

ADVOCATE

A PUBLICATION OF THE VIRGINIA JUVENILE JUSTICE ASSOCIATION

Fall 2009

VJJA Board Says Fall Institute is On ***Abbreviated Version is set for November 4–5*** ***Hampton Holiday Inn & Conference Center***



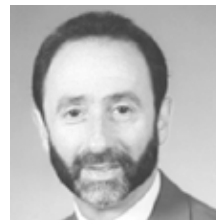
Despite current economic conditions, VJJA's Board of Directors has decided to move forward with its Annual Fall Institute. Because of current economic conditions, the Association will offer financial assistance

to help defray the costs to members who want to attend the event. The 2009 Institute will be an abbreviated version of the normally three day event, and will be held November 4–5 at the Hampton Holiday Inn & Conference Center.

The theme of the 2009 Institute is "From Learning What Works to DOING What Works" and will offer two nationally-recognized speakers for the plenary sessions. On the first day of the Institute, **Shay Bilchik** will speak on the topic "The Ebb and Flow of Juvenile Justice in America." Mr. Bilchik is the founder and Director of the Center for Juvenile Justice Reform at Georgetown University Public Policy Institute. The Center's purpose is to focus the nation public agency leaders, across systems of care and levels of government, on the key components of a strong juvenile justice reform agenda. This work is carried out through the dissemination of papers on key topics, the sponsorship of symposia, and a Certificate Program at Georgetown providing public agency leaders with opportunities for short, but intensive, periods of study.

Before joining the Institute on March 1, 2007, Mr. Bilchik was the President and CEO of the Child Welfare League of America, a position he held from February of 2000. Shay led CWLA in its advocacy on behalf of children through his public speaking, testimony and published articles, as well

as collaborative work with other organizations. He worked closely with the CWLA Board of Directors, staff, and its public and private agency members on issues impacting the well-being of children and families. In 2001, 2004, 2005 and 2006, he was named among The NonProfit Times Power and Influence Top 50 for making his mark in the public policy arena and championing child welfare issues.



Shay Bilchik

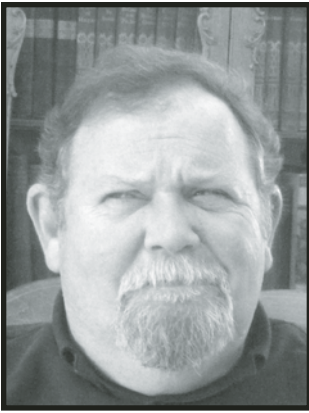
Prior to his tenure at CWLA, Shay headed the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the U.S. Department of Justice, where he advocated for and supported a balanced and multi-systems approach to attacking juvenile crime. Before coming to the nation's capital, Mr.

Bilchik was an Assistant State Attorney in Miami, Florida from 1977–1993, where he served as a trial lawyer, juvenile division chief, and Chief Assistant State Attorney.

Mr. Bilchik earned his B.S. and J.D. degrees from the University of Florida. He and his wife Susan are the proud parents of two young adults, Melissa and Zach.

On the second day of the Institute, **Dr. Jeffrey A. Butts**, (PH.D., University of Michigan) will speak on "Positive Youth Development: Using Protective Factors to Buffer Risk." Dr. Butts is Executive Vice President for Research at Public/Private Ventures, a 501(c)(3) nonprofit, nonpartisan organization with offices in Philadelphia, New York City and Oakland, California. His work focuses on research and evaluation projects designed to discover and improve policies and programs for low-income

Institute, continued on page 8



Views from the Ledge...

By Editor, Gary L. Conway

In the Fall, 1995 issue of this publication, Bob Truitt announced his retirement as Editor of the *Advocate*. In the Spring, 1996 issue of the *Advocate*, Mr. Truitt withdrew his resignation stating that “circumstances changed

enough to cause a rethinking of the original decision.” By the Spring 2000 issue, however, Mr. Truitt had regained his senses enough to write that he could “perceive that it’s now time to move on.” And he did; retire as *Advocate* Editor, that is.

In the Summer of 2000, I accepted then—VJJA President Lewis Wright’s offer to become the *Advocate* Editor. I’d like to say that Mr. Wright’s offer was based on my talent, creativity, and energy. I’d *like* to say that, but if I did it would be a lie. I accepted Lewis’ offer because nobody and I mean **NO** body else would take the job. Lewis tried to find someone else; he really did. And so did I.

Some six months ago, I advised the VJJA’s Board of Directors that it was now time for me to follow Bob Truitt’s example and “move on.” While this notification was met with a modicum of blubbering and requests to reconsider, the Board handled it very well. This, therefore, is my final issue as *Advocate* Editor.

When I took over this job from Bob Truitt, he offered me no advice. He just smiled that Detention Superintendent Smile and said, “Good luck.” In an effort to help the next editor avoid some of the same problems that I encountered, I offer the following advice to whoever the new editor may be.

Read things before you publish them.

I know that sounds terribly basic, but you can get into a lot of trouble by failing to adhere to this simple rule. Witness the Summer, 2007 issue of the *Advocate* when I ran a short article entitled “Dangers of Detention.” I did not pen the article, which was merely a summary of a report done by the Justice Policy Institute, but I ran it in the Summer issue. Two days after the issue went out to the membership, I received a voice mail message from Detention Superintendent Tim Smith which I can recall verbatim to this day: “Hey! Conway! I know you don’t read seventy-five percent of the crap you print in that newsletter, but that ‘Dangers of Detention’ article



Tim Smith

has got the Detention Superintendents pretty ^%#@*! off. Me included. Call me.”

I immediately went to the VJJA website and read the article which was the source of the superintendents’ dismay. It made me wince. The following few weeks saw a barrage of mail to me and the VJJA Board complaining about the article’s content and tone. Most of the complaints were rational and articulate; some of them made me consider applying for a concealed weapon permit. All of them were justified. The only good thing to come from the whole fiasco was that I could finally dispute my wife’s contention that “nobody reads that rag.” Always read articles before you publish them. Always.

Try not to offend your readers unless you absolutely have to. I once ran an article from the internet on the Darwin Awards, awards which “honor people who ensure the long-term survival of the human race by removing themselves from the gene pool in a sublimely idiotic fashion.” Parts of the article were, shall we say, a bit repugnant. While no one in the general membership voiced disapproval about the piece, some VJJA Board members noted that perhaps the material was beneath the standards for a professional association. If I hadn’t been drunk when I read the article, this undoubtedly would have been obvious to me. So try not to offend people unless you absolutely have to. And you really shouldn’t consume alcohol while you’re putting the newsletter together. Whoever you are, you aren’t Ernest Hemmingway.

Never publish articles just because they are submitted by prominent members of the Association. That is where the aforementioned submissions came from. Sometimes these people won’t have any more sense than you do.

Never publish a picture of DJJ Director Barry Green alongside deceased soul singer Barry White, like I did in the Spring, 2006 *Advocate*. Even if you are only making an honest effort to help the membership distinguish between the two Barrys with colors as last names, I guarantee you that someone won’t think it’s funny. Trust me.



Barry White

Don’t publish an article which originally appeared in another publication without the expressed written consent of the author. This can get very nasty. And don’t count on the possibility that the original publication will go bankrupt. The New York Times’ attorneys are particularly merciless about these sorts of things. Why do you think your dues went up by five bucks?

Views, continued on page 9



Just Us

By R. Erich Telsch

Anomalies

In our business we are looking for evidence-based programs designed around best practices.

One problem with this is that we don't know how our client has progressed compared to others currently in the same program. Present-day implementation of a program is equally if not more important than how it was written. A program is only a proposal until it is applied. How faithful the staff and administration are to the principles behind the program directly affect the results you see in your client. A program's comparative rate of client success is rarely publicly reported.

Take any residential program, for example. If 10 out of 10 residents fail to return to a family setting, fail to reach their grade expectations in school, fail to attain the program's target level system over their length of stay, then you should not only question future placements but should consider removing other clients from the program. Unfortunately, most programs will not offer you a score card on how other clients are doing. Your only perspective is your client. The program will indicate to you in their monthly reports that your client is failing. What you will not know is that all of their clients are failing in the program. We need to change that. For our clients' sake surely, but also to ensure our funding is spent on programs that are known to be successful with real clients as advertised in the program's brochures. The fact that a similarly designed program is successful in Arroyo, Arizona doesn't matter when you are sending your client to a facility in Harmony, Virginia.

Asking for and interpreting the numbers is an important part of our business. Not just for administrators, but for those of us who are responsible to locate and justify funding for program placement. We cannot spend money for any program or service and merely hope for success. Look at the data. Analyze the available figures. I know this is a little like reading a prospectus from Wall Street, but unless you become proficient at it we will all suffer the results on Main Street. Here's how the math works:

Let's say your employer has told you to find a program for your client with an average success rating of 37 — a hypothetical Federal standard for funding. The first data you analyze shows that when the Valley Ranch Congregate Care program adds one plus one plus one they get three. Their brochure divides 111 (one, one, one) by three and tells you they have a success rating of 37. This is fairly simple so far: $111 / 3 = 37$. You are looking for a program with a success rate of 37 and you have found it.

Being inquisitive, however, you check the data from another program. Warm Springs Wellness Group does their computation slightly differently. They add two plus two plus two and show it equals six. They divide 222 (two, two, two) by six and they posit a success rate of 37 ($222 / 6 = 37$). Wow. Both programs are looking good. You might as well check a third program to make the bidding process go smoothly through the Finance Department.

Wishful Plantings (a Division of Happiness Spiritual Academy) does their addition by adding three plus three plus three. That gives them, of course, nine. They divide 333 (three, three, three) by nine and arrive at...yep, 37.

Not wanting to be overly suspicious but you do have a burgeoning doubt about these numbers. Checking Insight House's figures you find that four plus four plus four gives the same result ($444 / 12 = 37$). Then you examine Youth Opportunities Unlimited, Ltd. and their rate using fives also arithmetically, almost miraculously, also produces a 37. How can this be? You frantically check Generosity Place (sixes), Juvenile Justice League's Skilled Goals program (sevens), and Simple Blessings (eights), and they all meet the federal standard. What? How? Is it true for nines too? $999 / 27 = 37$. Eesh!

We all know this scenario is not logically possible. That it is just some mathematical anomaly. All programs cannot look exactly alike. They are based on different principles and approaches to behavior modification. Something's missing and you need to find out what it is or you will be perpetuating a mythical rate of success. You need to find out how the real numbers work, not the fiction in the brochures, or you will not be living up to your own and your profession's ethical standards. Where do you turn? Who has compiled the correct data?

Another one of the problems we face in juvenile justice is denial. Outcome analysis of program effectiveness is no more a death knell to private provider services than SOLs are to school systems. Knowing where a provider ranks in standings with equal providers allows us to make better informed decisions. No longer should we blindly accept services if we cannot justify their costs based on their outcome ability. We need to know. Unfortunately, we all just keep hoping our clients change when the anecdotal observation is that we just move them around from placement to placement.

Join your Association in asking for a systems change toward outcome-based competency analysis of residential services,

Just Us, continued on page 12



Membership Matters

By VJJA Membership Chair, Samantha Higgins

Membership Year 2009–10 is here!

The 2009–10 membership year began July 1st and like nearly everything else our membership has been impacted by a declining economy, budget cuts, and layoffs. The current active (paid) membership is 497 members. I remain hopeful that membership will increase with the announcement of the Fall Institute. Conference registration is to be sent to me and will be accepted through October 16, 2009.

District numbers are as follows:

Total Members	497
BLUE RIDGE	67
CAPITAL	110
NORTHERN	68
SOUTHWEST	9
TIDEWATER	220
VALLEY	23

Notably, these numbers are significantly lower than years past. However, we continue to reach out to the non-renewed members and maintain a database of approximately 1600 members.

This year members who renewed prior to September 1, 2009 for the 2009–2010 membership year were entered into a drawing for VJJA membership prizes. This year's winners are:

\$5.00 Subway Gift Certificates

Arlean Wilson, 23A Court Service Unit
Bruce Mowry, 25th Court Service Unit
Hilary Allen-Eckert, Beaumont JCC
Robert Foster, 21st Court Service Unit

\$10.00 Applebee's Gift Certificates

Benjamin Gardner, Fairfax County Juvenile Services
Joe Young, New River Valley Detention Home
Galena Grubb, 27th Court Service Unit
Michael Allen, Newport News Juvenile Services
Trish Batley, Supreme Court

Help Wanted

Newsletter Editor for statewide juvenile justice publication. No experience necessary. No pay. No benefits.
Apply to: president@vjja.org

VJJA Logo Bags

Celeste Coles, Chesterfield Group Home
Gretchen Abell, National Counseling Group
Colin Bagwell, 17th Court Service Unit
Paul Tucker, J&DR Judge 25th District

VJJA Grand Prize — Conference Registration

Joe Jackson, 9th Court Service Unit

Congratulations to all the winners and each of you will be contacted individually about your winnings. Thanks for renewing your membership to VJJA.

Let us be hopeful the budget woes felt around the state will soon pass; but meanwhile, VJJA will continue to support its membership by providing needed training, pertinent information in the field of juvenile justice, and a link to peers and co-workers to make you feel welcome and supported.

As always, please contact me at membership@vjja.org with any changes in employment, address, phone number, and most importantly changes in email addresses.

I look forward to seeing everyone in Hampton!

Family Preservation Services, Inc.



"Human Services Without Walls"

Intensive In-Home Treatment
Individual, Group & Family Therapy
Therapeutic Mentoring
Thinking for a Change
Community Based Adolescent Sex Offender Program
Substance Abuse Treatment
Therapeutic Day Treatment
Virtual Residential Program creating the required structure & treatment in the client's home
Mental Health Support

For further information, contact your local FPS office or the corporate office at (800) 447-8709

Book 'Em

By Eric Assur

Management & Leadership, Course #202 — 'Non Credit', but for VJJA member reading.

What Leaders Really Do or *Our Iceberg is Melting* or *A Sense of Urgency*, or *A Force for Change*, how leadership differs from management or Leadership Factor other short Free Press or Harvard Business School Press books by Harvard professor John P. Kotter

Your world (including your office, detention center, and correctional center or CSU field unit) has certainly experienced recent budget cuts, layoffs (RIF's), downsizing or change related to the difficult and sad worldwide economic state. I was at a meeting not too long ago when a 'leader' saw the situation through different lenses. The 2009–2010 malaise was viewed as an 'opportunity' or the 'crisis environment' that best allowed change that had long been needed. In the leader's words, now we can modify or even get rid of XYZ service or program and refocus. In another meeting, just days later, a school administrator lamented the 'same old — same old' process of suspending a misbehaving student knowing that the suspension days were meaningless, just a few days of vacation. In addition, going to court with the misbehaving student was viewed as more trouble than it was worth. Another wise school administrator suggested that we all read "the ICEBERG book" in order to modify our thinking and our S.O.P. Well, I took the bait and got the Iceberg book, a short fable, and a few other short Harvard Business Review books by the same author.

Iceberg is a book on how to be open-minded and how to both anticipate and wisely address change. One wonders if Spencer Johnson's decade old *Who Moved my Cheese* was not the mold for this 2006 book. Kotter, despite being a professor, writes for lay readers in a fun and easy to understand fashion. *Iceberg* is a book on how to be open-minded and how to both anticipate and wisely address change in your life or organization. How well has your agency, your leader, or your management seen opportunity in the challenges or changes in resource availability? Has your work site seen the curse and not let circumstances become the necessary *urgency* to motivate the stagnant to change and grow? Wherever you are on the 'org' or agency chart, these books can assist you. The office or the assembly line employee wants to understand what drives the thinking and actions of the boss. The management personnel, supervisors, and shift leaders may benefit from the chapters by understanding just what drives the boss or how to get along with the big boss. Leaders can benefit from the *Sense of Urgency* book since they need to be the ones to seize the moment, create urgency, and enlist support for change while overcoming the inevitable resistance. Is your place of work one that relishes change and is not happy with the status quo?

Kotter writes about large corporations and smaller agencies. However, he does not write about the military or the courthouse. In both settings, the 'leader' may be the general, captain or judge who orders others to act rather than seeks followers or consensus. But, you can wisely pick and choose what segments of Kotter to apply to the organization where you spend your day. If you read and apply, you can become a better worker, enhance promotional opportunities, be a better manager or be a leader. You can at least learn the difference between the leader and the manager. The *Sense of Urgency* or the *Our Iceberg is Melting* book might even be a worthy selection for 'required' reading in the well-selected staff development format. Regardless of your current position, you might be inspired by the sections of *Leading Change* on *lifelong learning* and the habits of the lifelong learner. Let some of what Kotter shares in this area help guide your view of training. It can be a joy to learn, rather than something you may be required to do 'for the hours'. You might even be allowed to claim some training credit for reading Kotter and leading short lunch bunch training on what pointers he offers to your organization.



Intercept
Your Life Bridge

Now Offering

**Intensive In-Home
Mental Health Support
and
Therapeutic Mentoring**

New services backed by a
reputation for excellence!

(804) 612-3330
www.interceptyouth.com

Special Session Responds to Supreme Court Ruling

By Deron Phipps, Pat Rollston, and Janet Van Cuyk

DJJ Legislative and Regulatory Unit

On August 19, in special session, the General Assembly passed HB 5007 (Griffith and Armstrong) and SB 5003 (Saslaw and Norment). These bills were a response to the June 25, 2009 Supreme Court opinion in *Melendez-Diaz vs. Massachusetts*. This decision held that, in criminal cases, certificates of analysis reporting the results of forensic testing, examinations, and analyses (i.e.: DNA, blood, drug, alcohol breath-tests) are subject to the Confrontation Clause of the Sixth Amendment. Thus, the defendants have the right to confront (examine or cross-examine) the person who conducted the forensic analysis (and the certificates no longer can stand alone as prima facie evidence in and of themselves).

Virginia's current laws allows such certificates to be introduced without the presence of a live witness to testify to its contents (i.e.: DUI/DUID cases, cause of death testimony by the Office of the Medical Examiner, police testimony on sex offenders failure to register on the Sex Offender Registry). Current law does allow for defendants to examine the person who prepared the certificates of forensic analysis as adverse witnesses (with the burden on the defendant to call the witnesses).

The *Melendez-Diaz* opinion shifted the burden in these circumstances and requires prosecutors to have the person who prepared the certificates of forensic analysis to testify to the contents of the certificate before it can be admitted into evidence. This has had a dramatic impact in the prosecutions of DUI/DUID and drug distribution and possession cases and has resulted in an exponential increase in subpoenas for court testimony of forensic experts. The Department of Forensic Science stated that the number of subpoenas for forensic analyst testimony increased from 43 in July 2008 to over 900 in July 2009.

The *Melendez-Diaz* opinion stated that state statutes with certain "notice and demand" provisions for forensic evidences do not have a confrontation clause issue and such statutes are constitutional. Thus, the General Assembly passed legislation with such provisions. HB 5007 and SB 5003 change Virginia's notice and demand statute to align with those specifically approved in *Melendez-Diaz*. The bills amend sections 9.1-907, 9.1-1101, 16.1-277.1, 18.2-268.7, 18.2-268.9, 18.2-472.1, 19.2-187, 19.2-187.2, 19.2-243, 46.2-341.26:7, and 46.2-341.26:9 of the Code of Virginia are amended to the following effect:

- The bills provide a procedure whereby the prosecuting attorney will provide, at least 28 days prior to trial, notice to the defendant of the intent to introduce (1) a certificate of analysis for forensic analysis or (2) an affidavit indicating an individual's failure to register as a sex offender.
- The notice will also advise the defendant that he has 14 days to object to the introduction of the certificate (which will give the prosecuting attorney notice that he must produce at trial the person who conducted the analysis).
- The defendant may object to the certificate or affidavit and require the person who conducted the forensic analysis or the custodian of the sex offender registry to testify.
- If the defendant does not object to the introduction of the certificate or affidavit, it may be offered into evidence without the appearance and testimony of the person who conducted the forensic analysis or custodian of the sex offender registry.
- The notice procedure applies to criminal trials and hearings but not to preliminary hearings.
- The current provisions allowing the defendants to offer the certificates as evidence and to call such witnesses as his own witnesses (separate and apart from the notice and demand process) are clarified.
- The bills also add a tolling provision to Virginia's speedy trial requirement. Under current law, criminal trials must be held within 5 months for incarcerated persons and within 9 months for persons out on bond. The bills allow the prosecuting attorney to obtain a continuance, up to 90 days for the trial of incarcerated persons and 180 days for the trial of persons out on bond, when necessary to secure the testimony of the person who conducted the forensic analysis or the custodian of the sex offender registry.
- The bills also add a provision to clarify that the Department of Forensic Science must test the accuracy of equipment used to test blood alcohol content every six months any only accurate equipment will be used to test the blood alcohol content of breath. Information on breath-test machine testing accuracy is removed as a component of the DUI breath certificate of analysis.
- Includes as an example for good cause for the extension of the limitations for hearings in juvenile court an extension "necessary to obtain the presence of a witness

Sex Offender Registries Should Not Include Youthful Offenses, Says National Group

As Ohio becomes first state to come into substantial compliance with the Act, the Justice Policy Institute has re-released their report, "Registering Harm," detailing the destructive impact of the Act on youth and families, and lack of evidence showing registries make us safer

WASHINGTON, DC — With Ohio becoming the first state to come into substantial compliance with the Sex Offender Registration and Notification Act (SORNA) that is part of the Adam Walsh Act, the Justice Policy Institute (JPI), a national organization focusing on juvenile and criminal justice issues, warned that compliance with the Act will provide little in the way of public safety benefits at substantial costs, particularly for those who must now be on sex offender registries for juvenile offenses.

To provide policymakers with more information about the negative impacts of SORNA, JPI is broadly releasing their report ***Registering Harm: How Sex Offense Registries Fail Youth and Communities***. (This report had a limited release in 2008.) *Registering Harm* concludes that while the prevention of sexual violence should be a priority for policymakers and the criminal justice system, the registration and community notification of youth convicted of sex offenses is unlikely to improve public safety, can have a lifetime of negative effects on a young person, and often penalizes an entire family. Furthermore, advocates say placing youth on sex offense registries is contrary to the purpose of the juvenile justice system, and SORNA has been found to be unconstitutional and in violation of children's rights.

"There is a growing concern that this well-intentioned legislation is having serious negative consequences, particularly for young people," said Tracy Velázquez, executive director of JPI. "Our juvenile justice system was set up to give delinquent youth a second chance; due to the very public and punitive nature of the online registries, the Act denies them this chance."

"Courts have ruled as recently as this month that SORNA is unconstitutional as it is retroactively punitive," added Velázquez, referring to the recent ruling by the ninth circuit court. "We know that states are being pressured to pass this legislation through threats of withholding federal dollars. However, in light of these serious civil rights issues, we urge state lawmakers to resist rushing into compliance, and to instead focus on insisting that their federal counterparts change this flawed legislation."

Registering Harm examines the public safety implications associated with implementing SORNA, which would expand registries already established at state levels, requiring states to list all registrants on a national online database and to include children convicted of certain sex offenses. Although originally

all states were required to come into compliance with SORNA in July 2009 or face losing a portion of their Justice Assistance Grant Program funds, no states were in compliance at that time and the U.S. Attorney general extended the deadline for compliance to July 2010. Most troubling, according to the report, is that under SORNA youth as young as 14 would be placed on registries, making them more likely to experience rejection from peer groups and positive social networks and therefore more likely to associate with delinquent or troubled peers. Additionally, as the Ninth Circuit Court pointed out, the registration of adult for decades-old juvenile offenses "threatens to disrupt the stability of their lives and to ostracize them from their communities," notwithstanding years of living law-abiding and productive lives.

The report also notes that many of the offenses committed by youth are normative teenage behaviors. These behaviors are now criminalized and punished in ways that can last a lifetime. The report also concludes what similar reports, such as "The Pursuit of Safety" by the Vera Institute of Justice, also find, which is that registries do little to protect public safety, and may even endanger youth. And while states may lose federal dollars by not complying, JPI's analysis shows that meeting the Act's many requirements will likely cost more. SORNA implementation would leave law enforcement tasked with database management rather than community protection.

"Rather than educating the public about general practices for keeping children and communities safe from sexual violence, this Act encourages a disproportionate allocation of resources and inappropriate focus on registries and the people on them," said Velázquez. She added that in some states, people can be placed on registries for offenses such as public urination or lewd bumper stickers on their car, which would make it difficult for people using the registry to determine who could be a possible threat to their families or neighborhoods.

Key findings in *Registering Harm* include:

The Act misallocates resources to a fraction of sexual violence incidences. Registries are designed to warn the public, and particularly parents, of "stranger danger;" however, sexual assaults are seldom committed by strangers. The Bureau of Justice Statistics found that more than nine in 10 sexual offenses against children were committed by either a family member or acquaintance. In addition, 87 percent of the people arrested for a sex offense in 1997 had not been previously convicted of a sex offense and therefore would not appear on a registry. The resource misallocation caused by the

Institute

Continued from page 1

communities, especially those affecting adolescents and young adults. He has more than 25 years of experience in research, program evaluation, policy analysis, and direct services.



Dr. Jeffrey A. Butts

Dr. Butts has published two books, dozens of reports for the U.S. Department of Justice and other agencies, and articles in journals such as the *American Journal of Criminal Law*, *Crime and Delinquency*, *Criminal Justice Policy Review*, *Judicature*, *Law & Policy*, *Juvenile & Family Court Journal*, and *Youth & Society*. His research findings and policy views have been covered by the *New York Times*, the *Washington Post*, the *Los Angeles Times*, the *Chicago Tribune*, the *San Francisco Chronicle*, the *Miami Herald*, the *Economist*, *Christian Science Monitor*, *BusinessWeek*, *US News & World Report*, *Time Magazine*, National Public Radio, and CNN, among others. Before joining Public/Private Ventures, Jeff Butts was a Research Fellow with Chapin Hall at the

University of Chicago and director of the Program on Youth Justice at the Urban Institute in Washington, DC. He began his career in 1980 as a drug and alcohol counselor with the juvenile court in Eugene, Oregon.

In addition to the plenary sessions, the Institute will offer workshops addressing the following topics: Implementing the Principles of Effective Intervention; Motivational Interviewing; Intensive Care Coordination and Reintegration; Engaging Virginia's Families Using Team Decision Making; and Cognitive Behavioral Therapy. There will also be an address on Virginia's Children's Services Transformation. As always, many private vendors will be on hand to share their programs and services to children. The ever popular President's Reception and Networking Mixer/Dance Social will be held on Wednesday evening, November 4. The Annual Business Meeting and Awards Ceremony will be Thursday morning, November 5.

Due to the increasing budget crisis and the budget reductions the Virginia Department of Juvenile Justice has taken, DJJ employees will have to attend this year's Institute at their own expense. In response to the budget problems, VJJA is underwriting much of the conference expense. This includes reduced registration fees and the availability of lodging scholarships.

VJJA Extends Best Wishes On Their Retirement To

*David Davis, Jim Dedes, Lynn Dotson, Rod Jones,
Sheila Hightower, Mike Mastropaolo, Jim Rankin, Betty Shires*

Special

Continued from page 6

to testify regarding the results of scientific analysis or examinations."

Trials of juveniles transferred to the circuit court (pursuant to 16.1-269.1 (A)) are governed by 16.1-269.6 which also has the ability to extend for "good cause." While the specific example that an extension of time to procure the testimony of an expert witness as good cause is not included in this section, it is presumptively included therein. Thus, the trials of juveniles in transferred to circuit court may be postponed, upon motion, to accommodate expert testimony.

The procedures governing adults in circuit court govern cases that are transferred via mandatory and prosecutorial certifications (subsections B and C of 16.1-269.1). These certifications are not included in the provisions of 16.1-269.6. Therefore, they are governed by the procedures of the circuit court (see 16.1-272 "In any case in which a juvenile is indicted, the offense...shall be tried in the same manner as provided for in the trial of adults, except..."). Thus, all changes from HB5007 and SB5003 will apply in these trials.

Note: These do not apply to the de novo hearing on appeal from the J&DR court (which is governed by 16.1-296).

Regarding the amendments to 16.1-277.1, the committees had several different approaches to making modifications that accommodate the juvenile justice system. The intended effect was, while making it clear that good cause for an extension of the time of trial includes any extension necessary for the prosecuting attorneys to secure the in-person testimony of the person who conducted the forensic analysis or examinations, to maintain the discretionary authority of the judge in determining whether a postponement should be issued. This amendment was seen as a clarifying amendment, not a substantive change in the processes of juvenile court.

The bill contains an emergency clause so that it will become effective upon the signature of the Governor.

Also passed during the special session was a bill to compensate Arthur Lee Whitfield in the amount of \$632,867 who was incarcerated in 1982 for rape, sodomy, and robbery until 2004 when forensic testing exonerated Mr. Whitfield and let to his release on parole. Additionally, a letter will be sent to the Crime Commission requesting a study on whether the state could videotape the testimony of examiners and present that is court.

Budget Cuts Continue to Take Toll

For the fourth time in the past two years, recession-driven budget cuts will impact juvenile justice services in the Commonwealth. The latest round of cuts announced by Governor Tim Kaine on September 9 requires General Fund reductions in the Virginia Department of Juvenile Justice (DJJ) budget totaling \$10,164,630.

The biggest savings among these cuts (\$2,952,142) will come from delaying the filling of vacancies within DJJ and deferring equipment purchases. \$2,521,052 in savings is planned through a 5% reduction in pass-through funding for detention, Virginia Juvenile Community Crime Control Act (VJCCCA) programs, and locally-operated court service units. Captured savings of \$1,050,000 will be realized by supplanting General Fund supported direct juvenile expenses with Department of Child Support Enforcement (DCSE) funding. Additionally, operating budgets will be cut in DJJ's Division of Administration and Finance (by \$51,838) and in court service units statewide (by \$180,000). Contractual services used to fund services for probationers are set for a cut of \$536, 209. General Fund supported juvenile justice activities will be supplanted with Non-general Fund year-end balances to the tune of \$42,381.

The Governor's cuts, however, will not come without layoffs and the loss of positions. Throughout the Commonwealth's court service units, 23.5 vacant positions will be eliminated for a savings of \$1,128,000. In DJJ's Central Office, a vacancy in Human Resources will be eliminated along with a vacant senior program manager and a vacant health services coordinator slots. These eliminations will save the state a total of \$183,537. In DJJ's Division of Community Programs and Division of Administration and Finance, eight (8) positions are being eliminated for a total cut of \$349,154. Unfortunately, seven (7) of those eight (8) positions are not vacant and will require layoffs.

DJJ's largest number of layoffs will come from the closing of the Natural Bridge Juvenile Correctional Center (NBJCC). The closure of NBJCC saves the state \$1,171,317, but will cause 71 DJJ positions to be eliminated, only three (3) of which were vacant at the time of Governor Kaine's announcement.

Additionally, 21 Department of Correctional Education (DCE) positions are being eliminated with the closing of NBJCC, just two (2) of which were vacant at the time of the Governor's announcement.

In announcing the Governor's cuts to staff, DJJ Director Barry Green noted, "While we are hoping to place as many impacted employees as possible, we know that a number are unlikely to have immediate placements, due to the location and types of jobs that are involved." Mr. Green went on to say, "This is a very difficult situation, particularly for those whose jobs are affected. I would ask that we all be as supportive as possible to those individuals. At the same time, the purpose for having an agency such as DJJ remains the same, and we will have to find ways to continue to improve the safety of our communities by making a positive difference with the juveniles with whom we work."

Views

Continued from page 2

Don't use your position as Editor to ridicule anyone. Even though the person may currently be only a Detention Superintendent from Fairfax County, he may one day grow up to be the Acting Director of your state agency or even a member of the Virginia House of Delegates. This could be very bad for you. Very bad.



Dave Marsden

Be patient with the VJJA President who doesn't submit his or her column on time. They have all been infamously late with their submissions, except for Bob Bermingham. Bob only sent in one column after the deadline during his entire tenure. The article was just two days late and it was delayed because he had a brain tumor removed. The worst thing you can do as the editor is publish an issue of the Advocate without including the President's column. I have threatened to do this many times when the VJJA President missed the submission deadline, but I've never had the courage to do it. (Note: VJJA President Beth Stinnett's column does not appear in this issue of the Advocate because she's too busy or has writer's block or she's got the flu or some ^%#@! thing and I haven't received her column yet which she's had three months to write... But alas, I digress.)*

Well, I could go on but my Word Count says I've written 1,004 words in what was supposed to be a 1,000 word column. Word Count is another thing the new editor must be concerned about.

Peace.

VJJA Extends Congratulations On Their New Challenges To

Bob Bermingham, Director, Fairfax Court Service Unit

Becky England, Executive Director, Va. Wilderness Institute

Chuck Kehoe, Superintendent, Richmond Juvenile Detention Center

Ann O'Neill, Systems Change Coordinator, 2nd District Court Service Unit

Paige Quattlebaum, Supervisor, 31st District Court Service Unit

Tom's Travel Log

By Tom Gooding

In hope of having a picture featured in the VJJA newsletter's 'Advocate Travels' section, I took along a hard copy of the *Advocate* on a recent vacation to the British Isles. Our first stop was Buckingham Palace, where I asked if The Queen would pose for a quick pic reading the *Advocate*.



Unfortunately, Her Majesty was not in residence at the Palace that day because she was on vacation at Balmoral Castle in Scotland. So, we headed to Scotland in search of The Queen.



Along the way, we stopped off in Oxford where I phoned some local English professors to see if they would mind proofreading the newsletter before I presented it to their Monarch.



Eventually we arrived at one of Henry VIII's castles and barely made it out with our heads!!!!



Upon arriving at Balmoral Castle, I thought it best to ask one of The Queen's loyal subjects to approach Her Majesty to get a picture of her with the newsletter. Unfortunately, the poor chap was placed in irons for his effort!!



Given the lack of respect my friend and I received from The Queen at Balmoral, I thought it would add to the literary stature of the *Advocate* if we had editorial review by one of Scotland's finest author's, so we went by the residence of Sir Walter Scott. Mark Twain didn't think much of Sir Walter. In his *LIFE ON THE MISSISSIPPI*, Twain variously blamed the bad architecture of the state capitol at Baton Rouge on Sir Walter, and even gave him a major hand in causing the American Civil War. Little did I realize that Scott has been dead since 1832. I didn't even know he was sick.

Vote! November 3rd



I finally found a native willing to read the *Advocate* with me! He was a little stoic but I figure that's par for those Scots. We had a pint together but the guy really wasn't all that talkative.



Ireland certainly lived up its reputation as the Misty Isle. Erin Go Bragh!! I got a little misty myself when I saw this fine lass on the streets of Dublin! As you can see, Miss Molly Malone gave me the cold shoulder. There's a poem there somewhere.



By this time, I'd had the *Advocate* with me for so long and I was so full of blarney and Guinness that I was able to persuade one of my intrepid traveling companions to take the newsletter with her to Blarney Castle. After kissing the Blarney Stone, she immediately kissed the *Advocate*! The *Advocate* has now been kissed next to the Blarney Stone ... in a manner of speaking. I was too cheap to pay the 10 pound entry fee to do it myself.



We traveled all the way around the United Kingdom just to end up at this giant circular thingamabob built 2500 years ago. The story is that people from outer space dragged these huge stones from some mountains 50 miles away and then couldn't keep them arranged properly. Go figure.

Mr. Gooding is Director of the 9th District Court Service Unit.

2009 is VJJA Election Year

This is an election year for Class I Directors of VJJA. Class I Directors are the President, Vice-President, Secretary, and Treasurer of the Association. The Nominating Committee consists of the Bylaws Committee Chair, Lewis Wright, and Past President Bob Bermingham serving as Co-Chairs, and the six (6) District Chairs from around the state.

At the Annual Business Meeting scheduled for November 5, 2009, Mr. Wright and Mr. Bermingham will submit a slate of Officers on behalf of the Nominating Committee. Nominations will then be open to the floor for additional nominees. Within thirty (30) days of the meeting's closure, each member will be mailed a ballot which must be marked and returned within fourteen (14) of the mailing date. Pursuant to the Bylaws, "the Board of Directors shall certify all elections and notify all members of the results thereof in its next scheduled publication. Officers elected shall assume their offices on the first days of January following the election." The term of office for Class I Directors is two (2) years.

The slate of Class I Directors to be put forth by the Nominating Committee on November 5 consists of:

President — Beth Stinnett
 Vice-President — Ron Telsch
 Secretary — Amanda Moseley
 Treasurer — Tom Keating

Except for Ms. Moseley, all nominees are currently incumbents in their respective positions.

ADVOCATE

Virginia Juvenile Justice Association
c/o P.O. Box 1336
Staunton, VA 24402
ph: 540-245-5315
fax: 540-245-5326
e-mail: advocateeditor@vjja.org
website: www.vjja.org

*"Advocating for court-involved children
and the professionals who touch their lives since 1966."*

Registries

Continued from page 7

expansion of registries in the Act has an especially significant impact given the budget crises faced in many states.

Overbroad registration or notification practices make it difficult for the public to determine who on the registry may pose a public safety threat and who doesn't. Even the tier system of SORNA still provides little context to people who receive notification or view a public registry. In a review of all state registries, Human Rights Watch found that only five states provided enough understandable information on online registries for the public to be able to interpret the charge and the age of both the registrant and the victim.

Registration and notification overburdens law enforcement. State and federal laws are enacted at the local level, leaving local law enforcement agencies and corrections departments to implement and shoulder the burden of registration and notification legislation. Law enforcement is forced to dedicate a great deal of time and resources to monitoring people on the registries, finding people who have failed to register, and constantly ensuring that information on the registry is correct.

Registries and notification create barriers to education, employment, housing, and other social networks and outlets, making it difficult to live successfully in the community. Many states compound the barriers posed by registries with residency restrictions. This leads to increased risk of probation or parole violations or illegal behavior, which may lead to further incarceration.

Public dollars could be better spent on effective prevention strategies that more comprehensively address ways to reduce sexual violence and abuse. The report recommends that policymakers on federal, state, and local levels employ proactive preventative strategies like educating communities about effective ways to prevent sexual violence, which can be a more effective way of increasing public safety.

"Our public policies should be driven by what works to keep people safe," added Velázquez. "SORNA is one example of well-intentioned but unsound legislation that will have particularly toxic results, especially for youth. We need to move past emotion and rhetoric, and start putting in place more rational, effective policies for all."

For more information on *Registering Harm*, or the Justice Policy Institute, please contact LaWanda Johnson at ljohnson@justicepolicy.org / (202) 558-7974, ext. 308 or Adam Ratliff at aratliff@justicepolicy.org / (202) 558-7974 x 300.

The report can be viewed here: <http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=80.htm>

ADVOCATE

The *Advocate* is a quarterly publication of the Virginia Juvenile Justice Association. Reproductions without permission are strictly prohibited. The statements and opinions expressed in the *Advocate* are those of the authors and do not necessarily reflect the views of the members or the Board of Directors.

Just Us

Continued from page 3

including correctional centers. This is not about passing or meeting standards — that's easy. This is about whether any real change takes place while your client is away; whether the program makes any difference in the lives of the children experiencing it. This is also not about meeting service plan objectives. This is about whether your client changes as a result of meeting those objectives and if they can safely go from a more structured to a less structured placement. We have to stop our shuffleboard approach to residential services in Virginia. It doesn't help our clients or our communities. Ask the question, "What is your success rate?" See if anyone gives you an answer other than 37.