



Transfer and Certification of Juveniles

December 8, 2010

Overview



- Virginia's Transfer and Certification Statute
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- Policy Considerations



Virginia's Transfer and Certification Statute

§ 16.1-269.1:

- A. Judicial review
- B. Automatic transfer
- C. Prosecutorial discretion

Data Limitations

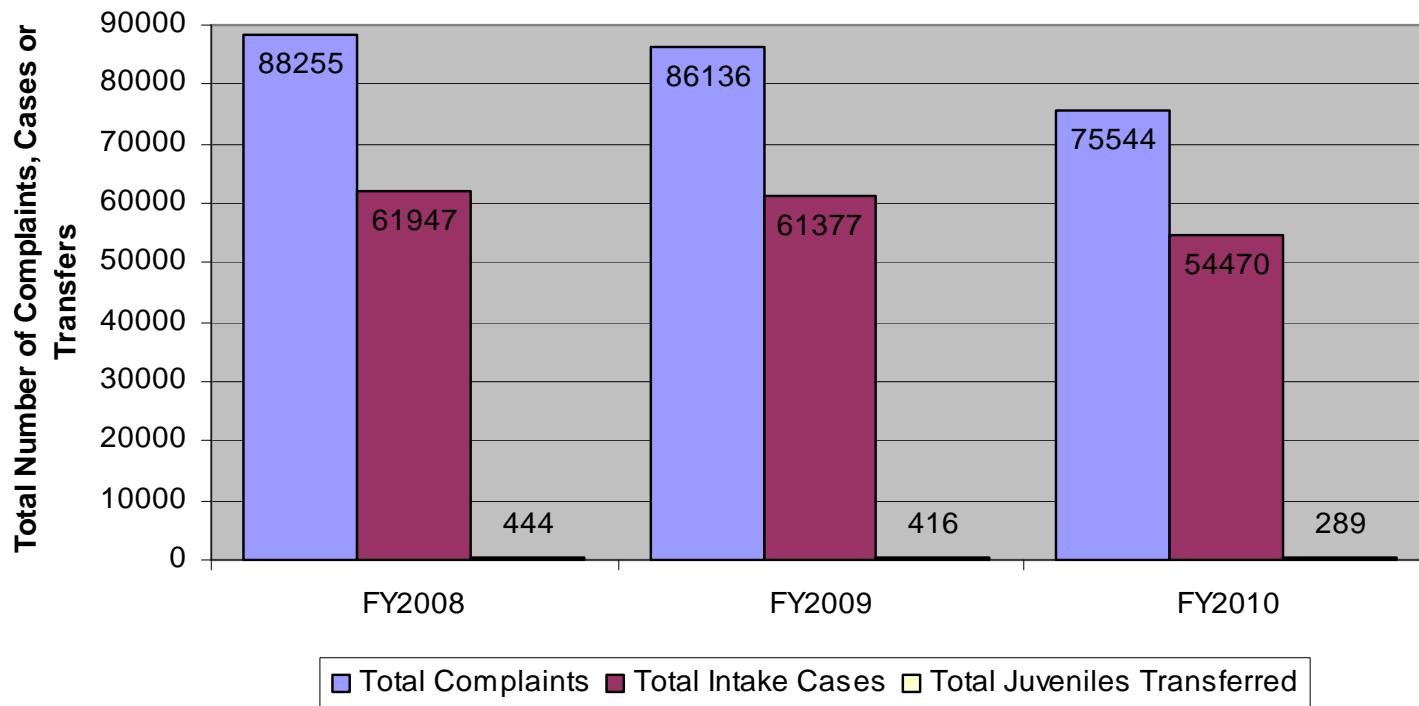


- There continues to be significant data limitations. For example:
 - Multiple data sources (DJJ, VCSC, and the Supreme Court);
 - Unknown number of juveniles considered for transfer by subsection;
 - Unknown number of juveniles convicted in Circuit Court by subsection;
 - Data coding limitations; and,
 - Access to juvenile data.

Juvenile Data



**Total Number of Juvenile Complaints, Intake Cases, and Transfers,
FY2008-FY2010**



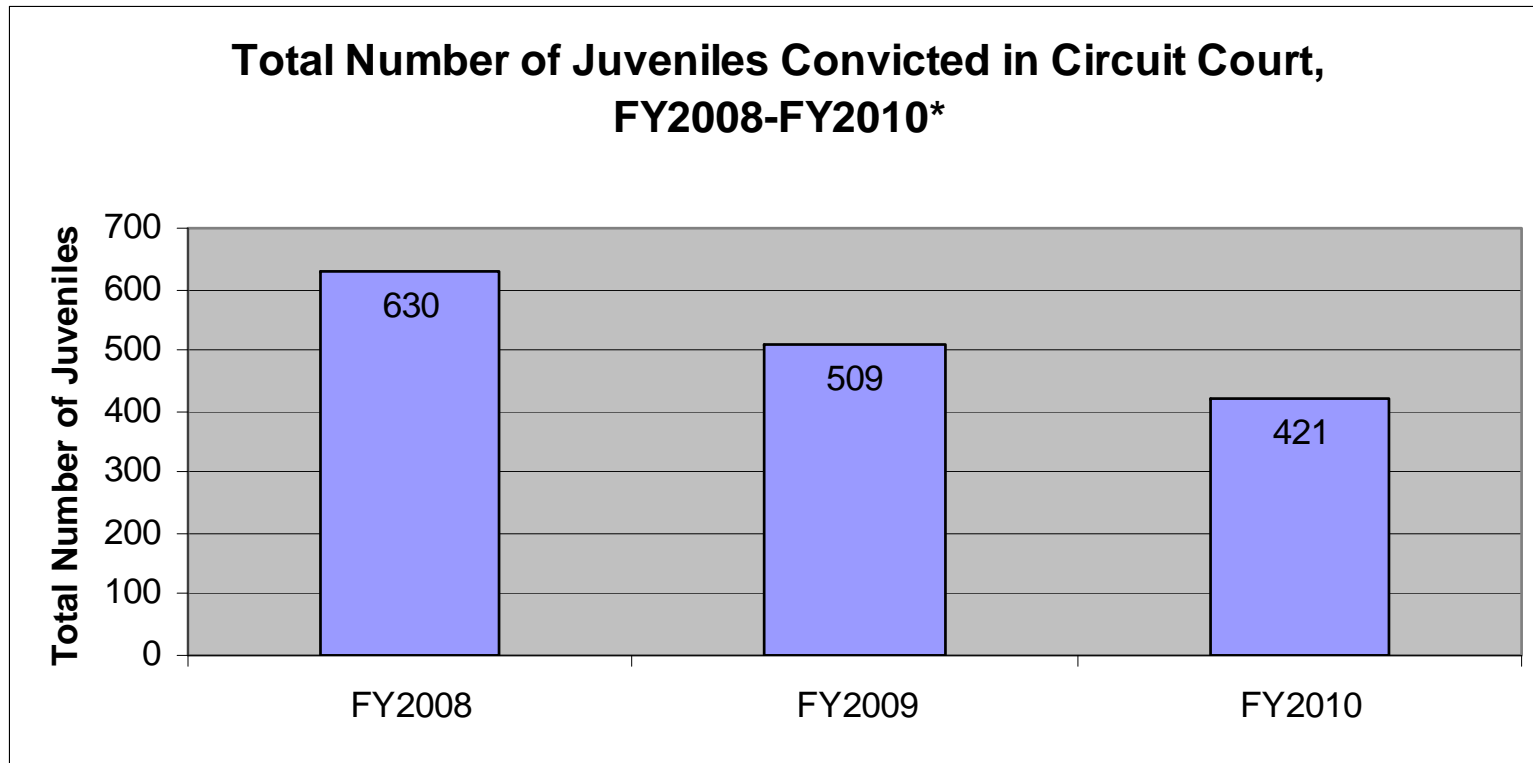
Sources: Total Number of Juvenile Complaints and Intake Cases, Virginia Department of Juvenile Justice;
Total Number of Juvenile Transfers, Supreme Court of Virginia- Juvenile Case Management System

Juvenile Data



- Transfer reports account for the number of juveniles considered for transfer under subsection A.
 - FY08:227
 - FY09:220
 - FY10:155
- Transfer reports are not completed for subsection B and C transfers.

Juveniles Convicted in Circuit Court



Source: Virginia Criminal Sentencing Commission

Note: These figures include first-time convictions of juveniles in Circuit Court, as well as juveniles who have previously been convicted in Circuit Court. *Data for FY10 is preliminary.

Juveniles Convicted in Circuit Court



Juveniles Convicted in Circuit Court by Most Serious Offense, FY2008 - FY2010*

Type of Offense	Number	Percent
Robbery	624	40%
Assault	236	15%
Larceny/Fraud	154	10%
Burglary Dwelling	96	6%
Murder/Manslaughter	88	6%
Drug Schedule I/II	88	6%
Rape/For. Sodomy/Obj. Pen.	80	5%
Miscellaneous/Other	51	3%
Other Sex Offense	35	2%
Weapon	35	2%
Burglary Other	28	2%
Kidnapping	18	1%
Traffic	14	1%
Drug Other	13	1%
TOTAL	1,560	100%

Source: Virginia Criminal Sentencing Commission

*Data for FY10 is preliminary



- YASI (Youth Assessment Screening Instrument) assesses risk, needs and protective factors, and helps develop case plans for juveniles.
- The Pre-Screen focuses on about 30 items that yield classifications of “low,” “moderate,” and “high” risk of future problem behavior.

Acknowledgements



- Throughout this study, many individuals from multiple agencies have offered their assistance and expertise, especially from:
 - Supreme Court of Virginia;
 - VA Department of Juvenile Justice; and,
 - VA Criminal Sentencing Commission.

Policy Considerations



- Issue 1:
 - Endorse or reject a juvenile’s ability to appeal to circuit court in certain violent felony cases, aka “reverse waiver” under subsection C crimes (SB 205).
- Issue 2:
 - Endorse or reject adding offenses for which a juvenile is subject to transfer and certification as an adult (SB 389).
- Issue 3:
 - Endorse or reject allowing a judge the ability to give a juvenile, upon a motion by the juvenile, a “delinquent” finding in circuit court.

Policy Considerations



- Issue 4:
 - Endorse or reject establishing criteria for assessing whether to certify a juvenile to circuit court under subsection C, e.g. use of a risk assessment tool, which would provide social history and risk of recidivism.
- Issue 5:
 - Endorse or reject creating better juvenile data collection methods, i.e. require transfer reports for all juveniles who are transferred, allow the VA Criminal Sentencing Commission access to the Court's JDR database, and assign unique identifiers to juveniles so they can be identified throughout the entire juvenile and adult criminal justice system.



Discussion