

**REPORT OF THE
VIRGINIA COMMISSION ON YOUTH ON**

**The Study of
Serious Juvenile Offenders**

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



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December 15, 1992

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TO: The Honorable L. Douglas Wilder, Governor of Virginia
and Members of the Virginia General Assembly

House Joint Resolution 36, adopted by the 1992 General Assembly, directed the Virginia Commission on Youth to "conduct a comprehensive study of serious juvenile offenders." On December 8, 1992, the Virginia Commission on Youth adopted this report detailing progress on the study to this point, approved publication of the report, and requested that the Governor and the General Assembly adopt the recommendations within. In addition, the Commission agreed to support legislation continuing the study for another year so that data collection and analysis may be completed. A final study report and comprehensive recommendations which address all of the issues in House Joint Resolution 36 will be completed prior to the 1994 Session of the General Assembly.

We have the honor of submitting herewith the Virginia Commission on Youth's report in response to House Joint Resolution 36.

Respectfully submitted,

Handwritten signature of R. Edward Houck in black ink.

R. Edward Houck,
Chairman

Handwritten signature of Jerrauld C. Jones in black ink.

Jerrauld C. Jones,
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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.

II. INTRODUCTION

I. Authority for Study

The 1992 Virginia General Assembly passed House Joint Resolution 36 requesting the Virginia Commission on Youth to conduct a comprehensive study of serious juvenile offenders (Appendix A). The study resolution arose out of the recognition that the nature of juvenile crime had changed with a segment of the juvenile population becoming more violent and the perception that the current juvenile justice system was not adequately meeting the needs of violent juveniles and the community.

In order to address the question of the serious juvenile offender and the juvenile and criminal justice systems' effectiveness in handling the serious juvenile offender, the study resolution mandated five areas of research:

- providing 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 current statutes adequately address the problem of the serious juvenile offender.

A study task force of 17 individuals was appointed to assist with the study (Appendix B). Since the passage of the study resolution, the Commission on Youth received federal Juvenile Justice and Delinquency Prevention grant funds and has agreed to conduct the data analysis and pilot site components of the study in partnership with the Department of Criminal Justice Service's Criminal Justice Research Center.

II. Code of Virginia Transfer Statute

Section 16.1-269 of the *Code of Virginia* contains provisions for the transfer of juveniles to Circuit Court (Appendix C). The *Code* states that "if a juvenile 15 years or older is charged with an offense which, if committed by an adult, could be punishable by confinement in a state correctional facility," the Juvenile and Domestic Relations Court may on the advice of an attorney for the Commonwealth transfer such juvenile for criminal proceeding to the appropriate Circuit Court. The transfer can only take place if four conditions are met:

1. there is probable cause that the juvenile committed the act,
2. the child is no longer amenable to treatment or rehabilitation through the Juvenile Court system, unless the alleged delinquent act is armed

robbery, rape as provided in §18.2-61 or murder, or when the child has previously been tried as an adult and convicted of a felony and is presently alleged to have committed an act which would be a felony if committed by an adult,

3. the child is not mentally retarded or criminally insane, and
4. the interests of the community require that the child be placed under legal restraint or discipline.

As Illustration 1 shows, there are a number of steps in the transfer process. Prior to a transfer hearing there must be a motion for transfer by the Commonwealth's attorney at which time the Juvenile and Domestic Relations Court orders that a study and report be prepared by a designee of the Court to address the four conditions for transfer. If the J&DR Court finds that the criteria for transfer has been met, a transfer order is issued by the Court. The Commonwealth's attorney may then move the case to Circuit Court if the transfer is denied. The juvenile can at this point appeal the transfer order. Following any appeals, the case is sent to Circuit Court where the Court can either accept or reject the case based on its merits. In both cases, the review of the transfer decision is heard by the Circuit Court judge. If the case is tried in Circuit Court, the presiding judge has both juvenile and adult system dispositional options available at the sentencing phase.

III. Study Goals and Objectives

The HJR 36 task force developed a research agenda to guide the study effort (Appendix E). As Exhibit 1 illustrates, the task force has developed a series of goals and objectives for each of the mandated areas of the study resolution. The overall study objectives are to determine:

- which juveniles are being transferred to Circuit Court and which juveniles are being retained by the Juvenile Court;
- which juveniles should be transferred to Circuit Court and which juveniles should be retained by the Juvenile Court; and,
- if the *Code of Virginia* currently gives sufficient guidance to deal effectively with the serious juvenile offender;
- key factors, both legal and extra-legal, which influence the decision to transfer a juvenile offender to Circuit Court;
- if there are enough of, and varied, dispositional options in the juvenile court system to deal with the serious juvenile offender; and,
- the degree to which court processing procedures affect the handling of juveniles charged with transferable felonies.

The Task Force has undertaken the following activities during the first phase of the study in response to these objectives:

1. presentations of carry-over legislation by sponsoring legislators,
2. a tour of the Youthful Offender Program at St. Brides Correctional Facility;

**Illustration 1
PROCESS OF JUVENILE TRANSFER**

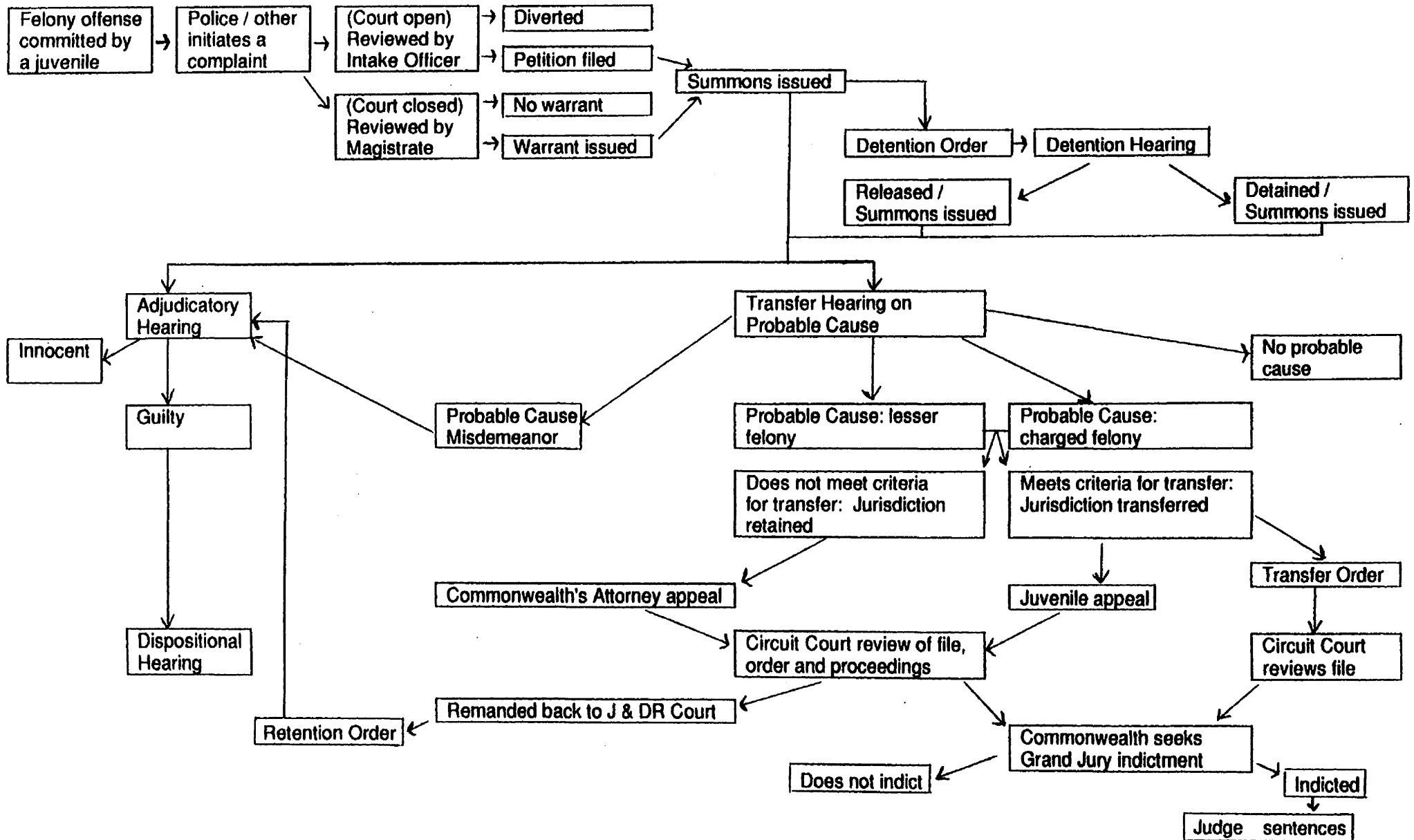


Exhibit 1

HJR 36 Study Goals and Objectives

Legislative Mandate

1. Profile the serious violent juvenile offender by offense and previous record.
2. Analyze sentencing practices.
3. Examine available treatment programs.
4. Examine court processing issues.
5. Examine the adequacy of current *Code* statutes.

Goals/Objectives

1. Identify who should be transferred and retained according to current *Code of Virginia* provisions.
 2. Identify who is being transferred.
 3. Identify who is being retained.
1. Identify whether or not sentences in the adult system are more effective in terms of:
 - a. length of time served,
 - b. restrictiveness of sentence, and
 - c. recidivism.
1. Identify dispositional options that are available in the juvenile system.
 2. Identify the dispositional options that are available to deal with the class of juvenile that is eligible for both the adult and the juvenile system.
 3. Identify the costs associated with the dispositional options.
1. Identify the effect(s) of crowded court dockets on the speedy trial aspects of the *Code of Virginia*.
 2. Determine whether the serious juvenile offender is the responsibility of the juvenile system or the adult system once they have been recommended for transfer from J&DR Court, but have not been tried in Circuit Court.
1. Determine the extent to which the *Code* gives enough guidance to CAs and judges on the transfer of juveniles to ensure fair and effective treatment of serious juvenile offenders.

Source: Commission on Youth graphic.

3. informational presentations from the Department of Youth and Family Services, the Department of Corrections, and the Virginia Marine Institute;
4. public hearings in Virginia Beach, Fredericksburg and Blacksburg; and,
5. reviews of several data analyses.

The Task Force also is planning to have informational presentation during the second phase of the study from SHOCAP (Serious Habitual Offender Criminal Apprehension Program), representatives from other serious habitual offender programs, and representative from other states with innovative programs for the serious juvenile offender.

IV. Research Methodology

Several research techniques are being used by the HJR 36 task force to address the issues contained in the legislation. A brief discussion of each of these techniques follows.

Review of Transfer Statutes and Carry-over Legislation. HJR 36 staff has reviewed the *Code of Virginia* transfer statutes to determine the current conditions necessary for transfer of a juvenile from Juvenile and Domestic Relations Court to Circuit Court. In addition to reviewing Virginia's legislation, transfer statutes from the other 49 states and the District of Columbia have been collected and will be reviewed during the second year of the study to identify different state models for transfer proceedings.

Carry-over legislation that would amend the transfer statutes was also reviewed by the Task Force. Two bills were carried over by the House Courts of Justice Committee during the 1992 General Assembly which amended portions of §16.1-269 of the *Code of Virginia*. These amendments to the transfer statute were in the form of Senate Bill 114 patroned by Senator Joseph V. Gartlan and House Bill 1103 sponsored by Delegate Robert F. McDonnell. Both of the legislators presented justifications for their amendments to the House Joint Resolution 36 Task Force at its initial meeting in June 1992. The legislation was further considered at the November 1992 House Joint Resolution 36 Task Force meeting and the December 1992 Commission on Youth meeting. Responses from the House Joint Resolution 36 Task Force and Commission on Youth to both bills are contained in Chapter IV.

Quantitative Analysis. Four types of quantitative analysis are being used for this study. First, a comparative analysis of transferable arrests and transfers by Juvenile and Domestic Relations Districts was conducted to determine the extent to which the use of transfers varies across jurisdictions relative to the arrests of transfer eligible juveniles. Data for this analysis were based on the State Police Uniform Crime Reports, the Department of Youth and Family Services' Client Profile Data Base, and the Department of Corrections' Presentence Investigation (PSI) Reports.

The second analysis produced a descriptive profile comparing the transfer eligible Learning Center population to juveniles transferred and convicted in Circuit Court from 1988 to 1990. This analysis used the Presentence Investigation Reports and the Client Profile data base to provide information on the demographics, prior offense history, and current offense and sentences for both groups.

The third quantitative analysis was a multivariate logistic regression analysis. This statewide analysis examined the factors that appear to be influencing the decision to retain juveniles in the juvenile system versus those factors which influence the decision to transfer and convict in Circuit Court. This analysis used information collected by a manual review of Learning Center files, as well as, information contained in the Client Profile and Presentence Investigation Report data systems. A discussion of these three analyses will be presented in Chapter III.

The final quantitative analysis will involve a detailed examination of four test sites. Juvenile and Domestic Relations' Court files in District 15 (Fredericksburg), District 2 (Virginia Beach), District 22 (Danville) and District 13 (Richmond City) are being manually reviewed in order to collect the information necessary to conduct multivariate and descriptive analyses to determine the legal and extra-legal factors which affect the transfer decision. The selection of the specific test sites was based on a combination of: the number of juveniles arrested for felony offenses in each jurisdiction, the number of transferred and convicted juveniles in each jurisdiction, and geographical diversity. This analysis will be completed in spring 1993.

It should be noted that the data used in the arrest and transfer/conviction analyses was for calendar years 1988 to 1990 due to the fact that the State Police record the Uniform Crime Reports on an annual basis. The data used in the Learning Center analyses were for fiscal years 1989 to 1991 due to the fact that the Department of Youth and Family Services collects the data on a fiscal year basis. In addition, the data that could be obtained from the Client Profile Data Base and supplemented with a manual file search was for these fiscal years. The difference of a six month time frame difference was unavoidable, however, it should not effect the overall conclusions of the report.

Surveys. Two sets of surveys are being administered to address parts of the HJR 36 resolution. First, two survey instruments were developed and sent to the agencies responsible for the juvenile and adult correctional systems in the other 49 states and the District of Columbia. These surveys were administered to solicit information on:

- the number of juveniles retained by their juvenile systems that were eligible for transfer,
- the number of juveniles transferred/convicted in their adult courts,
- the demographics of the retained and transferred juvenile populations, and
- the dispositional options available in their juvenile court

system to deal with serious juvenile offenders.

The information collected on these surveys will be used to comparatively examine how Virginia compares to other states in terms of its transfer criteria, the relative reliance on the transfer option and the demographics of the retained and transferred populations. The results of this survey effort will be available in spring 1993.

The second set of surveys will be administered to the groups in Virginia involved in the transfer decision. Commonwealth's attorneys, Juvenile and Domestic Relations Court Judges, Circuit Court Judges, probation officers and public defenders will each be surveyed in Spring 1993. These surveys will solicit their opinions on the adequacy of the current transfer statute, suggested changes to the current statute, factors that influence their decisions in the transfer process, the availability and variety of dispositional and treatment options in the juvenile court system, and the effect of court processing issues on the transfer decision. These surveys will be mailed out and analyzed in Spring 1993.

Literature Review. The final research technique used by the Task Force consists of a literature review of the relevant State and national studies related to the transfer issue. The 1992 Report of the National Coalition of State Juvenile Justice Advisory Groups specifically addresses the issue of serious juvenile offenders. This publication, as well as its extensive bibliography, is being reviewed to examine national issues surrounding the transfer decision. In addition, relevant Virginia studies and evaluations which affect the issues contained in the legislation will be reviewed.

III. DATA ANALYSES

Three series of data analyses have been completed thus far to address the issues contained in the House Joint Resolution 36 study mandate. The first analysis consisted of a statewide review of arrests for transferable offenses as defined in §16.1-269 *Code of Virginia*, juvenile convictions in Circuit Court and Learning Center commitments for offenses defined in §16.1-269. Transferable offenses as defined in §16.1-269 and included in the analysis are: murder, manslaughter, rape, robbery, aggravated assault, burglary, auto theft, drug sales, and arson. While the crimes of larceny and drug possession can also be transferable offenses, they were not included in the arrest analysis because not all charges for these crimes are transferable felony charges and the felonious arrests could not be separately identified. The analysis was completed by court district in order to determine the extent to which localities rely on the transfer option, as opposed to dispositional options in the juvenile court, for the transfer eligible class of serious juvenile offenders.

The second analysis consisted of a descriptive demographic profile of the juveniles in Learning Centers for transferable offenses compared to juveniles that have been transferred and convicted in Circuit Court as adults. This analysis was conducted as a means of defining the serious juvenile offender population and includes an examination of the types of offenses committed by both groups, as well as the length of time served by each group for the committing offenses. The third analysis is a multivariate logistic regression which illustrates the factors that appear to be having an effect on which juveniles remain under the purview of the Juvenile and Domestic Relations Court and which juveniles are transferred to the Circuit Court.

Each of these analyses will be discussed in the remainder of this chapter. The first part of this chapter will present the court district profiles of arrests, transfers and commitments. Part two presents the demographic profiles of the two classes of juvenile offenders and an examination of the lengths of time served for the various offenses in both the adult and juvenile systems. The third section of this chapter will discuss the multivariate regression analysis and the final section will include a discussion of data concerns and problems identified during the course of the data collection.

I. Court District Profiles

As Table 1 illustrates, from 1988-1990¹ there were 11,623 juvenile arrests for transferable offenses as defined in §16.1-269. Seventeen year old juveniles accounted

¹ The time frame for data collection was calendar years 1988-1990 for arrest and convictions and fiscal years 1989-1991 for Learning Center commitments. The three year time frame for data collection was selected to allow an opportunity to track transfer eligible juveniles who will have reached the age of majority in 1992 and to allow for one year anomalies that can occur in data.

Table 1

**Statewide Juvenile Arrests by Age and Offense
Calendar Years 1988-1990**

OFFENSE	AGE 15	AGE 16	AGE 17	TOTAL ARRESTS
Murder/Manslaughter	25	44	65	134
Rape	66	56	76	198
Robbery	208	256	314	778
Aggravated Assault	288	360	482	1,130
Burglary	1,330	1,474	1,512	4,316
Motor Vehicle Theft	1,219	1,363	1,305	3,887
Drug Sales	187	320	518	1,025
Arson	65	40	50	155
STATEWIDE TOTAL	3,388 (29%)	3,913 (34%)	4,322 (37%)	11,623

*Eight Transferable Offenses Include: Murder/ Manslaughter, Rape, Robbery, Assault, Burglary, Auto Theft, Drug Sales & Arson ages 15-17. Larceny and drug possession are not included because not all are transferable.
Data Sources: Uniform Crime Reports (Virginia State Police) and 1990 Census. Data Analysis and Presentation HJR 36 Staff.

for the largest percentage of the statewide arrests for all transferable offenses with 37%. In addition, 17 year olds were arrested for 42% of the crimes against persons and 51% of the drug sales. In terms of the types of transferable offenses being committed by juveniles, the largest number of arrests during the three year period were for burglary and auto theft. These two offenses accounted for 70.6% of all transferable offense arrests.

From 1988-1990 statewide arrests for transferable offenses increased 7% from 3,785 to 4,037 (see Appendix H). While the percentage of arrests for transferable offenses increased only 7%, the number of juveniles that were transferred and convicted in Circuit Court increased 31% from 285 in 1988 to 372 in 1990. Commitments of juveniles to the State's Learning Centers for transferable offenses also increased 22% from 491 to 598 in the years FY 1989 - FY 1991.

Data depicting transition points in the transfer process (arrests, transfers/convictions, and learning center commitments) were analyzed for each of the thirty-two Juvenile and Domestic Relations Court Districts. The data were analyzed to give a better understanding of the statewide magnitude and local incidence of transferable juvenile offenses, as well as, the system's response to these offenses in the various districts. Table 2 illustrates the number of arrests for transferable offenses from 1988-1990 for each district and that district's per capita statewide arrest ranking. Data on the transferable offenses were collected from the State Police Uniform Crime Reports and was defined to include arrests of 15-17 year olds for the offenses enumerated in §16.1-269 (with the exception of larceny and drug possession as previously explained). A map illustrating the localities contained in each court district

Table 2

Per Capita Juvenile Arrests Ages 15-17
Calendar Years 1988-1990

District	Juvenile Population Age 0-17	Arrests for Eight Transferable Offenses 1988-90*	Per Capita Arrests 1988-90+	Statewide Rank Per Capita Arrests
District 01-Chesapeake	43,629	252	578	17
District 02A-Accomack	10,836	33	305	29
District 02-Va. Beach	109,887	748	681	14
District 03-Portsmouth	27,857	444	1,594	4
District 04-Norfolk	59,987	1,853	3,089	2
District 05-Suffolk	26,866	203	756	11
District 06-Emporia	25,053	156	623	16
District 07-Newport News	46,666	492	1,054	8
District 08-Hampton	33,418	376	1,125	7
District 09-Williamsburg	45,279	198	437	22
District 10-Appomattox	33,160	137	413	24
District 11-Petersburg	23,259	315	1,354	5
District 12-Chesterfield	64,438	539	837	10
District 13-Richmond	42,002	1,335	3,178	1
District 14-Henrico	50,038	126	252	30
District 15-Fredericksburg	75,406	274	363	26
District 16-Charlottesville	52,188	358	686	13
District 17-Arlington	27,741	328	1182	6
District 18-Alexandria	17,132	407	2,376	3
District 19-Fairfax	203,827	710	348	27
District 20-Fauquier	37,864	119	314	28
District 21-Martinsville	20,766	149	718	12
District 22-Danville	34,572	229	662	15
District 23-Roanoke	43,668	414	948	9
District 24-Lynchburg	48,351	240	496	19
District 25-Staunton	43,168	203	470	20
District 26-Winchester	57,116	253	443	21
District 27-Radford	42,621	214	502	18
District 28-Bristol	21,647	91	420	23
District 29-Tazewell	37,307	92	247	31
District 30-Wise	23,098	56	242	32
District 31-Prince William	75,931	279	367	25

*Eight Transferable Offenses Include: Murder/ Manslaughter, Rape, Robbery, Assault, Burglary, Auto Theft, Drug Sales & Arson ages 15-17. Drug Possession and Larceny felonies are not included.

+ Per Capita Rates are Per 100,000 Juveniles.

Data Sources: Uniform Crime Reports (Virginia State Police) and 1990 Census. Data Analysis and Presentation HJR 36 Staff.

can be found in Appendix G.

From 1988 to 1990, twenty of the state's thirty-two districts experienced an increase in the number of arrests for transferable offenses. During this three year period, District 9, Williamsburg, had the largest percentage increase in transferable

arrests from 30 to 96, an increase of 220%. However, in terms of the district with the largest numbers of arrests from 1988-90, District 4, the City of Norfolk, is first in the state with 1,853. District 2A, Accomack County, ranks last with 33 arrests for transferable offenses from 1988 to 1990.

In order to take into account the effect of population on each district's number of arrests, the number of arrests were standardized by population in each district to obtain arrests per 100,000 juveniles. Once the standardization was completed, District 13, the City of Richmond, ranked first in per capita arrests for transferable offenses with 3,178 offenses per 100,000 juveniles. On the other end of the spectrum, District 30, Wise County, ranked last in the state with 242 arrests per 100,000 juveniles.

As there is no statewide database which captures the number of transfer motions, the number of juvenile convictions in Circuit Court was analyzed for each district to determine the relative use of the transfer option as a dispositional alternative. Data on the convictions was obtained from the Department of Corrections' Presentence Investigation Reports Database. Table 3 shows the number of juvenile convictions in Circuit Court and the per capita rankings for each district. District 7, Newport News, shows the greatest percentage increase in transfers from 1988-1990. During this time period the number of transfers from this district increased 300% from 4 transfers in 1988 to 16 transfers in 1990. Once again, District 13, the City of Richmond, ranked first statewide in both the number of total convictions from 1988 to 1990 and its per capita ranking. District 13 had 119 Circuit Court convictions during the three years with 283 convictions per 100,000 juveniles.

The statewide rankings of several localities change a great deal from the arrest phase to the conviction phase. Table 4 presents the percentage of each district's arrests resulting in Circuit Court convictions and each district's statewide ranking in terms of per capita arrests for transferable offenses, per capita juvenile transfers/convictions, and the ratio of arrests to convictions. As this table illustrates, there is tremendous variability in the way that localities across the Commonwealth handle serious juvenile offenders charged with offenses that are eligible to be transferred to Circuit Court. For example, District 1, Chesapeake, ranked seventeenth in the state in terms of per capita juvenile arrests for crimes eligible for transfer to Circuit Court, however, this district ranked fifth in the state for per capita juvenile convictions in Circuit Court. The difference between the ratio of arrests to convictions in District 1 ranked first in the state suggesting that this district uses the transfer option more often relative to other districts. On the other hand, District 12, Chesterfield County, ranked tenth in the state in per capita arrests and twenty-third in per capita convictions, suggesting that it relies less on the transfer option relative to other districts around the state.

If a locality does not transfer the serious juvenile offender, in most instances the juvenile will be remanded to the custody of the Department of Youth and Family Services for placement in a state Learning Center. From fiscal years 1989-1991, Learning Center commitments for transferable offenses increased 22% from 491 in fiscal year 1989 to 598 commitments in fiscal year 1991. During this three year time

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

Charlottesville, has the largest difference in terms of their percentage of Learning Center commitments to arrests and transfers. District 16 had 3.1% of the State's transferable arrests from 1988-1990, however, during this time period this district had 5.6% of the State's Learning Center commitments and only 1.1% of the State's transfers. On the other hand, District 13 had a greater reliance on the transfer option relative to arrests and Learning Center commitments. District 13 had 11.5% of the State's arrests for transferable offenses from 1988-1990, yet this district had only 8.1% of the State's Learning Center commitments and 13.1% of the State's transfers/convictions.

In summary, the data presented in Tables 2-5 illustrate the fact that there are wide variations among the districts in terms of their reliance on the transfer option versus Learning Center commitments as dispositional alternatives for the serious juvenile offender once the arrests have occurred. This phenomenon may be explained in part by a difference in the types of transferable offenses being committed, the delinquent and personal histories of the offenders or the preference of the local judges and Commonwealth's attorneys to rely on one option versus another. The House Joint Resolution 36 Task Force examined the possible factors that may be influencing the dispositions for serious juvenile offenders. The next section will present a descriptive profile of the Learning Center population committed for transferable offenses from fiscal years 1989-1990 and the juveniles that were transferred/convicted in Circuit Court from calendar years 1988-1990.

II. Demographic and Sentence Profiles

From calendar years 1988 to 1990 there were 1028 juveniles transferred and convicted in Circuit Court and from fiscal years 1989 to 1991 there were 1614 committed to the State's Learning Centers for offenses which were eligible for transfer. As Tables 6 and 7 illustrate, there are a number of similarities between these two groups of juveniles. First, both groups are predominately composed of males, 95% for the Learning Center population and 97% for the transferred population. Second, there is a large minority population represented in both groups. Approximately 65% of the Learning Center population and 70% of the transferred population were minority juveniles. This large minority population is particularly striking considering that minorities made up only 27% of the juvenile population in the 1990 Virginia census. Third, the educational background of the two populations is similar. Thirty-two percent of the Learning Center juveniles and 37% of the transferred juveniles were below their age appropriate grade in school. Finally, a very large percentage of both groups had a history of previous adjudication for delinquent offenses. Eighty-one percent of the Learning Center juveniles and 82% of the transferred juveniles had either misdemeanor or felony offense histories.

The two groups, however, differ on two factors. First, sixty-five percent of the transferred juveniles were 17 years old at the time of the offense, compared to approximately 37% of those in Learning Centers. Even though the majority of the transferred juveniles were 17 years old, 17% had only completed the 7th grade, 28%

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

Table 7

Prior Offense Profiles: Learning Center and Transferred Juveniles

	LEARNING CENTER COMMITMENTS FY 1989-1991 (n = 1614)	JUVENILES TRANSFERRED AND CONVICTED IN CIRCUIT COURT 1988-1990 (n = 1028)
Prior Juvenile Offense History (Misdemeanors and Felonies)*:	80.7% (1302)	82.2% (845)
Type of Juvenile Offense History:**		
• Prior Person, Property or Drug Felony	49.0% (790)	74.1% (762)
<i>Average Number of Person, Property or Drug Felonies</i>	2.37 Felonies	4.80 Felonies
• Prior Person Felony Offenses	6.6% (107)	18.6% (191)
<i>Average Number of Person Felonies</i>	1.19 Felonies	1.47 Felonies
• Prior Property Felony Offenses	47.2% (761)	67.2% (691)
<i>Average Number of Property Felonies</i>	2.46 Felonies	4.68 Felonies
• Prior Drug Felony Offenses	3.8% (61)	10.4% (107)
<i>Average Number of Drug Felonies</i>	1.10 Felonies	1.34 Felonies

*PSI prior offense data include delinquent and status offenses; Client Profile Base includes only delinquent offenses.

**18.7% of the PSI cases with prior records had missing data concerning the specific type of prior offense(s).

Data Analysis and Graphic: HJR 36 Task Force Staff.

Data Sources: Learning Center Client Profile Data Base/Files & Presentence Investigation Reports.

as many prior felony offenses as the juveniles that were committed to the Learning Centers. From 1988-1990, the transferred juveniles had an average of 4.8 felonies of any type, whereas the Learning Center juveniles had an average of 2.37 felonies of any type. When examining specific types of felonies, there are only wide differences between the two groups in one area. Juveniles that were transferred had almost twice as many prior property felonies as those committed to the Learning Centers. In terms of prior felonies for crimes against persons and prior drug felony offenses the

Table 8

Current Offense Profiles: Learning Center and Transferred Juveniles

	LEARNING CENTER COMMITMENTS FY 1989-FY 1991 (n = 1614)		JUVENILES TRANSFERRED & CONVICTED IN CIRCUIT COURT 1988-1990 (n = 1028)	
Committing Offense:				
Murder/Manslaughter	.9%	(15)	8.7%	(89)
Rape	2.5%	(41)	4.0%	(41)
Robbery	7.0%	(113)	13.1%	(135)
Drug Sale	10.6%	(171)	14.2%	(146)
Assault	6.1%	(98)	9.1%	(93)
Burglary	27.7%	(447)	15.7%	(161)
Motor Vehicle Theft	13.1%	(212)	8.1%	(83)
Other Larceny	16.4%	(265)	14.0%	(144)
Drug Possession	4.6%	(74)	5.2%	(53)
Other Felony*	11.0%	(178)	8.1%	(83)

Percentages may not total 100% due to rounding.

*For List of Offenses Contained in "Other Felony" category see Appendix H.

Data Analysis and Graphic: HJR 36 Task Force Staff.

Data Sources: Learning Center Client Profile Data Base and Presentence Investigation Data Base.

transferred group had a slightly higher average number of offenses. The transferred juveniles had an average of 1.47 person felonies and 1.34 drug offense felonies, however, the Learning Center population had an average of 1.19 person felonies and 1.10 drug offense felonies.

As Table 8 illustrates, there were differences between both classes of juveniles in terms of their committing offenses. A larger percentage of the juveniles who were transferred and convicted in Circuit Court were sentenced for felonious crimes against persons. Approximately 35% of the transferred juveniles, compared to 17% of the Learning Center juveniles, were sentenced for either murder/manslaughter, rape, robbery, or assault. On the other hand, 57.2% of the Learning Center juveniles were committed for the property crimes of burglary, motor vehicle theft and other larceny offenses compared to 34.8% of the transferred juveniles.

The juvenile justice system historically was created to provide treatment services for the rehabilitation of delinquent youth. In keeping with a rehabilitative focus, juveniles are released from State care once their treatment goals have been attained. Determinate sentencing guidelines for length of confinement for punitive purposes have not been used in the juvenile justice system, although that trend is changing nationally and in Virginia. On the other hand, the criminal justice system historically was designed to provide a more punitive environment with a greater emphasis on incarceration. The adult correctional system is subject to determinate sentencing guidelines for length of incarceration, as well as review by the Parole Board before release. These different

philosophies have led to the perception that juveniles transferred to adult court receive more punitive, longer sentences for their offenses. Initial data analysis does support the contention that juveniles receive longer sentences in adult court, however, the differing philosophies which drive the dispositional decisions in the two systems must be noted as partial explanation for the difference.

Of the 1,028 juveniles that were transferred and convicted in Circuit Court from calendar years 1988 to 1990, 63% were sentenced to prison, 15% received jail time and 22% received no incarceration. The average sentence for the incarcerated juveniles was 8.1 years. In terms of the length of time served, juveniles committed to Learning Centers for transferable offenses served much less time than the time served by juveniles transferred and sentenced to Department of Corrections' prisons. Table 9 shows two analyses of time served by both the Learning Center sample population and the transferred/convicted population. The number of cases in some offense categories are small, however, and interpretation of the results should be viewed with this in mind.

From the sample of 363 Learning Center files from fiscal years 1989-1991, 312 juveniles had been released as of September 1992. The average length of time served in the Learning Centers for all transferable offenses as defined in §16.1-269 was 7.6 months. The offense receiving the longest average length of stay was murder with an average stay of 16.1 months. The offense receiving the shortest length of stay was manslaughter with an average of 5.2 months. A review of Department of Corrections records for the 649 juveniles that had received prison sentences for transferable crimes committed from calendar years 1988-1990, found that 211 juveniles had been released as of June 1992 when the most recent file was closed. The average length of time served by these juveniles was 17.0 months, or more than twice the average Learning Center commitment. Once again the offense receiving the longest length of time was murder with an average of 25.6 months served. The offense receiving the shortest time served was motor vehicle theft with 13.0 months. Juveniles in the adult prisons served longer average sentences on every transferable offense.

Table 9 also illustrates the average length of time still being served by juveniles in Learning Centers and adult prisons. Fifty-one juveniles out of the original sample of 363 were still in the Learning Centers at the time of the data collection. The average length of time being served by these juveniles thus far has been 19.3 months. This average is significantly more than the average length of time served by those that were released, suggesting the need for longer treatment programs for these particular juveniles. Of the 241 transferred juveniles that still remain in prison, the average length of time being served has been 35.10 months.² This average is twice as long as the average for the juveniles that had been released. This can be explained in part by the fact that 58 (24.1%) of the juveniles still in prison committed the crimes of murder, manslaughter and rape, whereas, only 16 (7.6%) of the released juveniles had committed these crimes.

²Of the original 649 juveniles receiving prison time, 143 did not have valid social security numbers and could not be analyzed between the Presentence Investigation data base for sentence information and the Felon Analysis and Simulation Tracking files for release information; in addition, the release files were analyzed for FY 1990-1992, the remaining 54 juveniles were in all probability released during FY 1989 and information could not be obtained.

Table 9

Profiles of Time Served: Learning Center and Transferred Juveniles

RELEASED JUVENILES

OFFENSE	LENGTH OF TIME SERVED IN LEARNING CENTERS FY 1989-FY 1991 (N= 312 RELEASES)	LENGTH OF TIME SERVED IN ADULT CORRECTIONAL FACILITIES Calendar 1988-1990 (N= 211 RELEASES)
Murder	16.1 Months (5 releases)	25.6 Months (5 releases)
Manslaughter	5.2 Months (1 release)	20.6 Months (4 releases)
Rape	8.6 Months (20 releases)	17.1 Months (7 releases)
Robbery	8.1 Months (20 releases)	20.4 Months (43 releases)
Drug Sale	6.9 Months (32 releases)	14.4 Months (42 releases)
Assault	10.0 Months (20 releases)	21.8 Months (5 releases)
Burglary	7.3 Months (84 releases)	17.9 Months (39 releases)
Motor Vehicle Theft	7.1 Months (38 releases)	13.0 Months (19 releases)
Other Larceny	7.7 Months (46 releases)	15.1 Months (22 releases)
Drug Possession	5.9 Months (15 releases)	14.0 Months (6 releases)
Other Felony	7.9 Months (31 releases)	14.8 Months (19 releases)
Average All Offenses:	7.6 Months	17.0 Months

JUVENILES STILL SERVING TIME

OFFENSE	LENGTH OF TIME BEING SERVED IN LEARNING CENTERS (N= 51 COMMITMENTS)	LENGTH OF TIME BEING BEING SERVED IN ADULT CORRECTIONAL FACILITIES (N= 241 INMATES)
Murder	17.1 Months (8 commitments)	41.3 Months (40 inmates)
Manslaughter	11.7 Months (1 commitment)	37.1 Months (4 inmates)
Rape	15.0 Months (21 commitments)	34.0 Months (14 inmates)
Robbery	8.8 Months (2 commitments)	36.2 Months (55 inmates)
Drug Sale	13.7 Months (2 commitments)	28.9 Months (18 inmates)
Assault	0.0 Months (0 commitments)	33.6 Months (17 inmates)
Burglary	26.4 Months (4 commitments)	36.7 Months (30 inmates)
Motor Vehicle Theft	15.5 Months (4 commitments)	29.7 Months (18 inmates)
Other Larceny	29.3 Months (5 commitments)	30.9 Months (26 inmates)
Drug Possession	0.0 Months (0 commitments)	32.3 Months (3 inmates)
Other Felony	17.8 Months (4 commitments)	35.5 Months (16 inmates)
Average All Offenses:	19.3 Months	35.1 Months

Data Analysis and Graphic: HJR 36 Task Force Staff.

Data Sources: Sample of 364 DYFS Learning Center Files FY 1989-FY 1991 and DOC Felon Analysis and Simulation Tracking Files for DOC releases FY 1990-1992.

In conclusion, the data in Table 9 suggest that juveniles that are sentenced to prison for offenses pursuant to §16.1-269 receive longer periods of incarceration than do those juveniles committed to Learning Centers for these same offenses. However, it should be kept in mind when reviewing this data that the purposes of the juvenile and adult correctional systems differ and that the number of observations that have been analyzed was in some cases very small.

III. Factors Influencing Transfer Decision

In order to explore the factors which might influence the transfer decision, a comparative analysis was undertaken of the juveniles that were transferred and convicted in Circuit Court for offenses pursuant to §16.1-269 versus juveniles committed to Learning Centers for the same offenses. The purpose of the analysis was to identify legal and extra-legal factors which influence the dispositional outcomes between these two groups of juveniles. Once again, information from the Presentence Investigation Data Base (PSI) and the DYFS Client Profile Data Base were used.

There were a number of data items captured on the PSI data base which were thought to be potentially important in influencing the transfer decision, however, because the data was not contained on the DYFS data base a supplemental data collection effort was necessary. A random sample of 363 of the 1,614 juveniles committed to Learning Centers from fiscal years 1989-1991 for transferable offenses was selected for this additional data collection.³ The supplemental data was combined with the Client Profile Data Base for the analysis. In an attempt to maintain consistency between the data sources, a random sample of 364 of the 1,028 transferred/convicted juveniles from 1988-1990 was selected. Both samples were selected proportionally by offense type pursuant to §16.1-269. These offenses have been discussed previously in Tables 8 and 9.

After the supplemental data were coded, a number of variables were common to both samples and were used in the analysis. Exhibit 2 provides a list of the variables that were tested in the analysis and Appendix I provides definitions of each.

Each of the variables listed in Exhibit 2 was examined separately and also in combination using a statistical procedure known as logistic regression analysis. Logistic regression is a method which can be used to determine which factors significantly change the odds of predicting a dependent variable, or a particular outcome. In this regression analysis the dependent variable was the decision of being transferred versus being retained in the juvenile system and sent to a Learning Center. The logistic regression analysis was used in this study to determine which of the independent variables listed in Exhibit 2 significantly changed the odds of being transferred versus the odds of being sent to a Learning Center for the same offense. This analysis was completed for each independent variable while controlling for and

³364 Learning Center files were originally selected for the analysis, however, incomplete data on one file necessitated deleting it from the analysis.

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

statistically significant in distinguishing between the transferred juveniles and the Learning Center juveniles. These variables, along with their relative importance to the model, are depicted in Figure 1. The percentages in Figure 1 represent the relative importance of each variable and are only illustrative.

The single most important variable in changing the odds of being transferred was the number of prior property offenses. The more prior property offenses a juvenile had the greater his/her likelihood was of being transferred. Other important variables include:

- whether or not the juvenile was 17 at the time of the offense,
- whether or not the juvenile had previously been committed to a learning center,
- the number of prior drug, other and person offenses a juvenile had,
- whether or not a gun was used in the current offense, and
- whether or not the current offense was murder/manslaughter, rape or a drug sale.

There were three additional variables which were statistically significant, however their importance to the overall explanatory model was not large. These included: level of education, past mental health treatment, and whether the juvenile was from a suburban city.

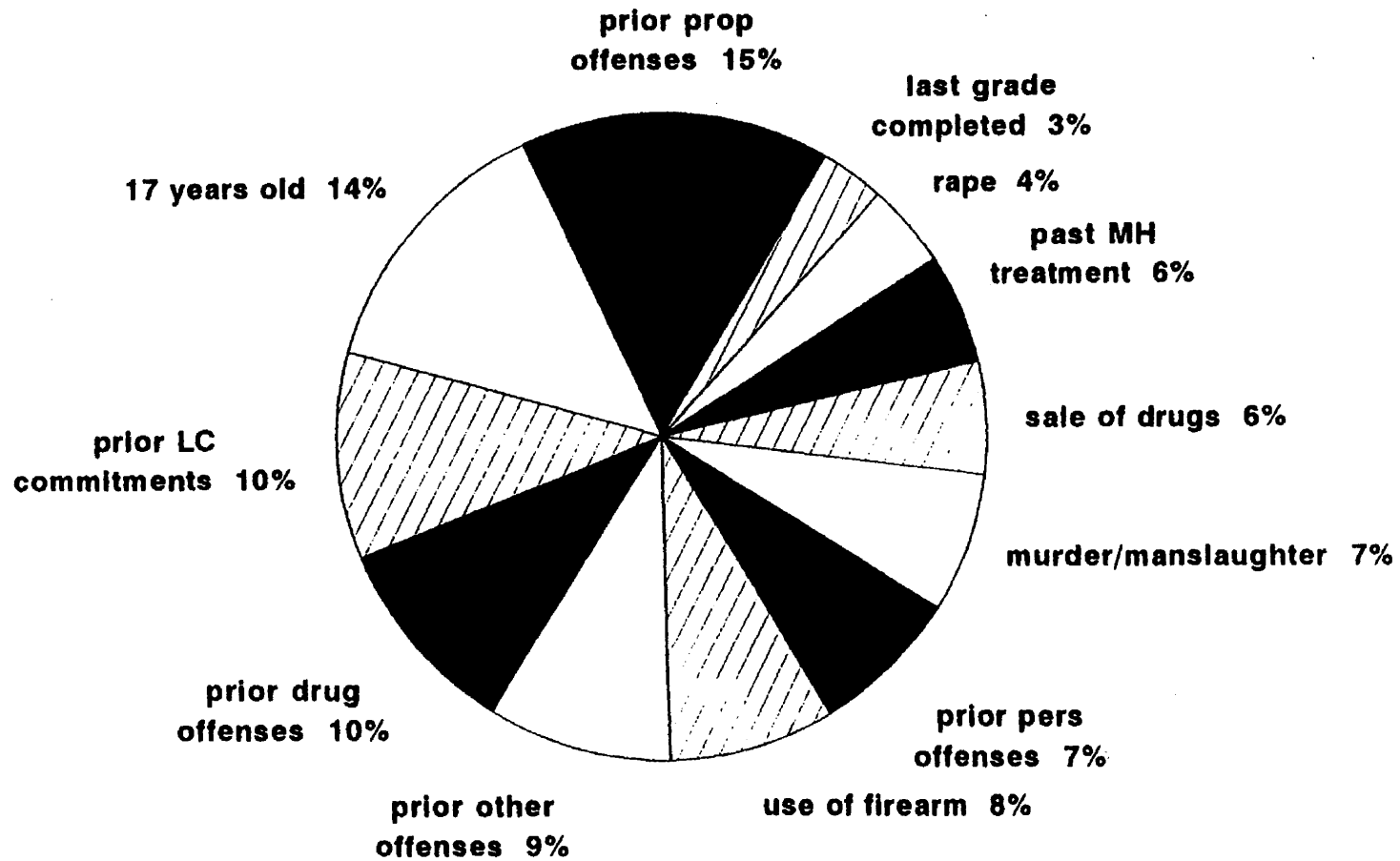
One measure of the usefulness of the model is the ability of the 13 variables to explain the transfer decision and the percentage of cases that can correctly be predicted by the model. The current model correctly predicted 81% of the cases. Therefore, if the 13 pieces of information were collected on 100 juveniles, this model could correctly predict the disposition of 81 of them. This 81% correct classification indicates a relatively high performance, and is comparable with other criminal justice models based on similar types of analyses.

Although all of the variables shown in Figure 1 were statistically significant, not all of them influence the chances of being transferred in the same way. While most of the variables increase the chances of a juvenile being transferred, some of the variables decrease a juvenile's chance of being transferred. Figure 2 shows the magnitude and direction of the change attributable to each variable when determining the likelihood of transfer. For example, whether or not the juvenile has committed murder/manslaughter increases the likelihood of transfer by more than 50%. As Figure 2 also shows, four of the 13 variables in the model decrease the chances of a juvenile being transferred. The more education a juvenile has, if a juvenile has prior mental health treatment, and if a juvenile is from a suburban city they are less likely to be transferred. In addition, the more prior "other" offenses a juvenile has, the less likely they are to be transferred.⁴ Of these four variables having a negative effect on the chance of being transferred, only prior "other" offenses make a strong contribution to the model (see Figure 1).

As noted previously, the model allows for the calculation of the probability of being transferred for each juvenile, given their case characteristics. Table 10 provides

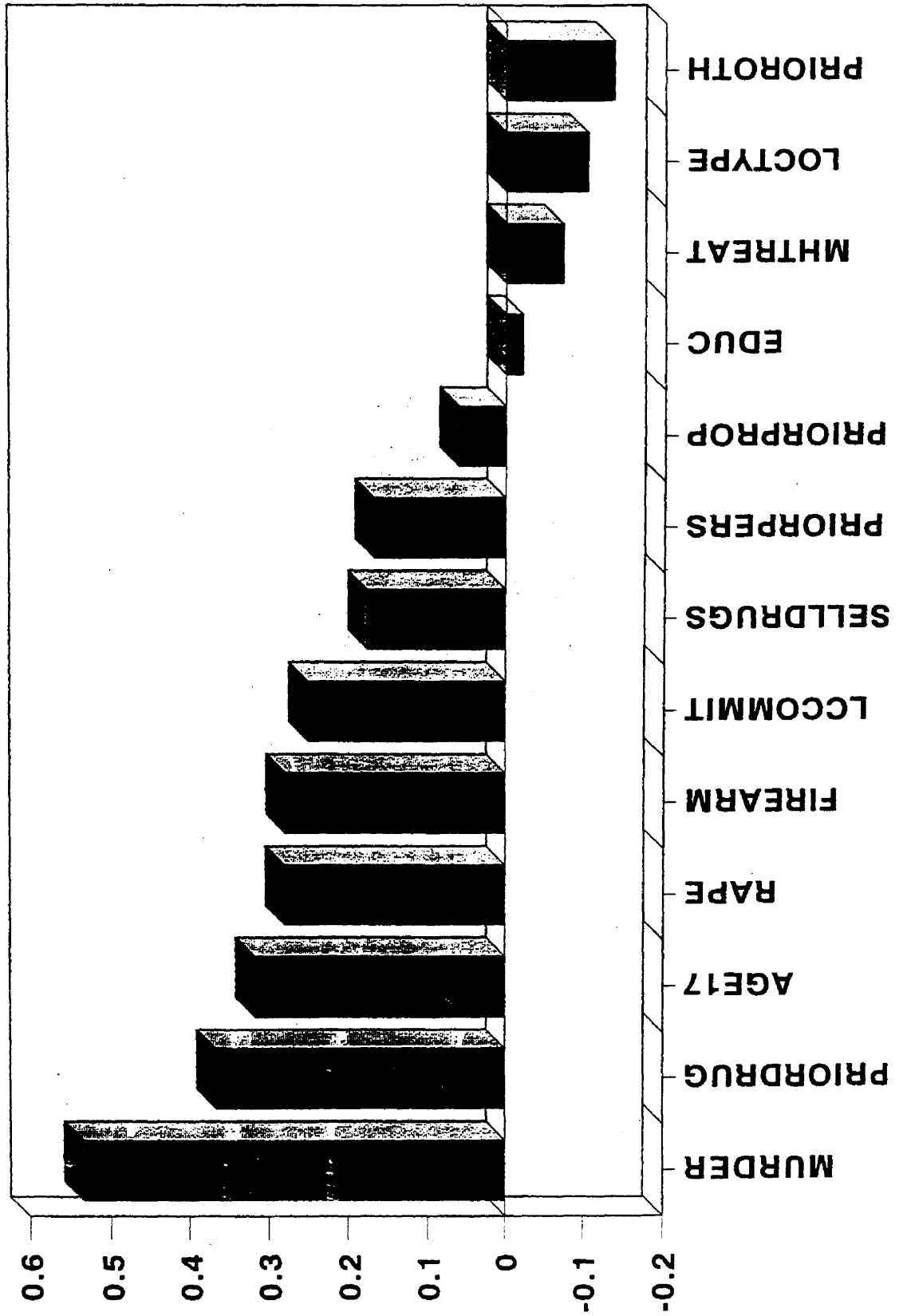
⁴For list of offenses contained in "other" category see Appendix I.

Figure 1 Transfer Vs. Learning Center Commitment Significant Variables



Note: suburban city variable not shown

Changes In Likelihood of Being Transferred



a number of examples of how the probability can be calculated using the model. An understanding of the interpretation of the various variables' contributions to the transfer process can be seen through the illustrations. Illustrations 1 and 2 present examples of extreme probabilities for being transferred and not being transferred. In illustration 1 the probability of a juvenile being transferred, with these conditions present, is .999 or 999 out of 1,000. On the other hand, in illustration 2, the probability of being transferred if these conditions were present is .008 or only 8 out of 1,000. The remaining illustrations show the change in probability of being transferred if factors such as the use of a gun, prior drug offenses, level of education, and age change.

In summary, the logistic regression analysis found that 13 variables were significant in distinguishing between which juveniles were transferred and which were committed to Learning Centers. The factors which were considered to be important in distinguishing between the two groups included current offense information, prior record and commitment history, and age. It should be kept in mind that only one variable in the model addresses the issue of "amenability to treatment." This variable, prior mental health treatment, was not however of great importance nor did it have a positive effect. Rather the fact that a juvenile had not received mental health treatment made them more likely to be transferred.

Several caveats should be kept in mind when interpreting these regression results. First, these results should be considered descriptive in nature and only describe the differences between the sample of juveniles transferred and the sample of those committed to Learning Centers. No effort has been made in this analysis to examine other dispositional alternatives. Second, it should be noted that the data used in this analysis came from two different data bases, each of which was developed for unique purposes. While an attempt was made to match the information from the two as closely as possible, differences may still exist in the types of data, as well as, the accuracy of the data recorded. For example, some factors are easily measured, such as age and current offense. Other factors, such as victim-offender relationships or prior treatment are more difficult and require assessment on the part of the data collector. One should therefore interpret the results of the model with caution as some variables may appear to be more important simply because they are more easily measured with reliability.

IV. Data Concerns

Several problems became evident during the course of the data collection process for this study. First, the overriding issue during the data collection process has been the fact that the juvenile justice data system is transaction based as opposed to client based and there are many gaps in the data. Individual juveniles cannot be tracked from the arrest stage through disposition. The State Police's Uniform Crime Reports data system is not tied into the Department of Youth and Family Services intake and learning center data systems. Nor are either of these two systems tied into the Department of Corrections' Presentence Investigation System. In addition, data collected at the J&DR and Circuit Court levels are not detailed regarding the transfer of

Table 10

Probability of Transfer Illustrations

Illustration 1

Facts:

- Offender is 17 at time of offense
- Commits Rape
- Used a Gun
- Had no prior mental health treatment
- Had 1 or more prior person offenses
- Had 1 or more prior property offenses
- Had 1 or more prior drug offenses
- Had no prior "other" offenses
- Had a previous learning center commitment
- Not from a suburban city

Probability of Transfer: .999

Illustration 2

Facts:

- Offender is 15 or 16 at time of offense
- Committed offense other than murder, rape or selling drugs
- Did not use a gun during offense
- Had no prior mental health treatment
- Had no prior offenses
- Did not have a previous learning center commitment
- Was from a suburban city

Probability of Transfer: .008

Illustration 3

Facts:

- Committed Rape
- Did not use a gun
- Had no prior mental health treatment
- Had no prior offenses
- Did not have a previous learning center commitment
- Not from a suburban city

Probability of Transfer if Offender under 17: .43

Probability of Transfer if Offender is 17: .79

Illustration 4

Facts:

- Offender is 15 or 16 at time of offense
- Offender committed murder/manslaughter
- Had no prior mental health treatment
- Had no prior offenses
- Did not have a previous learning center commitment
- Not from a suburban city

Probability of Transfer if Gun was used: .75

Probability of Transfer if Gun was not used: .42

Illustration 5

Facts:

- Offender is 17 at time of offense
- Offender convicted of selling drugs
- Had no prior mental health treatment
- Had no prior offenses
- Did not have a previous learning center commitment
- Not from a suburban city

Probability of Transfer if Offender had no Prior Drug Offenses: .44

Probability of Transfer if Offender had one Prior Drug Offense: .83

Probability of Transfer if Offender had two or more Prior Drug Offenses: .97

Illustration 6

Facts:

- Offender is 15 or 16 at time of offense
- Offender committed rape
- Had no prior mental health treatment
- Had no prior offenses
- Did not have a previous learning center commitment
- Not from a suburban city

Probability of Transfer if Offender has a 9th Grade Education: .20

Probability of Transfer if Offender has a 10th Grade Education: .17

For definitions of variables see Appendix I.
Data Analysis and Presentation: HJR 36 Staff.

juveniles, nor does this data base tie into any other data system. The lack of a comprehensive criminal and juvenile justice data base will be further addressed during the second phase of the study.

The second data concern was revealed during the manual review of the Department of Youth and Family Services' Learning Center files. This review revealed vast variations in the quantity and quality of information in juvenile social history reports between the Court Districts. The social history reports are ordered by the Juvenile and Domestic Relations Court pursuant to section §16.1-273 *Code of Virginia* prior to disposition. The reviewed reports varied in terms of the thoroughness of information contained in the family information, prior delinquent behavior, prior educational problems, prior substance abuse problems, and other relevant data. In addition, social histories were not always updated in response to the juvenile's current charge, thus limiting the Court's ability to base their decisions on current information. In addition, it was very difficult to obtain offense and victim information, as well as to determine prior substance abuse and mental health treatment.

Although the Department of Youth and Family Services has standards for the type of information that must be contained in the social history reports, there is no uniformity in the way the information must be collected and presented. Nor does there appear to be consistent statewide oversight of the quality of these reports within the various districts. The fact that these reports do not contain the same information across the state leads to questions of equity. Some judges have more information available to aid in their determination of appropriate dispositional placement.

A third problem that became evident during the course of the data collection was the lack of uniform information presented in the transfer reports. According to members of the Task Force, these reports also vary in thoroughness and content across jurisdictions and by staff within each Court Service Unit. The Department of Youth and Family Services does not have standards which outline the type of information that must be contained in these reports, nor does it have uniform criteria for the collection of this information.

Both the Commonwealth's attorneys and the judges on the House Joint Resolution 36 Task Force agreed that the thoroughness and quality of these reports also vary across jurisdictions and by probation officer in much the way that the social history reports vary. Given that these reports are used by the Commonwealth's attorney when determining whether or not to continue a transfer motion and by the Judges when determining whether to grant the transfer, the Task Force felt that the same type of information should be collected for all cases.

Based on concerns regarding the thoroughness, consistency and contents of the court reports, the House Joint Resolution 36 Task Force and the Commission on Youth recommend:

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 their 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.

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, House Joint Resolution 36 Task Force Members and other relevant entities.

Additional system wide data concerns will be addressed during the second year of the study.

IV. ADDITIONAL TASK FORCE ACTIVITIES

In addition to reviewing the research, the House Joint Resolution 36 Task Force participated in four additional activities. These activities included: sponsoring and attending a series of public hearings, participating in six Task Force meetings, visiting the Youthful Offender Program at St. Brides Correctional Center, reviewing and making recommendations on carry-over legislation affecting the *Code of Virginia* transfer statute. Each of these activities are discussed below.

I. Public Hearings

In response to the public attention focused on serious juvenile crime, the House Joint Resolution 36 Task Force, in collaboration with the Commission on Youth, held a series of public hearings in August, September and October of this year. The hearings were held in Virginia Beach, Fredericksburg and Blacksburg and offered an opportunity for the professionals in the field and citizens of the Commonwealth to testify before the Task Force. Over fifty people testified at the hearings, representing law enforcement, public and private providers, staff and Board members from the Department of Youth and Family Services, assistant Commonwealth's attorneys, judges, private citizen, victims of juvenile crime and child advocates. The public hearings also provided an opportunity for Task Force members to learn of specific programs and dispositional options available for this group of juveniles across the state.

The testimony from the public hearings revealed a wide diversity of opinion with respect to ways in which the system could be improved. Suggestions were made for increased access to juvenile records, the establishment of a juvenile parole board, automatic prosecutorial waiver and the extension of jurisdiction by the juvenile court to the age of twenty-nine. The passage of legislation establishing a Family Court, increased compensation for court-appointed counsel, gun control and the joint sponsoring of a summit on juvenile justice by the Supreme Court, Department of Youth and Family Services and the Commission on Youth were also suggested as a means for system improvement.

Throughout the public hearings requests for adequate funding for the support and expansion of dispositional options in the juvenile court system for serious juvenile offenders were made. Pay increases for court service staff, lowering caseloads for probation officers and funding of jobs programs were additional funding requests. The Task Force members also heard resounding support for prevention programs as a means to respond to the issue of violent juvenile crime. The testimony received by the Task Force supported the idea that the study be continued to allow for further dialogue on the issue of criteria for the transfer statute.

II. Task Force Meetings

The House Joint Resolution 36 Task Force has met six times since June 1992. The first meeting was devoted to an overview of the transfer process, presentations by the Departments of Corrections and Youth and Family Services, an overview of proposed data collection and a presentation on carry-over legislation. These presentations provided information on the services agencies provide to serious juvenile offenders, preliminary data on the number of juveniles arrested and convicted in Circuit Court for transferable offenses as defined in §16.1-269 *Code of Virginia* and legislative issues for Task Force consideration.

The second meeting of the Task Force was held at the St. Brides Correctional Center in Chesapeake, Virginia. The site visit allowed an opportunity for Task Force members to observe the Youthful Offender Program which is housed at St. Brides. Task Force members toured the facility and met with inmates and staff. A presentation on arrest and conviction data was presented, as well as a discussion on the role of the transfer option in the juvenile and criminal justice systems. This second meeting allowed an opportunity for the diverse views of the Task Force members to be shared among themselves as a means of developing goals for the study.

The next three Task Force meetings were held in conjunction with the public hearings and the full membership of the Commission on Youth. The August meeting was devoted to presentations on the Comprehensive Services Act for At-Risk Youth and Families and the Associated Marine Institute Programs operated out of Florida. The Associated Marine Institute presentation allowed the members to learn more about a dispositional option available currently in Newport News, Virginia for transfer eligible youth. Other dispositional program models will be presented in the spring.

The September meeting focused on the profiles of those youth committed to the Learning Centers for transferable offenses and juveniles convicted in Circuit Court for the same offenses. The members also discussed and agreed upon the need for more uniformity in the social history and transfer reports. In October the Task Force discussed the role of Commonwealth's attorneys in the transfer proceedings and the importance of their participation in the study's survey effort. In addition, the members began discussion on the carry-over bills and the proceedings of the Governor's Commission on Violent Crime with respect to those areas addressing serious juvenile offenders.

The November meeting was devoted to an examination of those factors which influence the decision to transfer a juvenile versus retain them in the juvenile system. Task Force members were updated on the status of the national data collection survey and their input was solicited regarding the surveys which will be sent to Juvenile and Domestic Relations Court Judges, Circuit Court Judges, and Commonwealth's attorneys in spring 1993. Members also formally voted on recommendations to be conveyed to the Commission on Youth. These recommendations concerned the

contents of juvenile transfer and social history reports, continuation of the serious offender study and the content of carry-over legislation.

III. Legislative Recommendations

As the House Joint Resolution 36 Task Force began studying the issue of the serious juvenile offender it became evident that one year would not be enough time to study the complex issues surrounding the transfer of juveniles to Circuit Court. While extensive data analysis was presented during the past year, there are additional research activities and substantive debate that must be completed before thorough and comprehensive recommendations can be made to the General Assembly. Therefore, in November 1992 the House Joint Resolution 36 Task Force went on record supporting legislation which would allow for the continuation of the study of serious juvenile offenders for one more year with recommendations to be made to the 1994 Session of the General Assembly.

The Virginia Commission on Youth took the Task Force's recommendation under consideration in December 1992 and subsequently went on record supporting legislation to continue the study of serious juvenile offenders for one more year.

The Virginia Commission on Youth recommends 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.

In light of the presentations made throughout the course of the Task Force meetings and public hearings, the issues raised by the carry-over legislation were reviewed by both the Task Force and the Commission on Youth. House Bill 1103, Delegate McDonnell's bill, would amend the transfer criteria and alter the appeals procedure in Circuit Court to allow a hearing on further evidence on the issue of transfer. Senate Bill 114, Senator Gartlan's bill, would alter the transfer statute by making the condition of mental retardation and/or mental illness a factor to be considered in the transfer proceedings rather than a bar to transfer. The bill would also make the presumption of the child's competency to stand trial implicit and base the rebuttal of this presumption on the moving party alleging incompetence.

The House Joint Resolution 36 Task Force members concluded that it was premature to amend the transfer statute with respect to delineating the types of juveniles for which the statute should apply and the classes of crime for which amenability would not need to be taken into consideration. Based on their site visits, research presentations and discussions, the Task Force voted in November 1992 to request that the General Assembly not amend §16.1-269(A) *Code of Virginia* until the study was completed. In December, the Commission on Youth went on record in support of the Task Force recommendations and urges:

The General Assembly not amend §16.1-269 *Code of Virginia* with respect to delineating the types of juveniles to which the transfer statute should apply until the Serious Juvenile Offender study is completed in the fall of 1993.

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.

The House Joint Resolution 36 Task Force then turned their attention to procedural issues regarding transfer proceedings. The Task Force received testimony regarding frustration with the appeals process and the case pending before the Virginia Circuit Court of Appeals on the issue (Broadnax vs. Commonwealth). Based on this information, the Task Force concluded that Delegate McDonnell's House Bill 1103 amendments to §16.1-269(E) *Code of Virginia* would respond to some of the concerns. Therefore, the Task Force voted in November that the House Bill 1103 amendment to the appeals process in Circuit Court be adopted. The Commission on Youth supported this recommendation in their December meeting and urges:

The General Assembly amend §16.1-269(E) *Code of Virginia* to allow Circuit Court appeal hearings to take further evidence on the issue of transfer if such an appeal is requested.

There was considerable discussion by both the Task Force and the Commission on Youth regarding Senate Bill 114. These discussions centered on the Senate Bill 114 policy change concerning mental illness and/or mental retardation as a factor for consideration as opposed to a prohibition to transfer. Concerns were expressed that juveniles who have the legal disability of minority status and the mental disability of being either retarded and/or mentally ill in effect have a "dual disability" in legal proceedings and therefore, should not be considered candidates for transfer.

A mental health expert met with the Task Force to discuss these issues. The majority of the Task Force members concluded that with appropriate procedural safeguards, the juveniles for whom adult sanctions should not be applied due to their degree of mental retardation and/or mental illness would be removed from eligibility for transfer. However, there was a minority opinion which held that making mental illness and/or mental retardation a factor for consideration for transfer constituted a significant shift in policy. The Task Force recommended to the Commission on Youth that Senate Bill 114 be amended to include the condition and degree of mental illness and/or mental retardation in the transfer report and endorsed the bill with amendments for passage.

The Task Force recommendations were brought to the Commission on Youth in December 1992. There was unanimous support for the components of Senate Bill 114 which address competency and the inclusion of *Code of Virginia* citations for definitions

of mental illness and/or mental retardation, and the inclusion of consideration of the degree of mental illness and/or mental retardation in the transfer report. However, there was a three member minority opinion (one member abstained) regarding the policy change of making mental illness and/or mental retardation a factor for consideration in the decision to transfer, rather than a barrier for transfer. The dissenting opinion is found in Appendix J. With the objections noted, the Commission on Youth voted to support the following recommendations:

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.

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.

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.

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 their 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.

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, House Joint Resolution 36 Task Force Members and other relevant entities.

V. ANALYSES IN PROGRESS

The House Joint Resolution 36 Task Force is planning to examine four additional analyses during the second phase of the study to help address the study mandate:

- a survey of other states' juvenile and adult correctional agencies,
- a survey of the entities involved in Virginia's transfer process,
- a national comparison of transfer statutes, and
- a multivariate regression analysis of court data collected in four Virginia localities.

Each of these analyses will be discussed in the remainder of this chapter.

I. Other State Survey

Mail surveys were sent to the adult and juvenile correctional agencies of each of the fifty states and the District of Columbia during phase one of the study (see Appendix K). These surveys were designed to collect comparative information on both their transferred juvenile population and the population retained by the juvenile court for offenses which could have been transferred. In addition, the survey asked for descriptions of the juvenile system's post-dispositional options and treatment programs used to deal with transfer eligible populations.

II. Virginia Surveys

Mail surveys will be sent to several Virginia groups involved in the transfer process during the second phase of the study. The surveys will be sent to all Commonwealth's Attorneys, Juvenile and Domestic Relations Court Judges and Circuit Court Judges, and a sample of public defenders. The surveys will ask questions concerning the following issues:

- the adequacy and effectiveness of the current transfer statutes,
- factors which influence the transfer decision,
- availability and variety of treatment programs,
- availability and variety of post-dispositional options for the serious juvenile offender,
- determinate sentencing guidelines for learning centers.

In addition, surveys will be sent to a sample of detention home supervisors. These surveys will determine the effect of transferred juveniles staying in the detention homes while awaiting acceptance in the circuit court.

In order to ensure a strong response to the surveys, the Chairman, Vice-Chairman and staff director of the Virginia Commission on Youth addressed the Juvenile and Domestic Relations Court Judges Conference this fall to explain the goals of the study and to elicit their support. The Commission on Youth is also scheduled on the agenda of the Commonwealth's attorneys' spring conference to explain the goals of the study and elicit their support for the survey effort.

III. National Review of State Statutes

Transfer statutes from each of the fifty states and the District of Columbia will be analyzed during the second phase of the study. Copies of each of the transfer statutes have been obtained from the National Center for Juvenile Justice. The statutes will be compared in terms of the nature of offenses which are eligible for transfer, the age of eligibility, the issues of mental retardation and amenability to treatment, and any other mitigating circumstances.

IV. Four Site Analysis

The Department of Criminal Justice Services' Criminal Justice Research Center will complete a four site court analysis of the transfer process during the second phase of the study. This analysis will track a selected cohort of serious juvenile offenders from the point of intake into the juvenile justice system to the point of final case disposition. Court records are being used as a basis for collecting information previously not aggregated and analyzed on juveniles. These analyses will determine the legal and extra-legal factors which affect disposition. Juvenile and Domestic Relations' Court files from District 15 (Fredericksburg and surrounding jurisdictions), District 2 (Virginia Beach), District 22 (Danville) and District 13 (Richmond City) are being manually reviewed in order to collect the information necessary to conduct multivariate and descriptive analyses. The selection of the specific test sites was based on a combination of: the number of juveniles arrested for felony offenses in each jurisdiction, the number of transferred and convicted juveniles in each jurisdiction, and geographical diversity. This analysis will be completed in spring 1993.

V. ACKNOWLEDGMENTS

In addition to the individuals who served on the House Joint Resolution 36 Task Force, the members of the Commission on Youth extend their appreciation to the following agencies and individuals for their cooperation and assistance on this study:

The Honorable Joseph V. Gartlan, Senator of Virginia

The Honorable Robert F. McDonnell, Delegate of Virginia

The Honorable O. Randolph Rollins, Secretary of Public Safety

The Governor's Commission on Violent Crime

The Supreme Court of Virginia

Mr. Ken Montero, Director of Legal Research

The Department of Youth and Family Services

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APPENDIX A

House Joint Resolution 36

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.

APPENDIX B

**House Joint Resolution 36
Task Force Members**

**House Joint Resolution 36
Study of Serious Juvenile Offenders**

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The Honorable Mary T. Christian
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The Honorable Mark L. Earley
Senator of Virginia
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Chesapeake, Virginia 23325
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The Honorable Audrey J. Franks
Judge of the Richmond Juvenile and Domestic Relations District Court
13th Judicial District
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(804) 780-8944

The Honorable Steven W. Rideout
Judge of the Alexandria Family Court
18th Judicial District
Post Office Box 21461
Alexandria, Virginia 22314
(703) 838-4141

The Honorable G. O. Clemens
Judge of the Salem Circuit Court
23rd Judicial Circuit
2 East Calhoun Street
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The Honorable John C. Morrison
Judge of the Norfolk Circuit Court
4th Judicial Circuit
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(804) 441-2467

The Honorable Paul B. Ebert
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The Honorable Howard E. Gwynn
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The Honorable Charles S. Sharp
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APPENDIX C

Code of Virginia Transfer Statute

denies the guardian ad litem the power to file a petition seeking the termination of residual parental rights, but such action is implicit in the general charge of authority given the guardian ad litem in § 8.01-9 to represent

faithfully the interests of the individual under disability for whom he or she is appointed. *Stanley v. Fairfax County Dep't of Social Servs.*, 10 Va. App. 596, 395 S.E.2d 199 (1990).

ARTICLE 7.

Transfer and Waiver.

§ 16.1-269. Transfer to other courts; investigation and report; presentment to grand jury; bail. — A. If a child fifteen years of age or older is charged with an offense which, if committed by an adult, could be punishable by confinement in a state correctional facility, the court shall on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such child for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. The child was fifteen or more years of age at the time of the alleged commission of the offense.

2. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the child and his parent, guardian, legal custodian or other person standing in loco parentis or attorney.

3. The court finds:

a. There is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

b. The child is not, in the opinion of the court, amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts and the nature of the child's response to past treatment efforts; provided, however, when the alleged delinquent act is armed robbery, rape as provided in § 18.2-61 or murder, or when the child has previously been tried as an adult and convicted of a felony and is presently alleged to have committed an act which would be a felony if committed by an adult, the court may certify the child without making the finding required by this subdivision;

c. The child is not mentally retarded or criminally insane; and

d. The interests of the community require that the child be placed under legal restraint or discipline.

B. Statements made by the child at the hearing under this section shall not be admissible against him over objection in the criminal proceedings following the transfer, except for purposes of impeachment.

C. Prior to the transfer hearing, a study and report to the court, in writing, relevant to the facts in subdivision 3 b, subsection A of this section, shall be made by the probation services or a qualified agency designated by the court. Counsel for the child shall have full access to the study and report required by this subsection and any other report or data concerning the child which are available to the court. The court shall not consider the report required by this subsection until a finding has been made concerning probable cause as set forth in subdivision 3 a hereof. If the court so orders, the study and written report may be enlarged to include the matters provided for in § 16.1-273, whereupon it may also serve as the report required by such section, but on the condition that it will not be submitted to the judge who will preside at any subsequent hearings except as provided for by law.

D. If the case is not transferred, the judge who conducted the hearing shall not over objection of an interested party preside at the adjudicatory hearing on the petition, but rather it shall be presided over by another judge for that court.

E. If the court, after a hearing on whether the transfer should be made or whether jurisdiction should be retained, decides to retain the case, and the attorney for the Commonwealth deems it to be in the public interest, and the child is fifteen years of age or older and is charged with an offense which, if committed by an adult, would be punishable by death or confinement in a state correctional facility for life or a maximum period of twenty years or more than twenty years, the attorney for the Commonwealth may notify the juvenile court, within ten days after the juvenile court's final determination to retain the case, of his intention to seek a removal of the case to the proper circuit court having criminal jurisdiction and a copy of such notice shall be furnished at the same time to the counsel for such child. If the juvenile court transfers the case, the juvenile may, within ten days of such decision, note an appeal of the decision to transfer to the circuit court, and a copy of the notice shall be furnished at the same time to the attorney for the Commonwealth. Within three days after receipt of either such notice, the judge of the juvenile court shall forward to the circuit court all papers connected with the case, including the report required by this section, as well as a written order setting forth the reasons for the juvenile court's opinion. The circuit court shall, within twenty-one days after receipt of the case from the juvenile court, examine all such papers, reports and orders to determine if there has been compliance with this section, but without redetermining whether the juvenile court had sufficient evidence to find probable cause, and enter an order either remanding the case to the juvenile court or advising the attorney for the Commonwealth that he may seek an indictment. If the grand jury returns a true bill upon such indictment the jurisdiction of the juvenile court as to such case shall terminate. The judge of the circuit court who reviewed the case after receipt from the juvenile court shall not over the objection of an interested party preside over the trial of such charge or charges.

F. After the completion of the hearing required by this section, whether or not the juvenile court decides to retain jurisdiction over the child or to transfer such child for criminal proceedings in the circuit court or the attorney for the Commonwealth notifies the juvenile court of his intention to seek a removal of the case to the circuit court, the juvenile court shall set bail for the child in accordance with Chapter 9 (§ 19.2-119 et seq.) of Title 19.2. After the case has been transferred or removed and the grand jury returns a true bill upon such indictment the jurisdiction of the juvenile court as to such case shall terminate. (Code 1950, § 16.1-176; 1956, c. 555; 1958, c. 641; 1960, c. 314; 1970, c. 600; 1973, c. 440; 1976, c. 313; 1977, c. 559; 1978, c. 830; 1979, c. 384; 1980, c. 698; 1988, c. 527; 1990, c. 641.)

The 1990 amendment substituted "attorney for the Commonwealth" for "Commonwealth's attorney" throughout the section; in subsection A, substituted "a state correctional facility" for "the penitentiary" in the first sentence, deleted "such" preceding "transfer" in the second sentence, and deleted "or her" following "and his" in subdivision 2; in subsection E, substituted "ten days after" for "three days after" in the first sentence, added the second sentence, in the third sentence inserted "either," substituted "the circuit court" for "such circuit court," and deleted "that the case

should be retained in that court" at the end of the sentence, and in the fourth sentence substituted "examine" for "and after examination of," and inserted "to determine if there has been compliance with this section, but without redetermining whether the juvenile court had sufficient evidence to find probable cause, and."

Law Review.

For survey on legal issues involving children in Virginia for 1989, see 23 U. Rich. L. Rev. 705 (1989).

APPENDIX D

Continuing Legislation

1 D 11/25/92 Geisen C 12/1/92 smw

2 HOUSE JOINT RESOLUTION NO.....

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

5
6 WHEREAS, House Joint Resolution No. 36, adopted by the 1992
7 Session of the General Assembly, directed the Virginia Commission on
8 Youth to conduct a comprehensive study of serious juvenile offenders;
9 and

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

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

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

24 WHEREAS, the task force and the Virginia Commission on Youth held
25 three public hearings to obtain input from citizens on the issue of

1 serious juvenile offenders; and

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

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

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

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

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

26 The Commission shall complete its work in time to submit its
27 findings and recommendations to the Governor and the 1994 Session of
28 the General Assembly in accordance with the procedures of the Division

1 of Legislative Automated Systems for the processing of legislative
2 documents.

3

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APPENDIX E

Legislative Research Agenda

Legislation Research Agenda

LEGISLATIVE MANDATES	GOALS / OBJECTIVES	RESEARCH TECHNIQUES	COMPLETION DATE
<p>Profile the serious violent juvenile offender by offense and previous record (both delinquent and treatment).</p>	<ol style="list-style-type: none"> 1. Identify who should be transferred and retained according to current Code provisions 2. Identify who is being transferred. 3. Identify who is being retained in the juvenile system. 	<ol style="list-style-type: none"> 1. Review Code provisions concerning juvenile transfer eligibility. 2. Analyze the PSI data base to define the juvenile remanded to the adult system. 3. Analyze the Learning Center data data base and case files to define the juvenile retained in the juvenile system. 4. Survey CAs, J&DR and Circuit Court Judges, and Probation Staff to ascertain their ideas on what constitutes a juvenile that should be waived. 	<p>Fall 1992</p> <p>Fall 1992</p> <p>Fall 1992</p> <p>Spring 1993</p>
<p>Analyze sentencing practices.</p>	<ol style="list-style-type: none"> 1. Identify whether or not sentences in the adult system are more effective in terms of: <ol style="list-style-type: none"> a. length of time served, b. restrictiveness of sentence, and c. recidivism. 	<ol style="list-style-type: none"> 1. Analyze and identify factors effecting transfers in four test sites. 2. Compare PSI juveniles with learning center juveniles for differences in sentences, records, and profiles. 3. Survey CAs, J&DR and Circuit Court Judges, Probation Officers, and Public Defenders on their attitudes toward sentencing juveniles in adult versus the juvenile system. 	<p>Spring 1993</p> <p>Late Fall 1992</p> <p>Spring 1993</p>

<p>Examine available treatment programs.</p>	<ol style="list-style-type: none"> 1. Identify the dispositional options that are available in the juvenile system. 2. Identify the dispositional options that are available to deal with the class of juvenile that is eligible for both the adult and the juvenile system. 3. Identify the costs associated with the dispositional options. 	<ol style="list-style-type: none"> 1. Survey CAs, J&DR and Circuit Court Judges, Detention Home Supervisors, and Probation Officers on amenability to treatment issues, availability of enough of and varied treatment options, and reasons to waive. 2. Contact other states and review their options for disposition and treatment. 3. Review previous evaluation information on J&DR alternative treatment programs (286 and block grant programs) 	<p>Spring 1993</p> <p>Summer 1993</p> <p>Summer 1993</p>
<p>Examine court processing issues.</p>	<ol style="list-style-type: none"> 1. Identify the effect(s) of crowded court dockets on the speedy trial aspects of the <u>Code</u>. 2. Determine whether the serious violent juvenile is the responsibility of the juvenile system or the adult system once they have been recommended for transfer from J&DR Court but have not been tried in Circuit Court. 	<ol style="list-style-type: none"> 1. Analyze the length of trial process in the four test sites. 2. Research DYFS detention home records to determine how many juveniles remain in juvenile detention facilities while awaiting acceptance by the adult court system and the length of time these juveniles are waiting in the detention home. Ascertain the effect these juveniles have on the detention home capacity (utilization) rates. 3. Survey CAs, J&DR and Circuit Court Judges and Detention Home Supervisors on the extent to which detention home use is a problem and possible solutions to the problem. 	<p>Spring 1993</p> <p>Spring 1993</p> <p>Spring 1993</p>

<p>Examine the adequacy of current statutes.</p>	<p>1. Determine the extent to which the <u>Code</u> gives enough guidance to CAs and judges on the transfer of juveniles to ensure fair and effective treatment of serious violent juveniles.</p>	<p>1. Analyze recidivism in four test sites. 2. Review other states' statutes. 3. Analyze PSI data and Learning Center Client Profile data to see if and where discrepancies in disposition exist. 4. Survey CAs and J&DR and Circuit Court Judges to determine their opinion on the adequacy of the current statutes and suggested changes.</p>	<p>Spring 1993 Summer 1993 Spring 1993 Spring 1993</p>
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* An interim report will be published in December 1992, prior to the General Assembly Session, which includes:

1. Work completed to that point and initial findings, particularly a definition of serious violent juvenile offenders as determined in the PSI and Learning Center analyses;
2. Future research efforts and timelines; and
3. Recommendations, if any, at this point in the study.

APPENDIX F

1992 Carry-over Legislation

1992 SESSION

LD1304350

HOUSE BILL NO. 1103

Offered January 21, 1992

A BILL to amend and reenact § 16.1-269 of the Code of Virginia, relating to juvenile transfer hearings.

Patrons—McDonnell, Forbes, Marshall and Wagner

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-269 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-269. Transfer to other courts; investigation and report; presentment to grand jury; bail.—A. If a child fifteen years of age or older is charged with an offense which, if committed by an adult, could be punishable by confinement in a state correctional facility, the court shall on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such child for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. The child was fifteen or more years of age at the time of the alleged commission of the offense.

2. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the child and his parent, guardian, legal custodian or other person standing in loco parentis or attorney.

3. The court finds:

a. There is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

b. The child is not, in the opinion of the court, amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts and the nature of the child's response to past treatment efforts; provided, however, when the alleged delinquent act is armed robbery, rape as provided in § 18.2-61 or murder, or use or display of a firearm in a threatening manner while committing or attempting to commit (i) malicious wounding as defined in § 18.2-51, (ii) forcible sodomy as defined in § 18.2-67.1, (iii) inanimate object sexual penetration as defined in § 18.2-67.2, or (iv) mob assault or battery as defined in § 18.2-42, or when the child has previously been tried as an adult and convicted of a felony and is presently alleged to have committed an act which would be a felony if committed by an adult, the court may certify the child without making the finding required by this subdivision;

c. The child is not mentally retarded or criminally insane; and

d. The interests of the community require that the child be placed under legal restraint or discipline.

B. Statements made by the child at the hearing under this section shall not be admissible against him over objection in the criminal proceedings following the transfer, except for purposes of impeachment.

C. Prior to the transfer hearing, a study and report to the court, in writing, relevant to the facts in subdivision 3 b, subsection A of this section, shall be made by the probation services or a qualified agency designated by the court. Counsel for the child shall have full access to the study and report required by this subsection and any other report or data concerning the child which are available to the court. The court shall not consider the report required by this subsection until a finding has been made concerning probable cause as set forth in subdivision 3 a hereof. If the court so orders, the study and written report may be enlarged to include the matters provided for in § 16.1-273, whereupon it may also serve as the report required by such section, but on the condition that it will not be

1 submitted to the judge who will preside at any subsequent hearings except as provided for
2 by law.

3 D. If the case is not transferred, the judge who conducted the hearing shall not over
4 objection of an interested party preside at the adjudicatory hearing on the petition, but
5 rather it shall be presided over by another judge for that court.

6 E. If the court, after a hearing on whether the transfer should be made or whether
7 jurisdiction should be retained, decides to retain the case, and the attorney for the
8 Commonwealth deems it to be in the public interest, and the child is fifteen years of age
9 or older and is charged with an offense which, if committed by an adult, would be
10 punishable by death or confinement in a state correctional facility for life or a maximum
11 period of twenty years or more than twenty years, the attorney for the Commonwealth
12 may notify the juvenile court, within ten days after the juvenile court's final determination
13 to retain the case, of his intention to seek a removal of the case to the proper circuit
14 court having criminal jurisdiction and a copy of such notice shall be furnished at the same
15 time to the counsel for such child. If the juvenile court transfers the case, the juvenile
16 may, within ten days of such decision, note an appeal of the decision to transfer to the
17 circuit court, and a copy of the notice shall be furnished at the same time to the attorney
18 for the Commonwealth. Within three days after receipt of either such notice, the judge of
19 the juvenile court shall forward to the circuit court all papers connected with the case,
20 including the report required by this section, as well as a written order setting forth the
21 reasons for the juvenile court's opinion. The circuit court shall, within twenty-one days
22 after receipt of the case from the juvenile court, (i) examine all such papers, reports and
23 orders and (ii) set the matter for hearing to take further evidence on the issue of transfer
24 if such hearing is requested by either party or the court, sua sponte, to determine if there
25 has been compliance with this section, but without redetermining whether the juvenile court
26 had sufficient evidence to find probable cause, and enter an order either remanding the
27 case to the juvenile court or advising the attorney for the Commonwealth that he may seek
28 an indictment. If the grand jury returns a true bill upon such indictment the jurisdiction of
29 the juvenile court as to such case shall terminate. The judge of the circuit court who
30 reviewed the case after receipt from the juvenile court shall not over the objection of an
31 interested party preside over the trial of such charge or charges.

32 F. After the completion of the hearing required by this section, whether or not the
33 juvenile court decides to retain jurisdiction over the child or to transfer such child for
34 criminal proceedings in the circuit court or the attorney for the Commonwealth notifies the
35 juvenile court of his intention to seek a removal of the case to the circuit court, the
36 juvenile court shall set bail for the child in accordance with Chapter 9 (§ 19.2-119 et seq.)
37 of Title 19.2. After the case has been transferred or removed and the grand jury returns a
38 true bill upon such indictment the jurisdiction of the juvenile court as to such case shall
39 terminate.

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Official Use By Clerks	
<p style="text-align: center;">Passed By</p> <p>The House of Delegates</p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>	<p style="text-align: center;">Passed By The Senate</p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>
Date: _____	Date: _____
Clerk of the House of Delegates	Clerk of the Senate

1992 SESSION
ENGROSSED

SP1698837

SENATE BILL NO. 114

Senate Amendments in [] - January 24, 1992

A BILL to amend and reenact § 16.1-269 of the Code of Virginia, relating to transfer from the juvenile court.

Patron—Gartlan

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-269 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-269. Transfer to other courts; investigation and report; presentment to grand jury; bail.—A: If a child fifteen years of age or older is charged with an offense which, if committed by an adult, could be punishable by confinement in a state correctional facility, the court shall on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such child for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. The child was fifteen or more years of age at the time of the alleged commission of the offense.

2. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the child and his parent, guardian, legal custodian or other person standing in loco parentis or attorney.

3. The court finds:

a. There is probable cause to believe that the child committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

b. The child is not, in the opinion of the court, amenable to treatment or rehabilitation as a juvenile through available facilities, considering the nature of the present offense or such factors as the nature of the child's prior delinquency record, the nature of past treatment efforts and the nature of the child's response to past treatment efforts; provided, however, when the alleged delinquent act is armed robbery, rape as provided in § 18.2-61 or murder, or when the child has previously been tried as an adult and convicted of a felony and is presently alleged to have committed an act which would be a felony if committed by an adult, the court may certify the child without making the finding required by this subdivision;

c. ~~The child is not mentally retarded or criminally insane~~ *The child is competent to stand trial [and was sane at the time of the offense; the child is presumed to be competent and sane and the burden is on the moving party to rebut the presumptions . The child is presumed to be competent and the burden is on the party alleging the child is incompetent to rebut the presumption] by a preponderance of the evidence ;* and

d. The interests of the community require that the child be placed under legal restraint or discipline.

4. ~~The court shall consider the extent, if any, of the child's mental retardation [or mental illness, as those terms are defined in § 37.1-1,] in deciding whether to retain or transfer jurisdiction to the circuit court.~~

B. Statements made by the child at the hearing under this section shall not be admissible against him over objection in the criminal proceedings following the transfer, except for purposes of impeachment.

C. Prior to the transfer hearing, a study and report to the court, in writing, relevant to the facts in subdivision 3 b, subsection A of this section, shall be made by the probation services or a qualified agency designated by the court. Counsel for the child shall have full access to the study and report required by this subsection and any other report or data concerning the child which are available to the court. The court shall not consider the

1 report required by this subsection until a finding has been made concerning probable cause
2 as set forth in subdivision 3 a hereof. If the court so orders, the study and written report
3 may be enlarged to include the matters provided for in § 16.1-273, whereupon it may also
4 serve as the report required by such section, but on the condition that it will not be
5 submitted to the judge who will preside at any subsequent hearings except as provided for
6 by law.

7 D. If the case is not transferred, the judge who conducted the hearing shall not over
8 objection of an interested party preside at the adjudicatory hearing on the petition, but
9 rather it shall be presided over by another judge for that court.

10 E. If the court, after a hearing on whether the transfer should be made or whether
11 jurisdiction should be retained, decides to retain the case, and the attorney for the
12 Commonwealth deems it to be in the public interest, and the child is fifteen years of age
13 or older and is charged with an offense which, if committed by an adult, would be
14 punishable by death or confinement in a state correctional facility for life or a maximum
15 period of twenty years or more than twenty years, the attorney for the Commonwealth
16 may notify the juvenile court, within ten days after the juvenile court's final determination
17 to retain the case, of his intention to seek a removal of the case to the proper circuit
18 court having criminal jurisdiction and a copy of such notice shall be furnished at the same
19 time to the counsel for such child. If the juvenile court transfers the case, the juvenile
20 may, within ten days of such decision, note an appeal of the decision to transfer to the
21 circuit court, and a copy of the notice shall be furnished at the same time to the attorney
22 for the Commonwealth. Within three days after receipt of either such notice, the judge of
23 the juvenile court shall forward to the circuit court all papers connected with the case,
24 including the report required by this section, as well as a written order setting forth the
25 reasons for the juvenile court's opinion. The circuit court shall, within twenty-one days
26 after receipt of the case from the juvenile court, examine all such papers, reports and
27 orders to determine if there has been compliance with this section, but without
28 redetermining whether the juvenile court had sufficient evidence to find probable cause,
29 and enter an order either remanding the case to the juvenile court or advising the attorney
30 for the Commonwealth that he may seek an indictment. If the grand jury returns a true
31 bill upon such indictment the jurisdiction of the juvenile court as to such case shall
32 terminate. The judge of the circuit court who reviewed the case after receipt from the
33 juvenile court shall not over the objection of an interested party preside over the trial of
34 such charge or charges.

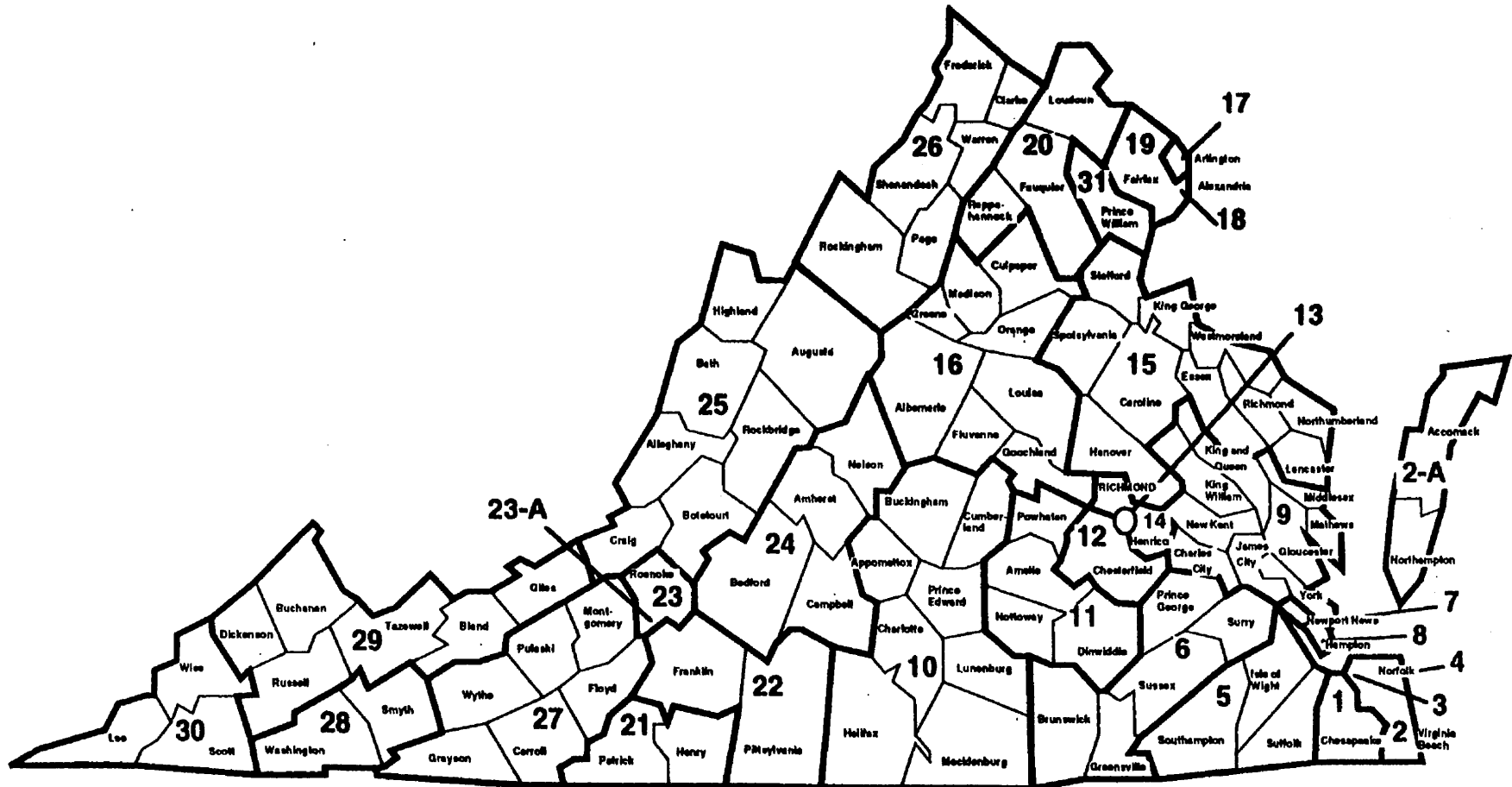
35 F. After the completion of the hearing required by this section, whether or not the
36 juvenile court decides to retain jurisdiction over the child or to transfer such child for
37 criminal proceedings in the circuit court or the attorney for the Commonwealth notifies the
38 juvenile court of his intention to seek a removal of the case to the circuit court, the
39 juvenile court shall set bail for the child in accordance with Chapter 9 (§ 19.2-119 et seq.)
40 of Title 19.2. After the case has been transferred or removed and the grand jury returns a
41 true bill upon such indictment the jurisdiction of the juvenile court as to such case shall
42 terminate.

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APPENDIX G

Localities Comprising Court Districts

**Virginia Department of Youth and Family Services
Juvenile and Domestic Relations Judicial Districts and Court Service Units**



APPENDIX H

Court District Data:

Arrests 1988-1990

Circuit Court Transfers/Convictions 1988-1990

Learning Center Commitments FY 1989-FY 1991

J & DR COURT DISTRICT ARRESTS FOR TRANSFERABLE OFFENSES*

1988-1990

Locality	Arrests 1988	Arrests 1989	Arrests 1990	Total Arrests for Transferable Offenses 1988-1990
District 1- Chesapeake	74	57	121	252
District 2A- Accomack	9	7	17	33
District 2- Virginia Beach	378	212	158	748
District 3- Portsmouth	146	131	167	444
District 4- Norfolk	525	636	692	1,853
District 5- Suffolk	55	69	79	203
District 6- Emporia	53	46	57	156
District 7- Newport News	137	170	185	492
District 8- Hampton	110	110	156	376
District 9- Williamsburg	30	72	96	198
District 10- Appomattox	34	53	50	137
District 11- Petersburg	114	121	80	315
District 12- Chesterfield	176	190	173	539
District 13- Richmond	381	454	500	1,335
District 14- Henrico	28	32	66	126
District 15- Fredericksburg	63	127	84	274
District 16- Charlottesville	124	132	102	358
District 17- Arlington	102	97	129	328
District 18- Alexandria	203	123	81	407
District 19- Fairfax	270	188	252	710
District 20- Fauquier	33	39	47	119
District 21- Martinsville	63	38	48	149
District 22- Danville	71	74	84	229
District 23- Roanoke	128	130	156	414
District 24- Lynchburg	84	54	102	240
District 25- Staunton	69	75	59	203
District 26- Winchester	91	94	68	253
District 27- Radford	82	63	69	214
District 28- Bristol	34	33	24	91
District 29- Tazewell	29	29	34	92
District 30- Wise	19	24	13	56
District 31- Prince William	70	121	88	279
State Total*	3,785	3,801	4,037	11,623

*Transferable Offenses include: Murder, Manslaughter, Rape, Robbery, Assault, Burglary, Auto Theft, Drug Sales and Arson. Data is for juveniles ages 15-17 at arrest which are eligible for transfer.

Data Analysis: Criminal Justice Research Center.

Data Sources: Uniform Crime Reports 1988-1990 (Virginia State Police).

J & DR COURT DISTRICT LEARNING CENTER COMMITMENTS

FY 1989-FY1991

Locality	Learning Center Commitments FY 1989	Learning Center Commitments FY 1990*	Learning Center Commitments FY 1991	Total Learning Center Commitments FY 1989-1991
District 1- Chesapeake	13	16	20	49
District 2A- Accomack	4	6	4	14
District 2- Virginia Beach	28	18	41	87
District 3- Portsmouth	33	32	30	95
District 4- Norfolk	51	56	62	169
District 5- Suffolk	8	9	15	32
District 6- Emporia	3	5	8	16
District 7- Newport News	20	43	34	97
District 8- Hampton	11	19	12	42
District 9- Williamsburg	6	6	13	25
District 10- Appomattox	5	8	9	22
District 11- Petersburg	20	7	13	40
District 12- Chesterfield	17	16	17	50
District 13- Richmond	43	43	45	131
District 14- Henrico	13	16	16	45
District 15- Fredericksburg	14	15	17	46
District 16- Charlottesville	23	27	40	90
District 17- Arlington	14	14	22	50
District 18- Alexandria	15	9	12	36
District 19- Fairfax	47	38	30	115
District 20- Fauquier	8	2	4	14
District 21- Martinsville	5	9	8	22
District 22- Danville	6	7	6	19
District 23- Roanoke	19	21	17	57
District 24- Lynchburg	7	16	23	46
District 25- Staunton	13	16	14	43
District 26- Winchester	5	11	21	37
District 27- Radford	7	6	13	26
District 28- Bristol	7	7	5	19
District 29- Tazewell	8	2	5	15
District 30- Wise	2	1	3	6
District 31- Prince William	16	23	19	58
State Total*	491	524	598	1,613*

* District 16 for FY 1990 contains one case where locality is not coded; therefore, cases in this table total 524 for FY 1990 and 1,613 for years FY 1989-91. Aggregate demographic data contains this case and totals 1,614.

Analysis: Criminal Justice Research Center.

Sources: Client Profile Data Base (Virginia Department of Youth and Family Services).

Learning Center Commitment figures are for Transferable Offenses only; does not include commitments for non-transferable misdemeanor offenses.

J & DR COURT DISTRICT TRANSFERS/CONVICTIONS IN ADULT COURT

1988-1990

Locality	Transfers and Convictions in Circuit Court 1988	Transfers and Convictions in Circuit Court 1989*	Transfers and Convictions in Circuit Court 1990	Total Transfers and Convictions in Circuit Court 1988-1990
District 1- Chesapeake	19	30	24	73
District 2A- Accomack	3	4	1	8
District 2- Virginia Beach	15	17	20	52
District 3- Portsmouth	15	19	16	50
District 4- Norfolk	26	30	33	89
District 5- Suffolk	10	12	17	39
District 6- Emporia	1	6	2	9
District 7- Newport News	6	10	19	35
District 8- Hampton	10	15	15	40
District 9- Williamsburg	8	6	4	18
District 10- Appomattox	6	7	5	18
District 11- Petersburg	4	7	16	27
District 12- Chesterfield	8	5	11	24
District 13- Richmond	36	55	44	135
District 14- Henrico	6	8	12	26
District 15- Fredericksburg	7	13	16	36
District 16- Charlottesville	2	4	5	11
District 17- Arlington	6	9	12	27
District 18- Alexandria	15	11	21	47
District 19- Fairfax	6	12	17	35
District 20- Fauquier	0	3	0	3
District 21- Martinsville	13	8	8	29
District 22- Danville	9	10	10	29
District 23- Roanoke	17	23	8	48
District 24- Lynchburg	4	9	7	20
District 25- Staunton	9	8	9	26
District 26- Winchester	10	13	6	29
District 27- Radford	2	5	6	13
District 28- Bristol	1	1	0	2
District 29- Tazewell	1	1	0	2
District 30- Wise	2	1	2	5
District 31- Prince William	8	9	6	23
State Total*	285	371	372	1,028

Data Analysis: Criminal Justice Research Center.

Data Sources: Presentence Investigation Forms (Virginia Department of Corrections) Database.

APPENDIX I

Variable Definitions

**Variables Used in:
HJR 36 Analysis**

1. List of examples of offenses contained in the "other offense" category:

- kidnapping
- possession of stolen car
- unauthorized use of an auto
- shooting into an occupied dwelling
- shooting into an occupied vehicle
- destruction of property - explosives
- extortion
- forgery
- fraud
- bad checks
- molestation
- incest
- possession of fire bomb
- riot
- bribery
- hit and run
- illegal manufacture of liquor
- perjury
- resisting arrests

2. Uniform Crime Reporting Area Definitions Applied to Virginia and used in the regression analysis for "Type of Locality":

Central Cities (50,000 and over; in metropolitan area)

Alexandria	Norfolk
Chesapeake	Portsmouth
Danville	Richmond
Hampton	Roanoke
Lynchburg	Suffolk
Newport News	Virginia Beach

Suburban Cities (less than 50,000; in metropolitan area)

Bristol	Manassas
Charlottesville	Manassas Park
Colonial Heights	Petersburg
Fairfax	Poquoson
Falls Church	Salem
Hopewell	Williamsburg

Suburban Counties (counties in metropolitan areas)

Albemarle	Grayson
Amherst	Hanover
Arlington	Henrico
Botetourt	James City
Campbell	Loudoun
Charles City	New Kent
Chesterfield	Pittsylvania
Dinwiddie	Powhatan
Fairfax	Prince George
Fluvanna	Prince William
Gloucester	Scott
Goochland	Stafford
Washington	York

"Other" Cities (cities outside metropolitan areas)

Bedford	Harrisonburg
Buena Vista	Lexington
Clifton Forge	Martinsville
Covington	Norton
Emporia	Radford
Fredericksburg	South Boston
Franklin	Staunton
Galax	Waynesboro
	Winchester

Rural Counties (outside metropolitan areas)

Accomack	Franklin	Northumberland
Alleghany	Frederick	Nottoway
Amelia	Giles	Orange
Appomattox	Greene	Page
Augusta	Greensville	Patrick
Bath	Halifax	Prince Edward
Bedford	Henry	Pulaski
Bland	Highland	Rappahannock
Brunswick	Isle of Wight	Richmond
Buchanan	King & Queen	Roanoke
Buckingham	King George	Rockbridge
Caroline	King William	Rockingham
Carroll	Lancaster	Russell
Charlotte	Lee	Shenandoah
Clarke	Louisa	Smyth
Craig	Lunenburg	Southampton
Culpeper	Madison	Spotsylvania
Cumberland	Mathews	Surry
Dickenson	Mecklenburg	Sussex
Essex	Middlesex	Tazewell

Fauquier
Floyd
Fluvanna

Montgomery
Nelson
Northampton
Wythe

Warren
Westmoreland
Wise

3. Definitions of Variables used in Regression Analysis:
Demographic Variables

Locality- each individual city and county

Type of Locality- localities were grouped into the classifications listed in #2 above based on U.S. Census information.

Age- the juvenile's age at the time of offense

Gender- Male or female

Race- Coded as either white or non-white

Education Level- Highest grade level completed

Living Situation- Refers to juvenile's living situation at time of offense; alone, with parents, with relative, with spouse, and other

Family Members' Criminality- whether an immediate family member had been convicted of a felony.

Offense-Related Variables

Current Offense- the most serious offense for which the juvenile was convicted or found "not innocent"

Offense Type- the current offense classified into one of four types: person, property, drug, and other

Number of Counts of Current Offense- number of counts in most serious offense

Number of Additional Offenses- the number of additional current offenses, aside from the most serious one, with which the juvenile was charged

Weapon Use- what type of weapon, if any, was used during the current offense.

Victim-Related Variables

Victim-injury- Whether or not the victim was injured during the current offense

Victim-offender relationship- Categorized as: none, friend, family member, and police officer.

Treatment Variables

Drug Abuse- Whether or not there was a previous history of drug abuse

Drug Treatment- Whether or not the juvenile received treatment in the past for drug abuse

Alcohol Abuse- Whether or not there was a previous history of alcohol abuse

Alcohol Treatment- Whether or not the juvenile received treatment in the past for alcohol abuse

Mental Health Treatment- Whether or not the juvenile had received mental health treatment in the past.

Prior Record Variables

Number of Prior Offenses- a count of the number of prior person, property, drug and other prior juvenile offenses

Prior Learning Center Commitment- Whether the youth was previously committed to a DYFS Learning Center.

APPENDIX J

Dissenting Opinion

Dissent-In -Part

We enthusiastically support the contents and recommendations of this report with one exception. That exception relates to the recommendation to support Senate Bill 114. In general, we believe passage of Senate Bill 114 would result in the improvement of Virginia's transfer statute §16.1-269. The bill provides clarification of the law by referencing consistent definitions for mental retardation and mental illness, it would result in an inclusion of competency as a factor in the transfer decision, and it would clarify the burden of proof on the issues of competency, mental illness and mental retardation during the transfer hearing. We also support the inclusion of the question of mental illness and mental retardation in the transfer reports.

However, we do believe that the passage of the bill as it currently stands would represent a retreat from Virginia's present humane and enlightened view preventing the transfer of mentally retarded or mentally ill youths for trial in the Circuit Court as adults. The current policy of Virginia that a youth suffering from two disabilities, first the legal disability of minority and second, the mental disability of being either mentally retarded or mentally ill should not be exposed to trial as an adult and potential placement in an adult correctional facility should be retained.

Respectfully submitted,

L. Karen Darner
Elizabeth N. Embrey
Robert E. Shepherd

APPENDIX K

Other State Survey Instrument



VIRGINIA COMMISSION ON YOUTH STATE SURVEY ON JUVENILE TRANSFERS

The 1992 Session of the Virginia General Assembly enacted House Joint Resolution 36 mandating that the Virginia Commission on Youth conduct a study of juvenile transfers to adult court. As part of this study, the Commission is collecting information from the other 49 states on: specific criteria contained in transfer laws, statistics on the demographics of transferred juveniles and information on alternative dispositional and treatment options for the class of "transferable" juveniles.

This survey is being sent to each state's juvenile correctional entity to assist in the collection of this information. Section I contains questions about juveniles that were eligible to be transferred, however, were retained by the juvenile system and committed to your agency's care from 1988 to 1990 (either fiscal year or calendar year). Section II contains requests for additional information and descriptions of dispositional options available for this class of juvenile in your state.

Please return the survey and data requests by December 1, 1992. If you have any questions, contact Ms. Kim Echelberger (804) 371-2481. The General Assembly of Virginia and the Virginia Commission on Youth thank you for your assistance in this important survey effort.

SECTION 1: Juveniles Retained by Juvenile Court for Transferable Offenses

1. From 1988 to 1990, how many juveniles were retained by the Juvenile Court and committed to your agency's care that could have been eligible for transfer and sentence in adult court according to your State's transfer statute?

1988: , Juveniles

1989: , Juveniles

1990: , Juveniles

2. Of the juveniles committed to your agency's care that were eligible for transfer in question 1, please provide the following offender/offense information from 1988 to 1990:

RACE:

White , Juveniles
 Minority , Juveniles

SEX:

Male , Juveniles
 Female , Juveniles

AGE AT TIME OF OFFENSE:

Less than 14 Years , Juveniles
 14 Years , Juveniles
 15 Years , Juveniles
 16 Years , Juveniles
 17 Years , Juveniles
 Greater than 17 Years , Juveniles

COMMITTING OFFENSE:

Felony Person , Juveniles
 Felony Property , Juveniles
 Felony Drug , Juveniles
 Other , Juveniles

(Please provide examples of other types of offenses):

_____	_____
_____	_____
_____	_____

SECTION 2: Request for Additional Data and Information

3. Appendix A is a copy of the Virginia analysis comparing juveniles that were convicted in adult court from 1988 to 1990 with the juveniles which were eligible to be transferred, but were committed to the care of your State juvenile correctional entity. Using this comparison as a guide please provide, if available, the following additional information for your state:

- Additional, descriptive statistics on juveniles eligible for transfer to adult court but were retained in the juvenile system: previous delinquent history, educational levels, specific crimes committed, victim information, past treatment history, and length of time served. If your state uses determinate sentencing for juveniles, please enclose a copy of the guidelines.

4. Please the following:

- Copy of your State's statutes detailing the various dispositional options for juveniles eligible for transfer but retained in the juvenile system (i.e. treatment programs & types of facilities).
- Descriptions of the various state and/or privately operated institutions that are used as post-dispositional options for transfer eligible juveniles retained by the juvenile court (i.e. security levels of juveniles, restrictiveness of facilities, avg. length of stay, average daily population, cost per day/month and demographics of population). In addition, copies of any program evaluations of the post-dispositional treatment programs or facilities.

Signature of Person Filling Out Survey

Title

**PLEASE RETURN THE COMPLETED SURVEY AND
ALL REQUESTED INFORMATION BY DECEMBER 1, 1992 TO:**

**Ms. Kim Echelberger,
Legislative Research Analyst
Virginia Commission on Youth
Suite 517, General Assembly Building
910 Capitol Street, Capitol Square
Richmond, Virginia 23219**

Phone: (804) 371-2481



VIRGINIA COMMISSION ON YOUTH STATE SURVEY ON JUVENILE TRANSFERS

The 1992 Session of the Virginia General Assembly enacted House Joint Resolution 36 mandating that the Virginia Commission on Youth conduct a study of juvenile transfers to adult court. As part of this study, the Commission is collecting information from the other 49 states on: specific criteria contained in transfer laws, statistics on the demographics of transferred juveniles.

This survey is being sent to each state's adult correctional entity to assist in the collection of this information. Section I contains questions regarding the issue of juveniles, under the age of 18, that have been transferred from the juvenile system and convicted in the adult system from 1988 to 1990. Section II contains requests for additional information.

Please return the survey and data requests by December 1, 1992. If you have any questions, contact Ms. Kim Echelberger (804) 371-2481. The General Assembly of Virginia and the Virginia Commission on Youth thank you for your assistance in this important survey effort.

SECTION 1: Juveniles Transferred/Convicted in Adult Court

1. How many juveniles, under the age of 18, were transferred from juvenile court and convicted in adult court from 1988 to 1990 (fiscal year or calendar year)?

1988: , Juveniles

1989: , Juveniles

1990: , Juveniles

2. Of the transferred/convicted juveniles listed in question 1, please provide the following offender/offense information from 1988 to 1990:

RACE:

White , Juveniles
Minority , Juveniles

SEX:

Male , Juveniles
Female , Juveniles

AGE AT TIME OF OFFENSE:

Less than 14 Years , Juveniles
14 Years , Juveniles
15 Years , Juveniles
16 Years , Juveniles
17 Years , Juveniles
Greater than 17 Years , Juveniles

COMMITTING OFFENSE:

Felony Person , Juveniles
Felony Property , Juveniles
Felony Drug , Juveniles
Other , Juveniles

(Please provide examples of other types of offenses):

SECTION 2: Requests for Additional Data

3. Appendix A is a copy of the Virginia analysis comparing juveniles that were transferred/convicted in adult court from Fiscal Year 1988 to Fiscal Year 1990 with those juveniles eligible to be transferred but were committed to the State's juvenile correctional facilities. Using this comparison as a guide, please provide the following additional information for your state, if available:

- Additional, more specific descriptive statistics on juveniles that were transferred and convicted in adult court: previous delinquent history, educational levels, specific crimes committed, victim information, past treatment history, and length of time served.

Signature of Person Filling Out Survey

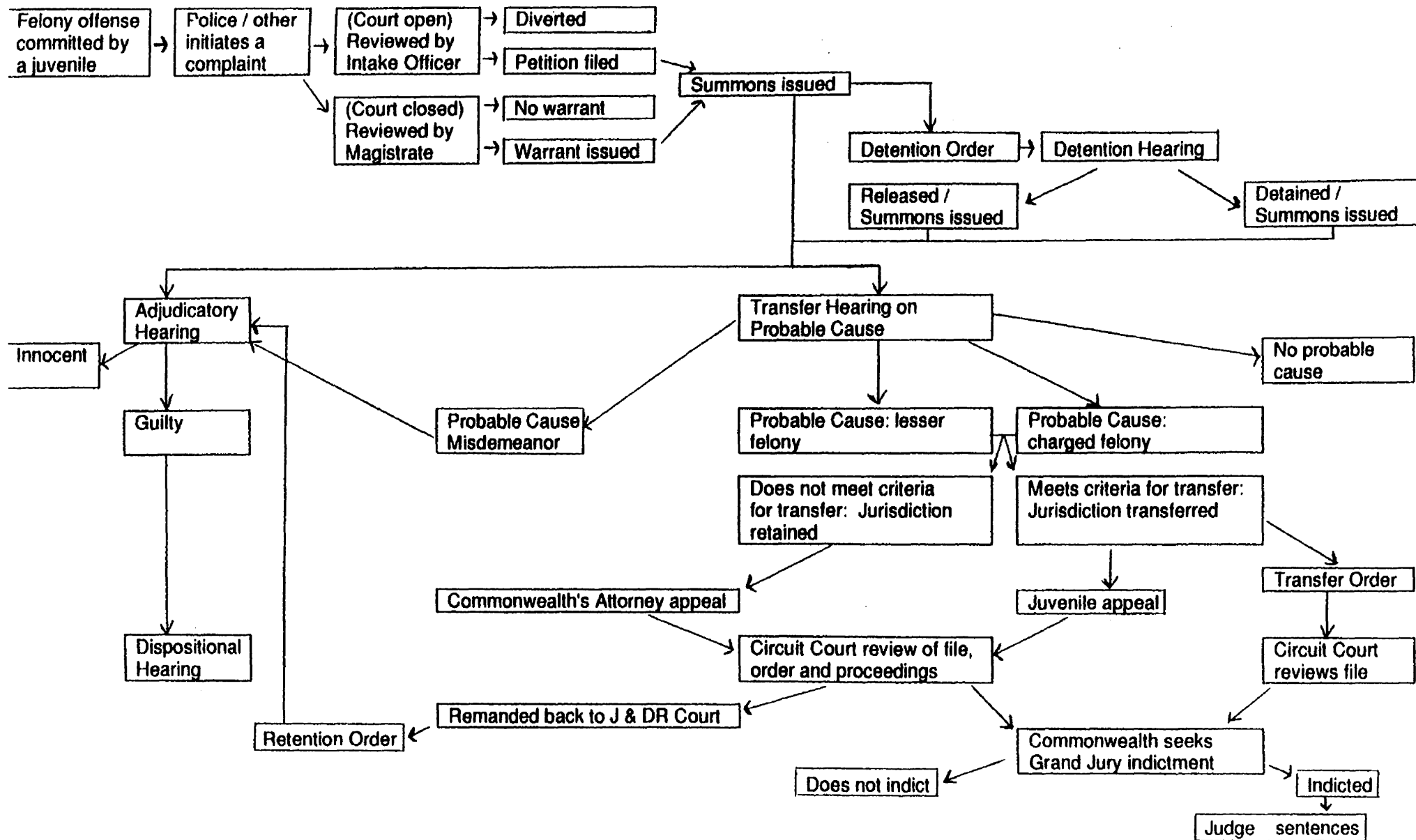
Title

**PLEASE RETURN THE COMPLETED SURVEY AND
ALL REQUESTED INFORMATION BY NOVEMBER 15, 1992 TO:**

**Ms. Kim Echelberger,
Legislative Research Analyst
Virginia Commission on Youth
Suite 517, General Assembly Building
910 Capitol Street, Capitol Square
Richmond, Virginia 23219**

Phone: (804) 371-2481

**Illustration 1
PROCESS OF JUVENILE TRANSFER**



Virginia Department of Youth and Family Services

Juvenile and Domestic Relations Judicial Districts and Court Service Units

Court Service Units

Region I

- 10th: South Boston, Appomattox Co., Buckingham Co., Charlotte Co., Cumberland Co., Halifax Co., Lunenburg Co., Mecklenburg Co., Prince Edward Co.
- 21st: Martinsville, Henry Co., Patrick Co.
- 22nd: Danville, Franklin Co., Pittsylvania Co.
- 23rd: Salem, Roanoke Co.
- 23-A: Roanoke
- 24th: Lynchburg, Bedford, Nelson Co., Amherst Co., Campbell Co., Bedford Co.
- 25th: Covington, Waynesboro, Lexington, Staunton, Buena Vista, Clifton Forge, Highland Co., Augusta Co., Rockbridge Co., Bath Co., Allegheny Co., Botetourt Co., Craig Co.
- 27th: Galax, Radford, Pulaski Co., Wythe Co., Carroll Co., Montgomery Co., Floyd Co., Grayson Co.
- 28th: Bristol, Washington Co., Smyth Co.
- 29th: Giles Co., Bland Co., Tazewell Co., Buchanan Co., Russell Co., Dickenson Co.
- 30th: Norton, Wise Co., Scott Co., Lee Co.

Region II

- 13th: Richmond
- 14th: Henrico Co.
- 15th: Fredericksburg, Caroline Co., Essex Co., Hanover Co., King George Co., Lancaster Co., Northumberland Co., Richmond Co., Spotsylvania Co., Stafford Co., Westmoreland Co.
- 16th: Charlottesville, Madison Co., Greene Co., Albemarle Co., Fluvanna Co., Goochland Co., Louisa Co., Orange Co., Culpeper Co.
- 17th: Arlington (local), Falls Church (local)
- 18th: Alexandria
- 19th: Fairfax and Fairfax Co. (local)
- 20th: Loudoun Co. (local), Fauquier Co., Rappahannock Co.
- 26th: Harrisonburg, Winchester, Frederick Co., Clarke Co., Warren Co., Page Co., Shenandoah Co., Rockingham Co.
- 31st: Manassas, Manassas Park, Prince William Co.

Region III

- 1st: Chesapeake
- 2nd: Virginia Beach
- 2-A: Accomack Co., Northampton Co.
- 3rd: Portsmouth
- 4th: Norfolk
- 6th: Franklin, Suffolk, Isle of Wight Co., Southampton Co.
- 6th: Emporia, Hopewell, Prince George Co., Surry Co., Sussex Co., Greenville Co., Brunswick Co.
- 7th: Newport News
- 8th: Hampton
- 9th: Williamsburg, Poquoson, York Co., James City Co., King and Queen Co., King William Co., Gloucester Co., Mathews Co., Middlesex Co., Charles City Co., New Kent Co.
- 11th: Petersburg, Amelia Co., Dinwiddie Co., Nottoway Co., Powhatan Co.
- 12th: Colonial Heights, Chesterfield Co.

