CHILDREN AND YOUTH IN TROUBLE IN VIRGINIA

PHASE II

A REPORT BY THE
VIRGINIA STATE CRIME COMMISSION

701 E. Franklin Street, Suite 905

Richmond, Virginia 23219

May, 1979

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STUDY OF CHILDREN AND YOUTH IN TROUBLE

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PREFACE

Virginia's juvenile justice system is undergoing major transition. Recently enacted state and federal laws along with public concern have prompted change in existing methods of handling children and youth in conflict with the law. Within the state and across the country, the scope and purposes of the juvenile justice system are being scrutinized amidst charges that the system has attempted to resolve a myriad of youth problems and, in actuality, has served few very well. With the total price tag of more than $50 million cited as the annual cost of operating the system, Virginia faces in the 1980's the search for effective alternatives: for children in need of services who may require a range of programs within communities and for youthful criminal offenders as institutional costs rise and populations swell to capacity.

There were 79,445 children brought to juvenile court service units in fiscal year 1978, a 27 percent increase from the previous year. While the number of arrests for assaults, burglaries, and larcenies committed by juveniles increased substantially in calendar year 1978, the overall number of juveniles arrested decreased for the first time in four years.

The overwhelming majority of juveniles involved in the juvenile justice system remain in the community. The subject of this report is the handling of these children and youth locally both by law enforcement and by component agencies of the juvenile justice system. Problems and progress within juvenile courts, court service units, crisis intervention centers, detention homes and community youth homes will be examined.

Juvenile crime cannot be viewed as the responsibility of the juvenile justice system alone. It impacts upon a variety of governmental and private

agencies, institutions, and individuals. Therefore, while not a direct focus of the report, aspects of the relationship between the juvenile justice system and schools, employment, and other service agencies will be discussed. The implementation of several provisions of the juvenile code revision will be reviewed as well as Virginia's efforts to comply with federal regulations set forth in the Juvenile Justice and Delinquency Prevention Act. Recommendations for improvement of the system also are proposed.

Methodology

Juvenile crime and the juvenile justice system in Virginia have been the subject of an in-depth study by the Crime Commission. In January, 1978, the Phase I report was published detailing conditions and problems within the Reception and Diagnostic Center and six state learning centers. Among the needs documented in the learning center report were: (1) upgrading of physical facilities; (2) intensified treatment and educational programs; (3) improved classification and placement of severely emotionally disturbed and/or mentally retarded youth; (4) more effective management of the centers; (5) adequate medical and dental services; and (6) development of improved recreational programs. Since the publishing of the Phase I report, the legislature has approved a multi-purpose activity building for the Appalachian learning center. The building is expected to be completed sometime in 1979. Also, a new law was passed directing the Fire Marshall's Office to make annual inspections at all learning centers and that a schedule for correcting deficiencies be enforced by that Office.

The Phase I report also resulted in legislation being passed directing the Secretary of Public Safety to conduct an audit of all medical services to youth institutions. The Secretary of Public Safety later expanded the audit to include medical services in adult correctional facilities also.

These are but a few of the legislative and administrative recommendations which have been acted upon since release of the report. Information concerning the other recommendations is found throughout this Phase II report.

Research for the Phase II study was conducted through on-site visits to a variety of urban, suburban, and rural Virginia communities. Included in the list of facilities and community persons/agencies visited were:

- five juvenile bureaus within law enforcement offices;
- six Commonwealth's Attorneys offices;
- three public defender offices;
- twenty-five court service units;
- twenty-four juvenile court judges and two substitute judges;
- eleven secure detention centers;
- two less secure detention centers;
- three outreach detention programs;
- five jail facilities holding juveniles;
- sixteen community youth homes;
- three crisis runaway facilities;
- two regional group home systems;
- two private residential treatment programs; and
- two family-oriented group homes.

In addition, staff met with the Board of Directors of the Commonwealth's Attorneys Services and Training Council. A complete list of those interviewed appears on pages 165 and 166.

The study was chaired by Delegate L. Ray Ashworth. Because of the scope of this effort, all Crime Commission members served on the study committee. Commission staff member Kathy L. Mays served as project director. Research was conducted by Ms. Mays and Dianne M. La Mountain. For a portion of the project

assistance was rendered by Glenda Peck Miller, a Commonwealth's Intern and several students from the Open High School in Richmond. Additional support was given by Commission staff, particularly Laurence Leonard, Assistant Director; Carol Bignell and Judy Ellington, secretaries. Robert E. Shepherd, professor of law at T. C. Williams Law School and former Assistant Attorney General, served as consultant to the study.

The study was funded by the Law Enforcement Assistance Administration through the Virginia Council on Criminal Justice. In addition to conducting the on-site visits, staff met with court service unit directors at one of their quarterly meetings in Waynesboro and participated in the spring conference of the Virginia Juvenile Officers Association. Staff also discussed the study with the Board of Directors of the Commonwealth's Attorneys Services and Training Council. Questionnaires were sent to all police and sheriff's departments, as well as Commonwealth's attorneys and probation officers as a means of assessing priority issue areas. Statistical data was gathered from the Virginia Juvenile Justice Information System, the State Police, the Division of Justice and Crime Prevention (DJCP), the Virginia Supreme Court, and the Departments of Education and Labor. A variety of records and documents at the state and local levels were utilized also to compile this report. Meetings with staff from the Department of Corrections were held frequently throughout the year to discuss concerns raised during the study. Some of the issues raised by those interviewed have been addressed and improvements have occurred in a number of areas.

Acknowledgements

The Commission wishes to express appreciation for the time and cooperation given by all those interviewed to individual members and staff making the on-site visits. The Commission was impressed with the dedication and professionalism seen among personnel in many youth facilities and programs. In particular the Commission wishes to express appreciation to Secretary of Public Safety, Selwyn H. Smith; Department of Corrections director, Terrell D. Hutto; and former Division of Youth Services director, William E. Weddington. Considerable assistance was given by other staff members of the former Division of Youth Services including Clyde Laushey, Kitty S. Parks, and Curtis Hollins.

Throughout the research, in order to avoid duplication of effort, Commission members and staff worked closely with other legislative committees and state agencies studying related issues. These include the House Health Welfare and Institutions' Subcommittee on the Placement of Children, chaired by Delegate Frank Slayton and the Virginia Juvenile Justice and Delinquency Prevention Advisory Council, chaired by Delegate Dorothy MacDiarmid of Vienna. In connection with those committees, the Commission also wishes to thank Lelia B. Hopper, Staff Attorney, Division of Legislative Services, as well as the juvenile justice specialists within the Division of Justice and Crime Prevention for their assistance.

Finally staff received information and constructive criticism from a variety of citizen groups, personnel within the Children's Rights Project of the American Civil Liberties Union, and advisory group members appointed to work with the Commission during the study. Membership on the advisory group includes:

Delinquency Prevention and Diversion Subcommittee

The Reverend J. Fletcher Lowe, Jr., Richmond
France Brinkley, Teacher, Richmond
Margaret Dungee, Teacher, Richmond
The Reverend John R. Frizzell, President, Shalom House, Annandale
Dr. George M. Bright, Director, Adolescent Clinic, Medical College of Virginia, Richmond
Alton Evans, School Principal, Emporia
Judy Greenberg, Teacher, Arrington
Ann Jones, Co-Chairman, Citizen's Coalition for Criminal Justice, Richmond
Margaret Marston, representing the Virginia Congress of Parents and Teachers, Arlington
Evonne Reed, Teacher, Richmond
Judge Charles H. Smith, 28th Juvenile and Domestic District Court, Abingdon
Dr. Clement A. Sydnor, Assistant Professor, Department of Administration of Justice and Public Safety, VCU, Richmond
Mary Staton, Police Officer, Norfolk
Leo V. Williams, Director, Pupil Personnel, Norfolk, City Schools, Norfolk
L. Ray Ashworth, Chairman

Private Agencies and Associations Subcommittee Members

Betty Adams, Volunteer Coordinator, Juvenile and Domestic Relations District Court, Chesapeake
Lt. Walter Brown, Service Division Commander, Staunton Police Department
Dr. Charles Caldwell, Dean, Graduate School, James Madison University and Chairman, Division for Children, Harrisonburg
Anne Fleming, Past President, Virginia Association for Children with Learning Disabilities, Lowesville
William Hazelgrove, Richmond
David McCoy, Past President, Council on Advocacy of Children, Chesapeake
Fran Minor, State Legislative Chairman, Virginia Federation of Womens' Clubs, Richmond
Jane B. Spilman, Chairman, Anchor Homes of Martinsville, Henry and Patrick Counties, Bassett
William E. Weddington, Assistant Director, Program Development and Evaluation, Department of Corrections, Richmond
Judge Kenneth N. Whitehurst, Jr., Circuit Court, Virginia Beach
Dr. Richard B. Zonderman, Assistant Director, Group Process Program, Commonwealth Psychiatric Center, Richmond
The Reverend George F. Ricketts, Richmond

Volunteerism in the Juvenile Justice System

Judge Frank L. Deierhoi, 19th Judicial District, Juvenile and Domestic Relations District Court, Fairfax
Dorothy C. Ragsdale, Adolescent Unit Coordinator, Central State Hospital, Petersburg
The Reverend William R. Shirah, Director, Youth Service Chaplains for the Chaplains Services The Churches of Virginia Inc., Richmond
Nishel A. Smith, Member, town council, Wakefield
Minor J. Thomas, Director, Friends of the Norfolk Juvenile Court, Norfolk
Marguerite K. Vail, Chairperson, State Public Affairs Committee, Junior Leagues of Virginia, Norfolk

Volunteerism in the Juvenile Justice System (Cont.)

Uta H. Wilbur, Volunteer Coordinator, Reception and Diagnostic Center, Richmond
M. Harriette Cooke, Department of Mental Health and Mental Retardation, Richmond
Stanley C. Walker, Norfolk, Chairman

Questionnaires distributed to youth services personnel were based on those developed in conjunction with the National Assessment of Juvenile Corrections, funded by LEAA and conducted by the Institute of Continuing Legal Education, School of Social Work, University of Michigan.

SUMMARY AND CONCLUSIONS

Research conducted in 1978 through on-site visits to communities throughout the state reveals a number of problems deserving immediate attention and action if appropriate, effective, and cost-efficient services are to be delivered to the ever increasing number of youth involved in Virginia's juvenile justice system.

Foremost service needs are:

- expanding available emergency shelter care, family group homes, and alternative living situations, particularly for older youth;
- upgrading and expanding affordable mental health services for emotionally disturbed youth;
- marital and family counseling programs offered by qualified staff;
- development and adequate funding for delinquency prevention programs.

Despite growth in community residential care programs, additional emergency shelter care and family group homes are needed badly to prevent inappropriate placements of youth in detention awaiting trial when they do not require such secure confinement. A significant number of youth needed alternative living situations as post-dispositional placements or upon return from learning centers because they are unwanted or have no suitable homes to which they can return. Efforts to recruit and provide incentives for families to provide such services must be intensified.

Adequate mental health services for emotionally disturbed youth do not exist in most Virginia communities. Many private psychiatric facilities available locally are prohibitively expensive. Youth are sometimes institutionalized in correctional facilities because of these factors. Approximately ten

percent of the youth in state learning centers are severely emotionally disturbed. Counselors in such centers estimate that another 30 percent have moderately severe emotional problems. Learning centers are not the appropriate placement for many of these children. Progress has been made in the past two years in establishing a secure unit at Central State Hospital in Petersburg. However, concern was expressed in 1978 by facility administrators as to whether or not this and other existing institutional programs operated by the Department of Mental Health and Mental Retardation can properly care for these children, some of whom are violent. The issue of mental health services for children, both those offered locally and in central institutions, requires continued scrutiny by the legislature and executive branch.

Present emphasis in the operation of juvenile and domestic relations district courts is too often on the individual rather than the family unit. Almost 70 percent of all status offender cases are brought to juvenile courts by parents. The number of domestic relations cases (domestic violence and others) has increased substantially in the past few years. A few court service units now have staff and/or specific programs to help families experiencing conflicts. Marital and family counseling programs should be accessible on a statewide basis and should only be offered by well-trained staff.

There has been no systematic state funding mechanism for delinquency prevention programs in Virginia. Such efforts have been limited to only a few areas and have been dependent largely on federal dollars which are being exhausted. Crime Commission-sponsored legislation creating the Delinquency Prevention and Youth Development Act passed during the 1979 General Assembly session. This Act establishes a "grant-in-aid" program for communities developing prevention efforts. Funding for 75 percent of all program operation costs will be paid by the state, the remaining dollars to be supplied by the localities. Careful monitoring and evaluation of these programs may result in identification of successful approaches to reducing juvenile crime.

Continued consideration must be given by the legislature and Secretaries of Human Resources and Public Safety as to which state and local agencies are most appropriate for delivering the services needed.

Foremost system needs are:

- improved and expanded training for law enforcement officers in the handling of offenses committed by or against juveniles;
- a moratorium on the building of additional detention centers until an examination of present utilization practices is completed;
- completion of accurate and objective jail certifications to determine suitability of each facility for holding juveniles as regulated by state and federal law;
- orientation training for substitute judges and lawyers serving the juvenile court;
- upgrading the Virginia Juvenile Justice Information System;
- additional training for intake officers in all court service units;
- expanding the mechanisms for cooperation between all agencies serving children and youth.

Law enforcement officers serve as critical "screening agents" for the juvenile justice system, yet only four training hours are now required on the handling of juvenile cases. Few law enforcement departments have standard operating procedures or guidelines for officers citing local community resources or service agencies to which youth in trouble may be referred for help. In addition, comprehensive evaluation and monitoring of police diversion programs is needed to gauge success of such efforts and to insure that funds are spent wisely.

Statewide usage of facilities such as detention centers and group homes has been less than 75 percent in the past few years. Of the available secure detention beds in Virginia, an average of 115 go unused on any given day. Detention centers were established to keep as many youth as possible out of jails while awaiting trial. Yet 44 percent of the juveniles jailed in fiscal year 1978 were held pre-dispositionally.

Community youth homes were developed in Virginia to serve as an alternative to institutionalization. However, the overall number of youth committed has not been impacted significantly by the availability of these homes. Approxi-

mately 50 of the total 231 post-dispositional group home beds are vacant daily. Adequate usage of these facilities is mandatory if costs for such services are to stabilize.

To comply with state and federal law, local jails in Virginia must provide both "sight and sound" separation between adults and juveniles confined and adequate supervision for the latter. Failure to provide such separation and supervision in the past has led to assaults on juveniles by adults and other youth. Certification of jails based on minimum standards passed by the Board of Corrections is now being undertaken to determine suitability of individual facilities for holding juveniles. (Non-compliance with federal statutes concerning jailing of juveniles may result in loss of dollars now funding a host of alternative services for youth.)

Concern was expressed in a number of areas visited over a lack of preparation of and available training opportunities for substitute judges, defense attorneys, and prosecutors serving the juvenile court. Juvenile and family law has been recognized as a specialized field only in recent years. Procedures in juvenile and domestic relations courts differ from those in other courts. Training packets to better familiarize newly appointed substitute judges with such procedures in law is needed. Seminars for lawyers on these topics may prove beneficial to all parties before the court.

An accurate and updated centralized information system is essential to sound planning and efficient operation of the juvenile justice system. The present Virginia Juvenile Justice Information System provides a baseline of data but its operation has been besieged with problems. There has been limited computer capabilities and programming staff at the central office. Errors in information often have been traced to incorrect keypunching and recording of data locally. The present system must be restructured to keep up with present and future information needs.

Although the juvenile code revision gave increased authority and responsibilities to intake officers, little other than initial training has been offered by the Department of Corrections to persons fulfilling such functions in juvenile court service units. Amendments to the laws affecting juveniles are made each year by the General Assembly. Substantial turnover in intake staff has been made during the past two years resulting in a few intake personnel having had no such training. Given the importance of the intake officer's role, additional training for such staff should be provided by the department.

Fragmentation of services continues to exist between state and local agencies serving children and youth in trouble. Lack of communication and coordination is found also within component programs of the Department of Corrections. Attempts should be intensified to determine the areas where each service agency can help meet the needs of troubled children. Cooperation rather than competition must guide the efforts in recruitment of families to provide needed homes, in the utilization of the presently existing programs, and in the planned development of future facilities and services. Given that service needs and, in fact, clientele of service agencies overlap at times, increased cooperation between agencies must occur if services are to be delivered more efficiently and effectively. In addition, further consideration of the merits of developing a single state agency for children should be undertaken.

Each of these service and system needs is important in efforts to provide a "continuum of care" for Virginia's youth in conflict with the law. The development of community-based programs and facilities which meet a variety of security and treatment needs should have high priority in both short and long-term planning. Regional and interjurisdictional development of facilities should be fostered to permit the maximum possible range of services and optimal utilization.

RECOMMENDATIONS

The following recommendations are presented in a categorized manner but no attempt has been made to prioritize them. Legislative proposals introduced and passed during the 1979 General Assembly session are marked with an asterisk. Rationale for the recommendations is described within the corresponding chapters of the report.

POLICE

- The Criminal Justice Services Commission should revise and upgrade its training programs on juvenile law and the handling of juvenile cases for all recruits in local and regional police academies in Virginia.

- All Virginia law enforcement agencies should develop standard operating procedures to assist officers in handling offenses committed by or against juveniles. In the coming year the Crime Commission will meet with representatives of the various law enforcement agencies to assist in the preparation of a model standard operating procedure.

JUVENILE CODE

* • Legislation should be passed clarifying existing law with regard to time limits on detention of children in need of services (prohibiting such detention longer than 72 hours).

- A rule of court issued by the local court or as part of a set of uniform rules issued by the Supreme Court should be promulgated making inadmissible those statements made by a child to juvenile court psychologists or psychiatrists prior to a hearing on the merits of the case. Psychologists and psychiatrists to be included in this rule are those contracted with or employed by the court/court service unit to provide testing, evaluation, and/or counseling services to youth before the juvenile court.

* • Legislation should be passed clarifying existing law specifically providing that the judge may order both the parents of status offenders and delinquent offenders into counseling or treatment programs. Some judges have felt that the law applied only to parents of delinquent offenders.

* • Legislation should be passed to require the chief judge of the juvenile and domestic relations district court in each city, county, or town to designate the appropriate agencies for the purpose of transportation of children pursuant to Sections 16.1-246, 16.1-247, 16.1-248, 16.1-249 and/or 16.1-250 and as otherwise ordered by the judge. The Department of Corrections should notify all local enforcement officers concerning passage of this law to insure that laws regarding transportation of juveniles separate from adult prisoners are enforced. It may be helpful for judges to determine the agencies to be involved in transportation duties and meet with representatives of same as a group to work out details concerning respective responsibilities.

JUVENILE COURT JUDGES

- Additional time should be allotted at the semi-annual judicial conferences to allow juvenile court judges to receive information and instruction on matters relating specifically to the operation of juvenile and domestic relations district courts.

- The Executive Secretary of the Supreme Court should prepare a training packet for all substitute judges who serve in juvenile and domestic relations district courts.

- A task force comprised of representatives from the Supreme Court Secretary's Office and Department of Corrections should be formed to develop guidelines for the delineation of roles and responsibilities between juvenile court judges and court service unit directors.

* • A resolution should be passed requesting the District Courts Committee to review and revise the suggested equal employment opportunity guidelines and to distribute such guidelines to all district court judges.

- The Commission encourages the Judicial Council to review the proposed uniform rules for juvenile court as developed by the Ad Hoc committee of the District Courts Committee and to recommend adoption of these rules to the Supreme Court.

LEGAL REPRESENTATION OF JUVENILES

- The Virginia State Bar should encourage local bar associations to sponsor orientation training for attorneys newly designated to serve as court appointed counsel in juvenile court.

- The Commonwealth's Attorney's Services and Training Council should, to the extent funds are available, provide additional training on juvenile law, procedures of the court, and dispositional alternatives to Commonwealth's attorneys and their assistants who serve in Juvenile and Domestic Relations District Court.

COURT SERVICE UNITS

- Adequate training for intake officers should be provided by the Department of Corrections. Particular attention should be given to legal questions (e.g. probable cause, criteria for detention, and additional revisions to the present law), crisis counseling and resource referral. All staff responsible for intake should have full access to a complete copy of the Code of Virginia for necessary reference. An intake manual should be developed on standards for intakes by the Department to provide maximum consistency in the intake process.

- The Department of Corrections should review the entire method of caseload distribution in court service units. Particular attention should be given to:

  1) the weighting of job functions;
  2) adopting "levels" of intake and supervision;
  3) credit for extra duties (e.g. community relations and development of programs);
  4) credit for extenuating circumstances such as travel.

- The Department of Corrections should re-evaluate its system of job evaluation and performance appraisal (merit evaluation) with the view of (1) re-examining the present "quota system" for counseling and clerical positions; (2) establishing "career" line positions at a pay scale equivalent to that of a supervisor; and (3) reviewing opportunities for promotion.

- The Department of Corrections should study and develop plans prior to the 1980 legislative session to provide funding for the following:

  1. liability insurance for court service unit personnel required to transport clients in privately owned vehicles as a requirement of employment;

  2. a system of reasonable compensation for court service unit personnel required to perform on-call intake duties in local juvenile and domestic relations district courts;

  3. improvement of telephone systems in all state operated court service units(in coordination with the Virginia Public Telecommunications Council).

- The Department of Corrections should place particular emphasis on the development of strong supervisory personnel in local facilities and units. Training for supervisors in both treatment methods used by staff and supervisory techniques should be considered of utmost importance. Knowledge and understanding of the overall system, the purpose

of VAJJIS and related service agencies are some of the other areas crucial to smooth court service unit operation.

- In order to foster the goals of diversion and treatment, court service units should be encouraged to develop special positions such as "hearing officer" and "resource person". (See Page 69.) The Department of Corrections should give credit for such duties in the caseload measurement system (see recommendation on case distribution) thus allowing implementation of these concepts even in those units where caseload size does not warrant additional specialized positions.

- Student Intern Programs in Virginia colleges and universities should be utilized in all possible cases to extend services offered in court service units and community residential care. Cooperative agreements between state and private institutions of higher learning and the Department of Corrections should be explored to provide maximum benefit to both the agencies and youth being served.

COMMUNITY RESIDENTIAL CARE

- No new detention facilities (other than those already approved) should be built in Virginia until a comprehensive examination of present utilization practices is completed. In the future, the Commission urges the Board of Corrections to approve only those facilities designed for use on a regional basis.

- In localities where two or more detention facilities are within close proximity, consideration should be given to alternative uses for such centers including designation of each to serve a specific population (e.g. all female detainees).

- The Commission recommends that the Department re-establish a sufficient number of positions at the central office for coordination, monitoring, and program development of community residential care facilities.

- The Department of Corrections should develop guidelines to provide some uniformity among detention centers concerning the following:

  1) mail privileges and censorship;

  2) action taken against youth who violate program rules and regulations;

  3) medical procedures including information regarding potential side effects of prescription drugs.

- The Department of Corrections should issue a policy stating that no child placed in a residential care facility affiliated with the department may be confined or suffer loss of privileges or points from treatment programs for refusal to attend religious services. Here, residential care facilities refer to state or locally operated detention centers and/or group homes.

- The Department of Education should establish policy and guidelines delineating the responsibility of local school districts for the costs of education of their youth attending school in a different district due to placement in a residential care program operated or funded by the juvenile court or Department of Corrections.

- Group homes, family group homes, and other community residential treatment programs should be developed and expanded to provide alternatives to incarceration for youth in trouble. Such programs are viewed as viable and effective.

DEPARTMENT OF CORRECTIONS POLICY

- The Department of Corrections should establish clear lines of authority and define the responsibility and authority ascribed to each level of the organizational structure. Further, decision making should be decentralized wherever possible. Local program administrators should be given the control they need for efficient operation and should be held accountable for their actions.

- The Department of Corrections, Division of Program Development and Evaluation, should revise where necessary both minimum standards and the certification process established for court services units and community residential care facilities. Particular attention should be given to the following needs:

  1) a core of team leaders within the Division or Regional offices to provide increased consistency;

  2) a budget to cover the expenses of team members involved in certification;

  3) development of procedures for follow-up on findings;

  4) inclusion of criteria in minimum standards to assess quality of service delivery;

  5) a clear explanation of certification and further development and refinement of the scoring system.

  <u>In addition, the Department and Board of Corrections must establish a definitive policy on the course of action to be taken in the event of failure to meet minimum standards</u>.

- The Department of Corrections should develop plans immediately to update, expand, and refine the Virginia Juvenile Justice Information System. Cooperation with the Virginia Supreme Court's statistical data gathering branch is essential to prevent duplication of paperwork, time, and expense.

COOPERATION BETWEEN PUBLIC SCHOOLS AND THE JUVENILE JUSTICE SYSTEM

* • A resolution should be passed directing the Secretaries of Public Safety and Education to develop cooperatively the necessary mechanisms to assure the implementation of the recommendations of the Juvenile Court--Public School State Task Force.

* • A resolution should be passed requesting the Department of Education and Department of Corrections to encourage and work with local school districts and juvenile court service units to develop forms for referrals to the court.

• The State Department of Education should improve data collection methods on the number of dropouts, suspension and expulsions. Specifically, guidelines should be developed and disseminated on appropriate differentiation between categories. Uniformity in reporting and avoidance of multiple counting of individuals is necessary in order to properly assess the scope of these problems and address them effectively.

• The Department of Education should develop a clear definition of the term "alternative education", determine the appropriate location of these programs within the school systems, and establish standards for evaluating the quality of the programs.

• Local school districts should continue to assess the needs for alternative education programs within their jurisdictions and develop such programs to meet needs of children and youth within their jurisdictions.

• Vocational education and pre-vocational programs should be expanded and made available to the maximum number of youth at the earliest possible opportunity, in order to provide incentives for more youth to remain in school.

• The Department of Education should continue to improve its screening and diagnostic procedures so that learning disabled children and those with other "special" education needs may be identified and appropriate programs developed. This may impact positively on the juvenile justice system.

EMPLOYMENT

• The Crime Commission encourages the efforts of the Governor's Manpower Services Council (GMSC) concerning youth employment and urges continued improvement of communication and cooperation among manpower service organizations in order to improve service delivery. It is recommended that the Governor appoint individuals with expertise in programs funded by the Law Enforcement and Assistance Administration to the GMSC.

* • Legislation should be passed amending the Child Labor Laws and removing the requirement that 16 and 17 year olds have work permits.

CITIZEN INVOLVEMENT AND VOLUNTEERS IN THE JUVENILE JUSTICE SYSTEM

* • A resolution should be passed requesting the Division for Children to establish a task force to develop and publish an information handbook on the juvenile justice system.

• Court service units, community residential care facilities and all other units of the correctional system should utilize volunteers wherever possible to extend and expand services provided to their clients. In order to maximize the effective use of volunteers, a position of "volunteer coordinator" should be established in each facility either as a full-time duty or as a recognized responsibility for which the designated staff member receives workload credit.

OVERVIEW

Juvenile Crime

Two major national reports were published in 1978 updating information known about juvenile crime and its causes. In July, the Ford Foundation published a report indicating that youth crime has tripled in 15 years. In October the National Center for State Courts, headquartered in Williamsburg, issued a report which concluded that youth aged 12-15 with learning disabilities are twice as likely to be brought into the juvenile justice system as those non-learning disabled. Importantly, the learning disabled youth were not found to be more delinquent in their behavior than the non-learning disabled youth.

Statistics released in the Ford Foundation report estimate that as many as one-third of America's young people have police records by age eighteen. Arrests for juvenile violent crimes jumped 231.5 percent between 1960 and 1975, with a slight decrease since 1975. The study found race is not an important factor in youth violence but home location, school failure, and family breakup are. The report also notes:

- violent repeaters are not common among juveniles, with perhaps 3-5 percent of youth having been arrested more than once for violent offenses;
- murder and sex attacks account for less than one percent of all crimes committed by juveniles, compared with three percent for adults;
- peer pressure, learning disabilities, broken families, poverty and even dietary deficiencies have a hand in the creation of a violent child.

In investigating the link between learning disabilities and juvenile delinquency, researchers at the National Center for State Courts say, "The learning disabled

child's disabilities make him susceptible to a greater likelihood of adjudication because the child is not as able to represent his or her own case in court. Learning disabled children have difficulty using language and communicating clearly. They may have difficulties in working with abstract ideas, like innocence and guilt, and logical reasoning, and in anticipating the consequences of their own actions. Thus, the child may not communicate well with justice system actors like police, prosecutors, and judges." Researchers also concluded that difficulties in school may play a significant role in adjudication and disposition of learning disabled children. Additional reports will be published on the subject by the Center in 1979.

There are no statistics compiled centrally on the number of learning disabled youth in Virginia who are involved with the juvenile justice system.

Juvenile Arrests in Virginia

State Police statistics indicate that juvenile arrests in Virginia decreased for the first time in four years from 41,053 in 1977 to 39,597 in 1978 (calendar year). Arrests increased in 15 categories as may be seen on the chart on page xxii. Among the largest categories of arrests were for larcenies and runaways.

Children Brought to Juvenile Court Service Intake Units

In fiscal year 1978, there were 79,445 children handled by court service intake units attached to juvenile courts. In some cases more than one complaint against the child was made (one or more offenses was alleged to have been committed by the child). Thus, the total number of complaints made at intake was 90,951. Of these 13,751 or 15 percent involved children alleged to be in need of services or status offenders. Another 19,276 complaints or 21 percent involved "custody/child welfare cases" (i.e. children brought by social service agencies). Sixty-three percent or 57,924 complaints involved children alleged to have committed delinquent offenses. The average length of time between intake and adjudi-

cation of cases is eight weeks; the majority of cases being handled within six weeks. The average length of stay of children detained in secure detention increased from 10 days in fiscal year 1977 to 12 days in 1978.

Youth Committed to State Care

A total of 1,215 youth were committed to the state Board of Corrections in fiscal year 1978. Some are placed in other public and private residential treatment centers but most are sent to state learning centers where their average length of stay is 9.6 months.

The Commission was disturbed to learn that as of March 1, 1979, approximately 30 committed status offenders remained within the state system. Fifteen are in learning centers. the others are in special placement facilities, according to department officials. The juvenile code revision in 1977 prohibited future commitment of children in need of services. Officials say these youth were charged with the offenses prior to July 1 (the date the new law became effective) but their cases were not heard until afterwards, thus allowing them to be "grandfathered" into the system.

Youthful Offender Institution

Each year a number of juveniles who have committed serious offenses are tried by circuit courts and sentenced to serve time in adult correctional institutions. Some judges interviewed during the Phase II study said they have been hesitant in some instances to transfer cases of juvenile offenders to the circuit court because of lack of appropriate facilities for confinement and rehabilitation of these younger offenders. Legislation to establish a separate correctional facility for youthful first offenders, 23 years of age and younger, was first passed in 1966. Although the Crime Commission and Board of Corrections recommended immediate funding for such an institution, the monies needed were never appropriated. Finally, in 1977, a bond referendum providing the necessary funds for such a facility was passed. Ground breaking for the facility is scheduled in March, 1979.

Youth services professionals interviewed support the need for a youthful offender institution for those youth who cannot be handled effectively in the juvenile justice system. While the construction of a separate facility is, in itself important, the provision of effective treatment and rehabilitation programs including counseling and educational and vocational training is also considered crucial.

Juvenile Justice System Budget and Personnel

While the full cost of operating Virginia's juvenile justice system is not known, estimates reaching $100 million were cited to Commission researchers. Approximately $78.5 million was appropriated during the 1978-80 biennium to the Department of Corrections for youth services programs including operation of court service units, detention centers, group homes, learning centers and prevention activities. This also includes central office administrative costs. Another $8.7 million was appropriated during the same period for juvenile courts including salaries and other operational expenditures. Federal funds, including $2 million annually from LEAA, pay for other services and programs for juveniles on both the state and local levels. The dollar figure for juvenile programs provided through other state and local agencies such as the Department of Mental Health and Mental Retardation and the Department of Welfare was not able to be determined.

There are 32 judicial districts employing 61 judges and approximately 300 clerks and assistants. The total number of court service unit personnel in the state (including probation officers, supervisors, administrators and support staff) is 917. Community residential care programs employ 700 staff members.

JUVENILE ARREST
DATA FROM
VIRGINIA UNIFORM CRIME REPORTS

BY OFFENSES	1975	1976	1977	1978
Murder	42	27	32	33
Manslaughter	22	13	15	6
Forcible Rape	79	86	74	69
Robbery	588	545	560	516
Aggravated Assault	426	372	289	506
Burglary (B&E)	4,517	4,797	4,980	5,092
Larceny Theft	7,009	7,166	8,029	8,296
Motor Vehicle Theft	977	1,127	1,293	1,228
Other Assaults	1,775	1,925	2,011	2,017
Arson	123	192	189	194
Forgery & Counterfeiting	165	163	171	233
Fraud	84	82	107	128
Embezzlement	7	4	5	2
Stolen Property	372	320	400	382
Vandalism	1,646	1,654	1,756	2,060
Weapons - Carry, Possess	312	299	405	452
Prostitution & Commercial Vice	8	5	13	6
Sex Offenses	165	187	167	205
Drug Abuse Violations Total	1,904	2,132	1,880	2,174
Sale/Manufacturing Subtotal	-----	254	236	266
Gambling Total	70	52	29	18
Offenses Against Family & Children	155	18	8	22
Driving Under the Influence	284	402	523	537
Liquor Laws	855	738	689	615
Public Drunkeness	913	1,130	1,376	1,323
Disorderly Conduct	1,285	1,171	1,353	1,345
All Other Offenses (Except Traffic)	7,986	10,185	8,766	6,996
Curfew and Loitering Laws	1,487	1,262	1,197	912
Runaways	5,742	4,864	4,636	4,230
GRAND TOTAL	38,998	40,918	41,053	39,597
BY AGE				
10 & Under	1,837	1,764	1,726	1,644
11-12	3,099	3,011	2,855	2,812
13-14	8,985	9,523	9,767	9,051
15	7,608	7,838	8,097	7,717
16	8,523	9,297	9,203	8,939
17	8,946	9,485	9,405	9,434
TOTAL	38,998	40,918	41,053	39,597

LAW ENFORCEMENT AND JUVENILES

When a youth commits an offense or is a victim of crime, it is a law enforcement officer (police or sheriff's department personnel) who normally sees him/her first. These officers serve as the initial "screening agents" for the juvenile justice system. For example, 39,597 juveniles were arrested between January-December, 1978. However, law enforcement disposed of another 36,510 juvenile cases during the same time period by handling the matters within the department, releasing youth to parents, or referring them to community agencies. Obviously the offenses in which some youth are involved are so serious they cannot and should not be diverted. But how do these officers decide which of the less serious cases to refer to juvenile court as opposed to handling informally? No systematic study has been undertaken in Virginia to answer this question. Studies have shown that merely being referred to juvenile court increases the likelihood that youth will become further involved with the system. Thus, the discretion used by law enforcement officers in handling juvenile cases is of utmost importance.

Major concerns noted during the Phase II study concerning handling of juvenile cases by law enforcement were:

- establishment of youth bureaus or persons within each department especially trained in juvenile matters;
- need for restructuring the basic training offered personnel in juvenile law and related matters (including development of standard operating procedures); and
- the need for better communication and cooperation between law enforcement and juvenile justice system personnel.

Youth Bureaus/Youth Officer Positions

While the exact number of bureaus or positions is not known, at least 25 law enforcement departments have specialized units or officers specifically trained to work with juveniles. Approximately $500,000 in federal grants from the Law Enforcement Assistance Administration (LEAA) have been awarded by the Council on Criminal Justice providing funds to 16 prevention and diversion programs in police or sheriff's departments. Norfolk's youth bureau is the largest with a total of 24 persons assigned including three supervisors.

No longer referred to as the "kiddie cops" or the "diaper patrol" these bureaus/officers handle assignments ranging from murder and rape involving juveniles to child abuse cases. Youth bureau commanders join local juvenile court and other community youth serving agencies in emphasizing the need for such especially trained officers. They say that with the implementation of the juvenile code revision there must be police personnel knowledgeable and continually updated on the law and procedures to be followed in juvenile cases.

The priority and credibility given these bureaus/officers among other department personnel appears to be directly related to support from the chief of police or sheriff. In the past, youth work was not considered a prestigious assignment. For example, until a year ago, youth bureau personnel in one Richmond area police department were paid on a lower salary scale than officers in other divisions doing similar work. Most youth bureau administrators discourage establishment of such a division or specialized positions unless there is ample evidence of such support.

Establishment of special delinquency prevention and diversion programs within law enforcement departments generally is considered a positive step in improving relations between police and youth. "School resource officers" and "Officer Friendly" programs provide law enforcement officers to give speeches to school students of all ages; some are assigned full time to junior and

senior high schools. Concern was expressed by some interviewed that these officers play conflicting roles at times. In one instance they may be a friend or counselor to youth encouraging questions about the law. If this officer is then called to search lockers for drugs or investigate possible crimes based on information given during a conversation with a juvenile, the question of violation of rights may be raised. To avoid such problems, the Commission encourages strict monitoring and comprehensive evaluation of existing programs.

Training for Law Enforcement in Handling Juvenile Cases

Without exception, judges, Commonwealth's attorneys, police personnel, and court service unit staff cited the need for better and specialized training for law enforcement officers in handling matters involving juveniles and in understanding juvenile court procedures. The Crime Commission earlier recommended this in several reports. Instructors, including some juvenile court judges who teach the courses, say it is impossible to cover the material in the time allotted.

Virginia presently has 19 local and/or regional police academies. In only six academies does the course on juvenile matters exceed four hours. A consultant hired by the Commission to study law enforcement training in all areas reported that conversations with academy administrators indicate they consider juvenile law as simply "a necessary evil".

Staff obtained the course resume provided to the academies from the Criminal Justice Services Commission. It outlines the juvenile code but does not appear to address alternatives to arrests, detention, and jailing. According to the outline, no other information on diversion programs is given. The role of the institutions, detention centers, community halfway houses, crisis or runaway centers is not included. Neither is there information on use of private agency services for juveniles. But again, instructors say, if only the juvenile code

was addressed, four hours simply is not enough time to familiarize law enforcement officers adequately with all the procedure contained therein.

Based upon this information, the Commission recommends that the Criminal Justice Services Commission (the state agency designated to coordinate training for Virginia law enforcement) restructure its basic training course for recruits in local and regional police academies. Topics to be considered for inclusion in the curriculum (as suggested by law enforcement and youth service agency personnel) include effective use of local and state resources for youth, successful police prevention and diversion programs in Virginia, communication between juveniles and law enforcement, handling juvenile gangs, dealing with severely emotionally disturbed or mentally retarded youth, and crisis intervention techniques.

The Commission is aware that additional in-service training programs for law enforcement personnel concerning this subject area are offered in some localities. It is suggested that the Criminal Justice Services Commission try to determine what courses are available or already offered in communities so that duplication of effort and expense may be avoided.

Standard Operating Procedures

Recognizing that the volume of juvenile crime is increasing and that there is a need for more consistency in dealing with such cases, a few law enforcement departments have adopted sets of standard operating procedures structuring the discretion of and providing assistance to individual officers in the handling of juvenile problems. These guidelines provide an explanation of the juvenile court philosophy and procedures, methods of interrogation, restrictions on places of confinement for juveniles, information on referral to community agencies and how to handle special situations requiring police action. The Charlottesville Police Department has such policy guidelines. Their knowledge of the standard operating procedures is a factor considered in performance evaluations and pro-

motions.

Youth bureau commanders join several local juvenile court judges and probation personnel in emphasizing the need for such standard operating procedures. They said particularly with the implementation of the juvenile code revision which emphasizes diversion and alters a number of laws, personnel must be informed in order to comply with the law.

Several model standard operating procedures exist in Virginia and in other states. In 1979, the Commission will establish a committee of law enforcement and juvenile justice system officials as well as citizen advocates to develop suggested guidelines for distribution to all law enforcement agencies. It is hoped that once distributed, information on local resources and other relevant procedures will be added and that the guidelines will be adopted and implemented throughout the state.

Increased Communication and Cooperation

The need for a better working relationship between law enforcement and juvenile justice personnel was cited throughout the state. A number of complaints were voiced by both sides. Some law enforcement officers felt there was "no use bringing in a juvenile because the court won't do anything to them". "Not only do some probation officers not know the law, they think because they have a college degree in psychology they are overnight experts on how to handle youth," said one police officer. Complaints about law enforcement (particularly uniformed patrol officers) were cited by juvenile court judges, probation counselors, and residential care facility staff members. The complaints included (1) that officers tried to bypass the intake procedures; (2) they refused to transport juveniles to detention centers as opposed to placing them in jail even when transportation personnel was available; (3) they resented not having access to court records on juveniles; and (4) were sometimes unprepared for hearings. On

the latter point one juvenile court judge said, "Police here think they can support a conviction in juvenile court without as much evidence as would be required in adult courts."

Court service unit directors and youth bureau commanders interviewed felt the assignment of a specific youth officer or establishment of a youth bureau would be beneficial for those communities experiencing problems between law enforcement and component agencies of the juvenile justice system. Detention center and group home personnel say they consider it their responsibility to invite patrol officers to visit the facilities and see the programs in operation. As a result, program administrators say that some police officers drop by on off-duty hours to participate in recreational activities with the youth.

An idea used successfully in some communities is to sponsor reciprocal training for police and juvenile justice system personnel in order for each to better understand the other's responsibilities. The possibility of earning part of the required training hours for both sets of personnel through such programs should be considered.

JAILING OF JUVENILES

According to the Department of Corrections, there were 3,977 incidents of juveniles placed in jail in fiscal year 1977-78. This represents a decrease of 17.5 percent from the previous year. An average of 200 juveniles per week were jailed in 1978. Although the jailing of children in need of services is illegal, 26 incidents of such youth being so held were reported. The youngest juvenile jailed was 13; the jailing of youth under age 15 is also illegal. The department said that some of these incidents occurred before July 1, 1977, when the law prohibiting the jailing of CHINS became effective. Some were held only for a few hours, a few were held as fugitives from other states, according to a department report.

Statistics indicate that 44 percent of the juveniles were held "predispositionally" or awaiting trial. Average length of stay for those awaiting trial was 11.91 days; average for all other juveniles in jail (those sentenced, transferred from other jails, parole violation, etc.) was 25.54 days.

The two key issues Virginia faces regarding jailing of juveniles are (1) the determination of which juveniles need jailing as opposed to being held in detention or crisis centers; and (2) whether or not such youth will continue to be held in jails understaffed and overcrowded and where there is little supervision and separation between themselves and adult inmates. Now, in addition to the revised juvenile code specifying when and where juveniles may be jailed, there are standards for jailing of juveniles adopted by the Board of Corrections as well as federal regulations under the Juvenile Justice and Delinquency Prevention Act of 1974. At stake in 1979 may be repayment of the approxi-

mate $7 million received by the state under this Act if substantial compliance with the regulations has not been achieved. Each set of regulations is discussed below.

State Law on Jailing of Juveniles

As revised in 1977, Virginia law states that delinquent or alleged to be delinquent juveniles, 15 years or older, may be detained in jail awaiting trial only if:

1. space is not available in a detention center, approved foster care or group home, a licensed child welfare facility; or,
2. if a juvenile has previously been before the juvenile court and has by waiver or transfer been treated as an adult in circuit court; or,
3. if the juvenile is charged with Class one, two, or three felony and the judge or intake officer determines that the above mentioned facilities are not suitable; or,
4. if the detention home is at least 25 miles away from the place where the juvenile is taken into custody and is located in another city or county; however the stay in jail cannot exceed 72 hours, (the time period was extended by the 1978 General Assembly) or;
5. if the juvenile's charge is transferred for hearing in circuit court; or,
6. if the judge orders the juvenile to jail after a court hearing and if the juvenile is a threat to the safety of other juveniles or to the staff in a detention center, group home, foster home, etc.; or,
7. if the official in charge of the jail notifies the court, immediately, when a juvenile is placed in jail, without the court's knowledge.

The law also states that juveniles awaiting trial/sentenced may be jailed only if the facility: (1) provides an area for them which is entirely separate and removed from adults; (2) adequate supervision is provided; and (3) is approved by the department.

Several sheriffs interviewed during the study said they would prefer that juveniles not be held in jails at all. Said one sheriff:

> The majority of Virginia jails were not designed for keeping juveniles, in that, trying to maintain "sight and sound separation" between adults

and juveniles is very nearly impossible. Many jails are overcrowded and have little recreation area for them. Few have schools or other programs.

Jail Standards

In 1978, the Board of Corrections adopted a set of standards for the jailing of juveniles. Since the law requires that jails must be approved to hold minors, the standards require that every jail facility have an official certification inspection annually. Those jail facilities not certified will not be permitted to house juveniles.

In January, 1979, the Commission learned that the results of the first round of inspections completed following passage of these standards could not be released. One official within the department termed the inspection results as "incomplete, unreliable, and not completely objective". Thus, the status of jails as to whether or not they may hold juveniles is unclear. A second round of certification of jails will begin in 1979. The Commission believes the Department of Corrections should complete jail certifications as soon as possible to determine whether or not individual jails may be used for holding juveniles.

Interestingly, the Division of Justice and Crime Prevention employed staff in 1978 to make on-site visits to 86 jails to develop some basic data about their suitability. Based on federal guidelines similar to state standards, researchers completing the unofficial inspections found more than half of the jails out of compliance. The survey reports that 15 jails do not hold juveniles at any time. A few jails were recommended to hold juveniles for not more than 24 hours, usually because of lack of supervision.

Juvenile Justice and Delinquency Prevention Act of 1974

As previously mentioned, Virginia became a participating state in the Act in 1976. Perhaps the most controversial provision is one providing that "juveniles alleged to be or found to be delinquent shall not be detained or confined in any

institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges". Participating states were given three years in which to comply with the Act or face reimbursement of funds previously awarded. More recently, the Law Enforcement Assistance Administration, the federal administrating agency for the Act, indicated that funds would not be revoked if the state could show a good faith effort in achieving partial if not full compliance with this provision. Later this year it is expected that LEAA will evaluate Virginia's efforts to comply with the Act and determine whether or not a cutoff of funds or reimbursement of dollars spent will be required. Officials within the department and the DJCP believe there will be some problems convincing the federal government of a good faith effort on the part of the state on the jailing issue. The decrease in the number of status offenders held as well as the overall decrease in the number of juveniles jailed can be demonstrated. However, with existing and potential free spaces in the detention center, the question as to why so many juveniles are presently in adult jails will most likely be asked.

Failure to establish a good faith effort on the part of the state to separate and remove juveniles from jails may mean a potential cutoff of not only Juvenile Justice Act funds but also what is known as "Part C" funding. Virginia receives approximately $5 million a year from Part C funds from LEAA. Cutoff or reimbursement of funds at this point would mean a drastic reduction in services.

Other Problems with the Jailing of Juveniles

One of the difficulties in proving Virginia's compliance efforts will be lack of reliable data. Information on juveniles in jails comes from two sources within the D.O.C.: (1) the Virginia Juvenile Justice Information System and (2) a monthly head count of juveniles held in jail produced by the jail inspection section of the department.

Some persons working with the information collected to date say that it is inaccurate and outdated. Information sent from jails sometimes is incomplete or incorrectly recorded. Only recently has the data begun to distinguish between juveniles in jail predispositionally as opposed to those who are sentenced to serve a specified period of time.

Many times juveniles are held in jails because there is no one available in the sheriff's department to provide transportation to the detention center. In other cases sheriffs have expressed reluctance to transport due to the distances involved. A few sheriffs said they did not believe the code specified that it was their office's responsibility to handle transportation of juveniles.

The Commission introduced legislation in the 1979 session to amend and clarify § 16.1-254 of the existing law relating to transportation of juveniles. The bill was passed and will become effective July 1. It requires that the chief judge of the juvenile and domestic relations district court designate the appropriate agency or agencies in each jurisdiction responsible for transportation of children to and from detention centers, the juvenile court, and as the judge may otherwise order. It is hoped the proposed bill also may serve to help enforce the existing provision in this section which prohibits transportation of juveniles with adults charged with criminal offenses.

The study found one locality in central Virginia where juveniles from the detention center are transported daily with adult prisoners. The juvenile court judge, detention center superintendent, sheriff, and department personnel are aware of it. Thus far it has not been stopped. Justification given was limited

personnel in the sheriff's office. It was felt by most that adequate supervision was provided to separate juveniles from adults and to prevent harm to either. The fact remains that this practice is against the law.

Concerning adequate personnel to provide transportation, the Department of Corrections has developed a cooperative program with the State Department of Welfare (using Title XX funds) that has been in operation for about two years. Through this program manpower can be provided to transport children to juvenile detention and shelter facilities. Few sheriffs, however, have sought to obtain funds. A proposal for increasing the amount of money to be provided for sheriffs as further incentive has been approved recently by the Department of Corrections.

Juveniles above age 15 who commit serious crimes should be punished. Most judges interviewed feel that jailing, particularly short-term jailing, can be a far more effective punishment than institutionalization. A number of judges interviewed said they have sentenced juveniles to serve specified periods of time on weekends. They said such treatment allows juveniles to see what the adult system is like and they believe the experience deters some juveniles from further involvement in crime. The extent to which weekend or short-term jailing is being used is not known.

Judges as well as court service unit staff say because of poor facilities and inadequate supervision in jails, the option of so placing juveniles has been removed. One way to solve this problem has been attempted in the counties of Clark, Warren, and Frederick and the City of Winchester. Under a pilot program funded through LEAA, these localities have cooperated in forming a regional jail operation. Such regionalization of jail facilities was recommended in the Crime Commission's report on local jails in 1975. Under the present arrangement, adult males awaiting trial are housed in Warren County, women and juveniles in Clark County, and those males who have been tried and are awaiting transfer are held in the Frederick-Winchester Jail.

Regionalization in construction and/or operation of Virginia jails has been a controversial issue particularly among sheriffs, who express concern about how such systems will be administered. Obviously all necessary arrangements concerning supervision of jails as well as transportation problems must be worked out. The precedent has been set, however, for regionalization and the idea has worked well for these localities. The alternative may be expenditure of huge amounts of money to improve conditions within each jail in order to allow housing of juveniles. All possible options should be open to a juvenile court judge in making disposition for individual juveniles. The Commission reiterates its recommendation to localities to pursue regionalization of jails.

IMPLEMENTATION OF THE 1977 JUVENILE CODE REVISION

The most significant legislation passed in Virginia in this decade concerning the juvenile justice system was House Bill 518, the "juvenile code revision." The revision amended and recodified a broad range of statutes affecting youth and families who are subject to proceedings before the juvenile and domestic relations district courts in Virginia. Comprehensive descriptions and explanations of the bill have been published previously by the Virginia Advisory Legislative Council's Subcommittee on Youthful Offenders (1976 Report) and the Division for Children's Inventory of Virginia Legislation Affecting Children and Youth: 1977. Therefore the Commission will review only the statewide impact of several specific provisions which appeared to be most important to those interviewed and/or to the perspective of this report. These provisions include: intake; time limits on detention of status offenders; authority of judges to order parents into treatment services; and prohibition on commitment of status offenders. Amendments to the juvenile code made by the 1979 General Assembly will be reviewed also.

Enacted in 1977, the new law continues to be controversial. However, a majority of those interviewed during the Phase II study said despite fears to the contrary, the law has proven workable and valuable. As one judge concluded, "If nothing else, the new law has required that we reach for every available community service and to start developing those we do not have."

In October, 1978, the Department of Corrections issued a report assessing the first year's experience with the revised law. Comparing 1977 to 1978 fiscal year statistics, the department found:

- the number of complaints and/or requests for petitions brought to intake units increased 25 percent (from 72,905 to 90,951 complaints). The number of complaints on status offenders received at intake decreased by 13 percent.

- the number of cases diverted from formal court action (i.e. no petition was filed) increased 38 percent from 19,007 to 26,176 cases.

- the number of jail admissions decreased by 27 percent. The incidence of children in need of services (CHINS) jailed has decreased substantially although there were 26 incidents in 1978.

- the number of admissions to detention centers decreased by 18.75 percent in 1978. Instances of status offenders being detained also have decreased. The average length of stay of children detained in secure detention increased from 10 days in 1977 to 12 days in 1978. The average length of stay for status offenders decreased from 7 to 4.5 days which is still longer than the 72-hour limit provided in the new law.

- the number of children committed decreased by 12.3 percent from 1,386 in 1977 to 1,215 in 1978. Although the number of youth committed decreased, learning center populations have increased substantially since July 1, 1978.

- children placed in community youth homes increased by 34 percent from 457 in 1977 to 614 in 1978.

Based upon these findings, it appears that some of the objectives of the juvenile code revision are beginning to be reached. Amendments made during the recent session may serve to further clarify the law.

Intake

The revised law requires all complaints referred to the juvenile court to be initiated with the court service unit. It is one of the provisions most universally applauded. The new process has had some repercussions for probation staff (discussed under the Court Service Unit section) but most judges and Commonwealth's Attorneys interviewed said it has reduced significantly the number of petty complaints formerly crowding court dockets. It also has diverted minor offenders to other agencies for services. Said one experienced juvenile court supervisor, "It used to be that a petition would be filed for incorrigibility and when we brought the case to court we would find out what the kid

really had done to make the complainant angry. Now we find out at intake and decide how to deal with it from there. Probably we should have been doing that from the beginning but the impetus was provided by the juvenile code revision." Said another probation officer, "I think intake basically is a very valuable function. It keeps a lot of kids out of court. People want something done about a case but after you get them cooled down, they really don't want to come to court either."

Additionally, the intake officer is often the main link between the court and law enforcement and the initial contact between the juvenile court and the public. The role of those responsible for intake is a crucial one, warranting particular attention.

Staff visits to court service units confirmed that there is inconsistency in intake procedures among and sometimes within judicial districts. The department's minimum standards state "within procedures prescribed by the court" every court service unit shall provide intake services. Since each judge prescribes his/her own procedures in conjunction with the court service unit, there are differences statewide.

Authority of Intake Officers

An example of such differences among courts can be seen in the manner in which the authority of intake officers relative to local magistrates is defined. Prior to the enactment of the law, there was no officially recognized intake officer. The magistrate filed petitions and handled complaints concerning juveniles as well as issuing warrants for adults. In some areas visited, the delineation of responsibilities between the magistrate and intake officer remains in dispute. In other areas there is feeling that the two positions are a duplication of services. For example, in one locality both the magistrate and the intake officer are called by the police when there is need to file petition or sign detention

orders after court hours. In several areas judges said they believe the law allows intake officers to process petitions but not sign detention orders. Therefore, in one locality the intake officer prepares all the necessary paper work and the police officer takes the juvenile to the magistrate to have the detention order signed. In other areas, judges who were unsure of the authority of intake officers to sign detention orders have made probation officers deputy clerks. The juvenile code allows clerks and their deputies as "authorized judicial officers" to sign court orders. During the 1979 General Assembly session, amendments were made further delineating the responsibilities of the intake officer and magistrates, particularly with regard to authorizing the issuance of warrants. These revisions make clear the responsibility of the magistrate to deliver the warrants forthwith to the juvenile court to be acted upon by an intake officer who may in certain instances, refuse to issue a petition in accordance with present provisions of law.

Also in question in some localities is the intake officers authority to divert. In at least one court diversionary efforts based on written agreements between the complainant and accused were halted because of challenges to the authority of the intake officer to make such informal adjustments. From interviews throughout the state, it is evident that some law enforcement officers, Commonwealth's Attorneys, and judges, among others, question the legality of diversion, particularly in more serious offenses.

According to the law and minimum standards passed by the Board of Corrections, it can generally be stated that, consistent with the protection of the public safety, and "in accordance with guidelines established by the court" the intake officer may divert any case, regardless of its gravity, if both the complainant and accused are amenable. In fact, according to the revised law such actions would be well within the spirit as well as the letter of the law.

Because of the importance of decisions made by the intake officer, minimum standards require personnel to have served at least one year as a probation counselor prior to designation as an intake officer. In certain instances waivers to this rule have been granted by the department. Researchers found one court where the intake officer was a new state employee with no prior experience in Virginia. The topic of training for intake officers is discussed under the Court Service Unit section.

Also new in the revision was a provision making statements of the child to the probation officer during intake and prior to a hearing on the petition inadmissible at any stage of the proceedings. During the Phase II study it was suggested that this provision be expanded to include statements made by the child to another group of professionals. In recent years a number of juvenile court service units have created positions for staff psychologists or have received funding to contract with local psychologists or psychiatrists to provide services for certain youth brought before the court. There is concern on the part of these professionals (and some defense attorneys) that their role is inhibited because there is no "doctor-client" privilege between youth referred for services and themselves. They said they are reluctant to discuss present and pending charges with a child for fear of being called as a witness during the trial. They say they are compelled to tell the child not to say anything to them concerning guilt or innocence, because they may have to disclose such information. This destroys any feeling of confidentiality and prohibits free discussion concerning the child's problem.

Defense counsel interviewed during the study say the status of the psychologist regarding the use of such statements is unclear in many courts.

Therefore, the Commission recommends that a rule of court be established either by the local court or as a part of a set of uniform rules issued by the Supreme Court making inadmissible statements made by a child to juvenile court

psychologists or psychiatrists prior to a hearing on the merits of the case. Psychologists and psychiatrists to be included in this rule are those contracted with or employed by the court/court service unit to provide testing, evaluation, and/or counseling services to youth before the juvenile court.

Time Limits on Detention of Status Offenders

One problem found in a few juvenile courts visited was differing interpretations of the law concerning the length of time children in need of services (status offenders) may be held in detention. Most courts interpreted the law as limiting the period such youth may be held to 72 hours. The specific language in the Code of Virginia in § 16.1-249.3 reads "...a child who is alleged to be in need of services may be detained in a detention home, for good cause, for a period not to exceed seventy-two hours prior to a detention hearing..." Some judges interviewed said they felt detention of status offenders for a period exceeding 72 hours was permissible so long as the detention hearing was held within the time frame.

Virginia code § 16.1-250 (concerning the procedure to be followed in detention hearings) was revised in the 1979 session. The new language (to be effective July 1, 1979) provides that when a judge finds that a child alleged to be in need of services has been placed in a detention center prior to a detention hearing, the judge must order his release. The child may not be returned to a detention home after such a hearing. However, the judge may impose certain conditions on his behavior and whereabouts as specified in other present provisions of law.

Authority of Judges to Order Participation of Parents in Rehabilitative Efforts

One of the major tenets of the new code revision was that, where parents of children before the court were found to be significantly involved in producing or perpetuating the behavior complained of, the court has the authority to mandate

their participation in efforts to resolve such problems. This authority is cited in at least two sections, the most specific language being contained in § 16.1-279. This section outlines the dispositions that may be made by the court in handling cases of: (1) abused or neglected children as to the protection of their welfare; (2) in cases of children in need of services and (3) delinquent offenders, as to their supervision, care, and rehabilitation. The section addresses each of these three categories consecutively.

In the delinquent offender category, the judge is specifically empowered to:

> Order the parent, guardian, legal custodian or other person standing in loco parentis of a child living with such person to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and parent, guardian, legal custodian or other person standing in loco parentis of such child.

The majority of juvenile court judges interviewed said this so-called "thunderbolt clause" was one of the most important new provisions and have interpreted this subsection as applicable to both status and delinquent offenders.

However, several judges said they have interpreted it as applicable only to delinquent offenders because the specific language does not appear in the CHINS category. As one judge said, "If the General Assembly meant for us to have authority over parents of status offenders they would have provided so in both categories within the section."

Sixty-seven percent of the complaints filed against status offenders (runaways, incorrigibility, and truancy) come from parents. In some cases they have simply lost control of the child; in others, there appears to be legitimate reasons behind the child's actions in running away, (e.g. sexual abuse, physical abuse, etc.).

Participation in counseling efforts and/or rehabilitative programs is equally important for parents of status offenders and delinquents. Therefore, the

Commission introduced legistation during the past session to amend the present law to include the paragraph above in the subsection describing dispositions applicable to children in need of services. This legislation was passed.

Statewide, it appears that relatively little use has been made of the clause allowing judges to order parents into counseling or other programs. Several judges and court personnel say this is because their areas have no appropriate community programs to refer parents to or the waiting lists for entry into programs is so long, the services are virtually inaccessible. Others say the penalties for not following the law are not stringent enough to compel some parents to comply and thus they are reluctant to use it. "What happens if they refuse to go to services?" said one judge; "I can hold them in contempt of court, place a small fine against them or put them in jail for a few days. But what if the parents have other children at home who aren't causing problems, who will take care of the others while the parents sit in jail?"

One judge said he had not had the occasion to order parents into services or to use a similar provision allowing the court to mandate agencies to provide services to youth or families before the court. Court service unit personnel in this particular court disagreed strongly. They said despite their recommendations for placing families in programs such as alcohol treatment and family counseling, the court had not exercised this new authority.

Staff also interviewed judges who <u>had</u> used the authority to order parents into treatment programs. They said using the clause may not be successful in every instance but that some parents who participated in programs had found help even though they were forced to attend. "If you give people services that really work for them, they don't resort to challenging the authority of the court," said one defense attorney practing in a juvenile court. Still other judges said some parents before their court had continually refused services until they were told they were to be held in contempt of court and fined. "When they see the

court means business by imposing a fine, attitudes can change rapidly," said one court services unit director.

Prohibition on Commitment of Status Offenders

The most controversial provision of the new law as seen by some juvenile court judges, prosecutors, youth services personnel, and parents was the prohibition on commitment of children in need of services or status offenders. Prior to enactment of the 1977 code revision, the court could commit a youth for running away from home, incorrigibility, being beyond parental control, etc. As reported in the Phase I study, a significant percentage of institutionalized youth (80 percent at Bon Air learning center for girls) were status offenders, not criminal offenders. Many of those who support commitment of status offenders agree that there were too many status offenders in the system but also say removal of the threat of such action has "gutted" the authority of the juvenile court and severely limited efforts to assist parents of status offenders in dealing with their children.

They feel the court has been put in an untenable position of having responsibility for status offense cases without the power to enforce its own orders. "Despite diversion efforts and all of our community resources there continues to be a substantial number of children who altogether refuse to accept services voluntarily and continue on a course of self-destruction or abusive behavior that is not being checked under the new law," said one judge. "If you place a runaway in a group home," he continued, "and the youth runs from that facility what can I do? Recently I placed a status offender at the girls' group home and then received a telephone call from an administrator there saying the girl was creating unmanageable problems because she knows the court cannot and will not detain or commit her."

On the other side those interviewed who favored non-commitment of status offenders say the new law has provided a chance for the system to begin focusing on the family problems often at the root of "incorrigible behavior". They said they felt dependency and neglect cases as well as youth who are truants, runaways, or considered promiscuous are best handled by other community service agencies.

Several judges strongly suggested that parents of status offenders have, for too long, been allowed to relinquish to the court the responsibility for raising their children. "As long as the courts and schools will attempt to act as parents, parents will continue to abdicate their responsibilities," said a Shenandoah Valley judge. Said one court service unit director, "It has been a lot easier to slap charges against the kids than against the parents even though the parents are equally at fault for the problems." As another judge concluded, "We can, and do, put parents and youth in the hands of those who can help but both parent and child must want to improve the relationship."

Supporters of non-commitment of status offenders also said few youth in their areas had been damaged by the new law (non-intervention of the court in their cases). They say for years children have been inappropriately placed in state institutions and incarcerated for longer periods of time than some criminal offenders.

Of his 25 years of experience in juvenile court, Sidney Morton, lawyer and intake supervisor in the City of Richmond's court service unit says, "Some persons say that juvenile runaways should be confined for their own protection. It is true that runaways are vulnerable to sexual exploitation and perhaps occasionally to more serious physical harm. But the children I have known to have been assaulted and/or killed were not runaways but were those lured or taken from their own homes or neighborhoods. The point is that no youngster can be confined permanently and one who is determined to run will continue to do so

whenever an opportunity is available, unless the problem causing the running has been solved."

A different point was raised by another judge who said, "With the increase in the number of serious crimes being committed by juveniles our primary concern in the juvenile justice system must be on the young criminal offender--children hurting people and destroying property. Where is the logic or justification for treating a status offender in the same manner, and imposing the same punishment method against him as is done with the criminal offender? The revised law gave us a more humane and reasonable restriction of what has been an area of abuse in court power."

There are both legal and philosophical arguments concerning the commitment versus non-commitment of status offenders. Several states now prohibit such commitment. Importantly, amendments to the present law returning the power to commit CHINS have been proposed in the past two sessions of the Virginia General Assembly. Each of these measures has failed to pass.

Throughout the Phase II study, the cry for alternative methods for handling status offenders was heard. Some localities have established court alternative or diversion programs to keep as many cases from coming to court as possible. Other areas have cooperative programs between juvenile courts, social services departments or mental health clinics to divide responsibilities for dealing with children in need of services. In Loudoun County, the juvenile court psychologist was assigned part-time to the local Department of Social Services to help provide such assistance. In Petersburg, the social service agency handles all status offender cases except out-of-state runaways. Cooperative agreements between these two local agencies were recommended in 1977 by Commissioner of Welfare William Lukhard and then Division of Youth Services Director William Weddington. While such contracts are required by minimum standards, not all local court units have them. In areas where such agreements have been worked out,

results are reported to be successful even though problems existed in the beginning. Other localities have not as yet attempted to establish interagency agreements or joint programs. The Commission recommends expansion of the agreements where they do not exist and believes that other public and private service agencies should be included.

Other Code Revision Changes

Among other significant revisions to the juvenile code passed during the 1979 session were the following:

- The definition of a runaway as a category of "children in need of services" was amended to include a child who "habitually remains away from or deserts, abandons, his or her family".

- The period of time a child fifteen years of age or older may be held in an approved jail facility was extended from 18 to 72 hours (when the detention center is located more than 25 miles from the place where the child was taken into custody and when the center is located in another city or county).

- At completion of the transfer hearing, the juvenile court must now set bail for the child whether or not the court retains jurisdiction or transfers the case to the circuit court or the Commonwealth's Attorney gives notice of his intention to seek removal of the case to the circuit court.

- Two bills were passed regarding expungement of juvenile court records. One clarifies the process to be used in sealing and destroying records. The other provides that a person who has been the subject of a delinquency petition and has been found innocent or the petition was dismissed may file a motion requesting immediate destruction of all records pertaining to his case. Previously, he or she would be required to wait a certain period of time before such records could be destroyed.

- When it is deemed to be in the public interest, the juvenile court judge may now release the name, address, and nature of the offense of youth who are before the court on class 1, 2, 3 felony charges (more serious crimes).

- Juvenile courts or circuit courts may no longer order the joint commitment of any child to the State Board of Corrections and a local board of public welfare or social services or the joint custody of a child in a court service unit of a juvenile court and in a local board of public welfare or social services.

- When the juvenile court determines that a child should be committed to a local board of public welfare or social services, such board will have final authority to determine the appropriate placement for the child rather than the juvenile court or Department of Corrections.

THE JUVENILE COURT/JUVENILE COURT JUDGES

> The juvenile justice system is really no better, no more efficient, doesn't serve youth any better than the judge sitting on the bench. The most basic element in the system is competent, well qualified, well-trained judges.[1]
>
> Frederick P. Aucamp, Judge, Virginia Beach Juvenile and Domestic Relations District Court

The Virginia juvenile judge is perceived by the public and probation staff as the dominant figure in establishing and maintaining the philosophy, procedures, and programs of the court. He is the ultimate legal authority in a system where juvenile criminal offenders are but a portion of the cases heard. Neglected, abused, and dependent children, as well as their parents, also come within the court's jurisdiction. Special problems and conditions peculiar to youth, such as foster care, compulsory education, special work permits, driver licenses and so forth are a part of the daily decision-making within the purview of the court.

There are 61 judges including three serving part-time. Average age of judges is 52; average years on the bench is nine. There are two black juvenile court judges. Only one judge is female. Average salary is $37,000.

All newly appointed judges go through orientation training provided through the Virginia Supreme Court. Additionally, a $65,000 grant awarded by Law Enforcement Assistance Administration allows each judge to attend the two-week basic training course given at the National Judges College in Reno, Nevada. The judges now have the opportunity to visit learning centers twice a year through a program sponsored jointly by the Supreme Court and the Department of Corrections. Early in 1979 judges also toured several state operated mental health facilities.

At present the juvenile court and general district court judges meet together for judicial conferences sponsored semi-annually by the Supreme Court. Purpose

of these conferences is to provide continuing judicial education on civil and criminal law and procedures, judicial administration and the impact of Supreme Court decisions and legislation passed each year by the General Assembly.

Attempts are made to insure that subjects presented are of interest to both groups of judges. Juvenile court judges interviewed said, however, as the court becomes more specialized the need for seminars on changing aspects of juvenile and family law, adolescent psychology, and programs designed to address the problems of juvenile offenders increases. They said it would be helpful to cover topics such as rules of evidence in joint sessions. However, they question sitting through discussion on areas of relevance primarily to the general district court judges. In discussions with Supreme Court Executive Secretary Robert Baldwin, staff learned that the agendas for the conferences are developed by a committee of both sets of judges in conjunction with the Education and Training Director within his office. There is debate each year by this committee concerning the desired focus of the conferences.

Staff interviews with juvenile court judges indicate the vast majority prefer to devote training time to an intensive review of matters falling specifically within their jurisdiction. "What we need are courses on dealing with parents and children who don't want to go to services or parents who won't or can't control their children. There are psychologists who testify and I don't understand their jargon. I never had a psychology course," said one judge. Another questioned the competency of judges to make decisions at the dispositional level; saying, "We don't have the expertise or training in psychology that is often required. I don't know what kind of treatment the child needs, all I know is that he needs treatment."

It is recognized that the primary responsibility and disposition of the judge is to direct and oversee the legal proceedings involved in the adjudication of cases. However, it appears that the variety of cases and severity of

offenses brought before juvenile courts today require that a judge be familiar with a range of subjects including adolescent psychology, alternatives to traditional dispositions such as probation and commitment, and the evaluation of residential treatment facilities to help determine appropriate placement, especially for emotionally disturbed youth. Therefore, additional time to explore and discuss these and other issues at the judicial conferences is recommended.

Several judges also suggested that when legislation is passed substantially altering existing juvenile and domestic relations law, seminars to discuss such changes should be developed for circuit court judges at their judicial conferences. For example, they said that since the Juvenile Code Revision's enactment in 1977, some circuit court judges have been caught unaware of, or have been confused by, some of the new provisions. With the number of juvenile cases transferred or appealed to the circuit court increasing, periodic review of these laws as well as Supreme Court decisions may prove beneficial.

Training for Substitute Judges

In 1977, substitute judges served 1,655 "substitute juvenile judge" days. There are 61 juvenile court judges in Virginia averaging 27 substitute days per judge. The Commonwealth paid $206,047.50 to the substitute judges in the same year.

Complaints about lack of preparation of and available training for substitute judges were voiced by court service unit administrators and personnel and the substitutes themselves. Said one Northern Virginia court service unit director, "Strange things tend to happen when we have substitute judges such as the removal of children from their homes when they shouldn't be, status offenders sent to jail, or they're being committed to learning centers (after the enactment of the juvenile code revision). When approached about these problems some substitute judges say they were not aware of the law change and seek to correct mis-

takes while others ask, 'who are you to tell me about the law?'"

A central Virginia substitute judge told Commission staff in an interview, "I have been sitting in juvenile court as a substitute judge for six years. It wasn't until a few weeks ago when I had to give a speech on juvenile law to the Police Academy that I really went through and studied it. It's amazing to find out what's in that law."

Said an Alexandria substitute juvenile judge, "When on the bench I am required to perform the same duties as a regular judge. However, other than having appeared in juvenile court, I have no preparation or training to do the job." This attorney says he has offered to attend the judges' training conferences at his own expense, but was told substitute judges were discouraged from participating.

In view of the agreed need for training, the Commission introduced a resolution in the 1979 session requesting that the Executive Secretary of the Supreme Court develop an orientation training packet for substitute judges. The resolution was killed in Committee. Consequently the Commission has recommended to Robert Baldwin, the executive secretary, that he set up such training. He has evidenced interest in this.

It is recommended that packet include:

1. relevant materials from the orientation training given all juvenile court judges;
2. a review of recent revisions to the Virginia Juvenile Code;
3. a compilation of Supreme Court decisions affecting juveniles;
4. a compilation of Attorney General's opinions affecting juveniles;
5. a directory of resources explaining services available through agencies in the state of possible use to juveniles and families appearing before the juvenile court.

Twenty-three full time and two part-time judges were interviewed during the study. Concerns they voiced frequently were (1) revision of the juvenile code;

(2) inadequate resources and alternatives for youth and families before the court, particularly the severely emotionally disturbed or mentally retarded and those with learning disabilities; and (3) creation of a family court system in Virginia. The first two issues are discussed in the sections on the Juvenile Code Revision and Services and Programs within court service units, respectively. The family court concept is discussed later in this section.

There were some complaints voiced by lawyers, court service unit personnel, and residential care facility staff concerning the manner in which juvenile courts are operated. These included:

1. Need for guidelines and procedures for the court;
2. Delineation of roles and responsibilities between court service unit directors and judges; and
3. Accountability of judges.

Need for Guidelines and Procedures

Judges' duties include some administrative tasks as well as serving as judicial officer. In multi-judge districts a chief is elected among the judges. The chief judge assumes responsibility for overseeing the administrative operation including appointing and removing clerks and their deputies, and meeting with court service unit director. Judges also submit state budget requests for additional personnel and so forth. Court administration, including personnel management, is an additional training area suggested by some judges who said they had had no specific experience in dealing with state, federal and local government employment regulations prior to coming on the bench.

A few judges expressed concern about lack of equal employment opportunity policy (EEO) guidelines for court staff. The District Courts Committee of the Virginia Supreme Court is the administrative policy-making body for district courts. While the Committee has adopted a policy supporting the EEO concept (as well as a grievance procedure for staff) no guidelines for implementation of this

policy have been distributed to judges. In 1978, considerable work was undertaken by the Executive Secretary's office to develop such guidelines. It is recommended that the District Courts Committee review the proposed guidelines, revise them where necessary, and distribute copies to all district court judges in Virginia. Such guidelines should prove beneficial to both judges and all personnel seeking employment or who are currently employed by the courts.

The Supreme Court has promulgated rules of procedure in civil and criminal matters applicable to all circuit and district courts. There are no such rules for Juvenile and Domestic Relations District Courts. In criminal cases in circuit courts, for example, such rules specify procedures to be used in the filing and issuance of warrants, pleas, conduct of the trial, appeals and so on. Movement by some juvenile judges and lawyers to have similar rules for juvenile courts has been met with controversy. Supporters of the rules feel they would clarify existing statutes and provide some basic uniformity for juvenile courts throughout the state. Judges now establish and maintain their own rules and procedures. This is sometimes confusing to lawyers, clients, and victims. Opponents question the need for rules and believe any substantive clarification of statutes is a legislative not judicial responsibility.

During 1978 an Ad Hoc Subcommittee of the Committee on District Courts was assigned to draft uniform rules of court to cover such issues as filing of petitions, issuance of warrants, scheduling of hearings, and destruction of records. Early in 1979 the Committee reviewed and approved the uniform rules. They will again be reviewed by the Judicial Council which may recommend their adoption to the Supreme Court.

One further criticism cited consistently by lawyers interviewed was the inefficiency of juvenile court dockets. Different again from circuit courts where specific times and dates are set for cases, most juvenile courts begin at

9 a.m. with cases called somewhat randomly. Several courts have designated days in which certain types of cases are heard (e.g. traffic, non-support, felonies, etc.). Still, lawyers, victims, families and witnesses often are congregated in waiting rooms until cases are called. This leads to restlessness of all involved.

In an effort to make better use of judicial time and because of limited space, the Fairfax Juvenile and Domestic Relations District Court established a docketing system where cases are schedule in half-hour periods. Certain time periods are set up for specific types of hearings and special arrangements are made when comples cases are heard. The average wait per case is 59 minutes according to court service unit director, Vincent Picciano. He told staff that the system allows better equalization of caseloads between judges.

Delineation of Roles and Responsibilities

As previously mentioned, judges have some administrative duties. Supervision of court service unit staff is the responsibility of the director and is handled accordingly in most units visited. The only specific duty involving probation staff ascribed to the judge by law concerns approval of hiring or firing of personnel. The judge is empowered to transfer a staff member to another unit for good cause. However, in some cases probation officers find themselves faced with conflicting directives from their directors and the judge or even between judges. It is imperative that in multi-judge districts the judges agree on court procedures and administrative directives.

The extent to which judges become involved in the juvenile court service unit ranges from total independence of the director in some courts to total involvement of the judge in all administrative matters including, in one court, making the decision as to where the court service unit secretary's desk was to be located. Key factors influencing the amount of dissension existing between

the two administrative heads include the perceived strength of the director by the judge and clerk, personality conflicts between the two, and philosophical differences concerning the proper operation of the court and/or proper handling of cases of youth and families coming before the court. Where there is apparent mutual respect between the court and court service unit directors problems were less likely to be heard.

Of particular concern was the hiring and firing and promotion of personnel. In some courts, the judge simply approves the choice of the director. In others, he/she interviews every candidate. During the study staff visited one director of a multi-judge district who expressed frustration over the choice of promotion of one or another probation officer within his unit. One judge wanted candidate A and the other, candidate B. When asked what his decision would be in the matter, the director replied, "I'm going to promote the candidate of the chief judge because he hired me."

The department can play a further part in creating or preventing conflicts between the two administrators. In several courts, directors say if the department refuses training requests for probation staff, for example, those persons affected can ask the judge to call the department or regional office and ask for the same training to be approved. Because the department appears to be reluctant to refuse requests by judges, the decision is often reversed. This is poor management. When probation staff go to the judge with or without permission of the court service unit director to make such requests, a "triangle" is created. The lines of authority particularly for probation staff, become confused and morale problems often result.

The formulation of an agreement delineating roles and responsibilities for court service unit directors and judges is strongly recommended. The Commission suggests a small task force comprised of representatives from the Supreme Court

Executive Secretary's office, the department, and representatives from the Juvenile Court Judges Association be established to undertake this responsibility. Precedent for the development of guidelines was set last year when an agreement was drawn between clerks and secretaries of the department. Cooperation between judges and court service unit directors is apparent in most units visited. It is crucial to the proper functioning of the juvenile justice system.

There should be consensus between the judge, court service unit director, and department on the proper role of the probation officer/counselor and on the appropriate function of probation. In some courts judges prefer to have probation officers in court every day. Others prefer to have probation officers in the field as much as possible. Confusion is created for probation staff particularly when different judges within the same district have different opinions as to how probation officers should function.

Occasionally there are conflicting interpretations of law between judges, local youth services personnel, and the department. Periodic controversy between the judiciary and the department is historic; both sides have been at fault at times. For example, during Phase I of this study, conflicts concerning placement of committed youth and duration of confinement were reported from judges, court service unit staff, RDC and learning center staff. Although recommendations from the court are solicited, once a youth is committed the decision on placement--be it a learning center or private facility--rests with the department. The judge may revoke commitment and order the child returned up to 60 days following commitment. Because there is indeterminant sentencing for committed youth, the decision on release from state care also is made by the department. In a few instances judges have sent the youth or have attempted to send a youth to a specific learning center or designate the specific placement

facility to which a child should be sent. Also judges attempting to set minimum periods of incarceration were documented.

Part of the problem concerning commitments appears to have been distrust of institutions by judges and vice versa. Part of the resolution to this problem has been visits to learning centers by the judges. Both institutional staff and judges report that a new line of communications was opened through such training and visitations to the learning center.

During Phase II, a few instances were cited where judges committed youth on status offense charges or violation of probation on status offense charges. This is not permitted under current law. In other cases judges have committed first offenders on minor offenses (stealing a $4 fishing pole) and C.S.U. adminstrators and staff have sharply disagreed with judges over such dispositions. The question has arisen many times as to whether or not probation or residential care facility staff or department central office staff may question orders made by the judge.

When this issue was presented to the Commission at its July, 1978, meeting in attendance was Secretary of Public Safety H. Selwyn Smith. Secretary Smith said:

> Legally, I find it difficult to instruct RDC staff not to accept a youth because we've made a decision that the judges decision is wrong. We certainly cannot sit in adjudication of cases nor as an appeal court over the judge. We have a duty to accept the youth and immediately call it to the attention of the proper authorities (including the judge and Attorney General's office). There are Attorneys General opinions which substantiate this view.

Also attending the July meeting was Virginia Beach juvenile court judge Frederick P. Aucamp. Concerning such commitments, he said, "If the department doesn't question a judge, who is going to do it? The youth is all by himself if his lawyer or guardian ad litem won't complain. If you won't do it, who will?"

The Commission reiterates that there were only a few incidents cited where such commitments had occurred. In some cases they were simply mistakes by the

judge; others apparently were not. Administrators at the RDC as well as other former D.Y.S. officials interviewed say they try to approach the judge and work out problems when such instances are brought to their attention as opposed to direct confrontation. This results in many local and regional office personnel perceiving that when there is a dispute between judges and the department, the latter backs down. Such personnel said they were reluctant to go to the judge themselves for fear of retribution by judges or lack of support from the department.

A similar issue relates to orders by judges which may be contrary to minimum standards set by the Board of Corrections. As will be explained later in this report the law places responsibility on the Board of Corrections for prescribing minimum standards for state and locally operated programs affiliated with the department. A number of questions have been raised about the strength of such regulations and whether or not these standards could supercede a court order. An example would be setting of maximum capacities in a detention home. When the board has set a specific number of children they deem can be safely handled in the home at one time, can the judge order the center to go over the capacity and accept additional youths?

A review of an Attorney General's opinion suggests there are no provisions in the law which would allow a detention home superintendent to refuse to obey such an order. The failure of any person to obey any lawful order may be punished as contempt of court. There is at least one example where a detention home superintendent was held in contempt of court for refusing to go over capacity.

The majority of personnel interviewed feel that most judges support the enforcement of minimum standards for all programs, units, and residential care facilities. Often the problem is that the judge simply has no other alternative. However, at stake in some cases is enforcement of the legal rights of the child.

The Commission has no recommendation as to a simple and expedient manner of resolving differences or such controversy. The information does point to continued accountability of all those involved in juvenile court--judges, the department personnel, and defense counsel.

Accountability of Judges

There are two basic ways in which judges' decisions or actions can be reviewed. There is always the remedy of appeal. In juvenile court appeals are heard in circuit court. Secondly, if the judge demonstrates a consistent pattern of not following the law, a complaint may be filed with the Judicial Inquiry and Review Commission located in Richmond.

Appearance of Justice in Juvenile Court

A discussion of the juvenile court would not be complete without the juveniles' perspective represented. The appearance of justice in juvenile court was a topic discussed in interviews with both the judges and youth. The latter expressed a variety of opinions about the manner in which his/her case was handled. More than once youth said they considered the judge too lenient. Others felt appearing in court was a "waste of time because the judge never heard my side". "The youth want to have a say in what happens to them not simply be processed through the court," said one judge. "The attitude of the judge on the bench towards children and victims makes an indelible impression." said another. Most judges who have undergone the orientation training recently at the Supreme Court applaud the fact that part of the training is conducted through the use of video tapes. These tapes allow the new judge to see how he appears, (i.e. facial expressions, patience, and so on) during mock trials. This type of training is considered innovative and beneficial by most judges interviewed.

The Family Court Concept

Judges interviewed unanimously favor the development of a family court system in Virginia. This concept places jurisdiction over matters of adoption, divorce and custody in the juvenile court to be handled as in a court of record with appeals directly to the Supreme Court. If such a system was to be implemented in Virginia, substantial revision of the present courts would be necessary. The judges say that there are distinct advantages in the family court system such as elimination of jurisdictional problems between circuit courts and juvenile courts, faster and more efficient hearings, more time and expertise devoted to family problems because of a specialized and educated judiciary and staff, and an easing of the caseload of circuit court judges. A more uniform approach to treatment and rehabilitation would result, they feel, from family counseling services and probation supervision being attached to one court. Perhaps most importantly, they feel the status gained by becoming a court of record would make the court more effective and would encourage better prepared and broader attorney representation. Some judges and attorneys feel a family court would enhance accountability of judges and that a much larger body of case law would be available.

They realize there would be disadvantages, including the expense. A family court system would require additional judges, courtroom equipment, and perhaps personnel. (Twenty-one courts have already received recording equipment, according to personnel within the Supreme Court. In at least two localities all juvenile court proceedings are recorded. In some other courts the equipment remains available but unused at this time.) The family court also would increase the number of appeals to the Virginia Supreme Court, they said. The relationship between a judge and a juvenile might become more threatening because of the formality of a

court of record. Perhaps most controversial, they feel that a great deal of time would be lost because of jury trials for those cases where trial by jury is not needed.

A resolution was passed during the 1976 session of the General Assembly to look into the concept of a family court. The original study resolution named the Virginia Advisory Legislative Council to conduct the study. In 1978, the study was continued by the legislature and a new committee was named. No report is expected in the near future. Opponents to the family court concept in the General Assembly say it is too soon after the 1973 revision of the court system to consider the feasibility of a family court in Virginia.

Court Facilities

One final problem mentioned in several localities was the lack of adequate court facilities. The courtroom in one area also serves as the judge's chambers and office. His desk is the bench. His closet holds file cabinets. The waiting area is small and cramped.

In most court buildings there are holding cells. Many of these cells had poor ventilation. In some cases juveniles testifying against each other are placed in the same holding areas with little supervision.

Severe space problems do exist in some courts. A number of judges will be appearing before local governments during the upcoming year to request more adequate facilities. It is hoped that requests will be given serious consideration.

LEGAL REPRESENTATION OF JUVENILES

"After all, who sees what happens in juvenile court?"

--a Northern Virginia juvenile court judge

In the past 10 years a number of Supreme Court decisions as well as national advisory groups on juvenile justice have called for expanded and improved legal representation for juveniles. Most recently the American Bar Association and Institute of Judicial Administration jointly have issued standards for the juvenile justice system in which the following statement is made:

> The participation of counsel on behalf of all parties subject to juvenile court proceedings is essential to the administration of justice and to the fair and accurate resolution of issues at all stages of those proceedings.

The number of cases brought before Virginia juvenile courts in which an attorney appears on behalf of an individual or on behalf of the Commonwealth is unknown. Indications are the number has increased dramatically since the early 1970's. Several Commonwealth's attorneys' offices now have assistants specifically serving juvenile courts. The number of cases in which the court appoints counsel for indigent clients before the juvenile courts also has risen. This is due, in part, to the 1977 juvenile code revision which provided for counsel or a guardian ad litem to be appointed for children in almost all non-delinquency proceedings and extended the right of counsel to indigent parents charged with abuse or neglect of a child or where parental rights may be terminated.

Juvenile justice system personnel throughout the state voiced concern about legal representation of juveniles. Some court service unit staff and judges said on many occasions attorneys, particularly those appointed by the court, come unprepared, see clients only minutes before the hearing, do not take time to

subpoena witnesses, and are not aware of community resources or dispositional alternatives which may be appropriate for their clients. During the Phase II study, Commission staff was present in a court service unit when a court-appointed attorney called the morning of the adjudicatory hearing to report that his juvenile client (before the court on delinquency charges) had failed to contact him even after the attorney had sent a letter to his home to make an appointment to discuss the juvenile's case. The lawyer was told that the youth was confined in the detention center and had never received the letter. Research staff also was present in juvenile court during a hearing in which the judge and assistant Commonwealth's attorney were discussing a transfer hearing (certifying the case to the circuit court) when the defense attorney leaned towards the prosecutor and asked, "What's a transfer hearing?". While these examples may reflect more on the abilities of the individual attorneys involved rather than the adequacy of counsel generally, the need for additional training also is indicated.

Charlottesville Juvenile and Domestic Relations District Court Judge Ralph P. Zehler, Jr. was the only judge interviewed who has written a memorandum to attorneys practicing in his court. In it he says:

> In order to adequately play the role of adversary it is a must that attorneys be properly prepared on the facts and the law.
>
> ...If a child has the experience of going through the hearing with an advocate at his side, he may find new faith in the fairness of the legal system.

Zehler said his court has "very good quality in defense attorneys representing juveniles" and that "if I see an attorney who is not doing a good job, I simply will not assign him any more cases." A number of judges voiced similar opinions.

Training

Most defense attorneys, prosecutors, and judges interviewed agreed that

training would be beneficial particularly for attorneys who have not practiced before in juvenile court, since there are procedures and laws peculiar to the juvenile court. There appears to be significant turnover in attorneys practicing in this court. Defense attorneys, in many cases, are recent law school graduates in private practice or in a firm where first assignments are juvenile court. Typically Commonwealth's Attorneys' offices assign the newest assistants to juvenile court. Some judges prefer to appoint young attorneys because of the effort they expend on each case. Training for these lawyers may help compensate for lack of experience.

Training opportunities come through a variety of sources. Courses in Juvenile and Family Law are now a part of the curricula in every Virginia law school. In May, 1978, the Joint Committee on Continuing Legal Education of the Virginia Bar Association and Virginia State Bar (in cooperation with the Richmond Bar Association) sponsored a seminar on "The Attorney and the Juvenile Court". In January, 1979, the Youth Services Agency of Newport News and the Newport News Bar Association sponsored a similar program which was favorably evaluated by participants. The Commission recommends that other local bar associations as well as the Commonwealth's Attorneys Services and Training Council sponsor such programs for their memberships. These courses should not be expensive as juvenile law authorities within the state may be called upon to serve as lecturers. Both defense attorneys and prosecutors should be included in any such programs.

Vigorous representation by counsel can occur only in a courtroom where the judge supports and encourages it. "The lawyers in juvenile court are only as good as the judges demand," said Winchester Judge Carle F. Germelman, Jr., "because of the confidential nature of the court if the local bar doesn't hold the judge accountable, the system will fail." Said another judge, "Good lawyers used to stay away from the juvenile court because they were treated badly; the judges didn't want the attorneys interrupting the methods and procedures they

had established for their courts. I believe both the quality of lawyers and judges has progressed a great deal."

Compensation for Court-Appointed Counsel

Virginia law provides that court appointed counsel for indigent persons may be compensated $75 per case. Not surprisingly, defense attorneys interviewed felt the amount should be increased particularly for complex cases. Some judges pay lawyers according to the number of charges the clients face. The law also states that if a parent is financially able to pay for an attorney appointed by the court but refuses to do so, the court is required to assess the parent up to $75. Enforcement of this law is a priority in some courts, including the Winchester juvenile court where parents are requested to fill out a sworn affidavit citing income, assets, debts, etc. which the judge reviews before appointing counsel. If parents are able to afford counsel for their child but refuse, the judge decides whether or not to appoint an attorney for the child. He then assesses the parents the money as court costs. The extent of efforts to recover such money statewide is not known (i.e. staff could not obtain dollar figures from either the Supreme Court or the State Treasurer's Office.)

Role of Defense Attorneys in Juvenile Court

Considerable difference of opinion was expressed by defense attorneys interviewed who practice in juvenile court as to the appropriate role of counsel. The traditional parens patriae orientation (doing what is in the best interests of the child) of the court has led some to argue that counsel should advocate the position he/she believes will most benefit the juvenile, even if it results in "punishment". Summarizing the opinion of others, one attorney said, "Lawyers in juvenile court have got to stop acting like they are mothers and fathers to these kids and start looking at their rights." Most interviewed agreed with the latter

position saying juvenile cases should be handled like adult cases with the attorney arguing for the least restrictive alternative possible. Robert E. Shepherd, Jr., former Assistant Attorney General and presently T. C. Williams Law School professor, told Commission staff:

> If a child is older and able to intelligently articulate an opinion to the attorney, counsel should advocate the client's position. The attorney should always remember that it is the child who is the client and not the person retaining the attorney.
>
> If the child is younger it is still his responsibility to consult with the child (particularly in non-delinquency proceedings) and to the extent possible do what he wants. The attorney's role as counselor as well as lawyer is important here.
>
> Counsel should always make every effort to explain the nature of the proceedings to the child. Counsel's role does not end with the disposition but should continue through a monitoring of any placement and a review of the disposition if warranted.

Role of the Commonwealth's Attorney in Juvenile Court

The office of the Commonwealth's attorney is required by law to assist the juvenile court in any case when such cooperation is requested by the judge. The office also represents the state in cases appealed to the circuit court. Either the Commonwealth's attorney or an assistant appears in juvenile court to prosecute felonies and many misdemeanors. Typically prosecutors are involved in abuse and neglect cases but not status offenses.

As mentioned, some Commonwealth's attorneys offices have assistants working full time in juvenile court. This is true in several urban areas of the state where the number of cases before juvenile courts is concentrated. In 1974, the Norfolk Commonwealth's attorney's office received an LEAA grant through the Council on Criminal Justice to provide two full-time attorneys to the court. Due to the number of juvenile cases in that city when the grant ended, the State Compensation Board picked up funding for the positions. The two attorney positions are now permanent. A full-time assistant has served the Richmond

juvenile court since 1976 although the position is not specifically designated for this purpose. Another part time attorney has since been added due to work-load increases. Judges interviewed felt having the prosecutor in court was necessary because of the seriousness of some charges. "Having the Commonwealth's attorney present allows me to do my job, to be the judge, not both judge and prosecutor," said one juvenile court judge.

The Virginia Public Defender Commission

In 1972 the General Assembly created the Public Defender Commission for the following purposes:

1. to assist selected communities in the establishment of public defender offices to represent indigent clients brought before state courts on criminal charges (recent Supreme Court decisions have required states to provide attorneys for indigent persons, including juveniles, charged with felonies and some misdemeanors); and,

2. to determine whether or not such offices would provide a viable alternative to the existing system(s) of having the court appoint individual attorneys to represent such persons.

Attorneys are appointed in all but three juvenile courts at present. The judge assigns counsel from a prepared list or delegates the responsibility to the clerk or intake officer. In a few localities, the local bar association assigns an attorney to be in court on certain days; this person receives all designated cases on that particular day.

The court appointed attorney system provides counsel for persons who might otherwise not be able to afford it and some compensation for lawyers so assigned. According to those interviewed, this system's primary advantages are that it preserves the independence of court appointed counsel and serves as the most equitable method of assigning cases among lawyers desiring such appointments. Realistically, they say, it gives court experience and training for recent law school graduates. Disadvantages are said to be that it is inefficient, costly, and, because of its independence does little to insure quality of defense services.

In 1972, statewide costs for court appointed counsel were $1,920,070. The same costs in fiscal year 1977 were $4,634,596, and in 1978 were $4,919,389.74.

Three public defender offices serve the cities of Roanoke, Staunton (and surrounding areas) and Virginia Beach. Two additional offices have been authorized and are being set up at the present time. The Public Defender Commission said in its 1976 report that the cost figures, based on estimated per case average fees, show savings from the offices to the Commonwealth for the fiscal year ending June, 1977 to be approximately $124,850.

Staff has visited each of the areas in which public defender offices are located. Juvenile court judges, Commonwealth's attorneys, and court service unit personnel say public defenders are more accessible, generally more prepared for the hearings, and, in some cases, better trained than court appointed counsel.

Because of potential cost savings involved as well as other factors the Commission believes a study should be undertaken forthwith to consider the feasibility and advisability of establishing a statewide public defender system. This study should consider Virginia's experience to date as well as evaluating similar systems in other states.

COURT SERVICE UNITS

The Court Service Unit, (C.S.U.), comprised of probation counselors and administrators, works in conjunction with the juvenile court. The Unit provides services such as diversion programs, probation, and, in some courts, domestic and family counseling. The recommendation of probation officer often plays an important role in the dispositional decision of the judge.

In the 32 judicial districts there are presently 25 state operated court service units and 12 locally operated probation departments. In three districts there are both state and local units, and in one, there are three local units. (See map A on page 167.) The law allows localities to decide whether their units will be administered by the state or remain locally operated.

There are some problems with both state and local units according to personnel interviewed. Some noted that once they became state units, the local governing bodies lose feeling of ownership and are not as supportive (financially or otherwise). Salaries for state personnel also are generally lower than comparable positions in local units. Local units, at various times, have questioned the authority of the state to impose minimum standards and resisted direction from the department's regional and central office personnel.

Even within some judicial districts with a single state-operated C.S.U. there is considerable dissention. This may be due to differing philosophies between judges, distance between the main and branch offices, or perceived lack of good personnel management.

Court service units vary widely in size and organizational structure. (See Chart B on page 168) for details of staff size in each unit). Some are sophisticated and specialized and some are small and basic. Units such as Charlottesville have specialized staff for intake (for both juveniles and domestic relations), investigation, probationary supervision and aftercare counselors. In other court service units, such as Rocky Mount, only intake is specialized and, even in this function, the other staff help with coverage nights and weekends.

In a survey of probation officers conducted by the Crime Commission, they overwhelmingly felt that specialized units are preferable. Respondents added that care must be taken to provide continuity in service. Staff interviewed acknowledged problems and stressed the need for more coordination both between the various components of the system and within the unit (i.e., between the investigation officer or probation officer and aftercare counselor).

When the legislature established a statewide system of Court Service Units under the administration of Department of Corrections in 1972 the goal was to provide better service to children and youth in trouble. The study survey indicates greatly improved services. There is now a baseline of service available across the state. (A number of those interviewed felt that while individual localities around the country may have better or more sophisticated operations, in comparison few others provide the quality and quantity of coordinated services statewide.) Tasks assigned the juvenile court service unit personnel are not easy. Most of the clients have not sought services voluntarily. Even the most well adjusted adolescents are by nature, somewhat rebellious against authority figures. Probation officers are called upon to deal with a variety of parents, youth, problems and crises.

The calibre of personnel seems to be generally high. One probation officer with long-term service pointed out that because personnel qualifications have

increased most of the people hired five or 10 years ago could not even get an interview today. In many localities staff have developed innovative programs to try and meet the needs they identify. Counselors are providing Parent Effectiveness Training, establishing Explorer groups and other diversionary programs, and working with community organizations to foster support and understanding of the juvenile court. Volunteers and student interns are being effectively utilized in a number of units. Often these efforts are conducted in addition to regular duties without extra compensation. Commission staff has seen many examples of dedication and commitment resulting in improved quality and effectiveness of service.

State law allows the Board of Corrections to set minimum standards for court service units with the Department of Corrections monitoring compliance. Development of the certification process based on these standards has further emphasized the goal of basic quality service delivery statewide.

Certification of units was conducted for two years on an informal basis. Last year the process became formal with results being presented to the State Board for review and actual certification.

All 37 units underwent this process. As of January, 1979, 21 were officially recommended for certification. Of these, 20 have been approved by the State Board. Roanoke City, Falls Church and the 25th district C.S.U. have received provisional certification (i.e., they were found to fall short of minimum standards, but the certification team felt they were making efforts to comply). They will be reviewed again within a year. Results on the other 13 units are, as yet, unofficial but indications are that all but one will be recommended for approval. Additional information on certification is discussed on page

The cost of services delivered by C.S.U. is difficult to estimate. The only data available until recently was historical cost for the total C.S.U. account

determined from incremental budgeting previously used. Tightening of available funds mandates that programs vying for tax dollars prove their value.

Patrick O'Hare and Alice E. Johnson, former DYS fiscal programs staffers, undertook a study last year to develop a method for determining costs of individual services delivered in units. The findings are based on a breakdown of costs in one unit only but provide some indication of relative expense of service. The study showed that personnel was the single most significant cost factor accounting for 97.2 percent of the overall budget. Travel expenses were 1.7 percent of the budget and other costs were 1.1 percent. The average hourly cost for operating the C.S.U. was $5.68. Individual services break down to $17.63 for intake, $26.31 per month for probation supervision, $69.63 for each social history and $26.31 per month for aftercare. It is imperative that the cost of services be established to enable adequate planning for funding for expanded or changing service delivery.[2]

The remainder of this chapter will be divided into two main topics, issues facing court service units and services and programs.

Issues facing Court Service Units

There are a number of issues which should be addressed if services are to continue to improve. Some of the concerns within units have been addressed in other sections of the report. Foremost administrative issues include:

- intake training and guidelines
- resource availability for diversion
- compensation for all on intake duty
- caseload measurement
- the quota system for allocation of positions and career opportunities

- need for good supervision
- balance between excessive paperwork and the need for accountability
- use of personal vehicles in transportation of clients and possible liability
- restrictions on long distance telephone calls
- inadequate facilities

Those interviewed feel these matters seriously affect the provision of services and its quality and should be viewed in that light rather than as personnel problems.

Intake

Intake is a key process in the juvenile justice system. If operating effectively, it serves both formal and informal functions. As noted earlier, it weeds out many petty complaints. Intake also, reportedly, helps defuse some of the initial hostility of being brought before the court and allows families to be more amenable to receiving services. Intake is a good point for intervention and initiation of counseling or other services because, often, families are in a crisis and willing to accept help. If required to wait until a court hearing for service referral, the crisis may have passed and the perceived need for help diminished.

Intake staff interviewed throughout the state reported receiving varying quantity and quality of training in this area. Some had attended training provided by the former D.Y.S. Some had received training from their judges. Others said they had simply learned "on the job". While there were a few who felt they had all the knowledge necessary to properly carry out their responsibilities, many would welcome additional training.

Some staff also felt they needed a set of the entire Virginia Code since questions raised at intake often involve more than just the "juvenile code" (e.g. criminal offenses, support laws, child welfare laws, etc.). During the study it was reported that not all intake officers had access to the judge's set because

of locked doors or separate office facilities. In recent months, Department of Correction officials arranged to purchase sets for each of the state units. It is the responsibility of localities to provide necessary access to a set of the Virginia Code for each locally operated unit.

An intake manual developed by the Department of Corrections in cooperation with the judiciary also would be of assistance in this matter. Such a manual could, in addition, provide consistency in intake across the state. Although some aspects of intake differ according to the instructions of each judge, there are basic principles which should be clearly defined and disseminated to all personnel with intake responsibilities.

Detention Decisions

One crucial decision facing the intake officer, is whether or not to detain a youth. Unless the child immediately can be taken before the judge, it is the responsibility of the intake officer to determine whether the criteria for detention defined in the Virginia Code have been met and whether there is "clear and convincing evidence in support of the decision not to release the child." The law provides that the judge must hold a hearing within 72 hours (and preferably on the next court day) to determine whether detention is warranted and should be continued. Unless question is raised by legal counsel, the youth or parents, however, some judges do not explore the possibility of release pending adjudication, relying instead on the initial judgment of the intake officer to detain. This again illustrates the need for adequate training for intake staff. Some intake officers advocate greater involvement of the Commonwealth's attorneys office, particularly in complicated cases, for instance, where probable cause is questionable. In those jurisdictions, such as Winchester and Appomattox where Commonwealth's attorneys screen some complaints to determine probable cause court service unit staff report very positive results.

Diversion

The other major function of the intake officer is diversion. The juvenile code states as one of its purposes "To divert from the juvenile justice system, to the extent possible, consistent with the protection of the public safety, those children who can be cared for or treated through alternative programs." Minimum standards state, "It shall be the further responsibility of the intake officer/counselor to consider diversion in every situation, in accordance with guidelines established by the court." The major cry heard from both judges in court service units and for most localities was "diversion to what?". Actually the question is much broader, with a number of issues involved. What resources are available in the community? Is diversion viewed by law enforcement and victims as an effective means of dealing with cases or as coddling? What is the extent of the authority of the intake officer to divert? Many staff believe that the lack of "a big stick," i.e. the threat of commitment, makes diversion useless with status offenders unless cooperation is voluntary. How can we get service to those youths particularly status offenders who are obviously "in need" but who are unwilling to cooperate? Who will handle status offenders if the juvenile court does not?

The stigma attached to the juvenile justice system is also a matter of concern in regard to diversion. The negative consequences of labeling have been discussed in numerous forums and need not be reiterated here. Two court service units visited had specialized diversion units, and in both cases the facilities were physically separated from the rest of the unit. Staff felt this helped make them more acceptable to the families they served. There is also a program known as the Hampton Arbitration Center in Hampton, which concentrates on family assistance counseling and is utilized by several courts for the purpose of diversion. According to the former regional prevention specialist, one of the major benefits of this program's independence from the formal juvenile justice system is that

there is less stigma attached to the service. It appears that the degree of association with the judicial system is an important consideration. Obviously the separation will vary with different programs and various clientele but the issue would appear to support the use of programs in other public and private agencies whenever possible. This again points out the need for increased cooperation between agencies and coordination of service delivery.

Compensation for On-Call Intake Duty

Minimum standards now require twenty-four hour intake in each court service unit, that is, "a designated probation officer/counselor in each unit shall be available at all times to receive, review and process all complaints that come to the attention of court service unit, recommend detention of juveniles and provide services for persons in 'crisis' situations who would come within the jurisdiction of the court, including domestic relations situations, and the screening, resolution and referral of non-support complaints."

During the last year there has been mounting concern that the Department of Corrections is requiring extended intake coverage while not adequately compensating staff for this service. The problem centers around those court service units where staff are required to provide intake coverage beyond their normal work duties. All but two units provide at least some part of the required intake coverage after normal business hours by designating certain staff to be "on call". In most cases they are not in a particular office. While in some units staff on duty carry paging devices, in most instances the individual on call must remain at home, close to a phone. Court service unit directors currently try to adjust work schedules on an "unofficial" basis to make allowances for probation officers handling night intake duties. The unofficial adjustments, while providing some relief for the counseling staff covering intake, are not universally accepted as adequate compensation for being required to serve set periods of time on call.

Rural areas seemed most discontent with present intake requirements. The mere geography of their territory makes service delivery difficult. In the 25th district, for instance, the intake officer in Staunton is also responsible for Bath County, 48 miles and four mountains away. There have been a few nights according to Mr. Robert Lance, the intake officer, when he has met the Bath County Sheriff at the top of Shenandoah Mountain in order to fill out a petition or bring youth to Shenandoah Detention Center. In some cases intake officers will often be out on call for three or four hours during the night. They must also be at work during normal court hours.

In contrast, some of the larger units have a specialized intake staff whose sole function is provision of intake service. Twenty-four hour coverage is provided by staff working scheduled eight hour shifts in four districts. Six other districts provide partial coverage (i.e. more than the normal business day but less than 24 hours) by staggering work hours.

The 23rd district has a somewhat unique arrangement. Although Roanoke City and County and Salem are three separate locally operated court service units, they have established joint intake for the district. An intake officer from one of the three court service units is on duty in the Roanoke City office at all times. This regional provision of intake appears to be working quite well and is a concept worth considering for other areas in the state.

It is recognized that some counselors go out on call unnecessarily when the matter could be handled over the telephone. However, the March, 1978 Report from Court Services Specialist Subcommittee Studying Intake Services states:

> The recent revision of minimum standards in September 1976 made it clear that the Department was promoting face-to-face intake services wherever possible. The revision of the Juvenile Code has further institutionalized intake services. Further, some of the provisions which must be met before a child can be detained have tended to require face-to-face intake to be done in those cases where a child might be detained. This is particularly true if the potential exists that a juvenile may be held in jail.

This report goes on to say the system, as it currently exists, has several inequities including: not all probation counselors are required to be on call beyond the normal 40 hour work week, yet all are paid at the same salary scale; protective service workers within the Department of Welfare are paid to be on call and State Police are paid for overtime under certain conditions; some locally operated units give special compensation for on-call duty and shifts, or pay higher salaries to intake workers.

Although administrative personnel in correctional units are required to serve weekend and holiday on-call duty in case of emergencies, there are few non-administrative staff, other than in juvenile and domestic relations court service units similarly obligated. In attempting to identify such personnel, the Crime Commission has contacted individual department administrators and the Office of Personnel. Only three counselors in a Richmond halfway house were found subject to on-call duty. The juvenile intake officer is apparently somewhat unique in this respect.

The entire issue of compensation for after hours intake has been under consideration by the D.O.C. for some time. Everyone interviewed during this study felt there should be some official recognition of intake duties--the question was what type of compensation should be provided. After considering many alternatives, the Court Services Specialists, in the report cited earlier, recommended a flat rate of $4 compensation per eight hour shift on call. Although other alternatives would be less expensive, they felt this alternative would be more likely to improve morale, would better recognize the overall duties and responsibilities of on-call status, would establish a fixed cost of $156,000, and would be compatible with precedence set by the Department of Welfare. Finally, the report said:

> This option recognized the imposition to an officer required to serve on-call duty beyond his normal working hours and that this imposition is not shared uniformly by every probation officer in

> the State, by giving those officers who are subject to this imposition additional compensation.[3]

On-call intake duty is a requirement above and beyond normal overtime and occasional night and weekend work expected of other professionals in the field. It is a matter causing considerable discontent and morale problems among a large proportion of court service unit staff. The D.O.C. and Secretary of Public Safety are urged to review the matter in this light and take prompt action.

Caseload Measurement

A major issue, especially among line staff interviewed, has been the method of caseload measurement. The workload in court service units is not measured by the number of clients or cases. Rather, caseload measurement established for court service unit personnel is based on points or units being assigned to each task. For example, counselors receive 1/3 unit of credit for doing an intake, two units for completing a transfer report, five units for conducting and writing up a social history and one unit per month for supervision of probationers. Staff are expected to carry a monthly caseload of 40-60 units. In the spring of 1979, the department reported most units to be low, carrying an average of 40-45 points.

They see three main problems with this system. First, measurement standards were set up before many of the new accountability requirements were imposed and the workload has now become too demanding for effective service delivery. Second, present caseload measurement discourages diversionary efforts. Third, factors such as geography, time expended in intake duties, and extra tasks do not appear to be given sufficient consideration.

While some intakes can be accomplished in a matter of minutes, others involving out-of-state runaways, referral to other agencies or crisis counseling may take an entire day or more. Each would earn 1/3 unit of work credit for the intake officer. Similarly, probationary supervision is worth two credits, whether the child is seen once a day or once a month. Serious consideration should be

given to establishing differential credit for "levels" of intake and supervision to reflect the actual work performed.

Rural probation counselors say they are expected to carry caseloads equal to those in urban areas, despite the additional hours of travel required to see their clients. Department officials say some exceptions have been made for rural units.

In many court service units, staff are attempting to start new programs, work with community groups, and perform liaison duties with other agencies in addition to their regular duties. No official credit is given in caseload measurement.

Minimum standards for court service units, passed by the Board of Corrections, state:

> Factors such as geographic areas, training, community liaison, study groups, and commissions, shall be taken into consideration by the Division of Youth Services in determining a counselor's caseload.

These factors should begin to be counted to more properly reflect actual workload in each court service unit. Many staff further advocate that recognition, through official workload credit, be given to positive interaction between the probation officer/counselor and their clients. "Extra curricula" activities such as camping trips, an afternoon outing or cooperation on a project of mutual interest are often the most beneficial action taken during a period of probation, according to those interviewed. They feel if such activities officially counted as part of the workload, more staff would employ them and probation would become a much more effective treatment method.

The Quota System and Career Advancement

Throughout the state, staff have observed that career advancement in youth services in the Department of Corrections necessitates leaving direct service. They also note that good counselors and good trainers do not necessarily make good supervisors or administrators. They feel that people who wish to remain

in direct service, and who have superior skills in these areas should not be forced to leave what they do best.

A number of factors seem to be involved in this discontent. Presently, a quota system is used to set the specific number of positions at each level of the promotional ladder in the court service units. There are three levels of counselors (I, II and III) based on experience and performance, and the number of positions at higher levels is limited by the total number of employees in the unit, regardless of other qualifications. This is particularly crucial in smaller units. Directors and line staff alike complain that the quota system destroys incentive for good performance and causes personnel to seek other employment because they see promotional opportunities as severely limited.

Clerical positions are allocated similarly. One director pointed out that, practically, in units with branch offices, the top secretarial position must be located in the same office as the director. This necessarily eliminates promotional possibilities for clerical personnel in the branches unless they are willing to relocate.

According to department officials, the quota system was established to end unfair and unwise promotional practices and eliminate top heavy organizational structures. Local directors maintain the policy severely limits their administrative discretion and feel that, instead, administrators incapable of making conscientious promotional decisions should be relieved of their positions.

Proposals to establish "career line positions" have been presented to the Department in the past by people within the system. Department officials interviewed feel, given a Counselor IV position, court service units would soon be requesting Counselor V's and VI's. This argument appears, at least in some ways, contrary to the primary function of the juvenile justice system--service delivery. Rather, it is believed such positions would enable individuals to remain in direct service delivery without penalty of loss of potential earnings and, further, would

recognize the importance of direct service delivery and the special skills required in supervision.

A related issue is the method of merit evaluation. The inadequacy of the present format was pointed out as a problem in the Phase I report and has been reiterated in repeated interviews this year. More effective performance appraisal is still needed.

If court service units are to develop an experienced, professional staff, promotional opportunities must foster career development and effective performance appraisal must be established.

Supervision

The significance of good supervision is generally recognized in the quest for accountability and quality service delivery. Special skills are required to supervise professional and treatment oriented personnel, including knowledge of treatment methods utilized by various staff. Effective performance appraisal and documentation of problems for disciplinary action is vital for proper management. Impediments to effective discipline and termination of employees were pointed out in the Phase I report and have been reiterated this year throughout the state.

As noted earlier, present promotional policies do not necessarily foster the development of strong supervisory personnel. Interviews with staff at all levels indicate line supervision is, perhaps, the weakest link in the chain of command. Supervisors, themselves, say they have been promoted from line staff positions without additional training or sufficient preparation.

Supervisory training was being emphasized in youth services just prior to reorganization. A number of the newer supervisors rated the instruction they received as excellent and urge that it continue. Additional supervisory skills which warrant particular attention include caseload distribution, review of

records, monitoring and terminating probation and aftercare cases, effective feedback and case consultation.

The caliber of supervision is crucial in overall staff development and effective operation.

Paperwork versus Accountability

Written documentation of service provision for the purpose of accountability has increased considerably in recent years. Caseworkers are required to maintain running records of all activity undertaken in a case and develop written treatment plans. They have also been conducting more business in writing with the learning centers and RDC, partially, it is hypothesized, as a result of restrictions on phone usage and partially as a protective measure for themselves in the case of lawsuits, etc.

Many counselors interviewed, particularly those who have worked in the system for a number of years, complain that the paperwork interferes with direct service (i.e. time spent with the client). On the other hand, as one director pointed out, time management is a matter of personal preference--people find time to do the things they want to do.

While the amount of paperwork required is considerable, so is the need for accountability. As noted in the Phase I report, similar complaints were heard from counselors in the learning centers. Some, at the time, proposed using student interns to assist with paperwork. Some courts, such as Charlottesville and Roanoke City, appear to be employing this concept successfully. (See "Services and Programs")

At the time the reorganization of the department was announced, T. Donald Hutto, the director, assured juvenile corrections staff, assembled at a fall conference, that a comprehensive study of paperwork requirements was being undertaken in order to eliminate all unnecessary procedures and achieve some

reasonable balance between need for accountability and the burden of paperwork.

Liability Insurance

In many rural areas probation officers are required on occasion to use their personal cars to transport clients to and from detention, medical appointments and in some cases, the RDC.

At present, they are put in an untenable position of not knowing whether the state provides liability insurance should a juvenile be injured due to an accident while being transported in private vehilces. While transportation of juveniles in private cars has been discouraged by some Department officials and the Attorney General's office, the reality is that in many state operated courts, probation officers are required to do so by the judge or because there simply is no other alternative available.

Insurance coverage is provided for state employees when traveling in state cars. The state does not pay separate "liability insurance" for employees required to drive their own vehicles because the C.S.U. does not have access to state or local government cars.

Reportedly, when the Department of Highways raised mileage reimbursement from 13 cents to 15 cents, part of this increase was meant to cover the cost of liability insurance. However, the American Automobile Association recently estimated that gasoline costs alone are 20 cents per mile. This excludes any costs of maintenance or liability insurance. It appears that at the present time the state is paying for only a fraction of the cost per mile. Particularly in the southwestern part of the state, where the detention center is 100 miles or more away from the court service unit, maintenance expense for private cars is considerable.

Probation counselors in most locally operated courts are assigned city or county automobiles and insurance for them is not a problem. Most adult probation and parole districts have assigned state vehicles. Thus, the present situation

appears to be unfair and inequitable. All probation officers should be advised prior to employment that personal liability insurance for transporting juveniles is not provided by the state. It is incumbent upon the state to provide liability insurance and adequate compensation if court service unit personnel are required to transport juveniles as a condition of their employment.

Telephone Restrictions

The next two issues are somewhat related in that office space and telephone costs are defined by statute as being the responsibility of the locality. Court service units must make numerous long-distance calls in the course of daily operation.

Local governments particularly object to the responsibility for costs of long-distance calls not directly related to clients from their community, (e.g. communication with regional and central offices on policy matters or state business, calls concerning out-of-state runaways, calls for supervisory purposes to other localities within the same judicial district). This was cited as a problem in all but three court service units visited.

Chart C on page 169 gives some indication of long distance phone costs for a sample of court service units, not including the most urban sections of the state. The chart shows that seven of 13 units presently have long-distance costs averaging above $160 per month, the minimum cost cited by the Telecommunications Council to justify installation of SCATS. Most are low estimates since calls are kept to absolute emergencies. Often, personnel drive long distances to meet and discuss problems, rather than incurring criticism from local government. (The state reimburses localities for salaries and mileage.) Another hidden cost to the state is extra phone charges for collect calls made by central and regional office personnel to their offices from local units.

There is further cause for concern because of the problems created in supervision of branch offices. Directors maintain that proper supervision is not

possible with the present telephone restrictions. Communication between various parts of the system (e.g. between learning centers and home communities), consistently cited as a problem, is also complicated by the issue.

This matter was first brought up before the 1977 session of the General Assembly and was carried over by the House Appropriations Committee to the 1978 session, with a request that the Division of Youth Services devise some cost estimates for including court service units on SCATS. The Department's 1978-80 Biennium Budget Exhibit contained the requested estimates for installation and maintenance of SCATS phone usage, but included state assumption of the costs of local phone service, as well. The budget item was not approved by the committee and was thereafter dropped by D.Y.S.

Two alternative proposals are presented for consideration: (1) that the state pick up only the cost of installation and maintenance of SCATS, leaving local phone costs to the responsibility of the locality; or (2) the state offer the localities the option to "buy into" the SCATS system, with each locality paying its proportionate share of the estimated costs for SCATS phone usage.

Facilities

Localities are also responsible for providing office space for court service units. In most cases Commission staff have observed, facilities meet or surpass minimum standards set by the Board of Corrections. In other localities, however, the facilities are totally inadequate, especially concerning sufficient privacy to assure confidentiality. During one site visit, while interviewing a staff member in the office with the door closed, a counseling session being held in the next room was clearly overheard. In a third jurisdiction the building housing the court service unit had been condemned.

State statute requires localities to provide "suitable quarters" and "all necessary furniture and furnishings." Minimum standards describe the required quarters and furnishings specifically. It appears, then, that the Department and Board of Corrections have the obligation to enforce these standards. Some staff have expressed hope that certification will help document the need for better facilities to both state and local government officials. The actual effect remains to be seen.

Staff Responsibility as Advocates

In the course of several interviews during this study staff revealed knowledge of circumstances detrimental to youth with whom they worked. Probation staff in one locality alleged police brutality against a client, and in another claimed that school officials had expelled a probationer without the required due process. On both occasions the individuals were asked what action they had taken. It is of some concern that none had reported the occurrences or accounts either to their immediate supervisor or to any proper authority.

This raises the question of the responsibility of the probation officer as an advocate. It would appear that staff, aware of such matters, would have the responsibility to take appropriate action, at the very least, to report it to the supervisor.

The value of positive advocacy was illustrated in many cases where professional staff aggressively sought services for the youth they worked with and were successful. The social service system, unfortunately, sometimes requires such advocacy.

Services and Programs

Commission staff have observed a wide variety of services and programs during Phase II of this study. All court service units provide the basic intake,

investigation, probation, direct care and aftercare supervision, service referral and foster care review. There are other services and programs which have not been established statewide as yet, but which are developing in response to growing needs and the changing focus of the court.

Family and Domestic Relations Counseling Programs

Present emphasis in Virginia's Juvenile and Domestic Relations Court is too often on the individual rather than the family unit. Personnel interviewed within the juvenile justice system consistently note high correlations between incidences of juveniles in trouble and presence of severe family problems. In Petersburg's court service unit, for instance, the supervisor of intake estimated that 60 percent of cases coming before intake evidence problems with the family as well as the individual youth.

The domestic relations aspect of the court has recently begun receiving increased emphasis. Spouse abuse is a major concern, as is the increasing number of domestic matters coming to court. A high percentage of cases are repeat incidents involving the same family. Too often the cases are dismissed with a warning, referral to an outside agency (without follow through), or dismissed at the request of the complainant. The result is that little improvement is made and the cases repeatedly appear on similar charges. Most of those interviewed complained that family and domestic relations counseling programs outside the court are extremely limited and those which now exist often have long waiting lists and insufficiently trained staff. Follow-through on actual service delivery is also difficult to monitor. Many judges and court service unit staff said they feel counseling in these cases is essential for the couple's sake and the future well-being of their children.

Thus far seven family counseling programs have been developed in court service units statewide. Many diversion programs such as Hampton Arbitration Center and Virginia Beach Diversion Unit also concentrate on family counseling. Some units have also begun to offer more services in domestic relations. Richmond, for instance, has a marriage counseling program within the unit. Couples appearing before the court on spouse abuse charges are referred to the program immediately following their court appearance. In Chesapeake, the domestic relations counselor screens the case before the formal hearing and determines whether court action or referral to the counseling program seems most appropriate. If the latter decision is reached and the couple is amenable, a counseling appointment is set in lieu of prosecution. The judges are very supportive of the program and feel it can provide a more long term solution than court appearance.

The family is generally considered the cornerstone or our society. Numerous publications in recent years have addressed the problems facing the family in the second half of the twentieth century. The traditional support structures of extended families and cohesive communities have been weakened by the transiency of the population and the stresses of modern living. Substitute support structures must be provided within social institutions, both public and private, if the family is to remain viable and strong. Professional counseling should be considered a tool which maintains, not compromises, family integrity. Professional marital and family counseling are considered priority needs by a majority of those interviewed in this study.

Considerable disagreement exists as to whether such counseling programs should be available through the Department of Corrections or Department of Mental Health and Mental Retardation. The proximity and control for immediate referral are positive factors for location within the C.S.U. Possible duplication of services between departments argues for provision of such services by a single department.

CONTINUED

1 OF 3

There is also some concern that some domestic relations services of the court possibly duplicate services in the Department of Welfare's Support Enforcement Division. A major function of both is collection of support payments and, in some jurisdictions, there is question as to how the two interface. Due to the nature and limitations of this study, this question could not be properly explored. Personnel in court service units, however, suggest that it is an issue worth attention.

Specialized Positions

Sometimes improved service delivery is not a matter of new programs but rather a new "modus operandi". Such is the case with the positions of "hearing officer" and "resource person".

A hearing officer is a staff member in the court service unit who attempts to resolve cases on minor delinquency offenses through informal means, in accordance with juvenile code provisions for diversion. Cases are referred from intake with the consent of both parties in lieu of formal court hearings. The hearing officer will seek a solution to the satisfaction of both parties, including but not limited to restitution, cooperative work agreements, etc. Such informal adjustments could be made in intake, but a degree of formality is added by the "hearing officer".

One director, who utilizes such a program, feels that it is an effective diversion mechanism. Petty offenses are still reaching the juvenile court in far too many cases. Some stores, for example, have established a policy of prosecuting on all shoplifting charges, however small the amount. Complainants in minor vandalism cases often want some formal action taken. As a result, the court dockets swell and court service unit staff find themselves burdened with cases which neither need nor will benefit from probation. A hearing officer often can provide a means for resolving the case which can

prevent further penetration into the system while satisfying the complainant. The formality of the process and guarantee of recourse, should the agreement be broken, appears to provide the procedure with stature beyond that of intake alone.

Some court service units have also designated one individual on staff to handle the paperwork for special placements (i.e. placement of a youth by the court in programs offering particular services, mostly private facilities). The procedures and necessary forms involved are complicated and time consuming. Many staff interviewed were discouraged about even attempting to make a special placement because of the paperwork and the significant likelihood that one or another of the multiple requirements could not be met. Some units have assigned a "resource person" to handle all such cases, on the theory that the more familiar one becomes with the process and programs, the easier the task is and the more likely one is to accomplish placement.

Both functions can be full or part-time duties, depending on the caseload. It appears necessary, however, that these duties receive credit in caseload measurement if court service units are to utilize such ideas without overburdening other staff. In Norfolk, for instance, a position for a resource person, established under grant funding, had to be abolished when the grant terminated. The individual, although receiving no credit for these duties, was included in caseload distribution affecting the average for the unit.

Minimum standards specifically state:

> The 40-60 work unit standard also does not preclude, where indicated, certain counselors being assigned specialized workloads with a workload under or over this standard.

Yet, courts which choose to assign specialized work for which no set "work unit" credit is allowed, run the risk of losing staff if the "average" caseload falls too low. If the goals of diversion and treatment are to be accomplished, staff must receive caseload credit for performing duties toward these ends.

Student Intern Program

Students can be a valuable asset to service agencies. Several facilities visited have active student intern programs benefiting the units. In the Charlottesville Court Service Unit, for instance, students actually conduct pre-hearing investigations under the supervision of the designated investigating probation officer allowing him to serve as volunteer coordinator, as well. The calibre of the reports, according to all indications, is excellent. In the Roanoke City Court Service Unit a two stage program first introduces students to the juvenile justice field (the Exploratory Intern Program) and then allows them to handle a small number of cases with supervision by a probation counselor (the Probation Officer Training Program). Many are hired upon graduation, already trained in procedures, paperwork and technique. A number of group homes also utilize student interns, allowing the residents more individual attention and program activity.

Other units visited said supervision of students was too time consuming and unproductive. Proper management and supervision of student intern programs obviously is necessary if return on invested time is to be worthwhile.

It would appear that colleges and service agencies such as court service units, community youth homes and detention centers could benefit from cooperative relationships. Field placements and special guest lecturers in the classroom could be exchanged for consulting services and workshops for juvenile justice staff. Expanded development of cooperative education programs (a quarterly plan where students alternate between full time study and full time employment) would be particularly advantageous to field placement. Intern programs presently functioning throughout Virginia should be used by the Department of Corrections as models to assist others who have not yet explored this resource.

Innovative Service Programs

Examples of innovative programs dealing with children and youth in trouble have been seen throughout the state. Those developed in communities with severe-

ly limited resources are of particular note. The staff who initiate and operate creative and effective programs, despite the restrictions of any particular locality, should be commended for their efforts.

There is something of a myth that urban areas of the state have all the best resources for their youth. For instance, staff within the Fairfax County Court Service Unit said their unit has felt obliged to develop a myriad of programs under their auspices, because they felt that services in the community were either unavailable, inaccessible or of poor quality. The same was true in other urban areas.

Further, while it is commonly believed that most innovative programs are restricted to the more urban localities, staff found many unique prevention, disposition and treatment efforts in areas such as the Eastern Shore and parts of Southwest Virginia. These have often been developed by staff in addition to their normal duties. The efforts of these dedicated staff should be recognized and shared as models for action with others in the juvenile justice system throughout the state.

A number of such programs have been described earlier. The following are offered as additional examples. Fairfax Court Service Unit has solicited assistance from other agencies to establish a diagnostic team which reviews particularly difficult or troublesome cases. On the Eastern Shore one counselor has developed a delinquency prevention oriented lecture called "How to Get in Trouble without Really Trying".[4] He feels periodic presentation of this program on juvenile rights and responsibilities to school groups has been successful in diverting many less serious offenders. Staff also reports a better working relationship with school personnel since initiation of the presentations. This same court service unit has worked with Virginia Employment Commission on two youth employment programs. In the Vocational Exploration program, court referred youth were employed four days a week during the summer and spent

one day a week at the Community College learning about various vocations and work skills. In the second, selected youth, involved with the juvenile court and experiencing school problems, were guaranteed summer employment upon successful completion of the school year. Staff feel this gave them the added incentive necessary to achieve.

The 30th district court service unit, among others, has utilized a Community Action Program (CAP) concept similar to the much publicized "Rahway Experience" in New Jersey. Juvenile offenders meet with incarcerated adults for informal "rap sessions" on a regular basis. Those involved report that the adult inmates have far more deterrent effect on some youth than any professional counseling or lecture from a judge.

Personnel in other units have helped establish and/or utilize Wilderness Stress and Explorer programs for their probationers. In Prince William, the Boys Club sponsored a diversion program extensively used by the court.

In many cases there is some question whether services are more appropriately provided by the juvenile court or by some other agency. The court is, after all, first and foremost a court. Courts in many jurisdictions have had to provide human services, however, when there was no other provider. Optimally, perhaps, the court should be limited to adjudication and service referral, when necessary. However, until the social service system, in fact, does become a system capable of meeting service needs, court service units may continue to be obliged to fill the vacuum by whatever means they can.

Furthermore, the Department of Corrections should make a conscious effort to foster and encourage initiative and innovation among staff. One primary means of accomplishing this is timely decision making. Nothing kills enthusiasm faster than being put off or having action delayed because of administrative red tape. On several occasions field staff complained that opportunities for exciting programs or activities were missed due to administrative inaction. While

the need for full study of the implications of any particular action is recognized, staff who make an extra effort deserve the courtesy of the most prompt response possible. Much animosity could also be avoided by explaining the reasons behind delay or disapproval of a request whenever practicable.

COMMUNITY RESIDENTIAL CARE

Introduction

Community Residential Care encompasses all community based residential care facilities operated by or in conjunction with the Department of Corrections for the pre- and post-dispositional care of youth involved in the juvenile justice system. Pre-dispositional programs include secure detention, providing temporary care in physically secure facilities for behavior problemed youth pending court disposition, and developed to preclude, wherever possible, the jailing of juveniles. In the past seven years a number of alternatives to detention have been initiated to provide more appropriate levels of required care and supervision to youth before the court. Less secure detention was established for temporary care of youth with behavior problems awaiting court action who require close supervision but not a locked facility. Crisis/runaway homes were developed to provide for emergency temporary counseling and residential care of youth who have run away from home or are experiencing a period of crisis. They may or may not have pending charges in juvenile court. Outreach detention is a non-residential care program designed to provide intensive supervision to juveniles remaining in their homes between their initial contact with the court and final dispositional hearing.

Post-dispositional facilities include community group homes and family group homes. Of the former, four are operated by the state primarily for use by delinquent adolescents returning from one of the state's learning centers and 16 are operated by localities primarily for delinquent youth placed directly by the local court. Family group homes are private families under contract to the D.O.C. who provide care and treatment to both delinquent youth and CHINS.

Each of these programs, their strengths and problems are discussed individually in the following sections. While most of these facilities are locally owned and operated, they receive substantial financial support from the state. Because the issues of cost and utilization of available bed space affect all community residential care, and because state funding is similar for all such programs, an overview of the financial considerations is in order. Other issues surrounding utilization differ somewhat between pre- and post-dispositional facilities and are discussed in conjunction with the individual types of programs.

Program Utilization and Cost

> It must be remembered that residential care facilities are part of the child care business, with equal weight being given child care and business.[5]

Of the 413 available secure detention beds in Virginia, an average of 115 are being unused on any given day. Approximately 50 of a total 231 post-dispositional group home beds remain vacant. At the same time our jails and learning centers are severely overcrowded. Low rates of utilization have been a concern of the Office of Community Residential Care within the department for some years. Because programs were, for the most part, in their infancy, the priority of that office was on development. Recently, the emphasis has shifted to evaluation of program utilization and effectiveness.

Low utilization and resulting higher costs were first addressed in an extensive document prepared by the Community Residential Care office of D.Y.S in May, 1977. In a January, 1978 memorandum to residential facility directors and regional office staff Curtis Hollins, former supervisor of the office said:

> Community Residential Care is presently caught in the middle of some situations that require potential change...We are placed in a position of defending high costs and questionable utilization at a time when there is increasing awareness that not all children that could be served are, in fact, receiving already available services.

To understand the full impact of low utilization, it is necessary to under-

stand how these facilities are funded. Locally operated programs are reimbursed by the state for two thirds of staff salaries, 100 percent of most operating costs, supplies and equipment and 50 percent of capital expenditures (to $100,000). Virginia is unique in maintaining such an arrangement with "local" programs. One locality may own a community youth home, detention center or alternative pre-dispositional holding facility or join with neighboring jurisdictions to form a commission to jointly operate a program(s). In the latter system, member localities are called "participating jurisdictions". They influence control over the operation of the homes and have first preference for bed space. "Non-participating jurisdictions" are those which "purchase" available bed space from the programs. They are charged a "per diem" rate for each child each day.

In the past, the per diem rates for individual programs were set annually by the Board of Corrections based on the total "local" costs for the previous year (the remaining costs of operation not reimbursed by the state) divided by the total child care days (the sum of the number of days care is provided each child). According to Hollins, program costs remain fairly stable despite fluctuations in population. Low utilization, therefore, results in increased cost per child. These per diem charges prior to August, 1978 ranged from $7 to $16 for detention homes and $6 to $30 for group homes. The Commission was told that in the past some rates were even higher and that recently many superintendents and directors have made positive efforts to reduce per diem charges. With inflation, however, per diem charges have continued to increase although they have not escalated as rapidly as in the past. The Office of Community Residential Care was concerned that as localities began looking for alternatives to jail and learning centers, the escalating per diems would discourage use of secure detention and group home facilities.

To remedy this problem the Board of Corrections in August, 1978, approved a proposal to change the method of establishing per diems. The new formula created a maximum per diem local facilities may charge based on an initial, expected mini-

mum 75 percent utilization of bed space. The new rates, in effect since August, 1978, range from $6.20 to $12.66. The department has ruled that programs may not exceed the set per diem but may choose to set a lower per diem to stimulate utilization. The Community Residential Care Office had further implied that after a reasonable period of time, expected minimum rate of utilization will be set at higher levels. If utilization did not improve, other measures will be taken to control costs. For example, a facility operating at 60 percent capacity might only receive 60 percent of its possible reimbursable budget.

The Program Utilization and Cost charts on pages 81 and 82 provide an overview of the situation. Column F shows the utilization rate for each facility over the past year. All cost figures are given in terms of cost per day, per child. Column G is the closest estimate of total cost possible from available data. In comparison, columns H and I are projected costs if the program were operating at 100 percent and 75 percent population. When columns G, H and I are compared, the relationship betwee 'lization and cost effectiveness becomes evident.

As these figures indicate, community residential care is not inexpensive. There are a number of financial aspects concerning the use of these facilities (as opposed to jailing or institutionalizing youth) which must be understood. Jailing juveniles is presently less expensive than holding them in a detention facility. If jailing standards are enforced requiring renovation of existing facilities, jailing costs may increase substantially. In addition, sheriffs and youth service personnel said they fear additional law suits in Virginia if assaults on juveniles jailed continue to occur. At the other end of the line, learning centers offer the major alternative to community youth homes. The average per capita yearly cost in learning centers is $12,242 plus $1,588 educational costs under the Rehabilitative School Authority budget, for a total of $13,830 per

youth per year for institutionalization.[6] The present average per capita yearly cost for community youth homes is $13,256. The essential difference is, in the case of community residential care, the state and localities share the burden of cost. Column J on the chart represents the portion of total cost reimbursed by the state. Localities incur the remaining 1/3 cost for children from "participating jurisdictions" and may charge non-participating jurisdictions up to the maximum per diem allowed (column K). Thus the state helps defray the cost of pre-dispositional detention and the localities retain some financial responsibility for post-dispositional residential care.

If all group homes were operating at a minimum 75 percent utilization, the average would be about $12,497 per year per child. At 100 percent utilization, the cost would be about $10,246. It should also be noted that utilization affects learning center costs. Although most operated at over 90 percent capacity in the last fiscal year, Barrett's utilization was under 70 percent. The per capita cost of $16,424 at Barrett was higher than any other institution other than RDC.

Cost should be considered also in light of continuing concern that expansion of juvenile justice services will result in "widening the net" rather than delivering more appropriate and effective services to those already in the system. This report is not advocating that youth be detained unnecessarily to increase utilization. Further, it is evident from the chart that alternatives to secure detention are less expensive. Group homes are designed as alternatives to incarceration, not as alternatives to probation or non-intervention. The cost of probation supervision is estimated at $26.31 per month.

Sometimes the cost of operating a facility at 75 percent capacity versus 100 percent is not substantially different. For example, two staff members must be on duty (one male and one female) in a detention home whether there are ten residents or 20. Operational expenses such as heat and light

remain the same. Neither do food costs change dramatically. The solution, therefore, does not appear to be in budget cuts as much as in increased utilization. It is strongly felt that the future of community residential care facilities is dependent largely on how these utilization problems are addressed and solved.

Program Utilization & Cost
On Crisis Intervention
Less Secure Detention Facilities
& Outreach Detention Programs[1]

Program	Location	Sex	Capacity Population	Opening Date	Program Utilization 7-77 6-78	Total Per Diem Cost 7/77-6/78 at 100% Population	Total Per Diem Cost 7/77-6/78 at 75% Population	State Per Diem Cost	Maximum[2] Per Diem to Localities
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Secure Detention									
Chesterfield	Chesterfield	Coed	22	7/73	79%	$44.58	$35.84	$47.78	$31.90	$11.07
Crater	Dinwiddie	Coed	22	7/75	60	55.62	33.37	44.49	45.77	12.66
Highlands	Bristol	Coed	20	1/73	61	60.10	35.66	47.54	42.52	11.60
Lynchburg	Lynchburg	Coed	20	6/69	54	61.64	33.28	44.38	41.79	11.80
New River Valley	Christiansburg	Coed	20	8/74	44	69.61	31.12	41.49	51.85	10.34
Newport News	Newport News	Coed	21	1/64	85	52.82	44.70	59.60	37.95	11.93
Norfolk	Norfolk	Coed	40	2/53	76	44.00	32.07	42.76	32.74	11.68
Northern Virginia	Alexandria	Coed	40	11/60	79	53.19	39.86	53.14	40.73	12.45
Rappahannock	Fredericksburg	Coed	21	11/72	82	47.39	39.09	52.12	35.02	11.05
Richmond	Richmond	Coed	52	1/64	69	43.42	31.37	41.82	31.84	10.02
Roanoke	Roanoke	Coed	21	6/61	56	63.93	34.62	46.16	43.67	11.00
Shenandoah	Staunton	Coed	32	1/68	66	36.03	23.41	31.22	25.73	8.56
Tidewater	Chesapeake	Coed	52	2/62	87	37.93	33.22	44.30	27.68	8.07
W. W. Moore	Danville	Coed	30	3/72	78	28.53	22.46	29.95	21.09	6.77
Less Secure Detention									
Norfolk	Norfolk	Coed	12	5/73	70	$44.65	$31.28	$41.71	$31.66	$10.67
Virginia Beach	Virginia Beach	M	15	2/72	75	31.08	23.76	31.68	22.93	7.73
Hampton/NN[3]	Hampton	Coed	15	11/77	--	--	19.90	26.53	--	--
Outreach Detention									
Newport News	Newport News	Coed	30	4/72	52	$13.48	$ 8.00	$10.67	$ 9.57	$ 2.65
Norfolk	Norfolk	Coed	18	2/74	47	14.90	5.68	7.57	10.28	3.45
Prince William	Prince William	Coed	24	6/76	74	6.99	5.43	7.23	5.51	2.87
Roanoke	Roanoke	Coed	24	12/74	47	15.03	7.14	9.52	10.70	2.91
Fairfax[3]	Fairfax	Coed	36	12/77	--	--	4.85	6.47	--	--
Crisis Runaway									
Crossroads	Lynchburg	Coed	12	10/76	59	$49.05	$27.54	$36.71	$36.23	$10.00
Norfolk	Norfolk	Coed	12	7/75	58	39.84	23.42	31.23	29.15	7.37
Virginia Beach	Virginia Beach	Coed	15	7/75	76	33.80	25.82	34.43	25.66	8.56
Oasis	Richmond	Coed	12	10/76	70	44.31	26.54	35.39	33.61	6.63
South Side[3]	South Boston	Coed	16	10/78	--	--	--	--	--	--
Sanctuary[3]	Roanoke	Coed	15	11/77	--	--	14.61	19.49	--	--

Program Utilization & Cost
Community Group Homes[1]

Program	Location	Sex	Capacity Population	Opening Date	Program Utilization 7-77 6-78	Total Per Diem Cost 7/77-6/78 at 100% Population	Total Per Diem Cost 7/77-6/78 at 75% Population	State Per Diem Cost	Maximum[2] Per Diem to Localities
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(J)	(K)
Abraxas House[5]	Staunton	M	12	5/72	89%	---	---	---	---
Anchor I	Martinsville	M	12	6/73	78	$38.72	$30.20	$40.26	$30.84	$ 8.21
Anchor II	Martinsville	F	11	10/74	63	41.02	25.91	34.55	31.21	7.67
Argus	Arlington	M	12	3/77	62	57.74	37.15	49.53	43.17	13.17
Braddock House	Winchester	M	8	7/73	92	36.52	33.54	44.72	26.10	9.92
Chesapeake Boys	Chesapeake	M	15	12/76	86	23.66	20.46	27.28	17.41	7.22
Comm. Attn.	Charlottesville	M	8	10/75	88	44.65	39.70	52.93	33.14	12.58
Comm. Attn.	Charlottesville	F	12	5/77	66	36.80	24.14	32.19	27.00	9.44
Crossroads	Williamsburg	M	9	7/72	93	34.67	32.52	43.35	25.90	8.79
Discovery House[5]	Roanoke	Coed	12	'73	97	---	---	---	---	---
Exodus House[5]	Richmond	M	12	'68	88	---	---	---	---	---
Fairfax Girls	Fairfax	F	12	5/75	75	34.97	25.85	34.47	25.90	9.40
Hampton Place[5]	Norfolk	M	10	7/71	89	---	---	---	---	---
Lakehouse	Norfolk	F	12	7/75	90	29.95	27.62	36.82	21.62	7.24
Opportunity House[4]	Lynchburg	M	12	2/74	63	43.44	27.01	36.01	31.75	7.28
Portsmouth	Portsmouth	M	12	12/76	75	31.97	23.86	31.81	23.50	9.06
Regional Girls	Virginia Beach	F	15	1/74	60	32.04	19.34	25.78	23.80	6.20
Stanhope	Norfolk	M	15	11/73	76	31.73	24.13	32.17	23.11	7.97
Stepping Stone	Richmond	M	12	4/77	65	42.61	27.63	36.85	31.92	11.64
Youth Haven	Roanoke	M	8	9/70	66	46.76	30.68	40.91	34.59	7.79

[1]Cost figures columns G-J based on Analysis of Operating Costs, D.O.C. Finance Office.

[2]Per diem rates set by Board of Corrections in effect during 1978 based on 1976-77 fiscal year costs and adjusted, where necessary, to reflect expected minimum utilization. Revised local per diem rates have been proposed to Board of Corrections for coming year. (See discussion in text)

[3]Program initiated after the beginning of the 1977-78 fiscal year. Data on costs incomplete.

[4]Costs figures based on reimbursement expenditure report 7/77-6/78.

[5]State operated group homes. Cost figures unavailable.

Secure Detention Facilities

> "Probably no other concept in corrections or youth services is as poorly understood as that of secure detention for juveniles."
> Minimum Standards for Secure Juvenile Detention Homes, 1976.

Virginia's first juvenile detention center opened in 1922 in Roanoke followed by construction of a similar home in Richmond in 1926. Managed by house parents, these homes were located above the juvenile court buildings. The modern day system of secure detention operated by trained staff in facilities designed specifically for the purpose of detaining juveniles began with the establishment of the Norfolk Detention Center in 1953. Today there are 14 such facilities in Virginia providing a total bed capacity of 413. Two additional homes are under construction and one is being planned. (See Chart D on page 170.)

Retired juvenile court judge Kermit V. Rooke was an early advocate for the building of detention centers. The reason, he said, detention centers were needed was:

> The juvenile court was founded on the premise that problems of children require special treatment. While it is necessary at times to restrain them while cases are processed, it is generally counterproductive for them to be confined in jails with adult criminals. Building of adequate facilities was essential if the objectives of the system were to be served effectively.[7]

Between July 1, 1977 and June 30, 1978, there were 8,703 incidents of children detained in secure detention facilities. According to the department, between July 1, 1976 and June 30, 1977 there were 10,712 incidents of children detained. Thus in the past fiscal year there was an overall 18.75% decrease in children detained. In addition, some 1,700 juveniles were being held in jail pre-dispositionally. The Commission believes that without detention centers, overcrowding and dangerous conditions would be even worse than presently exists in Virginia

jails.

Commission staff visited 11 of the 14 facilities and was impressed with the cleanliness, developing professionalism among staff, and general treatment of juveniles in custody. Some educational, recreational, and medical services are provided all youth who must be detained. It is obvious that much has been done in the past few years both by individual superintendents and personnel of the former Division of Youth Services to upgrade detention facilities as well as to improve the quality of service provided youth in trouble.

The Commission's research indicates that detention centers, like other components of the system, are in a state of transition. The 1977 juvenile code revision altered detention practices somewhat by prohibiting commitment of status offenders and restricting their length of stay in detention to 72 hours. In addition, on the federal level there is the Juvenile Justice and Delinquency Prevention Act from which Virginia receives one and one-half million dollars annually. This Act requires that status offenders be deinstitutionalized and also mandates that, if kept in jails, juveniles must be separated entirely from the adult population. Thirdly, if and when the Department of Corrections implements the approved standards for local jails holding juveniles, it is expected that there will be a significant reduction in the number of jails approved to hold juveniles pre-dispositionally. If so, the detention centers may receive many of these youth. All three of these measures have important implications for Virginia's system of secure detention.

In reviewing the results of these legal changes as well as visiting a majority of secure detention homes, the Commission believes that the following issues warrant immediate attention:

- Detention population trends and long lengths of stay for some youth;
- Appropriate and effective program utilization;
- Consideration of future construction of detention centers;
- The need for additional consistency of procedures among detention centers.

Detention Population Trends and Lengths of Stay

As set forth in the law, the purposes for placing juveniles in secure detention are:

1. When restraining measures are needed for the child's own protection or protection of the community;

2. To insure that no additional offenses are committed by the youth before his court hearing; or

3. When there is doubt that the child will appear at the hearings.

Detention centers serve as "pre-trial" placement facilities meaning that youth held there merely have been charged not convicted of offenses. The only exceptions are those youth kept in detention following their adjudicatory hearing while awaiting placement to learning centers or other residential care facilities.

According to the minimum standards for secure juvenile detention homes promulgated by the Department, secure detention should not be used as:

1. Punishment (such as sentencing a child to serve a specified period of time before release or keeping a child in detention for an extended period of time and then releasing him at the adjudicatory hearing on the premise that he has "served his time");

2. A substitute for counseling services;

3. Routine overnight care;

4. A substitute for state learning centers, residential treatment centers, or post dispositional placement; or

5. A place for status offenders who could be served by alternative facilities.

That detention centers should serve the more aggressive youth or those charged with serious offenses has not always been so clearly set forth by the Department nor practiced in the local programs. The more aggressive youth were put in jail in the past while detention centers held a substantial number of children who simply had been abandoned or abused by parents. This continues to occur, although to a lesser extent. In fiscal year 1977, the Department recorded 254 incidents of youth received in detention centers who were neither status nor delinquent offenders but

recorded in the category of "custody/child welfare". The number of such incidents decreased to 107 in fiscal year 1978. No formal detention order had been placed against most of these youth. Rather, they were detained because removal from their homes was necessary, no emergency shelter care homes were available and/or placement in a foster care home had not worked out. Comparatively, this number is far fewer than in the past.

In addition to the overall decrease in incidents of children detained, there was a decrease in the number of children in need of services (CHINS) or status offenders detained. Although the average length of stay for such youth decreased from 7 to 4.5 days in the past fiscal year, this continues to exceed the 72 hour provision for detention of CHINS as required by law.

FISCAL YEAR 1977-78

Average Length of Stay
(in days)

	CHINS	DELINQUENTS		CHINS	DELINQUENTS
Norfolk	4.3	11.6	Northern Virginia	5.9	13.8
Newport News	3.0	9.8	Shenandoah Valley	6.5	13.6
Chesapeake	3.3	16.6	Lynchburg	4.0	24.4
Richmond	*	18.5	Roanoke	1.9	8.2
Rappahannock	5.6	13.3	Danville	2.8	19.2
Chesterfield	4.9	17.3	New River Valley	2.9	16.3
Crater	5.1	12.6	Highland	3.1	11.7

The number of incidents of long term detention increased in the past year. From July 1, 1976 to June 30, 1977 there were 84 incidents of youth held 81 days or longer and 143 held between 61 and 80 days. In fiscal year '77-'78 these figures increased to 97 incidents and 144 incidents respectively.

Detention of status offenders varies greatly among juvenile courts so the number of such youth detained is different throughout the state. For example, last year status offenders accounted for more than 46% of the total population in the Rappahannock Detention Center in Fredericksburg.

* This figure was being revised due to inaccurate recording at the local level and thus was not available.

Runaway children are one category of status offenders. The Commission's research indicates that some runaways continue to be sent to detention centers even when space in crisis centers is available. For example, in August, 1978, a judge criticized the Northern Virginia Detention Center for not accepting a runaway who had called police to say she was leaving home due to family problems. Detention center staff told the Commission's researchers that the girl posed no threat to her own safety or protection of the community. The detention center was full and because there was space in the nearby crisis runaway home, the admission was denied. Apparently, this was particularly irksome to the judge because the youth lived in a jurisdiction which was a participating member of the detention home while in the population were several youths from non-participating jurisdictions. The youth was placed in the crisis runaway facility, nevertheless, with no resulting problems. The point is, however, that neither the court nor the police contacted the crisis center until the detention center refused admittance.

Juveniles charged with delinquent offenses made up 82% of the total population served in secure detention in fiscal year 1978. This is a significant increase over the previous year when the figure was 55%. The shift in the type of youth served has caused considerable controversy among detention center administrators, some of whom welcome the change. Others appear to be unaccustomed to dealing with the more aggressive youth (whether delinquents or status offenders) in the relatively open setting of a detention center. These administrators feel they are not only being asked to accept youth exhibiting a more explosive behavior but also, because of utilization problems, they are being asked to hold more of them. They say in previous years, the department has stressed proper screening so that younger and more passive youth would be separated from the

hard core or violent youthful offender. A number of detention centers have dealt with more aggressive populations for years and superintendents and staff there maintain that these are the youth for whom detention was intended. "After all, we are not here to run a YMCA," said one Superintendent.

By law, the detention center administrator has the right to go to the juvenile court and ask that a child be removed to jail or a more appropriate facility when the latter threatens the safety of the staff or other residents. Interviews conducted indicate this action is necessitated more often in cases of mentally disturbed youth than by those charged with serious offenses. Several superintendents recommended that greater discretion be given to detention centers in transferring aggressive youth to local jails. Instances were reported where such children were removed to jail only to be brought back to the detention center when arrested on later charges. However, judges and department personnel say even when such incidents occur superintendents rarely make such requests and when they do the court usually has cooperated. Thus they feel no change in the law is needed at this time.

Effective and Appropriate Program Utilization

Statewide utilization of detention centers between July, 1977, and June, 1978, averaged only 72%. In one center, this figure dropped to 44%. This prompts several questions;

- has Virginia built too many detention centers?;
- if a substantial number of the juveniles held in jail are there pre-dispositionally why were they referred to those facilities rather than detention centers?;
- why are some detention centers underutilized while others are constantly overcrowded? (For example, the Tidewater Detention Center in Chesapeake during the one six month period in 1977 was over capacity at 102 percent utilization.)

Usage of secure detention increased to over 75 percent statewide from July to September, 1978. This was due, in part, to the backlog of youth in detention awaiting transfer to the reception and diagnostic center. This backlog amounted to 75 youth at one point in the fall.

Of particular concern to the Commission were reports that law enforcement officers were transporting youth from Northern Virginia as far as Bristol, remaining overnight and transporting the youth back to court the following day. Either no space was available in nearby detention centers or those having beds were reserving space for children of participating localitities.

Low utilization in detention traditionally has been attributed to several factors:

1. Youth were placed in jail because of distance from and lack of transportation to the detention centers.

2. Jails were (and continue to be) cheaper than detention centers. These placements were often illegal because (1) the juveniles were below age 15; and (2) the jails offered little or no separation between adult prisoners and the youth.

3. Detention centers are locally owned and operated. In some cases there has been unwillingness on the part of the owner locality to open its doors to youth from neighboring jurisdictions thus forcing the latter to use jail, foster care (when available), or to build their own centers--thus perpetuating low utilization of two facilities.

If there is to be better utilization of detention centers, there must be cooperation from all parts of the criminal justice system. As one assistant superintendent said, "What control do I have sitting here in the detention center as to whether we have 20, 40, or 90 percent capacity? We don't put them in here, judges and intake officers do. Why doesn't the Board of Corrections hold judges accountable for utilization rates?" Judges and intake staff do make the detention decisions but they do not, in fact, control utilization entirely. Most of the justifications cited by juvenile justice personnel as reasons for the low utilization have been removed. Financial assistance is available for trans-

porting juveniles. As previously mentioned in this report, a contract was signed between the Departments of Welfare and Corrections in 1976 allowing Title XX funds to be used for contracting with persons to provide transportation of juveniles to the centers. Detention homes can and must continue to open their doors to jurisdictions within reasonable distances not already served by homes.

There were approximately 4,000 incidents of placing juveniles in jail in 1978, and of those approximately 44 percent involved juveniles being held predispositionally. Some of these youth could have been kept in detention centers. Consideration can and should be given, where necessary, to altering programs within detention centers so that they may begin accepting and keeping such juveniles.

Some detention superintendents feel that putting pressure on local programs to operate above 75 percent capacity by setting maximum per diems is impractical and dangerous. Other administrators say these claims are not valid. A number of detention centers have operated above 75 percent capacity for years with no reports of danger to youth or staff.

One department staff member familiar with the situation said, "The superintendents want to operate at a lower capacity but continue to submit budget requests for personnel, etc. as if they were operating at 100 percent utilization." One further idea for consideration would be rennovation of some existing detention centers to be used as pre-dispositional or post-dispositional residential care facilities.

Consideration of Future Construction of Secure Detention Facilities

The utilization issue also weighs heavily when construction of new centers is considered. At the present time, there are two centers under construction designed to serve the Prince William County area and Henrico County. A facility to serve Fairfax County has been in the planning stages for years. When the Henrico detention center is complete, there will be three such facilities in

the Richmond area and another two nearby in Dinwiddie and Fredericksburg. That the Board of Corrections would approve a detention center for Henrico is especially puzzling since the two existing facilities in Chesterfield and Richmond are operat- at 79 percent and 69 percent respectively.

Three detention centers are located in the Tidewater area and the remainder are spread throughout the state. Construction costs for the new homes reaches close to $3 million. This is a considerable sum even when several localities join to form a detention commission and share the bill. Given the costs, decreases in population and low utilization in some facilities, the Commission believes that no new centers should be built, at least until a complete examination of utilization practices is undertaken.

Need for Uniform Procedures

In its visits the Commission also found the need for guidelines to provide uniformity among centers on the following:

1. mail privileges and censorship;
2. action taken against youth who violate program rules and regulations;
3. medical procedures including information regarding potential side effects of controlled drugs; and
4. participation in religious programs.

Although minimum standards passed by the Board of Corrections are in effect in all centers, visits conducted by staff confirmed there is wide variance in the handling of the above cited areas.

For example, in most detention centers a youth can correspond with anyone he wishes while in others letters can go only to family members or professionals such as ministers, lawyers or probation officers. Staff in centers where mail privileges are restricted say such rules are imposed to prevent youth from divulging information to friends concerning other youth in custody. They also say it prevents youth from planning escapes with persons on the outside. It would appear

that these centers could do what others have done and censor only those letters containing such prohibited information but allow the remaining to be mailed.

As in the learning centers, there are conflicting ideas concerning what constitutes censorship of mail. Some administrators say it includes checking both incoming and outgoing mail for both contraband and content while others believe it does not extend to censoring content of incoming mail. In its Phase I report the Commission recommended that the Division of Youth Services work with the Attorney General's Office to clarify the policy of mail censorship. No action had been taken either by the Attorney General's Office or by the Department of Corrections regarding the matter as of December 31, 1978. It is believed that resolution of this long standing issue is needed to avoid possible violation of rights. Therefore, the Commission repeats the recommendation in this report.

There is similar variance as to imposition of punishment for violating established rules of conduct. Fighting with another resident may result in loss of smoking or recreation privileges in one center and confinement for 24 hours in another. The range of available consequences for misbehavior is extensive in some facilities and limited to receiving a warning and then being confined in others. Several facilities have developed comprehensive guidelines on appropriate action to be taken when a youth breaks the rules. Such guidelines compiled, revised, and distributed by the department can assist staff in other centers to develop alternative punishments and can also serve as a basis for some uniformity statewide.

A major problem cited by detention staff was the sparse medical information given by court service units when youth are brought to detention centers. They feel when the intake or probation officer knows of some problem (physical or emotional) from which the child is suffering, that information should be transmitted to the detention home immediately. When interviewing James Melvin, superintendent of

the Northern Virginia Detention Center, he told staff that a probation officer had called earlier in the day to say he had forgotten to report that one of the youth brought to the Center three days before had epilepsy and needed medication constantly. Other superintendents repeated similar problems. In another case, the fact that a child was a known fire setter in the community had not been reported to the detention center. Obviously sometimes the probation officer has no knowledge of such illnesses but cooperation between personnel in the agencies regarding such matters should be priority and considered a key responsibility.

Medical personnel interviewed said there is need for additional information and guidance concerning procedures to be followed in handling cases where little or no medical history is known and/or when controlled drugs are prescribed. The department is currently working on updating and expanding medical procedures for correctional institutions. Consideration should be given to distributing relevant guidelines to detention center medical personnel.

Most detention centers visited provide some type of religious services for youth on a regular basis. Clergy or lay persons from various religious organizations visit the centers on Sundays and/or during the week. Group home residents are taken to services in the community by staff or volunteers; some are allowed to attend on their own. These are seen as positive activities by a majority of staff and youth interviewed.

One aspect regarding participants in religious activities is of concern, however.[8] Staff visited a few facilities where youth were confined to their rooms or punished by loss of privileges or points from behavior modification programs for refusal to participate in religious services. Stated reasons for such rules were that there were insufficient numbers of staff in these facilities to supervise both the residents attending services and the remaining youth involved in other activities. Therefore, in these detention centers youth are confined to their rooms for the duration of the services. In at least one group

home, residents reported losing privileges or points from behavior modification programs for failure to attend. When questioned, the administrator of this program said this rule has been revised and that no longer did the youth suffer any consequences for nonparticipation. He said impetus for the rule change came from the certification team inspecting the facility. It was their concern that the rule violated the constitutional provision of freedom of religion. In interviews with the residents it became obvious they were unaware of the change. When asked whether the revised rule was explained to residents the administrator replied, "I guess it has not filtered down to them yet."

In the majority of residential care facilities attendance or nonattendance at religious services is not an issue nor is it even addressed in the rules governing behavior of residents.

In these facilities attempts are made to provide alternative activities. This is less a problem in group homes than detention centers where space is limited. However, most centers have day rooms, divided classrooms, or dining halls in which either reading or quiet games can go on without interrupting religious services.

Several detention center personnel say they do everything possible to keep youth out of their rooms and in the center open wing where they can be watched more easily. They feel there is no valid reason for locking youth in their rooms other than when major rule violations have taken place or when the child is out of control.

The Commission believes the department should issue a policy prohibiting confinement or loss of privileges for youth in residential care facilities who do not want to attend religious services and should encourage creative use of space in detention centers so that more than one activity may take place at any given time.

The manner in which centers are administered varies throughout the state. Some centers are considered as "holding facilities". Others have more emphasis on "treatment". For example, some centers have designated assistant superintendents

trained to do counseling and program development while in others this assistant simply coordinates treatment efforts between the probation officer and youth. The basic philosophy for operation according to minimum standards holds that detaining a youth constitutes the beginning of the overall rehabilitative process.

The management style is set by the superintendent and is reflected in personnel selection, cooperation between staff, and in the handling of youth. Developing professionalism among staff is a major priority in several centers. Administrators there are visible but utilize the existing chain of command. Expectations of staff are written and consistently applied to all. Regularly scheduled meetings are held and attendance by both full and part-time staff is a requirement of the job. Input from staff at such meetings is encouraged.

At the Bristol Detention Center monthly staff meetings are used to establish or amend policies and as in-service training. Each staff member has a manual of these policies which is kept at the center for reference. Problems occurring during the month relating to the care of the youth are discussed. Superintendent David Bansemer says he is seeing tremendous change in some staff because of these sessions. "Threats of punishment made to one youth in the presence of others are replaced by staff taking the youth aside for a private warning. This discourages 'baiting' of either side," he said.

Recognition of positive staff efforts by detention commission members is lacking at most homes. To help alleviate this problem and further promote communication between the Commission and staff, a representative chosen by the line staff attends each Commission meeting at the Northern Virginia Detention Center. Commission members of the New River Valley Detention Center gave a staff appreciation luncheon. Efforts such as these are encouraged for all centers.

Alternatives to Detention

Crisis/runaway or crisis intervention centers, less secure detention facilities, and outreach detention programs are the three alternatives available to predispositional secure detention. The initiation of these programs has been praised both within the state and throughout the country. There were a total of 2,894 incidents of children being placed in these programs in fiscal year 1978. They have resulted in proportionately fewer youth being jailed or placed in detention centers when their behavior or alleged offenses do not warrant such security. They have provided additional resources for judges and court service unit staff to use particularly in dealing with status offenders and those charged with minor criminal offenses. In addition, the number of protective custody cases held in secure detention decreased from 254 in 1977 to 107 in 1978 while the incidence of such youth being held in these alternative programs increased from a total of 180 in 1977 to 264 in 1978.

Commission researchers visited all but three of the 14 alternative programs. Staff interviewed in all three program types appeared to be very committed to the concept of handling youth in trouble in the communities rather than through institutionalization.

The three major needs reported by program personnel repeatedly were (1)determining the appropriate types of youth each program should serve; (2) reaching a consensus on the purpose each program is to play in the overall delivery to services to youth; and (3) increasing program utilization.

At times the type of youth served in the three programs overlaps. Crisis intervention centers provide counseling and temporary housing for runaway youth, those thrown out of their homes or otherwise rejected by families or foster parents, and youth who simply have no other place to go. They may be referred through the

court or other agencies. These facilities attempt to determine what the child's problems are and to get them reestablished in their homes or a suitable home environment as soon as possible. The primary purpose of less secure detention facilities is to help reduce the population in the secure detention unit and to separate the younger or more passive youth from more aggressive youth or repeat offenders. Referrals come from the juvenile court service unit and all youth placed in these programs have active charges filed against them. The charges, however, may involve status or minor offenses. Similar to youth received in crisis, most have family problems. In outreach programs staff attempt to keep youth in their own homes or foster care homes by visiting and maintaining contact with such youth every day.

At present most of these programs are located in urban or suburban areas where the population at risk is greater.

At times youth received in these programs have multiple problems. They may be status offenders but also may be severely emotionally disturbed. There is concern that unless each facility is more appropriately designated to serve a particular type of youth, programs will continue to exist serving none of the youth very well. Another concern is that if crisis centers are to be temporary they should perhaps be ineligible to receive children who basically need foster care services. Or, if the community needs additional foster care facilities perhaps the program could be so utilized as opposed to receiving cases needing crisis intervention counseling. The two basic concerns here are that (1) receiving a wide variety of children including severely emotionally disturbed, mentally retarded, and minor criminal offenders may result in preventing effective service delivery and (2) that in some cases because the service is available, children who normally would be released to the custody of their parents would instead be referred to these programs thus increasing the number of children brought into the court system rather than concentrating on a goal of diverting as many as possible. These are problems that local program directors and regional office staff must address.

Like secure detention, crisis centers, less secure facilities, and outreach detention programs have had problems with utilization. By examining yearly usage rates, it can be seen that part of the problem occurs when facilities or programs are first established. Probation staff and judges sometimes are hesitant to refer too many youth in the first months of operation. Still, when populations are low per diem rates increase. Any of these programs, if properly utilized, is less expensive to operate than secure detention. The Commission believes these programs offer great potential but that there is need for further development and stabilization if these alternatives truly are to become viable and lasting options in youth services.

Specific information on each of the alternative programs follows.

Crisis Intervention/Crisis Runaway Centers

There are six such centers in operation in Lynchburg, Norfolk, Richmond, Roanoke, Virginia Beach, and the recently established Southside Regional Juvenile Group Home in South Boston. There were 1,500 juveniles placed in these facilities in 1978 representing an increase of 50 percent over such incidents in 1977. All of the facilities are coeducational and all serve youth 13-17 years of age. The average length of stay is 20-25 days although aftercare services are provided for varying lengths of time following completion of the program.

Concerning the services rendered, one administrator said, "We try to learn as much as possible about the problems that send them here and to assist them in learning to make better decisions about their behavior and/or handling conflicts."

In addition to individual counseling by staff, family counseling (involving the youth, parents or guardians, and a counselor) plays a major part in the weekly activities. "Most of our kids have parents who are undergoing separation or divorce or are under stress because of money problems, employment, or grief," said one counselor, "we also have parents who try to run their children's lives as if they were in the military. The parents simply can't separate discipline and love

and can't handle it when their kids don't fall in line." Staff say most parents are willing to participate in the counseling efforts but a few refuse. Youth interviewed say more often than not their parents "put on a show" for the staff during such sessions and that positive changes rarely last.

When possible, youth in the facilities are kept in school or staff try to help them obtain employment. Sometimes this is not possible because of the brief length of time they are in the facilities.

In the past year several crisis centers have undergone significant changes in the type of youth served. Administrators report they are receiving far more cases from social services departments than in the past. This being the case, several program directors felt that the maximum allowable period of stay needed to be lengthened. They say essentially what they are doing is providing foster care, and if expected to continue such services, existing programs must be altered.

In reviewing the certification results on crisis intervention centers, several were criticized for inadequate facilities. One such facility was the Crisis Intervention center in Virginia Beach. Improvements were being made when the Commission members visited in July. Another program criticized was Crossroads in Lynchburg. Staff there told Commission researchers they hoped to be able to move out of their rented facility when another site became available.

Less Secure Detention Facilities

All three less secure programs are located in the Tidewater area with facilities in Norfolk, Virginia Beach, and Hampton/Newport News. These programs operate out of the secure detention units. Normally one of the assistant directors is assigned to oversee the operations of the less secure component. The unit in Norfolk is located several hundred yards from the secure detention center. The Virginia Beach facility is actually a component program of the Tidewater Detention Center operated by the City of Chesapeake. However, this center serves a regional population. The Hampton/

Newport News less secure unit operates out of a facility several miles from the secure center. The Virginia Beach program serves males; the Norfolk and Hampton/ Newport News programs are coeducational. The average length stay in less secure is approximately 25 days, according to program staff.

The facilities were coined "less secure" because while there is 24-hour supervision, these are not locked facilities. Youth must ask permission to go anywhere but opportunities for running away are everpresent. Youth placed in these programs must take responsibility for their decisions to run or stay. If they are considered to be threats to the safety of themselves, others in the program, or the public in general, they obviously are ineligible for placement in less secure. Juveniles found in these facilities range from status offenders to older delinquent offenders.

The question is often asked why juveniles stay in less secure detention if the opportunity to run is available? Said one administrator, "I guess for some it is the threat of going before the judge again if caught. For others I believe it is the quality of the staff and program offered them," he said. Once youth have established a record for running away, being placed in less secure where there is more freedom is no longer an option. Program directors report that the percentage of those that actually do run usually is low. A number of these youth return to the centers on their own volition.

Outreach Detention Programs

The least expensive alternative program is outreach detention. (See charts on pages 81 and 82. Outreach detention programs operate under the auspices of the court service unit in Prince William County and Fairfax, while in Roanoke, Norfolk and Newport News, they are administered by the detention centers. The incidence of children placed in outreach detention increased from 627 in fiscal year 1977 to 825 in fiscal year 1978. Juveniles charged with delinquent offenses made

up 66 percent of those placed on outreach detention, status offenders accounted for 33.3 percent and custody/child welfare cases representing 0.7 percent of the remaining cases referred. The combined program capacity for these programs at any given time is 96. The average length of stay on outreach detention is 30 days. Statewide utilization has been approximately 55 percent in the past year.

Youth are referred to the program either by the judge, intake officer, or sometimes the probation officer. The type of youth served varies with the program. For example, in Fairfax the program is seldom used for status offenders whereas in Prince William County it is almost always used for such youth. Probation officers provide the daily supervision in court operated programs and detention centers use paraprofessionals. Those assigned to work with outreach detention programs are on-call 24 hours a day. They attempt to "befriend" the youth as much as serving as an authority figure. In addition to maintaining daily contact to find out the youth's whereabouts and activities, outreach detention workers attempt to engage them in group activities such as camping. Program staff throughout the state report that very few children placed on outreach detention had to be placed in secure detention or taken back to court for further hearings. In Prince William County, only three youth or 5 percent of the total number in the program from September, 1976 through January, 1977 had to be returned to court.

Outreach detention is the newest of the alternative programs. While the initial results look encouraging some programs have been criticized for placing youth who simply may have been released to parents without court intervention had the program not been available. Another criticism is that workers spend too much time travelling to visit each youth on their caseload each day but minimum standards define intensive supervision as "daily face-to-face contact". A third criticism is low utilization. Some outreach program supervisors feel they have not had enough youth referred to their programs by the court.

It appears that in order for detention outreach to work well, there must be a supervisor who can devote time to getting the program established and supervising the outreach detention workers. Without someone to devote full time to the effort, there is a tendency for the court service unit to continue to refer such youth to secure detention. In Fairfax County, the outreach detention program has been used to train newly hired probation officers.

Despite these concerns the Commission believes that these programs should be continued and consideration for expansion should be given particularly in rural areas not served by detention or crisis centers.

Community Youth Homes

Community Youth Homes or "group homes" are community based residential treatment programs developed as an alternative to incarceration for juvenile offenders. "The goal of a group home is to provide individualized treatment to meet the needs of juvenile offenders and their families and to enhance their abilities to function in an open society in maximum harmony with themselves and others."[9]

There are 20 post-dispositional group homes in operation with two more scheduled to open in 1979.[10] The number has multiplied ten fold in a decade. There were only two such homes in 1970. Four of the present homes are state owned. The others are operated by local governments, either a single jurisdiction or by cooperative agreement among several adjacent jurisdictions. Fourteen homes serve males, five serve females and one has a coed population. These facilities housed 457 residents in 1977 and 614 in 1978.

During Phase II of the Study staff visited 16 of these facilities. For the most part programs appear to be sound and beneficial to the youth. Some group homes are handling very difficult cases. Programs stress personal responsibility in decision making and employ a variety of treatment methods. Activities in the community are incorporated as integral components in the majority of programs. Families are included and involved as much as possible through outreach and/or family counseling. Staff see themselves as advocates for residents and often have developed effective service networks with other community agencies.

Development of group homes is seen as a positive move in the juvenile justice system in Virginia. There are, however, areas of concern.

- Foremost is the rate of utilization and the continuing increase in learning center populations despite growth of Community Youth Homes.
- The need for a "continuum of care" to meet a variety of treatment needs is evident.
- Community resistance exists in some localities to the establishment of new facilities.
- Effective and comprehensive evaluation of program quality is still lacking.
- Policy decisions on matters of relative responsibility, coordination and communication between social service agencies at both state and local levels are necessary to avoid conflict and competition evident in many areas.
- Licensing procedures for all community residential care facilities must be simplified for both effectiveness and efficiency.

Assessment of these problems is a MUST. Minimum standards and certification now in effect indicate progress towards comprehensive evaluation. The Commission points out that many of these programs are relatively new and are still in development stage.

The strengths of group home programs should be pointed out as well. The enthusiasm of both staff and residents result in an atmosphere of "life" pervading the homes. The Phase I report noted that learning center residents often appeared lethargic. Group home residents have a different outlook . They are involved in both the daily decisions of program operation and the process of their individual treatment. One goal of community based treatment is to approximate, as closely as possible, a normal healthy living environment, and a semblance of normalcy is accomplished overall within fairly structured programs.

Written program descriptions are detailed. They include the theoretical basis for the chosen treatment method, definition of resident rights and responsibilities, and clear statement of rules, regulations and disciplinary consequences and procedures. Expectations of staff went beyond requirements of educa-

tion and experience to include qualities such as patience, flexibility and commitment to community based treatment. Treatment is in evidence in daily operation as well as in written program descriptions.

Staff on a whole are qualified, experienced and enthusiastic about their jobs. A feeling of ease and comfort in their relations with the youth was evident. They appeared to understand their programs clearly and accept and apply them. In many cases, the staff have had a major role in writing the programs.

Most programs are structured and demanding of the residents; individual, group, and family counseling play a major role. Rules are enforced and personal responsibility is stressed. Residents are required to either attend school or work and their performance in these roles is as important as their behavior in the house. Most group home directors stress that they can only provide the tools of rehabilitation and development. Only the youth can accomplish any change. In one program, prospective residents are required to pass a "test" by learning a song in a foreign language to demonstrate their personal investment in the program.

The "test" serves a second purpose, according to the director. How the candidate fits in with the established population can be determined in part by whether the residents help him when he falters. The mix of residents in the population has an undeniable effect on smooth daily operation as well as mutual assistance and program benefit to any particular individual. This is becoming more recognized as programs mature.

In most cases, each group home has defined the population that works best, realizing program and staff limitations and not trying to be "all things to all people." This does not necessarily mean they want "the cream of the crop". When asked to describe the type of resident he worked with best, one director said "give me the alligators--the kids whose probation officers don't want them, whose parents don't want them and who have been banned from three counties.

Those are the kids I can work with because they know we're the end of the line, their last hope before the adult system."

One complaint in most learning centers was the limited range of recreational activity. Most group homes try to accommodate a wide variety of interests and abilities. Recreation and other community activities are incorporated as an integral part of treatment. For example, in the Charlottesville Boys Community Attention Home, attitude and personal effort are important program concepts as opposed to competition and negative reinforcement. Commission staff observed this during an informal basketball game. Staff and residents readily praised each other for well executed plays, whether offensive or defensive. Expressions of negative attitude because of a missed shot or unsuccessful defensive manuever were pointed out and quickly turned around to stress the accomplishment of the opponent and the value of the attempt. The emphasis on the enjoyment of playing, and not winning or losing, was apparent. They also employ a technique known as a "feel good list". Each youth is requested to identify a number of activities they enjoy. The list is divided into legal and illegal activities which make them feel good. The consequences of illegal "feel goods" are discussed and legal "feel goods" are used as a diversion when staff see the individual engaging in negative behavior. The goal is to help the youth recognize socially acceptable recreational activities and develop internal controls to deal with their unacceptable behavior. In Braddock House, a Winchester group home for boys, all residents who work commit 10 per cent of their earnings to a recreational fund to be used by all residents. Collectively the group determines the special activities for which the money will be spent. Recreation thus becomes more than just diversion.

Most homes appear to have a good working relationship with other community agencies providing services to their residents. In education, for instance, the directors say the schools have been most cooperative. They feel this is because

the schools know the youth are in a structured environment and can expect support from staff when problems arise.

Involvement of the family and return to the community are important factors in group home programs. Most have extensive family counseling, and outreach follow-up programs either in operation or being developed. This is possible only because of proximity of the facilities to the homes of most residents. Treatment plans tend to deal with return to the home community as much as with behavior exhibited in the program.

Utilization

As discussed earlier in this chapter, utilization of community youth homes is a major concern. There are just too many empty beds while central institutions are overcrowded. The chart below indicates learning center populations in November, 1977, as compared to November, 1978, and the budgeted capacity for each facility. In Phase I report, it was pointed out that overcrowding in learning centers severely affects the quality of service rendered. (See page 171.)

	1977		1978	
Institution	Budgeted Capacity	Population	Budgeted Capacity	Population
Bon Air	160	118	135	147
Beaumont	265	242	200	326
Barrett	100	47	90	93
Hanover	150	121	110	142
RDC	140	108	130	120
Pinecrest	40	40	closed	
Natural Bridge	80	81	60	68
Appalachian	50	49	40	49
Totals		806		825

Sometimes special circumstances affect utilization rates in group homes. In Crossroads in Williamsburg, for instance, the director explained that turnover in administration and complete revamping of the program necessitated low population for a period of time. The major reason given, however, is unwillingness on the part of

the communities in which the facility is located to open its doors to youth from neighboring areas, forcing some areas to use traditional facilities such as jails or learning centers. Foster care is used in many communities but the lack of available homes for older children is a significant problem.

The support of the judge is a crucial factor in the overall success of group homes. Some judges hesitate to place youth in these facilities due to the nature of the offense, uncertainty about the constructiveness of the program and confusion about the specifications of the law and/or administrative regulations. For instance, some judges and group home directors say new provisions within the juvenile code as well as proposed LEAA regulations which would have prohibited mixing CHINS and delinquents in non-secure treatment facilities have caused considerable uneasiness. These regulations were not approved. Programs that have gone through periods of turmoil and change must reestablish their reputation before judges can feel comfortable placing youth again. In addition it appears that some judges are unfamiliar with group home programs.

Some communities have few options other than the learning centers available for their youth in trouble; others have facilities operating at less than capacity for prolonged periods.

Continuum of Care

No locality, or group of localities has everything. Emergency shelter care, crisis runaway facilities, outreach detention and secure detention centers provide pre-adjudicatory care. Community youth homes, halfway houses, family group homes, foster care, and learning centers are dispositional alternatives. Almost every community visited has expressed a need for service alternatives, especially in residential care. Most often cited needs were (1) foster care and emergency shelter placements particularly for older youth; and (2) non-secure pre- and post-adjudicatory facilities for CHINS, community youth homes and treatment

facilities for emotionally disturbed adolescents.

Needs for transitionary programs, especially from learning centers back to the community (i.e. halfway houses), were also cited. It is difficult for youth to adjust from the secure, structured and regimented environment of a learning center to the freedom of the community, and a return to old patterns of behavior often results in recidivism. One youth recently released from a learning center said: "I don't have enough people sitting on me."

Few communities can support a range of residential care facilities on their own. If communities cooperate, more and different types of programs could be developed and operated with fiscal efficiency. Such efforts have been made in the Tidewater area and results are promising.

No single type of facility can address the needs of every youth. One deficiency in group home development is the lack of group homes in rural areas. Some maintain that rural youth, not as "streetwise" as their urban peers, could benefit more from a group home in a rural setting. Because minimum standards require proximity to community resources transportation, schools and other facilities, they feel development of group homes in rural settings is discouraged. However, department officials say some standards are "bent" to help create programs and that in reality, most rural areas do not have the proper financial backing nor the numbers of clients to support a traditional group home. Proponents of rural group homes say gaining acceptance in more conservative small towns is difficult sometimes.

Another option of the continuum absent from the system is day care with short-term residential care available when necessary. Such programs have been employed in mental health for years. The Pendleton Project located in Virginia Beach is modeled on such a concept. This program is designed to treat young children exhibiting multiple behavior and learning problems. The goal is to keep the children in their own home while providing intensive treatment on an

eight-hour a day basis. The option of short-term residential care is available, however, to deal with crises which may occur. While the Pendleton Project requires highly specialized staff because of the nature of the population, the structure of the program could be applicable in juvenile justice. According to Hollins, the idea has been explored at different times but not pursued. Initially this was because the priority was to stabilize existing programs before attempting any new designs. Most recently it was because of reorganization. Hollins feels such a program has a place in the community care system, however.

Staff in many group homes and court service units also said they frequently lack appropriate care for youth who have completed treatment programs but cannot return home and are not ready for emancipation. Lake House, a girls group home in Norfolk, is establishing a separate program component to serve just such a need. Additional development in this area appears necessary.

While the need for security is recognized in some cases, no child should be held in a more restrictive environment than is deemed necessary. This is important in view of the present and projected overcrowding in the central institutions. Virginia must avoid increasing the number of juvenile institutions at all costs. If the goal of the juvenile justice system is to provide treatment beyond mere care and custody, a range of services is essential and provision of a continuum of care is most effective.

Community Support

There has been considerable media coverage of local opposition to proposed and existing community youth homes in the past year. The evidence does not bear out the concerns of local residents who feel threatened by the establishment of such facilities in their neighborhoods. Group home programs have not proven detrimental to property values or crime rates in surrounding neighborhoolds. In fact, residents of the group homes have been an asset to the community, assisting neigh-

bors with yard work and heavy chores and participating in neighborhood improvement projects.

Virginia citizens also have an obligation to accept their responsibility in the care and treatment of their children and youth in trouble. People are quick to criticize the failings of the juvenile justice system, but while they may agree with the superiority of community-based treatment over institutionalization, too often they place the burden elsewhere saying, "Community youth homes are a good idea, in someone else's neighborhood."

Steps can be taken to avert community opposition. In Wise County, for instance, direct effort with leading opponents to their proposed facility converted them to strong supporters. One now serves on the advisory board for the home. Consideration should also be given to including community youth homes (and all other community service facilities) in master plans developed by local planning commissions. In this way, the reciprocal effects on various facets of the community can be studied, appropriate planning conducted and negative consequences averted.

Certification

A general discussion of the issues involved in certification of facilities is included under "Department of Corrections' Policies. Adequate monitoring of residential care facilities is particularly important in view of recurring reports of abuse of residents, fiscal mismanagement, and poor treatment services in Virginia and throughout the nation. All but one home, Stanhope in Norfolk, has passed the certification process. It has been provisionally certified, that is the program will be reviewed again within the year with particular attention to the areas where they were judged weak. They have been told, for instance, that they must develop a stronger program, establish written treatment plans and provide staff with an operational manual and adequate training.

Most directors interviewed feel that certification has been a very positive experience for themselves, their staffs and their programs. They see it as an opportunity for further growth and development and urge continued refinement and improvement of minimum standards and the certification process.

Staff Development

There are a number of other concerns which warrant mention. Group home care is a relatively intensive treatment method. As James Pattis, director of Crossroads in Williamsburg, said, "In one lousy week, we supervise each resident 168 hours consistently. That's three years of probation supervision or therapy."[11] Staff throughout the state complained that, despite this, their salaries are low compared to other social service personnel. A salary survey showed that staff at the Regional Girls Group Home in Virginia Beach are paid consistently less than comparable positions in surrounding court service units, detention facilities, social services and youth service bureaus. Those interviewed in other parts of the state compared their salaries unfavorably to child care supervisors in learning centers and teachers in public schools. They further feel that the demands of such intensive treatment require specialized training and provision for staff consultation. A number of people at all levels expressed concern that unless staff have both the necessary technical skill to deal with residents and the opportunity to examine their strengths, weaknesses, successes and failures as a program unit, group homes could easily become little more than facilities for care and custody. Many feel that present training is too general because of the attempt to group personnel from a variety of programs in a session.

There also appears to be a need for organizational development work in some programs, particularly the newer ones. Every new organization goes through "growing pains" but the process can be expedited and negative effects minimized if proper guidance is provided. These factors may all be considered "extras"

but experience has shown that adequate support results in improved service quality and fewer administrative problems.

Educational Costs

Many youth in community youth homes, family group homes and other residential programs are not legal residents of the locality where the facility is located (the host community). They often attend public schools during the period of their placement. Hollins said there is no set policy on who is responsible for the cost of this education; staff in the Department of Education and Attorney General's office agreed. In most cases, the host community has absorbed the cost but occasionally the local school boards will raise an objection to providing education for non-residents. In some instances, the youth home communities have been requested to reimburse the host community for the cost of education. A number of those interviewed in community residential care urged that policy or guidelines be established on this matter to prevent further disputes and possible disruption of education.

Private Facilities

The Phase I report noted that many private facilities would not accept clients of the Department of Corrections. In recent months a number of these homes have reevaluated their policies and revamped their programs to deal with delinquent youth. Barry Robinson Boys Home in Norfolk, Florence Crittenton in Lynchburg, the Pendleton Project in Virginia Beach, the Methodist Children's Home and St. Joseph's Villa in Richmond, as well as a host of others statewide, should be commended for their efforts in meeting with court service staff and/or signing agreements to serve troubled youth. While close monitoring of private facilities and programs must continue to assure quality service, the needs of Virginia's children and youth in trouble can only be met if optimal use of all existing alternatives is accomplished.

Family Group Homes

"A Family Group Home is a community based private family dwelling contractually affiliated with a local jurisdiction(s) and the Department of Corrections. Such homes serve no more than four children between the ages of 10 and 18 years at a given time. The youth may have a pre- or post-dispositional status within the jurisdiction of a Juvenile and Domestic Relations District Court. The purpose of Family Group Homes is to provide a positive community-based treatment oriented residential alternative to the institutionalization of children."[12]

Family group homes appear to be a promising development in the continuum of care for troubled youth. They are designed to deal with acting out youth, the adolescent traditionally so hard to place in foster homes. With vigorous recruiting, careful screening, adequate training and proper support the program can benefit many youth who need individualized attention and the understanding of a family setting.

Some family group homes are being used as an alternative to placement in a learning center or community youth home. In other localities they are being utilized as another step in the continuum of care after a stay in some other type of residential treatment facility. The characteristics of families recruited vary widely as do those of the children served. Staff met families involved in the program in two different parts of the state. The parents included a police chief and housewife and a protective services worker and a former teacher. The residents in the homes ranged from a chronic runaway and a youth with severe emotional problems to drug offenders. The concept is flexible enough to serve the urban Richmond youth as well as the rural Southwest Virginia population.

Family group homes are not foster homes, nor are they meant to replace foster homes. Neither are they long term or permanent placements. In Charlottesville, for instance, Forest Koontz, the supervisor of the family group home system, said "Our kids are told that (family group home) parents are not their own, we say 'you will go back to your own home, independent living, etc.' We don't want them to become overly involved with the family group home parents."[13]

The program is still in its infancy. Standards were passed in May, 1978. There has been considerable discussion about proper recruitment of families and appropriate clientele. Supervision, training and adequate relief are still issues in its development. Some localities have not utilized available bed space. In Richmond, for example, the utilization rate was 27% in the first five months of 1978. In many parts of the state, personnel in the system were not even familiar with the program or its existence. Presently family group homes are more prevalent in the Southwest part of the state. As with the larger group homes, there is concern that without adequate training and support mechanisms, family group homes will become little more than care and custody. Curtis Hollins, said that although the program has yet to realize its potential, he is optimistic that quality treatment services, at a fairly sophisticated level, can be delivered in family group homes.

A distinct advantage of this treatment alternative is its cost. There is no capital outlay, and no cost if the beds go unused. Families are paid a daily rate ranging from $8 to $13.50 depending on the qualifications and time with the program. Additional expenses for medical or educational needs, recreational activities, clothing and allowances also will be reimbursed up to an average of $3.50 a day. The maximum cost is $6,205 per year per child, and the average under $5,000 per year per child. The state reimburses for all costs except one-third of the salary of a family group home system supervisor, if

a full-time position is needed. This is particularly attractive to more rural communities where funding is always so scarce. These homes can offer "a structured supportive and time-limited family environment...flexible in structure to allow for individual needs of children, and easily accessible to families of children in residence."[14]

Expansion and further development of this type home should be made an immediate priority goal of the Department of Corrections.

Conclusion

Despite significant growth in community residential care programs, there is still a dire need for alternative living situations for youth in Virginia. The need spans children who must be removed from their homes because of neglect or abuse to youth who have been released from correctional facilities but are not yet considered ready to return to their families or have no families to return to.

Community based care as opposed to institutionalization is overwhelmingly the preferred treatment in cases where removal from the home is necessary, said those interviewed. Traditional foster homes are at a premium. Family group homes are only beginning to be developed. Crisis facilities and emergency shelter care for runaways or youth who are experiencing temporary difficulties in their families exist in only limited areas of the state. There are yet too many youth held predispositionally in jail and secure detention who could be cared for appropriately in less secure alternatives. There are only four state operated community youth homes to provide a continuum of care to youth leaving learning centers. Some youth are still being placed at learning centers because the community has no appropriate group homes.

Community support is vital. It is important to know that a large percentage of programs were established as a direct result of individual citizen and citizen group effort. Some of those interviewed suggested that the state must pay 100 percent of costs of community residential care if they hope to expand the services to meet the need. Opposition to this proposal goes beyond financial consideration. According to Hollins, the community must make an investment in such programs if they are to feel any ownership. He added that most states using different funding mechanisms (e.g. full local or full state support) have expressed interest in

Virginia's model. Further, this state's reimbursement rates are considered generous by national standards.

The substantial burden of "start-up" costs for community facilities is recognized but federal grants can be obtained for this purpose. Once initiated, administrators have had to devote significant amounts of time trying to get continued funding or to get local governments to continue the programs by picking up the costs involved.

In some cases the development of such programs must involve long-term efforts to inform and arouse the public to the needs and their responsibility. The Phase I report included a brief description of the "Florida Beds Program". That state has succeeded in providing short term care for status offenders in volunteer private homes recruited primarily through the churches. Reportedly, since the program began in 1974, status offenders have been phased out of jail detention entirely. The Virginia Council of Churches, headquartered in Richmond, is making a similar attempt in the Richmond area but such efforts should be expanded throughout the state. A clear message and proper incentives, including additional funds if necessary, need to be developed in order to get Virginia's citizens to respond.

The ultimate goal should always be to keep families intact whenever possible. When children and youth must leave, or be removed from their homes for some period of time, there should be appropriate alternatives available so that they are not placed in more restrictive environments than necessary.

VIRGINIA JUVENILE JUSTICE INFORMATION SYSTEM

Perhaps the most often heard complaint during the study was the inefficiency and, in many cases, the inaccuracy of the present statistical data gathering system within the D.O.C. Of primary concern was the Virginia Juvenile Justice Information System (VAJJIS) which has been in operation 5 years. Designed to replace existing reporting procedures, it functions primarily as a management information and monitoring tool. As the system has developed and a data base has been built, the information has also been used for descriptive and comparative research and program assessment.

Demand for information has increased since the initiation of the system without commensurate increase in its capabilities. In researching this subject, the Commission concludes that this system is in real need of substantial improvement. In order for any information system to be successful, however, there must be full cooperation from local personnel who compile and forward the data to the Department. This has been missing in the past.

Actually the taxpayers of Virginia are supporting two separate computerized information systems within juvenile justice. The State Supreme Court also gathers data on the number and type of cases, hearings and dispositions in order to determine caseloads, staffing needs and projected trends, as a management tool. This system has been in operation since 1973.

The State Supreme Court gathers statistics from the clerk of the court; court service unit personnel compile data for the Department of Corrections. Although the two systems serve somewhat different purposes, the information often is duplicative. Robert Baldwin, Executive Secretary of the Virginia Supreme Court, says his office is undertaking a computerization study which will consider, as one alternative, changing from the present system of recording data by cases to an offender-based information system. This design would bring court statistics

even more closely parallel to VAJJIS. One reason for the study, according to staff in the Executive Secretary's office, is the many information requests made by other agencies. Court clerks spend considerable time filling out forms and compiling data for a variety of local, state and federal administrative and legislative agencies.

Twenty-one of twenty-seven C.S.U. directors responding to a Crime Commission questionnaire said VAJJIS is useless to them, primarily because of the inaccuracy and unreliability of the data. For example, one chart showing "cases received and disposed of by Juvenile Court" for the period July 1, 1977 through June 30, 1978 indicated disposition on 43 youth, ages nine and under, and six more, ages 10-14, as having been transferred to the circuit court. This is most likely incorrect because legal age for transfer is 15. Disposition for another case in the "nine and under" age category was suspension/revocation of license. On one site visit, a C.S.U. director showed Crime Commission staff the State Supreme Court printout and VAJJIS printout for the same time period. The latter indicated no status offense cases had come through intake during that period while the former showed a number of such cases having come before the court. Another director complained that the VAJJIS printouts indicated cumulative totals (i.e. current month figures added to previous totals) to be lower one month than the previous month.

The problem stems from many factors. Computer programming staff is limited. In many cases they appear unable to keep up with necessary program adjustments or respond to special information requests. Data fed into the system, both at the point of initiation and recording locally, and key punching at the central office is often imprecise, incomplete or incorrect. Staff in the field say they see no return on the time invested in filling out forms, there, they feel little commitment to accuracy. Information is sometimes lost because of limitations in the

retrieval system. Turn around time on reports often is long, making the generated data obsolete before it can be used. Supervisors, for instance, say caseload reports are often too old to be used as an effective management tool.

In addition, it was found that certain basic information is not available and seemingly obvious comparisons of data are not made. Neither are the VAJJIS reports checked against State Supreme Court printouts, although some of the basic information is comparable and could be used for cross verfication. This is attributed also to the limited size of programming staff.

Result is that staff in the field see VAJJIS as just so much unnecessary paperwork. Instances where directors, supervisors or line staff said they used the statistics to assist them in their work were exceptions to the rule. Part of this is due to a common trepidation about statistical data. The department's attempts to overcome this by sending VAJJIS staff into the field to show local directors how to use the data have been moderately successful.

A centralized information system is essential to sound planning and efficient operation. The criminal justice system cannot continue to function with crisis management. Accurate data is needed for effective decisions concerning judgeships, docketing, staffing patterns, the development of facilities (such as jails, detention centers, group homes, treatment facilities and correctional facilities), the effectiveness of programs, and so forth. In light of the current taxpayer's concern, sound documentation of service needs is vital to justify expenditures of money.

The Fairfax County Juvenile Court and court service unit maintain a joint computerized information system. Their system automatically generates the data required by both the Supreme Court and VAJJIS. The compatibility of the two systems would, therefore, seem feasible.

Rather than trying to improve either or both statewide computerized data systems presently operating, it would appear more efficient and economical to merge the two and construct one viable operation. Consideration should be given

to this alternative in the computer utilization study presently being conducted. A staff member in the Virginia Supreme Court's Executive Secretary's office said extensive discussions will be held with department staff, as well as other related agencies (e.g. Department of Motor Vehicles and State Police), to explore the feasibility of interfacing existing information systems. Shortly before this report was published, department officials said accuracy of VAJJIS had improved substantially in recent months. Printouts are now sent back to localities for verification before they are published. This is a positive step but it is evident that considerable upgrading, expansion, and refinement of VAJJIS continues to be needed.

DEPARTMENT OF CORRECTIONS POLICIES AFFECTING LOCAL YOUTH SERVICES

There are a number of department policy issues affecting all phases of community services in the juvenile justice system. Foremost concern of those interviewed throughout the state has been reorganization of the department and its effect on the organizational structures, and direct service delivery in the juvenile system. Other issues include certification, the chain of command and decentralization of authority, reimbursement procedures, and volunteers.

Reorganization

On June 30, 1978 the department announced a sweeping reorganization of its organizational structure "designed to improve service to the Commonwealth while resulting in personnel savings of more than half a million dollars a year". According to T. Don Hutto, director of the department, "These changes are essential if we are to forge a unified, common-purpose correctional agency from what has been a loose confederation of disparate programs and semi-autonomous subdivision."[15] One of the major changes made was to do away with separate divisions of adult services, Youth Services and Probation and Parole. Instead, two new operating divisions were established--one for Community and Prevention Services and the other for Institutional Services. The regional concept of service delivery previously utilized by D.Y.S. and Probation and Parole has been expanded to include all community and institutional services. Three additional divisions of support services were also established.

The stated goals of the reorganization included: (1) greater visibility of the agency's far flung community services and field work, plus greater control over those activities; (2) improved accountability; (3) more effective use of resources; (4) a shortened chain of command and communication; (5) assurance that policy decisions are made by top management while operating decisions are made at the lowest operational level possible; and (6) making the department more responsive to changing circumstances.

Spokesmen for the department in January, 1979, said the reorganization of the agency should result in a savings of about $500,000 over the first two years. Approximately 50 positions will be abolished as of March 1, 1979, the scheduled date for full implementation of the new structure. In his initial announcement Hutto said, "Some have said this agency is unmanageable, that it's too fragmented, too sprawling, too encrusted by time-worn procedures and structures. It may have been, but it does not have to be. I firmly believe that the changes that will be taking place in the months to come will result in the kind of direction Virginia requires for its corrections agency." While change actually resulting in increased efficiency and effectiveness should be supported, there is much concern about the manner in which the reorganization was conducted. Many questions have arisen about the basis for some of the changes. A number of these questions remain unanswered. Passage of time will provide the answers.

While any change of this magnitude is bound to cause unrest and concern within an organization, the effects, in this case, appeared detrimental. These include:

- Time lag between the initial announcement of broad policy or organizational changes and factual information on the details of implementation allowed innumerable rumors to arise with devastating effect on staff morale.
- The interim between initiation of the reorganization plans and finalization of the structure created administrative problems.
- There was lack of clarity regarding relative authority and responsibility between individuals holding positions in the old organizational structure and those being appointed to new posts.

- Reportedly, daily operational decisions have been difficult to obtain.

The true impact of reorganization on the juvenile justice system is of even greater concern. Granted, it may result in more efficient administration and more effective service delivery. Still, some within the system cite a number of factors causing concern. Chief among these is the consolidation of youth and adult services. They note that standards for juvenile justice administration recently adopted by the Institute of Judicial Administration and the American Bar Association advocate: "The department responsible for juvenile corrections should be operationally autonomous from the administration of adult corrections." Many staff personnel expressed concern that youth service will be considered of secondary importance compared with adult corrections. They also fear deemphasis of attention on treatment rather than care and custody and loss of programs geared to deinstitutionalization. They have doubts about the future of some programs namely family counseling, domestic relations counseling, diversion programs and other new areas of service.

Skepticism exists about the regional office structure. Need for effective monitoring and supervision of local programs is essential. Many in the system voice concern that regional offices, as presently staffed, will be unable to provide supervision, coordination of activities and dissemination of information so essential. They point out that there are 15 community residential care facilities in one region with one manager. Previously two persons worked full time to oversee these programs. The coordinating office for residential care at the state level also was abolished. Two other regions include territory extending well over 200 miles. Some persons said new regional office staff will be able to achieve little more than paper processing, particularly if decisions continue to be made at the top.

In addition, with the central community residential care office having been abolished, new regional offices have no central coordinating link within the department.

Although the Code of Virginia mandates that a statewide plan for detention centers be undertaken, no office or individual has been designated under the new structure to be responsible either for monitoring the utilization issues or for developing the statewide plan. As cited in the section on community residential care, many other important issues involved in the operation of detention centers and other community group home facilities have necessarily gone unresolved. Given the seriousness of these problems, the Commission recommends to the department that **a sufficient number of positions at the central office be reestablished** for coordination and program evaluation of community residential care facilities. Regional offices are pivotal to the system's communications. Policy makers must know and understand the reality of problems and situations at the local level. Local programs and facilities also must be kept informed of policy changes, program priorities and funding sources.

Training

Although many personnel in community services are college graduates, few have had specific training or previous experience in the juvenile justice system. Most colleges do not offer such courses. There are also a number of paraprofessionals who have ability to deal with problem youth but who also need training in specifics. Some of the necessary courses for both groups are Virginia law, departmental policies and procedures, and treatment oriented subjects such as conflict management, individual, group and family counseling, normal versus abnormal adolescent behavior, building self-esteem, behavior modification, and educational games and activities. As in any profession, individuals also need periodic refresher courses and up-to-date information. Those promoted through the ranks need supervisory and/or administrative training.

Group home personnel say training generally has addressed their needs. Detention home administration and staff generally consider it too broad and irrelevant to their daily operation. They feel many sessions they have attended were geared more to probation officers. Court service unit staff have been variable in their evaluations. Most say training has improved over previous years. Those interviewed also cite training offered by other agencies or outside consultants, as being beneficial.

Some criticisms of department training must be evaluated in light of the following factors:

- Some personnel said they wanted advanced training but certification results pointed out the need for better understanding of the basics.
- Some hostility expressed about training actually resulted from particular trainers or courses.
- Some of the most vocal critics of training admitted they had not been to departmental training sessions for some time and were basing their opinions on past experiences.
- A number of those interviewed said that they did not fill out the evaluations at the end of each training session honestly.
- Staff acceptance of training appears to be influenced by the attitude of the unit or program administrators toward such programs.

Problems in training include inadequate preparation by some trainers, lack of information on the reasons for course cancellations when this has occurred, slow turn-around time on reimbursement vouchers, and inadequate training facilities in the localities.

In 1976 the department established a training academy at a site in Waynesboro which formerly was a girl's school. Initially there were hostile reactions to the Waynesboro Training Academy because of poor food, absence of locks on bedroom doors and plumbing malfunctions. D.Y.S. employees in particular still dislike the atmosphere which they feel is too regimented and militaristic. A number of women have felt that they were not treated professionally by male employees of adult correc-

tions in some instances. Many of these problems appear to have been resolved.

Group home and detention center personnel report difficulty in getting away from work to go to Waynesboro for training, especially with limited money for travel and overtime available. Some judges expressed displeasure over lack of staff availability because of time taken in training sessions. A rough geographical breakdown of the distribution of corrections employees throughout the state reveals that 60% or more of the staff are located between Richmond and Tidewater and approximately another 10% in Northern Virginia. Mileage and travel costs from these areas to the training academy is considerable. In the past much of the training for youth services has been conducted at a local or regional level. One of the announced impacts of reorganization is that a higher percentage of training will now be conducted at the academy site. The precise breakdown has not yet been determined, according to academy officials.

The size of the training staff has been reduced substantially. Previously there was a staff of 50, including administrative personnel. Now there are 33. Total number of staff to be trained include 6,600 correctional employees, 1,000 employees who work in locally operated programs and over 2,000 volunteers. Juvenile justice staff are required by minimum standards to have at least 40 hours training per year. Probation and parole staff get 32 hours per year. New correctional officers have 120 academy training hours. Administrative and support personnel are given varying quantities of training. Before reorganization, trainers were located in every division of the department. They now have been consolidated into a single unit. This consolidation in some ways is logical and may result in initial cost savings. However, youth service personnel including trainers question whether the reduced training staff can provide quality programs to the entire department. Officials in the training unit give assurance that with training provided by field personnel and outside trainers brought in when necessary, needs will be met.

Adequate time to prepare classes, completing necessary follow-up with course participants, and size of classes are other important considerationsin training. While it is inefficient to conduct sessions with only 1 or 2 participants, small class size is essential to successful skills training. Generally, training participants respond poorly to lectures and need a chance to both discuss how the particular material applies to them and test out their new skills in role playing. These techniques are more difficult in larger classes. A trainer's effectiveness also depends, to a large extent, on how well he/she can judge participants' understanding and responses and adjust accordingly. This, too, is more difficult in larger classes.

The Commission feels that particularly with the reorganization of the department's training section, it is encumbent upon local superintendents and directors to work cooperatively with regional trainers to develop the most relevant and useful training possible. Trainers must be prepared and knowledgable about the particular orientation and purpose of each type of program as well as staff training needs within each facility. Local administrators and supervisors must make an objective assessment of such needs and encourage application of skills learned through such sessions. Complaints about poor sessions should be reported to regional offices at once. In addition, it is recommended that organizations such as the Virginia Council on Juvenile Detention establish a subcommittee on training for the purpose of identifying training needs.

Finally, because of constant turnover in staff, there will always be a need for the basic courses to be given. Staff development and continued improvement in services, however, depend on continuing advancement in training. Department trainers can not be expected to be experts in all fields. As the staff improves, more expertise in subject matter will be required and the need for assistance from outside the department will probably grow. This will require constant

assessment and long term planning to allow necessary budgetary provisions. Training academy superintendent Ronald J. Angelone acknowledged the importance of these factors and gave assurance that they will be taken into consideration. Many of the logistics have yet to be worked out, however.

Other concerns about the status of training in the reorganized structure have been voiced. Are there provisions for training in the area of new services mandated by D.Y.S. minimum standards (e.g. family counseling and domestic relations)? There is some concern from those interviewed in court service units and group homes that staff presently do not have the skills necessary to provide these new services. Staff in many cases have received initial training but need follow-up to assure continued progress. Considerable time and money have been invested in projects such as computerized training records in Beaumont's new treatment programs.

A number of suggestions to improve training were heard. The first is that each individual's training needs should be assessed and planned at the time of their merit evaluation. This could then become their training requirement for the coming year in lieu of the present, across the board, 40 hour requirement. Many feel the current standard results in people attending training simply to get in required hours. Effective performance appraisal would be a prerequisite for this alternative.

One detention home has instituted a policy that each staff member must fill out a course evaluation upon return from a training session. These reviews are kept on file for future reference by other staff interested in that course or the track record of any particular trainer. Course evaluations are, of course, conducted by the trainers at the end of each session. Many staff interviewed, however, admitted that for a variety of reasons they hesitated to be completely candid in their evaluations, especially concerning negative comments.

By far the most often heard suggestion was for more reciprocal training between different facets of the system. There is a general feeling that the system

would benefit if police, judges, attorneys, C.S.U. staff, detention center and group home personnel and those from the central institutions could learn more about each other, both by visiting other facilities and by training together in selected courses. This is presently being done on a limited scale in a number of areas with some success. For instance, staff from Virginia Commonwealth University's School of Social Work Continuing Education, have been conducting training under a DJCP grant. Participants include law enforcement officers, magistrates, welfare personnel, planners from local government and planning district commissions, public and private residential care staff and probation staff. While the training needs of each group differ in some respects and must be addressed individually, there are areas of common interest which could be shared for the benefit of all participants.

Although training is considered a support function, it is an important issue warranting continued attention and monitoring. Said one training consultant, "too often the positive results of training are not evident until the training is no longer available."

Certification

The development of minimum standards and a certification process for court service units and community residential care programs is seen as an important step in the assessment of service delivery in the juvenile justice system. The department is to be commended for its efforts. Throughout the system, those interviewed quite agree with the concept of minimum standards and certification. Many, however, were concerned with the limitations of the present methods.

The major complaint is that minimum standards concentrate too heavily on the paper process (i.e. record keeping, written administrative policy and procedures) and on deficiencies in the physical plant. Some maintain there is no evaluation of actual service delivery, program quality or effectiveness. They see the process as an administrative tool only and urge that minimum standards

be revised to include evaluation of program quality. These are not just the complaints of those who scored poorly; even the administrator of a facility which received a perfect score expressed this opinion. As the director of one group home said, the department must define "what we are trying to evaluate, and what is success."[16]

The certification process also has been criticized for inconsistency. Teams conducting certification have been drawn from court service unit and group home administrators and line staff throughout the state. This provides an effective means of information sharing and helps establish credibility of team members in understanding problems of daily operation. At the same time it causes considerable variance in the interpretation of certain standards and criteria for measurement. The question is raised also as to whether or not an internal evaluation by department personnel truly can be objective. Establishing a "core" of well trained team leaders could provide the consistency necessary while still allowing program staff and some citizens or private agency personnel to participate as team members. This idea is under consideration.

In addition, the scoring system should be reviewed to make it as precise and unambiguous as possible. Some teams now are allowing "partial credit" while others require strict adherence to the presently utilized three point scale (i.e. (1) no action towards meeting the minimum standards, (2) working towards meeting minimum standards, (3) meeting minimum standards).

Cost of certification is another issue among local program directors. Travel expenses of staff participating on teams were charged against the unit employing them. They complained that these costs had not been included in the annual budget and had to be deducted from other areas of operating funds. Since the number of team members to be drawn from each unit is unknown at the time of budget preparation, funding in the department's budget should be allocated to

cover the expenses of certification teams. This matter has been rectified, officials say.

Enforcement of minimum standards and follow-up on certification findings are musts. The D.O.C., in conjunction with the Board of Corrections, should determine what action will be taken against those programs not passing certification. What is the course of action if local governing bodies refuse to provide facilities or other requirements as defined by minimum standards or in the law? Minimum standards and, if fact, legislation are not authoritative if they are not enforced.

Delegation of Authority and Responsibility

Reports of unclear definition and delegation of authority between the department and regional offices and local administrators were heard frequently. The chain of command often appears to be circumvented. One of the stated goals of the reorganization is to decentralize decision making authority returning it to local administrators whenever possible. Staff interviewed point out that this was also the goal of the previous reorganization in 1973 which established regional offices within the D.Y.S. Failure to achieve this goal was, perhaps, one of the chief weaknesses of the old system. Most of those interviewed at both local and regional levels felt that, although the former D.Y.S. central office professed a policy of decentralized authority, too often it was revoked when exercised. At the same time it is apparent that regional office personnel did not always use the authority they had or take responsibility for decision making when available. Thus the full potential of the regional office concept was never realized.

Daily operational decisions such as staff training needs, purchase of equipment (previously approved in the budget) and internal promotions can best be assessed and addressed by local program administrators, within the department's guidelines. Clearly, this necessitates accountability and an organizational structure providing

adequate supervision. If local administrators are unable to make appropriate decisions within set policy, they should be replaced. If their competence is not in question, they should be allowed to function as administrators.

Reimbursement Policies

Reimbursement procedures and excessive length of time individual staff must wait to receive repayment of personal funds used in connection with work and travel attendant thereto create a number of additional problems. Slow reimbursement of tuition, conference registration fees, etc. place an unfair burden on staff. In addition because of media reports that too many department employees were attending training particularly out of state, procedures for submitting training requests have been changed. Staff complained the present approval process is too lengthy to be practical. Staff interviewed the day before the fall VJOA conference had not yet received authorization to attend despite having met required deadlines.

Problems with state reimbursement to localities were also reported, particularly concerning "turn-around" time.

Some local governments operate on different fiscal years than the state. Once accounting books are closed for the year, it is difficult to change procedures or reporting formats. Local program directors request that state officials take such matters into account when procedures are changed to allow sufficient lead time for smooth transition. While state agencies must make every effort to expediate reimbursement, local government, knowing it will be reimbursed, must allocate sufficient funds to allow for adequate cash flow. Local program directors must also be better fiscal managers.

Volunteers

The juvenile justice system in Virginia has over 3,000 volunteers working on a regular basis with youth in 57 different programs. They can be found in every component of the system from diversion through aftercare. Volunteers provide significant services including, one-on-one counseling, emergency shelter care, recreational programs, transportation, tutoring, clerical support and religious services in residential care.

In the Phase I report, the advisory group's Committee on Volunteerism enumerated the benefits of volunteers to the juvenile justice system. A number of administrative recommendations were made regarding improvement of volunteer efforts within the Department of Corrections and throughout all agencies of state government. Phase II of the study has confirmed the importance of volunteers and the need for proper administration of volunteer programs.

Many court service units and residential care programs utilize and depend heavily on volunteer assistance. In the Virginia Beach court, for instance, volunteers record the bulk of statistical information required for VAJJIS reporting. In Norfolk an organized volunteer effort provided 1,236 days of emergency shelter care in 14 homes for 48 youth who come to the attention of the authorities over a one year period. Volunteers in Tidewater have provided transportation to learning centers over the Christmas holidays for the families of incarcerated youth for the last three years. In one group home, volunteers work regular shifts with staff to provide extra coverage. In many detention centers, volunteers provide most recreational diversion for detainees otherwise impossible due to budget limitations. These are but a few examples.

Some concern has been voiced as to the status of volunteerism in the reorganization. The Division of Youth Services's commitment to volunteerism

has been viewed as much more ambitious than that of adult corrections. Yet, with the merge of the two division, all volunteer programs have become the responsibility of the former department coordinator, Nick Moreland. His new title is Volunteer Resources Coordinator. He has been given no professional or clerical staff support other than temporary assistance from the State Office on Volunteerism under a short term contract. According to Moreland, there is a great deal of organizational work needed in volunteer programs. particularly in adult services. The first task, he said, is to identify programs presently in operation. He also plans to develop policy and guidelines for utilizing volunteers, develop a "career ladder" for volunteers, and official position for coordinators, and standardized record keeping. Whether the necessary staff support will be available for these tasks is still in question.

One positive move in volunteer services became effective on March 1, when all department volunteers began to be covered by liability insurance. This was recommended by the Commission's advisory group.

Moreland feels an important factor in the future of volunteerism in corrections is its acceptance by top administrative personnel. From his experience in adult services, he said he has found that local facility superintendents and directors see no urgency in volunteerism efforts unless such word "comes from the top". In the past that evidence of support has been more apparent in youth services. For this reason he has planned a presentation on the current status of volunteers in the system, with a focus on outstanding programs and possibilities for the future, for top level department administrative personnel in March.

Even with support from the top, some local programs will continue to view volunteers as "more trouble than they're worth". Initiation and continued development of volunteer programs takes considerable staff time. Adequate training, orientation and supervision of volunteers is particularly

crucial in criminal justice. Coordination of volunteer personnel is essential if maximum benefit is to be obtained. While a number of administrators and staff interviewed felt utilizing volunteers was too time consuming to be considered advantageous, units which have established volunteer coordinator positions maintain that the return on this investment is well worthwhile. Not all units are large enough to justify a full time position in this area. The Department should, therefore, recognize this responsibility as a specific job function of some designated staff within each unit. For example, in the case of court service unit staff, volunteer coordinator duties should receive credit in workload measurement.

However, the responsibility for development of volunteer programs lies with local directors and/or superintendents. Too often, it has appeared that they simply "don't want to be bothered." Many of the problems these local administrators complain about most loudly have been successfully addressed by volunteer programs throughout the state. These individuals are urged to explore the possibilities fully before rejecting the concept. Additionally, community involvement through volunteer activities is an important means of fostering public understanding and support of the correctional system.

It is hoped that department policy on the use of volunteers presently being developed will provide the clear statement of purpose and guidelines necessary to promote advancement of volunteerism in the system.

INTERAGENCY COOPERATION

Although the Study of Children and Youth in Trouble in Virginia concentrated on the juvenile justice system, it was readily apparent that the various social service agencies dealing with youth are inextricably interdependent. While each agency has a distinct purpose and goal, clients are often involved with more than one agency. Therefore, agencies provide similar services such as counseling. This is especially true for individuals having involvement with the Departments of Corrections, Mental Health and Mental Retardation and Welfare.

Those in the juvenile justice system decry lack of foster care and/or other residential facilities for clients needing little more than alternative living situations. The latter are almost non-existent. Traditional foster parents find "acting out" youth difficult to handle and many choose not to deal with older adolescents at all. Staff said they see a desperate need for residential treatment facilities for severely disturbed youth. Neither category is necessarily appropriate for placement in facilities operated by the Department of Corrections, even community based programs.

This is also true in non-residential services. Court service units such as Richmond, Roanoke/Salem, and others say they have engaged court psychologists because mental health programs were understaffed, unavailable or considered inadequate. One of the goals of the juvenile code revision was to realize more appropriate service delivery for status offenders and other youth and families in need. In most court service units, the consensus was that other agencies had not assumed sufficient responsibility for these cases. This was <u>their</u> perspective. Most court personnel said other agencies are often dissat-

isfied with service provided by the juvenile justice system. Substantial "buck-passing" between agencies was heard.

No agency has developed all the programs necessary to serve the needs of every client. In less populated areas, the number of clients in any one agency may not warrant development of special programs or facilities. Many areas of the state lack programs for this reason. Referral of clients to other agencies is not always the optimal solution; the so called "ping pong" effect between central institutions of Mental Health and Corrections has been an issue for years. In the community there is the additional risk of losing a client between agencies for lack of follow-up. As Judge W. Flippen in the 23rd judicial district (Roanoke) said, "What we need is a brokerage service to prevent agencies from buck passing."

In some communities agencies have attempted to address problems of service referral by establishing formal interagency contracts. In some instances this is accomplished at an administrative level; in others, contractual agreements are made on a case-by-case basis by individual workers. While this has worked satisfactorily in some localities, one judge said the written interagency agreement in his area "proved to be not worth the paper it was written on."

The local government in Henrico County established a series of regular meetings between social service agency heads. The goal is open discussion of problems between agencies. The format requires that proposed solutions be offered on each issue brought forth. This changes the atmosphere from one of blame to constructive mutual benefit.

The financial and human resources of communities are finite. The various agencies, for instance, sometimes find themselves in competition for the same families for foster care and family group homes. Private agencies can sometimes provide quality service at a lower cost than the public sector if utilized correctly. Further cooperative efforts in this area are needed as well.

Need for Youth Services in Communities

The issue extends beyond serving only those youth in conflict with the law. Few interviewed felt that their community, be it large or small, urban or rural, had sufficient services for youth. Judges, court service staff, law enforcement, attorneys, residential care personnel, and the youths expressed the need for specialized treatment facilities and programs, educational alternatives, vocational training opportunities, jobs or recreational activities. Existing services often are understaffed and overburdened. Assessment of needs and means of referral as well as provision of services are often inadequate.

No agency at the state level can assess accurately all the needs of individual communities. State policy on interagency cooperation and coordination of services must be implemented at the local level--it is there where plans fail or succeed. In communities such as Staunton, Winchester, Roanoke, Gloucester and Fairfax local agencies have set up multi-discipline teams to discuss issues of mutual concern and review individual cases of youth needing services. This is very similar to the "prescription team" set up at the state level, discussed in last year's report, in order to better serve youth committed to the State Board of Corrections who were felt to be in need of residential psychiatric care. Those communities which have Youth Services Bureaus also report enhanced relationships between agencies and better service delivery.

In addition to widespread problems, communities have localized needs. Areas bordering the state have particular problems with runaways. Virginia Beach is an area where youth congregate in summer. Southwest and southside Virginia localities are experiencing a rapid rise in teen-age drinking. Alcohol and drug abuse have long been problems in Northern Virginia and other urban areas. Eastern Shore faces the problem of handling the migrant youth population brought in with farming operations as well as dealing with local youth.

Special education for retarded children and alternative educational prorams for youth unable to function in traditional classrooms have been developed only recently in some communities.

In many communities juvenile justice staff deplore the lack of positive activity for youth. Jobs are scarce. Leisure activity often is limited to "hanging out" at shopping malls or riding around. Family counselors say parents usually express surprise when family recreational activity is suggested. They are astounded when they are tried and prove successful. They say the ability to communicate has been lost but believe it can be developed again. A number of communities visited have begun providing Parent Effectiveness Training and other similar instruction in skill development. These services are limited, for the most part, to families in crisis. Most agree they can be far more effective as preventive tools and should be more widely available.

During the first phase of this study the issues of service availability and interagency coordination were discussed in some depth by the advisory committee. Visits to communities during Phase II have reaffirmed that the mechanisms for cooperation are possible. Developing and fostering these efforts must be a continuing task. In a number of localities, delinquency prevention personnel provided technical assistance to initiate these actions. Since the reorganization, many have voiced concern that cuts in delinquency prevention staff will seriously affect these areas. Not only is the availability of technical expertise diminished but communities may read the reorganization as an indication of changed direction and emphasis and follow suit.

Uniform Licensing

The 1977 report of the Private Agencies Associations and Programs Committee of the advisory group included a recommendation on uniform licensing and/or certification of private facilities for children and youth. This resulted

from the complaints by some private agencies that when they serve clients from a number of different agencies they are required to meet the approval, certification, or licensing procedures of each individual agency, which are often based on different criteria. The directors of private programs who were surveyed and/or interviewed maintained that current practices constituted harrassment while still not providing comprehensive review or evaluation.

In Phase II of the Study staff have heard the same complaints from community youth homes. For example, because of unclear classification of group homes in one locality, the Health Department has licensed the kitchen as a restaurant and the rest of the facility as a residence, requiring special and expensive kitchen equipment which the director maintains is unnecessary. State and local fire marshall's offices have disagreed about the need for metal fire doors in this same facility. The issue, therefore, appears to affect both public and private agencies.

In January, 1977, the Inter-Agency Task Force on Licensing and Certification of Children's Programs was created. Representatives of the Departments of Welfare, Corrections, Mental Health and Mental Retardation, and Education began meeting to identify duplicative licensing procedures with regard to residential facilities for children. In January, 1979, an agreement was signed between these agencies providing for inter-departmental teams to visit and inspect facilities together. Each team member will collect information relevant to certification requirements within their respective agencies. Basic licensing information will be collected by the Department of Welfare.

To further encourage interagency cooperation, legislation was passed during the 1979 Session to allow the Department of Welfare to disclose information regarding licensure of child welfare agencies to appropriate persons within other departments. Because of confidentiality, sharing of such information between agencies was not permitted prior to enactment of this law.

Single State Agency for Youth

Need for improved interagency cooperation has been cited repeatedly during this study. In the past few years, considerable debate has been waged concerning the appropriate location of the former Division of Youth Services. Many people questioned whether or not this Division belonged within the Department of Corrections because of the latter's primary emphasis on institutionalization of adult criminals while the former was engaged in a variety of programs for youth including delinquency prevention and positive youth development.

In addition each of the other state agencies dealing with children's programs has other constituencies to serve. Each of the agencies have separate budgets for children's programs. Possibilities for duplication of funding and development of systems are great.

A number of those interviewed during Phase II felt a single state agency would be more effective and economical than the present system. Legislation was introduced during the 1979 session to study this issue but did not pass.

The problem of coordinated service delivery to youth remains. Whether the solution is better cooperation between existing agencies or creation of a single state agency for youth services is unknown. The goal of effective and efficient service delivery to youth in need, however, is unequivocal.

SCHOOLS

Of all of society's institutions, school has the greatest impact on the lives of young people. The relationship between juvenile delinquency and school failure was not a direct focus of this study. However, youth services personnel interviewed throughout the state voiced great concern over school-related problems faced by children and youth in trouble. In Virginia, review of monthly court reports reveal that the number of petitions and commitments generally rises with the beginning of the school year and falls when school closes for summer. A cause and effect relationship here cannot be established with certainty. Year after year, however, a significant percentage of youth before the courts are those who experienced difficulty learning in the traditional classroom setting, fell behind in early grades, and to whom school became a constant reinforcement of their sense of failure. As previously mentioned, national studies indicate that a larger percentage of learning disabled children are brought before the juvenile courts than those not learning disabled.

Those interviewed expressed concern both about school problems as a possible contributing factor in delinquency and the relationship between the courts and schools concerning youth already in trouble. Issues raised consistently were:

- suspension, expulsion and dropout rates;
- need for alternative and vocational education programs;
- need for better cooperation between schools and juvenile courts;
- referrals to courts by the schools.

School Statistics

Reported high rates of suspension and expulsion from school and lack of follow-up on dropouts were of concern to judges, probation and residential care

staff in many localities. Individual instances and problems within certain schools were often cited, but statistical data substantiating the scope of the specific problems, was difficult to obtain. Data prepared by the State Department of Education (see Chart E on page 172.) indicates the number of dropouts grades 8-12 for the 1976-77 school year and gives a breakdown as to the reasons for dropping out. Achievement problems account for over one-half of the 51 percent dropout rate and behavior problems another 22 percent. Statistics on suspension/expulsion are not as clear. Pupil membership data for the 1975-76 school year (the most recent figures compiled) give the number of pupils suspended for at least one day or expelled from grades 1-12. A total of 27,987 males and 11,683 females were so disciplined, this being approximately four percent of the total school population.

It would appear then that dropping out, suspension and expulsion affect between 9-10 percent of school age youth, a fairly sizable number. The problem with this data, however, is that it may be duplicative in some cases. According to the Department of Education, the information on dropouts is submitted by school guidance counselors while the suspension/expulsion data is compiled by assistant principals. They could, therefore, be counting the same youth as suspended or expelled and dropping out for "behavior problems". The matter is complicated by the fact that there is no criteria established to determine appropriate classification.

In addition, although information is reported separately on expulsion and suspension by the local school districts, the two categories are combined at the state level. The Division of Support Services of the State Department of Education is currently writing standards for assessing student conduct and attendance. It is hoped that these factors are taken into consideration in their efforts.

It should also be noted that some local school districts have made substantial progress in addressing some of the problems by using available statistical

information. Petersburg, for instance, has developed an exploratory vocational program beginning in the eighth grade after identifying a particularly high drop-out rate in this level. With federal funds from LEAA, Orange County middle schools have established an effective follow-up program on dropouts including job and service referral. Statistics should be used throughout Virginia to monitor rates of dropouts, suspension and expulsion, identify particular problem areas of the state, and lend assistance where necessary to localities in developing policy, programs and procedures to assure maximum educational benefit to all Virginia's youth.

Alternative Education

The Standards of Quality for Public Schools in Virginia 1978-1980, delineate separate requirements for vocational programs, special education for handicapped students and enrichment opportunities for gifted and talented students, as well as mandating "alternatives for students whose needs are not met by such traditional programs." It would appear, therefore, that alternative education must meet those needs not taken care of by the other programs.

Many school systems, however, are defining alternative education as anything offered other than the traditional programs. In-school suspension, vocational training and special education for the handicapped are often included in counts of alternative education programs and there appears to be no comprehensive listing of existing programs in the state. Clear definition and effective identification of these programs would appear essential.

Part of the problem appears to be the method of monitoring. Several sources within the State Department of Education told Crime Commission staff that monitoring compliance with the standards of quality merely involves asking the school divisions whether they are meeting each requirement. As such, it is conceivable that a school division could say they were providing vocational education, special education, alternative education and education for gifted and talented students

and be referring to only one or two programs.

There appears to be little provision made for evaluating the quality of programs. If Virginia's tax dollars are to be spent wisely, to the maximum benefit of the state's youth, evaluation techniques should be developed to determine the effectiveness of the program being established.

Although the State Department of Education and Standards of Quality mandate that certain types of services be delivered, they do not determine the specific programs. Particularly in alternative education, there are no limits on the designs which can be developed to effectively meet the needs of various students. Some programs simply combine basic educational components in a package suited to the individual. Others such as the Career Development Annex established in Virginia Beach are more elaborate. This program is designed to regain the interest of potential dropouts by introducing exploratory vocational training in eighth and ninth grade and relating academic instruction to vocational areas of interest. This is followed in later grades by more specialized vocational training.

Federal dollars from Law Enforcement Assistance Administration funneled through the Juvenile Justice and Delinquency Prevention Act fund almost $1 million in school programs designed specifically to deal with problems of youth. In Giles County, for instance, an alternative program called PATS (Positive Attitude Towards School) has been operating for over two years. The program provides tutoring, individualized educational programs, social skills, vocational training and behavior modification for delinquent youth and potential dropouts. It serves about 20 to 25 students per year ages 14 and over. The facility was an old rundown building which the students have remodeled themselves.

Statistical data reported by the Department of Education indicates that Virginia experienced a 5.1 percent dropout rate in grades 8 through 12 during the 1976-77 school year. Obviously, alternative education is not the panacea for all these youth, but youth services personnel interviewed believe that many could

be retained in school if viable alternatives were offered. Models of such programs can be found in both urban and rural communities.

Vocational Education

The majority of those interviewed also feel that some youth could benefit greatly from vocational programs. Unfortunately, many of those who would benefit most have left school long before vocational courses become an option (usually not until 10th grade). (See Chart E on page 172.)

Judges, court service unit personnel and group home staff urge that vocationally oriented courses be made available as an option to students beginning in junior high. Such programs are already available in limited areas of the state (e.g. Virginia Beach, Winchester, and Orange County). Those interviewed also felt programs providing half a day of academic and trade courses and half a day of related work experience are beneficial. The academic material often becomes somewhat more relevant (i.e. seeing the need for reading or math in order to follow the manuals). Where the opportunity is available, the work experience provides a sense of self-worth and some spending money for youth. Vocational courses can provide interest and success to the student. Vocational programs were considered among the most popular and successful programs developed in the learning centers.

Expansion of vocational programs has been a growing issue within education, according to Dewey Oakley, Associate Director of Administrative Services and Continuing Education in the Department of Education's Office on Vocational Education. He agrees that the need is widely recognized. He explained that the primary problems, at this point, are the question of how these courses would fit in with present educational requirements in junior high school and, of course, funding. No estimates of cost have been made to date. It is known, however, that the operational expenses of vocational education are approximately $600 per student, per year. Pre-vocational programs cost slightly less. Oakley said that if such pro-

grams were geared toward potential dropouts, new programs would be needed for approximately 75 percent of the targeted population. The remaining 25 percent could be absorbed into existing programs. If 1976-77 dropout figures are used as a point of reference, this would involve about 5,750 students (75 percent of the 7,655 dropouts from the eighth and ninth grade statewide). He also feels that joint programs between school districts are feasible since there are presently nine multi-district vocational facilities in operation and a tenth being built.

The cost of education has long been considered an investment in the future. It appears that part of the investment presently is being wasted. The cost of expansion of vocationally oriented curricula and alternative educational structures could prevent considerable expenditures in other areas.

For example, one could consider the long term costs to society of school dropouts. It is known that dropouts experience substantially higher unemployment than individuals with high school education, as the following chart indicates.

NATIONAL UNEMPLOYMENT RATES
By Educational Level
March, 1977*

Age	Overall	Less Than High School	High School	1 yr. College or More
16-19	19.6%	23.0%	15.5%	9.2%
20-24	12.3%	21.0%	12.5%	8.8%
25-34	7.2%	14.6%	7.6%	4.5%

Overall Unemployment 7.9%

* Bureau of Labor Force Statistics

Comparable data is not available for Virginia alone. However, sources at both state and national level estimate that the breakdown by level of education would be similar, even though Virginia's unemployment rate is lower.

VIRGINIA'S UNEMPLOYMENT RATES

1977*

Age	Unemployment Rate	Number of Unemployed	Number in Labor Force
16-19	16.6%	32,000	193,000
20 & Over	4.4%	95,000	2,190,000
Overall	5.3%	127,000	2,383,000

*Virginia Employment Commission

According to sources in the Virginia Employment Commission between $90,000,000 and $100,000,000 per year are paid out in unemployment benefits with the average weekly payment being $80. Although many unemployed youth do not qualify for unemployment benefits because of their employment history, a substantial number do.

UNEMPLOYMENT CLAIMANTS

March, 1977*

Under 25	25-34	Over 34	Total
9,258	13,649	20,562	43,469

*Virginia Employment Commission

If an average benefit of $80 were paid to the 22,907 claimants under 34, the cost in employer taxes would amount to $1,832,560 per week in this period. Given that dropouts experience about double the rate of unemployment of high school graduates, it is apparent that dropouts are costing Virginia's employers a considerable sum.

The cost to the state is also worth considering. Sources in the federal Department of Health, Education and Welfare confirm that lifetime earnings of dropouts are significantly less than that of high school graduates.[17] The following chart indicates lifetime earnings, by level of education completed, as of 1972, the last year for which such data is available. The 1978 figures were obtained by

adding 6 percent increase/year (the conservative figure suggested by the Department of Health, Education and Welfare source). The last column to the right indicates the difference in lifetime earnings between each category and that of a high school graduate based on 1978 earnings.

LIFETIME EARNINGS*

By Level of Education

Level of Education	1972	1978	Difference from Earnings of High School Grad.
Less than 8 yrs. ed.	$280,000	$397,185	$282,285
8 yrs. ed.	344,000	465,770	213,700
1-3 yrs. High School	389,000	551,803	127,667
4 yrs. High School	479,000	679,470	

*Department of Health, Education and Welfare

To obtain some estimate of the loss of state revenue due to dropping out of school, staff made the following calculations. The left hand column of the chart below indicates state taxes on the differences in lifetime earnings per person at a rate of 2.5 percent (the lowest rate of taxation in the graduated tax system). The 2nd column indicates the number of dropouts in each grade during the 1976-77 school year. The last column is a total of estimated tax revenue losses over the lifetime of last year's dropouts at the 2.5 percent rate of taxation.

LIFETIME TAX LOSSES FOR 1976-77 DROPOUTS

By Level of Education

Level of Education Completed	Difference in State Taxes Per Person	# of Dropouts	Total State Tax Loss
Less than 8 yrs.	$7,057	2,842 (8th grade)	$20,055,994
8 yrs.	5,443	4,813 (9th grade)	26,197,159
1-3 yrs. High School	3,192	14,061 (10th-12th* grade)	44,882,714
Total			$91,135,865

*Not graduated

The differences in earnings would also be reflected in a difference in purchasing power. The sales tax on the amounts spent on taxable merchandise would be considerable. Potential additional costs to the state would include welfare payments and the cost of the criminal justice system, but the effect of education on these figures would be very difficult to determine. It is evident, however, that dropouts cost society a substantial amount. This must be considered in any discussion of the costs of programs geared to keeping youth in school.

Need for Better Cooperation Between Schools and Juvenile Courts

Problems between some schools and the juvenile courts have existed for many years. In the past, charges have been made that schools use the juvenile court as a "dumping ground" by repeatedly bringing children with behavior or learning problems to court rather than handling these youth within schools. School officials counter these arguments with statistics on increased violence in schools and refusal of parents to cooperate with administration. They say the court is used only as a last resort. A law passed in 1976 prohibited state commitment of youth for truancy charges. The juvenile code revision in 1977 gave the judge additional authority to mandate services from schools and other agencies for youth before the court. It also enabled the judge to mandate participation of parents of such children in efforts to solve school or other problems.

Personnel in court service units in many localities said their relationship with the school has deteriorated since changes in the law have been enacted. Some schools appear to feel that access to the court has now been closed to them. Although most interviewed did not feel truancy should be reinstated as a committable offense, they maintain that the court service unit can provide assistance and, in some limited cases, the matter should go before the judge (e.g. when parents are failing to enforce school attendance).

Youth involved with the juvenile justice system appear to have additional problems with schools. Many probation counselors complained that they were called

in by the schools whenever any disciplinary problems arose with probationers. They felt schools were expecting them to fill an inappropriate role of police/parent. There were also reports from C.S.U. staff in two localities that school officials had in the past requested a list of probationers' names which is illegal. Neither court complied with the request. While such instances did not appear to involve formal school policy, they indicate some of the problems existing between the two agencies.

Many of these issues were dealt with by a statewide task force comprised of juvenile court judges, C.S.U. staff and educational personnel. Considerable money, time and effort was expended on the Juvenile Court Public School State Task Force over a period of more than four years. The direct costs were estimated at $30,000. At least five publications resulted, citing innumerable issues and problem areas within and between the two agencies. The Crime Commission's study supports many of the findings and recommendations made in the reports of that task force.

The areas of common concern include:

- improvement of school-court working relationships,
- cooperation and coordination of services for optimal benefit to youth,
- lack of understanding of each other's perspectives and policies,
- the need for multi-discipline resource teams to assess and address the needs of youth in each community.

There is ample documentation of the reality of these problems and it is crucial that action be taken without delay.

The only mechanism established to monitor implementation of these recommendations has been dissolved as a result of the reorganization of the Department of Corrections. The technical assistance offered by the task force to communities wishing to implement the ideas is no longer available.

A Commission sponsored resolution was passed by the 1979 General Assembly requesting the Secretaries of Public Safety and Education to cooperate on these matters and take necessary action with all possible dispatch. While it is recognized that many of the issues can only be addressed on the local level, the Secretaries can set the tone for action. In addition, local communities will need technical expertise if they are to be effective in their efforts.

The intent of the legislature concerning the responsibilities of both the public schools and the juvenile court are documented in the Virginia Constitution and Virginia state law. Both the Court School Task Force and the Crime Commission study indicate that, in at least some areas, the respective agencies are falling short of the goals.

Another tool for dealing with interagency problems between the school and court has been explored in at least two localities.

In Fairfax County and the 28th Judicial District the school and juvenile court have developed school court referral forms. (See example on page 173.) The forms require the school to document their efforts previous to bringing the case to intake. Only if, upon review, the court is convinced that the school has used every measure open to them will the case be accepted. Court service unit personnel in these localities feel this has clarified the relative responsibilities of each agency while maintaining the option of court action where appropriate. They further feel that the relationship between themselves and the schools has benefitted.

These same forms could also be used by local school boards to review the working policies of the schools. It has been suggested that expanded use of the concept could provide local school boards with the means of monitoring suspension and expulsion policies and follow-up action taken on dropouts. This could help school boards better assess whether their schools are meeting the needs of the

students and their community.

Two other issues raised with some frequency, but somewhat beyond the scope of this study, were "social promotions" and compulsory attendance laws. They are mentioned here because of their importance but without recommendation for any particular action. Numerous other groups and reports have dealt with these issues in some depth. Condemnation of social promotion was fairly unanimous among those interviewed. They strongly feel that continued promotion on the basis of age without concomitant academic progress simply leads to further frustration and low self esteem which, in turn, often lead to "acting out" behavior. Opinion on compulsory school attendance is more mixed. Some, like Sidney Morton, intake supervisor at the Richmond juvenile court service unit argue that,

> Forcing a young person to learn something he is unable or unwilling to learn is practically impossible. (Human nature being what it is, at least in a country where freedom is valued, any attempt at compulsion itself creates--especially in teenagers--resistance to accomplishment. This applies to the whole matter of compulsory attendance as well as to specific learning.) Compelling school attendance after 15 therefore cannot be justified on the basis that young people are thereby gaining "education" that is good for them whether they want it or not.[18]

Further they feel compulsory attendance contributes to school vandalism, physical assaults, robbery and extortion of pupils and other crimes in school by maintaining these structures as places of involuntary confinement. On the other side there are the arguments that without sufficient education, an individual will be unable to maintain adequate employment or generally function as a productive member of society. A more immediate result is that youth sometimes find themselves out of school and unable to get a job because of child labor laws. With so much free time they sometimes make nuisances of themselves or become involved in criminal behavior, either for excitement or money. Both of these issues must continue to be explored for effective solutions.

Special Programs

Some communities have begun to address school related problems with innovative and constructive means. A number of schools have established "in-school" suspension programs. Suspending or expelling the truant or students with other behavior problems would appear to accomplish exactly what they often want--to get out of school. In-school suspension removes the student from the more pleasant social aspects of the school day while still requiring attendance. Added benefit can be gained if counseling and tutoring can be provided during the suspension. Some areas, such as Henrico, report considerable success with such programs.

Another idea, tried in Fairfax County, is a Volunteer Learning Program. Dropouts are tutored twice a week by volunteers at a local library or community center. According to those involved in the programs, individuals often return to school after experiencing success in a one-to-one learning situation. Others receive their high school equivalency certificate (GED). At the very least there is an opportunity to acquire basic survival skills necessary for employment and daily living.

In Lynchburg, a local community college in cooperation with the Youth Service Bureau has accepted a number of dropouts for college level work. Although the students could not function effectively in public high schools they appear to have adapted well to the less regimented college structure.

These are only a few examples of local efforts being made around the state. They illustrate that solutions are available. The responsibility for solving school problems cannot be that of the educational system alone. Schools, like other social services, are often overcrowded and understaffed. It is incumbent upon citizens to become familiar with the schools, their programs, resources, policies, needs and problems. With citizen involvement, schools may be able to

reach the goals established in the Standards of Quality including aiding each pupil, consistent with his or her abilities and educational needs, to:

- become competent in the fundamental academic skills;
- be qualified for further education and/or employment;
- participate in society as a responsible citizen;
- develop ethical standards of behavior and a positive and realistic self-image;
- exhibit a responsibility for the enhancement of beauty in daily life; and
- practice sound habits of personal health.

EMPLOYMENT

Youth unemployment has been cited repeatedly as a problem by those who provide services to youth and by young people themselves. Employment is a tool of maturation and healthy development for all youth and is viewed as a key means of delinquency prevention, diversion and rehabilitation in the juvenile justice system. Some statistics on youth unemployment are discussed in the section on schools. It is also important to note that, proportionately, non-white youth and females have the greatest difficulty in finding a job. Of those actively seeking employment females have a 27.7 percent higher unemployment rate than males, and non-whites have 220.5 percent higher nemployment than white youth. The problem of youth unemployment as a contributing factor in delinquent behavior was addressed in some detail in the report of the Advisory Group's Subcommittee on Delinquency Prevention and Diversion in Phase I of this study. The importance of this topic has been reaffirmed strongly by research conducted during Phase II. There appears to be a general consensus that any real efforts at delinquency prevention and diversion must be directed at two primary areas, education and employment. There is further consensus that youth employment programs are effective.

For example, Project New Pride is a community-based program in Denver dealing with hard-core delinquents between the ages of 14 and 17. Originally sponsored by the federal Law Enforcement Assistance Administration, the program attempts to consolidate education, counseling, employment and cultural services into an individual package to meet the specific needs of the youth being served. Employment services involve a job skills workshop leading to on-the-job training and finally into a permanent job. The success rate of Project New Pride is

excellent. In the first three years 89 percent of the participants have not been reincarcerated, 70 percent were placed in full-time or part-time jobs, and the most recent figures show 73 percent having returned to school.

Rent-a-Youth Programs are another approach to meeting employment needs of youth. In Virginia, four successful programs are being operated in Staunton, Roanoke, Pittsylvania County and Newport News-Hampton. Sponsorship is provided by one or a combination of youth serving agencies. They do extensive recruitment of citizens having odd jobs to be done and youths wanting work. Some programs include workshops dealing with applying for a job, interviewing and good work habits. Many of the programs report that these youth are being rehired by pleased employers following their completion of the program.

Some localities have developed work programs for young people within the official jurisdiction of the court. Two examples are Yorktown's "Project Insight" and Fairfax County's "Community Work Program", developed to provide alternative dispositions. Youth participating in these programs have usually committed offenses that might be punishable by a fine. Rather than have the parents pay the fine, the child agrees to work in a public or private non-profit agency for a specified period of time. These work situations include schools, libraries, and parks. Supervision is provided by the assigned agency. The program appears to be very successful in both cases. Initial resistance on the part of the participating agencies has been overcome by strong support from the court. In those cases where a participant does not show up regularly for work or refuses to abide by the rules of the program, he/she is brought into court and the judge will enter a different disposition. In some cases agency supervisors become so interested in the individual participants that they will help the youth find further employment once they have completed their "sentence". Fairfax County has had such success with the program that they have used the results to support

the establishment of a "Work Training Program". Youth who complete the "Community Work Program" and are interested in employment may enter the "Work Training Program". Youth in this program are involved with the same types of public or private non-profit agencies, but they work for a wage. The program is still supervised by the juvenile court and participation is for a limited period of time, but there is no penalty for failure to complete the program.

Governors Manpower Services Council

The major effort in youth unemployment in Virginia is under the federal Comprehensive Employment and Training Act of 1973 (CETA). The Governor's Manpower Services Council (GMSC) functions to advise the Governor on the development of statewide manpower policies and to provide technical assistance for coordination and communication of activities of all prime sponsors of CETA funds and related state agencies. In addition, the GMSC is the managing body for administration of the 5 percent Governor's Discretionary Fund from CETA monies. This is earmarked to develop employment planning data, foster cooperation between state and local, public and private employment and training efforts and provide financial assistance for pilot programs.

For fiscal year 1978 almost half of the $704,303 in the Governor's Fund was designated for youth under the supervision of the state. A substantial amount of the remaining funds were targeted for youth with characteristics common to those coming into contact with the juvenile court (e.g. learning disabled and dropouts). In 1979 youthful offenders have been identified specifically as one of the three target groups. Since the Juvenile Justice and Delinquency Prevention Office is the other major funding source for related programs, it would appear significant to include expertise in this area on the GMSC.

Child Labor Laws

As a result of a recommendation contained in the the Phase I report of this study, a resolution was introduced and passed in the 1978 session of the General Assembly calling for a study of the state and federal child labor laws "to correct numerous conflicts existing within and between their laws and to end unnecessary restrictions and barriers to youthful job seekers."[19]

Consequently, a joint subcommittee of the Senate Commerce and Labor and House Labor and Commerce Committees recommended repeal of the requirement for work permits for 16 and 17 year old youth. A bill removing the requirement was introduced during the 1979 legislature by Delegate L. Ray Ashworth, chairman of the Commission's study. Under the bill, the youth affected would still be protected from hazardous occupations but otherwise would be allowed broader employment opportunities. The bill had the support of the Department of Labor and Industry and was passed. The Crime Commission realizes this change does not fully solve the problems between the two sets of child labor laws and urges the legislature and other interested groups, such as the juvenile court judges, to continue comprehensive review of both federal and state laws in order to foster action at the appropriate levels.

THE JUVENILE JUSTICE SYSTEM: PUBLIC AWARENESS AND UNDERSTANDING

Research on the Phase II report confirms the need for public education and awareness about the juvenile justice system in order to try to clear up a good deal of misunderstanding. Lack of knowledge concerning its goals and function is prevalent. Further misunderstanding is generated because of the requirement for confidentiality of juvenile court cases. Development of community based services is predicated upon an assumption of community ownership of the problems. That "ownership" cannot be developed without sufficient understanding.

Virginia law promotes citizen involvement by providing that the juvenile court may have a citizen's advisory council. Only a few courts presently have active functioning groups, however. Such councils, working with the judges and court service unit director, can have substantial influence on community opinion and support.

The Department of Corrections and, to a certain extent, the judiciary have further responsibility in public awareness of the juvenile justice system. In those communities where judges have taken an active role in seeking community support for needed programs, the results have been generally fruitful. The community must learn about the successes of the system as well as the failures.

Another issue in the consideration of public education is definition of expectation. Inappropriate use of the court and unrealistic expectations of successful intervention are also a result of poor understanding. As one group home director pointed out recidivism in the juvenile justice system means "owning a kid for the rest of his life." Other staff have often expressed frustration with the perception that they can achieve drastic changes in behavior

CONTINUED

2 OF 3

patterns developed over 14, 15, 16 or more years in a period of a few months. It is incumbent upon the citizens of Virginia to become more involved in the juvenile justice system. Despite shrinking tax dollars, the corrections system continues to grow. If optimal return is to be achieved on the investment, the citizens must decide what "success" is and have a working knowledge of the alternatives available if they expect cost effective service delivery.

Finally, juvenile delinquency is costly. It is costly both in dollars and in the number of lives it affects daily. The juvenile courts, and indeed the entire juvenile justice system, can respond to the problem by focusing on the offense and disposition of the perpetrator but cannot alone direct its efforts to prevention. Here especially, community understanding, involvement and commitment is both necessary and essential.

Studies have repeatedly shown that many of the problems juvenile offenders experience began in early childhood. It is there that any successful intervention must begin. If the delinquency problem is to be solved, long range efforts and investments must be made. In the long run these efforts will prove to be less costly than short term stopgap measures which treat the symptoms rather than the causes. This is a particularly crucial area for public awareness.

Staff in all components of the juvenile justice system have voiced concern that youth, their families and victims who appear before the courts often do not understand the judicial process. The meaning of some legal terminology, procedures, and dispositional decisions often are lost to the participants in the confusion and trauma of the proceedings.

Although judges and court service unit staff usually try to explain what is occurring, their words are sometimes misunderstood or forgotten. For example, being "committed to the State Board of Corrections" means nothing to some youth, but they understand being "sent up state" or "sent to Beaumont". This latter

3

phrase causes problems because some youth take it literally while the Reception and Diagnostic Center may decide a different placement is more appropriate. The staff in detention centers and at the RDC say they find themselves trying to explain actions of the court without the necessary first hand knowledge. Confusion and unnecessary discontent result. Reports of illegal proceedings, "railroading" or other perceptions of injustice can often be attributed to lack of understanding. Such injustices can occur because of this same lack of understanding. In either case, it is vital that youth who become involved in the juvenile justice system, and especially those who come before the court, understand the proceedings and are aware of their consequences.

Based upon this need, the Commission introduced a resolution during the 1979 General Assembly requesting the Division for Children to develop and publish a handbook on the juvenile justice system. The resolution passed. It is expected that the booklet will include a general description of the juvenile justice system and its process; the rights of the individual and family at each step in the proceedings (e.g. legal counsel, appeal, closed hearings, confidentiality of records, etc.); alternatives to detention, dispositional possibilities and consequences. Handbooks citing rules, regulations, disciplinary consequences and procedures have proven effective in residential facilities.

The Division for Children was established in 1978 to advocate for the needs of youth and thus appears to be the most appropriate agency for this task. The resolution directs the Division to appoint an advisory group (composed of persons having necessary expertise and/or intimate knowledge of the issues to be addressed) to help complete the handbook.

During the Phase II Study

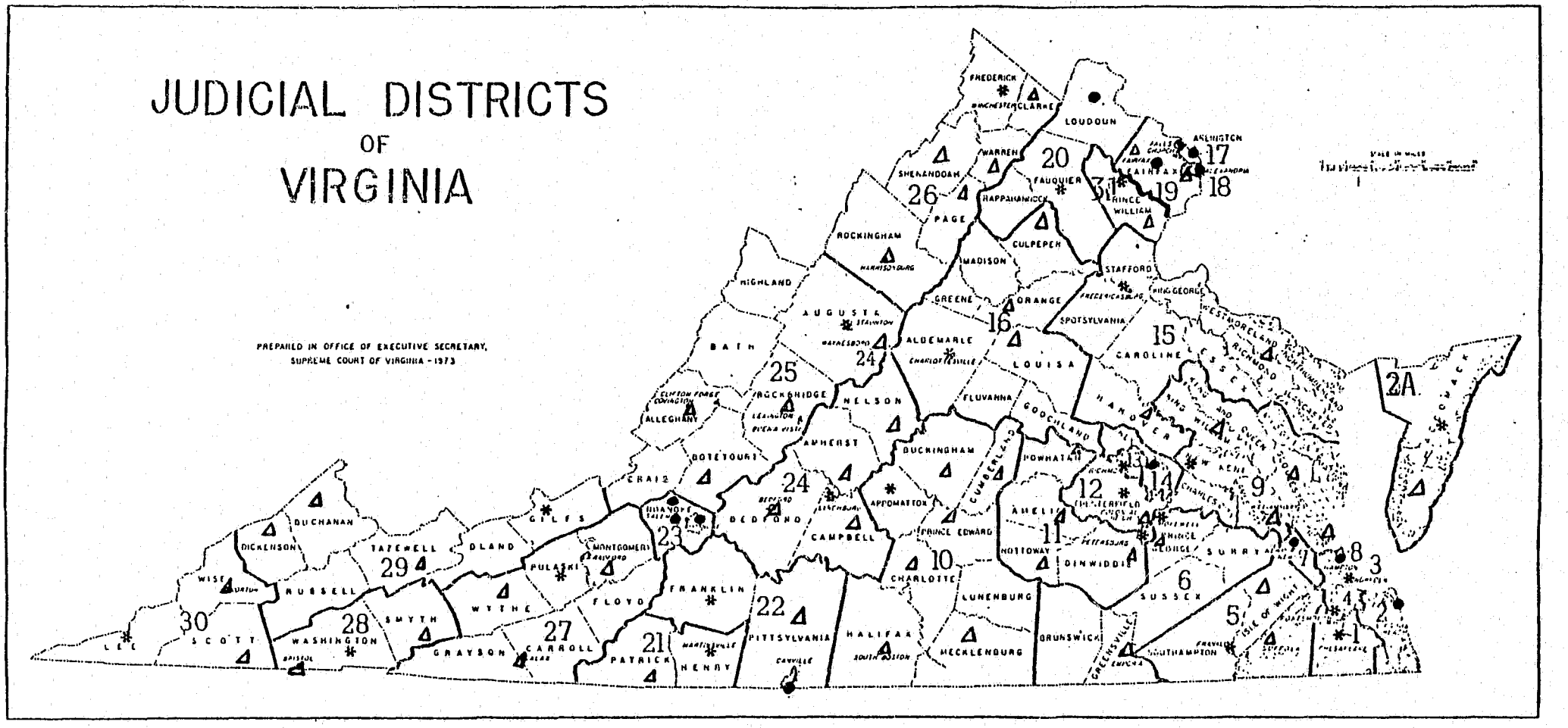
udicial Districts	Localities Visited	Judges	Court Service Unit Directors	Predispositional Facilities [1]	Group Homes [2]
1	Chesapeake	E. Preston Grisson, Chief Judge James A. Leftwich	Gary D. Farmer	Tidewater Detention Secure	Chesapeake Boys
2	Virginia Beach	K. N. Whitehurst, Jr., Chief Judge Frederick P. Aucamp	Bruce E. Bright	Virginia Beach Crisis Virginia Beach Less Secure Det.	Regional Girls
2A	Accomack		William J. Weaver		
3		Von L. Piersall, Chief Judge			
4	Norfolk	Edwin A. Henry, Chief Judge James G. Martin, IV Lester V. Moore, Jr.	Elmira S. Boyce	Norfolk Detention Secure, Less Secure & Outreach Norfolk Crisis	Lake House (F) Stanhope House (M) Hampton Place (M) (State)
6	Hopewell	P. I. Leadbetter, Chief Judge	John J. Willis		
9	Providence Forge Williamsburg		T. Robinson Smith		Crossroads (M)
10	Appomattox		Roland B. Murphy		
11	Petersburg	Benjamin L. Campbell, Chief Judge Samual Patterson (Substitute)	Wilbur M. Sirles	Crater Secure Detention	
13	City of Richmond	Max O. Lasser, Chief Judge Willard H. Douglas, Jr. Arlin F. Ruby	F. A. Hare	Richmond Secure Detention	
14	Henrico	Augustus S. Hydrick, Chief Judge J. Mercer White, Jr.	Virginia Agnes White		
15	Fredericksburg	William J. Cox	Alvin N. Chaplin	Rappahannock Secure Detention	
16	Charlottesville	Ralph P. Zehler, Jr., Chief Judge	N. H. Scott		Charlottesville Family Group Home System, Community Attention (M) Community Attention (F)

JUVENILE JUSTICE SYSTEM
Personnel Interviewed and Facilities Visited
During the Phase II Study (Cont.)

Judicial Districts	Localities Visited	Judges	Court Service Unit Directors	Predispositional Facilities	Group Homes
18		Joseph J. Peters, Jr. W. Curtis Sewell (Substitute)		Northern Virginia Secure Det.	
19	Fairfax	Philip N. Brophy, Chief Judge Frank L. Delerhoi	Vincent M. Picciano	Fairfax Secure Detention & Outreach	Fairfax Girls
20	Loudon		Charles R. Radcliff		
21	Martinsville	J. English Ford, Chief Judge	Jan C. Reed		Anchor House I (M) Anchor House II (F)
22	Rocky Mt.	Robert F. Ward	Harry Campbell		
23	City of Roanoke City of Salem Roanoke County	James W. Flippen, Chief Judge Roy B. Willett	William A. Kelly Frank J. Tignor Michael J. Lazzuri	Roanoke Secure Detention & Outreach Sanctuary Crisis	Youth Haven (M) Discovery House (M & F) (State)
24	Lynchburg	Earl W. Wingo, Chief Judge	Lee A. Read	Lynchburg Secure Detention Crossroads Crisis	Opportunity House (M)
25	Staunton	A. L. Larkum	Henry Whitelow	Shenandoah Valley Secure Det.	Abraxas House (M) (State)
26	Winchester Harrisonburg	Carle F. Germelman, Jr., Chief Judge Beverly B. Bowers	C. Douglas Tucker		Braddock House (M)
27	Christiansburg		John D. Moore	New River Valley Secure Det.	
28	Abingdon Bristol	Charles H. Smith, Chief Judge	Charles W. Brooks	Highlands Secure Detention	
29	Pearisburg Tazewell	Charles B. Andrews	Ronald W. Belay		
30	Wise		Marion James		30th District Family Group Homes
31	Prince William	Herman Wisenant, Chief Judge	Ira B. Faidley, Jr.	Prince William Outreach Det.	

[1] Outreach Detention programs are included in this category whether operated by the court or Detention Center

[2] In addition to the Family Group Homes listed, several supervisors of FGH systems were interviewed about their programs



* State Operated

● Locally Operated

Δ Branch Offices (Branch offices within the same city as the main office have been omitted for clarity)

Map A

DIVISION OF YOUTH SERVICES
COURT SERVICES
ORGANIZATIONAL CHART *

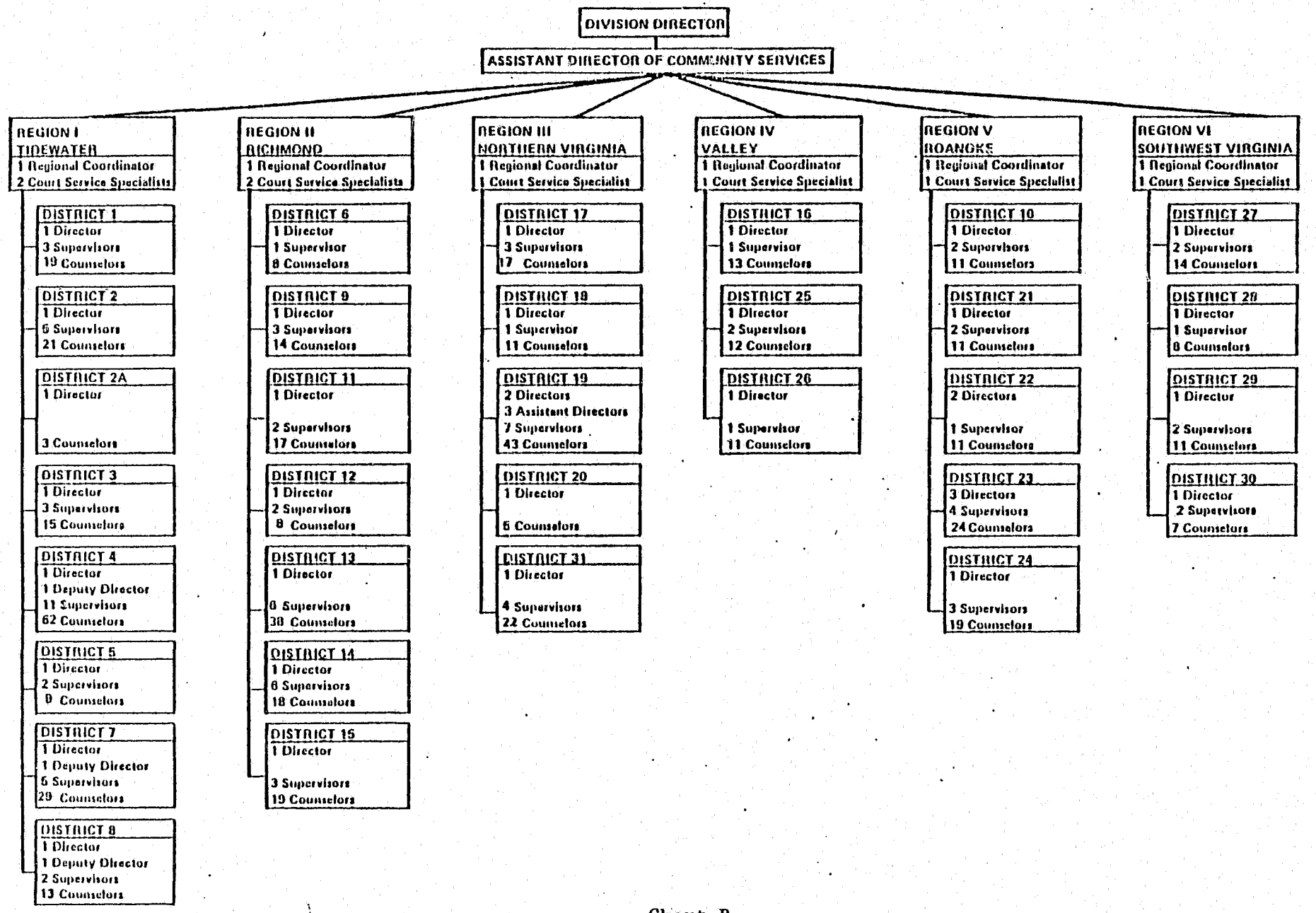


Chart B

* This chart represents the organizational structure prior to the reorganization of the Department of Corrections. Although the regional alignments, regional and central office positions have changed, the staffing patterns within the court service units remain the same.

District		9/77	10/77	11/77	12/77	1/78	2/78	3/78	4/78	5/78	6/78	7/78	8/78	9/78	10/78
16th	1**	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	
10th	1**		25.39	25.39	25.39	25.39	25.39	25.39	25.39	25.39	25.39	25.39	25.39	25.39	
2A	2*			124.25	108.28	102.92	140.16	185.74	154.64	164.14	125.39	117.69	230.26	115.92	178.40
21st	2*		40.79	35.42	43.63	45.77	40.51	43.87	56.80	29.90	45.48	52.55	54.95	76.18	
28th	2*	94.21	52.46		61.72			86.32						146.42	131.42
30th	2*		35.01	34.26		48.04	51.25	68.61	101.69			41.10	50.90	138.61	41.98
29th	2*		283.05	209.16	411.15	373.54	461.21	297.78	494.17	365.01	502.32	361.65	406.28	303.86	
11th	2*	92.44	55.80	88.95	86.38	99.19	114.23	124.37	68.04	96.40	77.35				
25th	2*		168.41	181.45	128.49	134.95	217.63	166.02	142.45	145.80	216.39	214.27	149.53	203.99	209.92
24th	1**		59.50	59.50	59.50	59.50	59.50	59.50	59.50	59.50	59.50	59.50	59.50	59.50	
26th	2*	142.46	206.61	209.14	109.03	114.93	119.44	156.73	141.63	143.22	102.82	179.41	240.46		
31st	*											615.27	489.55	464.10	467.31

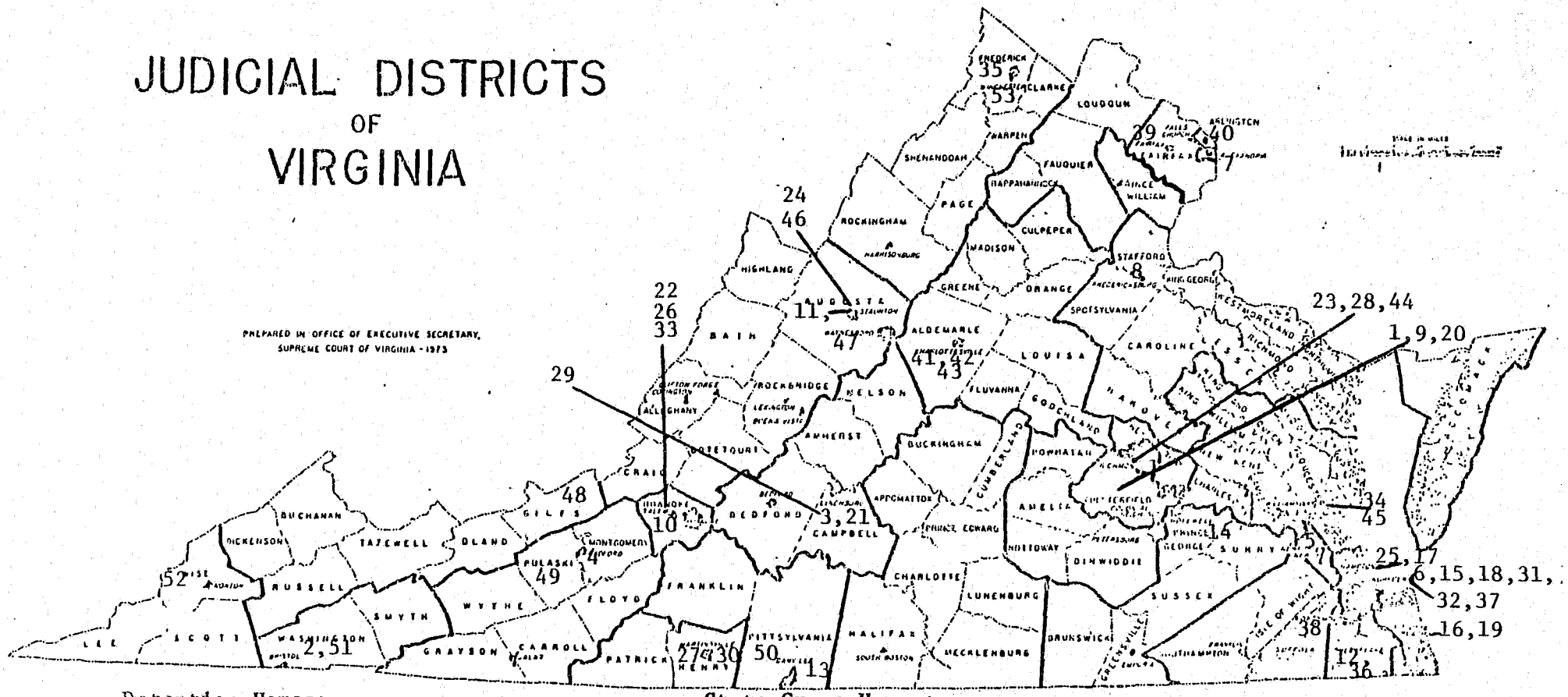
Footnotes

** 1. Average Cost.
* 2. Only main office -- does not include branches.

LONG DISTANCE TELEPHONE COSTS

Chart C

JUDICIAL DISTRICTS OF VIRGINIA



Detention Homes:

1. Chesterfield
2. Highlands
3. Lynchburg
4. New River Valley
5. Newport News
6. Norfolk
7. Northern Va.
8. Rappahannock
9. Richmond
10. Roanoke
11. Shenandoah
12. Tidewater
13. W. W. Moore Home
14. Crater

Less Secure Det. Homes:

15. Norfolk
16. Va. Beach
17. Hampton

Crisis Intervention:

18. Norfolk City Crisis
19. Va. Beach Crisis
20. Oasis House
21. Crossroads
22. Sanctuary

State Group Homes:

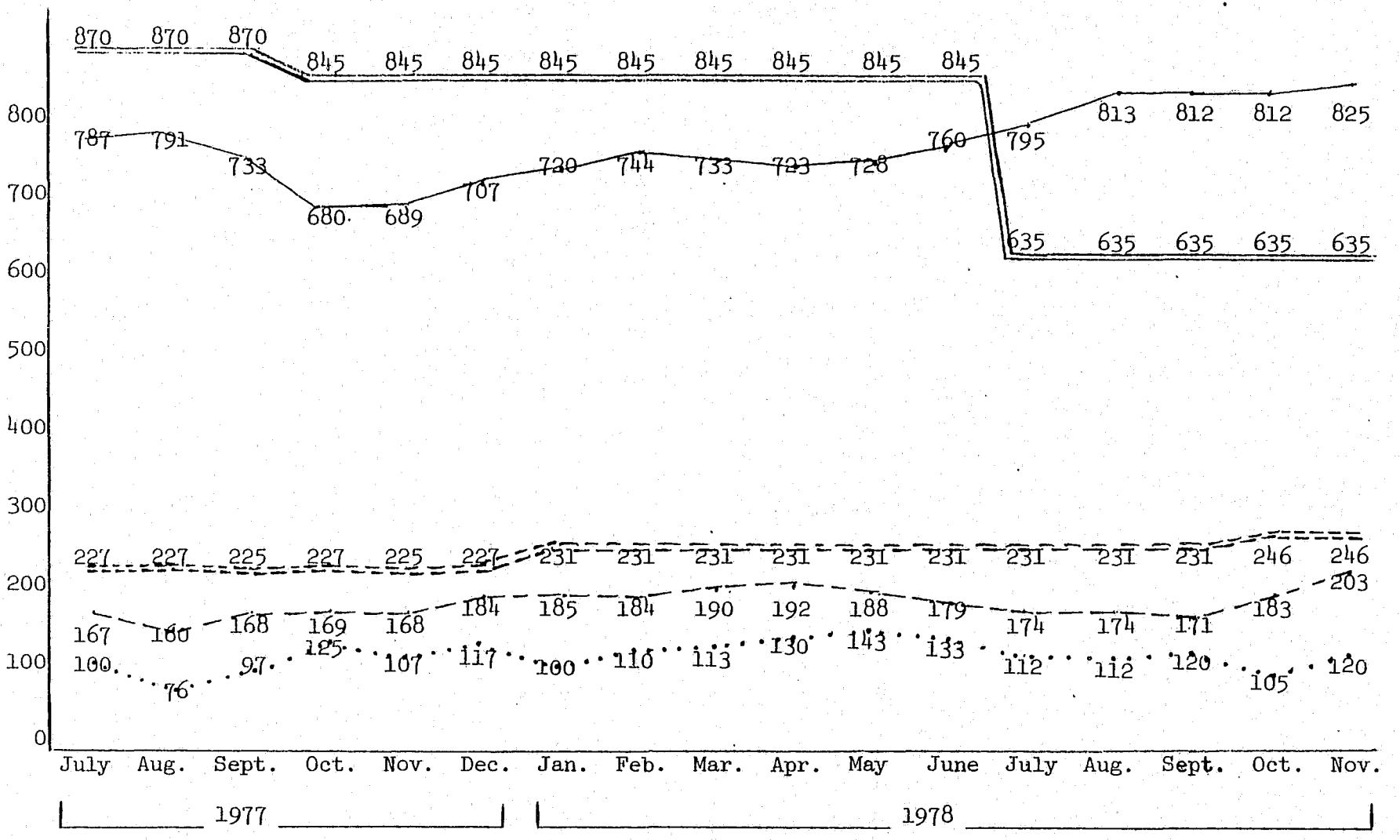
23. Exodus House
24. Abraxas House
25. Hampton Place
26. Discovery House

Local Group Homes:

27. Anchor House II
28. Stepping Stone
29. Opportunity House
30. Anchor House I
31. Stanhope
32. Regional Girls
33. Youth Haven
34. Crossroads
35. Braddock House
36. Chesapeake
37. Lakehouse
38. Portsmouth Boys
39. Fairfax Girls
40. Arlington-Argus
41. Comm. Attn. (M)
42. Comm. Attn. (F)

FOGHs:

43-53



YOUTH INSTITUTIONS AVERAGE DAILY POPULATION 6/77 - 11/78*

——— Learning Centers
···· Reception and Diagnostic Center
---- Community Youth Homes
═══ Budgeted Capacity Population in Learning Centers
==== Budgeted Capacity in Community Youth Homes

* These figures do not include populations in boarding homes, private institutions or state hospitals

SUMMARY OF HIGH SCHOOL DROPOUTS, GRADES 8-12**
1976-77 SCHOOL YEAR [1]

		Achievement Problems		Behavior Problems		Health Problems		Financial Problems		Total		School Membership Plus Dropouts
		Number	Percent*	Number	Percent*	Number	Percent*	Number	Percent*	Number	Percent*	
Grade 8	Males	1,003	1.1	617	.7	63	.1	110	.1	1,793	1.9	48,421
	Females	512	.5	249	.3	208	.2	80	.1	1,049	1.1	45,413
	Total	1,515	1.6	866	.9	271	.3	190	.2	2,842	3.0	93,834
Grade 9	Males	1,754	1.9	843	.9	104	.1	231	.2	2,932	3.1	47,592
	Females	1,024	1.1	391	.4	337	.4	129	.1	1,881	2.0	45,879
	Total	2,778	3.0	1,234	1.3	441	.5	360	.4	4,813	5.1	93,471
Grade 10	Males	2,054	2.3	675	.8	111	.1	402	.5	3,242	3.7	44,561
	Females	1,330	1.5	400	.5	434	.5	248	.3	2,412	2.7	43,813
	Total	3,384	3.8	1,075	1.2	545	.6	650	.7	5,654	6.4	88,374
Grade 11	Males	1,808	2.4	625	.8	98	.1	448	.6	2,979	3.9	38,338
	Females	1,092	1.4	312	.4	351	.5	295	.4	2,050	2.7	38,052
	Total	2,900	3.8	937	1.2	449	.6	743	1.0	5,029	6.6	76,390
Grade 12	Males	1,168	1.7	372	.5	59	.1	384	.5	1,983	2.8	34,391
	Females	698	1.0	217	.3	230	.3	250	.4	1,395	2.0	35,919
	Total	1,866	2.7	589	.8	289	.4	634	.9	3,378	4.8	70,310
STATE TOTALS	Males	7,787	1.8	3,132	.7	435	.1	1,575	.4	12,929	3.1	213,303
	Females	4,656	1.1	1,569	.4	1,560	.4	1,002	.2	8,787	2.1	209,076
	Total	12,443	2.9	4,701	1.1	1,995	.5	2,577	.6	21,716	5.1	422,379

*Percents are based on year-end membership plus dropouts.

**The figures reported in this table are taken from the Final Annual High School reports. Year-end membership plus dropouts derived from the membership reported on the Annual School Report totals 400,614 which represents a 5.1% dropout rate.

[1]Taken from Facing up 12 Statistical Data on Virginia's Public Schools Department of Education. December, 1977.

Chart E

SCHOOL - JUVENILE COURT REFERRAL FORM

NAME _____ DOB _____

ADDRESS _____

FATHER _____ PHONE _____

ADDRESS _____

MOTHER _____ PHONE _____

ADDRESS _____

REFERRING SCHOOL _____ GRADE _____

REFFERRAL DATE _____ REFERRING PERSON _____

SECTION I - Description of Problem:

A. Number of unexcused absences: This year _____

B. Number of classes cut _____

SECTION II - Review of the Problem:

This section should describe what information and material has been gathered and used in assessing the problem. Included might be information regarding history of the problem, academic performance, psychological and psychiatric examinations, and reading level scores, conferences held with parents, the student, teachers, counselors, visiting teachers, school nurses or others.

Some of the material requested may require parental consent for providing it to the court. If that consent cannot be obtained, that fact should be reported to the intake counselor. (Attach separate sheets as needed.)

A. Narrative overview of the reason for referral and summary of the problem: (Use additional sheets as necessary.)

_____

_____

_____

B. Please complete as appropriate:

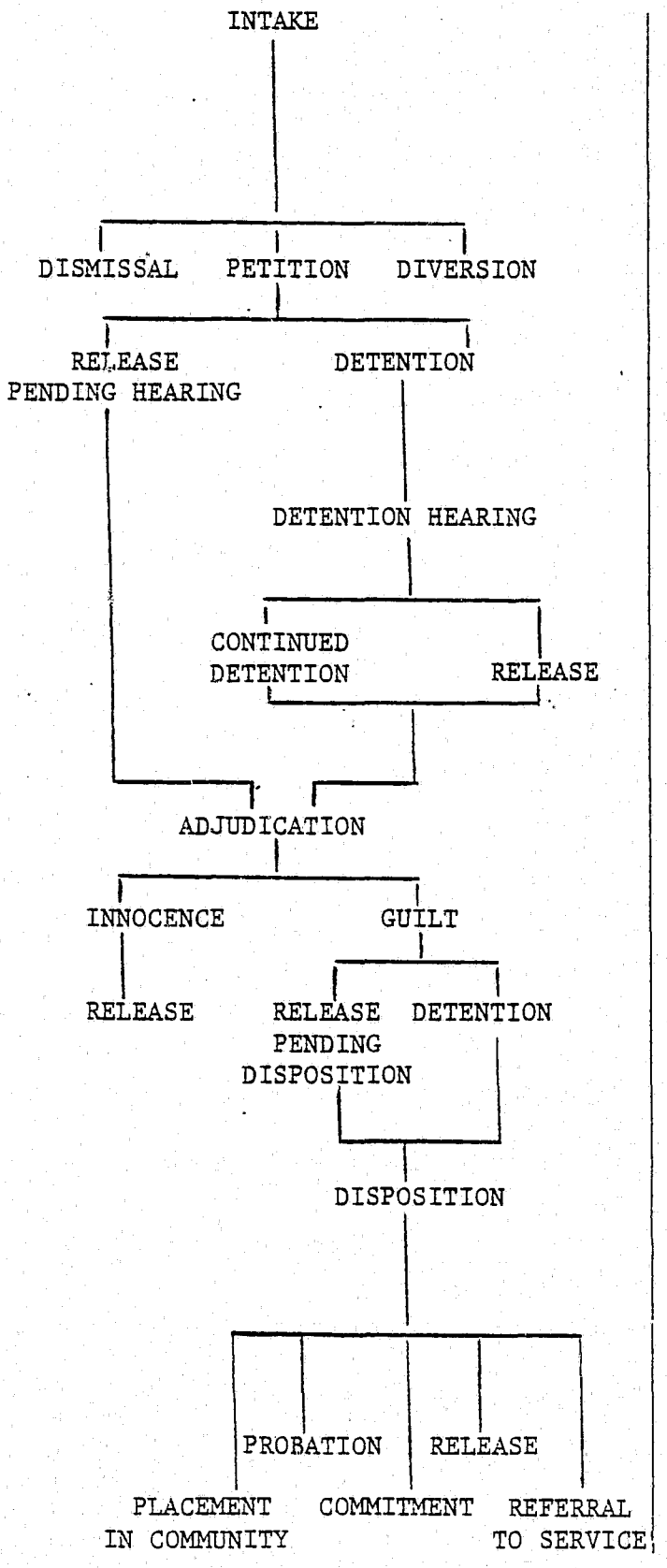
° Number of conferences with parents _____

° Number of conferences with students _____

° Number of conference with School Administrators _____

° Number of conferences with teacher(s) _____

VIRGINIA JUVENILE JUSTICE SYSTEM
FLOW CHART



At intake, the complaint can be dismissed if there is not sufficient evidence or if the intake officer feels such action is in the best interest of the child. The intake officer may also make an informal adjustment of the case, referring the child to services, or helping the parties reach a mutually agreeable solution.

If a petition is filed, the intake officer must decide whether the child can be released or should be detained.

If the child is detained, he/she must appear before the judge within 72 hours for a review of the detention decision.

The judge may rule to continue the detention or release the child until the adjudicatory hearing.

The judge hears the evidence in the case and determines the guilt or innocence or determines whether the child is in need of services from the court.

If a child is found guilty or in need of service, the judge may release him/her until the dispositional hearing or detain him/her.

The judge, with the cooperation of the P.O. and all available information, determines the best course of action to be taken with the particular child. Alternatives include release with advice or warning, referral to service within the C.S.U. or another agency, placement in a community residential program (public or private) or commitment to the D.O.C.

GLOSSARY

adjudication -- formal judicial determination or decision of guilt or innocence based on merits of the case presented.

certification -- formal review and assessment process to determine whether facilities and programs are in compliance with minimum standards set by the State Board of Corrections and to set goals for future growth.

CHINS -- Children in Need of Services; children who commit an act or engage in activity which is illegal only for minors (e.g. truancy, habitual disobedience, running away from home) and those who are dependent, neglected and abused.

commitment -- formal judicial process of placing youth within the care and custody of the State Board of Corrections for confinement and/or treatment.

C.S.U. -- Court Service Unit. The administrative unit of the Department of Corrections established by legislative action to provide probation and other services to youth in conjunction with the Juvenile and Domestic Relations District Court.

deinstitutionalization - process of removing as many youth as possible from central institutions and providing community based treatment in residential care programs, or otherwise, where necessary.

delinquent -- a child who has committed an act which would be a crime (felony or misdemeanor) under federal, state or local laws if committed by adults.

detention -- taking a juvenile into custody and placing him/her in a facility because the child presents a clear and substantial danger to him/herself or an unreasonable danger to the person or property of others; or because there is substantial risk that he/she will not appear for the court hearing.

disposition -- "sentence" given to, or treatment prescribed for a juvenile offender.

diversion -- end or suspension of formal judicial processing of an alleged offender and referral to an alternative program, decreed by an appropriate authority at any point prior to adjudication.

D.O.C. -- Department of Corrections.

emergency shelter care - community based private families providing short term residential care, supervision and emergency temporary counseling for youth who have run away, are experiencing a period of crisis or for whom no appropriate supervision is available. Such homes may be affiliated with a local jurisdiction(s) and a state agency on a contractual basis or in a voluntary status.

family group home -- a community based, private family dwelling contractually affiliated with a local jurisdiction(s) and the Department of Corrections serving up to four youth between the ages of 10 and 18 who are in pre-or post-dispositional status within the jurisdiction of a Juvenile and Domestic Relations Court.

guardian ad litem -- a guardian appointed by the court to represent the interests of a child in any suit to which he may be a party (e.g. a custody dispute or involuntary commitment to an institution of mental health or mental retardation.)

intake -- the process of accepting referrals, examining and evaluating individual circumstances of a case and making a decision on appropriate action. Decisions on detention, petitions and diversion as well as crisis counseling are among the duties of the intake officer.

juvenile court -- Juvenile and Domestic Relations District Court, J & D R court and court will be used synonymously for the purpose of this report.

learning center -- juvenile correctional institution for the care, custody and treatment of youth, committed to the State Board of Corrections for serious or repeated delinquent acts.

parens patriae -- concept from English Common Law that the state is the guardian of social interests and particularly of children in need of care and custody or other services.

petitions -- the formal processing of complaints and initiation of court proceedings against a juvenile containing the specific facts of the allegation(s) and reference to the applicable code sections designating the offense(s).

post-disposition -- that period of time after the court has made an official disposition and the youth is found to be within the purview of the Juvenile and Domestic Relations court law, until such time as he is discharged from such supervision.

pre-disposition -- that period from the time the child is taken into custody until the court makes a final disposition relative to the juvenile being within the purview of the Juvenile and Domestic Relations court law.

prevention -- measures which are intended to make it less likely that juveniles will engage in delinquent activity, usually by remedying situations or conditions believed to lead to delinquency.

probation -- formal or informal supervision of an alleged or adjudicated offender by a probation officer/ counselor.

72 hour detention hearing -- when a child has been taken into custody and detained the child must be brought before the judge on the next day on which the court sits or within a period not to exceed 72 hours. The judge, at this time determines the need for continued detention, advises the child of the right to counsel and informs him/her of the content of the petition.

transfer hearing -- court hearing for the purpose of deciding whether the Juvenile and Domestic Relations Court shall retain jurisdiction in the case or whether jurisdiction shall be transferred to the circuit court. Only cases involving juveniles ages 15 and above may be transferred to the circuit court.

treatment plan/ service plan -- A written plan based on an evaluation of the individual's needs and problems specifying the behavioral goals to be sought and action to be taken (including professional medical, psychological and educational services to be delivered) within a set time frame and with periodic re-evaluation.

youthful offenders -- adjudicated offenders between 18-25 years of age sentenced as adults and designated as "youthful offenders" by the classification system within the Department of Corrections, in order to provide special treatment in programs, choice of institution and/or parole processing.

VAJJIS -- Virginia Juvenile Justice Information System. A computerized information system designed to keep central records of all youth who enter the juvenile justice system and statistical data on the various programs and services offered by, or in conjunction with the juvenile justice system.

FOOTNOTES

[1]Frederick, P. Aucamp, Past President, Virginia Juvenile Judges Association, speaking to Virginia State Crime Commission on July 28, 1979.

[2]Alice E. Johnson and Patrick M. O'Hare, A Proposal--Cost Analysis Study--Third District Court Service Unit, Portsmouth, Virginia, February 28, 1978.

[3]Report from Court Services Specialist Subcommittee Studying Intake Services, March 9, 1978.

[4]Interview with John Curl, probation officer, District 2-A-Accomack, January 25, 1979.

[5]Interview with Curtis Hollins, former supervisor, Office of Community Residential Care, Division of Youth Services, February 17, 1978.

[6]Cost data from 1978 Annual Report of Department of Corrections (Total state operating expenditures excluding federal grant expenditures.)

[7]Interview with Kermit V. Rooke, retired juvenile court judge, Richmond.

[8]In 1946 the Virginia Supreme Court decided in the case of Jones vs. Commonwealth, 185 VA. 335-38 S.E.2d, 444 1946 that the court cannot make mandatory church attendance an order of probation.

[9]Adapted from Martin Gula, "Group Homes--New and Differentiated Tools in Child Welfare, Delinquency, and Mental Health". GROUP HOMES IN PERSPECTIVE (New York: Child Welfare League of America, Inc.), 3rd Printing, 1972.

[10]See map in Appendix for locations of Community Youth Homes.

[11]Interview with James Pattis, Director, Crossroads, Williamsburg, December 26, 1978.

[12]Department of Corrections, Standards and Guidelines for Family Group Homes, 1976, pages 2,5.

[13]Interview with Forest Koontz, May 10, 1978.

[14]Department of Corrections, Standards and Guidelines for Family Group Homes, page 5.

[15]Statement of Corrections Director, T. Don Hutto, June 30, 1978.

[16]Interview with Reed Wood, Director, Anchor I, Martinsville, Virginia, May 22, 1978.

[17]"Young Adults: A Transitional Group with Changing Labor Force Patterns." Monthly Labor Review, May, 1978.

[18]"Should Young People be Compelled by Law to Attend School After they Reach the Age of 15? No!" Unpublished paper by Sidney Morton.

[19]Virginia State Crime Commission, Report Phase I, CHILDREN AND YOUTH IN TROUBLE IN VIRGINIA, page 145.

END