‘the black community’ but no one ever talks about ‘the white community.’”

c. Perspectives

1. “Black children skip [school], don’t pay attention in class, but white kids pay attention and listen to their families.”
2. “Black kids see bad things in their neighborhoods and think that it’s okay.”
3. “People end up in the court system because they’re trying to fit in and be popular; there aren’t other options.” (Several participants said that being locked up is not uncomfortable for them; it’s easy time.)

d. Lack of opportunity, support

Feelings of powerlessness, hopelessness and lack of connections to resources were pervasive among members of one of the discussion groups.

e. Bias due to family history

1. “I’m judged based on what my ancestors do.”
2. “Being locked up is like going to a family reunion; it’s not that much of a disincentive.”

Question 2: What are solutions for racial differences in the juvenile justice system?

a. Advocacy

1. Need to have advocates
2. Families and community need to learn how to advocate for black kids and be able to step in fast – before small problems get worse.
3. Make a video and post online comments about racial equality
4. Appoint someone to guide the child and family through the juvenile justice process

b. More investigation of individuals, families and systems

1. Learning more about the family system to see what other factors are impacting the child
2. Knowing all the facts before conviction
3. Investigating the institution of juvenile justice itself, which many participants believed was “racist” and “never going to change”

c. Prevention, education, crime reform

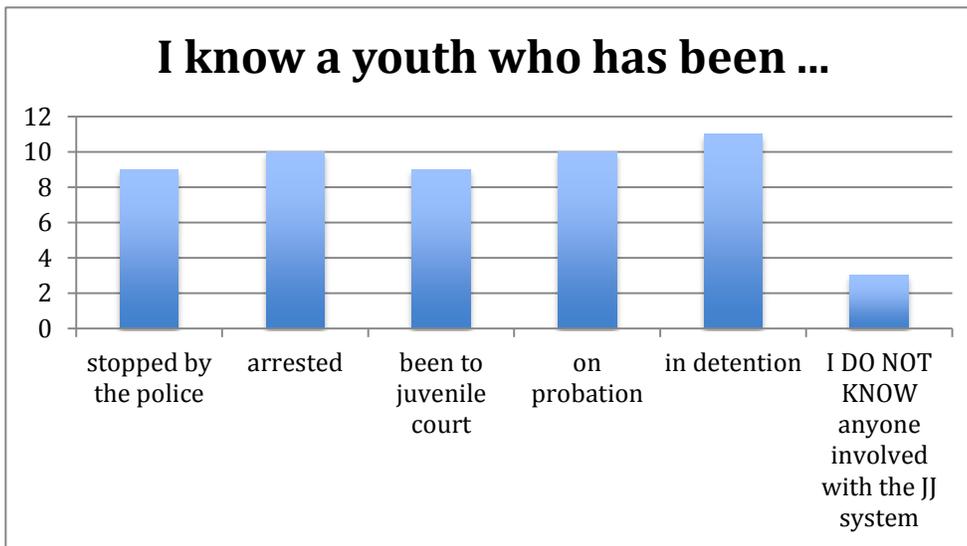
1. Programs to keep kids away from crime
2. Legalize marijuana, reduce mandatory drug sentences
3. Stop racial profiling (“driving while black” was referenced by several of the young people)

Appendix E: Results of Youth Forums About Racial Disparities in Juvenile Justice November 2013

Survey result from Charlottesville DMC Youth Forum participants

Demographics: 14 youth participating in the discussion groups also completed written surveys. The youth ranged in ages from 5th grade to 11th grade, with the average age being 8th grade. They attended seven different schools throughout Charlottesville and Albemarle County. Over half of the youth were African-American or mixed race. Half of the youth (7) were female, six were male, and one did not identify his/her gender.

Quantitative Results



The first question on the survey was “Do you know anyone who has been involved with the juvenile justice system?” The results to this question are shown in the graph to the left. The majority of the youth (78%) know someone who has been in detention, while only 3 youth (21%) did not know anyone involved with the juvenile justice system.

The second question asked was “How fairly do you think juveniles are treated?” The responses were in a Likert scale (1= very unfairly, 6= very fairly) by level of juvenile justice involvement all the way from school resource officers to detention. The average response results are shown below. On average, students thought School Resource Officers (SROs) were the most fair (with an average score of 3.42), while regular police officers were the least fair (with an average score of 2.5).

