



JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Racial and Ethnic Disparities Reduction

Court Services Unit Progress Update 2013-2016

1990

Efforts began in the early 1990's to assess Disproportionate Minority Contact (DMC) to include the adoption of a structured decision-making model for juvenile intake and probation case management. Further, the Fairfax Court Service Unit (CSU) was the first jurisdiction in Virginia to conduct a local-level study on the extent of DMC in 1993. Recommendations from that study led to the institutionalization of the Supervised Release Services program and implementation of both a Detention Assessment Instrument (DAI) at intake and the Youth Assessment and Screening Instrument (YASI) in juvenile probation; tools designed to reduce subjectivity in decision-making.

2012

The CSU, Fairfax County Public Schools (FCPS), and Fairfax County Police Department (FCPD), in partnership with The Center for the Study of Social Policies (CSSP), initiated an Institutional Analysis (IA). The IA examined the "whys" and system contributors to DMC at the **local level**. The final report is: [Disproportionate Minority Contact for African-American and Hispanic Youth: The Story Behind the Numbers and the Path to Action \(DMC Story Behind the Numbers\)](#)

Fairfax County was one of three jurisdictions participating in a **statewide** DMC study conducted by the Virginia Department of Criminal Justice Services (DCJS). The final report – [Statewide Assessment of Disproportionate Minority Contact \(DMC\) in the Virginia Juvenile Justice System Final Report](#), highlighted the continuing disparity within the locality and recommended that the CSU "increase its diversion programming" and "that the Fairfax Police Department investigate the feasibility of implementing a police diversion program."

To respond to the findings from the assessments, the CSU created the Disproportionate Minority Contact (DMC) Response Team

PHILOSOPHY

"The primary goal of the JDRDC's DMC effort is to reduce the disproportionality of minority populations in comparison to their Caucasian peers at contact points within the JDRDC, and to examine the policies and practices of JDRDC while applying a racial and equity lens, increasing equitable outcomes, while eliminating race as a predictor for any contact."

DMC REDUCTION PROCESS

"The DMC Response Team proposes that JDRDC adopt a dichotomous process that addresses DMC within the system and advances racially equitable policies. This two-pronged approach focuses on workforce development in race, equity and disproportionality and the implementation of specific responses addressing DMC."

ORGANIZATIONAL CHANGE

Via Race Equality Implementation

- ❖ Equity Empowerment Lens Methodology Applied to Local Policy
- ❖ Race Equity Workforce Development

POLICY CHANGE

Via Race Equality Implementation

- ❖ Race Equity Interventions Applied to identified DMC Points
- ❖ Accountability/Monitoring

The DMC team quickly began responding to the local and state assessments:

FINDINGS:	Study data indicated that statewide gang activity in the Commonwealth disproportionately involves Hispanic youth.
DMC RESPONSE:	<p>The CSU's existing Gang Prevention Team, comprised of Certified Gang Specialists, already had in place the following community-based interventions and prevention for elementary to high school age youth and their families.</p> <ul style="list-style-type: none"> ▶ Intervention Prevention Program (IPE): An evidence-based prevention program; in-home family counseling through Northern Virginia Family Services. ▶ Literature: Fliers and brochures are distributed throughout FCPS and the courthouse. ▶ JDRDC's Gang Prevention Coordinator meets with families to assist with safety planning, meets with probation clients during after school groups, and conducts parent awareness trainings. The coordinator collaborates with law enforcement in the provision of intervention services. ▶ Intensive Supervision Program (ISP): A short-term detention alternative program providing supervision to youth representing an elevated danger level to public safety.
FINDINGS:	Language and cultural deficiencies exist among local juvenile justice professionals, potentially impeding the delivery of fair and equal treatment for youth, particularly for the Spanish-speaking population.
DMC RESPONSE:	The DMC team worked with the Volunteer Interpreter Program (VIP), which provides Spanish translation, to establish guidelines that ensure timely and accurate communication and access for everyone, regardless of national origin or primary language. Agency website and internal documents were translated. Training and additional VIP program recruitment tools were identified.
FINDINGS:	Existing identifiers and recording of race and ethnicity was confusing to staff and the data collected was not complete and/or accurate.
DMC RESPONSE:	All Intake entry forms were modified to match racial/ethnic categories identified in the Virginia Department of Juvenile Justice database, capturing accurate demographic information.
FINDINGS:	Families who lack time and transportation resources are further disadvantaged when residing a considerable distance from the county's only juvenile court facility. Possible responses could include satellite court, the use of video technology, scheduling innovations, and transportation assistance.
DMC RESPONSE:	In December 2013, FCPD and Juvenile Intake initiated a joint venture where police officers with youth in custody could seek intake services using remote video at a substation. This practice is anticipated to expand to all remote substations in the county.
FINDINGS:	Based on regional practices, the CSU was advised to evaluate the rate at which youth who are held in custody are offered a same day detention hearing.
DMC RESPONSE:	Given the existing CSU policy, same day detention hearings are the norm rather than the exception. In 2014, an 8 month study concluded less than 5% of detention hearings were held over to the next business day.
FINDINGS:	Even after controlling for a series of variables, Fairfax showed significant DMC at diversion. African American and Hispanic youth in Fairfax are more likely than White youth to have had a previous court intake and to have had any intake in the previous 12 months. Further, African American and Hispanic youth have initial contact with the justice system at a young age.
	<i>“How does it come about that African American and Hispanic youth are less likely to be diverted upon intake and more likely to be detained?”</i>
DMC RESPONSE:	The CSU, Northern Virginia Mediation Services (private non-profit) along with FCPS and FCPD (one substation) partnered in a Community Restorative Justice (RJ) pilot in order to handle incidents occurring within the community informally without court involvement.

2015

CAPSTONE PROJECT

The CSU, FCPD, and FCPS participated in the Diversion Certificate Program at the Center for Juvenile Justice Reform (CJJR), located at Georgetown University. Out of this was born the Capstone Project with the goal of reducing racial and ethnic disparities at the point of referral by broadening options for diversion. The project focused on 2 areas of diversion, with focus on identifying and addressing youth's risks and needs while ensuring public safety:

OUTSIDE THE JUVENILE COURT

EXPANDING RESTORATIVE JUSTICE IN PILOT FORM, SCHOOL RESOURCE OFFICERS CAN ACCESS THE **ADOLESCENT ACCOUNTABILITY PROGRAM (AAP)**

- ❖ Pilot data shows that out of 108 AAP referrals, Black and Hispanic youth represent 55% compared to 31% White youth.
- ❖ Data could represent greater diversion opportunities for youth of color as we continue to monitor and evaluate the program.
- ❖ There was an overall increase in referrals.

WITHIN JUVENILE COURT

REDESIGNING THE JUVENILE DIVERSION PROCESS

- ❖ At the pilot's conclusion, 38% of all 481 intakes files were diversion eligible. Of those, 93% received diversion services.
- ❖ The CSU saw an overall increase in the number of youth successfully completing diversion (informal or formal) and avoiding a criminal record increasing from 84% (pre-implementation) to 95% (post-implementation).
- ❖ Recidivism data is promising with only 17% of youth receiving new charges within 6 months of completing diversion.

EFFORTS DIDN'T STOP THERE...

The AAP program is in the final stages of the approval process and will be implemented countywide and in all police stations in the near future.

Eligibility criteria for diversion programming has expanded to include an increase in the number of charges diverted in one single event and restitution amount does not exclude a youth from the diversion process.

2016

- ▶ Juvenile Intake launched the *Domestic Assault Response Initiative (DARI)*. A diversion option, DARI offers eligible youth in custody, charged with domestic assault, a chance to avoid a formal charge. This program offers a short-term placement in the CSU's Shelter Care program through a written placement agreement vs. a court order. Family counseling is offered to families of youth placed on monitored diversion.
- ▶ Training for all intake officers in the *Youth Assessment Screening Instrument (YASI)* and the *Global Assessment of Individual Needs - Short Screen (GAIN-SS)*; both are evidence-based assessments that reduce subjectivity in assessing risk level and reduce the likelihood of low risk youth entering the court system unnecessarily. A matrix was implemented to identify appropriate diversion programs so low risk and younger youth are diverted, redirecting resources to high risk youth.
- ▶ Implementation of an "informal diversion" option for low risk youth lowered the number of youth on formal diversion and raised the number of youth eligible for "double diversion".
- ▶ Intake officers now follow up on referrals made to outside services as a part of informal diversion.
- ▶ The CSU's Victim Services Unit now offers the Core Values curriculum as a diversion option. The curriculum assists youth in determining if their values align with their goals.
- ▶ A DMC representative now conducts an introduction to this issue in the regular CSU New Employee Orientation.

Meanwhile, the DMC Response Team received technical assistance from the Center for Children's Law and Policy (CCLP) to conduct a deeper examination of all decision points and the instruments used for Intake and Probation Cases. As a result...

The **Detention Assessment Instrument** policy was revised to parallel the Virginia Department of Juvenile Justice policy changes implemented in the fall of 2016, using the DAI for **all** eligible offenses, including Probation Violations.

A new **Graduated Responses Matrix** was piloted in 2016; changes to the grid and procedures were made and a 2nd pilot began in January 2017. **Probation Rules** are being revised in conjunction with efforts and feedback from the Graduated Responses pilot.

The **Disposition Matrix** is being redesigned to incorporate evidence-based factors, such as criminogenic needs, into court recommendations.

✔ Where is the CSU's DMC team currently focusing efforts?

2017

- ✔ Expand training opportunities for CSU staff to include a regular core curriculum offering.
- ✔ Equity and judicial decision making.
- ✔ Develop a systematic process by which to offer oversight and DMC review of policy and procedure and major decision points of the Major Initiatives through an equity lens.
- ✔ Measuring outcomes.

JDRDC's early recognition of DMC issues resulted in the appointment of an agency representative to actively engage in and support the broader efforts of Fairfax County, in addition to those of JDRDC. Marlon Murphy, a long-standing CSU manager, has been actively involved with DMC efforts from the start. Mr. Murphy, in partnership Karen Shaban (Neighborhood and Community Services) has served as a major contributor to the local assessment efforts and the eventual passing of One Fairfax. Mr. Murphy has also attended national conferences, bringing the information back to inform county and agency efforts. He is invited to speak at national and local venues and currently serves as the CSU's lead on the DMC Response Team.

The combined efforts of JDRDC and other county agencies resulted in the creation of the One Fairfax Resolution



Adopted by the Fairfax County Board of Supervisors on July 12, 2016 and the Fairfax County School Board on July 28, 2016.

The resolution directs the development of a racial and social equity policy to be applied in the planning and delivery of all public services.

Through the use of equity tools the county and schools will ensure that decisions are made and resources are allocated within the context of One Fairfax, implementing policies, practices, and programs that will not just eliminate identified gaps, but increase success for all.

❖ To see the entire resolution please visit <https://www.fairfaxcounty.gov/topics/sites/topics/files/assets/documents/pdf/one-fairfax-resolution.pdf>