

152536



REPORT OF

**The Virginia Commission
on Youth**

NCJRS

JAN 25 1995

**TO THE GOVERNOR AND
THE VIRGINIA GENERAL ASSEMBLY**

ACQUISITIONS

ON

THE STUDY OF SERIOUS JUVENILE OFFENDERS

152536

**U.S. Department of Justice
National Institute of Justice**

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**House Joint Resolution 36
Commonwealth of Virginia
December 1992**

I. EXECUTIVE SUMMARY

Virginia, along with the rest of the nation, is grappling with finding appropriate and effective strategies to intervene with the serious juvenile offender. The violent juvenile offender requires a tremendous expenditure of resources from the law enforcement phase through prosecution and disposition. As the nature of juvenile crime has changed there has been a concurrent need to review the adequacy of the existing legal and correctional systems which have been established to respond to this population. House Joint Resolution 36 directed the Commission on Youth to study the serious juvenile offender with the goal of assessing the adequacy of the transfer statutes and making recommendations for improvement. A Task Force was established and federal funds were secured to aid the Commission in its efforts.

House Joint Resolution 36 Task Force study activities have focused on four issues:

- defining the population of juveniles who have been convicted in Circuit Court by offense and service history,
- comparing transferred and convicted juveniles to those retained in the juvenile justice system and committed to Learning Centers,
- identifying jurisdictional variations in the reliance on the transfer option, and
- identifying those factors that influence the decision-making process for "transfer eligible" juveniles.

With only the first phase of the data analysis complete, the Commission on Youth is requesting continuation of the study for an additional year. The paucity of existing automated data on this population has made the research effort very time consuming. An additional year is needed to review the data and make thorough, conclusive legislative recommendations. Given the importance of the transfer issue and its far reaching impact on the juvenile and criminal justice systems, additional time is required to ensure the involvement and consideration of various points of view.

This report details findings from the data analysis to date, presents a workplan for the second year research, and summarizes the testimony from the public hearings held across the state this past summer and fall. There are seven recommendations from the Commission on Youth based on the first year of study. Brief summaries of the key findings are listed below. The findings are based on analyses of juveniles between the ages of fifteen and seventeen that were arrested for transferable crimes as defined in §16.1-269 *Code of Virginia* (murder/manslaughter, rape, robbery, assault, burglary, auto theft, and drug sales) for years 1988 through 1990.

Findings

1. Circuit Court convictions of juveniles increased 31% compared to a 7% increase in arrest for transferable crimes between 1988 and 1990.

Arrests for transferable crimes grew 7% from 1988 to 1990. This increase occurred across the Commonwealth and was not restricted to urban areas. The 7% increase in arrests, however was overshadowed by a 22% increase in commitments to Learning Centers and an increased reliance on adult court sanctions as evidenced by a 31% increase in the number of juveniles transferred and convicted in Circuit Court.

2. There are tremendous jurisdictional variations in arrests, commitments and transfers for transferable offenses by eligible juveniles.

Marked jurisdictional differences were revealed in the statewide analyses of juvenile arrests for transferable offenses, convictions for transferable offenses and juvenile and adult court dispositions for transferable offenses. The variations were found in the analyses for specific crimes, as well as in the analyses of the aggregate handling of cases by each court district. For example, District 1, the City of Chesapeake, ranked seventeenth statewide in per capita juvenile arrests for transferable crimes as defined in §16.1-269 but fifth in per capita Circuit Court convictions of juveniles. Conversely, District 12, Chesterfield County, ranked tenth in arrests and twenty-third in Circuit Court convictions. The role of law enforcement, Commonwealth's attorneys, probation staff, defense counsel, Juvenile and Circuit Court Judges, and the availability of dispositional options all play a role in accounting for this "justice by geography."

3. Juveniles committed to Learning Centers and those convicted in Circuit Court are predominately minority males who are at least two years behind their age appropriate grade level.

While there are differences between the two groups of juveniles, there are also many demographic similarities. According to 1990 Virginia census data, 27% of the state's juvenile population are minorities. The House Joint Resolution 36 analyses found that of the juveniles committed to Learning Centers for transferable offenses, 63% were minorities and 70% of the juveniles transferred and convicted in Circuit Court were minorities. The majority of both groups had previous convictions (81% of the Learning Center population and 82% of the transfer population). As would be expected, juveniles who were transferred had twice as many average prior convictions. However, the majority of these prior convictions were for property offenses.

4. The majority of juveniles (63%) convicted in Circuit Court are sentenced to prison, however 22% receive no incarceration.

It is routinely perceived that transferring a juvenile results in a more punitive sentence. While one fifth of the juveniles transferred between 1988 to 1990 received no incarceration, the overwhelming majority, 63% were sentenced to prison and the remaining 15% served jail time. It is possible that some sentenced to jail are actually in the Shock Incarceration or Boot Camp program.

5. Juveniles convicted in Circuit Court, who have been released during the study timeframe, served an average of twice as long as youth committed to Learning Centers for transferable offenses as defined in §16.1-269.

Juveniles convicted in Circuit Court are sentenced for an average of 8.1 years. Of the 1,028 juveniles who had been transferred and convicted for transferable offenses between calendar years 1988-1990, 649 received a prison sentence. Of these sentenced juveniles, 211 had served their time in prison and were released by June 1992. These juveniles served an average of 17 months. On the other hand, of a sample of 363 Learning Center juveniles, 312 had been released as of September 1992. This population served an average of 7.6 months for transferable offenses. Thus, transferred juveniles who were sentenced to incarceration serve twice as long for each crime as those juveniles retained in the juvenile justice system. However, when analyzing lengths of incarceration, it should be noted that there are differing philosophies and sentencing structures between the juvenile and adult systems which influence the time served.

6. Prior property offenses, closely followed by the age of the juvenile, are the greatest predictors of the decision to transfer.

Through the creation of a statistical model, thirteen case variables (age, previous record, committing offense, etc.) were found to have a predictive influence on the decision to transfer a case to Circuit Court. The results of a regression analysis found that the single most important variable in determining whether a juvenile was committed to a Learning Center versus transferred/convicted in adult court was the number of prior property offenses. The analysis also found that the chance of being transferred increased if a juvenile was seventeen at the time of the offense. Conversely, if a juvenile had received mental health treatment, had a higher level of education, and was from a suburban city, their chance of being retained in the juvenile system increased.

7. Public sentiment varies greatly regarding the transfer of juveniles to Circuit Court.

The House Joint Resolution 36 Task Force held a series of public hearings on juvenile crime throughout the State. Representatives from law enforcement, public and private providers, judges, board members and staff from the Department of Youth and Family Services, private citizens and advocates all testified before the House Joint Resolution 36 Task Force. There was tremendous diversity of opinion regarding improvements to the system. Samples of the suggestions received include: lowering of the age of transfer, extending the jurisdiction of the juvenile court, establishment of a juvenile parole board, and automatic prosecutorial waiver. While there is unanimity of opinion that the current system is not adequately responding to the serious juvenile offender, consensus on corrective action is not apparent.

8. Existing data and information collection systems for juvenile offenders is inadequate.

The juvenile justice data system has many gaps and limitations. First, the law enforcement, Juvenile and Domestic Relations Court and Department of Youth and Family Services' dispositional and intake data bases do not track individual cases. Nor

do these data systems interface with one another. Second, the nature and extent of information gathered on juvenile offenders varies greatly across juvenile and adult systems limiting the ability to compare the populations. Third, it is impossible to identify the number of transfer motions made across the state because the data is not kept on any automated, aggregate level. Lastly, information developed by the juvenile court staff with respect to social histories and transfer reports, are inconsistent within and across jurisdictions. Judges are handicapped by the lack of current and consistent information provided to them in the social histories and transfer reports.

Recommendations

As a result of these findings the Commission on Youth makes the following recommendations:

1. The General Assembly approve legislation continuing House Joint Resolution 36, directing the Commission on Youth to conduct a comprehensive study of serious juvenile offenders, for an additional year.
2. The General Assembly not amend §16.1-269 *Code of Virginia* with respect to delineating the types of juveniles for which the transfer statute should apply until the Serious Juvenile Offender study is completed in the fall of 1993.
3. The General Assembly not amend §16.1-269 *Code of Virginia* with respect to those offenses for which amenability to treatment is not considered until the Serious Juvenile Offender study is completed in the fall of 1993.
4. The General Assembly amend §16.1-269 (3c) *Code of Virginia* to presume the child is competent to stand trial and to place the burden to rebut the presumption on the moving party.
5. The General Assembly amend §16.1-269 *Code of Virginia* to require the court to consider a child's degree of mental illness and/or mental retardation as defined by the Code of Virginia when deciding to transfer.
6. The General Assembly amend §16.1-269 *Code of Virginia* to require transfer reports address the degree of a child's mental illness and/or mental retardation.
7. The General Assembly amend §16.1-269E *Code of Virginia* to allow circuit Court appeal hearings to take further evidence on the issue of transfer if such an appeal is requested.
8. The Department of Youth and Family Services develop a task force to aid in the development of data collection instruments to provide uniform collection of the social history information as promulgated by agency standards. The Department should appoint a task force to aid in the development of the uniform

data collection. This task force should be composed of Commonwealth's attorneys, Juvenile and Domestic Relations Court and Circuit Court Judges, law enforcement personnel, probation officers, House Joint Resolution 36 Task Force members and other relevant entities.

9. The Department of Youth and Family Services develop a task force to aid in the development of standards and uniform data collection to be used in the completion of transfer reports. This task force should be composed of Commonwealth's attorneys, Juvenile and Domestic Relations Court and Circuit Court Judges, law enforcement personnel, probation officers, and House Joint Resolution 36 Task Force Members and other relevant entities.

**Illustration 1
PROCESS OF JUVENILE TRANSFER**

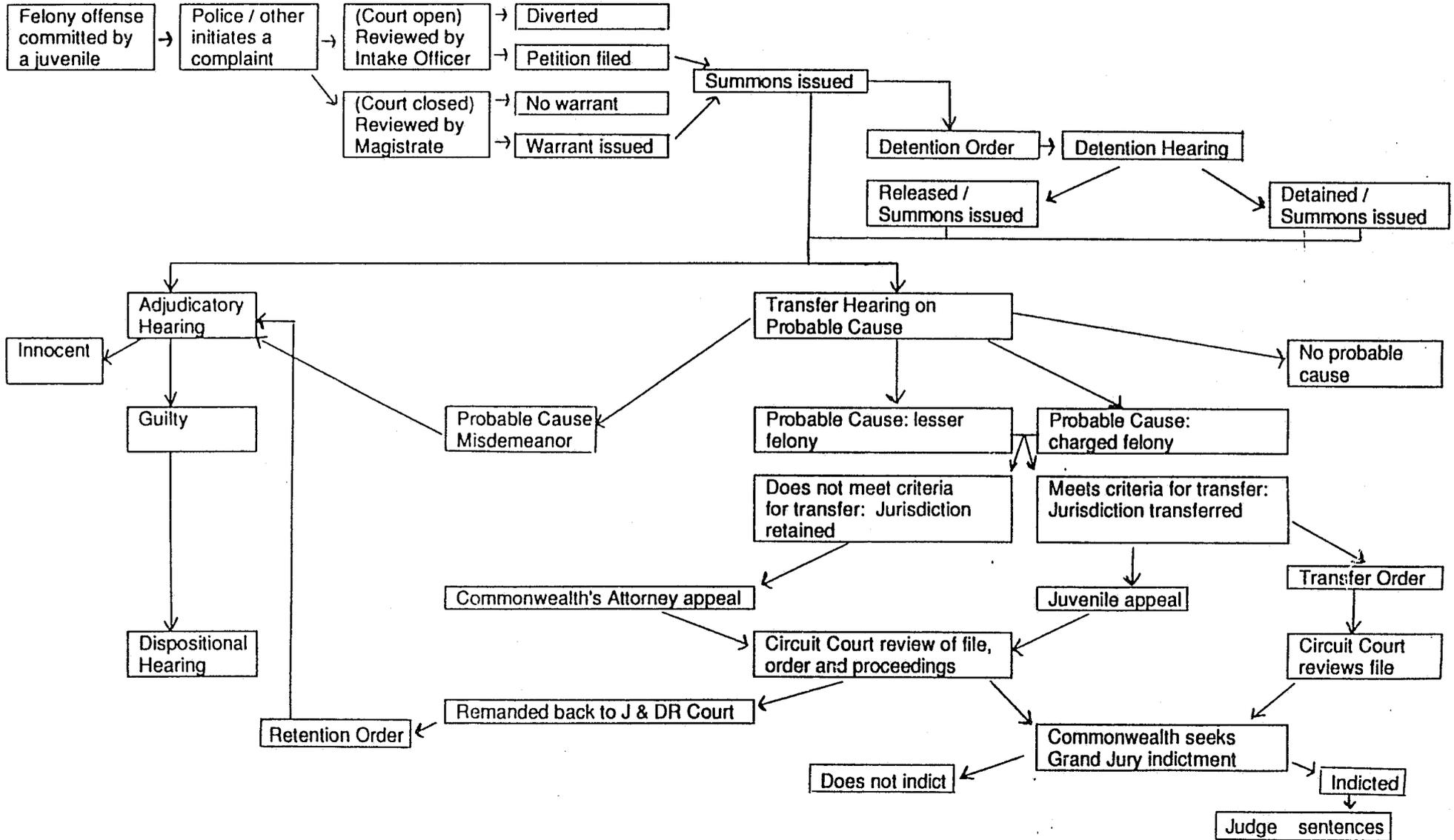


Table 3

Per Capita Juvenile Convictions in Circuit Court
Calendar Years 1988-1990

District	Juvenile Population. Age 0-17	Juvenile Convictions in Circuit Court 1988-90*	Per Capita Convictions 1988-90+	Statewide Rank Per Capita Convictions
District 01-Chesapeake	43,629	71	163	5
District 02A-Accomack	10,836	7	65	14
District 02-Virginia Beach	109,887	61	56	17
District 03-Portsmouth	27,857	49	176	4
District 04-Norfolk	59,987	108	180	3
District 05-Suffolk	26,866	42	156	6
District 06-Emporia	25,053	10	40	24
District 07-Newport News	46,666	35	75	13
District 08-Hampton	33,418	43	129	8
District 09-Williamsburg	45,279	20	44	21
District 10-Appomattox	33,160	18	54	18
District 11-Petersburg	23,259	30	129	7
District 12-Chesterfield	64,438	26	40	23
District 13-Richmond	42,002	119	283	1
District 14-Henrico	50,038	23	46	20
District 15-Fredericksburg	75,406	46	61	15
District 16-Charlottesville	52,188	12	23	27
District 17-Arlington	27,741	25	90	10
District 18-Alexandria	17,132	45	263	2
District 19-Fairfax	203,827	38	19	29
District 20-Fauquier	37,864	3	8	31
District 21-Martinsville	20,766	25	120	9
District 22-Danville	34,572	26	75	12
District 23-Roanoke	43,668	35	80	11
District 24-Lynchburg	48,351	21	43	22
District 25-Staunton	43,168	24	56	16
District 26-Winchester	57,116	31	54	19
District 27-Radford	42,621	12	28	25
District 28-Bristol	21,647	3	14	30
District 29-Tazewell	37,307	2	5	32
District 30-Wise	23,098	5	22	28
District 31-Prince William	75,931	18	24	26

*Eight Conviction Offenses Include: Murder/Manslaughter, Rape, Robbery, Assault, Burglary, Auto Theft, Drug Sales & Arson ages 15-17.

+Per Capita Rates are Per 100,000 Juveniles.

Data Sources: Presentence Investigation Forms (DOC) and 1990 U.S. Census. Analysis and Presentence: HJR 36 Staff.

period there were a total of 1,614 commitments for transferable offenses. The Task Force examined the Learning Center commitment data for each district for juveniles that were eligible to be transferred. Table 5 shows the number of Learning Center commitments for each district from fiscal years 1989-1991 and the percentage of

Table 4

Ratio of Circuit Court Arrests to Convictions
Calendar Years 1988-1990

District	Percent of Juvenile Arrests Resulting in Circuit Court Convictions	Statewide Rank Ratio of Arrests to Convictions	Statewide Rank for Per Capita Juvenile Arrests	Statewide Rank for Per Capita Circuit Court Convictions
District 01-Chesapeake	28.2%	1	17	5
District 02A-Accomack	21.2%	2	29	14
District 02-Virginia Beach	8.2%	20	14	17
District 03-Portsmouth	11.0%	13	4	4
District 04-Norfolk	5.8%	25	2	3
District 05-Suffolk	20.7%	3	11	6
District 06-Emporia	6.4%	24	16	24
District 07-Newport News	7.1%	22	8	13
District 08-Hampton	11.4%	10	7	8
District 09-Williamsburg	10.1%	14	22	21
District 10-Appomattox	13.1%	7	24	18
District 11-Petersburg	9.5%	15	5	7
District 12-Chesterfield	4.8%	28	10	23
District 13-Richmond	8.9%	17	1	1
District 14-Henrico	18.3%	4	30	20
District 15-Fredericksburg	16.8%	5	26	15
District 16-Charlottesville	3.4%	29	13	27
District 17-Arlington	7.6%	21	6	10
District 18-Alexandria	11.1%	12	3	2
District 19-Fairfax	5.4%	27	27	29
District 20-Fauquier	2.5%	31	28	31
District 21-Martinsville	16.8%	6	12	9
District 22-Danville	11.4%	11	15	12
District 23-Roanoke	8.5%	19	9	11
District 24-Lynchburg	8.7%	18	19	22
District 25-Staunton	11.8%	9	20	16
District 26-Winchester	12.3%	8	21	19
District 27-Radford	5.6%	26	18	25
District 28-Bristol	3.3%	30	23	30
District 29-Tazewell	2.2%	32	31	32
District 30-Wise	8.9%	16	32	28
District 31-Prince William	6.5%	23	25	26

*Eight Arrest/Conviction Offenses include: Murder/Manslaughter, Rape, Robbery, Assault, Burglary, Auto Theft, Drug Sales & Arson.

Data Sources: Uniform Crime Reports (Virginia State Police), Presentence Investigation Forms (DOC) and 1990 U.S. Census. Data Analysis and Presentation: HJR 36 Staff.

the statewide total commitments that each district comprises. District 4, the City of Norfolk, had the largest number of Learning Center commitments from fiscal years 1989-1991 with 169 and District 30, Wise County, had the fewest commitments with 6.

Table 5

**Statewide Learning Center Commitments for Transferable Offenses
Fiscal Years 1989-1991**

Locality	Learning Center Commitments FY 1989-1991	Percent of State Learning Center Commitments FY 1989-FY 1991	Percent of State Transferable Arrests 1988-90	Percent of State Convictions in Circuit Court 1988-1990
District 1- Chesapeake	49	3.0%	2.2%	7.1%
District 2A- Accomack	14	.9%	0.3%	.8%
District 2- Virginia Beach	87	5.4%	6.4%	5.1%
District 3- Portsmouth	95	5.9%	3.8%	4.9%
District 4- Norfolk	169	10.5%	15.9%	8.7%
District 5- Suffolk	32	2.0%	1.7%	3.8%
District 6- Emporia	16	1.0%	1.3%	.9%
District 7- Newport News	97	6.0%	4.2%	3.4%
District 8- Hampton	42	2.6%	3.2%	3.9%
District 9- Williamsburg	25	1.5%	1.7%	1.8%
District 10- Appomattox	22	1.4%	1.2%	1.8%
District 11- Petersburg	40	2.5%	2.7%	2.6%
District 12- Chesterfield	50	3.1%	4.6%	2.3%
District 13- Richmond	131	8.1%	11.5%	13.1%
District 14- Henrico	45	2.8%	1.1%	2.5%
District 15- Fredericksburg	46	2.9%	2.4%	3.5%
District 16- Charlottesville	90	5.6%	3.1%	1.1%
District 17- Arlington	50	3.1%	2.8%	2.6%
District 18- Alexandria	36	2.2%	3.5%	4.6%
District 19- Fairfax	115	7.1%	6.1%	3.4%
District 20- Fauquier	14	.9%	1.0%	.3%
District 21- Martinsville	22	1.4%	1.3%	2.8%
District 22- Danville	19	1.2%	2.0%	2.8%
District 23- Roanoke	57	3.5%	3.6%	4.7%
District 24- Lynchburg	46	2.9%	2.1%	1.9%
District 25- Staunton	43	2.7%	1.7%	2.5%
District 26- Winchester	37	2.3%	2.2%	2.8%
District 27- Radford	26	1.6%	1.8%	1.3%
District 28- Bristol	19	1.2%	0.8%	.2%
District 29- Tazewell	15	.9%	0.8%	.2%
District 30- Wise	6	.4%	0.5%	.5%
District 31- Pr. William	58	3.6%	2.4%	2.2%

Data Sources: Presentence Investigation Forms (DOC), Uniform Crime Reports (State Police) and Client Profile Data Base (DYFS). Data Analysis and Presentation: HJR 36 Staff.

In addition to Learning Center commitments, Table 5 illustrates each district's percentage of the statewide total arrests and percentage of the total statewide Circuit Court convictions to determine the comparative use of Learning Center commitments as a dispositional option for transfer eligible juveniles. District 16, the City of

Exhibit 2

Variables Examined in Transfer Analysis

Demographic Variables

Type of Locality
Age
Gender
Race
Education Level
Living Situation
Family Members' Criminality

Current Offense-Related Variables

Current Offense (Most Serious Offense)
Type of Offense (Person, Property, Drug and Other)
Number of Counts of Current Offense
Number of Additional Offenses
Weapon Use

Victim-Related Variables

Victim Injury
Victim-Offender Relationship

Treatment Variables

Prior Drug Abuse
Prior Drug Treatment
Prior Alcohol Abuse
Prior Alcohol Treatment
Prior Mental Health Treatment

Prior Record Variables

Number of Prior Convicted Offenses
Type of Prior Offenses
Prior Learning Center Commitment

Source: HJR 36 Staff.

holding constant the effects of all of the other variables in the analysis. Each independent variable was analyzed to see if it was statistically significant in predicting the odds of being transferred versus being committed. Variables were entered or removed one at a time from the analysis until only those factors which were statistically significant remained in the model.

The logistic regression analysis showed that 13 independent variables were

Table 6

Demographic Profiles: Learning Center and Transferred Juveniles

	LEARNING CENTER COMMITMENTS FY 1989-FY 1991 (n = 1614)	JUVENILES TRANSFERRED AND CONVICTED IN CIRCUIT COURT 1988-1990 (n = 1028)
Sex:		
Male	95.1% (1534)	97.4% (1001)
Female	5.0% (80)	2.6% (27)
Race:		
Minorities	62.9% (1016)	69.8% (718)
White	37.1% (598)	30.2% (310)
Minority Males	60.2% (971)	68.6% (705)
Minority Females	2.8% (45)	1.3% (13)
White Males	34.9% (563)	28.8% (296)
White Females	2.2% (35)	1.4% (14)
Age:		
15 Years	28.8% (464)	8.5% (87)
16 Years	34.4% (555)	26.6% (273)
17 Years	36.9% (595)	65.0% (668)
Last Grade Level*:		
7th or Lower	8.1% (131)	17.1% (171)
8th Grade	20.1% (289)	28.4% (284)
9th Grade	43.1% (621)	24.4% (244)
10th Grade	20.3% (293)	16.9% (169)
11th Grade or Higher	7.4% (107)	13.3% (133)
Proportion Below Age Appropriate Grade	32.3% (465)	36.9% (369)

* PSI data contained 27 cases of missing education data and 163 Learning Center juveniles were in alternative educational situations in which last grade placement was not applicable (i.e., remedial education programs, special education, or vocational education). Percentages may not total 100% due to rounding.

Data Analysis and Graphic: HJR 36 Task Force Staff.

Data Sources: Learning Center Client Profile Data Base FY 1989-FY 1991 and Presentence Investigation Reports Data Base 1988-1990.

the 8th grade and 24% the 9th grade. This lack of educational attainment is particularly striking when it is considered that the average age of a juvenile in each of these grades is 13 years, 14 years, and 15 years respectively. The second factor that the two groups differ on is the average number of prior felony offenses.

As Table 7 shows, the transferred/convicted juveniles had an average of twice

Figure 2
Changes In Likelihood
of Being Transferred

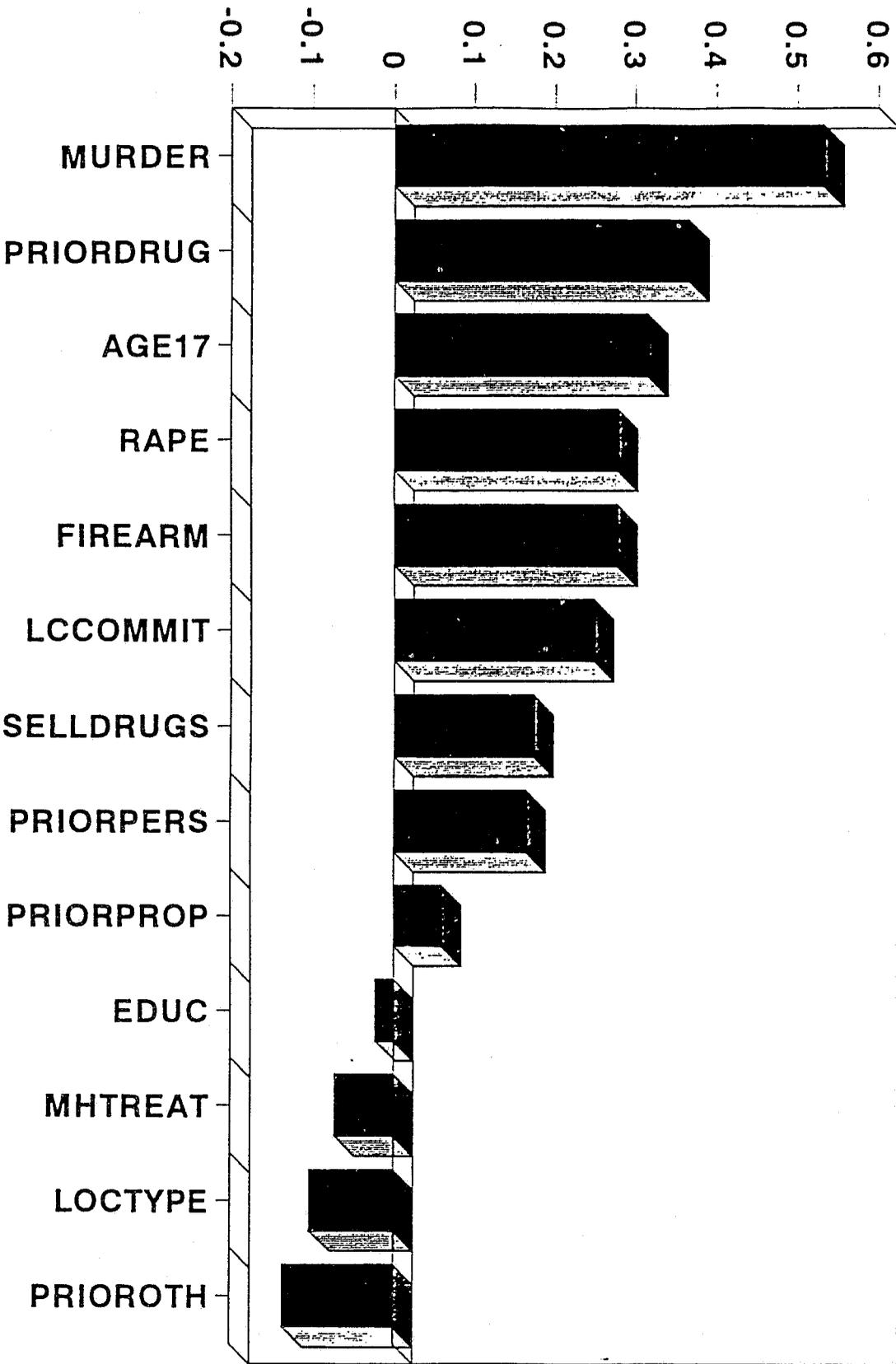
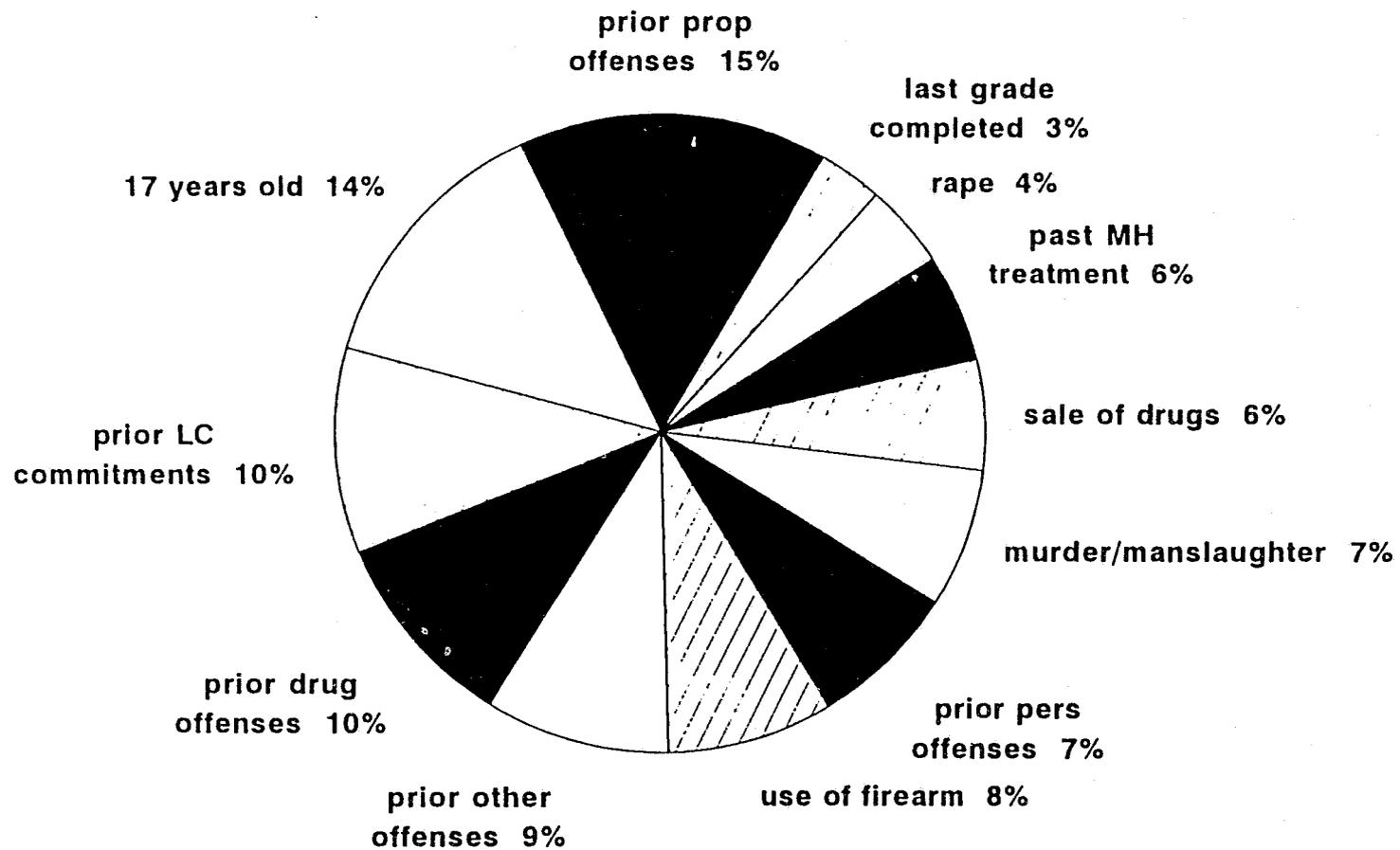


Figure 1

Transfer Vs. Learning Center Commitment Significant Variables



Note: sub an city variable not shown

GENERAL ASSEMBLY OF VIRGINIA--1992 SESSION

HOUSE JOINT RESOLUTION NO. 36

Requesting the Virginia Youth Services Commission to study serious juvenile offenders.

Agreed to by the House of Delegates, March 5, 1992

Agreed to by the Senate, March 3, 1992

WHEREAS, the growth in juvenile arrests for felony crimes has increased threefold nationally since 1983; and

WHEREAS, the Department of Youth and Family Services reports an increase in the number of juveniles committed to state learning centers for felonies from 8 percent in 1986 to 21.6 percent in 1991; and

WHEREAS, in 1990 there were 215 juveniles certified to circuit courts, 208 of whom were convicted for felony offenses; and

WHEREAS, variations exist in the dispositional options available to juvenile and domestic relations court judges and circuit court judges in sentencing juveniles convicted of felony offenses; and

WHEREAS, population growth trends suggest an "echo boom" in the adolescent population in the next decade, placing additional strain on human service and correctional programs across the Commonwealth; and

WHEREAS, a thorough analysis of juvenile crime trends and sentencing patterns of youth convicted of felonies is needed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Youth Services Commission, with the assistance of the Departments of Corrections, Criminal Justice Services, and Youth and Family Services, be directed to conduct a comprehensive study of serious juvenile offenders. The Commission shall provide a profile of serious juvenile offenders by offense and record; an analysis of sentencing practices; an examination of available treatment programs; a review of court processing issues and the degree to which the current statutes adequately address the problem of the serious juvenile offender. All state agencies and institutions shall, if requested, endeavor to assist the Commission in completing this study; and, be it

RESOLVED FURTHER, That the Youth Services Commission shall designate a task force of 17 individuals to assist with the study. The task force shall report directly to the Commission and shall consist of eight members of the Youth Services Commission, and nine members to be appointed as follows: one member from the House of Delegates appointed by the Speaker, one member of the Senate appointed by Senate Committee on Privileges and Elections, four members appointed by the Governor in accordance with the recommendations of the Chief Justice of the Supreme Court to represent juvenile and domestic relations district court and circuit court, and three attorneys for the Commonwealth appointed by the Governor in accordance with the recommendations of the Commonwealth Attorney's Services and Training Council.

The Virginia Youth Services Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1993 Session of the General Assembly in accordance with the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Method and Design

Part two of the serious offender study will address a variety of issues. These issues include:

1. Whether the current age criteria in the *Code of Virginia* is appropriate.
2. Whether the current offense criteria in the *Code of Virginia* is appropriate.
3. Whether a juvenile's prior delinquent record should be included in the transfer statute. If so, how should it be considered/measured.
4. Whether amenability to treatment should be included in the transfer statute. If so, how should it be considered/measured.
5. Whether mental retardation/competency should be included in the transfer statute. If so, how should it be considered/measure.
6. Whether there should be determinate sentencing in Juvenile and Domestic Relations Court for juveniles found "guilty" of transferable offenses.
7. Whether there should be a Youthful Offender Parole Board to decide treatment programs and release dates for juveniles committed to the State's Learning Centers for transferable offenses.
8. What steps are necessary to ensure a better statewide juvenile data base.
9. Should there be open vs. closed court rooms at the J&DR Court Level for juvenile charged with transferable offenses.
10. What should the appropriate jurisdiction of the J&DR Court be in terms of serious juvenile offenders.
11. Should the transfer statute include a direct prosecutorial waiver. If so, for which offenses should the waiver apply.
12. Are there certain offenses for which amenability to treatment should not be considered. If so, what are these offenses.
13. Are the post-dispositional options at the J&DR Court level adequate and effective in handling serious juvenile offenders. If not, what types of alternatives are needed.

1993 SESSION
ENGROSSED

HP9025836

HOUSE JOINT RESOLUTION NO. 431

House Amendments in [] - February 9, 1993

Continuing the conduct of a comprehensive study of serious juvenile offenders by the Virginia Commission on Youth.

Patrons—Jones, Darner, Deeds, Giesen, Jackson and Wallace; Senators: Calhoun, Earley, Houck and Miller, Y.B.

Referred to the Committee on Rules

WHEREAS, House Joint Resolution No. 36, adopted by the 1992 Session of the General Assembly, directed the Virginia Commission on Youth to conduct a comprehensive study of serious juvenile offenders; and

WHEREAS, the Commission was charged with profiling serious juvenile offenders by offense and record, analyzing sentencing practices, examining available treatment programs, reviewing court processing issues, and assessing the degree to which the current statutes adequately address the problem of the serious juvenile offender; and

WHEREAS, the Commission was charged with working with a designated task force to assist in the study; and

WHEREAS, in addressing the issues contained in the study mandate, the task force met six times to review data regarding arrests, transfers, learning center commitments, offender profiles, and factors influencing transfers and to seek the expertise of state agency representatives and private post-dispositional program representatives; and

WHEREAS, the task force and the Virginia Commission on Youth held three public hearings to obtain input from citizens on the issue of serious juvenile offenders; and

WHEREAS, testimony before the task force and the Commission on Youth and the initial analysis of data confirm that there are inequities in the current transfer process and that transfer statutes need revision; and

WHEREAS, although the task force and the Commission have developed specific recommendations to address the issues of uniform juvenile transfer reports and social history reports, it is the consensus of the Commission and the task force that further review of other states' transfer statutes and numbers and types of transfers is necessary; and

WHEREAS, it is also the consensus of the task force and the Commission that surveys [of] Virginia judges and Commonwealth's attorneys are necessary to develop specific recommendations which address the issues of the serious juvenile offender and the adequacy of the current transfer statutes; and

WHEREAS, the issue of juvenile transfers to adult court is of such importance that the task force and the Commission feel that all available data and alternatives should be examined and considered; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the study of serious juvenile offenders by the Virginia Commission on Youth be continued. The membership of the task force shall continue as established by House Joint Resolution 36 of the 1992 General Assembly.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1994 Session of the General Assembly in accordance with the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.