

**REPORT OF THE
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMISSION**

**THE OPERATION AND IMPACT
OF JUVENILE CORRECTIONS
SERVICES IN VIRGINIA**

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



SENATE DOCUMENT NO. 19

**COMMONWEALTH OF VIRGINIA
RICHMOND
1997**

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Preface

Senate Joint Resolution 263, passed during the 1995 General Assembly session, requested the Joint Legislative Audit and Review Commission (JLARC) to conduct a comprehensive review of the State's juvenile corrections system. The first phase of the study, completed in 1996, focused on the court processing activities of the juvenile justice system.

This report provides findings from an assessment of the performance of the State's juvenile corrections facilities, which are managed by the Department of Juvenile Justice. The review included an assessment of the impact of these programs on juvenile recidivism. As a part of this study, JLARC staff reviewed program files and criminal records for almost 1,000 juvenile offenders who received rehabilitation services at one of the six juvenile corrections facilities in the State or through various residential or community programs.

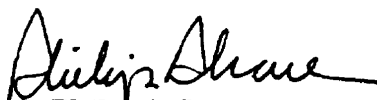
Our analysis of this system in the second phase of the review has resulted in two key findings. First, the results of the State's attempt at reducing future delinquency among juvenile offenders through structured programs of treatment have clearly fallen short of the expectations of the public and the General Assembly. Specifically, almost seven out of every ten juveniles who receive juvenile corrections services are re-arrested in a short time period. Furthermore, no particular treatment setting appeared to be more effective than another in reducing recidivism.

Second, while the Departments of Juvenile Justice and Correctional Education have made a number of changes that have improved juvenile corrections, some long-standing problems and weaknesses in the system still persist. Chief among these are

- facility overcrowding that has been exacerbated by poor population management practices and the continued institutionalization of a significant number of non-serious offenders; and
- a fragmented, under-funded, and outdated system of rehabilitation that is ill-equipped to address the needs of the juveniles in the State corrections centers.

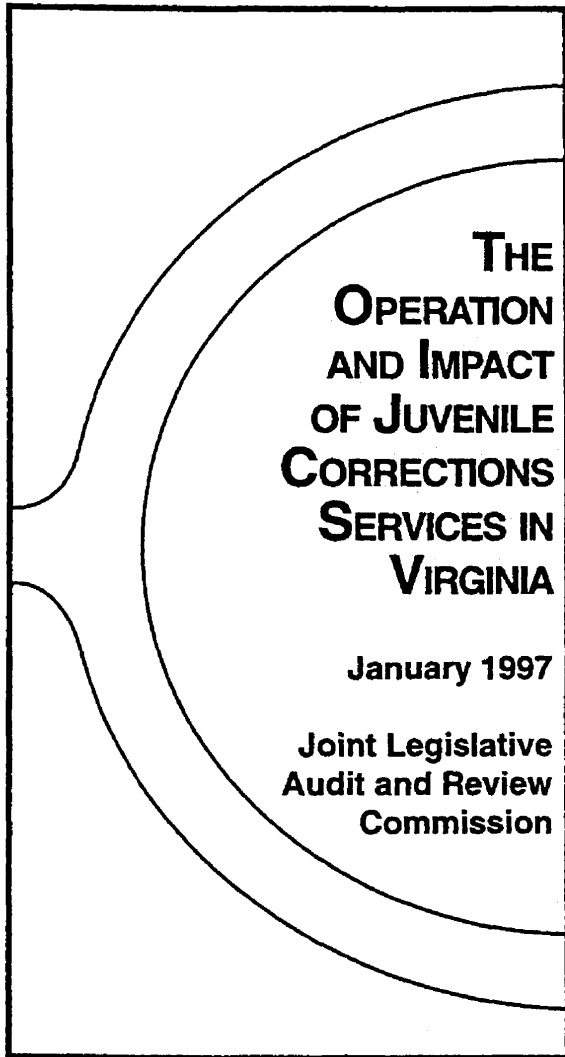
This report makes recommendations to address these shortcomings, as well as weaknesses in long-range planning and program oversight.

On behalf of the JLARC staff, I wish to express our appreciation for the assistance and cooperation provided by the Department of Juvenile Justice, the Department of Correctional Education, and the Department of Corrections.


Philip A. Leone
Director

January 7, 1997

JLARC Report Summary



In 1995, the General Assembly passed Senate Joint Resolution 263 directing the Joint Legislative Audit and Review Commission (JLARC) to conduct a performance assessment of the juvenile justice system. The first phase of this study focused on the court processing activities of the juvenile system. This report examines the performance, current operation, and future direction of the State's juvenile corrections facilities which are managed by the Department of Juvenile Justice (DJJ).

Prior to 1990, DJJ was a division within the Department of Corrections. The General Assembly later created DJJ as a separate agency to ensure that the necessary attention would be given to youth programming and corrections issues which many believed were a low priority of Department of Correction's officials. The following requirements in the *Code of Virginia* direct the mission of this new agency:

- establish, staff, and maintain facilities for the rehabilitation, training, and confinement of ... children;
- [develop] permanent placement plans [which] shall consider adequate care and treatment, and suitable education, training and employment for such children, as is appropriate; and
- develop and supervise delinquency prevention and youth development programs in order that better services and coordination of services are provided to children.

This particular review comes at a time when DJJ is beginning to implement major policy changes in the juvenile correctional centers (JCCs) in response to some long-standing problems. The impetus for these changes include: (1) an erosion of public confidence in the effectiveness of the rehabilitation and treatment programs, (2) a perception that recidivism is high, (3) upward trends in juvenile crime, arrests, and State commitments, (4) a related trend towards tougher sentencing, (5) recognition of the importance of addressing security and punishment, and (6) a resulting trend in facility overcrowding and its related problems.

As a result of these trends and system changes, the JCCs now house a larger number of juveniles with a more diverse range of problems than was envisioned when the system was separated from the Department of Corrections in 1990. Although the proportion of minimally delinquent youth in the system has dropped since the mid-1980s, a significant number of juveniles who enter the system are not serious felons. Moreover, a substantial proportion of those confined, irrespective of their commitment offenses, have devastating family and social problems. This increased diversity of the population in the JCCs has placed a greater burden on both the security and treatment components of the system.

The general findings of this study are as follows:

- The recidivism rates observed for juveniles selected for this study are clearly higher than the expectations of the public and the General Assembly. Specifically, seven out of every 10 juveniles sampled for this study were re-arrested within a relatively short time period following their release from a structured treatment setting in FY 1993.
- After accounting for differences in the criminal histories and family backgrounds of the juveniles in this study, no structured setting was more effective than another in reducing recidivism.
- Long-term incarceration rates for juvenile offenders were more promising. Although the juveniles who are committed to the State or placed in residential programs are typically the most chronic or violent offenders in the system, only about 40 percent of these youths ended up in the adult

prison system within 10 years following their release from treatment.

- Because there is such variation in the apparent quality of treatment programs within each of the structured settings, DJJ officials need to provide greater scrutiny of individual programs and their outcomes before funding these services.
- In terms of the operation and management of the State juvenile correctional facilities, since assuming leadership in 1994, officials at DJJ have successfully adopted a series of policies to address a number of historical problems within the system.
- However, the system of treatment services provided by the department, with a few notable exceptions, is fragmented, under-funded, and appears increasingly unable to meet the chronic therapeutic needs of juvenile offenders.
- Finally, although required by the *Code of Virginia*, agency officials have yet to address key questions concerning the future role of the JCCs within the larger juvenile justice system through the development of a long-range plan.

Failure of Treatment Programs to Impact Recidivism Requires Attention

In this study, JLARC staff examined the outcomes of rehabilitation programs that were delivered in five general settings: (1) juvenile correctional centers, (2) privately-operated residential programs, (3) locally-operated group homes, (4) State-run after-care facilities, and (5) post-disposition detention programs. There is an implicit assumption among judges who impose treat-

ment sanctions that certain structured settings are more effective than others in reducing future criminality among juvenile offenders. Moreover, because of differences in the quality of treatment in certain settings compared to others, there is an expectation that juveniles who are sent to the more structured, intensive programs will have much greater success than those whose treatment is largely amorphous.

Because of these assumptions, the findings of this report on the impact of treatment are causes for concern. Irrespective of the type of setting in which the juvenile offender received treatment, this study could not identify any significant association with lower probabilities of recidivism (see table below). Furthermore, the two treatment settings that offer the greatest structure in general, JCCs coupled with State-operated aftercare and private programs, were found to be the least cost-effective.

In terms of long-term prison rates, while the recidivism rates were slightly higher for the JCCs, the overall results were less disappointing as only four in ten offenders were incarcerated during a 10-year period of follow-up (see figure on next page). While this obviously reveals that there is substantial opportunity for improvement, it needs to

be remembered that the results are for the most chronic offenders in the system.

One possible reason for the lack of differences in short-term recidivism outcomes across treatment settings may be that certain program implementation and staff problems — inconsistent case management, lack of specialized services, limited training among staff — appear common to specific programs in each of these settings.

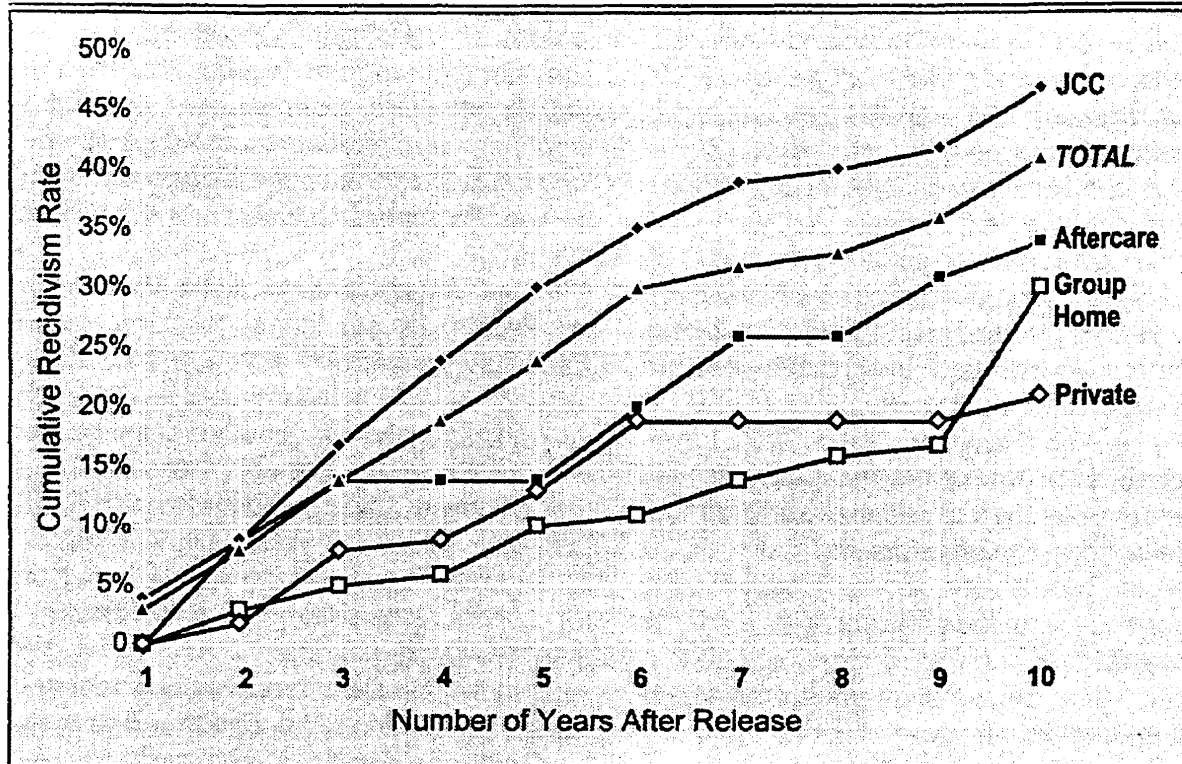
Still, for whatever reasons, the results of the State's attempt at reducing future delinquency among juvenile offenders through structured treatment has clearly fallen short of the expectations of the public and the General Assembly. For these reasons alone, the approach used to treat juvenile offenders must be carefully and objectively revisited by the department as a part of deciding what the future direction of its rehabilitative efforts will be.

At a minimum, this should include careful scrutiny of both the program practices and outcome results of community providers — both public and private. Those programs which are not properly structured or have consistently poor outcomes should not be used as a source of future placements for juvenile offenders. Also, the department

**Three-Year Recidivism Rates for Juvenile Delinquents
Across Residential Settings**

	All DJJ Treatment Settings (n=460)	Juvenile Correctional Centers (n=166)	State- Operated Aftercare Facilities (n=32)	Locally- Operated Group Homes (n=142)	Post- Disposition Programs (n=84)	Private Residential Facilities (n=36)
Re-arrest*	73%	67%	59%	80%	79%	67%
Reconviction (J&DR Court)	57%	54%	53%	62%	63%	56%
Reconviction (Circuit Court)	22%	26%	34%	6%	17%	17%

Cumulative Adult Incarceration Rates for Juveniles Released from Four Structured Treatment Settings in FY 1986



should hold its own programs — those operated within the JCCs — to the same performance standards used to evaluate community providers. The recidivism data presented in this report provide a baseline against which the progress of programs in each of the different treatment settings should be assessed in the future.

Recommendation. *The Department of Juvenile Justice needs to develop a capability to regularly examine the management, impact, and quality of its rehabilitation efforts. Immediate attention should be given to evaluating the treatment methodologies and practices of public and private community programs, focusing on those programs with high recidivism rates. The recidivism data presented in this report should be used as a benchmark in evaluating treatment programs in the future.*

Recently Established Policies Have Improved JCC Operations

When the current officials at DJJ assumed management leadership of the agency, they inherited some serious problems that had plagued the department since its inception. The decision by the General Assembly to create a separate agency to direct juvenile corrections and youth programming raised a number of expectations for the new agency, many of which were never realized. Many problems in the past had been attributed to the failure of the Department of Corrections to assert the leadership and secure the funding required to advance youth corrections and programming. However, problems continued under this new arrangement and undercut the development of DJJ during the early 1990s.

For example, from a larger perspective, the department made no attempt to develop a comprehensive policy to advance service coordination among the myriad of agencies that worked with juveniles in the court system. More narrowly, the system of JCCs was simply not a system. As each facility operated independently of the other, some of the system's most pressing problems — no standard security and treatment programming, insufficient funding, the early stages of overcrowding — persisted through the early 1990s.

Since that time, the department has made significant progress in the management and operation of the JCCs (see matrix below). As indicated, the department gets high marks for the steps that management has taken to improve security by increasing the number of security staff in the JCCs. Steps have also been taken to introduce uniformity in the operational practices of the JCCs. Most notably, officials have made

some progress in reducing long-term overcrowding through a major capital outlay program and provided for stiffer punishment of certain offenders in response to the general pressure on the juvenile system to toughen punishment for juveniles who commit serious or violent crime.

Some Aspects of the JCC System Remain Problematic

Notwithstanding these accomplishments, other actions by DJJ officials have helped to create some of the problems in the JCCs. In other areas, the agency has yet to address some of the problems which still threaten the integrity of the system. Most notably, the department's leadership made the decision to expand the categories of offenses that would constitute a major offender shortly after assuming leadership of the agency in 1994. This decision and its impact on facility overcrowding does not appear to have been appropriately consid-

Rated Performance of the Department of Juvenile Justice in Key Policy Areas				
Type of Improvement	Assessment of Agency's Progress			
	Issues Still Being Identified	Little or Slow Progress	Some Progress	Substantial Progress
Addressing Future Overcrowding				●
Providing Tougher Punishment				●
Enhancing Security				●
Promulgating Clear, Appropriate and Consistent Policies			●	
Instituting Sound Population Management Policies		●		
Providing Quality Rehabilitation	●	●		
Strengthening Oversight		●		
Providing Long-Term Planning	●			
Developing MIS		●		

ered or analyzed at the time. As a result, there was a doubling of the number of offenders in the JCCs who were required to stay for longer periods than has customarily been the case in juvenile corrections. This has greatly exacerbated problems of overcrowding and precipitated two early release actions by DJJ management.

This problem should be addressed more systematically through an examination of the population in the JCCs and the development of policies which clearly articulate the department's position on who should be confined in the JCCs and what their maximum sentence should be. For example, JLARC's analysis of the department's length-of-stay data base revealed that 15 percent of the juveniles who are admitted to the Reception and Diagnostic Center each year are assigned a maximum length-of-stay by the department of no more than five months. A fundamental question that the department needs to address is whether the State's juvenile correctional system is the appropriate placement for any young offender whose punishment includes no more than six months of confinement.

Although DJJ officials have initiated a program to divert some minimally delinquent youth into residential treatment, the scope of this effort is small. For that reason, it is unlikely to alleviate the serious overcrowding problems faced by DJJ in the short term.

Recommendation. *As a tool to relieve overcrowding in the short term, and prevent unnecessary overcrowding in the long term, the department should conduct an audit of the existing population in the JCCs and identify all juveniles with non-violent criminal records and short-term sentences who could benefit from supervision or treatment in the community. Efforts should be made to develop community supervision or placements for these offenders so that they can be removed from the JCCs.*

The Provision of Treatment Within the JCCs Needs Greater Emphasis

At the system level within the department, there appears to be a growing mismatch between the needs of the juveniles in the system and the skill levels of the counselors who are hired to treat them. For example, more than half of the female juveniles at Bon Air have been victims of past abuse, yet there are no therapeutic groups for victims of abuse at the facility. Almost nine out of every 10 juveniles in the system come from families that do not include both of their natural parents (see table on next page). Many of these families have been characterized by the department as dysfunctional and may have either directly or indirectly contributed to the delinquency of their own children. A substantial proportion of the juveniles in the system are chronic substance abusers, and many have mental health problems which, in some cases, require psychotropic medication. Despite these problems, only a small number of counselors within the system have advanced degrees and an even smaller number are certified to provide specialized therapeutic counseling.

It appears, however, that the department's response to this problem has lagged because management initially viewed security as a separate and greater need that warranted almost exclusive attention. Leadership in the department is only now making plans to revisit a treatment system that often appears best suited for mildly troubled youth and not the seriously dysfunctional offenders who are in the system.

However, if the department is to effectively address the needs of these juveniles, resources must be provided to upgrade both the level and quality of therapy and counseling services. Among the current problems are inadequate numbers of treatment staff. This problem has created higher caseloads and substantially reduced the level of treatment services that can be provided. In

Characteristics of Juveniles Who Were Admitted to a Juvenile Corrections Facility in 1995

Characteristics	Percentage of 1995 JCC Admissions
Sex Male Female	89% 11%
Race White Black Other	36% 60% 4%
Average Age at First Adjudication 12 Years and Under 13 to 14 Years 15 Years 16 Years And Older	12% 43% 21% 23%
Family Structure Both Natural Parents One Parent and One Step Parent Mother Only Father Only Grandparents Foster Home Other	13% 18% 42% 5% 7% 2% 13%
Family Considered Dysfunctional by RDC Staff	48%
Parents Abuse Drugs or Alcohol	45%
*Parent Has a Criminal Record	42%
Juvenile Has Been Abused	32%
Juvenile Abuses Drugs or Alcohol	51%
**Juvenile Received Psychiatric Treatment (This figure includes juveniles who received Ritalin)	38%
Juvenile Is a Truant or School Dropout	80%
Juvenile's Reading Level Is at Least 4 Years Below Age Level	44%
Juvenile's Math Achievement Is at Least 4 Years Below Age Level	51%

*Information on the criminal record of the juveniles' parents was collected by JLARC staff from social history reports.

**This includes those juveniles who had a documented history of receiving psychotropic medication but may not have been on such medication while they were confined in a JCC.

addition, it does not appear that the treatment staff in the JCCs are adequately trained to address the serious problems of many youth in the system.

Several steps are necessary to remedy these problems. First, the department should separate case management duties from therapeutic counseling responsibilities. This would allow counselors to have more frequent and meaningful contact with the juveniles on their caseloads, without losing the benefits of a strong case management system. Second, the qualifications for counselors should be upgraded to include a minimum of a master's degree with special certification for those who are to provide specialized therapeutic counseling. Third, a cadre of these counselors should be hired to reduce caseloads to an acceptable level. Finally, organizational leadership and oversight of rehabilitation and treatment programs should receive the same attention and visibility as security and punishment issues. This can be accomplished by placing the responsibility for the facility allocation and use of the counseling positions with the director of the legislatively mandated Behavioral Services Unit.

Recommendation. *Because of the increasing number of juveniles in the system with dysfunctional families, chronic substance abuse problems, and serious mental health problems, the Department of Juvenile Justice needs to immediately assess the capabilities of its rehabilitation programs and therapists to effectively meet the changing treatment needs of the juvenile population, such as victimized female offenders. The department should present the interim findings of this assessment to the 1997 General Assembly. A final report should be made to the 1998 General Assembly.*

Recommendation. *To enhance the level and quality of treatment services available for juvenile offenders, the Department of Juvenile Justice should develop a two-tiered system of treatment that includes case*

management and therapeutic counseling. Case managers should be hired in numbers to meet a ratio of one case manager for every 40 juvenile offenders. Based on the needs of the population, the department should hire therapeutic counselors to provide both individual and group counseling services at levels to ensure one counselor for every 15 juveniles who need specialized treatment. As a minimum qualification, the department should require these counselors to have a master's degree in a counseling-related discipline.

Recommendation. *The rehabilitation function within the Department of Juvenile Justice should receive the same organizational leadership and attention as security and punishment issues. The department should develop an organizational plan which places responsibility for the development of all treatment services and the supervision of all clinical staff and counselors, with the director of the Behavioral Services Unit. This organizational approach would allow for clinical supervision and for a more systematic approach to the development, delivery, and evaluation of treatment services and programs within the juvenile correctional centers.*

Long-Range Planning Still Absent from Juvenile Corrections System

One of the major reasons juvenile corrections struggled after being separated from the Department of Corrections in 1990 was the instability in the system. In a period of four years, the system changed direction on the policies which governed who should be confined, how long they should remain incarcerated, how community service funds should be allocated and used, what offenses should qualify a juvenile delinquent as a major or serious offender, and what treatment should be required for those within the system.

It is therefore not surprising that the juvenile justice system in general, and juve-

nile corrections in particular, lacked the clear direction and focus needed as an effective guide for the system. This long-standing problem has still not been sufficiently addressed by the department despite the requirements spelled out in the *Code of Virginia*. The department indicates that it has taken some steps to initiate this process with the assistance of a consultant. Given the many changes that are being contemplated by DJJ — privatization, increased diversion, expanded security and classification — some attention needs to be given to the larger leadership role that juvenile corrections will play in the context of the system as a whole.

Recommendation. *The Board of Juvenile Justice should ensure that a comprehensive "long-range youth services policy" is developed and implemented in compliance with the requirements of Section 66-10.2 of the Code of Virginia. This policy should be presented to the public safety subcommittees for both House Appropriations and Senate Finance by July 1, 1997.*

Resources and Oversight for Correctional Education Programs Needs to Be Improved

Education, an important component of the rehabilitation programs provided within the juvenile correctional centers, is the responsibility of the Department of Correctional Education (DCE). DCE operates education programs in the adult correctional institutions as well as in the juvenile correctional centers. The majority of juveniles in the DCE Youth Schools have serious math and reading deficiencies.

The DCE youth school system has a history of well-documented and publicized

operational problems. If DCE is going to be successful in its endeavor to provide education that is comparable to that provided in public schools, additional funding and staffing resources will need to be devoted to the youth schools and oversight of the school programs will need to be improved. This review of DCE staffing found that increases in the student population have not been matched by increases in DCE teacher positions. Moreover, a number of the problems that have persisted for several years — for example, teachers were not consistently sent to the security cottages and half of the six schools did not provide the 5.5 hours of instruction per day — are only now being addressed.

Recommendation. *Additional teaching positions may be needed if DCE is to meet Department of Education accreditation requirements and meet required special education ratios. DCE should therefore prepare a budget proposal, to be considered during the 1997 General Assembly session, that justifies staffing and funding needs, particularly as these needs relate to enhancements needed to address accreditation requirements.*

Recommendation. *The administration of the Department of Correctional Education should continue to correct any oversight deficiencies that have prevented the identification and timely resolution of problems. The department and the youth schools will need to focus on developing the policies and procedures required to meet accreditation standards and thereby improve the educational services provided while addressing the juvenile correctional centers' legitimate security needs.*

Table of Contents

	<u>Page</u>
I. Introduction	1
Virginia's Commitment Process for Juvenile Offenders	2
Study Mandate	6
Study Approach	8
Report Organization	13
II. The Impact of Recent Reforms on the State's Juvenile Corrections System.....	15
DJJ Officials Have Made Changes to JCCs in Recent Years	15
Major Legislative Changes Impacting the JCCs Have Also Been Adopted	20
Evolving Policies Have Increased Punishments But Have Also Contributed to Overcrowding	22
Many Juveniles Have Serious Treatment Needs.	27
III. The Performance of the Juvenile Corrections System	29
Recidivism Outcomes and the Cost-Effectiveness of Juvenile Corrections and Rehabilitation Services	31
The Rate of Adult Imprisonment for Juvenile Offenders	41
The Nature of Institutional Treatment Services in Virginia	47
Conclusion	56
IV. Juvenile Corrections Management in Virginia: A System in Transition	59
Improving the Operation of Juvenile Correctional Centers	60
Long-Range Planning Needs for DJJ	75
Improving Educational Programs Provided by the Department of Correctional Education	80
Appendixes	87

I. Introduction

In 1995, the General Assembly passed Senate Joint Resolution 263 directing the Joint Legislative Audit and Review Commission (JLARC) to conduct a performance assessment of the juvenile justice system. The first phase of this two-year study addressed concerns about the effectiveness of the juvenile system in light of much publicized increases in juvenile crime rates. In general, this study found that the juvenile code's focus on the welfare of the child within the context of public safety was appropriate for most of the juveniles that come into contact with the system. However, tougher sanctioning authority was recommended for juvenile court judges to assist them in cases involving some violent juvenile offenders.

Since the completion of the first phase of this study, the General Assembly has adopted a series of reform measures for the juvenile system. While these amendments address a number of issues in juvenile justice, they clearly reflect a continuing shift by the General Assembly towards tougher punishment for certain offenders. For example, for the first time since the system was officially established in the 1950s, there are now strict limits on the practice of diverting juvenile offenders from the court adjudication process. Also, through both legislative and prosecutorial waivers, the General Assembly has authorized the transfer of larger numbers of juvenile offenders to circuit court, where they face adult trials and possible confinement in the more punishment-oriented adult prisons.

As the focus of the 1996 reforms were directed towards the court transfer and adjudication processes for some of the State's most violent offenders, major questions concerning the current operation and future direction of the State's juvenile corrections facilities have not been addressed. The second phase of this study focuses on this system and comes at a time when the Department of Juvenile Justice (DJJ) is implementing major policy changes in these facilities. Factors such as short periods of confinement for serious offenders, extensive use of furlough programs, minimal perimeter security devices, and anecdotal accounts of growing recidivism had contributed to an overall perception that these facilities coddle rather than control and rehabilitate serious offenders. In response, officials at DJJ have adopted a number of policies which they contend will hold juveniles more accountable for their behavior and reduce recidivism.

Notwithstanding these changes, there is considerable legislative concern over the cost-effectiveness of the system. Historically, the primary objective of the juvenile corrections centers has been to deliver education, rehabilitation, and behavior modification services to young offenders in small secure settings. While this strategy can advance the delivery of intensive counseling and therapy services, it does not allow for the economies of scale commonly associated with the operation of the larger adult prison system. Consequently, the per-inmate cost of juvenile corrections in Virginia — almost \$40,000 — is twice the cost of the adult system. In light of these costs, serious questions exist about the cost effectiveness of these centers in reducing further criminality among young offenders.

This report assesses the performance of the juvenile corrections system in reducing juvenile recidivism relative to other structured treatment settings. The report also presents the results of JLARC's analysis of DJJ's management of the State's juvenile correctional centers (JCCs), and a brief assessment of progress in Department of Correctional Education's management of the youth schools. The remainder of this chapter provides a discussion of the State's juvenile correctional system along with the approach used to conduct this study.

VIRGINIA'S COMMITMENT PROCESS FOR JUVENILE OFFENDERS

In Virginia's juvenile justice system, the most severe sanction available to juvenile court judges is the placement of young offenders in the State's secure confinement facilities. When such a sanction is imposed, the judiciary's actions are shaped by the *Code of Virginia's* concurrent charges of advancing the child's interest and protecting the community's interest. In balancing these dual charges, the opinion of the Court should reflect either that the youth is not amenable to treatment or rehabilitation in a less secure community setting, or that the youth or community is placed at risk as a result of the youth remaining in the community.

In the last five years, Virginia has witnessed a sharp increase in commitments for juvenile offenders. In FY 1995, juvenile court judges made more than 1,800 commitments to DJJ — an increase of 45 percent from FY 1991. To accommodate these offenders, the department operates a Reception and Diagnostic Center (RDC) and six correctional centers at an annual cost of more than \$39 million. Approximately 20 percent of this cost is generated by the education services which are organized and provided by the Department of Correctional Education.

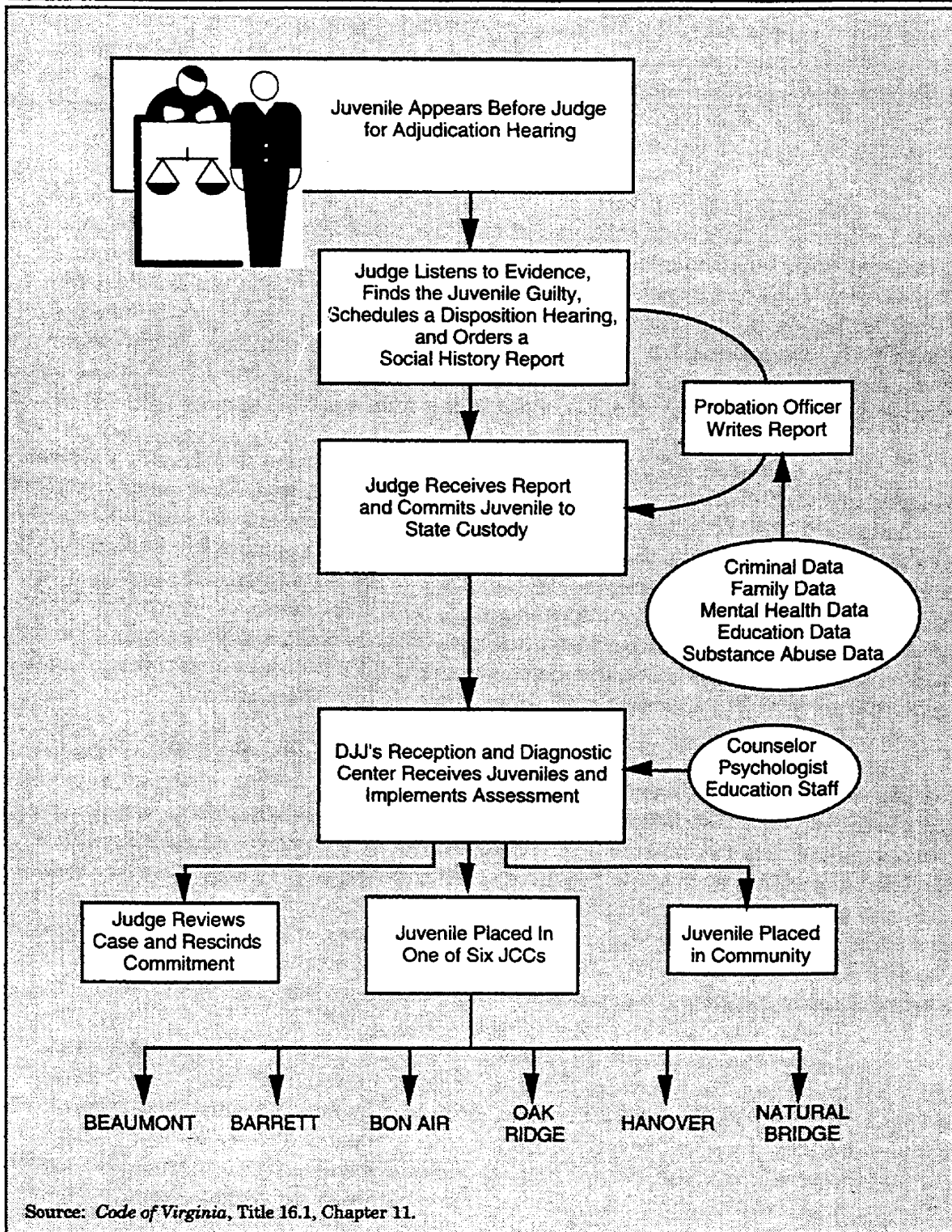
The Nature of Virginia's Commitment Process for Juvenile Offenders

One of the key elements of Virginia's juvenile justice system is the system of correctional centers operated and managed by DJJ. Since the juvenile justice system was formally established in 1950, the State has operated secure facilities which provide education and general counseling services, as well as specially designed therapeutic treatment programs. In a juvenile system which was founded on the principle of diversion and community treatment, the juvenile correctional centers are, in theory, used to confine those offenders who are believed to pose too great of a risk to public safety to be supervised or treated in the community.

The Role of the Judiciary. As Figure 1 illustrates, there are a number of steps associated with the process for committing juvenile offenders to State custody. Within 120 days after the juvenile is arrested and petitioned to court, an adjudication hearing is scheduled. At this hearing, the juvenile defendant is brought before a judge to stand trial. If, after hearing the evidence of the case, the judge finds the juvenile guilty, a disposition hearing is scheduled (usually within 30 days).

Figure 1

Virginia's Commitment Process for Juvenile Offenders Committed to State Custody



Source: Code of Virginia, Title 16.1, Chapter 11.

Prior to the disposition hearing, the judge will typically require a probation officer to prepare a social history report on the juvenile. The purpose of the report is to provide the court with information on a range of factors concerning the offender and his or her family so that the judge can tailor the sanction to both the juvenile's treatment needs and the juvenile's risk to the community. For example, these reports discuss issues such as the juvenile's mental and physical health, family structure, school performance, and whether the juvenile has been abused or has a substance abuse problem. The report also includes the details of the juvenile's current offenses as well as information on any prior charges and convictions.

Once this information is reviewed by the judge, a determination of whether the offender is eligible for State confinement must be made. According to the juvenile code, there are two factors which must be considered before a young offender can be committed to DJJ. The first is the youth's age. Under current law only a youth who is at least 10 years of age can be placed in State custody. The second factor is the juvenile's criminal record. Specifically, the juvenile must have been convicted of an offense that would be a felony if committed by an adult; or the youth must have committed at least a Class 1 misdemeanor and have a prior felony or Class 1 misdemeanor conviction.

If these conditions are met and the judge concludes that the offender's risk to the community is unacceptably high, a commitment order is signed and the juvenile is placed in the custody of DJJ. If the juvenile is convicted under the State's recently modified serious offender statute, the judge will impose a fixed sentence. Otherwise, the commitment will be considered indeterminate, thereby leaving the decision of when the juvenile will be released from State custody to DJJ. However, in exercising this discretion, DJJ officials cannot keep indeterminately-sentenced juveniles confined for more than three years. State law also gives the court up to sixty days from the date of the order to review the case and, if desired, rescind the commitment.

The Role of DJJ. All juveniles who are committed to the State are processed at the Reception and Diagnostic Center. At RDC, each youth is interviewed by a counselor, psychologist, and an education specialist. Through these interviews and with results from a battery of tests, a profile is developed, and information is gathered on other factors such as the youth's IQ level, family structure, personality type, possible drug use, and any present or past mental health problems. Once these assessments are complete, a staffing team meets to develop a list of the juvenile's treatment, education, and medical needs. If the juvenile received an indeterminate commitment, the offender's minimum and maximum sentence length is determined, based on departmental guidelines.

Using the results of the assessment process, RDC next decides where the juvenile will be placed. Typically, these decisions are based on the treatment needs of the juvenile and the risk he or she poses to public safety. Among the six correctional centers, Beaumont and Hanover are typically used to house the more serious or violent youth, including convicted sex offenders. Barrett has been developed as a therapeutic community for juveniles with chronic substance abuse problems. Oak Ridge is designed to house low-functioning offenders with IQs that range from 40 to 80. Female offenders (both

violent and non-violent) are placed at Bon Air. Most males who are viewed as minimally delinquent relative to their peers are typically assigned to Bon Air and Natural Bridge.

The Opportunity for Community Diversion. It is important to note that unless the juvenile has been convicted under the serious offender statute, DJJ officials are not required to place the youth in one of the State's six correctional centers. Instead, DJJ can return the juvenile to the community for treatment or secure a placement for the offender in one of several residential programs across the State.

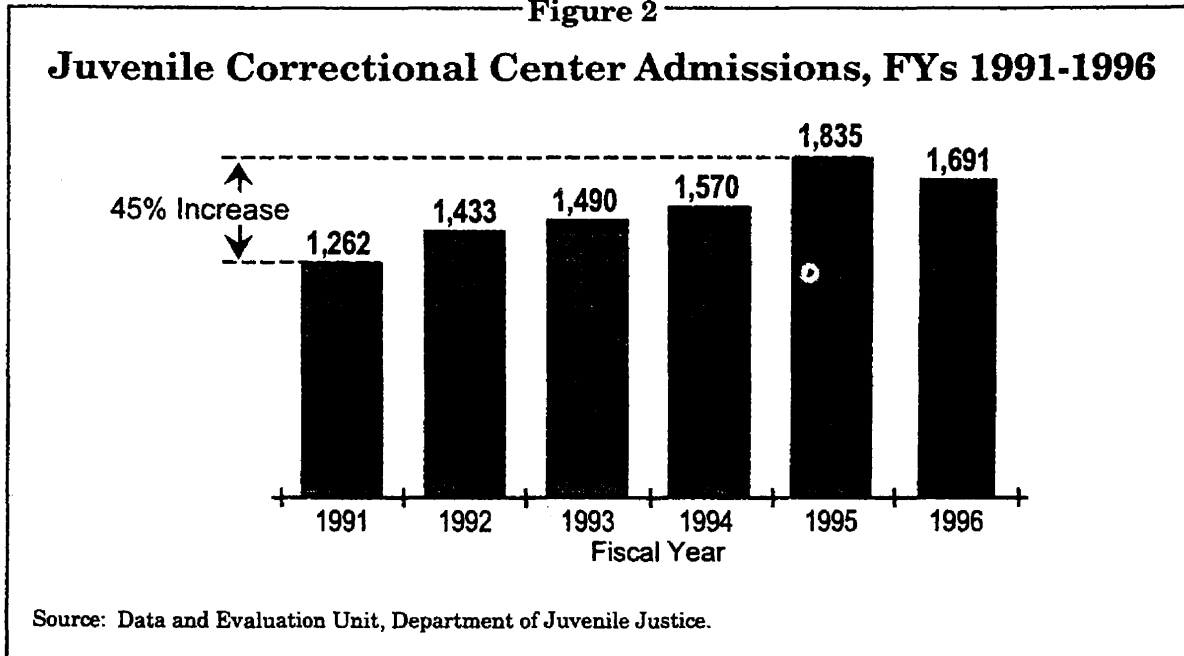
These programs can include family-oriented group homes and private specialized treatment facilities. While most of these programs place some limits on the type of offenders they will accept, they are nonetheless viewed as viable alternatives to State confinement for a significant portion of the juveniles who would otherwise be placed in Virginia's correctional system. Based on research conducted by JLARC staff in the first phase of this study, it was estimated that 73 percent of the capacity for community-based residential programs is offered by the private sector. Most of this capacity is limited to programs designed for youths who are substance abusers, have psychiatric problems, or have committed sex offenses.

The small size of these community programs — most have fewer than 50 beds per facility — and the structured treatment services they provide are considered the strengths of these facilities. Further, when youths are placed in these facilities, they are generally restricted from leaving the program until they successfully complete the objectives of the treatment plan established by counseling staff. Should juveniles leave the facility prematurely, program staff are required to file a complaint with the juvenile court which can result in the re-arrest of the offenders.

Virginia's Growing Number of State Commitments. Over the last five years, the number of State commitments for juveniles has substantially increased. In FY 1991, 1,262 commitments were made to the department (Figure 2). This was actually a 10 percent decrease from FY 1990 — the last year the agency was a part of the Department of Corrections. From FY 1991 to FY 1995, there was a 45 percent increase in the number of juvenile commitments with the number of admissions reaching 1,835. In FY 1996, however, the number of commitments decreased by eight percent to 1,691.

This general growth in State commitments for juveniles is a special concern because of the costs associated with operating juvenile correctional facilities. For example, according to figures collected from DJJ, the General Assembly authorized the expenditure of \$27.9 million for the JCC system in FY 1991 (Figure 3). This figure includes ancillary costs (for example, food service and infirmary service costs), and the cost of education services provided by the Department of Correctional Education. Four years later, the costs of these centers had increased by about 42 percent to \$39.7 million. Approximately 20 percent of these expenditures were for education services.

The bottom half of Figure 3 presents the per-capita cost of each JCC (based on the facilities' average daily population). On average, it costs the State \$39,953 per capita to operate the system of JCCs. As indicated, the most expensive facilities to operate are



Oak Ridge and Bon Air, with per-capita costs of \$58,250 and \$49,532, respectively. The JCCs with per-capita costs that are less than the average for the system are Beaumont and Hanover. It should be noted, however, that these two facilities have consistently had the highest levels of overcrowding. In February of 1996, for instance, the population at Beaumont was almost 100 percent higher than its budgeted capacity. Hanover was nearly 60 percent over its budgeted capacity. Under such circumstances, unless a sufficient number of staff are added to these facilities so that service levels can be maintained, per-capita costs will decline. Because the quality of services can erode in these situations, those JCCs with lower per-capita costs are not necessarily more cost-effective than their counterparts.

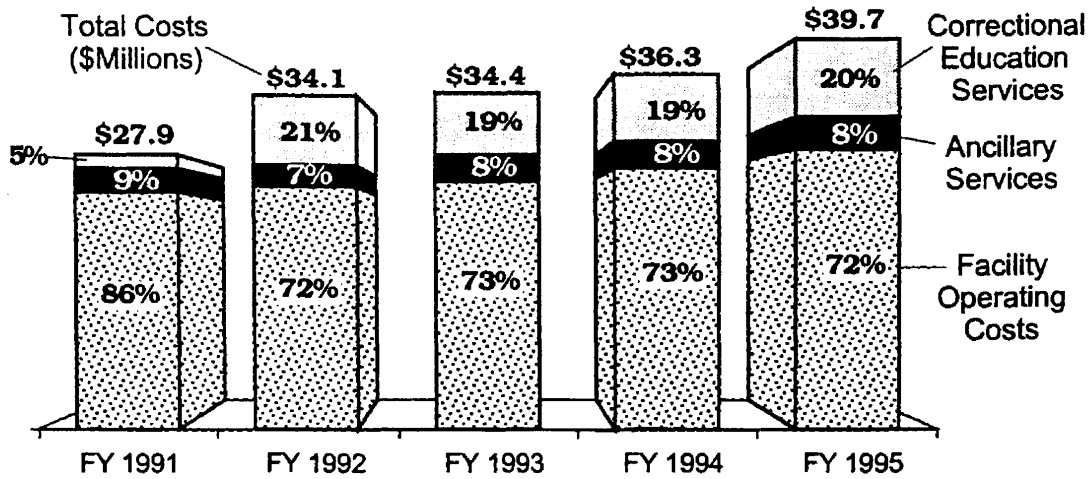
It should be noted that the per-capita costs referenced previously did not include capital outlay costs. Since FY 1991, DJJ has received \$61.1 million in Virginia Public Building Authority funding to construct new facilities and \$27.6 million in capital outlay and maintenance reserve funding for smaller construction, renovation, and repair projects at the JCCs.

STUDY MANDATE

As Virginia has joined the growing number of States that are currently in the process of evaluating their juvenile justice systems, important questions concerning the operation, cost-effectiveness, and future direction of the State's juvenile correctional centers need to be addressed. Senate Joint Resolution 263, which was passed by the 1995 General Assembly, authorized a two-year functional review of the Administration of Justice. While the first phase of this study focused on the process and activities of

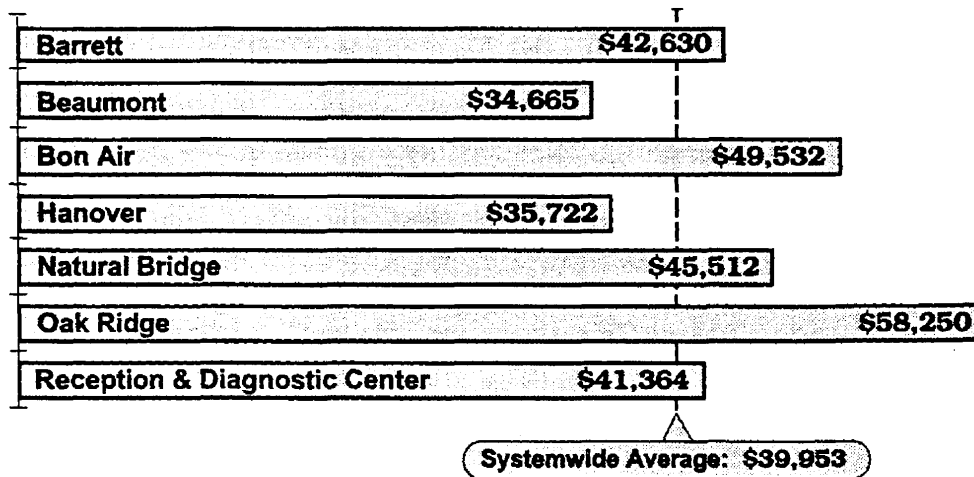
Figure 3

Costs of Virginia's Juvenile Corrections Centers



Note: The reported costs for correctional education services in FY 1991 are estimated by the Fiscal Services Unit of the Department of Juvenile Justice Services.

Per-Capita Costs, FY 1995



Note: In calculating per-capita costs, the Department of Juvenile Justice's Fiscal Services Unit used the following method:

$$\frac{\text{Ancillary Cost} + \text{Operating Cost}}{\text{Facility Average Daily Population}} + \frac{\text{Correctional Education Cost}}{\text{Total Average Daily Population}}$$

Source: Fiscal Services Unit, Department of Juvenile Justice.

Virginia's juvenile courts, this review concentrates on the programs, activities, and policies which define juvenile corrections in the Commonwealth.

STUDY APPROACH

Given the substantial amount of discretion the General Assembly has provided DJJ in managing and directing the State's system of juvenile corrections, there is considerable interest in how officials at the department have organized the system to carry out the requirements of the juvenile code. Also, in light of the high public cost of this system and the legislative requirement that DJJ develop and deliver programs of rehabilitation, there is an equal interest in whether the Commonwealth is receiving an acceptable return on its investment in this system.

As noted earlier, in the first phase of this study, JLARC staff focused attention on the operation and impact of the juvenile court system. While that study included an examination of recidivism, it was not designed to evaluate the outcomes for juveniles who were released from various structured settings. Nor did the study examine the manner in which DJJ carries out its considerable oversight role for State juvenile correctional facilities.

For this study, the following major issue areas provide the framework for the team's review of juvenile corrections: (1) the policies and practices established by DJJ to organize and manage Virginia's juvenile corrections centers; (2) the management of the youth schools by the Department of Correctional Education (DCE); (3) the cost-effectiveness of the juvenile correctional centers in reducing recidivism relative to alternative treatment programs; (4) long-term adult incarceration rates among youths who were released from the juvenile correctional system; and (5) the operational practices and programs of juvenile correctional centers, detention homes, and residential or community programs. Some of the key questions examined in this study included:

1. Have DJJ officials established a clear and consistent set of policies to govern the long-term direction of the juvenile correctional centers?
2. Has DJJ been able to effectively represent the budgetary needs of the system to garner the resources needed to establish sound security and treatment programs?
3. Has DJJ developed and implemented the necessary operational policies and procedures to address the security and treatment demands created by the juveniles in the State's JCCs?
4. Are the educational services provided by Department of Correctional Education effectively organized and implemented as a major component of treatment in the JCCs?

5. Relative to other structured treatment settings, how cost-effective are the services provided by the JCCs in reducing future criminality among those released from the centers?
6. As a measure of the effectiveness of juvenile programs, what proportion of juvenile offenders are incarcerated in the adult prison system within 10 years following their release from various structured treatment settings?
7. Are there differences in the program models, staffing patterns, or general facility conditions across the structured treatment settings that might explain any observed differences in recidivism outcomes for juvenile offenders?

Review of the Operation and Management of the JCCs

In 1990, the General Assembly removed DJJ (then referred to as the Division of Youth) from the Department of Corrections, thereby establishing juvenile corrections and programming as a major priority of the legislature. The expressed purpose of this reorganization was to ensure that the necessary attention would be given to youth programming and corrections issues. In the six years since this decision was made, there has been no attempt to assess DJJ's performance as a separate agency.

JLARC staff addressed this study issue by assessing whether DJJ has successfully managed the JCC system. To complete this assessment, JLARC staff: reviewed departmental policies and procedures, certification standards, and budgetary and planning documents; conducted structured interviews with DJJ officials and staff; and reviewed treatment plans from juvenile records. In addition, because the education services in the JCCs are provided by a separate agency, JLARC staff reviewed records, examined teacher qualifications and evaluations, and conducted interviews with principals and officials of the Department of Correctional Education.

Measuring the Cost-Effectiveness of Juvenile Corrections and Long-Term Recidivism

A major aspect of this study focused on determining the cost-effectiveness of the JCCs and evaluating the extent to which juvenile offenders end up in the adult prison system. Presently, there is considerable interest in whether the current system of juvenile corrections can successfully reduce future criminal behavior for young offenders. Moreover, because of the rapidly growing population in the State's correctional centers, there is also some interest in whether successful alternative programs can be found for young offenders without compromising public safety.

Therefore, to support a cost-effectiveness study, JLARC staff used a cluster sampling approach to select a sample of juvenile offenders who had been released from five structured settings in FY 1993. Additionally, to determine the rate at which juvenile

offenders are incarcerated in the adult system, a sample of offenders who were released from four different structural settings in FY 1986 was selected using the same sampling strategy. Once these samples were selected, JLARC staff reviewed the program files of the sample members and collected data on their criminal activities following their release from treatment.

Use of Cluster Sampling Approach. Selecting the required samples for this study created a special challenge because of the geographic location of the files for juveniles in each treatment setting. As these data files were not automated, each site included in the review had to be visited to collect the information needed to complete the study. A cluster sampling strategy was therefore employed.

For the cost-effectiveness analysis, JLARC staff first organized the data into five clusters: (1) juvenile correctional facilities, (2) post-disposition detention programs, (3) locally-operated group homes, (4) private residential facilities, and (5) State-operated aftercare programs. In the cluster representing the correctional facilities, no random selection was made as all six facilities (not including the Reception and Diagnostic Center) were selected. For the other four clusters, a random selection was conducted of approximately one-half to two-thirds of the sites within the clusters (Table 1).

Once the sites were chosen, JLARC staff randomly selected juveniles from each treatment setting, visited the sites, and collected data from the juvenile files that was later used in the analysis of recidivism. For the JCC cluster, approximately 30 records were selected from each site. This was done so that analysis results could be generated separately for each JCC as well as for all six sites as a whole. For the other clusters, an attempt was made to select approximately one-third to 50 percent of the juveniles from each site, depending on the total number of sampling units at the site. If a site had no more than 10 juveniles who were released in FY 1993, all of these offenders from the site were included in the study sample.

A similar approach was used to select the sample to support the study of long-term recidivism except that one treatment setting — post disposition detention programs — was not included in this analysis. In FY 1986, the General Assembly had yet to pass legislation authorizing the development of post-disposition detention programs. Table 2 (page 12) reports the cluster sizes, sampling units, and total sample size that was generated with this sampling strategy.

Identifying Juvenile Recidivism. The goal of JLARC's analysis of the cost-effectiveness of various treatment settings and long-term recidivism was to determine if the JCCs are relatively more or less effective than other treatment settings in reducing juvenile crime. This required the study team to collect comprehensive data on the crimes that each sample member committed following their release from treatment.

In order to identify the magnitude and nature of recidivism for the sample members, JLARC staff conducted several activities. First, the names of juveniles who were released from any of the five treatment settings in FY 1993 were sent to each court

Table 1

**Sample Size for Study of Recidivism
Among Juveniles Released from
Structured Treatment Settings in FY 1993**

Sample Cluster	Total Number of Sites in Universe	Number of Sites Selected	Total Number of Sampling Units in Cluster	Proportion of Cluster Sampling Units Selected
Juvenile Correctional Centers	6	6	1,311	13%
Locally-Operated Group Homes	35	12	295	48%
Private Residential Facilities	*5	5	36	100%
Post-Disposition Detention Programs	*13	6	271	32%
State-Operated Aftercare Facilities	4	2	53	47%
Total	62	31	1,966	23%

Notes: *There are more facilities in the State than shown in this category. However, telephone calls and a review of records from the Department of Juvenile Justice indicated that the other facilities did not provide any services to juveniles as a post-disposition sanction from the courts in FY 1993. See Appendix B for a list of each site within the clusters and the number of juveniles who were released from these sites in FY 1993.

service unit (CSU) located in the region of the State to which the juvenile offender was released. Appendix D illustrates the regional groupings that were used for this study.

Staff in each CSU were asked to provide information on the date and nature of the offense, as well as the outcome of the adjudication process. This information was supplemented by a list from the Department of Corrections which identified all juveniles who were either on probation, parole, or currently incarcerated in the adult system or local jails during the follow-up period used for the study. Also, a search of the Central Criminal Records Exchange (CCRE) database maintained by the State police was conducted as an additional check for instances of juvenile recidivism that were not included by the other methods.

The same process was used to identify recidivism among juvenile offenders who were released from a structured setting in FY 1986, with one exception. Rather than sending the juvenile names to the CSUs which generally retain criminal records for three years, JLARC staff mailed the relevant names to each juvenile and domestic relations court clerk in the State. State law requires clerks to maintain criminal records for some juveniles until they reach the age of 29. The databases created through these research

Table 2

**Sample Size for Study of Recidivism
Among Juveniles Released from
Structured Treatment Settings in FY 1986**

Sample Cluster	Total Number of Sites in Universe	Number of Sites Selected	Total Number of Sampling Units in Cluster	Proportion of Cluster Sampling Units Selected
Juvenile Correctional Centers	6	6	807	20%
Locally-Operated Group Homes	34	11	197	54%
Private Residential Facilities	*5	5	117	50%
State-Operated Aftercare Facilities	4	2	60	58%
Total	49	24	1,181	30%

Notes: *There are more facilities in the State than shown in this category. However, telephone calls and a review of records from the Department of Juvenile Justice indicated that the other facilities did not provide any services to juveniles as a post-disposition sanction from the courts in FY 1986. See Appendix C for a list of each site within the clusters and the number of juveniles who were released from these sites in FY 1986.

activities allowed JLARC staff to evaluate differences in recidivism rates across the juvenile treatment settings used in the study.

Evaluating the Delivery of Juvenile Correctional Services

While the quantitative analysis of juvenile recidivism rates provides useful information about the possible impacts of one treatment setting versus another, this type of analysis stops short of explaining the possible reasons for any observed differences. In an attempt to evaluate the potential impact of various factors on the juvenile programming, JLARC staff conducted the following activities:

- a review of facility conditions through site visits, and compliance reports developed by DJJ;
- interviews with administrative and security staff regarding the conditions of juvenile confinement including the impact of overcrowding;
- a review of security practices and reports on facility escapes and assaults using surveys and staff interviews;

- an analysis of agency data on facility staffing patterns, including vacancies and turnover rates for both counselors and security staff;
- a comparison of the program strategies used by each agency in the study, focusing mostly on the use of behavior modification techniques, psychiatric counseling, and general counseling services; and
- an assessment of counselors' workload and qualifications through a written survey questionnaire.

REPORT ORGANIZATION

The remaining chapters in this report present the results of JLARC's analysis of the State's juvenile corrections programs. Chapter II provides an analysis of the impact of major policy changes which have been made to the system in recent years. Chapter III presents the results of JLARC's analysis of the relative impact and cost-effectiveness of juvenile corrections services. Finally, Chapter IV addresses DJJ's management of the system and DCE's management of the youth schools.

II. The Impact of Recent Reforms on the State's Juvenile Corrections System

Over the last 10 years, there have been several major changes in the policies guiding the operation of the State's juvenile correctional centers. During the late 1980s, the system struggled with a number of problems. Minimally delinquent youth were committed to the JCCs at a high rate. Compounding this problem, the department did not have a system in place to classify and house juvenile offenders based on the seriousness of their crimes. Further, there was no relationship between the amount of time offenders spent in confinement and the seriousness of their commitment offenses.

When the department was separated from adult corrections in 1990, agency officials made plans to reduce the size of the system by diverting minimally delinquent youth to community programs, while encouraging juvenile court judges to do more of the same. At the same time, the department began work on "length of stay" (LOS) guidelines which were designed to base the offenders' length of confinement on the severity of their crimes, institutional behavior, and to a lesser extent, their willingness to complete certain treatment programs.

In the mid 1990s, the trend towards diversion and community treatment was slowed as both the legislature and officials at DJJ took actions to enhance punishment in the JCCs, as was the trend in many other states. In 1994, the General Assembly expanded the definition of "serious offender" and substantially increased the amount of time such offenders could be confined. Moreover, funds previously available to the department for the diversion of low-risk juvenile offenders were taken from the agency's control and placed in the State pool of funds for the Comprehensive Services Act. During this time, DJJ management initiated a series of policy changes, including expanding the types of offenses for which a juvenile could be held for a minimum of 12 to 18 months. Moreover, policies establishing longer sentences for probation and parole violators were adopted.

Partially as a result of these changes, the JCCs now house a larger number of juveniles with a more diverse range of problems than was envisioned when the system was separated from the Department of Corrections in 1990. Although the proportion of minimally delinquent youth in the system has dropped since the mid 1980s, a significant number of juveniles who enter the system are not serious felons. Moreover, a substantial proportion of those confined, irrespective of their commitment offenses, have devastating family and social problems. This increased diversity of the population in the JCCs has placed a greater burden on both the security and treatment components of the system.

DJJ Officials Have Made Major Changes to JCCs in Recent Years

Conceptually, the State's juvenile correctional centers have typically been viewed as the vehicle through which the objectives of the juvenile code could be achieved

for chronic and serious young offenders. Through programs of rehabilitation and a structured behavior modification system, these young offenders would receive the services needed to address deficits in their character while being held accountable for their criminal behavior. In practice, however, rarely has a consensus emerged on the policy initiatives and programs which best reflect this conceptual understanding of the system. As a consequence, incremental and sometimes conflicting policy changes have been made to the system over the last 10 years.

Problems with the Direction of JCCs Identified in Mid-1980s. In 1987, while still a part of the Department of Corrections, the department formed a task force to conduct a formal assessment of the State's JCCs. According to the report developed by the task force, two factors provided the impetus for the study. First, the number of juveniles that were committed to the State had reached its highest point in 10 years and the State's rate of confinement was 20 percent higher than the national average. Second, the results from a study of juvenile sentence lengths revealed significant inequities in both the commitment process of the judiciary and the institutional practices of the JCCs. Specifically, almost half of all the juveniles committed to the State over a two-year period were convicted of misdemeanors, raising questions about their actual risk to public safety.

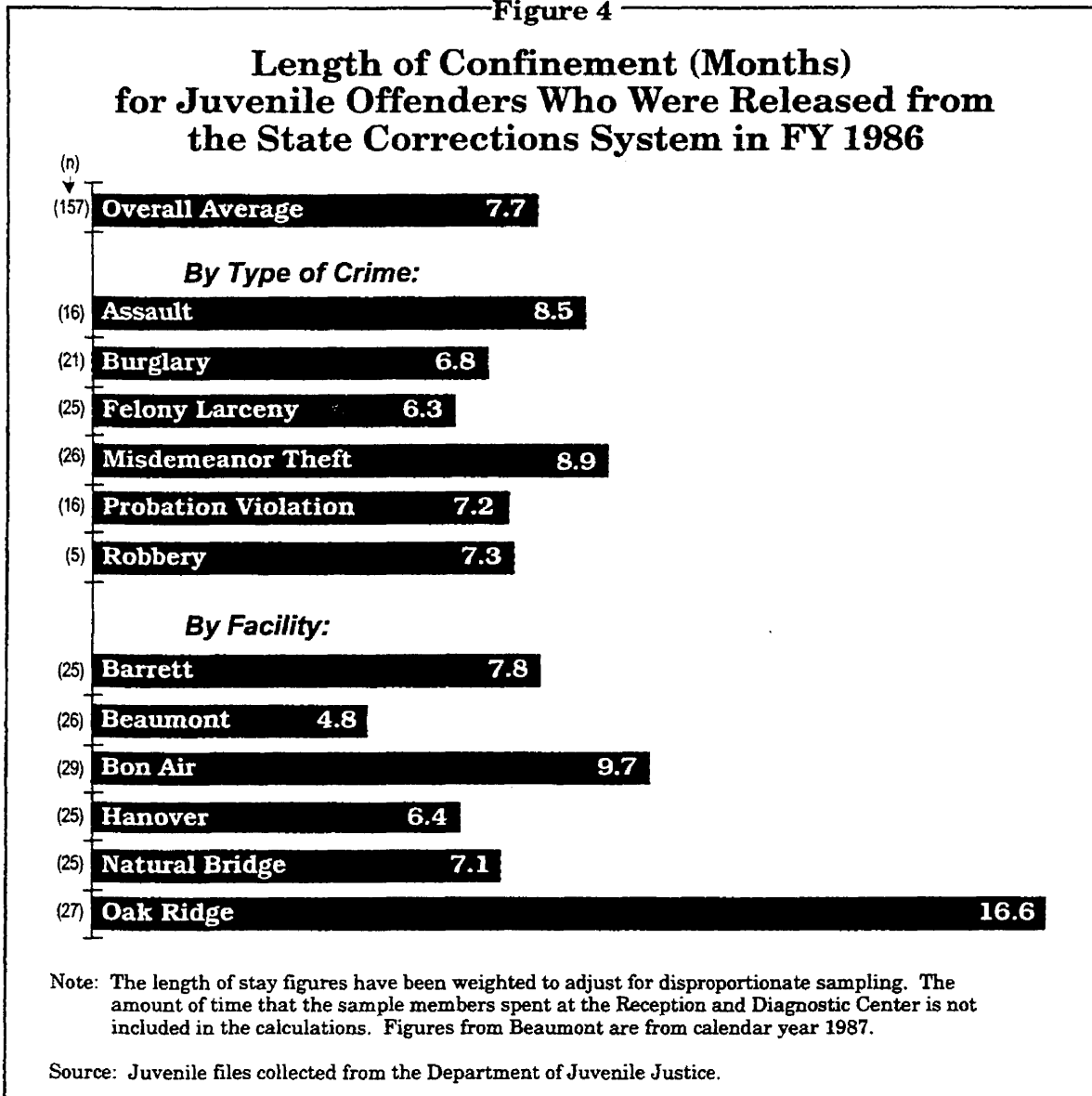
The department's task force indicated that once committed, there was no apparent relationship between the severity of the offense and the amount of time that a juvenile remained confined. As there were no departmental guidelines governing decisions concerning when juveniles would be released, the superintendents of the JCCs independently established their own policies. Therefore, the length of the juveniles' sentences was a direct function of the particular facility in which they were placed. Because these facility placements were based on factors such as the juveniles' age and gender rather than their criminal record or treatment needs, inequities developed in juvenile sentence lengths.

Data collected by JLARC on the length of confinement for youths who were released from the JCCs in FY 1986 confirm this problem (Figure 4). For example, the average length of stay for a sample of juveniles released from the JCCs was 8.8 months. Those juveniles whose most serious commitment offense was a probation violation remained confined 7.2 months. This was similar to the sentence lengths for those youths charged with felony burglary (6.8 months), armed robbery (7.3 months), and felony larceny (6.3 months).

As Figure 4 clearly shows, the variation in the length of the juveniles' confinement was greatest when the data are examined separately for each facility. Juveniles at Beaumont were confined an average of 4.8 months. Officials at Bon Air, which was virtually all female, kept the youths at that facility for 9.7 months. The lengths of stay at Barrett and Hanover were around seven months. In comparison, the young offenders assigned to Oak Ridge typically remained confined for 16 months.

Policy Changes Adopted by the Department in the Early 1990s. In 1991, DJJ (which was and remains a separate agency from the Department of Corrections)

Figure 4



responded to these problems with a series of initiatives. First, in an attempt to slow the flow of non-serious offenders into the JCCs, the new director of the department aggressively advocated greater use of community diversion programs by the judiciary. To complement this strategy, the department used funds from a program (commonly referred to as the "239" program) that was established to allow the department to purchase residential placements for some of the minimally delinquent youth who were committed to State custody by the courts. Staff at RDC negotiated community placements for some juveniles following the completion of the State's testing and assessment process. Partially as a result of these actions, the number of commitments to the State began to decline and the department's director actually initiated plans to close one of the JCCs (Barrett).

To address the inequities in juvenile sentences, the department developed a "length of stay" system. The aim of this system was to link the offenders' length of confinement to their offense history, irrespective of the facility in which they were placed. This link between the offense history and length of stay was accomplished through the use of three factors: (1) a measure of the severity of the commitment offense; (2) a measure of the number of prior offenses; and (3) the incorporation of any aggravating or mitigating circumstances in the final determination of length of stay.

Table 3, based on DJJ's policy manual, indicates how offense severity was determined and used to establish the juveniles' initial LOS. Offenses are first categorized in terms of severity using a scale that ranges from "Low" to "High." This classification is based on the class of the felony or misdemeanor for which the juvenile has been convicted. Once offense severity has been measured using this classification scheme, an initial LOS is established for each offender. In each case, an early and late facility release date is established. For example, those offenders who have a severity rating of "Low To Low-Moderate" receive an early release date of 30 days and a late release date of 60 days. At the other end of the scale, offenders with a "High to High-Medium" severity rating receive an early release date of 10 months and a late date of 13 months. The department also decided that those juveniles who committed a "major offense" defined as murder, rape, forcible sodomy, or arson of an occupied dwelling would be required to serve a minimum of 18 months. Moreover, unlike other offenders, these individuals would be released only at the discretion of the director following a review of their institutional record.

Once the initial LOS was established, the department used the other factors — total number of offenses and aggravating or mitigating circumstances — to adjust the juvenile's sentence. Chronic offenders (those with nine or more total offenses) had their

Table 3

Severity Level and Related Offenses Used for the Department of Juvenile Justice's Length of Stay System

Severity Level	Description	Examples
Low (L)	Class 2-8 Misdemeanors Unclassified Misdemeanors	Trespassing, Violation of Probation
Low-Moderate (LM)	Class 1 Misdemeanors Unclassified Misdemeanors	Concealed Weapon, Simple Assault
High-Medium (HM)	Felonies, Class 4-6	Burglary, Grand Larceny, Involuntary Manslaughter
High (H)	Felonies, Class 1-3	Armed Robbery, Felonious Assault, Attempted Murder

Source: The Department of Juvenile Justice's Policy and Procedures Manual.

LOS adjusted up one level. Youths with only one or two total offenses would have their LOS dropped one level. If staff at RDC viewed the juveniles' offenses as aggravating based on a set of guidelines, their LOS could be moved up one level. Mitigating circumstances could reduce LOS one level.

Finally, in order to ensure that treatment would have a significant impact on sentence length, the department established "mandatory" and "recommended" treatment categories. Any juveniles with a "recommended" treatment category could be held in a JCC up to their maximum LOS date unless they successfully resolved these needs. If RDC staff determined that the juveniles still had "mandatory" treatment needs, they could be held beyond their maximum release date for failure to address these needs.

In November of 1993, the Board of Youth and Family Services (now referred to as the Board of Juvenile Justice) approved the department's LOS system. For the first time, the management of juvenile cases across the six JCCs was systematized in these three important ways:

1. An element of fairness was introduced in the system as serious or high level offenders would be identified and treated differently than non-serious offenders in terms of sentence lengths;
2. Consistency was promoted throughout the system as inter-facility differences in release practices would be eliminated; and,
3. The importance of treatment was underscored because a link was established between successful program participation and early release.

Tougher Policies Governing JCCs Adopted in Mid-1990s. In 1994, a new department director and six new Board members were appointed by the Governor. Early in their tenures, the Board and the director raised questions about the three-year old mission of the agency, as well as the general approach to juvenile corrections employed in the JCCs. In addition to presiding over changes in the mission of the agency (Exhibit 1) and the operation of the JCCs, the Board and the director approved agency policy changes that were both symbolic and substantive in nature. The more symbolic efforts focused on changing the names of the JCCs from learning centers to correctional facilities and referring to youths who are in State custody as "wards." The more substantive changes included revising key elements of the department's LOS.

One of the first acts of the new director related to LOS was to expand the category of offenses that would qualify a juvenile delinquent as a "major offender" in the JCCs. In addition to the four previous categories of major offenders, all juveniles who were committed to DJJ for aggravated malicious wounding, felonious assault, armed robbery, voluntary or involuntary manslaughter, or attempts of these offenses would now be considered "major offenders" and face a minimum sentence of 12 to 18 months. Consistent with the previous policy, these individuals would now be released from the JCCs at the discretion of the director.

Exhibit 1

Comparison of Past and Current Mission Statements for the Department of Juvenile Justice

Mission Statement Adopted February 2, 1990	Mission Statement Adopted July 12, 1995
<p>The mission of DYFS is to reduce juvenile delinquency and protect the people of the Commonwealth by providing services, programs, and policies which:</p> <ul style="list-style-type: none"> ● Advocate for the needs of youth and their families ● Assist communities in preventing juvenile delinquency ● Divert from the juvenile justice system those whose needs are most appropriately met elsewhere ● Promote rehabilitation of youth under the care and supervision of the Department. 	<p>The mission of the Virginia Department of Youth and Family Services [now DJJ] is to assure the protection of the citizens of the Commonwealth through the development of policies, programs, and institutions to assist the courts in holding juveniles accountable for their actions and by affording them opportunities for reform.</p>
<p>Source: Document supplied by the Department of Juvenile Justice in February 1996.</p>	

Also, two important policy changes were made regarding sentence lengths for juveniles who are committed to the DJJ for violations of probation and parole. First, when the LOS system was initially established, probation violators were assigned an LOS based on the offense for which they were originally placed on probation. They were, however, granted a sentence credit of up to 50 percent towards their release date for the time they successfully spent on probation. Under the director's new policy, these sentence credits have been eliminated.

Second, under the early LOS guidelines, juveniles who are re-committed to DJJ on the charge of parole violation (with no new criminal charges), were automatically given a 30 to 60 day sentence upon return to the JCCs. With the new policy, these violators now receive a sentence that is equal to one-half of their original sentence. In addition, multiple parole violations are now considered aggravating factors that could result in an additional one level increase in the LOS system.

Major Legislative Changes Impacting the JCCs Have Also Been Adopted

Amid concern regarding increases in the rate of violent juvenile crime, the General Assembly also adopted several amendments designed to toughen punishment through the juvenile code. One of these amendments directly impacted the JCCs by expanding the scope and severity of punishment of the State's serious offender statute. Under previous law, in order to be sentenced under the serious offender statute, a juvenile had to be at least 15 years of age and convicted of murder, rape, armed robbery, or the use of a firearm in the commission of a felony. Also, any juveniles who committed a felony while in a group home, or violated the conditions of their parole by committing

a felony, could be sentenced as a serious offender. A six to 12 month minimum sentence in the JCCs was statutorily imposed on serious offenders with the final release date determined by the department.

The General Assembly amended this statute in 1994 by reducing the minimum age to 14 and expanding the felonies that qualify as a serious offense. Now, any juvenile offense which is punishable by a term of confinement of more than 20 years in the adult system exposes the offender to possible sanctioning under the serious offender statute. In addition, juvenile court judges were given the authority to impose a determinate sentence of up to seven years or until the juvenile reaches 21 years of age. In 1996, the General Assembly further expanded the scope of the serious offender statute by including juveniles with criminal records which included a prior felony offense that could be punishable by confinement of 20 years or more if committed by an adult.

Changes in Comprehensive Service Act. A final change which has had consequences for the JCCs involves the Comprehensive Services Act (CSA). In 1993, the General Assembly passed CSA in an attempt to address some of the long-standing problems with the funding structure for programs targeted towards at-risk youth and their families. This act, which became effective July 1, 1993, established a pool of State funds to "be expended for public or private residential or non-residential services for troubled youths and families." CSA funds were initially generated by consolidating the following funding streams:

- Department of Social Services' State and local foster care funds, as well as foster care purchased services' funds;
- Department of Education's private tuition funds and interagency assistance funds;
- Department of Juvenile Justice's 286 and 239 funds, which were programs used by the State to fund community treatment for juvenile offenders;
- Department of Mental Health, Mental Retardation, and Substance Abuse Services' funds for purchased beds for adolescents; and
- Interagency Consortium funds.

These funds were combined in an effort to create a collaborative system of services for troubled youth and their families. In doing so, however, the General Assembly removed from DJJ's control the 239 funds that had been previously used by RDC to divert some minimally delinquent offenders to community treatment. Now, staff from the areas of education, social services, mental health, and the court service units in the relevant localities work together to provide complementary services to dysfunctional families. The pooled CSA funds are allocated to youth and their families based on a set of program eligibility criteria. Under these criteria, juveniles who need special education or foster care services are classified as "mandated," and are legally guaranteed that funds will be available to serve them. Juvenile offenders, on the other hand, are classified as

“targeted” but “non-mandated,” meaning that localities can serve them with CSA funds but are not required to do so.

Rate of Confinement for Juvenile Offenders May Now Be Higher. Early indications are that youths from the juvenile court system did not receive a proportional share of the resources generated through CSA during the first three years of the program. Moreover, because the funds previously used by DJJ for the diversion of minimally delinquent youth were no longer available to the department, a significant number of juveniles who would possibly have been placed in community programs by RDC staff were instead confined in a State correctional facility. For example, in 1995, less than one-fifth of the JCC admissions involved juveniles whose most serious commitment offense was a violent crime (Table 4). While slightly more than eight of every 10 juveniles who were admitted to the system in 1995 did have a prior criminal record, the average number of prior offenses was less than three. More importantly, these prior records included violent crimes for only eight percent of this group.

The crime classification system used by DJJ provides greater detail on the seriousness of the juvenile's criminal records. For example, as noted earlier, the most serious offenders are those whose crimes are classified as “H.” This category is reserved for youths convicted of Class 1, 2, or 3 felonies. About one-quarter of the juveniles admitted to the JCCs in 1995 committed these types of offenses. Approximately 40 percent of the offenders were classified as “HM”, which means they were convicted of felonies that ranged from Class 4 through Class 6. The remaining juvenile offenders (35 percent) were convicted of misdemeanor offenses. A substantial proportion of this group (37 percent) had a previous record which, like their commitment offense, only included misdemeanors (Figure 5). For another seven percent of these juveniles, there was no indication that they had a prior record.

When criminal history data is examined for juveniles who were admitted to the system during the three-year period from 1992 to 1994, a similar pattern emerges (see Figure 5). In each of these three years, just over a third of all juveniles were committed to State custody for a misdemeanor offense. In one year (1994), almost half of these juveniles either had no prior record (11 percent) or had previously been convicted for misdemeanor offenses (33 percent).

Evolving Policies Have Increased Punishments But Have Also Contributed to Overcrowding

As this discussion has demonstrated, since juvenile corrections was separated from the Department of Corrections, policies to guide the operation of this system have been continually evolving. As a consequence of incremental and sometimes conflicting policy changes, overcrowding is now a major problem in the system. In June of 1992, there were 764 juveniles in the JCCs. This was slightly more than the 725 bed rated capacity of the facilities at that time. Four years later in June of 1996, there were 1,212 juveniles in the system — 24 percent more than the department considered the JCCs to be able to safely house based on DJJ's revisions to the rated capacity of the facilities. This

Table 4

Criminal Histories of Juveniles Who Were Admitted to a Juvenile Corrections Facility in 1995

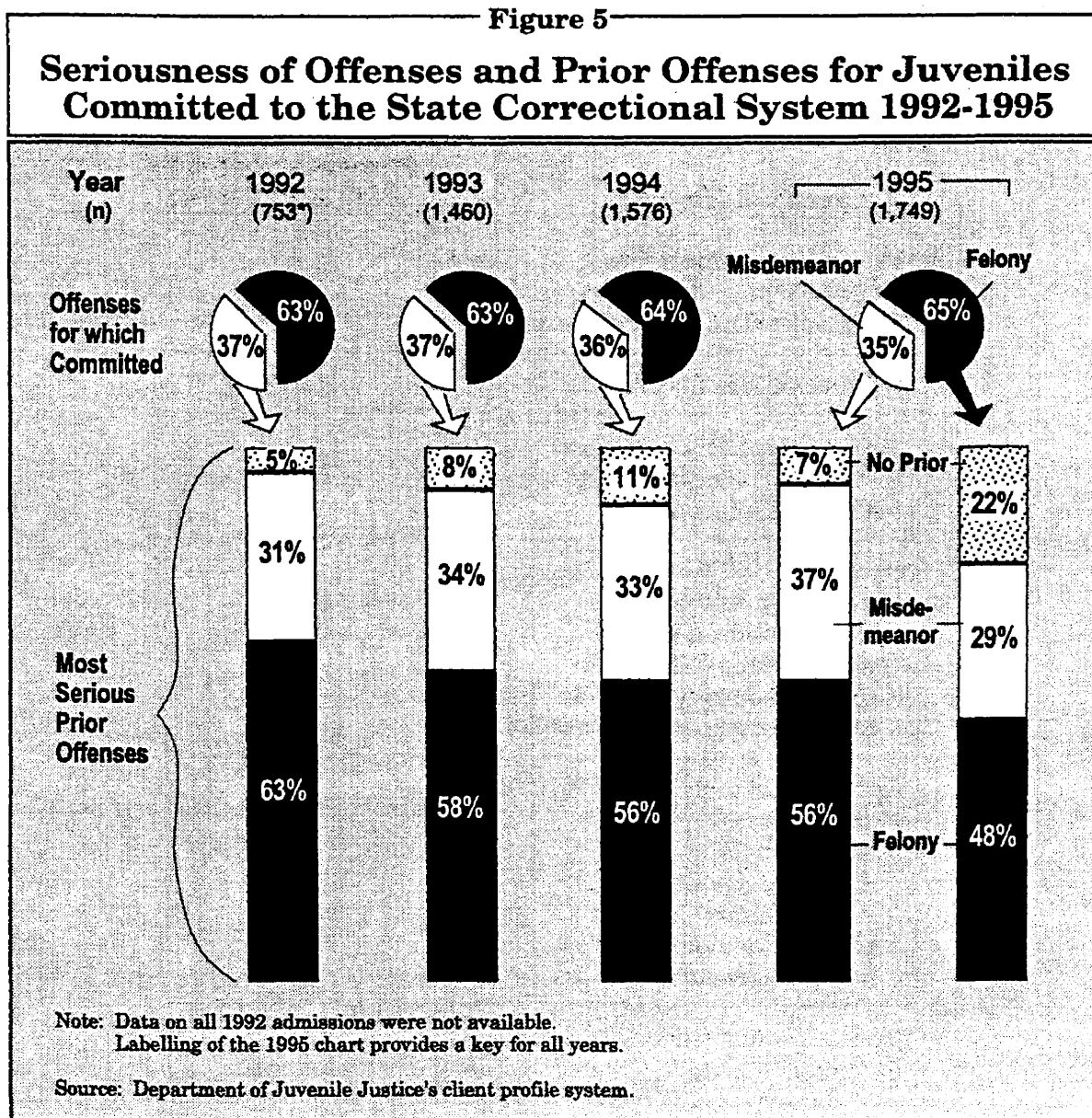
Criminal Histories	Percentage of 1995 JCC Admissions
Most Serious Commitment Offense Involved Violence or Burglary with Deadly Intentions	18%
Prior Criminal Record	83%
Most Serious Prior Offense Involved Violence or Burglary with Deadly Intentions	8%
Severity Level for Most Serious Commitment Offense	
H (Felonies Class 1-3)	24%
HM (Felonies Class 4-6)	41%
LM (Misdemeanors Class 1)	24%
L (Misdemeanors Class 2-4)	11%
Severity Level for Most Serious Prior Offenses	
No Priors	17%
H (Felonies Class 1-3)	11%
HM (Felonies Class 4-6)	40%
LM (Misdemeanors Class 1)	28%
L (Misdemeanors Class 2-4)	4%
Youth Committed Under Serious Offender Statute	8%

Note: Results are based on 1,749 commitments to the State's juvenile facilities.

Source: The Department of Juvenile Justice's Client Profile database.

problem of overcrowding has been partially created by the rise in State commitments. Of almost equal importance, however, is DJJ's expansion of its "major offender" category, as well as the General Assembly's revisions to the serious offender statute.

Impact of Policy Changes. The policy changes for serious and major offenders have increased the punishment for these offenders. However, the policy changes have also had an impact on system population levels. This impact is best understood by examining three factors: (1) recent changes in the proportion of serious and major offenders entering the system; (2) the annual release rates for these offenders; and (3) the

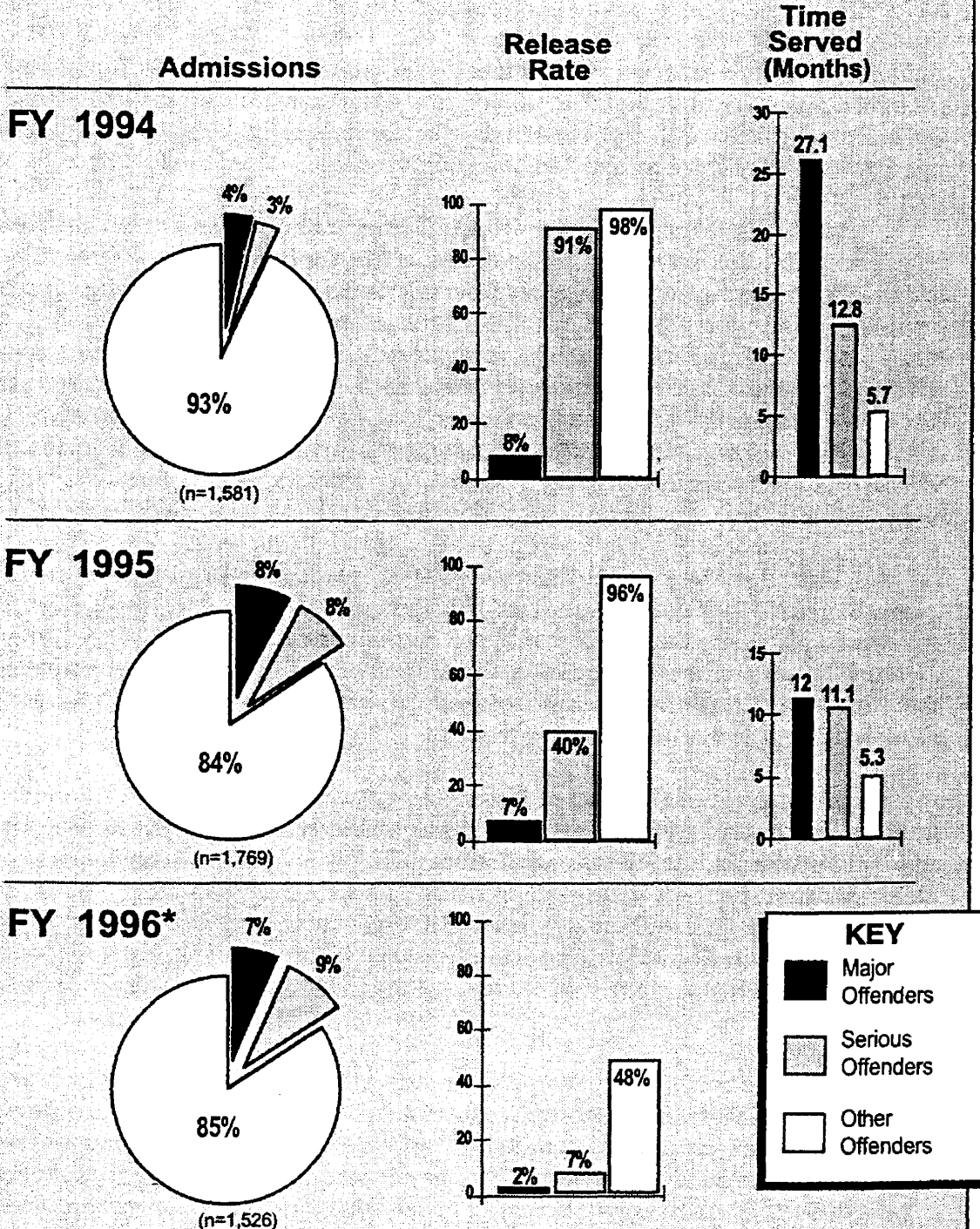


lengths of time that these offenders remain confined relative to other youths in the JCCs. Figure 6 summarizes information on these factors.

As shown, both major and serious offenders constitute a small proportion of the total number of offenders who are admitted to the system each year. Since FY 1994, however, the commitment rate for these offenders has doubled. Major offenders were four percent of total admissions to the system in FY 1994. One year later, following the director's decision to expand the types of crimes that would be considered major offenses, the proportion of juveniles committed to the State who were considered "major offenders" rose to eight percent — an increase of 100 percent. A similar pattern is observed for serious offenders. The General Assembly's expansion of this category increased the proportion of serious offenders in the system by 160 percent.

Figure 6

Admission Rates, Release Rates, and Time Served for Juveniles in Virginia's Correctional Facilities



*Notes: Year shown is year juvenile was committed. Release rate indicates number of juveniles released prior to 6/30/96 as a percent of total admissions. Sentence length is for juveniles released prior to 6/30/96. Data for FY 1996 is incomplete. Percentages may not add to 100 due to rounding.

Source: Department of Juvenile Justice's Length of Stay (LOS) file.

While the juveniles in these categories still represent a relatively small percentage of total commitments, their impact on facility population levels is considerable because of their low annual release rates and the associated longer sentence lengths. Figure 6 provides separate release rates for juveniles who were admitted in FY 1994 and FY 1995. Virtually all of the non-serious juvenile offenders who entered the system in fiscal years 1994 and 1995 were released prior to June 30, 1996. By comparison, only eight percent of the juveniles who entered the system as major offenders in these years were released prior to June 30, 1996. Ninety-one percent of the serious offenders who entered the system in FY 1994 were released prior to June 30, 1996. However, the release rate for those who were committed one year later dropped precipitously to 40 percent.

The longer sentence lengths for major and serious offenders are also illustrated in this graphic. For example, the small number of major offenders who were admitted in fiscal year 1994 and who have since been released were confined for an average of 27.1 months. For serious offenders, the length of confinement averaged almost 13 months. While not reported in Figure 6, it is important to note that the serious offenders who were admitted one year later but were not released as of June 30, 1996 had already served an average of 16 months — four months longer than their counterparts who were admitted the previous year. The non-serious offenders who were committed in FY 1994 typically served 5.7 months prior to being released. Those committed one year later served approximately the same amount of time — 5.3 months — prior to being released.

Note that the average length of stay for major offenders who were admitted to the system in FY 1995 and released prior to June 30, 1996 was 12 months. The juveniles were classified as "major offenders" based on the expansion of the category of offenses that qualify a juvenile delinquent as a "major offender". Without this expansion these juveniles would have been considered non-serious offenders and would have been released after serving just over five months.

To understand how these factors impact overcrowding, consider the following scenario. With the legislative and agency policy changes recently put in effect, approximately 15 percent of annual JCC admissions (roughly 300 juveniles) are serious or major offenders. Because these youths will remain confined for an average of 12 to 27 months, on any given day, they will occupy almost 31 percent of the 972 bed rated capacity of the JCCs in the system ($300/972 = 31$ percent). Moreover, their low release rates and longer periods of confinement mean that on any one day in FY 1995, these offenders accounted for close to one-third of the average daily population ($300/994 = 30$ percent).

Put another way, because of their longer periods of confinement, 15 percent of the juveniles who now enter the system account for almost a third of the juveniles who are in the system at any one time and they utilize 31 percent of the system's rated capacity. The problem, though, is that the 69 percent of the system's current rated capacity which is left is not sufficient to house the large number of young non-serious offenders who enter the system each year.

Many Juveniles Have Serious Treatment Needs

The implications of overcrowding in the JCCs present particular problems for department officials because of the special mission of the agency and the needs of the youths who are confined there. As noted earlier, the department is mandated by the *Code of Virginia* to provide programs of rehabilitation to the juveniles in the system. Such a mandate obviously requires an investment in the necessary treatment staff and facilities that are needed to carry out the law. When facilities become overcrowded and conditions erode, the ability of the agency to fulfill its mission can be threatened. This possibility in Virginia's system raises a number of concerns and questions because of the multiplicity of individual and family problems observed for many offenders in the JCCs.

Table 5 summarizes the family and background characteristics of the juveniles in the JCCs. The typical juvenile admitted to the JCCs in 1995 was a black male who was approximately 16 (average age not included in Table 5) at the time he was committed. A little more than one-third of the population was white. Most of the offenders in the system had their first contact with juvenile court when they were 12 to 13 years of age. At the time of their commitment in 1995, only 13 percent of these offenders lived with both natural parents. The most frequent family structure for the juveniles was to live with only their mother (42 percent).

Based on a review of the social history reports, staff at the Reception and Diagnostic Center concluded that almost half of these offenders (48 percent) were from families that were "generally dysfunctional." The source of this dysfunction for half of the youths' was at least one drug or alcohol dependent parent. In addition, more than 40 percent of the juveniles in the JCCs have parents who themselves have criminal records.

The individual problems or deficits for many of these juveniles are considerable. Nearly 40 percent had received psychotropic medication either prior to or since their commitment. Approximately one-third of these juveniles were considered to have been physically, sexually, or emotionally abused. Further analysis revealed that at the Bon Air facility, the rate of past victimization for female offenders was 54 percent. In 33 percent of these cases, the female offenders had been sexually abused, usually by a parent or a close relative. Finally, in terms of education, eight out of every 10 youths who were committed to the system in 1995 had problems with truancy or they had completely left school. Almost half of these same youths tested at reading and math levels that were at least four years below their chronological age.

The wide range of education and treatment needs of the juveniles in the system, combined with existing problems of facility overcrowding create special management challenges for the department. Specifically, officials must balance the demands associated with operating safe and secure juvenile facilities with the statutory requirements of developing effective rehabilitation programs. This next chapter of this report examines the performance of the department's treatment programs as well as those services which are delivered in alternative community settings.

Table 5

Characteristics of Juveniles Who Were Admitted to a Juvenile Correctional Facility In 1995

Characteristics	Percentage of 1995 JCC Admissions
Sex	
Male	89%
Female	11%
Race	
White	36%
Black	60%
Other	4%
Average Age at First Adjudication	
12 Years and Under	12%
13 to 14 Years	43%
15 Years	21%
16 Years And Older	23%
Family Structure	
Both Natural Parents	13%
One Parent and One Step Parent	18%
Mother Only	42%
Father Only	5%
Grandparents	7%
Foster Home	2%
Other	13%
Family Considered Dysfunctional by RDC Staff	48%
Parents Abuse Drugs or Alcohol	45%
*Parent Has a Criminal Record	42%
Juvenile Has Been Abused	32%
Juvenile Abuses Drugs or Alcohol	51%
**Juvenile Received Psychiatric Treatment (This figure includes juveniles who received Ritalin)	38%
Juvenile Is a Truant or School Dropout	80%
Juvenile's Reading Level Is at Least 4 Years Below Age Level	44%
Juvenile's Math Achievement Is at Least 4 Years Below Age Level	51%

*Information on the criminal record of the juveniles' parents was collected by JLARC staff from social history reports.

**This includes those juveniles who had a documented history of receiving psychotropic medication but may not have been on such medication while they were confined in a JCC.

Source: JLARC staff analysis of data from the Department of Juvenile Justice's Client Profile database.

III. The Performance of the Juvenile Corrections System

These data, involving over two hundred sites and hundreds and thousands of individuals as they do, are the best available and they give us very little reason to hope that we have in fact found a sure way of reducing recidivism through rehabilitation. This is not to say that we have found no instances of success or partial success; it is only to say that these instances have been isolated, producing no clear pattern to indicate the efficacy of any particular method of treatment. [Robert Martinson, *What Works? Questions and Answers About Prison Reform.*]

With these words, more than 20 years ago, Robert Martinson ignited a debate concerning the impact of rehabilitation programs for offenders. Although he has since reversed his position, major questions about the effectiveness of treatment in reducing future criminal behavior for young offenders still persist.

In Virginia's juvenile correctional system, this issue takes on special meaning because of the explicitly stated legislative goals of juvenile corrections. Each year, the General Assembly allocates millions of dollars to support a corrections system that is bound by a legislative mandate to not only protect public safety, but to rehabilitate those juveniles who are made wards of the State. While it is recognized that young offenders cannot be forced to change their criminal ways, it is generally held that the State-funded corrections programs should be judged, in part, by the degree to which these youths refrain from additional criminal activity. This JLARC analysis systematically measures the impact of the department's treatment programs in reducing recidivism — a general expectation of the public and General Assembly.

This chapter presents the results of a JLARC analysis of both short- and long-term recidivism for juvenile offenders who were released from several structured treatment settings. As a part of this analysis, an assessment is made of the cost-effectiveness of the State-operated juvenile correctional centers (JCCs) relative to the other structured settings that were examined. The State-run centers were compared with: (1) state operated aftercare facilities, (2) locally operated group homes, (3) post-disposition programs, and (4) privately-run residential facilities (see Exhibit 2).

The results of the analysis are mixed, providing reasons for both considerable pessimism and cautious optimism. One discouraging finding is that more than seven out of every 10 juveniles sampled for this study were re-arrested within a relatively short time period following their release from a structured setting in FY 1993. Furthermore, although most of these offenders did not escalate their criminal behavior, violence among those youths with a record of serious crimes was not significantly abated.

Exhibit 2

Descriptive Overview of Structured Settings and JCCs

Locally-Operated Group Homes and State-Operated Aftercare Facilities: These facilities operate very similarly in terms of treatment provision. Both types of homes rely heavily on community resources to meet the juvenile's specialized treatment needs. Community mental health resources or private providers are typically used as needed for juveniles with the most serious treatment needs.

Private Group Homes: Private group homes are generally designed to provide a full range of education and treatment services. These on-site programs sometimes include physical conditioning and wilderness training as a way to build confidence and promote unity among the residents. Group homes that are more therapeutic in focus frequently have clinical therapists on-site as part of their staff. At other facilities community resources are heavily relied on.

Secure Detention Facilities: The treatment provided by the post-disposition programs within secure detention facilities is generally very limited due to staffing and funding constraints. Frequently the juvenile's family must arrange for any specialized counseling that is needed including paying for the counseling and transporting the juvenile outside the facility to attend the counseling.

Juvenile Correctional Centers: The juvenile correctional centers provide specialized treatment in relatively divergent ways. All of the juvenile correctional centers except Oak Ridge have a behavior modification overlay referred to as "Crimestop" which seeks to reinforce appropriate behavior while holding juveniles accountable for any inappropriate behavior:

Barrett is a specialized facility which only accepts juveniles who have substance abuse problems. The entire program is focused on accountability in dealing with those problems including daily educational and therapy groups.

Treatment within **Beaumont** generally consists of specialized groups in such areas as anger control, substance abuse and the system's only drug traffickers' program. There are two cottages at Beaumont which are dedicated to residential sex offender treatment which is an intensive program that typically takes at least a year to complete.

Treatment at **Bon Air** primarily involves specialized groups that are offered one or two times a week. Some of the female offenders who had been sexually abused prior to commitment are seen in individual therapy with a psychologist since the sexual abuse program had to be disbanded due to staffing inadequacies.

Treatment within **Hanover** is relatively similar to what is provided at Beaumont except that there is only one residential sex offender treatment program which has resulted in non-residential treatment being provided to the majority of sex offenders residing in that center.

Natural Bridge's treatment programs are generally short in duration to accommodate the relatively short stay of the juveniles housed there. Consequently some of the more intensive programs focusing on serious offenses such as sex offender treatment are not provided at Natural Bridge.

Oak Ridge has the most structured of all of the juvenile correctional center programs in keeping with the needs of the very low functioning males housed there. The program is based on an economy system which includes rewards and punishments for the juveniles' behavior.

Source: JLARC analysis of DJJ-supported structured settings.

Consistent with many other studies of juvenile recidivism, participation in a particular type of structured setting (including JCCs) was not associated with lower probabilities of recidivism. Furthermore, because there is so little variation in the outcomes produced by these different settings, those structured settings with higher costs (JCCs combined with locally-operated aftercare, and private facilities) and longer periods of confinement (private facilities) appear much less cost-effective.

Despite these results, policymakers can be cautiously optimistic about three factors. First, it appears that one of the most important factors in reducing recidivism is the juvenile's amenability to treatment. Those youths whose service plans indicated that they actively participated in the programs offered and successfully completed their treatment, had significantly lower probabilities of recidivism. Second, JLARC staff's qualitative review of the programs within each of five structured settings revealed several treatment programs that were designed and operated in accordance with program models that have a proven efficacy, including the Oak Ridge program which is designed to serve lower functioning offenders and the privately operated program at Elk Hill Farm. The impact of these particular interventions on juvenile recidivism are likely obscured in this study by other programs in the same setting that, while similarly classified, have a host of staffing and implementation problems.

The final reason for cautious optimism can be found in the outcomes of the long-term recidivism analysis. Although the juveniles who are committed to the State or placed in residential programs are typically the most chronic or violent offenders in the system, over half these youths were not incarcerated in the adult prison system over a 10-year period following their release from treatment. The remainder of this chapter presents these and other results of the analysis in greater detail.

RECIDIVISM OUTCOMES AND THE COST-EFFECTIVENESS OF JUVENILE CORRECTIONS AND REHABILITATION SERVICES

While there are a number of measures of effectiveness for juvenile corrections programs, the most widely accepted indicator is recidivism. Due largely to a lack of systematically collected data, questions about the relative effectiveness of the juvenile corrections programs offered in the State juvenile centers have never been addressed in Virginia.

JLARC staff's analysis of short-term recidivism indicated that approximately 67 percent of the juvenile offenders who were released from the State centers were re-arrested within approximately three years of their release. This recidivism rate was slightly lower than the 73 percent average for the entire study sample and equal to the rate produced by private programs. However, when a model was developed to account for differences in factors that might explain higher rates of recidivism, such as an offender's prior criminal record, the type of structured setting was not a significant factor in explaining an offender's probability of re-offending.

The lack of differences across structured settings has implications when one considers the cost associated with reducing or eliminating recidivist behavior. For youth placed in a JCC, it costs approximately \$21,000 per placement to maintain the youth in the secure treatment setting. (For the JCCs, youth spend an average of six months in these facilities following their commitment by the J&DR court.) When this dollar amount is considered in terms of the likelihood of a JCC resident recidivating, for example 70 percent, it has cost the State over \$63,000 to generate a successful outcome — defined as a non-recidivist youth over a three-year period. This cost, while substantial, is less than the cost of private residential programs (\$143,000). It is, however, much greater than the cost observed for post-disposition programs.

The results from the JLARC staff assessment of long-term recidivism are more favorable. Although a disproportionate number of juveniles who are in the JCCs and State-funded residential programs are a high risk for adult imprisonment, 59 percent of those who were released from the system in FY 1986 have not been incarcerated or placed under the supervision of adult corrections.

Short-Term Recidivism Rates Are High

An important measure of the performance and effectiveness of juvenile corrections (oral) services is its ability to reduce the rate at which delinquents return to the system at a later date because of additional criminal behavior. As a result, one of the purposes of this study was to explore the magnitude and nature of recidivism among youth terminated from structured settings funded by the Department of Juvenile Justice (DJJ) FY 1993. Youths were then followed-up over a three-year period.

To conduct this analysis, JLARC staff reviewed the criminal records for juveniles who were released from five structured settings in FY 1993: (1) juvenile correctional centers, (2) private residential programs, (3) locally-operated group homes, (4) post-disposition secure detention programs, and (5) State-operated aftercare programs. Using the data collected from these agencies, the following questions were addressed:

1. What proportion of juveniles in the study sample were re-arrested following their release from one of the structured settings and how often were they re-arrested?
2. How much time elapsed before the juveniles were re-arrested?
3. What were the conviction rates for juveniles who were re-arrested?
4. Were the recidivist crimes of those who re-offended more serious than the commitment crimes that resulted in their release from a structured setting during fiscal year 1993?

5. How do the juveniles who were released from the JCCs fare on these outcomes compared to those from other structured settings?

The results in Table 6 suggest that many juveniles continue to participate in criminal activities following their release from structured programs designed to provide rehabilitative treatment. Specifically, the overall re-arrest rate for the juveniles in this study was almost 73 percent — more than seven out of every 10 juveniles sampled. The conviction rate for those re-arrested was about 57 percent. Additionally, about 22 percent of those released from treatment were convicted in general district court and incarcerated in the adult system.

Table 6

Overall Recidivism Measures for Juveniles Released from Structured Settings During Fiscal Year 1993

Recidivism Outcome	Fiscal Year 1993
Percentage of Juveniles Re-arrested	73%*
Percentage of Juveniles Convicted for a Recidivist Act	57%**
Percentage of FY93 Juveniles with an Adult Conviction for a Recidivist Act	22%

*(This figure does not include juveniles whose offense was a technical violation.)

** (This figure includes juveniles whose offense was a technical violation.)

Note: Analysis based on a sample of 460 youth who terminated from either a residential or secure treatment setting during fiscal year 1993. Due to use of cluster sampling strategy, proportional information has been appropriately weighted according to facilities in proportion to their released population during FY 1993.

Source: JLARC staff analysis of criminal records data from juvenile court service units, the Central Criminal Records Exchange database maintained by the State Police, and the Department of Corrections inmate file.

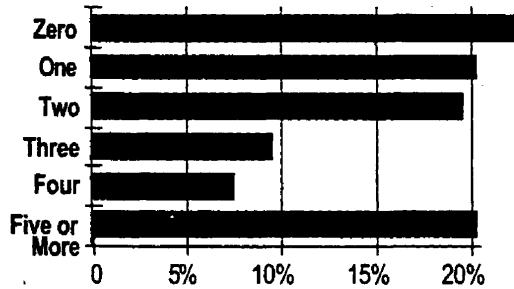
The Nature of Juvenile Recidivism. Whenever recidivism data are examined, there are key questions about the nature of the criminal behavior. Clearly, if most of those who re-offend do so by committing parole violations without a new criminal offense or status offense, the implications are considerably less severe. At the same time, recidivism data that reveals chronic criminal behavior of an occasional violent nature provides more obvious reasons for concern.

Figure 7 summarizes the study findings regarding the nature of short-term recidivism. More than half the recidivists were re-arrested at least twice. There were also a substantial portion of juvenile recidivists whose behavior appeared chronic. For example, nearly 30 percent of the youths were re-arrested at least four times during the follow-up period of the study. This suggests more than one arrest per 12 months of follow-up.

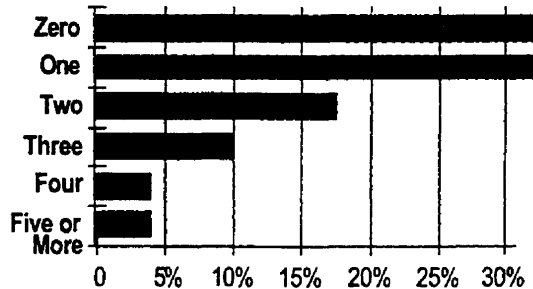
Figure 7

Descriptive Data on Delinquent Recidivists

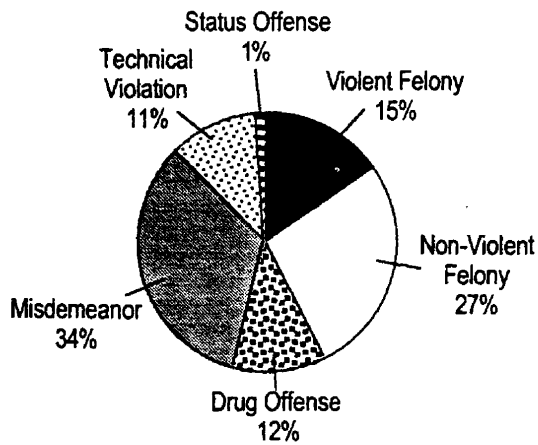
Frequency of Subsequent Arrests



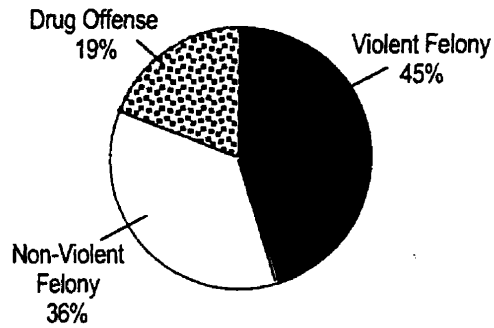
Frequency of Delinquent Convictions



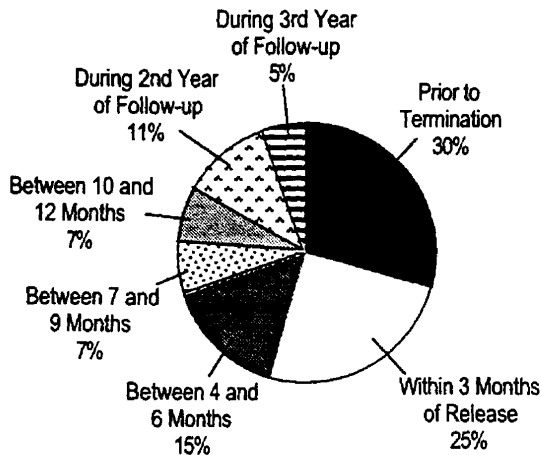
**Offense Types for Delinquent Recidivists:
(Based on Most Serious Recidivist Act)**



Offense Types for Adult Convictions



Length of Time to First Recidivism



Note: The figures reported in this graphic are based on a sample of 460 cases of youth terminated from DJJ-sponsored structured settings during FY 1993, but it only includes those youths who re-offended. The time frame for follow-up on recidivism was three years.

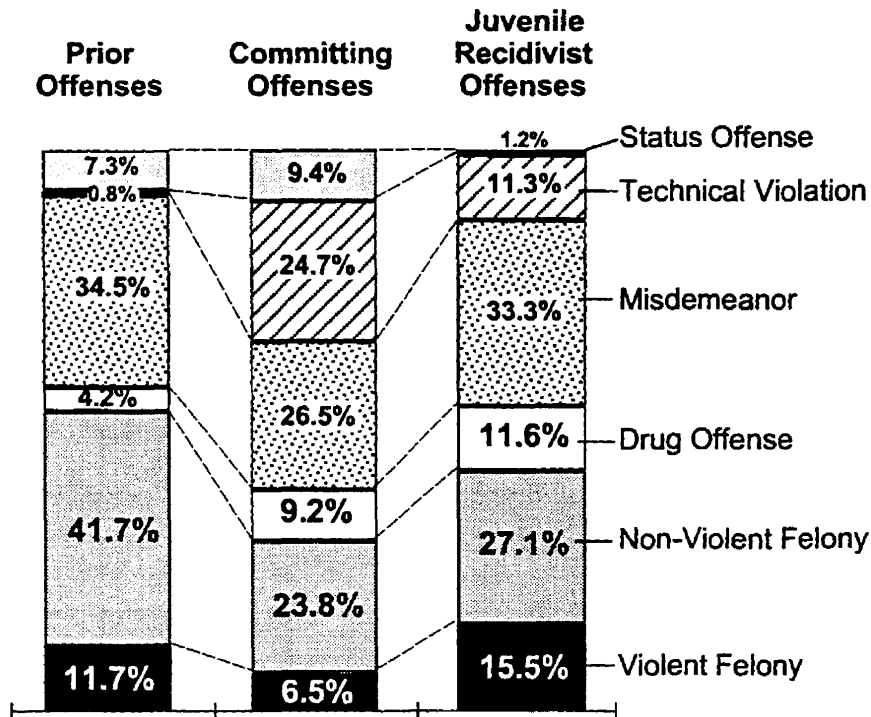
Source: Data collected from juvenile records in 35 court service units, data supplied by the Department of Corrections regarding adults who were on probation or who were incarcerated, and the Central Criminal Records Exchange database maintained by the State Police.

With respect to the nature of recidivist offenses, the majority of charges that were adjudicated in Juvenile and Domestic Relations Court were either non-violent felonies or misdemeanors. In addition, over one in ten arrests were status offenses for technical violations — generally violations of probation/parole or “other” court orders. The type of offenses committed by those who were incarcerated in the adult system are much more serious. Almost half (45 percent) of this group were sentenced to the adult system as a result of a violent felony.

Another way to consider the nature of recidivist offenses is to determine how these crimes compare with the crimes committed by the same group of delinquents prior to their release from various structured settings. This comparison allows for an assessment of changes in the overall composition of criminal activity as the youths’ delinquent behavior continues. More specifically, such an analysis permits a direct assessment of whether the criminal behavior of those who recidivate appears to escalate. The results of this analysis (Figure 8) show that the level of seriousness grows for drug

Figure 8

Comparison of Most Serious Offense Categories for Juveniles "Convicted" of a Recidivist Offense



Notes: The figures reported in this graphic are based on the most serious offense charged within a sample of youth who terminated from DJJ-supported treatment settings during FY 1993 and were convicted of another offense during the three-year period of follow-up. The reported sample proportions are weighted according to facilities' proportion of terminee population during FY 1993.

Source: JLARC staff analysis for data collected from participating DJJ-supported treatment settings, court service units, and CCRE database maintained by State Police.

offenses. This escalation is most dramatic for drug offenses in that it increased by nearly 180 percent from about 4 percent to over 11 percent.

This crime comparison shows that certain serious offenses, for example violent felonies and drug offenses, do comprise a larger proportion of overall crime as delinquency continues. However, the comparison also illustrates that technical violations are much more prevalent in the overall crime types associated with delinquent youth. This outcome may be associated with the inability of youth to adjust to being in less structured environments than those generally associated with their treatment placement.

Recidivist Outcomes Across Structured Settings. One of the major objectives of this study is to ascertain whether differences exist in the recidivism rates for JCCs and the other structured settings included in this study based on the three-year period following the juveniles' release dates from treatment. Table 7 reports the recidivism rates that were observed for each of the five structured settings. As shown, the recidivism rate for juveniles released from the JCCs was 66 percent. This rate is equal to the outcome observed for private residential programs and is only slightly higher than the rate observed for the State's aftercare programs. Both of the other structured settings — detention homes and group homes — had outcomes that were considerably higher. In terms of the convictions, the rate for juveniles released from the JCCs was one of the

Table 7

Three-Year Recidivism Rates for Juvenile Delinquents Across Structured Settings

	All DJJ Treatment Settings (n=460)	Juvenile Correctional Centers (n=166)	State-Operated Aftercare Facilities (n=32)	Locally-Operated Group Homes (n=142)	Post-Disposition Programs (n=84)	Private Residential Facilities (n=36)
Re-arrest*	73%	67%	59%	80%	79%	67%
Reconviction† (J&DR Court)	57%	54%	53%	62%	63%	56%
Reconviction* (Circuit Court)	22%	26%	34%	6%	17%	17%

* Technical violators are not included in re-arrest rates. All indicators are statistically significant at the 0.05 level of significance using the χ^2 test.

† Technical violators are included in re-conviction rates. Indicators are significant at the 0.09 level of significance using the χ^2 test.

Note: Analysis based on youth terminated from either a residential or secure treatment setting during FY 1993. Due to the use of cluster sampling strategy, contingency analysis has been appropriately weighted according to the facility's proportion of released population during FY 1993.

Source: Data collected from juvenile records in 35 court service units, data supplied by the Department of Corrections regarding adults who were on probation or who were incarcerated, and Central Criminal Records Exchange database maintained by the State Police.

lowest. However, a larger proportion of the youths who were released from this structured setting were arrested, tried, and convicted in adult courts.

As noted earlier, an important focus for this review was a comparison of the effectiveness of JCCs relative to other structured settings. This focus is due in part to the primacy of juvenile correctional centers as a structured residential setting of choice for chronic offenders and long-standing questions about the relative effectiveness of the JCCs. As a result, the analysis presented in Table 8 focuses specifically on the six JCC facilities managed by DJJ.

Table 8

Three-Year Recidivism Rates for Juvenile Delinquents by Juvenile Correctional Center

	Beaumont (n=28)	Bon Air (n=26)	Barrett (n=24)	Hanover (n=29)	Natural Bridge (n=29)	Oak Ridge (n=30)
Re-arrest	50%	58%	92%	76%	76%	53%
Reconviction (J&DR Court)	32%	50%	79%	62%	69%	37%
Reconviction (Circuit Court)	25%	4%	21%	45%	28%	30%

Note: Analysis based on youth terminated from either a residential or secure treatment setting during FY 1993. Technical violators are not included in re-arrest but are counted in the re-conviction rates. Due to use of cluster sampling strategy, contingency analysis has been appropriately weighted according to the facility's proportion of released population during FY 1993. All Indicators are significant at the 0.01 level using the χ^2 test.

Source: Data collected from juvenile records in 35 court service units, data supplied by the Department of Corrections regarding adults who were on probation or who were incarcerated, and Central Criminal Records Exchange database maintained by the State Police.

As shown by this table, the study team found substantial differences in outcomes between the JCCs. Three facilities, Oak Ridge, Bon Air, and Beaumont had the lowest rates of recidivism. The re-arrest rates for the other facilities were notably higher. For example, virtually every juvenile in the sample who was released from Barrett (91 percent) was re-arrested within a three-year period. In terms of conviction in Circuit Court, almost half of the juveniles released from Hanover in FY 1993 were tried and sentenced as adults. This was almost 50 percent higher than the site with the next highest adult incarceration rate, Oak Ridge. Bon Air on the other hand, with its mostly female population, had the lowest rate of adult convictions of four percent.

The obvious question concerning these outcome differences both within the JCC system and across all structured settings used in this study is: what do they mean? For two reasons, considerable care must be exercised when interpreting these program outcomes. First, within the JCC system, the programs which were in place in some of the

facilities during 1993 have changed. For example, the juveniles in the study sample who were released from Barrett did not have the opportunity to participate in that facility's recently established comprehensive substance abuse program. In these cases, the recidivism rates are not a reflection of their current program.

Second, when comparing program outcomes across structured settings, some attention must be paid to possible differences in the types of offenders who are treated in different settings. On the one hand, juvenile court judges tend to commit the most serious offenders — those with the highest risk of re-offending — to the State system. Conversely, through use of both explicit and unwritten screening criteria, many local group homes and private operators effectively restrict the number of high-risk or serious offenders who enter their programs. As a result, the less secure programs will generally have lower recidivism rates based on factors that are external to the program. From a research standpoint, attempts must be made to address this problem of selection bias when comparing outcomes across programs. The data presented in Table 9, summarizing the characteristics of the juveniles in each of the structured settings used in this study, highlight the selection bias problem.

As shown, the juveniles who were released from the JCCs, State aftercare facilities, and to a lesser extent the detention homes, share a number of characteristics which have been shown to be more highly correlated with recidivism. Most notably, the juveniles housed in these settings were disproportionately black with more extensive criminal records. The rate of violent crime among the population in these settings was four to five times higher than the rates observed for youths in privately-run programs. Also, a higher proportion of juveniles from both the JCCs and aftercare programs had been previously confined in the State system. Finally, juveniles released from the JCCs were more likely to come from families characterized by financial difficulty.

Regression-Adjusted Outcomes. The selection bias in the data was partially accounted for through the specification of a multivariate model. This model helped determine the probability of juvenile re-arrest given placement in a particular structured setting, after simultaneously controlling for other factors associated with continued criminality. Because the dependent variable for this study was a dichotomous variable (0 = no recidivism, 1 = yes recidivism), logistic regression analysis was used to calculate the parameters for the model. By the specification of this model, some insight is gained into the relative simultaneous effects of several variables that may be associated with a youth's persistent criminal behavior (Table 10, page 40).

The results from this multivariate model indicates that the role of the specific structured setting is not significant in determining the probable occurrence of a recidivist act. Rather the existence of a criminal record prior to the date of the commitment offense, the youth's age at commitment, the severity of the juvenile's commitment offense (more specifically whether the juvenile was categorized as a major offender), and the youth's amenability to treatment are significant factors in determining the probability of future criminal behavior.

Table 9

Characteristics of Youth Terminated from Structured Settings During FY 1993

	All Facilities	Juvenile Correctional Centers	State-Operated Aftercare Facilities	Locally-Operated Group Homes	Post-Disposition Programs	Private Residential Facilities
Race						
White	32.9%	29.7%	17.2%	45.3%	34.5%	66.7%
Black	60.7%	64.2%	72.4%	48.2%	59.5%	22.2%
Other	6.3%	6.1%	10.3%	6.5%	6.0%	11.1%
Prior Offenses						
None	7.2%	5.6%	0.0%	13.3%	12.3%	0.0%
One to Three	37.9%	34.6%	33.3%	51.3%	42.0%	48.5%
Four to Five	26.7%	29.0%	29.6%	22.1%	17.3%	39.4%
Greater than 5	28.2%	30.9%	37.0%	13.3%	28.4%	12.1%
Prior Violent Offense(s)	18.3%	20.5%	25.0%	5.6%	21.4%	5.6%
Prior Treatment Sanction(s)						
All Facilities	46.6%	53.6%	59.4%	32.4%	22.6%	66.7%
JCC(s)	23.0%	25.6%	55.6%	8.4%	16.7%	19.4%
Residential Treatment	30.8%	35.4%	35.7%	23.3%	12.8%	36.1%
Detention Home	18.2%	18.4%	25.9%	23.5%	7.7%	36.1%
Adverse Family and Individual Characteristics						
Stressed Family Resources [†]	51.6%	52.4%	31.2%	46.5%	61.9%	27.8%
Substance Abuse	38.6%	41.0%	65.6%	25.3%	33.3%	50.0%
Behavioral Diagnoses	46.0%	50.9%	50.0%	39.1%	25.0%	65.7%
Severe Neurosis or Psychosis	9.9%	9.8%	3.6%	13.3%	7.5%	14.3%

[†] Stressed family resource indicators are significant at the 0.09 level of significance using the χ^2 test.

Note: Analysis based on each individual youth terminated from either a residential or secure treatment setting during FY 1993. Due to use of cluster sampling strategy, contingency analysis has been appropriately weighted according to the facility's proportion of released population during FY 1993. All contingency data are statistically significant at the 0.05 level of significance using the χ^2 test.

Source: Data collected from social history reports maintained by group homes, local court service units, and State juvenile corrections facilities.

Table 10

Variables for Multivariate Analysis of Factors Associated with the Recidivism

Analysis Variables	Logistic Standardized Parameter Estimates	Significance Level
<u>Dependent Variable</u>		
Indicator of whether youth recidivated (1 = Yes, 0 = No)		
<u>Independent Variables</u>		
Prior Offense History	.1440	.0257
Violent Prior Offenses	-.0504	.4200
Most Serious Committing Offense	-.0797	.2255
Released from a JCC	.1322	.5668
Released from Aftercare	.0352	.7277
Released from a Group Home	.1504	.4107
Released from Private Group Home	.2042	.2529
Prior Treatment Sanctions	.0205	.8184
Total number of Prior Treatment Sanctions	-.0956	.2539
Age at Commitment	-.2887	.0001
Categorized as a Major Offender	.1901	.0141
Race	-.0104	.8681
Dysfunction Scale	-.0603	.3852
Successfully Completed Treatment	-.1768	.0204

Notes: The multivariate model, whose unit of analysis is each individual youth released from a structured setting during fiscal year 1993, is significant at the 0.0001 level. N=436.

The dysfunction scale is a composite indicator that is the sum of various risk factors that theoretically give rise to criminal careers and delinquent behavior. These indicators include information about the youth's assaultive behavior, proclivity to escape or runaway behavior, parental delinquency and addiction, family structure and resources, school performance and mental deficits.

Source: JLARC analysis of data collected from participating DJJ-supported structured settings, court service units, and CCRE database maintained by the State Police.

In interpreting these results, it is important to remember that the model used in this analysis has not fully explained recidivism. The data available to JLARC staff only included information contained at the Reception and Diagnostic Center, in program files, and in court service unit records. It is possible that other factors, such as the lack of effective aftercare programming or continued adversity in the home or community setting, played a substantial role in determining further participation in criminal behavior. Such factors are difficult to capture due to the absence of accessible proxy measures in the juvenile justice system.

The Cost of Successful Treatment Is Substantial

Given the recidivism outcomes and the cost of providing treatment in the JCCs, the issue of whether this approach to juvenile rehabilitation is the most cost-effective is a legitimate area of inquiry. For high cost structured settings such as the JCCs and private programs, the most important question is whether the extra expense associated with these settings can be justified by lower recidivism rates.

JLARC staff examined this issue by first identifying two measures of "cost-effectiveness" for all structured settings. The first is considered an unadjusted cost per success measure and is calculated by multiplying the average length of stay for the structured setting by the per diem cost of that setting. This result is then divided by the proportion of juveniles released from that setting who did not re-offend. Thus, other factors being equal, a facility that has a high success rate (or a low re-arrest rate) will appear more cost-effective relative to other facilities being examined.

The second measure is calculated in the same manner except that the denominator represents the probability of non-recidivism which was generated from the previously discussed model. The measure is essentially the cost-effectiveness ratio. In other words, it represents the cost of the average length of stay in a structured setting divided by the regression-adjusted probability that a juvenile offender will not recidivate. This measure takes into account differences in a juvenile's criminal and social background, as well as their amenability to treatment. With both measures, higher-cost structured settings must produce larger success rates in order to be as cost-effective as other less expensive and marginally productive structured settings.

Using either of these measures, it appears that two structured settings — private facilities and the JCCs combined with aftercare programs — are substantially less cost-effective than the other settings (Table 11). These outcomes can be partially explained by focusing on the differences in length of stay across structured settings. The programs in the private structured settings had considerably longer lengths of stay with a slightly higher per-diem cost. However, their success rates were approximately the same as the JCCs.

THE RATE OF ADULT IMPRISONMENT FOR JUVENILE OFFENDERS

Since the early 1980s, there have been persistent questions concerning the impact of juvenile corrections services on the long-term criminal behavior of young offenders. In recent years, the debate on this issue has heightened because of the surge in juvenile crime rates and the belief that many of today's young offenders are tomorrow's adult inmates. Until now, very little has been known about the long-term criminal behavior of juveniles who received treatment in one of the State's six correctional facilities. For those studies which have been completed, the follow-up periods used to

Table 11

Cost-Effectiveness of DJJ Sponsored Structured Settings

Successes (Probability of Not Recidivating)	Juvenile Correctional Centers	State- Operated Aftercare Facilities	Locally- Operated Group Homes	Post- Disposition Programs	Private Residential Facilities
Per diem cost	\$116.10	\$88.19	\$80.66	\$102.81	\$121.04
Average Length of Stay (days)	181	133	154	47	394
Average Cost over Length of Stay	\$21,014.10	\$11,729.27	\$12,421.64	\$4,832.07	\$47,689.76
Cost per Success (Unadjusted)	\$74,609.93	\$87,892.31	\$63,054.01	\$22,579.77	\$143,212.49
Cost per Success (Adjusted)	\$28,508.20	\$42,040.35	\$12,422.69	\$4,832.26	\$47,695.29

Note: Unadjusted cost per success measure is the Cost-Effectiveness (C/E) ratio where the cost is defined as the average cost over length of stay measure divided by the probability of non-recidivism, i.e. [1 - re-arrest rate], shown in Table 7. The adjusted cost per success is also a C/E ratio, but the denominator is the probability of non-recidivism generated by the multivariate logistics model presented in Table 10.

Source: JLARC staff analysis based on recidivism rates generated in preceding analyses, and on cost data provided by DJJ for the juvenile correctional centers, and by the managers of the other facilities participating in this analysis.

measure adult recidivism have been relatively short, leaving open questions concerning the magnitude and nature of long-term recidivism among young offenders.

This study examined the rate of adult recidivism by tracking for roughly ten years the criminal data for juveniles who were released from treatment in FY 1986 (in the case of Beaumont, only a nine year follow-up period was feasible). The findings revealed that about four out of ten youths sampled for the study were arrested, convicted, and incarcerated or placed on probation in the adult system. The adult recidivism rate for JCCs at the conclusion of the follow-up period (46 percent) was higher than the rates observed for the other structured settings. However, this was likely due to the fact that the JCCs housed a higher-risk population.

A Majority of Juvenile Offenders in JCCs Do Not End Up in Adult Prisons

By tracking the criminal behavior of juveniles for approximately 10 years following their release from treatment, a number of long-standing questions can be addressed about juvenile crime in Virginia. For example, how much juvenile crime is

committed by young offenders who received structured treatment before they age into adulthood? What proportion of these offenders end up in the adult system either incarcerated or on probation and what are their basic demographic characteristics? Are the offenses which land these youths in the adult system more serious than the crimes they committed as juveniles? What are the adult incarceration rates for juveniles who are released from the JCCs compared to those who were treated in other structured settings?

To conduct this analysis, JLARC staff collected information from several agencies. Information on the juvenile criminal records was obtained by reviewing institutional files maintained by DJJ and through a survey of the clerks of Circuit and Juvenile and Domestic Relations courts in the State. The survey response rate was 94 percent. Data indicating whether the youths in the study sample were ever incarcerated was collected from the Department of Corrections. Allowing for the possibility that some juveniles may have received adult sentences but were placed in local jails, JLARC staff reviewed reports from the Central Criminal Records Exchange database maintained by the State Police.

Magnitude of Adult Recidivism. Figure 9 summarizes JLARC's findings on the adult incarceration rates for juvenile offenders. As shown, 41 percent of the youths in the study sample were incarcerated in Virginia's adult system at some point during their follow-up period. Typically, more than four years passed from the date that the youths were released from treatment before they committed the crime that resulted in their imprisonment. Once convicted, they received an average sentence of 10 years. Further, more than one-third of these individuals were committed at least twice to the adult system.

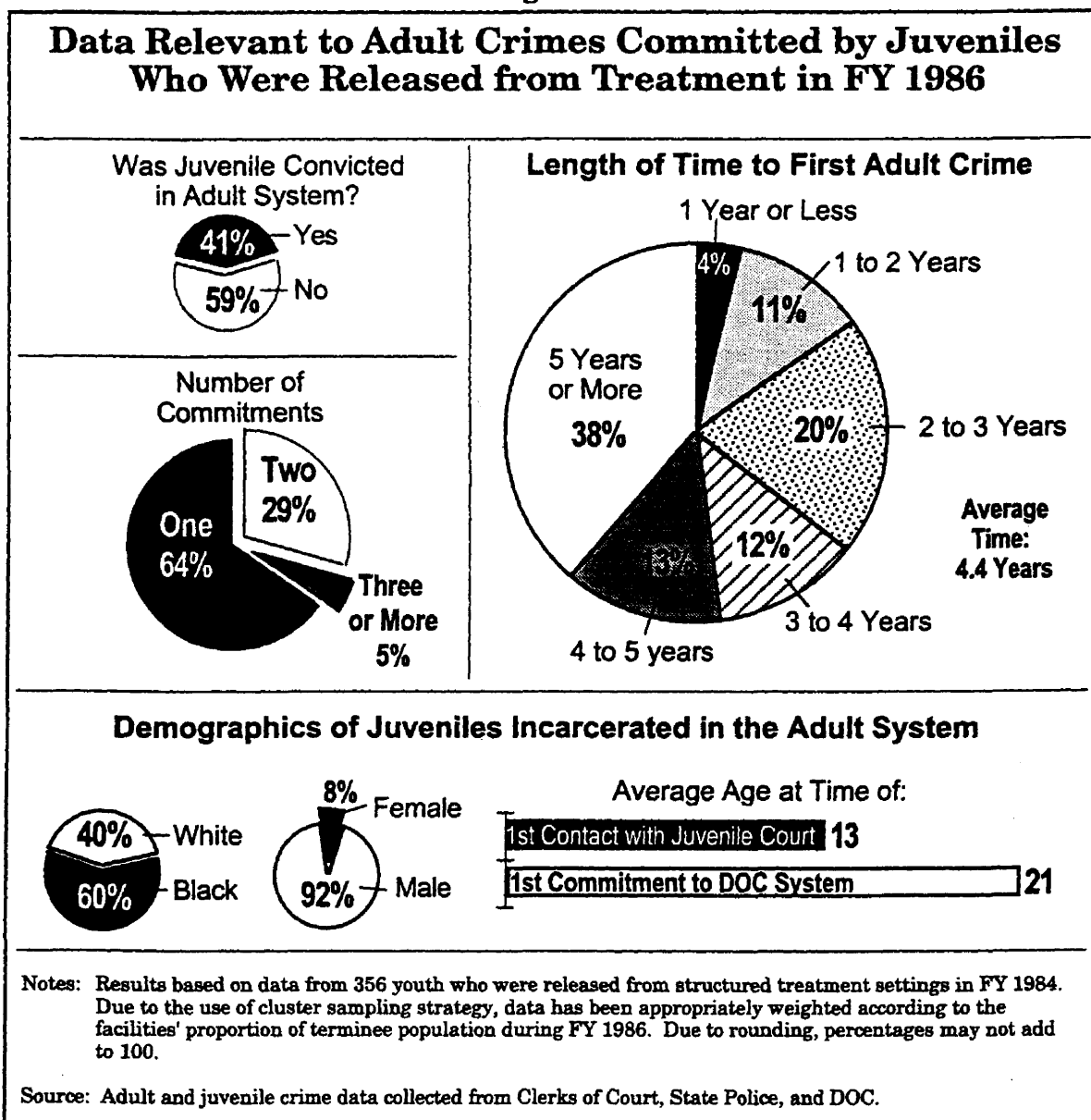
In terms of demographic characteristics, 92 percent of those convicted were male and 60 percent were black. These individuals first came into contact with the court at an average age of 13. Their average age at the time they were committed to the adult system was 21.

Nature of Juvenile and Adult Crime. The evidence from this study does suggest that the young offenders who eventually end up in the adult system account for a disproportionate share of crime as juveniles. Moreover, the crimes they committed which landed them in the adult system are of much greater severity than their most serious juvenile offenses.

In terms of their juvenile criminal careers, these youths were charged with an average of almost eight separate crimes as juveniles. (This does not include multiple counts of one offense). And, although the youths in this study who were sent to prison represent only 41 percent of the sample, they were responsible for more than half of all the felonies that were committed as juveniles (Figure 10, page 45).

Figure 10 also indicates how crime escalated among this group. When comparing the categories of the most serious juvenile offense for which they were ever convicted to their adult crimes, the data clearly show that more serious offenses make up a larger

Figure 9

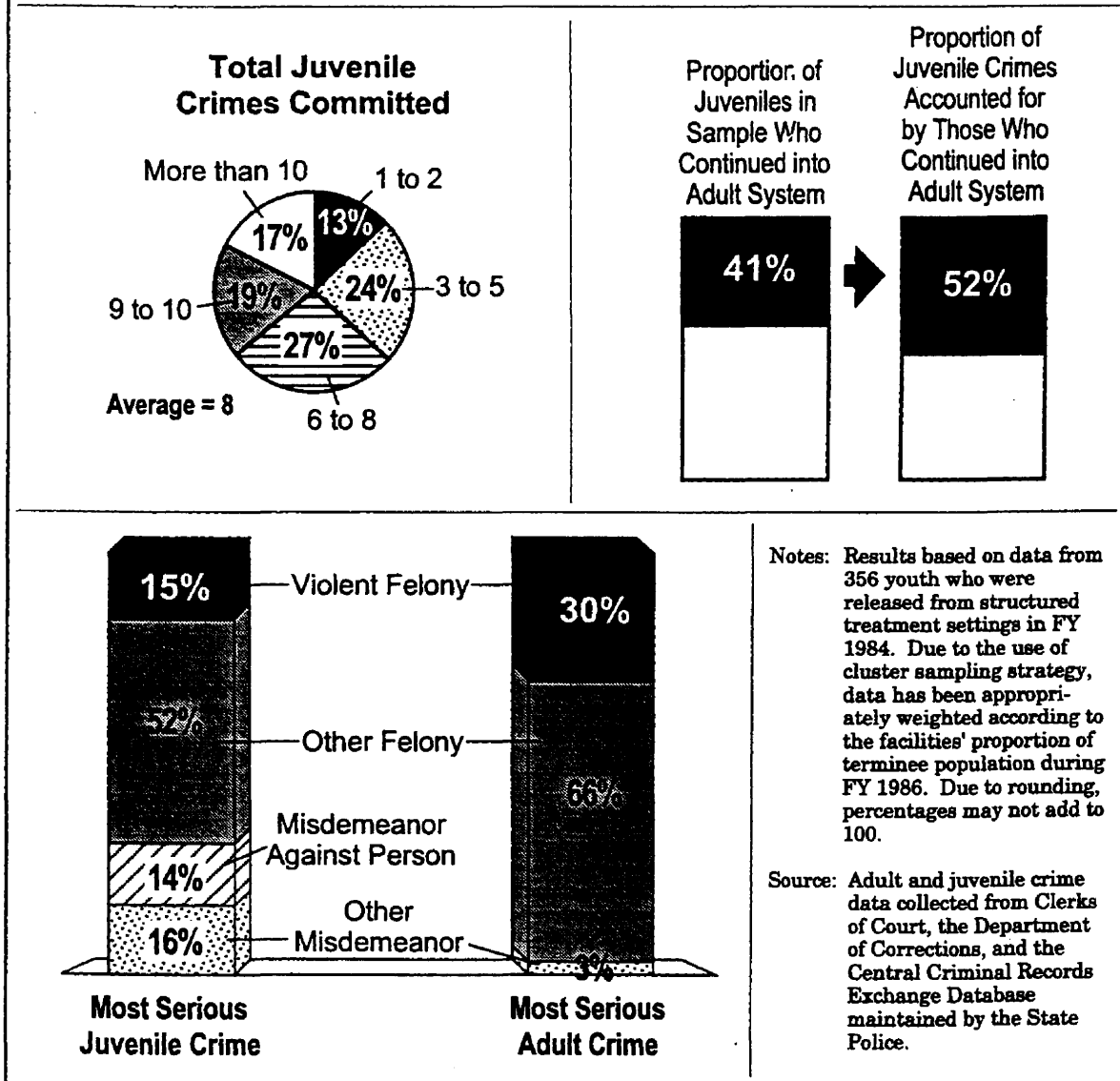


portion of overall crime. Specifically, the rate of violent crime grew by 100 percent, from 15 percent as a juvenile to 30 percent as an adult. Non-violent felonies increased from 52 to 66 percent — an increase of 27 percent.

Adult Incarceration Rates by Structured Setting. JLARC staff examined the data to assess whether incarceration rates for juvenile offenders vary based on the structured setting from which the youths were released and to assess whether there were particular facilities among the JCCs that were associated with lower adult conviction rates. However, considerable care must be exercised when interpreting these numbers because of the many program changes which have been implemented in these facilities

Figure 10

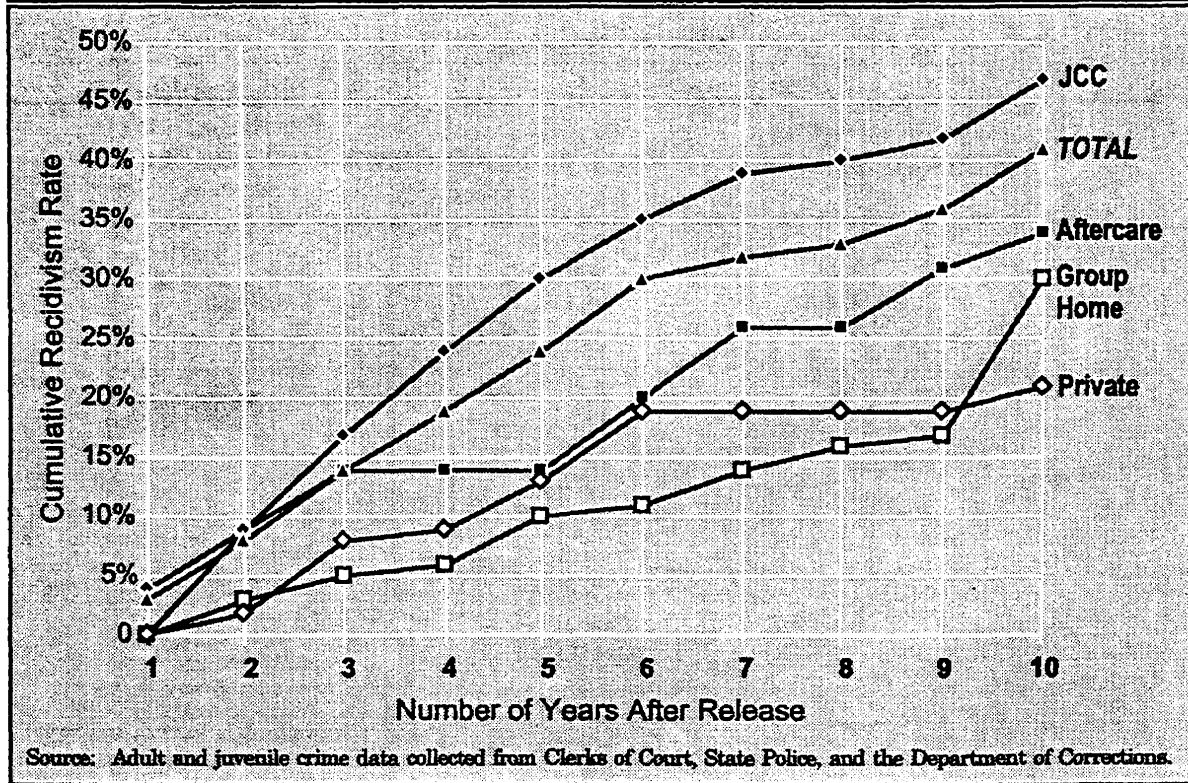
Juvenile Criminal Histories for Youths Who Were Convicted and Confined in the Adult System



since 1986. For example, since 1986 the treatment programming at Barrett has been completely changed and is now a therapeutic substance abuse community. Figure 11 presents the cumulative rates over a 10-year period by structured setting. Not surprisingly, the growth in the adult incarceration rate over time for the JCCs as a group is significantly higher than the other structured settings. This was to be expected, however, because of the higher risk population in this setting. The growth trends and 10 year cumulative adult recidivism rate for the other settings — particularly for private residential facilities and locally operated homes — are substantially lower.

Figure 11

Cumulative Adult Incarceration Rates for Juveniles Released from Four Structured Treatment Settings in FY 1986



Within the individual JCCs, the rates are similar for most of the facilities with the exception of much lower rates for Bon Air (which was housing mostly females in FY 1986) and Beaumont (see Table 12). In the case of Beaumont, the lower rate is partially a function of the length of follow-up. Because of problems with the institutional records, the follow-up period had to be set at nine rather than 10 years.

Table 12

Ten-Year Recidivism Rates for Juvenile Delinquents Across Structured Settings

	Beaumont (n=28)	Bon Air (n=29)	Barrett (n=26)	Hanover (n=25)	Natural Bridge (n=26)	Oak Ridge (n=27)
Re-convicted	39%*	14%	63%	52%	58%	52%

*The recidivism rate for Beaumont is based on a follow-up period of nine years.

Note: Analysis based youth terminated from either a residential or secure treatment setting during FY 1986. Due to use of cluster sampling strategy, contingency analysis has been appropriately weighted according to the facility's proportion of released population during FY 1986. All indicators are significant at the 0.01 level using the χ^2 test.

Source: Adult and juvenile crime data collected from Clerks of Court, State Police, and the Department of Corrections.

THE NATURE OF INSTITUTIONAL TREATMENT SERVICES IN VIRGINIA

Although the research on what constitutes “good” treatment for juvenile offenders is still emerging and is therefore less than conclusive, studies now suggest that in order to reduce the tendency for young offenders to engage in further criminal activity, these programs must have certain crucial components in place. Outcome results from programs that include multiple and intensive treatment interventions, a strong system of rewards and sanctions, and quality aftercare, have begun to reverse the once commonly held view that “nothing works” in juvenile corrections.

Perhaps the most troubling aspect of this study, in light of recent research, is the previously discussed high levels of recidivism observed for juvenile offenders, irrespective of the setting in which they received corrections services and treatment. While specific facilities or programs within the five structured treatment settings embrace some of the components of “good” treatment and appear to have high quality programs, there were some commonly observed problems across all five structured settings.

For example, despite the individual deficits of the juvenile offenders in these facilities, a number of the programs within the various structured settings do not offer specialized counseling. In addition, neither family therapy nor aftercare programming is an integral part of some of these programs. In terms of staffing, there is limited use of psychological counseling in four of the structured settings. Further, only a small proportion of the counselors in any of the structured settings are either licensed or certified. Equally important, the frequency of contacts between juvenile offenders and counselors in these programs varies greatly because of large caseloads in one structured setting (the JCCs), and the many non-counseling duties that counselors in programs from each of the structured settings must assume.

Finally, from an operational standpoint, some facilities across the sample group appear to lack structure, have high staff turnover rates, and are plagued by juvenile runaways. Unless these problems are addressed within each structured setting, there is little reason to expect one particular setting to consistently outperform another in reducing juvenile crime.

Effectiveness of Juvenile Treatment in Various Structured Settings Is Undermined by a Host of Problems

In 1994, the National Council on Crime and Delinquency (NCCD) conducted a national assessment of juvenile programs for the purpose of identifying effective and promising approaches for reducing delinquency among serious and chronic juvenile offenders. Based on this assessment and a review of the research in this field, NCCD concluded that the most effective juvenile programs shared a number of common characteristics. These included the following:

- *Case management.* An integral component of these programs involved the development of treatment plans and the use of consistent feedback that was based on a clear and strong system of rewards and sanctions.

- *Multiple treatment components.* Most successful programs were developed to simultaneously deal with various problems and skill deficits in the juveniles' lives. Key program components included staff directed individual and group counseling sessions, family therapy sessions, and both educational and vocational training strategies.
- *Frequent contact using qualified professionals.* Intensive counseling and close supervision of juveniles using well-trained staff was an often-cited quality of good programs. Structured contacts were carried out on a weekly basis for minimally delinquent youth and on a daily basis for those with serious problems and a history of chronic offenses and long-standing family problems.
- *Strong community reintegration and aftercare services.* The most effective programs included community reintegration strategies, usually through home visits or gradual release, and intensive aftercare services, especially for chronic offenders.

Program Structure for Juvenile Services in Virginia. JLARC staff evaluated the nature of programs in the study using two basic forms of data collection. First, staff interviewed directors, case managers, clinical social workers, and psychologists at facilities to assess juvenile admission criteria, case management structure, and program implementation. In addition, each director was asked to complete a facility fact sheet which requested basic information on the characteristics of the juvenile population, the type of specialized treatment programs provided, and the average length of stay for confined juveniles.

Table 13 outlines the basic characteristics of the structured settings that were examined as a part of this study. As demonstrated, a number of the components considered essential to the development of quality programming for juvenile offenders are not consistently provided, either within or across the structured settings that were examined in this study. For example, major differences exist across the structured settings concerning the use of case management and specialized treatment services. Because of the myriad of personal problems that juvenile offenders bring to these settings, good programs must develop strong case management systems. Effective case management begins when the juvenile is first processed in the facility, usually with the development of a treatment plan. Through the use of this plan, the youth's response to treatment is followed and documented until he or she is discharged from the program. Experts point out that these treatment plans should be regularly updated so that both the staff and the young offenders have similar understandings of how the juvenile's progress in the program is perceived and what future steps will be taken to ensure the program is successfully completed.

The JCCs provide the most structured case management system, utilizing several resources to facilitate decision making regarding treatment, supervision, and placement. The case management process used by the JCCs was developed in 1980, when juvenile justice services was a part of the Department of Corrections. While modifications to the system are needed, the overall structure appears appropriate. Currently, the

Table 13

General Characteristics of Programs in Five Structured Settings

General Conditions	Nature of Structured Setting				
	Juvenile Correctional Centers	State-Operated Aftercare Facilities	Locally Operated Group Homes	Secure Detention Facilities	Private Group Homes
Total Sites Visited	6	2	12	6	5
Does facility use a system of rewards and sanctions based on behavior? Yes	100%	100%	100%	100%	100%
Does facility use a structured case management system to develop treatment or service plans? Yes	100%	100%	25%	0%	20%
Does facility provide rehabilitative counseling? Yes	100%	100%	42%	0%	40%
Does facility provide onsite family counseling? Yes	0%	0%	75%	17%	60%
Is aftercare a part of the program model? Yes	100%*	100%	50%	20%	40%
Average length of stay (in months)	6.69	5.5	7.8	.81	13.07

* Aftercare services provided by court service unit staff upon release.

Source: JLARC interviews with facility staff and JLARC facility fact sheet, summer 1996.

case management structure involves four teams: (1) the evaluation and service planning team makes initial placement decisions and develops the service plan based on the results of the evaluation process; (2) the treatment team makes decisions regarding the implementation of service plan objectives and the granting of certain privileges; (3) the institutional review committee makes decisions regarding release, changes in the service plan, cottage transfer, special placements, and appeals of treatment team decisions; and

(4) the central review committee makes decisions regarding the institutional transfers, reevaluation, and appeals of IRC decisions. This system is managed by rehabilitation counselors.

Although the case management structure in aftercare facilities is somewhat less intense than in the JCCs, they rely heavily on information provided by JCC counselors and court service unit aftercare counselors in the development of treatment plans. Among other things, they collect the commitment order, a juvenile evaluation profile, psychological information, educational assessment and school records, institutional placement records, and current behavior records. In addition, the juvenile and his or her family are interviewed. A staff member reviews the materials and determines whether a juvenile is appropriate for the program.

The problem with case management in aftercare facilities and the JCCs may be its execution. The record keeping in many cases was of such poor quality that it was difficult to determine how functional the case management process was at the other facilities. This raises questions as to whether juveniles are receiving the appropriate feedback concerning their progress in the programs and whether the delivery of services, rewards, and sanctions are consistently adjusted and appropriately delivered based on performance of the juveniles.

The group homes generally utilize a less structured model for case management relying less on formal evaluation tools and more on background data collected from referring agencies and interview responses. As a result, the service plan may reflect a need to work on certain issues (for example, communication with the parent, respect, temper control, or accepting responsibility for his or her behavior) rather than rehabilitative treatment such as substance abuse counseling. In secure detention facilities, the case management structure is either very limited or is non-existent.

Although all programs in each structured treatment setting used some form of behavior management system, there is some variation in the degree to which these approaches are systematically employed. Behavior management is considered necessary for two reasons. First, it outlines what is considered appropriate and inappropriate behavior for juveniles who have often lacked such guidance in the past. Second, programs that incorporate clear rewards for appropriate behavior, and consistently applied sanctions for inappropriate behavior, demonstrate to the young offenders that negative behaviors do have consequences and they will be held accountable for their actions.

All of the programs within the various structured settings utilize some form of a behavior modification system which rewards juveniles for positive behavior or for meeting service plan objectives. Success is generally rewarded by promoting juveniles up a level, or awarding accumulation of points. These higher levels and points allow the juvenile certain privileges not available to those who are sanctioned for poor behavior. The most structured behavior modification systems were found in the State-operated JCCs where physical confinement was secure, access to the community was limited, and sanctions for misbehavior most severe. For example, consequences for misbehavior in JCCs can range from a "Take 5" (a five minute "cooling off" period) to placement in an

isolation or segregation unit with the possibility of additional time being applied to the juvenile's sentence. Awards and privileges are limited to activities within the facility.

In many group homes, rewards for positive behavior include additional home visits, payment of an allowance, and attendance at programs and activities in the community. However, some programs seemed to lack well-defined structures, had less severe penalties, and were frequently characterized by a large number of juvenile escapes or juveniles absent without leave. For example, from 1990 to 1995, the group homes sampled for this study reported that more than 600 juveniles walked away from the programs prior to completion. Group homes also have the option to have a juvenile removed from a facility, if after 30 days, they consider a juvenile inappropriate for their program because of misbehavior, or inability to adjust to the program structure. Based on the observations and discussions with staff and juveniles in these facilities, it was apparent that some group homes took their behavior management program more seriously than others.

The disruption caused by AWOLs (juveniles absent without leave) and poor behavior can obviously be a serious detriment to the development of good treatment programs. Group homes had significant problems in this area. Sample data on the program performance of the juveniles who were released from structured settings in FY 1993 revealed that youths from the group homes and aftercare facilities had much higher rates of non-completion (mostly because they walked away from the programs). Specifically, nearly half (46 percent) of the juveniles in aftercare were terminated from their respective programs because they either went AWOL (39 percent) or re-offended (seven percent). More than half of the offenders in locally-operated group homes were terminated from treatment because of AWOL behavior, additional delinquency, or because they failed to show progress.

Treatment Models Within Structured Settings. Perhaps the most important shortcomings in some of these settings were the lack of specialized treatment for juveniles, the almost complete absence of family counseling, and the lack of tangible links to consistent programs of aftercare. The corrections services provided in the structured settings examined in this study are typically reserved for the State's most chronic and sometimes violent offenders. As has been demonstrated, many of these offenders come from broken homes that are characterized by high levels of substance abuse, criminal behavior, poor decision-making, and often repeated instances of sexual, physical, and emotional abuse. Despite this, only a small portion of the private facilities and locally-operated group homes have programs that combine specialized counseling for the juvenile offenders with family counseling and strong aftercare services.

Nor do all programs within the other settings consistently address these aspects of treatment. For example, while each of the JCCs provide specialized treatment, these facilities do not universally provide family counseling, nor is the nexus to community aftercare services consistently executed. Upon release, staff at the JCC make recommendations for aftercare services in the juvenile's discharge summary. However, the juvenile parole officer through the court service unit actually develops the aftercare plan and is responsible for ensuring that the juvenile meets the objectives laid out in the plan. As

discussed in Phase I of this study, high probation workloads and the paucity of community resources available to juveniles in the JCCs greatly limit successful implementation of aftercare. On the other hand, some of the private and locally-operated group homes utilize aftercare counselors who actively follow the progress of juveniles for up to six months after release through home visits, school and court contacts.

Lack of these treatment services is especially evident in post-disposition secure detention programs. The placement of juveniles in post-disposition programs became a reality in 1986 when the *Code of Virginia* was revised to provide judges with a sentencing option other than placement of juveniles in adult jails. Under current law, a juvenile is eligible for secure detention placement if:

- the child is 14 or older,
- the interests of the child and the community require that the child be placed under legal restraint or discipline,
- the child is amenable to treatment efforts in the community, and
- the child is found to have committed an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility.

In addition, the *Code of Virginia* outlines three types of post disposition sentencing options: (1) placement for youth who have not been found guilty of a delinquent act within the previous year with a sentence limit of no more than 30 days; (2) placement for youth who have been found guilty within the previous year with a sentence limit of no more than six months (this placement is actually a suspended commitment to DJJ); and (3) placement of juvenile for a period not to exceed 10 days for each contempt of court offense.

The Board of Juvenile Justice (formerly the Board of Youth and Family Services) adopted a set of standards for post disposition detention in 1990. These standards outline specific responsibilities for the development of a community treatment plan for juveniles sentenced to more than 30 days. The standards also specify that an approved detention home "shall not use more than 20 percent of its rated capacity for such children at any one time, and such sentenced children shall not be placed when the detention home is at capacity." Although every secure detention facility in our sample was performing over budgeted capacity as of April 1, 1996, judges continued to sentence juveniles to these placements post-dispositionally.

Despite the success of some post-disposition programs, such as the program which has been in place in Norfolk for over seven years, the effectiveness of post-disposition detention has come into question. As evident in Table 13, the average length of stay is less than one month with post-disposition juveniles often mixed in the general population with juveniles awaiting trial. The effectiveness of treatment by facilities that attempt to provide services for juveniles who remain more than 30 days is often

diminished and plagued with problems associated with overcrowding and lack of resources.

Staffing Patterns, Qualifications and Duties. While it is important to establish treatment programs that are designed to help juveniles address whatever character deficits they have, these programs will only be as effective as the staff that are hired to deliver the services. In this respect, the quality of the treatment services can be weakened in a number of ways. Some facilities simply may not employ a sufficient number of personnel to provide the services. In these cases, counselor workloads increase, effectively reducing the number of formal and informal contacts that can be made with the juveniles on their caseloads.

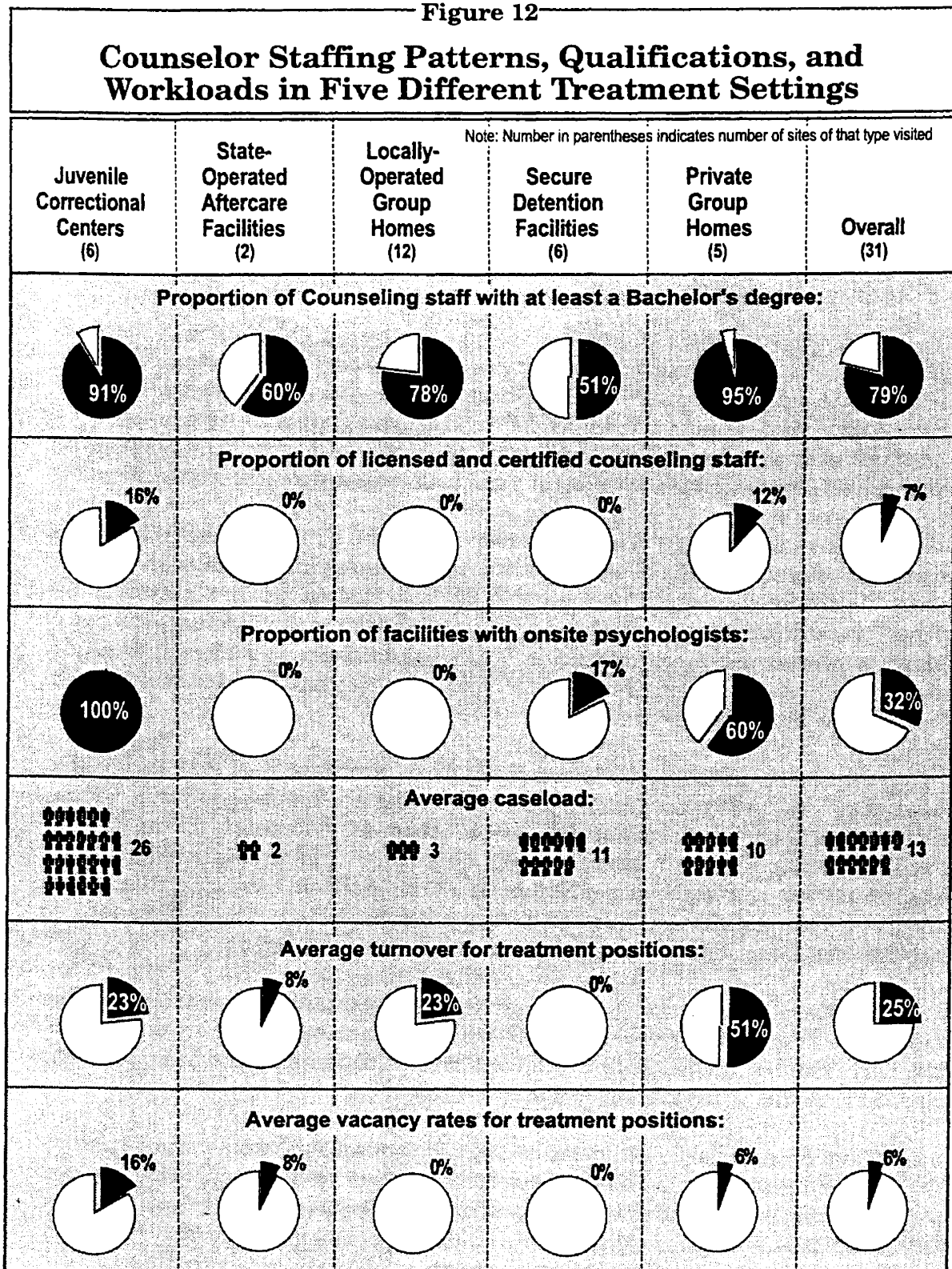
Apart from the issue of caseloads is the question of counselor qualifications. Standards adopted by the Board of Juvenile Justice emphasize the importance of having qualified staff in juvenile corrections settings but are silent on what these qualifications should be. This is important because a widely held assumption concerning treatment in publicly operated programs is that counseling staff, while dedicated, do not possess the requisite qualifications and skills to successfully treat today's troubled young offenders.

A final issue relates to the specific responsibilities of the counselor. In the last 10 years, a major emphasis has been placed on case management in the field of human services. At the same time, there has been no documented push to separate case management duties from the counseling responsibilities that rehabilitation staff in treatment programs are hired to provide. This has forced counselors to reduce the amount of time spent providing treatment services so that their expanded case management duties can be accommodated.

To assess the qualifications of counseling staff in each of the structured settings, the team surveyed staff who were responsible for managing a caseload of juveniles, provided individual or group counseling, or were otherwise responsible for the supervision of youth at correctional facilities. For example, child care workers at secure detention facilities were surveyed, although their primary responsibility is the supervision of juveniles. This allowed the team to compare differences in the background and related services across all structured settings.

As Figure 12 illustrates, programs in each of the structured treatment settings that were examined in this study have problems in one or more of these areas. In terms of staff qualifications, the majority of staff in the correctional facilities have earned at least a bachelor's degree, generally in the social sciences.

However, there are no licensed or certified counseling staff employed in either the locally-operated group homes, secure detention facilities, or State aftercare programs. Although, some staff with these qualifications have been hired in the JCCs and private group homes, the numbers are small (16 and 12 percent respectively). While each of the JCCs and 40 percent of the privately-run programs have access to psychologists who provide counseling and therapy services to some young offenders, the majority of programs in the other three structured settings allocate no resources for this level of treatment.



Source: JLARC staff interviews, staffing survey, and counselor survey, summer 1996.

Counselor workloads and responsibilities are additional problem areas for some of these programs. In the JCCs, because of the well-documented problems of overcrowding, counselors must routinely manage caseloads of 25 to 30 juveniles. The highest average caseload that these counselors have ever worked with in this system was 40. While the other structured settings have much smaller caseloads, some of these facilities appear to have serious problems with turnover among treatment staff. For example, the average annual turnover rate for treatment positions in private group homes was over 50 percent. This figure was somewhat skewed by the fact that one private group home in the sample regularly experiences high turnover. A larger proportion of the counseling staff in this particular facility leave after approximately one year of service, reportedly because of staff burnout or promotions. In the JCCs, the vacancy rate for treatment positions was 16 percent as of April 1, 1996. Equally important, almost 40 percent of these vacant positions remained that way for a minimum of four months.

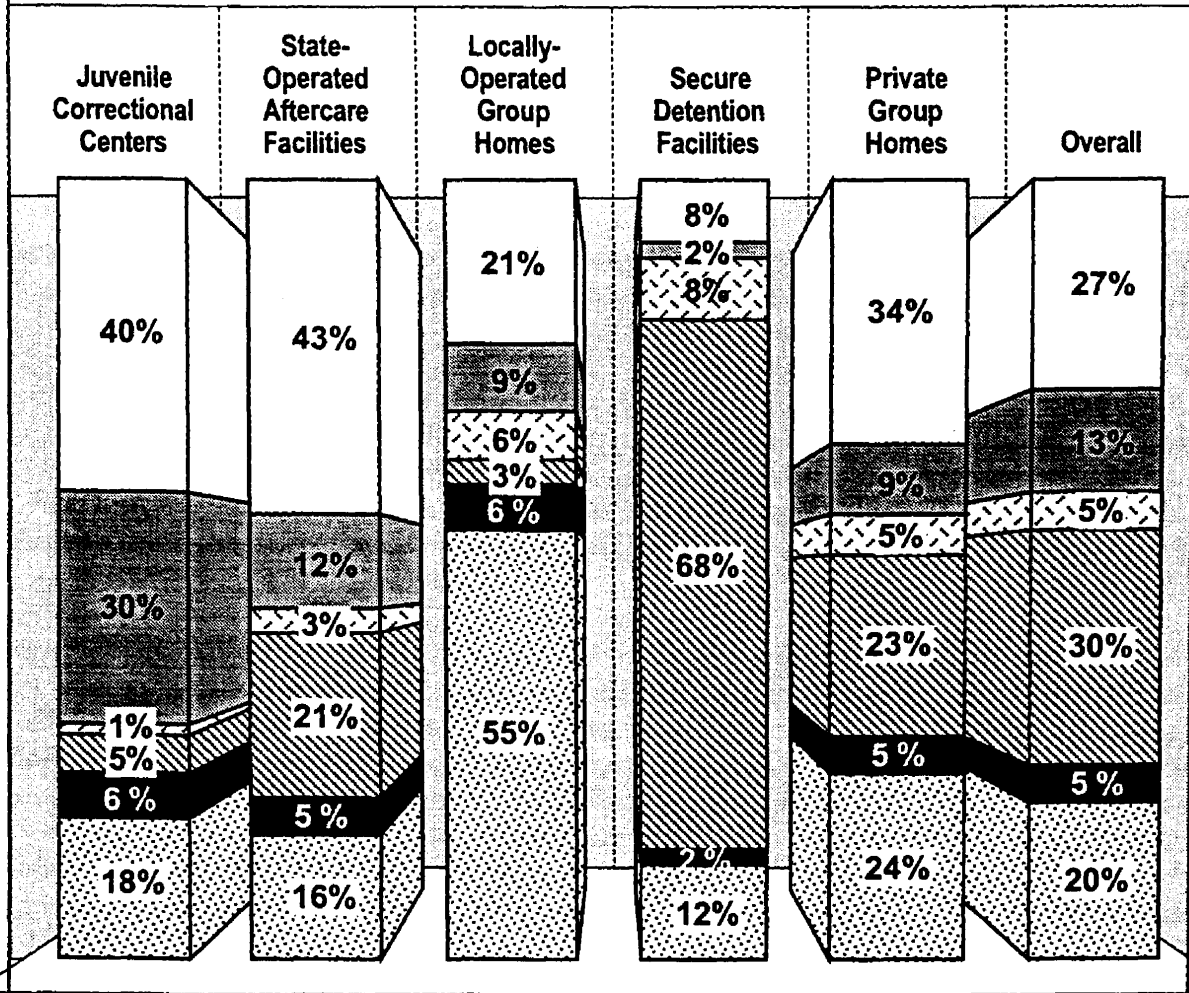
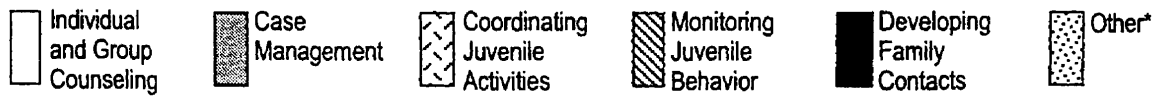
Finally, although the primary responsibility of the counselors who are employed in these structured settings is to provide rehabilitation services, their non-counseling duties are wide-ranging and require a considerable amount of their time. As shown in Figure 13, in a typical week across all structured settings, counselors spend an average of 27 percent of their time on group or individual counseling. The amount of time allocated to counseling is lowest in the secure detention facilities (8 percent), and group homes (21 percent). Overall, most counselors spend significant amounts of time on case management, coordinating juvenile activities, monitoring juvenile behavior, and developing contacts with the youths' families, irrespective of the structured setting in which they work.

The impact of so many non-counseling responsibilities on service delivery can best be understood by examining data on the frequency of group counseling sessions for specific programs. While there are no standards governing the number of counseling sessions that should be held in a typical week, treatment specialists within DJJ point out that many community residential programs often require their staff to operate a minimum of four to five group counseling sessions per week. As shown, in Table 14, counselors that provide substance abuse services in the programs selected for this study provide an average of 2 counseling sessions per week. The average number of meetings for groups on peer pressure and anger control across all structured settings is four meetings per week.

The figures are especially low for programs operated in some of the JCCs. In Beaumont, counselors who provide substance abuse services meet less than twice per week. In Bon Air, counselors meet twice a week. With such infrequent contacts, serious questions can be raised about the nature, intensity and overall quality of the services being delivered in these programs.

Figure 13

How Counselors in Different Settings Reported Spending Their Time



*The "Other" category includes time spent transporting juveniles, reviewing social histories, attending meetings, conducting interviews, and reviewing psychiatric evaluations.

Source: JLARC counselor survey, summer 1996.

CONCLUSION

In conclusion, the findings presented in this section underscore the difficulty associated with attempts to determine which structured settings have the most promise for reducing recidivism. While the programs in a given structured setting have obvious similarities, they have important differences as well. Some of these programs may be

Juvenile Correctional Centers	State- Operated Aftercare Facilities	Locally- Operated Group Homes	Secure Detention Facilities	Private Group Homes	Overall
Average Number of Weekly Sessions for Counselors Who Provide Substance Abuse Counseling:					
2	0	.63	.83	2.4	2
Average Number of Weekly Sessions for Counselors Who Provide Anger Control Counseling:					
1.4	1	2.5	2	10.5	4
Average Number of Weekly Sessions for Counselors Who Provide Peer Pressure Counseling:					
1	1	2.5	1.5	10	4
Barrett	Beaumont	Bon Air	Havnover	Natural Bridge	Oak Ridge
Average Number of Weekly Sessions for Counselors Who Provide Substance Abuse Counseling:					
2.3	1.5	2	2	2	1.5
Average Number of Weekly Sessions for Counselors Who Provide Anger Control Counseling:					
1	1	2	2	2	2
Average Number of Weekly Sessions for Counselors Who Provide Peer Pressure Counseling:					
1.25	2	.5	1.25	N/A	1
Source: JLARC counselor survey, summer 1996.					

effectively designed to reduce future delinquency among juvenile offenders, while others within that same structured setting may not. Moreover, many of these programs share common problems that cross the boundaries represented by the structured settings in which these facilities have been placed for this analysis. Unless these problems are consistently addressed by management for these programs, the concept of one generic type of structured setting in Virginia out-performing another will always be more illusionary than real.

It must also be recognized that this evaluation focused on some of the State's most chronic offenders. More important, the study was not designed to address what the

criminal behavior of this population would have been if the State provided no treatment at all. It is possible that the low success rates observed in this study are substantially higher than the success rates that would be generated if this population were provided no services. Moreover, the finding that those who successfully completed treatment had lower probabilities of recidivism, clearly indicate that juvenile offenders who are amenable to rehabilitation do benefit from the availability of treatment in whatever setting it is offered.

However, it is also evident that for whatever reasons, the results of the State's attempt at reducing future delinquency among juvenile offenders through structured treatment has clearly fallen short of the expectations of the public and the General Assembly. For these reasons alone, the approach used to treat juvenile offenders must be carefully and objectively revisited by the department as a part of deciding what the future direction of its rehabilitative efforts will be.

At a minimum, this should include careful scrutiny of both the program practices and outcome results of community providers — both public and private. Those programs which are not properly structured or have consistently poor outcomes should not be used as a source of future placements for juvenile offenders. Also, the department should hold its own programs — those operated within the JCCs — to the same performance standards used to evaluate community providers. The recidivism data presented in this report provide a baseline against which the progress of programs in each of the different structured settings should be assessed in the future.

Recommendation (1). The Department of Juvenile Justice needs to develop a capability to regularly examine the management, impact, and quality of its rehabilitation efforts. Immediate attention should be given to evaluating the treatment methodologies and practices of public and private community programs, focusing on those programs with high recidivism rates. The recidivism data presented in this report should be used as a benchmark in evaluating treatment programs in the future.

IV. Juvenile Corrections Management in Virginia: A System in Transition

In 1990, the General Assembly established a new direction for juvenile corrections in Virginia by removing the Division of Youth Services from the auspices of the Department of Corrections and creating the Department of Youth and Family Services. The expressed purpose of this reorganization was to ensure that the necessary attention would be given to youth programming and corrections issues which many believed were a low priority of Department of Corrections' officials.

To direct the mission of this new agency, the General Assembly established the following requirements in the *Code of Virginia* for the State's juvenile justice system:

- establish, staff, and maintain facilities for the rehabilitation, training, and confinement of ... children;
- [develop] permanent placement plans [which] shall consider adequate care and treatment, and suitable education, training and employment for such children, as is appropriate; and
- develop and supervise delinquency prevention and youth development programs in order that better services and coordination of services are provided to children.

Since the time that the department was renamed the Department of Juvenile Justice (DJJ) in July of 1996, a considerable amount of attention has been focused on the institutional component of the system. With the recent push of the legislature and the administration to toughen punishment in the juvenile system, officials at DJJ have moved to establish policies within the correctional centers which reflect an increased emphasis on public safety and punishment of chronic and serious offenders. At the same time, however, the legislature's interest in programs of rehabilitation articulated in the *Code of Virginia* has not diminished. And, the current Secretary of Public Safety and department leadership have echoed the belief that the State has a continuing responsibility to afford opportunities for treatment and rehabilitation.

This chapter presents JLARC staff's assessment of the adequacy and appropriateness of the department's response to both the heightened legislative focus on security and punishment and the General Assembly's charge to rehabilitate young offenders. Included in this assessment is a review of the Department of Correctional Education policies governing the delivery of education services within the juvenile correctional centers (JCCs).

The findings of this study indicate that despite the General Assembly's decision to separate the agency from the Department of Corrections, juvenile corrections never really emerged as a budget priority of the Executive Branch until recently. As a

consequence of this and a constantly shifting philosophy concerning the role of the juvenile correctional centers within the juvenile system, each juvenile correctional facility evolved independently in a system that lacked both resources and a coherent mission to guide the operation and future planning of these facilities.

Since assuming leadership of the agency in 1994, officials at DJJ have adopted a series of policies to address a number of historical problems within the system. Through the development of standard operating procedures for the seven correctional facilities, substantial staff increases for security personnel, an extensive capital outlay program, and the construction of perimeter security for the JCCs, some of the more serious and long-standing problems that compromised the integrity of the State's JCC system are now being resolved.

However, in order for the juvenile corrections system to fully address the requirements outlined in the *Code of Virginia*, DJJ officials and management within the Department of Correctional Education (DCE) must also focus on existing inadequacies in the system related to the provision of rehabilitation services. While quality treatment and education programs have been established for a number of offenders in the system, viewed as a whole, the current system of rehabilitation is fragmented, under-funded, and appears outdated. The Department of Juvenile Justice and the Department of Correctional Education will need to effectively plan for the security and rehabilitation needs of the changing juvenile population. Finally, and perhaps most important, key questions concerning the future role of the juvenile correctional centers within the larger juvenile justice system must be answered.

IMPROVING THE OPERATION OF JUVENILE CORRECTIONAL CENTERS

Since juvenile corrections was separated from adult corrections in 1990, the development of the institutional component of the system has been hampered in two ways. First, budget data collected from DJJ indicate that the staffing needs of this new agency were never properly addressed by the Executive Branch. During the time period from 1992 to 1995, when both the workload of the juvenile courts and admissions to the JCCs were rapidly increasing, DJJ budget requests for staff positions increased by 23 percent. This compared favorably with the workload increases the agency was experiencing. However, agency staffing requests were reduced prior to inclusion in the Governor's Budget resulting in a recommended staffing increase of only five percent for DJJ.

Second, DJJ management failed to establish the centralized controls needed to ensure the development of a coherent and consistent set of security and treatment programs within the system of JCCs. Largely because of these problems, each JCC evolved independently, creating inconsistencies in security practices and in the development of rehabilitation and treatment programs. As an outgrowth of these problems, the number of juvenile escapes and absences without leave (AWOLs) fluctuated considerably, and the consistency of the case management process was undermined.

In the last two years, DJJ officials have moved to systematize the operation of the JCCs and reduce problems with escapes, juvenile assaults, and the use of juvenile management and control techniques that were, in some isolated cases, abusive. The implementation of some of the policies has been mishandled or poorly planned, but most of the new policies have been properly established and have improved the operation of the JCCs.

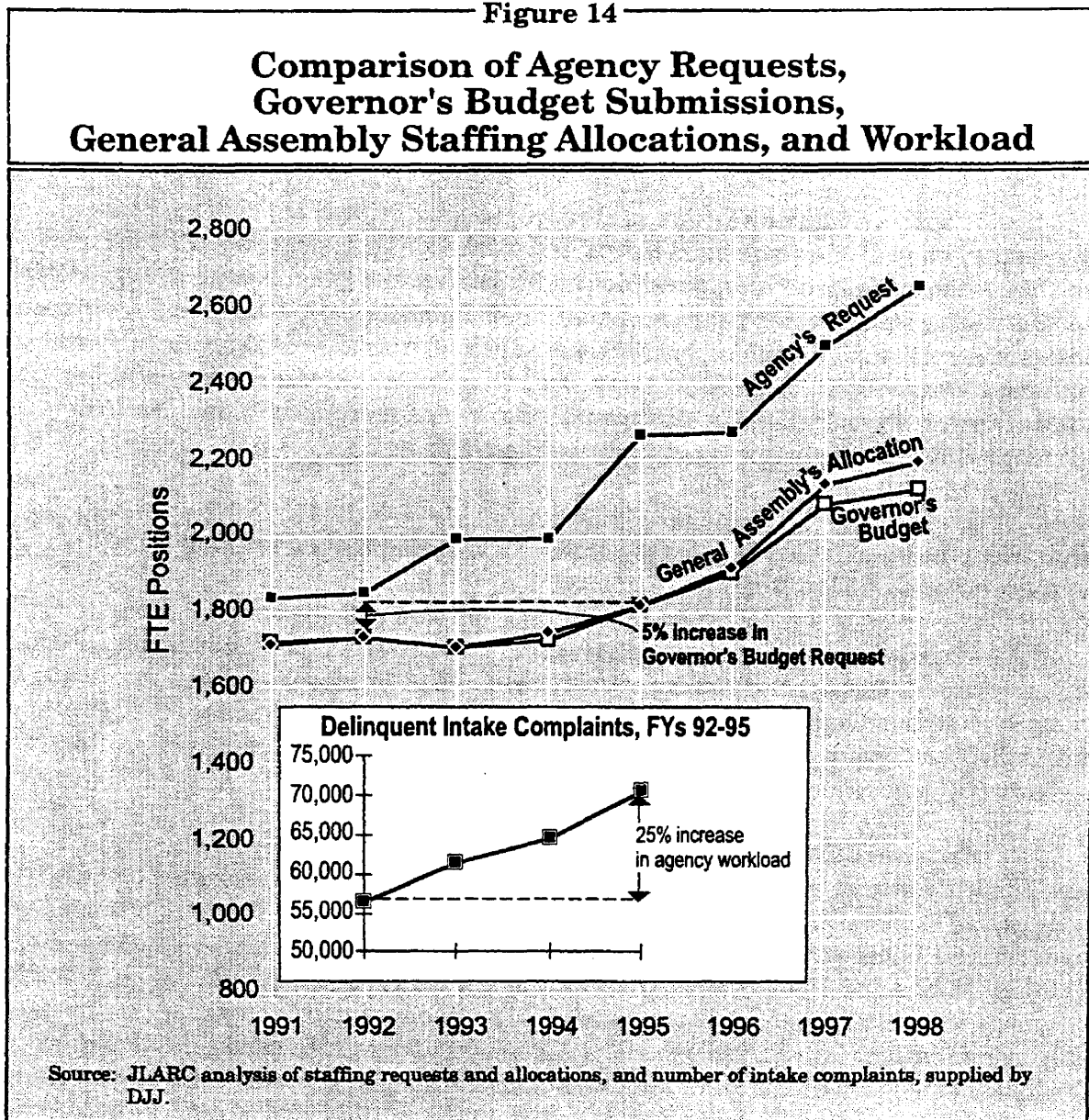
It appears that during this same time period, however, DJJ officials have placed a lower priority on the treatment component in the system. Although the JCCs house some of the most dysfunctional juveniles in the system, the department relies heavily on rehabilitation counselors to treat this population. In most cases, these counselors appear to lack the expertise or training to effectively work with an ever increasing population of dysfunctional juvenile offenders. Moreover, because of their excessive caseloads, the level of services provided in the JCCs has declined and many young offenders leave the system without receiving the treatment services they need.

Staffing Shortages and Weak Central Office Controls Slowed Initial Development of JCC System

The system of juvenile correctional centers suffered when the department was initially separated from the Department of Corrections. The sources of this problem were a rapid growth in the number of juveniles who were confined in the correctional centers, an insufficient funding commitment to the agency, and a lack of direction from the agency's central office.

In terms of staffing, budget data collected from DJJ indicate that the staffing needs of this new agency were never properly addressed by the Executive Branch. An analysis of DJJ staffing requests for FY 1991 through FY 1998 shows that the agency's requests for positions were consistently reduced prior to inclusion in the Governor's Budget (Figure 14). For example, from 1992 to 1995 the workload of the juvenile courts (number of intakes) increased by 25 percent. During the same time period, the average number of admissions to the juvenile correctional centers increased by 28 percent. Pressed by these workload increases and the demands associated with establishing a new agency, DJJ increased its requests for staff from 1,849.5 positions in FY 1992 to 2,267 positions in FY 1995 — an increase of 23 percent. However, during this same time period, DJJ's staffing requests were reduced by an average of 280 positions prior to inclusion in the Governor's Budget. The largest reduction occurred in 1994, when DJJ's staffing request for FY 1995 was reduced by 452 positions.

From 1991 to 1995, the General Assembly provided for all of the DJJ staff included in the Governor's Budget recommendations. However, because of the reductions incorporated within these recommendations, DJJ always received significantly fewer staff than were originally requested. While this was not unusual in the budgeting process, especially during the economic recession that occurred in the 1990s, these reductions were particularly harmful for DJJ. Since the youth services division had historically not received needed attention and staffing — primary reasons for the



separation from the Department of Corrections — as a separate agency DJJ was expected to receive significant staffing increases. Instead DJJ was subject to the same funding and staffing restrictions that were placed on other State agencies.

Problems Generated By Insufficient Funding. A number of long-standing problems within DJJ have been attributed by agency administrators to the lack of adequate staffing and funding for the agency. The central office positions needed to properly develop operating procedures, design and evaluate programs, and oversee JCC operations were not always available. As a consequence, many of the treatment programs and security procedures that were developed came into being through the initiative of the individual JCCs. Thus the system developed in an uneven, autonomous

manner and was characterized by a number of operational problems. Some of the problems at the facilities included a rash of escapes from the JCCs in the early 1990s, upward trends in reportable serious incidents in the mid-1990s, as well as inconsistencies in treatment programming and the methods used to manage the juvenile population.

Recently Established Policies Have Improved JCC Operations

A number of actions have been taken in recent years by current management at DJJ to address problems affecting the operation of the JCCs (Exhibit 3). Many of these actions involved initiatives that required special funding that DJJ was able to secure, including security enhancements, a few new treatment programs, a residential placement program for low-risk juveniles who have been committed to the State, and capital outlay projects. Other actions involved the development of policies to systematically guide the operation of the JCCs.

Viewed as a whole, the question is whether the policy actions taken by the department in recent years are both appropriate and sufficient given the needs of agency. Exhibit 4 provides the JLARC staff's assessment of the performance of the department in key policy areas. As shown, the department gets high marks for the progress it has made in addressing security problems in the JCCs, addressing future bedspace needs, and strengthening the punishment and security aspects of the system. In addition, notable progress has been made in establishing standard operating procedures for the entire system. However, as Exhibit 4 (page 65) shows, there are several problem areas in the agency which have not been systematically addressed by the department.

One such area is population management. It appears that department officials did not adequately anticipate or plan for the changes in the system that were created by the decision to expand the length of stay (LOS) system. The effect of these changes, which are documented in Chapter II, has been to create serious problems of overcrowding in two of six facilities. In two others, populations routinely exceed rated capacity. This increased overcrowding of the JCCs has contributed to a number of problems, including the following:

- a 179 percent increase from 1994 to 1995 in the number of reportable serious incidents involving juvenile on staff assaults, juvenile on juvenile assaults, or serious injury resulting from a fight or other perpetrated action at the seven JCCs;
- a 273 percent increase from 1994 to 1995 in the number of reportable serious incidents involving juvenile on staff assaults, juvenile on juvenile assaults, or serious injury resulting from a fight or other perpetrated action at Beaumont;
- juveniles in Beaumont's two security units which are designed to house a total of 24 juveniles, at times have been forced to accommodate over 60 offenders. Sleeping arrangements at that time were handled by placing mattresses on the floor for almost 40 juveniles; and

Exhibit 3

DJJ Actions Taken to Address Problems Directly Affecting the Operation of the Juvenile Correctional Centers

<i>Nature of Problem</i>	<i>Actions Addressing Problem</i>	<i>Expected Outcomes</i>
Inadequate security at JCCs	Security enhancements: 140 new security staff Expanded training for security officers JCC security enhancement plans Manual of standard operating procedures for all JCCs' use	Better security, particularly within the JCCs that have become most overcrowded.
Inadequacies in the treatment programs that are provided in the JCCs	Continued funding of substance abuse program at Barrett "Baby Think It Over" program Juvenile Industries Army JROTC at Hanover Military school-style programming	Expand or continue treatment and work opportunities and improve discipline.
Juveniles who would receive relatively short LOS being committed and released with little time for treatment	Private residential placements for substance abuse (\$300,000 grant) Placement of committed youth in beds operated within the community (\$10.3 million) Review of LOS system	Provide more appropriate placements for some committed youth, and relieve overcrowded conditions in the JCCs.
Need for additional beds through capital outlay construction and acquisition	Hanover: 72 beds Bon Air: 180 beds Beaumont medium and maximum security: 322 beds Culpeper: 225 beds (plus 50 secure detention beds) Negotiations to acquire Natural Bridge from federal government RFP for privately-operated facility with 225 beds	Provide newer, more security- and treatment-friendly environments, relieve overcrowded conditions in existing JCC facilities.

Source: Interview with Director of Department of Juvenile Justice.

Exhibit 4

Rated Performance of the Department of Juvenile Justice in Key Policy Areas

Type of Improvement	Assessment of Agency's Progress			
	Issues Still Being Identified	Little or Slow Progress	Some Progress	Substantial Progress
Addressing Future Overcrowding				●
Providing Tougher Punishment				●
Enhancing Security				●
Promulgating Clear, Appropriate and Consistent Policies			●	
Instituting Sound Population Management Policies		●		
Providing Quality Rehabilitation	●	●		
Strengthening Oversight		●		
Providing Long-Term Planning	●			
Developing MIS		●		

Source: JLARC's staff assessment of progress made by the DJJ.

- increased resignations and staff burnout due to increased overtime worked in more stressful and dangerous situations — Beaumont had a turnover rate of 60 percent of the security staff during 1996.

Despite these problems, the department has no policy in place to manage overcrowding in the juvenile correctional centers. On two occasions, the department has authorized the early release of offenders who had completed the requirements of their mandatory and recommended treatment plans, had “viable parole plans,” and had completed all but 30 days of their sentences. While these early releases were no doubt useful in relieving some of the overcrowding, they are not an effective long-term solution.

This problem should be addressed more systematically through an examination of the population in the JCCs and the development of policies which clearly articulate the department's position on who should be confined in the JCCs and what their maximum sentence should be. For example, JLARC's analysis of the department's length-of-stay data base reveals that 15 percent of the juveniles who are admitted to RDC each year are assigned a maximum length-of-stay by the department of no more than five months. In most cases, the minimum sentence length for this group was set at two months. For approximately 10 percent of those admitted, their maximum length of stay is so short that they spend as much or more time in RDC receiving diagnostic testing as they do in a JCC where services are delivered. A fundamental question that the department needs to address is whether the State's juvenile correctional system is the appropriate placement

for any young offender whose punishment includes no more than six months of confinement.

Although DJJ officials have initiated a program to divert some minimally delinquent youth into residential treatment, the scope of this effort is small. For that reason, it is unlikely to alleviate the serious overcrowding problems faced by DJJ in the short-term.

Recommendation (2). As a tool to relieve overcrowding in the short term, and prevent unnecessary overcrowding in the long term, the department should conduct an audit of the existing population in the JCCs and identify all juveniles with non-violent criminal records and short-term sentences who could benefit from supervision or treatment in the community. Efforts should be made to develop community supervision or placements for these offenders so that they can be removed from the JCCs.

The Provision of Treatment Within the JCCs Needs Greater Emphasis

At the system level within the department, there appears to be a growing mismatch between the needs of the juveniles in the system and the skill levels of the counselors who are hired to treat them. For example, more than half of the female juveniles at Bon Air have been victims of past abuse, yet there are no therapeutic groups for victims of abuse at the facility. Almost nine out of every 10 juveniles in the system come from families that do not include both of their natural parents. Many of these families have been characterized by the department as dysfunctional and may have either directly or indirectly contributed to the delinquency of their own children. A substantial proportion of the juveniles in the system are chronic substance abusers, and many have mental health problems which, in some cases, require psychotropic medication.

It appears, however, that the department's response to this problem has lagged because management initially viewed security as a separate and greater department need that warranted almost exclusive attention. Leadership in the department is only now making plans to revisit a treatment system that often appears best suited for mildly troubled youth and not the seriously dysfunctional offenders who are in the system. However, if the department is to effectively address the needs of these juveniles, resources must be provided to upgrade both the level and quality of therapy and counseling services.

Inadequate Staff Levels. As noted previously, DJJ staff indicate that the department has only recently received much needed funding for new positions. However, since the populations in the JCCs began to increase, most of these new positions and initiatives have been funded primarily for security positions or enhancements. One hundred and eighty security positions and approximately \$4.2 million for security positions and enhancements have been authorized (including positions authorized for FY

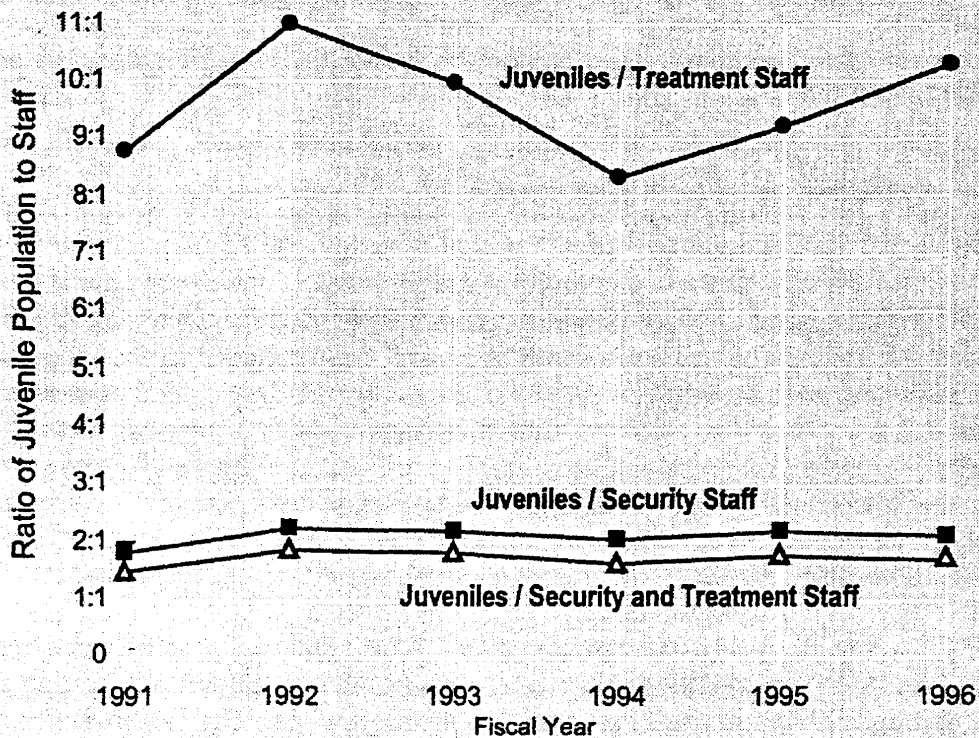
1998) to address needs related to the rapid growth in the juvenile population. In contrast, seven new positions have been authorized for treatment.

Figure 15 graphically illustrates the impact that this has had on treatment staff in the JCCs. The top line reports the number of juveniles for every established treatment position at the JCCs from 1991 to 1996. As shown, the number of juveniles per established treatment position increased sharply in 1992 but was reduced in 1993 and 1994 with the addition of some treatment staff, particularly for specialized programs such as sex offender treatment. Beginning in 1995, the number of juveniles per established treatment position began increasing again as the JCC population increased with no concomitant increase in treatment staff. A similar increase in the number of juveniles per security staff (illustrated by the middle line in Figure 15) did not occur however, because DJJ requested and received additional security positions for the JCCs.

DJJ's director indicated that during the 1996 biennium, the department's priority was to receive additional security positions because security was judged to be the

Figure 15

Ratio of Juvenile Population to Established Security and Treatment Positions, 1991 - 1996



Source: JLARC analysis of DJJ's established security and treatment positions as compared with average juvenile population in the JCCs.

most pressing JCC staffing need. A link between security and treatment (which addresses issues such as anger control and behavior management) was apparently not drawn in setting this priority. However, as was demonstrated in Chapter III, JCC counselors are forced to carry much higher caseloads than staff in the other treatment settings across the State. Additionally, data on the caseloads of counselors within each JCC indicate that this is a system-wide problem, occurring at each facility with the exception of Oak Ridge (Table 15). The most obvious effect of such high caseloads is a reduction in the level of treatment services in the JCCs. It has already been shown in Chapter III that counselors in the JCCs, on average, provide as few as one and no more than two counseling sessions per week.

Table 15

Caseloads of Rehabilitation Counselors in Each Juvenile Correctional Facility

Average Number of Juveniles on Caseload					
Barrett	Beaumont	Bon Air	Hanover	Natural Bridge	Oak Ridge
28	35	24	29	23	10
Average Number of Juveniles on Caseload Who Receive Individual Counseling					
Barrett	Beaumont	Bon Air	Hanover	Natural Bridge	Oak Ridge
25	32	24	29	23	10

Source: JLARC rehabilitation counselor surveys, summer 1996.

Another measure of the impact of high caseloads is the proportion of juveniles who are released from the system before their identified treatment needs are formally addressed by staff who are trained for this purpose. To examine this question, JLARC staff randomly selected three samples of juveniles: (1) those with indeterminate sentences but who were not considered major offenders; (2) those designated to be major offenders by DJJ; and (3) juveniles sentenced as serious offenders by the juvenile court. Since the objective was to evaluate the treatment that has been provided in recent years, only those offenders who were either still in the system as of December 31, 1995, or those who were released during 1995, were included as part of this analysis.

For each juvenile in the sample, JLARC staff collected information from the service plans which identified their treatment needs and indicated whether these needs had been addressed through institutional programming. For example the files might indicate that the juvenile required substance abuse services, anger control, problem solving skills, and behavior management services. The service plans would also describe whether and how these services were provided.

As shown in Table 16, the file reviews revealed that RDC staff typically identify an average of almost five separate treatment needs for the three groups of offenders examined in this study — non-serious offenders, major offenders, and serious offenders. For major and serious offenders who were released in 1995, only 28 and 33 percent of their total identified needs were respectively addressed through treatment. For non-serious offenders, counseling staff provided services designed to address 44 percent of their total treatment needs.

Most of the needs that were not addressed through programming had been classified as ancillary by RDC staff. For purposes of this analysis, the ancillary treatment services involving independent living, mental health, values clarification, family counseling, basic skills of living, problem solving skills, and behavior management were examined. Under no circumstances can a juvenile's release from the system be delayed because these services had not been provided.

Table 16

Levels of Treatment Needs that Are Not Met in Juvenile Correctional Centers

Treatment Need	Classifications of Juvenile Offenders		
	Non-Serious Offenders	Major Offenders	Serious Offenders
Average number of identified treatment needs	5.0	4.6	4.5
Average percentage of all treatment needs met	44%	28%	33%
Average percentage of ancillary treatment needs met	24%	18%	18%
Average percentage of recommended treatment needs met	92%	50%	71%
Average percentage of mandatory treatment needs met	100%	100%	100%

Source: JLARC analysis of information collected from the institutional files of 188 juveniles who were confined in a juvenile correctional center during 1995.

DJJ links the juvenile's actual length of stay, in part, to whether he or she completes treatment that is considered mandatory or recommended. Table 16 indicates that JCC counseling staff appear to focus most of their efforts towards providing the services needed to address these treatment needs. Accordingly, 100 percent of the juveniles' treatment needs that were considered mandatory — defined as sex offender treatment, anger control therapy, or substance abuse services — were addressed through counseling before the youth was released from the JCC. Those treatment needs which were placed in a category of "recommended" were addressed at slightly lower rates.

Behavioral Services Unit Staffing Is Inadequate. JCCs employ a limited number of staff who are qualified beyond the bachelor's degree level to work with juveniles who have serious mental health problems. Headed by a psychology director within DJJ, the Behavioral Services Unit (BSU) has the largest number of professional-level clinicians in the agency. BSU is authorized by Section 66-19 of the *Code of Virginia*, which states that the clinical personnel are to examine committed juveniles "for the purpose of determining, diagnosing, and treating ... impairments with a view to improving the general functioning of such children and hastening their rehabilitation." BSU has 29.5 established positions (excluding 4.5 administrative positions) which are allocated within all of the JCCs, including RDC. BSU professional staff include masters- or doctoral-level psychologists and clinical social workers.

Agency budget requests were made for FY 1991 through 1996 for additional BSU staff (eight additional staff were requested for fiscal years 1991 through 1994 and nine additional staff were requested for FY 1995 and FY 1996). None of the requests were included in the Governor's Budgets. However, BSU did receive six additional positions in FY 1994 to staff the sex offender treatment program at Beaumont.

Six and one-half of the 28.5 professional BSU staff (excluding the director) work within RDC completing evaluations on incoming juveniles under the direction of one psychologist supervisor. An additional three psychologist supervisors provide clinical supervision for psychologists and social workers within four of the other JCCs. Eight BSU staff work within the specialized sex offender treatment programs at Beaumont and Hanover which means that only ten BSU staff positions are assigned to address the mental health needs of the general population juveniles who are not in a sex offender program.

Psychologist supervisors who were interviewed during this review indicated that only juveniles in the general population with the most severe problems are seen by their staff. One supervisor described the situation at his facility in the following manner.

There are only 2.5 psychologists to see the 300 juveniles in general population. This is despite the fact that 40 percent of the juveniles received will be identified by RDC as having mental health or suicide watch needs. Because of the number of juveniles that need to be seen, the supervisor notes he has been forced to "act like a managed care company." He has told his staff that they cannot see a juvenile more

than three times a month unless they indicate that the juvenile will die if he is not seen more often.

If these and other treatment related problems in the JCCs are to be remedied, several steps are needed. First, the department should separate case management duties from therapeutic counseling responsibilities. This would allow counselors to have more frequent and meaningful contact with the juveniles on their caseloads, without losing the benefits of a strong case management system. Second, the qualifications for counselors should be upgraded to include a minimum of a master's degree with special certification for those who are to provide specialized therapeutic counseling. Third, a cadre of these counselors should be hired to reduce caseloads to an acceptable level.

Finally, organizational leadership and oversight of rehabilitation and treatment programs should receive the same attention and visibility as security and punishment issues. Responsibility for the facility allocation and use of these positions should be assigned to the director of BSU so that a more systematic approach to the development, delivery, and evaluation of treatment services within the JCCs can be carried out. Currently, responsibility for overseeing the substance abuse program is assigned to one of the JCC's assistant superintendents. Assistant superintendents are often staff who have worked their way up through the center and may not have a clinical degree of any type.

Recommendation (3). Because of the increasing number of juveniles in the system with dysfunctional families, chronic substance abuse problems, and serious mental health problems, the Department of Juvenile Justice needs to immediately assess the capabilities of its rehabilitation programs and therapists to effectively meet the changing treatment needs of the juvenile population such as victimized female offenders. The department should present the findings of this assessment to the 1998 General Assembly.

Recommendation (4). To enhance the level and quality of treatment services available for juvenile offenders, the Department of Juvenile Justice should develop a two-tiered system of treatment that includes case management and therapeutic counseling. Case managers should be hired in numbers to meet a ratio of one case manager for every 40 juvenile offenders. Based on the needs of the population, the department should hire therapeutic counselors to provide both individual and group counseling services at levels to ensure one counselor for every 15 juveniles who need specialized treatment. As a minimum qualification, the department should require these counselors to have a master's degree in a counseling-related discipline.

Recommendation (5). The rehabilitation function within the Department of Juvenile Justice should receive the same organizational leadership and attention as security and punishment issues. The department should develop an organizational plan which places the responsibility for the development of all treatment services and the supervision of all clinical staff and counselors, with the director of the Behavioral Services Unit. This organiza-

tional approach would allow for clinical supervision and for a more systematic approach to the development, delivery, and evaluation of treatment services and programs within the juvenile correctional centers.

The Need for Employment-Related Training. As the department expands the length of time that some offenders will be required to serve prior to being released, a larger number of juveniles will leave the system as young adults. As many of the youths came to the system with no employment history, they will face a significant competitive disadvantage upon re-entry into the labor market. Accordingly, the existence of a quality job-readiness or employment and training program should be an essential part of DJJ's array of programming.

Currently, DJJ's primary job readiness or training program is called Youth Industries. This program which includes work programs operated within the JCCs, was authorized in the *Code of Virginia* Section 66-25.1 during the 1993 General Assembly Session. Youth Industries is a cooperative venture between DJJ, the Department of Correctional Education, and private business. A DJJ brochure describes Youth Industries as "an innovative juvenile enterprise program designed to: teach marketable skills and positive workplace behaviors; provide youth with work experience while in direct care; and encourage youth to seek gainful employment upon release from the Department's custody." The more than 250 juveniles employed during the first ten months of 1996 earned either piece work rates or \$1.50 an hour for their work in the areas of food services, silk screening, printing, wood working, and office technology.

While it appears that the Youth Industries program has great potential, to date it has received very little funding. State funding has been limited to support of one full-time position to manage the program. Equipment, materials, and other expenses associated with establishing the program have been funded by a federal grant of \$59,000 for a two-year period. As a consequence, the program has had some major set-backs primarily due to problems resulting from inadequate start-up funding. For example:

The printing shop at Beaumont was set up in the vocational area of the youth school. This was not an ideal location for the shop due to the small space it allowed and the likelihood that the shop would only be available for use during school hours. But there was no funding to construct or renovate a small building for the shop. Despite these limitations, the print shop was operating well until the school building had to be closed for asbestos abatement and renovation. Fortunately, contracts with private businesses had not yet been signed since contract provisions could not have been fulfilled. Similarly, the wood working operation at Natural Bridge had to be discontinued when the teacher who was being paid as a temporary staff member to supervise the operation on Saturdays could no longer participate.

Recommendation (6). The Department of Juvenile Justice should allocate additional resources to assist the Youth Industries program in renovating or constructing small buildings, in hiring full-time staff, and in purchas-

ing equipment, materials, and supplies needed to quickly get its program operating. The eventual goal of the program will be to become self-sufficient in the same manner as the Department of Corrections' enterprises program operates.

Oversight of JCC Operations Needs to Be Strengthened

One function of standard operating procedures is to provide JCC staff with guidelines governing the staff's use of authority in managing the juvenile population. In an institutional setting, it is also important to ensure that extreme or abusive practices are not allowed to exist within the JCCs. On two separate occasions, either poor communication between central office and JCC staff, or the lack of clear direction and oversight, allowed questionable and in some cases abusive population management practices to take place.

First, at Bon Air, the facility director established a policy requiring the shackling of all juveniles at the facility whenever they are outside the building. This practice does not account for a juvenile's actual risk to public safety, or their mental or physical state. For example, more than one-half of Bon Air's residents are females, a significant number of whom have been sexually abused. Some of the females are pregnant. This universal use of shackles irrespective of these females' risk to public safety, clearly violates the spirit if not the letter of Board Directive 18-002. This directive provides that "mechanical restraints shall only be employed as a temporary means of controlling youth whose behavior poses a demonstrable threat to the safety of persons or security or order of the facility, or for preventing escapes while youth are in non-secure areas." Despite this and the misgivings that officials at DJJ have expressed regarding this policy, DJJ management indicates that the routine shackling of all wards will continue until a perimeter fence is completed.

Second, and especially problematic, were the procedures and proposals developed for controlling juveniles at Beaumont.

In October 1992, procedures were adopted at Beaumont which allowed for the use of a "maximum restraint posture" and a "four-point restraint." The maximum restraint posture could be used when a juvenile refused to allow less restrictive restraints to be used and staff believed the juvenile to be capable of self-injurious or life-threatening behavior. The description of applying the maximum restraint posture stated that "the youth shall be placed on his stomach with his feet and hands shackled behind his back. His feet shall be secured to his wrists via a chain. A football helmet shall be fitted on his head.... After one hour of non-resistant behavior, the youth shall be given the opportunity to be placed in a sitting position with all of the equipment remaining on him." If the juvenile did not resist at any time after the restraints were applied, it would still take a minimum of eight hours to be freed of all restraints. The four-point restraint involved attaching the juvenile to a bed which

violated DJJ procedure that stated juveniles could not be restrained to a fixed object.

* * *

In January 1996, administrators at Beaumont developed and initiated for one day a harsh segregation program. Beaumont administrators had been asked to develop a segregation program for use in the security units to ensure that programming would be available for those juveniles. The intention of the segregation programming was evidently misunderstood. The program that was developed was designed "to assist predatory juveniles to modify their behavior." The written program description noted the following: lengths of stay which ranged from four weeks to 12 months; one hour "of actual structured classroom work per day"; double-bunking with the juvenile who had spent the least time in the program sleeping on a mattress on the floor; restrictions including the loss of canteen access, telephone and television privileges, and all personal items. Extended periods of isolation from 15 to 45 days and an additional six to 12 months of segregation were provided for juveniles who assaulted staff. JCC certification standards state that isolation is not to exceed 72 hours in length.

It should be noted that once these practices were brought to the attention of central office management, the practices were immediately discontinued.

It will be particularly important for DJJ management to ensure that there are no misunderstandings in the future regarding the fact that abusive practices will not be tolerated. As the system becomes larger and juveniles serve longer sentences, it will be even more challenging to control. As noted previously, the development of standard operating procedures for security is a good first step.

A strong certification process can also be useful as a means of ensuring that inappropriate practices and unsafe conditions are not allowed to persist. There is evidence however, that DJJ's certification process has deficiencies that should be addressed.

When the certification unit supervisor was asked if to his knowledge the certification team had reviewed the Beaumont policies related to the maximum restraint posture and the four-point restraint, the supervisor indicated that he did not think so. The supervisor indicated that procedure manuals are not reviewed in their entirety during audits. Instead institutional staff are asked to place all procedures which deal with a particular policy such as the use of mechanical restraints in a folder for review by certification. The maximum restraint posture and four-point restraint were both provided for under procedures for self-

injurious behavior rather than under mechanical restraint use which explains why they may not have been reviewed.

* * *

Recent reports from the State fire marshal's office highlighted problems with the timeliness of the DJJ certification unit's review of fire inspection reports. Reports from the State fire marshal's office are not received by the DJJ certification unit on the annual basis in which they are completed. Instead the certification team reviews the reports completed during the three-year period that had elapsed since the prior certification. This means that serious fire safety problems may not come to the attention of the certification unit for as long as several years after their identification.

The primary purpose of certification should be the prevention of serious life, health, and safety violations and of abusive policies and practices. In at least the previously noted instances, these types of problems were allowed to continue for years without being identified or addressed. Juvenile correctional centers as well as other facilities which house juvenile offenders must be certified by the Board of Juvenile Justice. Serious deficiencies in these facilities are to be identified during certifications and brought to the attention of the Board. The Board then has the authority to require corrective action or in extreme cases, close the facility or ensure that juveniles DJJ is responsible for are removed.

Recommendation (7). Department of Juvenile Justice management should ensure that abusive practices including violations of certification standards and Board of Juvenile Justice directives will not be tolerated. In connection with this, the effectiveness of the certification process should be examined to ensure that serious life, health, and safety violations and inappropriate procedures and practices are identified and promptly brought to the attention of the Board of Juvenile Justice for corrective action. A copy of the annual inspections completed by the health department and the State fire marshal's office should be forwarded to the certification unit supervisor for review.

LONG-RANGE PLANNING NEEDS FOR DJJ

Before legislation was adopted in 1990 to separate youth services from the Department of Corrections, only minimal attention had been given to the operation and direction of the juvenile justice system. As the following comments from a 1987 report by the Division of Youth Services indicates, the State's juvenile corrections centers were adversely impacted by the absence of a clear philosophy to govern the direction and activities of this system:

The lack of a consistent philosophy within the Division of Youth Services has contributed greatly to the problems within Virginia's learning centers. Minimally delinquent youth are committed to institutions at an alarming rate. Minor offenders are housed with seriously delinquent youth. The amount of time a youth spends in an institution is unrelated to the seriousness of his/her offense, and individual institutions must attempt to treat a wide range of behavioral and social emotional problems. In order to redirect the focus of Virginia's learning centers, it is imperative to establish a coherent and consistent philosophy regarding the issue of involuntary institutional confinement.

The development of a comprehensive policy for juvenile justice was one of the benefits expected from having a separate agency responsible solely for the administration of juvenile justice. The General Assembly considered the development of a such a plan to be important enough to include it as one of eight specific powers and duties of the Board of Juvenile Justice. Section 66-10.2 states the Board is responsible for "ensur[ing] the development and implementation of a long-range youth services policy." It appears, however, that no such policy has been developed by DJJ or approved by the Board to date. DJJ officials stated that strategic planning efforts were initiated but subsequently held in abeyance due to legislative changes the were being considered which would significantly affect DJJ's operation. Consequently, no written strategic or long-range plan which would provide direction for DJJ has been developed.

In 1988, the Committee position paper also noted that the "long-standing absence of verifiable and accurate data on the juvenile justice system ... impairs the state's ability to project its needs or evaluate the effectiveness of its intervention." This criticism can still be made, six years later, even though funding for an MIS system was initially allocated in 1990.

DJJ Lacks a Long Range Plan for the Juvenile Justice System

Important policy and procedural changes have been made in the last few years by the General Assembly, the Board of Juvenile Justice, and DJJ staff. These changes have already had a significant impact on the juvenile justice system and that impact will only increase in the future. It is imperative that a long-range youth services policy be developed to guide the future direction of juvenile justice. A number of changes are underway within juvenile justice, including:

- the nature and age of the population that juvenile correctional centers will be housing,
- the expansion of the community resources that will be available through the Community Services Act (CSA) and the Virginia Juvenile Community Crime Control Act (VJCCCA),

- new funding controlled by DJJ for the specific purpose of providing alternative placements for some juveniles committed to the department, and
- the possibility of contracting with privately developed or operated juvenile correctional centers which will have to be monitored by DJJ in the future.

The expansion of the system with the 952 beds at Bon Air, Beaumont, Culpeper, and the privately-operated correctional center represent a significant increase in bedspace for DJJ. (Note according to DJJ staff, 250 of these beds will actually be replacement rather than new beds for the system.) To assist DJJ in planning for the use of these beds, the agency has retained a consultant. Also, DJJ has recently asked the consultant: to assist in the revision of the length of stay system; to assist in developing a classification system for the juveniles coming into the system that will correspond to the classification developed for the various JCCs; to determine what future treatment needs of the juveniles are likely to be and how these needs could best be addressed; and to determine the best use of the beds that will be available both within the JCCs and the private provider beds in the community.

The consultant's report should be a good first step for the agency in developing a long-range juvenile justice policy that seeks to define how the component parts should operate within a system of juvenile justice. At a minimum the following questions should be addressed by the long-range plan:

- How can the components of the juvenile justice system work together more effectively?
- What role should the juvenile correctional centers play within the larger context of juvenile justice intervention?
- Given the role determined for JCCs, what types of juveniles should be diverted from the JCC system and what types of alternative placements will be needed?
- How many juveniles can be expected to enter the JCC system as opposed to other types of placements if changes are made to the current role?
- What characteristics and associated security and treatment needs will the incarcerated population have?
- What types of standards, procedures, and controls need to be put into place to ensure the integrity of security and treatment programming?
- What automated information should be available to help in understanding, managing, and evaluating the system?
- What funding will be needed for the various components of the juvenile justice system and how should specific funding decisions be made?

Recommendation (8). The Board of Juvenile Justice should ensure that a comprehensive “long-range youth services policy” is developed and implemented in compliance with the requirements of Section 66-10.2 of the *Code of Virginia*. This policy should be presented to the public safety subcommittees for both House Appropriations and Senate Finance by July 1, 1997.

Management Information Systems Problems at DJJ

As early as 1988, when the Department of Juvenile Justice was still a part of the Department of Corrections, formal efforts were under way to design and implement a computer-based information system that would support both the centralized management activities of DJJ and the tracking of youth through the juvenile justice system. This system was viewed as a replacement for the VAJJIS which was considered inefficient, cumbersome, and expensive to maintain.

Nearly eight years later, DJJ has not yet fully implemented the “first” module to its statewide juvenile management information system. While the first module is expected to be fully operational by January of 1997, the protracted nature of this systems development process has substantially hindered planning and management at the agency. Moreover, it does not appear that the remaining modules will be established before the year 2000.

It is important to note that the implementation process was impacted by DJJ’s split from the Department of Corrections and by the fiscal recession of the early 1990s. Staff members in the central office emphasize the inequitable split from the Department of Corrections and their inability to quickly realize capabilities still held by its parent agency. Moreover, DJJ — like other State agencies — had its organizational budget reduced and as a result made a difficult trade-off between retaining personnel and creating new organizational capabilities. Thus, without the information systems staff originally intended for the organization’s operations, DJJ scaled back its original development activities.

Even with these obstacles, it is difficult to view the MIS implementation process as timely. As shown in Figure 16, the implementation process has been characterized by assessments and feasibility studies. While this may help to prevent costly mistakes, it also greatly reduces the ability of the organization to make gains in productivity. Because of the delays in developing a statewide database, the agency has an incomplete and fragmented MIS.

JLARC staff views the overly cautious nature of the implementation process as a major reason for the delay in systems development. It is likely that a more committed approach to the endeavor, both in terms of budgetary discretion and a less extensive planning and development process, would have expedited the development of the department's information system. More importantly, the daily and prospective activities of the agency would be improved by a greater ability to assess current operations and agency outcomes.

Figure 16

Management Information System Development Time Line

November 1988	Initiation of needs assessment to redesign VJIS by DIT at request of DYS (DOC). Completed in August 1989.
July 1990	DYFS becomes separate agency with planned IS staff of 11 FTEs. Staffing reductions defer hiring of IS director.
Spring 1991	DCJS conducts information system requirement analysis. DYFS submits MIS plan to CIM. Process of replacing DOC automation system with OASYS in begins in fall 1991. Budget reduction impacts equipment procurement in November 1991.
February 1992	IS director hired. Evaluation of ORACLE dBase conducted by DIT. Budget reductions defer hiring of IS staff and impact equipment procurement authority. RFP developed for OASYS by end of year.
Winter 1993	OASYS contract awarded. System implemented in Central Office, Regional Offices, and JCCs by July. The hiring of two IS staff during spring of 1993 results in initiation of JTS module and Direct Care dBase development.
Winter 1994	Additional funding provided for senior IS staff hire and further development of CSU automation. Senior analyst hired during August 1994. Prototyping of JTS module begins in November. Procurement of hardware and software for CSUs begins in December.
March 1995	Additional funding appropriated for IS staff hires and implementation of JTS intake module. Eight staff positions filled by fall 1995. Assessment of infrastructure improvements necessary for intake system implementation initiated. Analysis of telecommunication network completed and identification of CSU staff trainers initiated by December 1995.
January 1996	Procurement of telecommunications lines initiated. Training of intake system instructors begins February 1996, and two CSUs on-line with JTS Intake Module by March. Implementation planned for continuation through November of 1996.
Source: JLARC staff review of documentation and interviews with Department of Juvenile Justice staff during 1996.	

IMPROVING EDUCATIONAL PROGRAMS PROVIDED BY THE DEPARTMENT OF CORRECTIONAL EDUCATION

Education, an important component of the rehabilitation programs provided within the juvenile correctional centers, is the responsibility of the Department of Correctional Education (DCE). DCE operates education programs in the adult correctional institutions as well as in the juvenile correctional centers. This review of DCE programs was limited to the programs provided within the juvenile correctional centers.

The DCE youth school system has a history of well-documented and publicized operational problems. This review found that a number of needed changes have been initiated. While some of the changes resulted from the transition DCE is making to be accredited schools, other changes were needed to address significant and long-standing problems, some of which were violations of State and federal law. It does appear that additional funding and staff resources will be needed to allow DCE to provide education in the JCCs that is comparable to the public school system. Oversight of youth schools will also need to be enhanced to ensure that serious problems are not allowed to continue unaddressed.

DCE Youth Schools Have Operated as “Alternative” Schools in the Past

During much of their past operation, the youth schools operated by the Department of Correctional Education have been considered “alternative schools” by the staff of DCE and other State entities. It is not surprising that DCE schools were thought of in this way considering that a number of their students had a history of poor school attendance in the community, were behind in achievement as measured by grades failed and by standardized testing results, and were not expected to stay within the DCE youth schools for very long. According to information collected when juveniles are received at the Reception and Diagnostic Center, during calendar year 1995, 80 percent of the committed juveniles were truant or had dropped out of school. Additionally, 69 percent were achieving below their age level. As late as FY 1994, the average length of stay within a juvenile correctional center was also only four months.

As alternative schools, the DCE youth schools were not expected to operate in the same manner as a public school. Consequently, the grading system, the way credits were earned and counted, and the subjects taught did not have to coincide with the public schools. In addition, the Standards of Learning were not followed, literacy passport tests were not given, and high school diplomas were not issued by the youth schools.

However, this divergence between the DCE youth schools and the public schools became particularly problematic when legislative and administrative changes increased the length of time some juveniles would be held in correctional centers. Juveniles who are designated as major or serious offenders often spend a significant length of time in the correctional centers and for many this may be the best opportunity they will ever have

to receive a high school diploma or general equivalency diploma (GED) and vocational skills.

Changes to Address Parity Issues. The DCE youth schools are currently in the process of transforming from alternative schools to schools which meet the same accreditation as public schools and are considered to be comparable in terms of curriculum provided. Historically, DCE youth schools have not received the same Department of Education (DOE) accreditation that the public schools received. Thus, while DCE was expected to comply with certain State and federal requirements such as providing at least 5.5 hours of daily instruction and complying with requirements related to the provision of special education instruction, other educational provisions were not required.

The differences between how the DCE youth schools and the public schools operated created reciprocity problems between the two systems of education. Public school systems were not always diligent about sending educational information and materials to court service unit or RDC staff. These public school materials would have assisted the secure detention home or JCC in its ability to maintain continuity in education during the first few months of the juvenile's incarceration. Moreover, the DCE youth schools did not offer all of the courses needed for high school graduation and the credits that were given were not always accepted by the public schools as counting toward a high school diploma.

These and other operational problems were confirmed in House Document 29 (1996), "Report of the Virginia Department of Education and the Virginia Department of Correctional Education Study of Student Transfers Between Public Education and Detention Centers and Juvenile Correctional Centers." A number of recommendations were made in the study which supported efforts initiated by the department and are requiring significant changes in the operation of the DCE youth schools. The DCE director is very supportive of making these changes, agreeing that they will result in improved educational services. Exhibit 5 describes the focus of the changes that are planned and the status of their implementation. Clearly, the most significant change will be the fact that DCE youth schools will be accredited as a local education authority (LEA). This means that the youth schools will be expected to meet the same standards that public school districts must meet. DOE certification staff indicated that this will mean that the review of DCE youth schools will be more stringent than past reviews.

Other Changes Being Undertaken by DCE. The director of DCE has undertaken a number of other changes in an effort to address some long-standing problems and improve the education provided in the youth schools. One such problem involved having teachers available to hold classes when a teacher is absent or a position becomes vacant. This is a more serious problem for the DCE youth schools than for public schools because DCE staff are 12-month employees who take vacations, extended medical leave, and other types of leave that are not generally taken by the nine-month contract employees in the public schools. Despite the problems this created, historically DCE has not had substitute teachers who could be called in on an as-needed basis. Instead, absences and vacancies were covered by a variety of staff including teachers who had instructional assistants who could teach their assigned class, school librarians, and

Exhibit 5

Changes Being Implemented to Address Educational Parity Issues

<i>Description of Change</i>	<i>Status of the Implementation</i>
Accreditation as a local educational authority.	Expected to be accomplished by summer of 1997.
Literacy passport testing will be conducted.	The first testing was completed in October 1995 and DOE's schedule for giving the tests have been followed since that time and will continue to be adhered to in the future.
Testing of students to determine educational gains achieved while in the DCE youth schools.	The 3Rs test will be given beginning in January of 1997. When DOE makes a recommendation regarding the type of test to give for this purpose, that test will be given instead.
Subjects that are not currently taught in the DCE youth schools (science, algebra, geometry, history, government, and world studies) will be offered.	The date for implementation at Beaumont as the first youth school is projected to be the fall of 1997.
Textbooks will conform to the types of textbooks used by the public schools and recommended by DOE.	Awaiting the release of DOE's textbook recommendations.
Grading scales and transcripts will be the same as those used by the public schools.	Implemented October 1, 1996.
Source: Interviews with DCE staff during the summer and fall of 1996.	

the teachers assigned to the security cottages at Beaumont and Hanover. Staff assigned to security cottages were considered to be available because DJJ security staff would be present to supervise the resident juveniles. In basically all of the other DCE classes, the DCE teachers are the only persons available to supervise the assigned juveniles.

Using funds made available by vacant teacher positions, a cadre of 11 substitute teachers was established in July 1996 to address teacher absences. It is important for DCE to have an effective means, such as the use of trained substitute teachers, to cover staff absences and vacancies. Otherwise, educational quality will suffer or education services may actually be denied some students. This problem in the security cottages at Beaumont and Hanover correctional centers has been documented. Although no precise time period for the number of days or months educational services were denied could be

established, it is known the problem persisted for a number of months and perhaps as long as a year at Beaumont. The problem at Hanover was more of a sporadic nature and probably did not extend for weeks at a time.

School Resources Need to Be Increased and Oversight Needs to Be Improved

If DCE is going to be successful in its endeavor to provide education that is comparable to that provided in public schools, additional funding and staffing resources will need to be devoted to the youth schools and oversight of the school programs will need to be improved. This review of DCE staffing found that increases in the student population have not been matched by increases in DCE teacher positions. Moreover, a number of the problems that are now being addressed have persisted for several years.

Staffing and Funding of DCE Is Inadequate. The large increases in the number of juveniles housed in correctional centers and therefore enrolled in DCE juvenile schools have negatively impacted student to teacher ratios, particularly in certain schools. In the six juvenile correctional centers (excluding RDC), 155 full-time equivalent (FTE) positions and 43 wage positions were employed as of March 28, 1996. DCE administrators noted that with the current staffing and the number of students who are eligible for special education, the required ratios of one teacher and one aide for every ten students simply cannot be met in all of their youth schools. According to information provided by one youth school, the special education classes have from 11 to 18 students in each class. These ratios violate federal requirements related to the provision of special education for disabled students.

DCE staff estimated that 40 teaching positions would be needed for the youth schools in FY 1997. However, only 16 of these positions were approved to be included in the Governor's budget. To relieve some of the staffing problems the youth schools have, 15 teacher positions that were dedicated to the adult correctional institutions were moved to the youth schools. Given the increases in the number of adults in the adult correctional centers, clearly DCE will not be able to continue moving teachers from the adult to the youth schools.

Recommendation (9). **Additional teaching positions may be needed if DCE is to meet Department of Education accreditation requirements and meet required special education ratios. DCE should therefore prepare a budget proposal, to be considered during the 1997 General Assembly session, that justifies staffing and funding needs, particularly as these needs relate to enhancements needed to address accreditation requirements.**

Effective Oversight and Long-Range Planning Needs. As the DCE youth schools change their operation to meet more stringent DOE accreditation requirements, more demands will be placed on school operations. Continued improvement in oversight by central office staff will be essential in ensuring consistency in implementing new

educational programs, in identifying program weakness, and in ensuring that problems are quickly identified and corrected.

During the early months of this review, JLARC staff learned of a number of problems that DCE has been addressing in the last two years. A summary of the problems and actions taken by DCE are shown in Exhibit 6. DCE needs to take any actions necessary to ensure that basic educational requirements are met. JLARC staff found that one impediment to meeting the required 5.5 hours of instruction for some schools was the scheduling of treatment teams during school day hours so teachers could participate. The DCE director noted that he agrees with removing teachers from treatment team participation if necessary and he has discussed this possibility with DJJ staff.

Exhibit 6

Longstanding Problems Recently Addressed by DCE

Description of Problem	DCE Response
Teachers were not consistently sent to the security cottages at Beaumont and Hanover.	Additional teaching positions were provided for Beaumont in June 1996 and the cadre of substitute teachers (instituted July 1996) is expected to help with covering for absences at both institutions.
School schedules submitted by DCE youth schools during the spring of 1996 revealed that three of the six schools did not provide the 5.5 hours of instruction per day.	At Beaumont, the lengthy homeroom period which had been held for security reasons during movement to lunch has been eliminated. At other institutions, the principals have been authorized to take extraordinary measures if necessary to meet the required hours.

Source: Review of documentation and interviews with DCE staff during 1996.

As part of overseeing the youth school programs, DCE will also need to focus on long-range planning for future population changes. Recent legislation and procedural changes initiated by the Department of Juvenile Justice will have a significant impact on the types of juveniles being housed in correctional centers. A larger proportion of the juvenile population will be committed for longer periods of time, will be older, and in some cases beyond the compulsory school age. These juveniles will have different academic and vocational needs and will be within the system longer. DCE, in close coordination with DJJ, will need to effectively plan for the educational and security needs of this changing population.

Recommendation (10). The administration of the Department of Correctional Education should continue to correct any oversight deficiencies that

have prevented the identification and timely resolution of problems. The department and the youth schools will need to focus on developing the policies and procedures required to meet accreditation standards and thereby improve the educational services provided while addressing the juvenile correctional centers' legitimate security needs.

Appendixes

	<u>Page</u>
Appendix A: Study Mandate	A-1
Appendix B: List of Facilities Selected for Study of Juveniles Released from Treatment in 1993	B-1
Appendix C: List of Facilities Selected for Study of Juveniles Released from Treatment in 1986	C-1
Appendix D: Regional Groupings Used in Analysis of Recidivism	D-1
Appendix E: Agency Responses	E-1

Appendix A

Senate Joint Resolution No. 263 1995 Session

Identifying study topics in the functional area of administration of justice to be reviewed and evaluated by the Joint Legislative Audit and Review Commission.

WHEREAS, the Legislative Program Review and Evaluation Act (§ 30-65 et seq.) of the Code of Virginia provides for the evaluation of state government according to schedules and areas designated for study by the General Assembly; and

WHEREAS, a companion resolution of this session of the General Assembly identifies administration of justice as a functional area of state government to be reviewed at such time as sufficient Commission resources become available; and

WHEREAS, § 30-67 of the Code of Virginia provides that prior to the years in which a functional area of government is designated for review, the Joint Legislative Audit and Review Commission may identify to the extent feasible the agencies, programs or activities selected for review and evaluation from the functional area; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That study topics in the functional area of administration of justice to be reviewed and evaluated by the Joint Legislative Audit and Review Commission be hereby identified. Pursuant to §§ 30-65 through 30-72 of the Code of Virginia, the agencies, programs, and activities subject to review and evaluation in the designated functional area of administration of justice shall include, but not be limited to (i) the system of juvenile justice in Virginia, including the Department of Youth and Family Services, the Department of Correctional Education, and the operation of youth learning centers and services units at the state and local level; (ii) the system of courts in Virginia, including the various courts, the magistrate system, the Virginia State Bar, the Public Defender Commission, and the funding of court-appointed counselors; and (iii) the Department of Criminal Justice Services; and, be it

RESOLVED FURTHER, That pursuant to the powers and duties specified in § 30-58.1 of the Code of Virginia, the Joint Legislative Audit and Review Commission shall plan and initiate reviews of these agencies, programs, or activities, including consideration of matters relating to any previous Joint Legislative Audit and Review Commission report of these areas; and, be it

RESOLVED FURTHER, That in carrying out this review, the agencies identified for study by this resolution or subsequently identified by the Commission, other affected agencies, and the Auditor of Public Accounts shall cooperate as requested and shall make available all records and information necessary for the completion of the work of the Commission and its staff; and, be it

RESOLVED FURTHER, That the Joint Legislative Audit and Review Commission be directed to conduct an analysis of the Virginia State Bar, which shall include, but not be limited to, a thorough evaluation of the revenues and staffing and each of the activities and programs of the Virginia State Bar in relation to its statutory and Rules of Court authority with a view toward ensuring the maximum effectiveness of the Virginia State Bar in carrying out its assigned mission with the minimum resources necessary. The Commission shall complete its analysis of the Virginia State Bar in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents; and, be it

RESOLVED FINALLY, That the Commission shall complete its work and submit its findings and recommendations to the Governor and the General Assembly in accordance with the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Appendix B

List of Facilities in 1993 Sample by Cluster

	Youth Released from Treatment Setting During FY 1993	Size of Sample from Treatment Setting
JUVENILE CORRECTIONAL CENTERS		
Barrett	257	24
Beaumont	331	28
Bon Air	199	26
Hanover	248	29
Natural Bridge	238	29
Oak Ridge	38	30
AFTERCARE FACILITIES		
Discovery House	27	14
Hampton Place	26	18
GROUP HOMES		
Argus House	16	8
Bridge House	22	11
Centerville	5	5
Fairfax Boys Home	25	13
Opportunity House	26	13
Portsmouth Boys Group Home	27	14
Southside Regional Group Home	39	20
SPARC House	19	8
Stepping Stone	19	6
Truxton-Paige	42	19
Youth Haven I	40	18
Youth Haven II	15	7
PRIVATE RESIDENTIAL FACILITIES		
Elk Hill Farms	7	7
Jackson-Feilds	4	4
New Dominion	8	8
Timber Ridge	11	11
United Methodist Family Services	6	6
POST-DISPOSITIONAL PROGRAMS		
Chesterfield Detention Home	100	19
Norfolk Detention Home	19	14
Prince William Detention Home	8	8
Rappahannock Detention Home	6	4
Richmond Detention Home	101	20
Shenandoah Valley Detention Home	37	19
Total	1,966	460

Appendix C

List of Facilities in 1986 Sample by Cluster

	Youth Released from Treatment Setting During FY 1986	Size of Sample from Treatment Setting
JUVENILE CORRECTIONAL CENTERS		
Barrett	167	26
Beaumont	123	28
Bon Air	165	29
Hanover	207	25
Natural Bridge	111	26
Oak Ridge	34	27
AFTERCARE FACILITIES		
Discovery House	29	14
Hampton Place	31	21
GROUP HOMES		
Argus House	19	8
Bridge House	7	7
Fairfax Boys Home	13	13
Opportunity House	21	14
Portsmouth Boys Group Home	23	14
Southside Regional Group Home	4	4
SPARC House	29	8
Stepping Stone	18	9
Truxton-Paige	43	20
Youth Haven I	20	10
PRIVATE RESIDENTIAL FACILITIES		
Elk Hill Farms	17	8
Jackson-Feilds	3	3
New Dominion	29	13
Timber Ridge	19	8
United Methodist Family Services	49	21
Total	1,181	356

Appendix E

Agency Responses

As part of an extensive data validation process, each agency involved in a JLARC assessment effort is given an opportunity to comment on an exposure draft of the report. Appropriate technical corrections resulting from the exposure review have been made in this version of the report.

This appendix contains the responses of the Department of Juvenile Justice and the Department of Correctional Education.



Patricia L. West
DIRECTOR

COMMONWEALTH of VIRGINIA
Department of Juvenile Justice

700 Centre, 4th Floor
7th and Franklin
P.O. B
Richmond, Virginia 23211
(804) 371-0700
Fax (804) 371-0773
Voice/TDD (804) 371-0772

November 7, 1996

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
General Assembly Building, Suite 1100
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you for providing the Department of Juvenile Justice with a preliminary copy of the JLARC report entitled "The Operation and Impact of Juvenile Corrections Services in Virginia" which will be presented to the full Commission on November 12, 1996. Your staff conducted a thorough review of the issues and worked closely with the Department in gathering the information necessary to develop recommendations. The report presents a balanced review, identifying current needs while acknowledging actions that have been taken in the past few years to address longstanding issues. As we develop plans to carry the juvenile justice system into the future, we will use many of your findings as benchmarks against which improvements will be measured.

Many changes have been made since this study began which will have long-term implications for the juvenile justice system. Emphasis has been placed on developing a balanced approach which will assure public safety for the citizens of the Commonwealth, as well as meet the needs of the juveniles with whom we come into contact. Major legislative reforms have now been enacted, and funding has been provided to improve security within our facilities and to increase services in our communities. Several new correctional centers are now under construction, additional security staff and equipment have been authorized, new boot camp and wilderness work programs are being created, bed space will be purchased from private providers, the Virginia Juvenile Community Crime Control Act was created and funded, and Court Service Units have received additional resources to improve management and enhance their ability to supervise juveniles in their communities. As we develop implementation plans for these and other initiatives, we will rely heavily on this report's recommendations.

The recidivism rates that JLARC has identified across the residential treatment settings are obviously a cause for concern. Your finding that seven of every ten juveniles released from state and local programs in 1993 were rearrested within three years shows how much Virginia needed

the reforms enacted at the 1996 Session. The Department intends to continue our recent efforts to establish systems to measure recidivism and to create new evaluative tools to determine what works and what needs to be fixed. We have established performance measures that will allow us to measure success and identify more effective and efficient means for delivering services. The data that you developed in these areas will be of great help to the Department in establishing appropriate baselines against which we can measure future outcomes. Particularly as we implement the recent initiatives noted above, it is critical that we are able to identify problems and successes early on to insure that the resources provided are expended to bring the intended results.

I appreciate JLARC recognizing the accomplishments of the Department, particularly in improving security and operations within juvenile correctional centers. We feel that security is critical, not only for public safety but also to maintain an atmosphere within which treatment programs have an improved chance for success.

JLARC has recommended that the Department audit the existing population to identify juveniles with non-violent criminal records who could benefit from supervision or treatment in the community. We are now assessing juveniles at RDC to determine if they are appropriate for placement in community residential programs. As you know, funding for this Department to purchase beds in private treatment facilities was removed from our budget in 1993. During this past General Assembly Session, funding for these type beds was again provided. It is our intention to place juveniles who are committed by judges to state care, but who require only short-term, lower security settings away from their homes, into these private provider beds. This will free up space in correctional centers for those who require such a setting and treatment environment.

I agree with the Commission's finding that youth who will not be committed to the Department for at least six months can perhaps be better served in other facilities. The ability to provide meaningful treatment in less than six months is limited. As an alternative, in cases which typically do not warrant a six month stay, I would recommend that the availability of post-dispositional detention be enhanced throughout the Commonwealth. Currently, this is a viable option only to juvenile court judges who have access to a juvenile detention home that has available space. I believe post-dispositional detention would offer judges an intermediate sanction for juveniles who require more than community supervision, but less than commitment to a state correctional center.

As I have previously indicated, I concur with your recommendations regarding the need for additional treatment staff in the juvenile correctional centers. We have requested this in our budget submission and are hopeful that additional staff for the Behavioral Services Unit will be forthcoming in the 1997 General Assembly.

Mr. Philip A. Leone
November 7, 1996
Page 3

I would like to clarify one issue raised in the report regarding the reference to not providing group therapy to sexually abused females at Bon Air Juvenile Correctional Center. While it is true that there are no therapeutic groups for victims of abuse currently being conducted, it should be noted that those females at Bon Air who have been victims of abuse continue to receive individual counseling through the Behavioral Services Unit.

Your report notes a lack of long-range planning by the Department and the Board of Juvenile Justice. While we concur with the findings of the Commission, it is important to note that the Department, since my appointment, began the development of a strategic plan. We conducted focus groups across the Commonwealth with staff of all the organizational units, both state and local, and began collecting data regarding programming in the juvenile correctional centers and the communities. Coincidental to the beginning of the development of the strategic plan was the initiation of the Governor's Commission on Juvenile Justice Reform and the Commission on Youth's study of juvenile justice. These studies, and the resulting legislative and budgetary actions, are key to what the future will be for the juvenile justice system. We intend to redouble our efforts now to develop a strategic plan to guide our implementation, management, and evaluation of those reform initiatives.

The report further identified a lack of short-term planning by the Department with specific reference to the decision to reclassify juveniles convicted of malicious wounding and armed robbery as major offenders, thus increasing their length of stay and as a result the population as a whole. The report further concluded this lack of planning impacted the Department's ability to manage its population. However, the report failed to recognize that a conscious effort was made by the Department to plan for an increased population caused by the decision to incarcerate violent offenders for a longer period of time.

During the September, 1994 Special Session of the General Assembly, juvenile correctional center population projections first started going up as a result of the addition of armed robbery and malicious wounding to the major offender category, and because of the effect of the Serious Juvenile Offender Legislation enacted by the General Assembly earlier that year. At that time the Department offered both long-term and short-term solutions to increased populations. The long-term plans included the capital construction projects. For the short-term, we requested and received funding to re-open 70 beds at Bon Air and the Reception and Diagnostic Center that had previously been closed. We also received construction funding for the 72 bed Hanover Infill Project which we were able to complete quickly. During subsequent General Assembly Sessions we obtained intensive parole supervision positions designed specifically to impact the juvenile correctional center population, funding for 20 boot camp beds, and money to place juveniles in privately operated facilities. I believe a review of our budget proposals, both to the 1994 Special Session, and the 1995 and 1996 General Assembly Sessions, will provide evidence that the Department has attempted to provide solutions to manage the increased population of the juvenile correctional centers.

Mr. Philip A. Leone

November 7, 1996

Page 4

We are proud that JLARC has recognized the significance of our Youth Industries Program within the juvenile correctional centers. Providing a structured program that incorporates both vocational education and work experience will give juveniles key skills needed to become productive citizens upon return to their communities. In addition to requesting funding to start up several industries over the next two years, we are seeking to create or join a 501(C)(3) non-profit foundation to increase our ability to accept donations and pursue grants for funding to enhance and increase the program. We are in the process of developing detailed business plans for each of the industries so that we can market both the program and the products produced through it.

I would like to again express my appreciation for the comprehensive report prepared by your staff and for the spirit in which the work was completed. The Department will give serious consideration to the recommendations included in the study and will be happy to report to the Commission the results of our actions.

Sincerely,



Patricia L. West
Director

PLW:WSP:lch



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COMMONWEALTH of VIRGINIA

Department of Correctional Education (DCE)

Office of the
Superintendent of Schools

James Monroe Building - 7th Floor
101 North 14th Street
Richmond, Virginia 23219-3678

Local: (804) 225-3310
TDD: 371-8467

November 5, 1996

Mr. Philip A. Leone
Director
Joint Legislative Audit and Review Commission
General Assembly Building, Suite 1100
Richmond, Virginia 23219

Dear Phil:

Thank you for the opportunity to review and respond to the draft JLARC report on "The Operation and Impact of Juvenile Corrections Services in Virginia."

We understand and appreciate the significant work that went into your study. We are also appreciative of JLARC's recognition of the many important initiatives that DCE has undertaken over the past two and one-half years to revitalize the agency and to improve the professionalism of its staff and the quality of its programs. I would be remiss, however, if I did not highlight some of our important accomplishments which the report was unable to include.

As the report recognizes, DCE had a number of long standing and well documented problems. Accordingly, immediately upon my appointment as Superintendent, we began a complete assessment of all schools, curricula, facilities, teachers, and issues. As a result of that review, we have implemented significant changes in our programs and operations.

Perhaps our most important goal has been to work toward completely overhauling the curricula and programs in our youth schools to transform them to align with Virginia's public schools. Our ultimate objective is to position ourselves to become fully accredited by the Department of Education pursuant to the state's Standards of Quality.

This has been a major ongoing initiative which was begun with the process of completely rewriting our curricula so that its components will comport with Virginia's Standards of Learning.

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Mr. Philip A. Leone

November 5, 1996

Page 2

We created a textbook committee for the purpose of selecting uniform textbooks for all DCE schools. The Committee's objective to adopt textbooks which are the same as those used in the public schools and to assure those textbooks conform to our new curricula.

We have begun the development of a high school diploma program to serve as an alternative to the GED. By offering this new program, our students will have two options in which to pursue a secondary course of study. This will require us to teach disciplines which have never been offered; however, it will better aid those students who desire to return to their home school upon release or who wish to attain a high school diploma during their period of commitment. As a further aid to students seeking a high school diploma, for the first time in the history of the agency, last fall DCE gave the Literacy Passport Test. We also will begin pre- and post-testing of all juveniles in January to assure that our programs are working and to allow us to maintain a cutting edge.

We have created a uniform transcript and report card system which mirrors the transcripts and report cards issued by public schools. In cooperation with the Department of Education and the Department of Juvenile Justice, we have developed a re-enrollment process for juvenile offenders. This new process will ensure a smooth transition of students from the public schools into DCE's programs and back to the public schools. It provides a formalized mechanism to facilitate the transfer of student records as well as accountability in the implementation of individualized education plans for each student enrolled in DCE programs.

DCE was one of the four state agencies to pilot Activity Based Accounting. Not only has it aided us in our restructuring, but we have also incorporated the concept into our performance measures for the Department of Planning and Budget.

Because of these vast changes, it has been important to assure that DCE employees were brought into the planning and vitalized with the spirit necessary to assure the changes. To accomplish this goal and give the staff a greater voice in the organization, I created a Principals' Steering Committee and reinvigorated the Staff Advisory Committee. This last committee is composed of faculty and staff from the field. To demonstrate the importance of these two committees, I have made their co-chairs members of my Senior Staff and they attend our monthly Senior Staff meetings.

We have created a new Master Teacher program to recognize excellence in the classroom, a new mentor-teacher program to provide new teachers with mentors to aid them in the classroom and their adjustment to correctional education, and a new teacher's handbook containing the rules, guidance, and recommendations on teaching concepts, discipline, security, and agency regulations. We have implemented new tool control procedures for the youth school vocational programs to ensure the safety and security of both our staff and students. As your report recognized, we have created a Substitute Teacher Cadre to provide much needed coverage in the youth schools during teacher absences.

Mr. Philip A. Leone
November 5, 1996
Page 3

As you can imagine, I could provide you with page after page of the details of the work that went into these initiatives. We are very proud of the strides we have been making and are committed to continued improvement. My over-riding objective is to make Virginia's correctional education system the model for the rest of the country. I believe JLARC's work both supports what we have been able to do and gives us some important direction in achieving that objective.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'W.A. McFarlane', written in a cursive style.

Walter A. McFarlane
Superintendent

JLARC Staff

RESEARCH STAFF

Director

Philip A. Leone

Deputy Director

R. Kirk Jonas

Division Chiefs

Glen S. Tittermary

● Robert B. Rotz

Section Managers

John W. Long, Publications & Graphics

Gregory J. Rest, Research Methods

Project Team Leaders

Craig M. Burns

Linda Bacon Ford

William L. Murray

● Wayne M. Turnage

Project Team Staff

Emily J. Bikofsky

Patricia S. Bishop

Steven E. Ford

● Deborah Moore Gardner

Harold E. Greer, III

Joseph J. Hilbert

Jack M. Jones

Marcus D. Jones

Melissa L. King

Eric H. Messick

Eric P. Rollins

Ross J. Segel

● E. Kim Snead

Paul Van Lenten

Rowena P. Zimmermann

ADMINISTRATIVE STAFF

Business Manager

Joan M. Irby

Administrative Services

Becky C. Torrence

SUPPORT STAFF

Technical Services

Betsy M. Jackson, Publications Assistant

● *Indicates staff with primary assignments to this project*

Former JLARC staff who
contributed to this study:

Desmond Saunders-Newton

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