

1996 SESSION

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HOUSE JOINT RESOLUTION NO. 85

Offered January 19, 1996

Requesting the Office of the Executive Secretary of the Supreme Court to establish guidelines for race neutral decision-making.

Patrons—Melvin, Baker, Cantor, Cunningham, Darner, Deeds, Jackson, Jones, J.C. and Moran; Senators: Houck, Miller, Y.B. and Reasor

Referred to Committee on Rules

WHEREAS, the incidence of juvenile crime has increased in Virginia over the last five years; and
WHEREAS, this increase has resulted in more juveniles being processed through the courts and held in state and local secure facilities; and

WHEREAS, according to the Joint Legislative Audit and Review Commission's report in 1995 on Juvenile Delinquents and Status Offenders, Court Processing and Outcomes, black youths are almost five and a half times more prevalent in the state's juvenile correctional center population than they are in the general population; and

WHEREAS, black males are more than seven times as likely as white males to be securely confined; and

WHEREAS, there are a number of factors, such as high incidence of poverty, serious crimes among minorities, and police arrest patterns in urban areas, which undoubtedly increase the likelihood that black youths will be brought to juvenile court in disproportionate numbers; and

WHEREAS, once these youths are brought to court, both intake practices and sanctioning patterns of juvenile court judges directly impact whether black youths will be confined in large numbers relative to their percentage in the population; and

WHEREAS, the JLARC study found that after controlling for a number of factors related to the offender's offenses, criminal and treatment history, and family composition, race did appear to play a role in judicial decisions concerning the use of secure confinement; and

WHEREAS, the foundations of justice are based on race- and gender-neutral application of the law; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Office of the Executive Secretary of the Supreme Court is requested to coordinate a voluntary effort among juvenile court judges to define general principles or guidelines for use in achieving the goal of race neutral decision-making as it relates to the sanctioning of juvenile offenders. These efforts may include the development of cultural training, establishment of guidelines, or additional approaches endorsed by the participants in this voluntary effort.

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