

# ASSESSMENT OF DISPROPORTIONATE MINORITY CONTACT IN CHARLOTTESVILLE

FINAL

Prepared for:  
Commonwealth of Virginia  
Department of Criminal Justice Services

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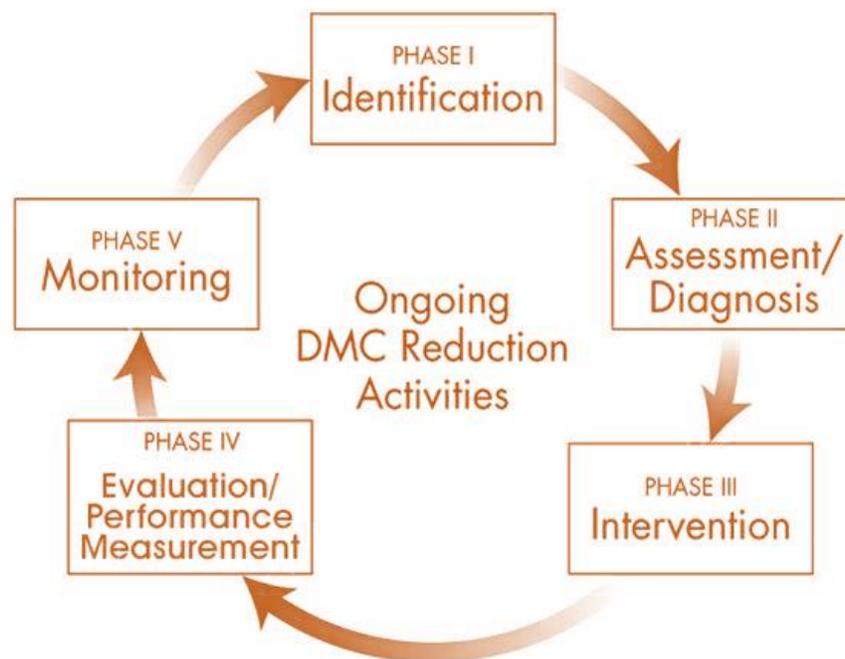
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## BACKGROUND

In response to the Juvenile Justice Delinquency and Prevention Act of 2002 requirement to address Disproportionate Minority Contact (DMC) in the juvenile justice system, the Virginia Department of Criminal Justice Services (DCJS) has taken active steps to address disproportionate representation of minority youth in the juvenile justice system. DCJS is the agency designated to receive Title II Formula Grants funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). As the recipient of such funding, DCJS is required to address disproportionate representation of minority youth in the juvenile justice system. OJJDP established the DMC Reduction Model for states to use to identify and explore the factors which contribute to disproportionality. The model is composed of five phases: Identification, Assessment, Intervention, Evaluation and Monitoring.



As outlined by the OJJDP DMC Reduction Model, the identification of disproportionality occurs in four steps: defining the contact points, identifying data sources, collecting data and calculating and interpreting Relative Rate Index (RRI) values. Virginia has determined that DMC does exist among its juvenile justice population. DCJS utilizes data from the Virginia Department of Juvenile Justice to measure DMC at seven of the nine contact points identified by OJJDP. Virginia does not utilize arrest data to measure DMC because the State does not believe this is an adequate measure of entry into the juvenile justice system. Therefore, DCJS begins its data collection and analysis at the referral to juvenile court contact point, which is more reflective of the point at which youth enter the juvenile justice system in Virginia. The local Court Service Unit (CSU) determines the next steps to be taken with the youth, including resolution without further involvement with the court, diversion, detention and petitioning the court.

In 2012, the Development Services Group, Inc. concluded an assessment of DMC in the Virginia juvenile justice system. The assessment focused on three localities, specifically Fairfax County, the City of Norfolk and the City of Richmond. Each jurisdiction had a history of concern and experience in tackling DMC issues although elevated RRIs persist. In 2014, after a competitive bid, a contract was awarded to Hornby Zeller Associates, Inc. (HZA) to continue the assessment of DMC in Virginia. The current assessment, which focuses on two localities, Loudoun County and the City of Charlottesville, also includes a statewide component.

For State Fiscal Years (FYs) 2010 to 2014,<sup>1</sup> HZA calculated statewide Relative Rate Index values for the seven contact points for which data are available using data from the Balanced Approach Data Gathering Environment (BADGE), the Virginia Department of Juvenile Justice’s case management system. Population counts by race and ethnicity of youth 10 to 17 years old<sup>2</sup> were used in the calculation of the RRIs at the referral to juvenile court contact point. The results indicate disproportionality exists for Black and Hispanic youth at all seven contact points and, to a lesser extent, at several contact points for Asian youth.

**Table 1. Statewide Relative Rate Indices of DMC from FY 2010-2014<sup>3</sup>**

Relative Rate Index Compared with :	White							
	White	Black	Hispanic or Latino	Asian	HOPI <sup>4</sup>	AIAN <sup>5</sup>	Other/Mixed	All Minorities
2. Juvenile Arrests	**	**	**	**	*	*	*	**
3. Refer to Juvenile Court	1.00	<b>2.69</b>	<b>1.07</b>	<b>0.22</b>	*	*	*	<b>1.94</b>
4. Cases Diverted	1.00	<b>0.83</b>	<b>0.92</b>	<b>1.35</b>	*	*	*	<b>0.88</b>
5. Cases Involving Secure Detention	1.00	<b>1.67</b>	<b>1.49</b>	1.02	*	*	*	<b>1.58</b>
6. Cases Petitioned	1.00	<b>1.04</b>	<b>1.07</b>	<b>0.92</b>	*	*	*	<b>1.03</b>
7. Cases Resulting in Delinquent Findings	1.00	<b>1.28</b>	<b>1.31</b>	<b>1.10</b>	*	*	*	<b>1.26</b>
8. Cases resulting in Probation Placement	1.00	<b>0.74</b>	<b>0.69</b>	0.93	*	*	*	<b>0.78</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	<b>1.62</b>	<b>0.74</b>	0.82	*	*	*	<b>1.49</b>
10. Cases Transferred to Adult Court	**	**	**	**	*	*	*	**

<sup>1</sup> The figures come from aggregating the data across all five years to account for any anomalies that might exist in individual years.

<sup>2</sup> Data were collected from [www.ojjdp.gov/ojstatbb/ezapop/](http://www.ojjdp.gov/ojstatbb/ezapop/).

<sup>3</sup> Red = statistically significant result; \* and \*\* indicate that there are not enough data to analyze DMC within that group.

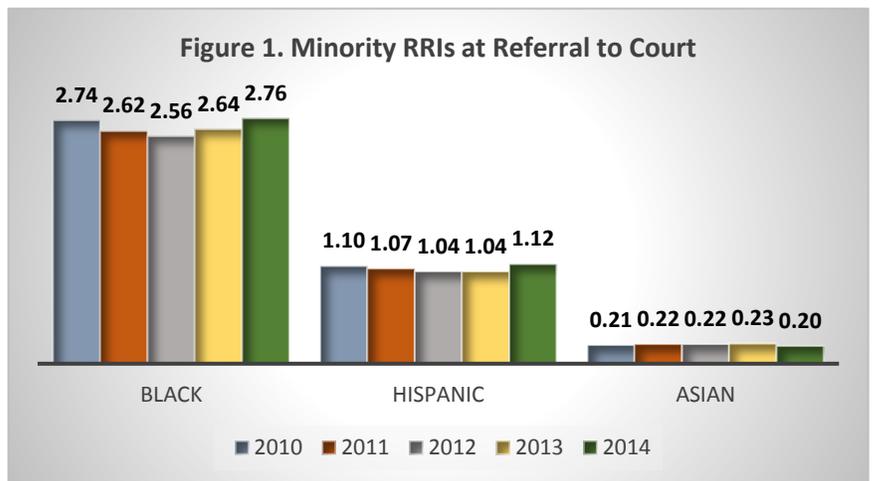
<sup>4</sup> HOPI refers to Native Hawaiian or Other Pacific Islander.

<sup>5</sup> AIAN refers to American Indian or Alaska Native.

Table 1. Statewide Relative Rate Indices of DMC from FY 2010-2014 <sup>3</sup>								
Relative Rate Index Compared with :	White							
	White	Black	Hispanic or Latino	Asian	HOPI <sup>4</sup>	AIAN <sup>5</sup>	Other/Mixed	All Minorities
Group meets 1% threshold?	Yes	Yes	Yes	Yes	No	No	No	Yes
<i>Data Sources:</i> Population data for 2010 to 2014 were collected from <a href="http://www.ojdp.gov/ojstatbb/ezapop/">www.ojdp.gov/ojstatbb/ezapop/</a> . Data for each contact point were identified using a data extract from BADGE, received January 8, 2015, of youth who incurred at least one intake during state fiscal years 2010 through 2014.								

DMC is most predominant at three contact points overall: referral to juvenile court, secure detention and confinement in a secure juvenile correctional facility. Overrepresentation of Black youth is most pronounced at referral to court, followed by secure detention and confinement in a secure juvenile correctional facility. The magnitude of the RRI values for Hispanics are more significant at secure detention, adjudication and probation. The highest degree of disproportionality among Asian youth is at diversion, which is not generally considered a concern at this contact point as it represents constructive efforts are being made to avoid further involvement of these youth in the juvenile justice system. Asian youth are underrepresented at the referral to court contact point.

Across the country it is not unusual to find that the highest rate of disproportionality exists at the point of entry into the juvenile justice system. According to OJJDP’s case processing summary for the entire nation for 2013, regardless of gender, the Relative Rate Index which is used to measure disproportionality was highest among Black youth at the referral contact point.<sup>6</sup> The RRI value of 2.69 for Virginia’s Black youth at referral is the highest among the Virginia contact points. For minority youth overall at the referral to court contact point the RRI was 1.94 for Virginia, compared to 1.87 nationally. Thus, DMC in Virginia is similar to that of the nation as a whole.



This report provides a summary of the quantitative and qualitative results of the assessments conducted in the City of Charlottesville.

<sup>6</sup> [http://www.ojdp.gov/ojstatbb/dmcdm/asp/display.asp?year=2013&offense=1&display\\_in=3&displaytype=rri](http://www.ojdp.gov/ojstatbb/dmcdm/asp/display.asp?year=2013&offense=1&display_in=3&displaytype=rri)



## **METHODOLOGY**

Hornby Zeller Associates, Inc. collaborated with the Virginia State DMC Coordinator and local coordinators in the City of Charlottesville throughout the assessment. A kickoff meeting was held in Richmond at the start of the project to review the methodology of the study, plans for site visits, areas of focus as well as RRI data. While the focus of the assessment was to identify factors which contribute to the overrepresentation of minority youth, in Charlottesville an earlier assessment had been completed by the University of Virginia. The current assessment was designed to focus on specific areas of interest.

Multiple data sources were used to assess disproportionality. Interviews were conducted with key stakeholders to gain a local perspective as to where DMC exists and the factors which contribute to it. Case management data, received from the Department of Juvenile Justice (DJJ), were used to identify the characteristics of youth known to the local juvenile justice systems and to examine DMC at various contact points along the juvenile justice continuum. The data sources and the analytic methods used to assess the data are described below.

### ***Interviews***

Interview protocols were developed for Charlottesville and for multiple stakeholders, including Court Service Unit personnel, probation officers and supervisors, mental health service providers, education representatives, law enforcement, public defenders and judges. The interviews were used to identify the roles of the various stakeholders in the juvenile justice system; understand the juvenile justice system in Virginia, especially as it relates to Charlottesville; and obtain the perspectives of the stakeholders as to the causes of DMC and the differences they observe between minority youth and their majority counterparts. Stakeholders were also asked to identify the services which are available to support youth and the challenges they face working with juveniles in their community. Open-ended questions were used to initiate discussion with the stakeholders to gather information about contact points where disproportionality was more pronounced. Qualitative data analysis was used to understand the nuances of the locality and identify common themes and differences among stakeholders.

### ***Case Management Data***

Quantitative data analyses of data from the Balanced Approach Data Gathering Environment, the DJJ case management information system, were conducted to identify the volume of youth involved at each contact point; their demographic characteristics, with a focus on race and ethnicity; and factors which might contribute to their involvement, such as risk assessment scores and prior history. Data, received on January 8, 2015, contained information for juveniles who had at least one intake between state fiscal years 2010 and 2014. Counts of youth aged 10 to 17 in the population were obtained from the Office of Juvenile Justice Delinquency and Prevention's Easy Access to Juvenile Populations website,

unless otherwise noted, to calculate statewide and locality specific Relative Rate Indices which are used to measure disproportionality of minority youth.

Service data were also received for youth known to the Virginia Juvenile Community Crime Control Act (VJCCCA) program. Data retrieved from the Community Programs Reporting system, also received on January 8, 2015, were used to examine services provided to youth between 2010 and 2014.

## DISPROPORTIONALITY IN THE CITY OF CHARLOTTESVILLE

### *Background*

The identification and exploration of disproportionate minority contact takes place in five phases: Identification, Assessment, Intervention, Evaluation and Monitoring. In Charlottesville, the first two phases have been completed by task forces with assistance from students and faculty at the University of Virginia. In a 2011 report presented to the Charlottesville City Council by the Charlottesville/Albemarle Commission on Children and Families Task Force on Disparity and Disproportionality,<sup>7</sup> the overrepresentation of youth, specifically Black youth, was found at nearly all contact points along the juvenile justice continuum. The results prompted the City Council to charge the Charlottesville Task Force on Racial Disparities and Disproportionality in the Juvenile Justice System to explore the reasons for DMC within the juvenile justice system. Research carried out by the Community Psychology Department at the University of Virginia in 2014 resulted in five recommendations from the Task Force to provide support and guidance for development of new programs in the community, along with the expansion and refinement of current programs aimed at reducing racial inequalities, and to continue the assessment of disproportionality. The five recommendations are as follows.

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

Later in 2014, DCJS contracted with Hornby Zeller Associates, Inc. to conduct an assessment of disproportionality on both a statewide and a local level, with the City of Charlottesville serving as one of the local points of focus. Because the earlier assessment had already been completed, the Charlottesville Task Force asked that a more in-depth exploration of the causes of DMC be conducted, specifically focusing on three contact points, namely referral to court, probation and secure detention. This section of the report presents the findings of that exploration.

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<sup>7</sup> In July 2009, the Charlottesville/Albemarle Commission on Children and Families convened a Task Force on Race Disparity and Disproportionality in Youth Services.

## *Demographic Description of Charlottesville<sup>8</sup>*

The City of Charlottesville, an independent city in Virginia, serves as the county seat for Albemarle County, which is a separate political jurisdiction. The total population of youth 10 to 17 years old in 2010 was 2,504. Of those, 39 percent were identified as Black and 49 percent were identified as White (non-Hispanic); an additional four percent were identified as Asian and five percent as Hispanic.

The median household income between 2009 and 2013 in Charlottesville was \$44,601, with a little more than 27 percent of the City's residents living below the poverty level. Data show that 31 percent of poor families with a female head of household and no husband present have children under the age of 18 living with them. Fifty-nine percent of the housing units in the City are renter-occupied.

Ninety-six percent of Charlottesville residents, age 25 or older, have at least a high school diploma, compared to 91 percent of Albemarle County residents and 88 percent of individuals overall in the Commonwealth. It also has a substantially higher rate of individuals with a bachelor's degree or higher (52.2 percent) compared to Virginia as a whole (35.2 percent). This is probably not all that surprising given that two of the top employers in the local area, i.e., the University of Virginia Medical Center and Martha Jefferson Hospital, will require most of their employees to have college degrees. The Charlottesville City Public School system is comprised of six elementary schools, an upper elementary school, a middle school and a high school.

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<sup>8</sup> Demographic data were retrieved from <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF> on 7/21/2015.

## Disproportionality in Charlottesville

Findings from the 2011 Task Force report showed that disproportionality was evident at nearly every decision point in the system, from the point of referral to court through to probation placement. Follow up findings in the assessment completed by the University of Virginia Community Psychology Department in 2014<sup>9</sup> concluded that Black youth continue to enter the system in disproportionate numbers to White youth and have a greater likelihood of incurring probation violations. Data for 2010 to 2014<sup>10</sup> show that disproportionality is evident at all six of the contact points in Charlottesville for which there exist sufficient numbers for calculation, with the greatest disproportionality continuing to exist at the referral to court contact point, especially for Black youth. While similar to Virginia as a whole in that the referral contact point represents the point at which DMC is most pronounced and that it affects Black youth more than others, the magnitude (4.56) of disproportionality for Black youth in Charlottesville is substantially higher than that of the Commonwealth as a whole (2.92).

Table 2: Charlottesville Relative Rate Indices of DMC from FY 2010 - 2014

Relative Rate Index Compared with:	White							
	White	Black	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islander	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	**	**	**	**	*	*	**	**
3. Refer to Juvenile Court	1.00	4.56	1.89	**	*	*	2.18	3.72
4. Cases Diverted	1.00	0.60	0.64	**	*	*	1.05	0.63
5. Cases Involving Secure Detention	1.00	1.32	1.32	**	*	*	**	1.25
6. Cases Petitioned	1.00	1.18	1.15	**	*	*	0.88	1.16
7. Cases Resulting in Delinquent Findings	1.00	1.21	1.52	**	*	*	0.60	1.20
8. Cases Resulting in Probation Placement	1.00	0.76	0.72	**	*	*	**	0.77
9. Cases Resulting in Confinement in Secure Detention	**	**	**	**	*	*	**	**
10. Cases Transferred to Adult Court	**	**	**	**	*	*	**	**
Group meets 1% threshold?	Yes	Yes	Yes	Yes	No	No	Yes	

Data Sources:  
Population data were collected from [www.ojdp.gov/ojstatbb/ezapop/](http://www.ojdp.gov/ojstatbb/ezapop/).

<sup>9</sup> Information retrieved from University of Virginia Community Psychology Department. (2014). *Charlottesville Task Force Report on Disproportionate Minority Contact in the Juvenile Justice System*. Virginia: Warner, T., Walker, T., & Reppucci, N.

<sup>10</sup> For comparative purposes to a concurrent assessment of DMC study in Loudoun County, the most recent five years of youth involvement in the juvenile justice system were selected for the study period.

**Table 2: Charlottesville Relative Rate Indices of DMC from FY 2010 - 2014**

Data for each contact point were identified using a data extract from BADGE, received January 8, 2015, of youth who incurred at least one intake between state fiscal years 2010 and 2014.

Determining why disproportionality occurs at any specific point requires both quantitative and qualitative data. The discussion in the following pages draws from data from the Virginia Department of Juvenile Justice (DJJ) case management system, followed by interviews with stakeholders and results of the previous assessment conducted by the University of Virginia Community Psychology Department. The interviews were conducted with Court Service Unit intake personnel, probation officers, a probation supervisor, a public defender and two judges. Stakeholders were asked to respond to a series of open-ended questions, discussing the processes involved at each contact point, the policies or guidance they use in decision-making and the types of youth involved in the system.

## **Quantitative Findings**

The City of Charlottesville requested that this current assessment of DMC focus on three contact points: referral to court, secure detention and probation. More specifically, the Charlottesville Task Force on Racial Disparities and Disproportionality asked that the assessment focus on several issues:

- 1) school based referrals,
- 2) probation violations,
- 3) detention overrides,
- 4) the co-defendant rule and
- 5) the influence of family/household members' criminal records in risk-assessment decisions.

Data received from the Virginia Department of Juvenile Justice case management system, BADGE, were used to assess DMC quantitatively. Data from the Department's Virginia Juvenile Community Crime Control Act program, which tracks some of the services youth receive, were also used in the assessment of the City.<sup>11</sup>

The focus on school based referrals follows up on the recommendation from the previous report for "continued monitoring of school-based referrals for intake and distinguishing truancy/status offense referrals v. criminal offense referrals," while an examination of the co-defendant rule is consistent with the recommendation from the Task Force to examine policies which might be contributing to DMC. No data were available with which to explore the influence of family/household members' criminal records.

These topics will be discussed within the context of the three contact points the Task Force asked to be explored. School based referrals and probation violations both relate to court referrals. The co-defendant rule is most likely to have an impact, albeit indirect, on probation, while detention decision overrides relate to the detention decision.

### **Referrals to Court<sup>12</sup>**

The local Court Service Unit serves the Sixteenth Judicial District which includes not just the City of Charlottesville, but also the counties of Albemarle, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison and Orange. The CSU determines the next steps to be taken with youth when they are first charged with committing an offense, including diversion, petitioning the court and issuance of a detention order. An officer of the CSU explains to the youth why he or she has been brought in. Some cases may be resolved without further court involvement. A number of the youth who are referred to diversion will have acknowledged probable cause exists of their involvement with the alleged offense and have a diversion plan developed. When the youth completes diversion, the case is closed. If the youth denies

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<sup>11</sup> Data extracts from BADGE and the VJCCA program were received January 8, 2015 containing data for youth who had incurred at least one intake between state fiscal years 2010 and 2014.

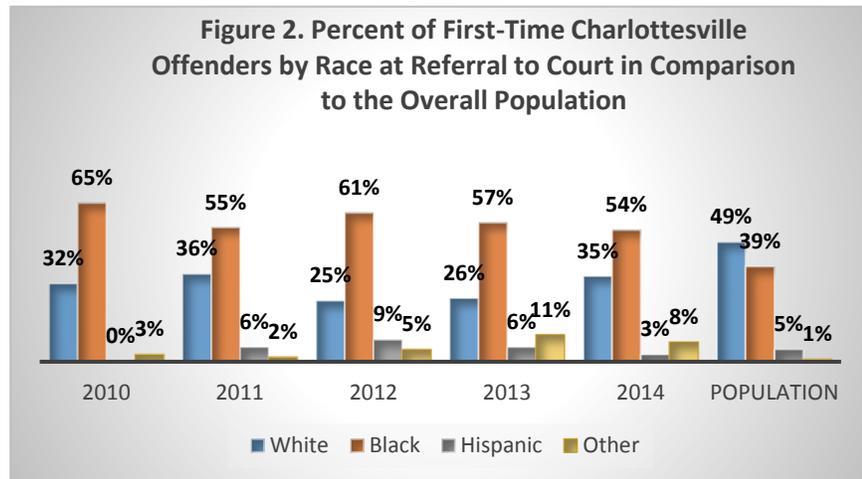
<sup>12</sup> The data in this section of the report is based on a data extract of DJJ's case information system, BADGE, dated January 8, 2015 containing information on youth entering the system from state fiscal year 2010 to 2014.

the charges, on the other hand, a petition may be filed and he or she will be given a date on which to appear before the court by the court clerk.

The decisions made regarding a youth at his or her first referral to the Court Service Unit are made based on the youth’s characteristics and the circumstances of the alleged offense. At subsequent referrals, the youth’s history also plays a role. If minority youth return to the system at a higher rate than White youth, disproportionality may be influenced by decisions made when they were previously involved, i.e., the decisions may be based at least in part on history. For this reason, the initial focus of this report is on first offenders.

Between 2010 and 2014, 392 offenders, ages 10 to 17, were brought into the juvenile justice system on a first offense, i.e., no prior involvement in the system was identified for these youth. Of those youth, 30 percent were White and 58 percent were Black. Hispanic youth represented approximately five percent of the youth who met with an intake officer while other races, including Asian, American Indian and youth of mixed race, made up the remaining six percent.

When the proportion of the youth by race or ethnicity are compared to the racial and ethnic composition of the overall population of Charlottesville’s youth, it becomes apparent Black youth are substantially overrepresented at the referral to court contact point. Figure 2 suggests



that the extent to which Black youth are overrepresented has declined. The assessment of DMC for the City of Charlottesville focuses on Black youth, drawing comparisons to their White counterparts. It is with the Black population that Charlottesville can make the largest impact, at least to start, in reducing the overrepresentation of minorities in the juvenile justice system.

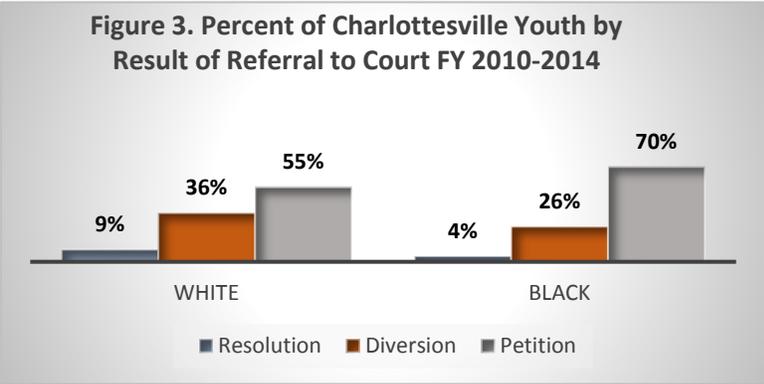
Looking at available data from DJJ’s case management system on the charges alleged at initial referral to court, the most serious category of charge for a plurality of both White and Black youth is a “Status Offense,” representing almost half of each group (see Table 3). Another third of each group shows “Class 1 Misdemeanor” as the most serious offense category, although those committed by Black youth are more likely to be “Class 1 Misdemeanors Against Persons.”

	White	Black
Felonies Against Persons	6.6%	8.7%
Felony Weapons and Felony Narcotics Distribution	0.9%	0.5%
Other Felonies	3.8%	5.0%
Class 1 Misdemeanors Against Persons	7.5%	18.8%
Other Class 1 Misdemeanors	26.4%	15.6%
Other Violations	11.3%	3.7%
Status Offenses	43.4%	47.7%

Looking at more specific charges for first offenders, after removing youth with a status offense, and examining only those offenses which at least ten percent of the White or the Black youth were charged with committing between 2010 and 2014, assault was the most common offense for Black youth, followed by larceny (see Table 4). Larceny, however, was the most common offense for White youth, followed by assault and then burglary. The percentage of youth with an offense of contempt of court, which was likely incurred by not appearing in court for a status offense charge, was higher among Black youth than Whites.

Offense	White	Black
Assault	17.1%	26.0%
Burglary	14.6%	0.9%
Contempt of Court	6.0%	13.6%
Larceny	23.1%	18.1%

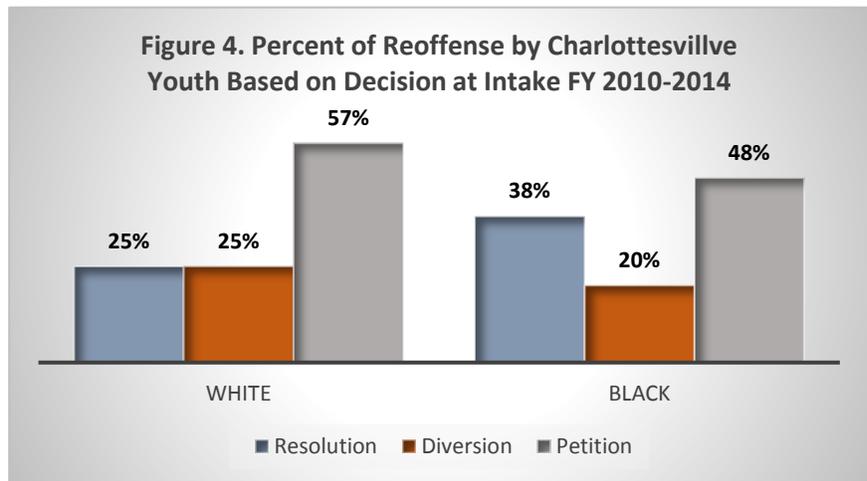
At intake, a decision is made either to resolve the youth’s cases without additional court involvement, place the youth in a formal diversion program or petition the court, moving the



youth deeper into the juvenile justice continuum. Continuing to focus on youth with a category of offense more serious than a status offense, a petition is filed for a significant percentage of Charlottesville’s first time offenders, both Black and White, although the percentage is significantly greater for Black youth ( $p = 0.003$ ). The percentage of Black youth who

are formally diverted from further court involvement is significantly lower than that of White youth ( $p = 0.030$ ). The youth’s case is more likely to be resolved without further involvement with the court if the youth is White ( $p = 0.036$ ).

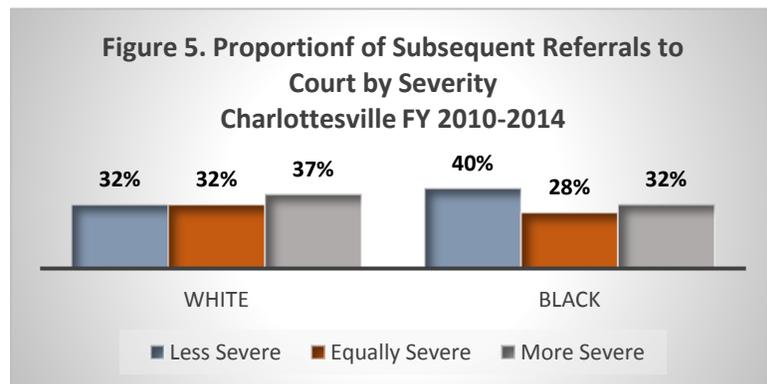
Looking at the outcome of the decisions reflected in Figure 4, some interesting contrasts emerge. A quarter of the White youth whose cases are resolved or diverted reoffend. Black youth are less likely to reoffend when they were first diverted. White youth have a greater chance of reoffending than Black youth when they are petitioned before the court.



Looking just at youth who entered the juvenile justice system for the first time between fiscal years 2010 to 2013, regardless of the outcome of their first intake, 42 percent of Charlottesville’s White youth and 40 percent of the City’s Black youth incurred at least one subsequent referral to court within 12 months of their initial intake.<sup>13</sup>

	White	Black
None	58%	60%
One	23%	16%
Two	6%	13%
Three	7%	5%
Four	3%	3%
Five or more	3%	4%
Total	100%	100%

Examining only the first subsequent referral to court, there are only small differences overall between the races in the likelihood of a youth returning for a more or less serious offense. When severity of the initial offense is considered, however, some patterns emerge, although the results are not statistically significant. In Charlottesville, only 12 youth who had initially committed a felony reoffended, a number that is really too small to draw any conclusions. But for youth who reoffended after initially committing a class 1 misdemeanor category of offense, 49 percent of Black youth and 64 percent of



<sup>13</sup> This finding is not statistically significant.

White youth were charged with a less severe category offense at their second intake, while 21 percent of Black youth and 18 percent of White youth were charged with a more severe offense category.

While the percentage of Black youth whose second category of offense was less severe is higher than that of White youth, a different result emerges when youth whose initial offense category was a status offense or other violation is examined. Two-thirds of the Black youth and a little more than half of the White youth who reoffended after first being charged with a category of status offense were charged with a more severe offense category at their second intake.

### Probation<sup>14</sup>

After a youth’s trial, he or she may be placed on probation; this generally results when the court’s decision was adjudication, though probation also occurs after “judgment withheld” rulings and occasionally after a *nolle prosequi*. In some cases the youth may be released without condition or, if the youth was adjudicated, secure confinement is a third alternative. Overall, the vast majority of youth are assigned to probation. The RRI at probation for Black youth is 0.76 which results in White youth being about 1.3 times as likely to receive probation as are Black youth.

When youth enter probation, officers use the Youth Assessment and Screening Instrument (YASI) to evaluate risk, the service needs of the youth and the protective capacities of those available to support them to determine the extent to which the youth pose a risk to recidivate. The YASI results in a risk score of “low,” “medium” or “high,” and the largest proportion of youth for whom the YASI was completed between 2010 and 2014 scored in the medium range, regardless of race.<sup>15</sup> However, a larger proportion of White youth than of Black youth were found to have higher risk levels.

YASI Risk Level	White			Black		
	Probationers	No. of Violations	Violation Rate	Probationers	No. of Violations	Violation Rate
Low	8	1	13%	33	8	24%
Medium	19	7	37%	91	60	66%
High	14	8	57%	40	39	98%
No YASI	19	3	16%	52	53	102%
Total	60	19	32%	216	160	74%

<sup>14</sup> The data in this section of the report is based on a data extract of DJJ’s case information system, BADGE, dated January 8, 2015 containing information on youth entering the system from state fiscal year 2010 to 2014. The analysis excludes youth with a status offense charge category.

<sup>15</sup> The YASI was completed for 70 percent of the youth on probation between 2010 and 2014. Use of the YASI has increased over that time span. In 2010, no more than 42 percent of the youth on probation had a YASI completed compared to 91 percent in 2014.

While the available data are not sufficient to provide a definitive answer as to why Black youth are less likely to be sentenced to probation and more likely to have lower risk scores when they are placed on probation, there are at least two potential hypotheses worth exploring. The first relates to policy. Charlottesville has a rule, referred to as the co-defendant rule, which requires that all youth who are jointly involved in a criminal event go to court, i.e., they cannot be diverted without first going to court, when at least one youth previously known to the system is not eligible for diversion. While the rule itself is race-blind, its impact may not be race-neutral.

The possible impact of the rule was examined using the DJJ data, by identifying Charlottesville youth with a common offense date and offense category, taking into account criteria which are likely to disqualify them to be eligible for diversion.<sup>16</sup> The co-defendant rule forces all involved youth into at least a first court hearing, and while the judge may send eligible youth back to be diverted from the system, the initial opportunity for diversion has already been lost. Using the criteria above to identify co-defendant youth, Black youth were nearly eight times more likely to have been co-defendants than were White youth. If the identification here of co-defendants is accurate and if the CSU is following its own policy, Black youth are more likely to lose the first diversion opportunity and therefore more likely to face trial and ultimately to be sentenced either to probation or to secure confinement. Precisely because of their lower risk scores, those who do receive a probationary sentence might perhaps have been diverted from the system initially if it were not for the co-defendant rule.

The second hypothesis involves YASI risk scores. When YASI risk levels are correlated with probation violations, Black youth are found to have higher rates of violation at every assessment level. There are really only two possible explanations for this. Either the tool is being used differently with White and Black youth or it is not as valid for Black youth as it is for White youth.

Of the 229 Charlottesville youth who were on probation between 2010 and 2014, 95 youth were brought back to court at least once for a violation of their probation. When the racial characteristics are compared, Black youth were found to be three times more likely to be charged with violating the terms of their probation than were White youth. This is confirmed when one recalculates the court referral RRI for Black youth while excluding probation violations. The RRI drops from its original 4.56 to 3.95. Thus, probation violations contribute to disproportionality at the court referral point.

Table 7. Percentage of Charlottesville Probation Violators by Race and YASI Score FY 2010-2014		
	White	Black
Low	14.3%	21.4%
Medium	25.0%	46.7%
High	40.0%	62.5%

<sup>16</sup> Youth who had previously failed diversion, had a previous CHINSup or non-violent felony charge, or had a narcotics charge were identified as not eligible for diversion.

The types of probation violations provide some confirmation of the types of offenses youth commit which result in violation.<sup>17</sup> Twenty-five percent of the violations for White youth and 37 percent for Black youth involved a school-related issue (school issue, absence or truancy). It is possible that schools play an even larger role than what is evidenced here, however, because officers include some types of school-related issues, e.g., suspension, in the non-compliant violation category.

	<b>White</b>	<b>Black</b>
School issue	5.0%	20.7%
Absence	5.0%	7.1%
Truancy	15.0%	8.9%
Curfew	0.0%	8.3%
Home	0.0%	3.6%
AWOL	45.0%	29.0%
Test positive	15.0%	9.5%
Non-compliant	45.0%	47.9%
Drug	0.0%	5.3%

In discussions with the Charlottesville Task Force, a concern was raised as to the possibility that there were differences among probation officers in handling probation violators. The data available for this project does not include probation officer assignments and therefore cannot show the racial composition of each officer’s caseload, but they do include the officer who wrote each probation violation. There were 26 officers who worked with Charlottesville probationers between 2010 and 2014. As reported by the Charlottesville CSU, 14 probation officers regularly served in Charlottesville during this time, one of whom was on a six-month temporary assignment. Six probation officers were responsible for writing 70 percent of the probation violations.

There is some difficulty in interpreting this information. As suggested above, the data provided for the analysis does not show that the officer who wrote the violation was also the officer responsible for the youth’s supervision. One would assume that to be the case for the vast majority of instances, but even the normal covering of each other’s caseloads during vacations or on-call hours will lead to some instances in which an officer who is not the one normally responsible for the youth’s supervision has to decide whether to write a violation.

When one compares the race and YASI scores of the Charlottesville youth these officers wrote up for probation violations with those written up by the remaining 20 officers, the six officers were slightly more likely to write violations for Black youth (84 percent Black youth compared to 74 percent Black youth for the remaining officers, yielding an RRI of 1.13). However, the most notable difference is in the YASI scores of the probation violators. Youth with a YASI risk level of high were roughly just as likely (RRI = 0.96) to be written up for a probation violation by the six officers as by the rest of the officers, but youth at medium risk

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<sup>17</sup> Supplemental data received for probation violations was used to inform this discussion.

were 3.56 times as likely to be referred for a probation violation by one of the six as by the others. For Black youth with a medium YASI risk level, that RRI climbs to 4.49.

### Secure Detention<sup>18</sup>

Policy calls for CSU officers to complete a Detention Assessment Instrument (DAI) when making a decision to place a youth in secure detention. It should be noted that a DAI is not completed in cases involving a status offense or violation of a court order. Detention decisions in these cases are made by the judge and not the probation or intake officers.

Black youth are 1.8 times more likely to enter secure detention than are White youth. Technically, when a youth obtains a score between 0 and 9 on the DAI, he or she is considered low risk and release is recommended. Youth whose scores fall between 10 and 14 are considered moderate risk and a detention alternative is often recommended. When the scores are 15 or higher, youth are considered to be at high risk of posing a threat to the safety of the community or themselves or likely to fail to appear in court and are generally placed into secure detention. However, the CSU Director can file a discretionary override. Between 2010 and 2014, a DAI was completed for 68 percent of the occurrences involving a decision to detain a youth from the City; statewide that percentage is closer to 81 percent.

In addition to making detention decisions without completing the DAI at all, Charlottesville uses overrides of the DAI results extensively. Overall, either a mandatory or a discretionary override is used in 86 percent of cases involving Black youth and 88 percent of cases involving White youth. Mandatory overrides were applied eight times for White youth, five times due to the youth's status as an escapee, once for a firearm, and the remaining two times due to policy. The use of mandatory overrides in cases involving Black youth is very different; of the 42 mandatory overrides, one involved a firearm, and ten involved escapees, while the remaining 31 instances were policy overrides. Discretionary overrides due to aggravating causes are applied at similar rates for Black (40 percent) and White (38 percent) youth. The use of the discretionary overrides is interesting to note here because the 2014 Charlottesville DMC Report noted that the use of discretionary overrides "does not have universal approval. Some interviewees felt that such discretion was necessary and beneficial to address the needs of the individual. Others felt that the discretion permitted those with more power to be overly punitive." The statewide use of overrides is similar to that in Charlottesville.

Table 9 shows that within the City itself, the CSU and across the Commonwealth, once youth reach the point where the DAI is to be completed, they are likely to be placed in secure detention, regardless of the score or race. While the City and CSU make use of graduated sanctions prior to considering detention, the DAI is not used. However, at the point the DAI is completed, it appears youth have exhausted many of the less severe alternatives to avoid placement. Just one White youth (seven percent) and three Black youth (also seven percent) from the City of Charlottesville were released when the DAI score was in the low range

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<sup>18</sup> The data in this section of the report is based on a data extract of DJJ's case information system, BADGE, dated January 8, 2015 containing information on youth entering the system from state fiscal year 2010 to 2014.

while only one Black youth (one percent) from the City was sent to alternative detention (community-based, residential facilities) when the DAI score was in the medium range. In the remainder of the CSU, the outcomes were very similar to the City's. Statewide the results are quite different, with both White and Black youth being somewhat more likely to be released than in Charlottesville, and consequently less likely to be detained when DAI scores were below 15. In addition, across the state Black youth with scores below 15 are more likely to be released than are White youth with similar scores.

	Secure Detention		Alternative		Release	
	White	Black	White	Black	White	Black
<b>Charlottesville</b>						
DAI Score 0 - 9	93.3%	93.2%	0.0%	0.0%	6.7%	6.8%
DAI Score 10 - 14	100.0%	98.7%	0.0%	1.3%	0.0%	0.0%
DAI Score 15+	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
<b>Balance of CSU</b>						
DAI Score 0 - 9	97.6%	96.8%	0.0%	0.0%	2.44%	3.17%
DAI Score 10 - 14	99.3%	97.4%	0.7%	1.3%	0.0%	1.3%
DAI Score 15+	99.6%	100.0%	0.0%	0.0%	0.4%	0.0%
<b>Statewide</b>						
DAI Score 0 - 9	64.0%	56.6%	3.5%	2.9%	32.5%	40.5%
DAI Score 10 - 14	80.9%	74.7%	12.2%	16.2%	6.9%	9.14%
DAI Score 15+	96.2%	96.7%	0.7%	0.7%	3.2%	2.3%

At the point youth are petitioned to court, White youth are more likely than Black youth to be placed in secure detention for category of offenses involving felonies and class 1 misdemeanors against persons, but much less likely when the category of charge is "Other Class 1 Misdemeanors." The detention rates for youth with a charge category involving technical violations (contempt of court/failure to appear and violations of probation/parole) are made by judges, and are similar for both races.

	White	Black
Felonies Against Persons	83%	67%
Felony Weapons and Felony Narcotics Distribution	100%	60%
Other Felonies	46%	30%
Class 1 Misdemeanors Against Persons	14%	11%
Other Class 1 Misdemeanors	2%	16%
Contempt of Court/Failure to Appear	28%	29%
Violations of Probation/Parole	58%	54%

Table 10 shows that over half of both White and Black youth are placed in secure detention when they violate the terms of their probation or parole supervision.

Table 11 shows the average length of stay which portrays a different picture. Black youth are more likely to incur a longer stay in detention than White youth, with the exception of White youth with a charge category of "Other Felonies."

**Table 11. Average Number of Days Charlottesville Youth are Detained Based on the Most Severe Charge Category FY 2010-2014**

	<b>White</b>	<b>Black</b>
Felonies Against Persons	49	70
Felony Weapons and Felony Narcotics Distribution	52	83
Other Felonies	25	17
Class 1 Misdemeanors Against Persons	7	32
Other Class 1 Misdemeanors	1	19
Contempt of Court/Failure to Appear	15	36
Violations of Probation/Parole	18	36

## Qualitative Findings<sup>19</sup>

As stated earlier, determining why disproportionality occurs at any specific contact point requires both quantitative and qualitative data. The discussion in this section is based on information gathered from interviews with stakeholders, a review of relevant policies and a review of the University of Virginia's 2014 report. The interviews were conducted with Court Service Unit intake personnel, probation officers, a probation supervisor, a public defender and two judges. While all stakeholders who were interviewed work in Charlottesville, two of the probation officers are primarily assigned to work with youth outside of the City. Stakeholders were asked to respond to a series of open-ended questions, discussing the processes involved at each contact point, the policies or guidance they use in decision-making and the types of youth involved in the system.

While disproportionate minority contact is clearly present in the juvenile justice system within Charlottesville, the available data do not point unequivocally to any single cause that can explain a significant proportion of it or whose eradication would measurably reduce it. In general, the quantitative data show that disproportionality exists and the qualitative data suggest that decisions are made in race-neutral ways. However, the information presented here from the stakeholder interviews does suggest a number of issues which should be addressed. One issue has to do with the perception of schools' policies regarding CSU referrals. There also appears to be another issue which is somewhat more subtle, but is probably responsible for the lack of clarity of some of the issues. That has to do with the way in which the CSU and probation handle documentation.

### Referrals to Court

While the quantitative data available for this examination contained no information about the sources of the referrals to the CSU, those interviewed reported that the two most frequent sources are police officers and schools. This perception conflicts with information reported in the 2014 Task Force Report, which showed that the most frequent referrals for criminal offenses come from police officers, probation officers, relatives and schools, in that order.<sup>20</sup> On the other hand, since, as was noted above, the largest number of referrals to court are for status offenses, rather than for criminal charges, the stakeholders' perceptions are probably accurate.

Stakeholders varied in their views of the extent to which schools tend to use the court system to handle their disciplinary problems. Some thought that it depended on whether the school viewed the School Resource Officers (SRO) as the school's policeman or as someone to handle situations within the context of the school itself. However, there appeared to be absolute unanimity in the belief that the schools' methods for dealing with behavior problems are race neutral, at least in so far as the CSU and probation officers can see.

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<sup>19</sup> Information received from interviews conducted with key stakeholders in Charlottesville serve as the data source for the Qualitative discussion.

<sup>20</sup> University of Virginia Community Psychology Department. (2014). *Charlottesville Task Force Report on Disproportionate Minority Contact in the Juvenile Justice System*. Virginia: Warner, T., Walker, T., & Reppucci, N., p. 48.

Qualitative findings, as presented in the University of Virginia's report on disproportionality in Charlottesville, noted several other factors which may be having an impact. For example, 63 percent of the stakeholders, interviewed as part of the University's study, indicated they often see youth from low-income households entering and moving through the system. Census data from 2010 show that 28 percent of individuals in Charlottesville are in poverty, compared to 15 percent nationwide. Family situations, such as lack of supervision and guidance from authoritative figures as well as single-parent households where heads of households often have to work two jobs, may also be influencing the rate at which Black youth enter the system.

### **Probation**

Stakeholders noted that school issues are a key factor for youth on probation. When they were asked about the causes of violations among the youth on probation, many cited truancy as a factor. The quantitative data show that 16 percent of White youth and nine percent of Black youth who violated the terms of their probation or parole and were placed in secure detention were truant; while some of these youth had other offenses noted as well at the time they violated probation or parole, the offense was no more serious than a status offense. An additional 21 percent of Black youth and five percent of White youth were involved in some other type of school-related issue. Overall, a larger proportion of Black youth incurred a placement in secure detention than White youth when their probation or parole violation involved a school-related issue.

### **Services**

Charlottesville was described as a community rich in services and, specifically, diversion programs. Community Attention is one such program which is used primarily to serve first-time offenders while another diversionary program is Restorative Justice. Services offered through the CSU include monitoring, substance abuse, psychological assessments, domestic violence counseling and shoplifting programs.

The Charlottesville CSU has access to Virginia Juvenile Community Crime Control Act money which can be used to pay for services of youth in diversion. Youth, however, by state policy, must go through the intake or referral to court process, even when a parent calls seeking help for their children, to access the services which are available through this funding stream.

## **Recommendations**

### **Recommendation 1: Improve efforts to document decision-making.**

The handling of documentation is one matter that should be addressed. While the issue does not and cannot lead to disproportionality, it does make some of the decision making which is occurring opaque. For instance, it appears the DAI is not being used universally across Virginia when deciding to detain a youth; a DAI was found for 81 percent of the youth placed in secure detention statewide. The percentage of the City's youth with a completed DAI who were placed in secure detention was less than 70 percent. While the decision to place the youth in secure detention is not in question here, the evidence used to make the decision is lacking. It is that lack of evidence or documentation that is in question.

HZA was provided with a number of Excel files from DJJ. One such file contained places for CSU staff to record information on the youth's social history, education, offense history and psychological profile, including substance abuse. However, the data actually recorded in the system, both on a statewide basis and for Charlottesville, were insufficient to permit any sound analysis. Without data on these issues, it is difficult if not impossible for Charlottesville to formulate a plan to reduce disproportionality.

### **Recommendation 2: Examine the reasonableness of continued use of the co-defendant rule**

While designed to treat youth equitably, the co-defendant rule necessitates youth, who would otherwise be eligible for diversion, to penetrate further in the system even as they first enter the system. Black youth appear more likely to have co-defendants and therefore to be caught in the implications of the rule. When there is no co-defendant, youth have at least two opportunities for diversion, one prior to the initial hearing and one at the initial hearing. Youth involved in co-defendant offenses, who seem more likely to be Black, have only the second of those opportunities. While one of the goals of addressing DMC is to reduce disproportionality in the juvenile justice overall, another is to reduce how deeply minority youth penetrate into the system. Equalizing the opportunities for diversion at the outset would aid in accomplishing that goal.

The question Charlottesville and Judicial District officials need to address is whether the rule makes sense. If there is no evidence that joint crimes are more serious or that the offenders are less sincere when they admit to the crimes, the disproportionality which the co-defendant rule causes has no rational basis. Before decisions are made, it would be useful for the City to determine with certainty the extent to which the rule has an impact on youth penetrating into the system overall and on racial disparity. The analysis for this report could only approximate youth who are affected, while the City should have information that can identify those affected by the rule and more definitively examine the impact.

### **Recommendation 3: Re-train officers on the Youth Assessment and Screening Instrument.**

Court Service Unit staff use the YASI to evaluate the risk of re-offending, the service needs of youth and the protective capacities of their support systems. Given that the tool itself has already been validated and, at least in Charlottesville, does not appear to be a consistent predictor of which youth will recidivate, the Judicial District should re-train all officers in its use. The current results in which Black youth receive generally lower risk ratings and yet recidivate more often simply do not make sense. If the tool is being used appropriately, the Task Force should consider assessing the value or quality of the services and supports which are provided to Black youth as compared to White youth to help identify the basis for differences in the rates at which youth recidivate.

### **Recommendation 4: Improve documentation of delivery of services to youth.**

Two steps need to be taken to improve service delivery to the City's youth. First, CSU officers need to document the services they provide as well as those to which they refer youth. While services were documented in the DJJ case management system as well as that of VJCCCA for Charlottesville's youth, the number of youth for which data were recorded and the range of services documented suggests services are being documented on a limited basis. Documentation of service referrals and delivery are helpful for case managers or officers to track the progress of youth and their adherence to case plans. Documentation is also informative from an evaluative perspective. For instance, in future years when service delivery is more regularly documented, outcomes of youth, i.e., rates of reoffending, can be correlated to identify which services have the most positive impact on youth and for which type of youth based on their involvement within the system and demographic profile.

**APPENDICES**



**Interview Protocol**

*City of Charlottesville Examples*

**VIRGINIA DISPROPORTIONATE MINORITY CONTACT ASSESSMENT  
COURT SERVICES UNIT INTAKE PROBATION OFFICER INTERVIEW**

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Interviewee Name:	Interviewee Title:
Date of Interview:	

**General**

1. What is your role in the juvenile justice system?
  - a. How long have you been in this role?
  - b. Have you received any specialized training pertinent to your current role?
    - i. If yes, what?
    - ii. If no, what do you feel would be/have been beneficial to assist you in your role as you work with juveniles?
2. What is your educational background, e.g., degree level, subject area, certifications, etc.?
3. What is your juvenile justice background?

**Referral to Court/Intake**

4. Walk me through the intake process?
5. Where do referrals come from?
  - a. Do you see a difference in the types of crimes based upon the source of the referral?
6. How are the youth's ethnic and racial background captured?
  - a. Officer identified or self-identified?
  - b. Are race and ethnicity captured and stored separately?
7. Is there a difference between the types of crimes committed by majority and minority youth?

- a. What are the most common types of crimes committed by White Youth? African American Youth? Hispanic Youth?
  - b. How often do you see poverty as a motivation for juvenile crime?
    - i. Does this vary among racial groups?
  - c. How often do you see substance use associated with juvenile crime?
    - i. Does this vary among racial groups?
8. What are the characteristics of youth who are referred to intake for probation violations?

### **Secure Detention**

9. Can you walk me through the process of deciding to securely detain a youth?
10. What types of offenses are detainable?
11. Who completes the Detention Assessment Instrument (DAI)?
- a. Do they receive training on using the DAI? How much training do they receive?
  - b. Are the DAI's reviewed by a supervisor?
12. How often are discretionary overrides used on the DAI?
- a. What are the most common reasons the override is used?
  - b. What is considered an "other aggravating factor?"
13. Are there other decision making tools utilized in addition to the DAI?
14. What are the alternatives to secure detention?
- a. How often are they used?
15. Do families have a say in the process/decision to securely detain?
- a. If yes, what is their role?

### **Diversion**

16. Are there diversion programs available? If so what are they? Are any of the programs evidence-based?

17. Are there any offense-specific diversion programs available in the community (i.e., substance abuse related, mental health related, etc.)?
18. Are there eligibility restrictions that limit participation in diversion programs (i.e., 1<sup>st</sup> time offenders, admission of guilt, a fee, requirement of parental participation, etc.)?
19. At what point in the juvenile justice process can the youth be diverted?
  - a. Does the youth have to be petitioned before diversion can occur?
20. How is the decision made to divert a youth? Who makes the decision?
21. Is an objective decision making tool utilized?
  - a. If yes, what tool is used? How much training is received?
22. Do families have a say in the process/decision to divert?
  - a. If yes, what is their role?

### **Probation Violations**

23. How often would you say youth are referred to intake for a violation of their probation?
  - a. What are youth most often violated for?
  - b. What are the consequences for the violation?
24. How often would you say youth are detained for probation violations?
25. What are the criteria for detaining a youth on a probation violation (types of violations)?

### **School Incidents**

26. How often are school disciplinary problems referred to intake?
  - a. What types of offenses are referred for intake?
27. Do school disciplinary problems vary among the schools?
  - a. Do you see variations among racial groups?
28. Does the school have a School Resource Officer (SRO)?
  - a. If yes, what is their role? Describe the relationship between the school, SRO and intake?

## **Challenges**

29. What are some of the biggest challenges in working with juveniles in the community?
30. Is there anything else we should know about the juvenile justice process in Charlottesville?

**VIRGINIA DISPROPORTIONATE MINORITY CONTACT ASSESSMENT  
PROBATION OFFICER INTERVIEW**

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Interviewee Name:	Date:
Interviewee Title:	

**General**

1. What is your role in the juvenile justice system?
  - a. How long have you been in this role?
2. Did you receive training specific to interaction with juveniles?
  - a. If yes, what?
  - b. If no, what do you feel would be beneficial to assist you in your role as you work with juveniles?
3. What is your educational background, e.g., degree level, subject area, certifications, etc.?
4. How many cases do you have your workload at any given time?

**Juvenile Crime Characteristics**

5. Is there a difference between the types of crimes committed by majority and minority youth?
  - a. What are the most common types of crimes committed by White Youth? African American Youth? Hispanic Youth?
  - b. How often do you see poverty as a motivation for juvenile crime?
    - i. Does this vary among racial groups?
  - c. How often do you see substance use associated with juvenile crime?
    - i. Does this vary among racial groups?
6. Are there parts of the city where law enforcement is more active than other areas?
  - a. If yes, where and why?

**Secure Detention**

7. Are you involved in the decision to securely detain a youth? If yes, what is your role?

8. What types of offenses are detainable?
9. What happens to a youth if they are not securely detained?

### **Probation Violations**

10. How often would you say you violate youth who are on probation?
11. What are youth most often violated for?
12. What are the consequences for the violation?
13. How often do violations result in securely detaining the youth?
  - a. Who decides if a youth will be securely detained on a violation?
  - b. What criteria are utilized to determine if secure detention will be utilized for a violation?

### **Diversion**

14. Are there diversion programs available? If so what are they? Are any of the programs evidence-based?
15. Are there any offense-specific diversion programs available in the community (i.e., substance abuse related, mental health related, etc.)?
16. Are there eligibility restrictions that limit participation in diversion programs (i.e., 1<sup>st</sup> time offenders, admission of guilt, a fee, requirement of parental participation, etc.)?
17. At what point in the juvenile justice process can the youth be diverted?
  - a. Does the youth have to be petitioned before diversion can occur?
18. How is the decision made to divert a youth? Who makes the decision?
19. Is an objective decision making tool utilized?
  - a. If yes, what tool is used? How much training is received?
20. Do families have a say in the process/decision to divert?
  - a. If yes, what is their role?

## **School Incidents**

21. How often are school disciplinary problems referred to intake?
  - a. What types of offenses are referred for intake?
22. Do school disciplinary problems vary among the schools?
  - a. Do you see variations among racial groups?
23. Does the school have a School Resource Officer (SRO)?
  - a. If yes, what is their role? Describe the relationship between the school, SRO and intake?

## **Challenges**

24. What are some of the biggest challenges in working with juveniles in the community?
25. Is there anything else we should know about the juvenile justice process in Charlottesville?

**VIRGINIA DISPROPORTIONATE MINORITY CONTACT ASSESSMENT  
COMMONWEALTH ATTORNEY'S OFFICE INTERVIEW**

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Interviewee Name:	Interviewee Title:
Date of Interview:	

**General**

1. What is your role in the juvenile justice system?
  - a. How long have you been in this role?
2. Did you receive training specific to interaction with juveniles?
  - a. If yes, what?
  - b. If no, what do you feel would be beneficial to assist you in your role as you work with juveniles?
3. How many juvenile cases do you have open at any given time?

**Referral Process**

4. Can you tell me a little bit about the process through which youth are referred to court?
  - a. Who makes the decision to refer youth to court?
    - i. Do you know how they make these decisions?
    - ii. Are there any policies that you are aware of that they use?
5. Do you have any discretion in the decision to refer a youth to court?
  - a. If so, how do you decide who to refer? What factors do you consider?
  - b. Are there any formal or informal policies, or tools, that you use to guide your decision to refer a youth?
6. Can you tell me about the types of kids that are referred to court?
  - a. What types of offenses are they charged with, how old are they, what do the family situations look like?
7. After a youth is referred to court, do you have any discretion on which youth are petitioned?

- a. Can you elect not to pursue charges against a referred youth?
- b. What factors influence your decision to pursue charges?
- c. What factors influence your decision not pursue charges?
- d. Are there any formal or informal policies, or tools, that you use to guide your decision to petition youth? If yes, can I have copy of it?

### **Probation Violations**

- 8. How often would youth are referred to intake for probation violations?
- 9. What are youth most often violated for?
- 10. What are the consequences for the violation?
- 11. How often do violations result in securely detaining the youth?
  - a. Who decides if a youth will be securely detained on a violation? Do you have a role in the decision?
  - b. What criteria are utilized to determine if secure detention will be utilized for a violation?

### **Diversion**

- 12. Are there any available diversions to keep youth out of the juvenile justice system in Charlottesville? If yes, what are they? Are they evidence-based?
- 13. Are there any offense-specific diversion programs available in the community (i.e., substance abuse related, mental health related, etc.)?
- 14. Are there eligibility restrictions that limit participate in diversion programs (i.e., 1<sup>st</sup> time offenders, admission of guilt, a free, requirement of parental participation, etc.)?
- 15. Is a petition filed a youth before they enter a diversion program?
- 16. Who makes the decision to divert youth from the system?
  - a. What is the process through which they divert the youth?
- 17. Do you have any discretion or input on which youth are assigned to diversionary programs to keep them out of the juvenile justice system?
  - a. If so, how do you decide which youth should be diverted?

- b. Do you have any informal or formal policies, or any tools, that help you guide the decision about who is diverted? If yes, can I have a copy?

### **Secure Detention**

- 18. Do you have any opportunity to influence whether a youth is placed in secure detention?
  - a. If so, how do you decide whether to suggest secure detention, release, or an alternative to secure detention?
  - b. Do you have any informal or formal policies, or tools, to help guide the decision? If yes, can I have a copy?

### **Challenges**

- 19. What are some of the biggest challenges in working with juveniles in the community?
- 20. Is there anything else we should know about the juvenile justice process in Charlottesville?

**VIRGINIA DISPROPORTIONATE MINORITY CONTACT ASSESSMENT  
PUBLIC DEFENDERS OFFICE INTERVIEW**

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Interviewee Name:	Interviewee Title:
Date of Interview:	

**General**

1. What is your role in the juvenile justice system?
  - a. How long have you been in this role?
2. Did you receive training specific to interaction with juveniles?
  - a. If yes, what?
  - b. If no, what do you feel would be beneficial to assist you in your role as you work with juveniles?
3. How many juvenile cases do you have open at any given time?
4. At what point in the process do you become involved with a juvenile's case?

**Juvenile Crime Characteristics**

5. Is there a difference between the types of crimes committed by majority and minority youth?
  - a. What are the most common types of crimes committed by White youth? African American Youth? Hispanic Youth?
  - b. What are the most common reason your clients appear before court?
6. What do you see is the most common motivation for juvenile crime?
  - a. Does this vary among racial groups?
7. Can you tell me the characteristics of the families that use the Public Defender's Office?

**Referral to Court**

8. Are you familiar with how youth are referred for processing?
  - a. Can you tell me a little bit about the process through which youth are referred to court?

9. Who makes the decision to refer youth to court?
  - a. Do you know how they make these decisions?
  - b. Are there any policies that you are aware of that they use?

## **Diversion**

10. Are there diversion programs available? If so, what are they? Are they evidence-based?
11. Are there any offense-specific diversion programs available in the community (i.e., substance abuse related, mental health related, etc.)?
12. Are there eligibility restrictions that limit participation in diversion programs (i.e., 1<sup>st</sup> time offenders, admission of guilt, a fee, requirement of parental participation, etc.)?
13. Who makes the decision to divert youth from the system?
  - a. What is the process through which they divert the youth?
14. What are the characteristics of youth that typically receive diversion?
15. Do you have a say in whether or not your client is eligible for a diversion program?
16. What is the biggest challenge you face in getting your client into a diversion program?

## **Probation Violations**

17. How often are your clients referred to intake for probation violations?
18. What are they most often violated for?
19. What are the consequences for the violation?
20. How often do violations result in securely detaining the youth?
  - a. Who decides if a youth will be securely detained on a violation? Do you have a role in the decision?
  - b. What criteria are utilized to determine if secure detention will be utilized for a violation?

## **Secure Detention**

21. Do you have any experience working with youth in secure detention?
- a. If so, do you have a say in where they are placed or how long they are there?

## **Prevention / Treatment Programs**

22. What prevention / treatment programs are available for juvenile justice youth?
- a. Are they offense-specific (i.e., substance abuse related, mental health related, etc.?)
  - b. Do you use these programs in lieu of charges once they are petitioned to court?
    - i. If so, how often, does this happen?
    - ii. What are the criteria for making this decision?
    - iii. Are there any policies or structured decision making tools utilized in this decision? If yes, can I have a copy?
  - c. What does the population of youth that goes into these programs look like?
  - d. What barriers to you experience in ordering youth to treatment programs?
    - i. How might these be overcome?

## **Challenges**

23. What are some of the biggest challenges in working with juveniles in the community?
24. Is there anything else we should know about the juvenile justice process in Charlottesville?

**VIRGINIA DISPROPORTIONATE MINORITY CONTACT ASSESSMENT  
JUDGE INTERVIEW PROTOCOL**

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Interviewee Name:	Interviewee Title:
Date of Interview:	

**General**

1. How is the court organized to handle juvenile cases?
2. What is your particular role (e.g., percent of your time spent on delinquency cases verses other cases, rotation policies, initial assignment)?
  - a. Do you handle FINS/CHINS and DSS cases?
3. How many juvenile delinquency cases do you have on your docket?

**Juvenile Crime Characteristics**

4. Is there a difference between the types of crimes committed by majority and minority youth?
  - a. What are they most common types of crimes committed by White youth? African American youth? Hispanic youth?
5. What do you see as the most common motivation for juvenile crime?
  - a. Does this vary among racial groups?
6. How often do you see substance use/abuse associated with juvenile crime?
  - a. Does this vary among racial groups?
7. Do you see a connection in your delinquency cases from FINS and DSS hearings? (**Only ask if the judge handles delinquency, FINS/CHINS and DSS cases**).

**Referral to Court Intake**

8. When do you first become aware of the youth appearing your court?
  - a. Do you have any input on the case pre-petition?
9. What is the most common source of referrals to court?

- a. Why do you think that is?
- b. Do you see different types of offenses based upon the source of the referral?

## **Diversion**

10. Are there diversion programs available? If so, what are they? Are they evidence-based?
11. Are there any offense-specific diversion programs available in the community (i.e., substance abuse related, mental health related, etc.)?
12. Do you ever place juveniles in diversion after they have been petitioned to appear before the court?
  - a. If yes, how often does this happen?
  - b. What are the criteria for making this decision?
  - c. Are there any policies or structured decision making tools utilized in this decision? If yes, can I have a copy?

## **Probation Violations**

13. How often do youth appear before the court for probation violations?
14. What are they most often violated for?
15. What are the consequences for the violation?
16. How often do violations result in securely detaining the youth?
  - a. Who decides if a youth will be securely detained on a violation? Do you have a role in the decision?
  - c. What criteria are utilized to determine if secure detention will be utilized for a violation?

## **Secure Detention**

17. How often do you order the continuation of detention at the 72 hour hearing?
  - a. What criteria do you utilize to make that decision?
  - d. Do you seek the opinion/counsel of any other member involved in the case? If yes, who?

18. How often do you order secure detention during the course of a trial?
- a. What are the types of offenses/reasons that you would order secure detention?
  - b. Are there policies or structured decision making tools utilized in this decision? If yes, can I have a copy?

### **Prevention / Treatment Programs**

19. What prevention / treatment programs are available for juvenile justice youth?
- a. Are they offense-specific (i.e., substance abuse related, mental health related, etc.?)
  - b. Do you use these programs in lieu of delinquency once they are before the court?
    - i. If so, how often, does this happen?
    - ii. What are the criteria for making this decision?
    - iii. Are there any policies or structured decision making tools utilized in this decision? If yes, can I have a copy?
  - c. What does the population of youth that goes into these programs look like?
  - d. What barriers to you experience in ordering youth to treatment programs?
    - iii. How might these be overcome?

### **Challenges**

20. What are some of the biggest challenges in working with juveniles in the community?
21. Is there anything else we should know about the juvenile justice process in Charlottesville?