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SENATE JOINT RESOLUTION NO. 90

Offered January 11, 2012

Directing the Joint Legislative Audit and Review Commission to study excess capacity at secure juvenile facilities. Report.

Patron—Marsden

Referred to Committee on Rules

WHEREAS, in 2009, Virginia ranked ninth lowest among the states in the rate of juvenile arrests for violent crimes per 100,000 juveniles, and fifth lowest in the rate of juvenile arrests for property crimes; and

WHEREAS, the Department of Juvenile Justice has developed and implemented risk assessment instruments to assist the juvenile and domestic relations district dourts and their court services units to determine on a more objective and systematic basis which juveniles should be placed in secure facilities and which may be safely diverted to alternative programs in the community; and

WHEREAS, the local-responsible juvenile offender population of Virginia's local and regional secure juvenile detention centers has declined by almost 32 percent, from a peak population of 1,215 in 2003 to a population of 827 in 2011, and the population is projected to decline further to 553 in 2017; and

WHEREAS, the utilization of the licensed capacity of local and regional secure juvenile detention facilities was at 56 percent in 2010, and there is significant excess capacity in the state juvenile correctional centers operated by the Department of Juvenile Justice; and

WHEREAS, the maintenance and operation expenses and long-range capital expenses associated with the current and projected levels of excess capacity in Virginia's state, local, and regional juvenile facilities represents a barrier to increased emphasis on funding for evidence-based programs that have a demonstrated record of success in reducing juvenile recidivism and criminality; and

WHEREAS, the Department of Juvenile Justice has considered the option of implementing a statewide detention reentry program for juveniles to return to the detention center in their home communities during the last 30 to 90 days of commitment, in order to increase reentry and transitional services, but funding has not been available for such a program due to limited resources; and

WHEREAS, local and regional detention centers have been utilized for alternative and transitional placements of committed juveniles in the past, and the Department of Juvenile Justice received a grant award in 2010 for a juvenile offender reentry demonstration project in the Tidewater region, which includes a detention reentry component; and

WHEREAS, over the past decade the proportion of older offenders and more serious offenders, with longer lengths of stay, has increased within the state facilities operated by the Department of Juvenile Justice; and

WHEREAS, a significant proportion of the juvenile offenders in Virginia's state, local, and regional secure facilities have serious behavioral health needs; and

WHEREAS, the 12-month conviction rate for juveniles released from state-operated juvenile correctional centers tracked from 2008 to 2010 was 37.7 percent, and for juveniles placed on probation during the same period was 25.1 percent; and

WHEREAS, in an era of limited resources, it is essential that the Commonwealth take a comprehensive, long-range view of the need for and types of secure juvenile facilities at the state, local, and regional level and the potential for cost savings through the reduction of excess capacity, the development of effective reentry programs and treatment services, and the increased emphasis on evidence-based practices to reduce overall levels of recidivism and crime; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study excess capacity at secure juvenile facilities.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall study the extent to which Virginia's state, local, and regional secure juvenile facilities have excess capacity that might be eliminated or reduced in order to reprioritize available funding to emphasize reentry programs, treatment services, and evidence-based practices and improve the overall performance and effectiveness of the juvenile justice system.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Juvenile Justice. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2012, and for the second year by November 30, 2013, and the Chairman shall submit to

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the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.