

ADVOCATE

A PUBLICATION OF THE VIRGINIA JUVENILE JUSTICE ASSOCIATION

Winter 2008

VJJA Meritorious Service Award Winners 2007



Residential Services: Joanne Smith, Executive Director, *Middle Peninsula Juvenile Detention Commission.*



Administration: Stanley Stewart, Supervisor, Loudoun Court Services.



Court Services: Doug Poe, Supervisor, 27th District Court Service Unit.



Community Service: Camp Excel, Accepted by Lindsay Kafton, Katrina Chavis, and Melissa Woods.



Beth's Blog

By VJJA President, Beth Stinnett

Suggested Resources and Resolutions

Happy New Year Colleagues! The start of the New Year is a time for reflecting on the year that just ended, but more importantly looking forward to the year ahead. It

is a time to contemplate the changes we want to make and to resolve to follow through on those changes. Among the most popular resolutions are: to spend more time with family; to exercise more; to eat healthier; to save money; and to organize one's home. I have started each of the last several years with one or more of those goals.

This year, I started the New Year by searching for and then dusting off my *Cooking Light* cookbook. It had not been out of the cupboard since last January. Like most who resolve to eat healthier, I start each year with good intentions and an actual daily meal plan, but it usually derails by the end of January, the first bag of Munchos make its appearance and I fall back into my old habits.

There are a number of reasons why resolutions fail. Chief among them is that changes in our daily habits are difficult. It is much easier to continue with our normal routine. It takes little to no effort, which is essentially the hidden bonus in failing.

Similarly, as juvenile justice professionals, we attend seminars and gather the latest information in the juvenile justice field. We listen attentively while attending training, take copious notes, and perhaps make mental notes about how we could incorporate our newly acquired knowledge into our practice. But once we return to our work places, often we file those notes away and fail to follow through.

To break that cycle, while we are still in the month of January, give some thought to the conferences and training sessions you attended in 2007. Pull out your notes and use those notes as the beginning of an action plan for 2008. How will you use the knowledge that you possess to achieve better outcomes for the young people in your charge in 2008? What goals will you set? What resolutions will you make?

Attendees at VJJA's 31st Fall Juvenile Justice Institute, "*When All the Stars Align — Partnering for Better Outcomes for Court Involved Children*", need not look farther for

inspiration than their notes from the event. Truly a star-studded line up, featuring both nationally recognized speakers and in-state talent, the salient points from each of the sessions could serve as the basis for your work plan for 2008 and for years to come.

(1) The Strength Based Approach To Juvenile Justice

After the inspiring words of Roanoke City Manager Darlene Burcham, the Fall Institute opened with a plenary address by Dr. Wally Kisthardt, of Parkville, MO, entitled, "*Adopting A Strength Based Approach to Juvenile Justice*". Dr. Kisthardt explained to the audience that the focus with the strength-based approach to juvenile justice is on **the techniques and strategies (the "how to's") that juvenile justice workers can use to raise motivation levels and facilitate positive behavioral change. The focus is not necessarily on the youth's behavior, but rather on how the worker responds and how the worker's response influences what happens next. One strategy he suggested was querying young people about what they enjoy and affirming and building a plan around their likes and desires.** He reminded us that the nature of our interactions with young offenders play a pivotal role in determining whether they go on to commit subsequent delinquent offenses. Dr. Kisthardt also shared with us the goals that he believes should be present during every contact with a young person, central among them: affirmation and validation and creating a hopeful and engaging atmosphere. He reminded us that human beings by nature gravitate to folks with whom they feel a sense of affirmation. Finally, Dr. Kisthardt challenged us to not only think "outside of the box", but to also take a risk (something we routinely ask young people to do) and move to the next level by changing the way we practice. Suggested Resource: www.buildmotivation.com

Resolution: Select interventions that are designed to achieve positive outcomes by encouraging autonomy, self-determination, and positive reinforcement and focusing on what techniques and strategies you can employ to raise motivation levels and facilitate positive behavioral change.

(2) Better Outcomes Through Collaboration

Beth, continued on page 10



Just Us

By R. Erich Telsch

Presumed Not Competent

Just when we think we're onto something as far as understanding adolescents, life throws us another curve.

As most of you know by now,

the latest research shows that the human brain does not stop developing until around age 25 years. For those who attended the VJJA's Fall Institute, you may recall the plenary address on this topic, but what has caused me to ponder on our business this month is the issue of competency. Not incompetence, but not being competent — not having arrived yet.

It's not enough to merely understand that juveniles aren't fully developed. What troubles me today is that current thinking indicates that some juveniles may not beneficially comprehend the consequences of their actions regardless their age. Substantial effort involving specially trained, qualified mental health professionals may be needed to 'restore' their competency. More juveniles than we have previously considered may be unfavorably limited in assisting in their own defense or comprehending what is occurring in court. They may be struggling to understand what is going on, what the choices are in their pleadings, and what the effect is that stems from their behavior. It makes me sit up and take notice.

Given this new information, as I back up the mental age line in my mind, I have drawn a few disturbing scenarios for us to consider. At eleven (11) years of age a child may be committed to the Department of Juvenile Justice without truly knowing that they had different choices of action other than the delinquent act they committed that got them committed. When they were read their Rules of Probation, they may not have been processing all of them jointly and severally, nor did they fully understand the expectations required of them to change their life style in the aggregate. When speaking with their attorneys, they offered their only viewpoint, perhaps not fully comprehending what the penalty options constituted. Their defense counsel, being bound by the expressed interest of their client, offered the only summation available to them even if that may not have been in the best interests of the child. Particularly for those offenses when the juvenile is being tried as an adult — how does one plea bargain a forty year prison term when one

cannot adequately consider what twenty years may mean? And lastly, unless exceptionally trained at understanding a juvenile's inability or lack of capability to competently comprehend what is occurring during the legal process, how do we as practitioners exercise prudent judgment in holding juveniles accountable for their actions? All this reminds me of my dog.

The difference between what I say to my dog and what my dog actually hears goes something like this: I say, "Darwin, I told you to stay off of the couch. Look at the mess you've made, Darwin. Get down! I'm appalled at your behavior, Dar-Dar." What he hears is something like, "Darwin, blah-blah-blah. Blah-blah-blah, Darwin. Blah-blah! Blah-blah-blah, Dar-Dar." While he presents as attentive as a dog might, what he is competent to understand extends way beyond English, tone of voice, or vocabulary choices. He simply doesn't have the language skills or the capacity to think through his behavior without significant coaching, patient discipline, and repetitive instruction and then, because it is in the nature of a dog to be itself (*facultas formatrix*), he performs for me but remains incapable of expressing what is being requested of him.

Please don't misunderstand. I am not making children analogous to canines. I don't even like that many people call them kids, which is a term we should reserve for goats. My point being that a person cannot appropriately respond to circumstance and situation without being able to do so competently and with children it is a moving target. At different times in their development, children respond best to parental influence; at other times, peers; sometimes community authority figures; and, still other times, a combination. Conscience and the role of consequence evolve during the developmental years, but the justice system is more static. That is not to say our judges and co-workers don't exercise prudent judgment — they do. However, unfortunately, the equipment the defendants bring to the table cannot match the collective wit of jurisprudence which is codified and cross-referenced with matters thoroughly discussed in case law. This is why juvenile courts were established in the first place — children are not small adults. It takes them a while to catch up to the answers to the questions of life.

Just Us, continued on page 14



Membership Matters

By Samantha Higgins, VJJA Membership Chair

Record Numbers Recorded at Close of Second Quarter

The second quarter of the VJJA membership year closed December 31, 2007 at an all time high...1015 members! In recent years, we have not met the 1000 member mark until late in the fourth quarter, so this is truly remarkable.

The membership numbers by district are as follows:

DISTRICT	1 st QTR.	2 nd QTR.
BLUE RIDGE	46	90
CAPITAL	283	333
NORTHERN	64	123
SOUTHWEST	54	76
TIDEWATER	253	302
VALLEY	36	91
TOTAL	736	1015

Our membership total includes life-time members and nine courtesy members. This year three new lifetime members were inducted — Tom Currier of Lynchburg Detention Home, William Harrell of the 5th District Court Service Unit, and Jim Woolf the recently retired Deputy Director of the 2nd District Court Service Unit. (The nomination process and criteria for life-time membership is managed by the VJJA Awards Committee.)

Congratulations to the Blue Ridge, Northern and Valley Districts for doubling their membership!

As a reminder, please send any changes in your employment or updates to your email and/or mailing addresses to me at membership@vjja.org.

VJJA Election Results

The following are the 2007 election results for VJJA state officers as certified by Lewis W. Wright, III, Election Chair. All current members of the association received official ballots by mail on or about December 1, 2007. All ballots returned postmarked by December 15, 2007 have been counted.

➤ **President**

- Beth Stinnett (171 votes)
- Dave Carver (1 vote)
- Shanda Ellis (1 vote)
- Mishell Fricke (1 vote)

- Samantha Higgins (1 vote)
- Chuck Kehoe (1 vote)
- Gayle Turner (1 vote)
- Chuck Watts (1 vote)
- Lewis Wright (1 vote)

➤ **Vice-President**

- Ron Telsch (164 votes)
- Mike Sawyer (2 votes)
- Elaine Butkiewiez (1 vote)
- Amanda Chasteen (1 vote)
- Shanda Ellis (1 vote)

➤ **Secretary**

- Colleen French (174 votes)

➤ **Treasurer**

- Donna Baker (170 votes)
- Charles Dockery (1 vote)
- Charles Durant (1 vote)

Book 'Em

By Eric Assur

The Power of a Positive NO (How to say NO and still get to Yes)

William Ury, Bantam Books, Hardback, 257 pages, 2007

The Harvard Negotiation Project fellow, William Ury, is credited with being one of the authors of the seminal mediation work, *Getting to Yes*, twenty years ago. He now offers another simple and readable bag of tricks or way of looking at conflict. This new angle or twist, mostly based on decades of negotiations experience, can be applied to your domestic relations and youthful offender work. Saying NO to anything need not be a dead end or deal breaker. In fact, saying NO in a functional way is essential in the work you do. How one says NO can lead to change, deals, creative compromise and results that build bridges, rather than sabotage relationships. The examples are many. Rosa Parks said NO to sitting in the rear of the bus and played a significant part in improving race relations. The lives of M. Gandhi and Nelson Mandela are global examples of saying NO to domination and served as foundations for international change. The concepts shared by this anthropologist can be applied in a micro setting as well. Helping a spouse say NO to an abusive mate can be safely done and can lead to a better status quo. Or helping a teen or adult client say NO to drinking is the same as saying YES to sobriety and a new life.

Positive NO, endorsed by Steven Covey and Tom Peters, teaches us that we can set limits in a positive way and teaches that *giving respect never costs us anything*. So, why not always give respect to others? Why not respect or give the proposals of another a second look (as in spectacles). You can still say NO after first seeking to hear the other party and to learning his point of view, demands or position. Even hostage negotiators (police) say NO with respect. Perhaps we can better be heard and followed in our authoritarian agency roles by sharing probation rules (big NOs) in a fashion that relates to goals and not goals. Ury offers a three step model that allows you to deliver a NO message (even to a supervisor, judge, attorney, client or subordinate) in a fashion that leads to good stuff. The model, similar to that in tennis or other sports, is to *prepare, deliver and to follow through*. Following even some of the philosophy put forth in this easy and interesting primer might lead you to more win-win situations. Or, perhaps you can share the mind set (use the white board in your office or model it daily) with others. At a minimum, probation clients might better accept and follow your NOs (probation rules) if they are delivered in writing and

reviewed and followed by a YES package. The respect that Gandhi had for the British Prime Minister responsible for his years of incarceration was reflected in the prison-made sandals he sent to PM Jan Smuts. Sending such a gift to his prosecutor opened doors for mutual respect and renewed 'negotiation' between India and the British decades later. The respect you can develop between yourself and clients may serve as the foundation for change that makes you more successful. While not specifically mentioned, some readers will be able to relate this work to the restorative justice projects seen in many of our courts or CSU's. Saying NO to prohibited behaviors can occur through actions that might yield YES results without even a petition or visit to the courthouse.

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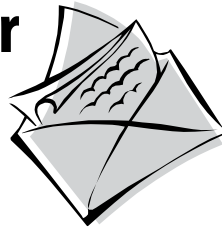
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Letters to the Editor



Dear Editor:

You and I disagree strongly on gun control, hunting, smoking, the recreational uses of alcohol, and the aesthetic value of facial hair. But two things I envy and admire you for are your writing talent, and your willingness to spark much-needed dialogue (and fill a few otherwise empty newsletter pages?) by occasionally kicking us out of our comfort zones with a controversial *Advocate* item.

I'm referring, of course, to Summer 2007's "The Dangers of Detention," and the heated rejoinders in the Fall issue. While agreeing wholeheartedly with the issue-related responses (Virginia's juvenile detention system is vastly superior to most others and getting even better), the personal offense and moral indignation expressed in two of the letters deserve a counterpoint of their own.

As I once heard a juvenile court judge say, "I don't know of many things that stir controversy, frustration and emotions more than what to do about a delinquent kid." Part of the fallout is broad-brush assumptions, political philosophy, homespun dogma, idealism and pseudo-science shoved in our faces by the powers that be and "experts." It can take many forms, some more direct than ink on paper.

I can laugh now about experiences in the latter category that once gave me heartburn. For example, the bleeding-heart DJJ Director who held a statewide meeting under the Hanover picnic shelter in the 90+ temperature and humidity of a July day. He began the meeting with, "As you sit here for the next few hours, think about the kids in the cottages without air conditioning." We wondered if a new treatment method modeled after American Indian sweat lodges was being piloted, until distracted by a corpulent Central Office staffer, sweating profusely and turning a deeper shade of red every 15 minutes. Many eye messages of "CPR? Not me!" were exchanged among the group. Thankfully everyone left the meeting alive; some of us for the nearest air-conditioned bar.

Then there was the well-paid detention administrator who developed a gig as an "expert" before the Crime Commission, JLARC, and DCJS committees, and anyone else gullible enough to listen. His hook was labeling detention the "drip-pan of the juvenile justice system;" contending that all detained children belonged instead in psychiatric hospitals or residential treatment facilities. It was a thinly-veiled poke in the eye of judges and probation officers for not making that happen. Curiously, and in

spite of the stated contempt for his workplace, he never left detention before retiring.

Finally, I once worked for a judge (since promoted and retired) who contended that "being tough" was the one-size-fits-all treatment modality, and none of us PO's was "tough enough" on our youth. When a couple of us summonsed the courage to point out the quickly-reached limits and negative consequences of that approach, he replied, "When you're out there in neighborhoods, homes, and schools, you should be doing exactly what I would do in your place." At that we pursed our lips, shrugged our shoulders and shut up.

I could go on, but my point is simple: broad and nitpicking criticism, second-guessing, generalizations and potshots come with the entire juvenile justice turf. Coping with it is an essential survival skill. As one who used to "take it personally" and was my own worst enemy by doing so, I encourage those who want to do their jobs well, enjoy their work and "have a life" to develop that ability, which probably comes under the category of "Emotional Intelligence." Our very juvenile justice system depends on it as an enabling resource. If we take offense easily, withdraw into our silos and refuse to communicate meaningfully, we no longer have a "system." Instead, we become a series of disconnected entities spending more energy on finger-pointing than helping kids.

And why the heck would you want to quit VJJA? The Fall *Advocate* had 3 ½ pages of valuable information on detention programming in Virginia, prompted by July's half-page entry (You're a sly fox, Gary!). As a one-time newsletter editor myself, bet that wouldn't have happened if you had said, "How about somebody writing a current update on what's going on and in the works for juvenile detention?"

To quote a line from one of my favorite *Pink Floyd* song, "We need to keep talking."

Bill Harrell
Director, 5th District CSU

Dear Editor:

I want to tell you how much I enjoyed my all-too-brief attendance at the VJJA conference. The speaker I heard on adolescent neural development was informative and entertaining. I especially liked his map of the teenage brain.

Most importantly, it was extremely heartening to me to see so many idealistic, intelligent, hard-working people

Editor, continued on page 11

2007 Scholarship Recipients



Julie Truitt, DMHMRSAS



Anne Clifford, 16th District CSU

Why is this man smiling?

- He's been a proud member of VJJA for more than 3 decades
- He retired on January 1, 2008
- 365 days of golf await
- ALL OF THE ABOVE



JIM WOOLF
VJJA Vice President

Best Wishes Jim!

Tough Juvenile Crime Laws Get Second look

A generation after America decided to get tough on kids who commit crimes — sometimes locking them up for life — the tide may be turning.

States are rethinking and, in some cases, retooling juvenile-sentencing laws. They're responding to new research on the adolescent brain, and to studies that indicate teens sent to adult court end up worse off than those who are not: They get in trouble more often, they do it faster, and the offenses are more serious.

"It's really the trifecta of bad criminal-justice policy," says Shay Bilchik, a former Florida prosecutor who heads the Center for Juvenile Justice Reform at Georgetown University. "People didn't know that at the time the changes were made. Now we do, and we have to learn from it."

Juvenile crime is down, in contrast to the turbulent days of the 1990s when politicians vied to pass laws to get violent kids off the streets. Now, some champion community programs for young offenders to replace punitive measures they say went too far.

"There has been a huge sea change. ... It's across the country," says Laurie Garduque, program director at the MacArthur Foundation, which has worked extensively on juvenile-justice reform. "It certainly helps that there has been a decline in juvenile crime and delinquency."

Not everyone, though, believes there's reason to roll back harsher penalties adopted in the 1990s.

"The laws that were changed were appropriate and necessary," Minnesota prosecutor James Backstrom says. "We need to focus on the protecting the public — that's No. 1. Then we can address the needs of the juvenile offenders."

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Richmond Commonwealth's Attorney Michael Herring thinks the tougher standards that Virginia set in the 1990s work well. They mean many youths, some as young as 14, are tried as adults for violent felonies such as murder, aggravated assault or robbery.

"We're seeing more juvenile robberies," Herring said. "They're kind of the poster child of this dilemma.... When they come out of the adult system in their 20s or 30s, they're going to be hardened, really likely to be seasoned, more likely to be predatory."

"On the other hand, if you've got a juvenile who pulls a gun in a robbery, what kind of message are you sending to

his peers, what kind of message are we sending to him if we don't take it very seriously?"

Herring said he believes most prosecutors in Virginia have little doubt that a 17 or 18-year-old who is not under duress, not retarded, not under the influence of drugs or alcohol ought to be tried as an adult if charged with a violent felony. He is less sure about that when a 14-year-old is accused.

"I don't care what you say, 14-year-old minds are different," he said.

But older teens who know what they are doing when they kill or try to kill, or who rob or rape, should be tried as adults, most Virginians feel, Herring said.

"But I don't think you'll find anyone who doesn't feel a nonviolent, nonpredatory offender should have more community options," he said.

.....

Reginald Dwayne Betts knows firsthand about being a teenager in an adult correctional facility. He spent more than eight years behind bars in Virginia for an armed carjacking. An honors student who had never been in trouble with the police, he says he expected he might be sent to a juvenile detention center or even receive a suspended sentence.

Instead, he was tried as an adult. When he was originally sentenced to 23 years, he says, he didn't know the difference between the terms "consecutive" and "concurrent."

Locked up at 16, Betts spent most of his time in adult prisons.

"Of course it makes a difference if you're 15, 16 or 17," he says. "You're not prepared to deal with it physically or emotionally. You're trying to deal with being away from home. You're trying to deal with the stress that comes with being in prison."

Violence was a constant presence. "I got used to stuff most people I see today would never have to get used to — like somebody getting their head split open," Betts says. "You get numb to it. It's like, OK, somebody got stabbed."

After serious problems during his first two years in prison, he retreated into books, taught himself Spanish, took a paralegal course, wrote and published poetry.

When he was released two years ago at age 24, he won a college scholarship, found work and started a book club for

young boys. He is now engaged and has a book contract. He knows he is an exception: “People don’t come out of prison and make good,” he says.

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Each year, about 200,000 defendants under 18 are sent directly or transferred to the adult system, according to rough estimates.

Most end up there because of state laws that automatically define them as adults, because of their age or offense. Those laws were ushered in to curb an explosion in violent crime — the teen murder arrest rate doubled from 1987 to 1993 as the crack trade and guns flourished — and to address mounting frustrations with the juvenile-justice system.

Some politicians began using the phrase “adult crime, adult time.” There were predictions of even bleaker days ahead.

Some warned that by the end of the century, thousands of remorseless kids — a new generation of superpredators — would be committing murder, rape or robbery, joining gangs and dealing drugs.

But the supervicious breed of criminal never emerged. (The professor who coined the “superpredator” term later expressed regret.) Drug trafficking declined. An improved economy produced more jobs. And the rate of juvenile violent-crime arrests plummeted 46 percent from 1994 to 2005, according to federal figures.

The MacArthur Foundation said in a report to be released this month that about half the states are involved in juvenile-justice reforms — among them, taking more kids out of the adult system, providing more mental-health and community-based services and improving conditions at detention centers.

A national poll, commissioned by MacArthur and the Center for Children’s Law and Policy and set for release at the same time, also found widespread public support for rehabilitating teens rather than locking them up.

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Advocates for children’s rights in Virginia are pushing for one key change — the automatic way a prosecutor’s request to try juveniles as adults for serious felonies is granted, said Melissa Goemann, director of the Mid Atlantic Juvenile Defenders Center at the University of Richmond.

Goemann said advocates hope the General Assembly will consider allowing an adult-court judge to consider sending a case back to juvenile judge. About half the states have some form of judicial review of a prosecutor’s motion in such cases, she said.

The change would not affect the automatic transfer of murder and aggravated malicious wounding cases to adult court, she said.

“There aren’t enough alternative programs available” for juveniles guilty of less serious offenses, Goemann said. Wealthier communities tend to have more options, while in rural Virginia there are few alternatives to detention.

Some Virginia communities are experimenting with promising options such as Roanoke’s teen courts — in which minor offenses at schools are handled by courts run by youth themselves — or Richmond’s juvenile drug court, she said. She said child-rights advocates would like to see more such programs in Virginia.

But not all states are easing up.

Rhode Island headed in the opposite direction — at least, temporarily. Last summer, the state passed a law to send 17-year-old criminal offenders to adult prisons in what was intended as a cost-cutting move. The measure, however, was repealed about four months later after some critics pointed out the plan probably would be more expensive.

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Though juvenile crime tends to evoke images of gangs and murder, violent teens are the exception.

Studies find that they account for about 5 percent of all juvenile arrests. Drugs, burglary, theft and other property crimes are among the more common reasons teens are prosecuted in adult courts.

Most of these kids, though, don’t end up in adult prison, according to the Campaign for Youth Justice. A study the group commissioned of 40 large court jurisdictions in the country looked at teen felony cases in 1998 and found between a third and a half had no conviction or were bounced back to juvenile court.

Crossing the threshold into the adult world is damaging in itself, argues Liz Ryan, head of the group. About 7,500 juveniles are held in adult jails on any given day, she says, and that number probably reaches tens of thousands a year because of turnover.

For those eventually convicted of serious crimes in adult court, the damage can be irreparable, compared with convictions in juvenile court, where records typically are sealed.

“A lot of people say, ‘So what? They get a slap on the wrist,’” Ryan says. “Well, there is a consequence. We call

Tough, continued on page 12

Beth

Continued from page 2

With the theme of, “*When All the Stars Align — Partnering for Better Outcomes for Court Involved Children*,” several of the conference sessions focused on forging effective partnerships between child-serving agencies and effective collaboration. The Honorable Judge Philip Trompeter, 23rd J & DR Court, Nancy Hans, Roanoke County Prevention Council, and Caroline Overfelt, Roanoke County Public Schools, delivered “Data-driven Partnerships Powered By Collaboration”. John Tuell, Child Welfare League of America also led a workshop. He focused on the connection between child maltreatment and delinquency and the importance of strong collaboration in dual jurisdiction cases. Finally, the group twice heard from the Honorable Steve Teske, from Clayton County, Georgia. Judge Teske delivered a workshop entitled, “*Setting and Achieving Management Outcomes in Juvenile Justice*”. He also opened day two of the conference with a plenary address entitled, “*Enhancing Collaboration to Achieve Better Outcomes*”. Judge Teske talked about the difficulty of reducing recidivism when crime-producing factors are individually connected to different child-serving agencies that are unconnected within the juvenile justice system. Also, consistent throughout his talk, as well as other workshops on collaboration, was the important role of leadership — particularly judicial leadership and results-oriented leadership — in forging and sustaining partnerships. Lastly, Judge Teske and others championed the use of data and emphasized embracing and sharing data as a necessary and important part of the collaborative process. Suggested Resource: www.childwelfarepolicycenters.com (select “Collaborative”)

Resolution: Take the lead in building bridges between system stakeholders and developing protocols between agencies to effect change and achieve better outcomes.

(3) Minority Overrepresentation

Members Larry Robinson, Newport News Juvenile Services, Dr. Rosanne Walters, Newport News Office on Youth Development and Shauna Epps, the Center for Children’s Law and Policy, presented a workshop entitled, “*Disproportionate Minority Contact/Confinement: It’s Not a Black Thing*”. The workshop provided an overview of DMC both nationally and in state, focusing on steps that localities across the country have taken to reduce the overrepresentation of youth of color in the juvenile justice system. The panel discussed their involvement and successes with the Juvenile Detention Alternatives Initiative (JDAI). They also discussed their partnership with the W. Haywood Burns Institute and the technical

assistance they have received from that group. Two of the key recommendations they gave the audience were: (1) to begin with a data-driven process and to ensure that data is disaggregated by race and gender; and (2) to implement and ensure strict adherence to race neutral assessment tools. Suggested Resources: www.jdaihelpdesk.org and www.burnsinstitute.org

Resolution: Take a critical look at policies and practices in your locality through a racial lens.

(4) Adolescent Development, Using What We Know

The next plenary address was delivered by Dr. Randy Otto from the University of South Florida. He spoke on “*Using What We Know About Adolescent Development In Juvenile Justice*”. He described adolescence as a time of trying new things, making mistakes and learning from those mistakes. He said that our job as experts in the area of adolescent behavior is to know which behaviors are normative and to determine which behaviors are acceptable and which behaviors should cause alarm. Dr. Otto also said that we must use what we know about adolescent behavior in developing developmentally appropriate responses (e.g. anticipating and planning for non-compliance, setting realistic expectations). Finally, Dr. Otto challenged participants to consider that some level of delinquency is normal and that most adolescents normally desist or age out of behaviors. During Dr. Otto’s presentation I thought about my own adolescence. By the definitions he used it was apparently quite typical and included many trials, tribulations and life lessons. It was riddled with behaviors that were not my shining moments and behaviors for which I would not want to be judged into adulthood. There was the usual underage possession of alcohol and a water balloon “incident” that today might well have been treated as “throwing a missile into an occupied dwelling”. While I will not go into detail here (for fear that the statute of limitations might not have expired), suffice it to say that while the behavior could have resulted in delinquent charges, Dr. Otto’s presentation was validated that the prankish behavior more closely resembled typical adolescent behavior than delinquency. Suggested Resource: www.adjj.org

Resolution: Consider what you know about adolescent development and use that knowledge daily in your decision-making and interventions. Set realistic expectations, utilize developmentally appropriate responses, and plan for non-compliance as an inevitable part of working with adolescents.

(5) Youth Court and Peer Led Resolutions

The final plenary session was led by retired Judge Diane Strickland, Austin West, Westward Consulting, and a

talented group of high school students from the youth courts at William Fleming and Patrick Henry High Schools. The group provided an entertaining and informative presentation on the Youth Court model, a model by which youth resolve conflicts and sentence their peers for minor delinquent and status offenses and other problem behaviors. The presentation included a mock trial and student led forum. The panel discussed how youth courts can divert school-based offenses from the attention of the juvenile court. They also discussed how the program can foster leadership and responsibility and explained that most youth court programs require offenders to train and participate as a future juror. Youth courts (also called teen, peer, and student courts) can be administered by and operated within a variety of agencies within a community including law enforcement agencies, juvenile probation departments, juvenile courts, private nonprofit agencies, and schools. Suggested Resource: www.youthcourt.net

Resolution: Increase diversion and involve youth in problem solving and conflict resolution.

Editor

Continued from page 6

passionately dedicated to helping young people. My job is easy, with a good paycheck, and title; but you in the VJJA and related service providers are the ones who roll up your sleeves and do the real work everyday. And you accomplish all this under trying circumstances with few resources to make a disadvantaged youth's life a little better.

Thank you at the VJJA for all that you do. You have my gratitude and admiration.

Sincerely,
Paul A. Tucker
Chief Judge
25th District J&DR Court

District Officers Elected for 2008 – 2010

The following District Officers have been elected to serve from January 1, 2008 through December 31, 2009.

Southwest District

Chair: Doug Poe, 27th District CSU (Pulaski)
Vice Chair: Jim Cornett, 28th District CSU (Abingdon, Bristol, Marion)
Secretary: Neil Bramlette, Appalachian Juvenile Commission
Treasurer: Ron Belay, 29th District CSU (Pearisburg)

Blue Ridge District

Chair: Susan Farmer, 23rd District CSU (Salem)
Vice Chair: Anthony Drakeford, 23A District CSU (Roanoke)
Secretary: Amanda Moseley, The Hughes Center (Danville)
Treasurer: Ben Morgan, 24th District CSU (Rustburg)

Valley District

Chair: Samantha Higgins, 25th District CSU (Lexington, Buena Vista, Rockbridge)
Vice Chair: Tim Smith, Shenandoah Valley Juvenile Detention (Staunton)
Secretary: Wendi True, Liberty Point Health Care (Staunton)
Treasurer: Arthur Price, Natural Bridge Juvenile Correctional Center

Capital District

Chair: Marie Bristow, Family Focus
Vice Chair: William (Bill) Gordon, VADJJ — Reception & Diagnostic Center
Secretary: Stephan Stark, Intercept Youth Services
Treasurer: Mishell Fricke, 14th District CSU (Henrico)

Northern District

Chair: Lynn Dotson, 31st District CSU (Manassas)
Vice Chair: Elaine Butkiewicz, 18th District CSU (Alexandria)
Secretary: Tammy Deihl, 15th District CSU (Spotsylvania)
Treasurer: Ellen Patterson, 31st District CSU (Manassas)

Tidewater District

Chair: Katherine Grimm, 3rd District CSU (Portsmouth)
Vice Chair: Antoinette (Toni) Craig, 5th District CSU (Suffolk)
Secretary: Robin Bailey, 1st District CSU (Chesapeake)
Treasurer: Patrick DeLauder, 3rd District CSU (Portsmouth)

One for John

By Bill Harrell

2007 was a tough year for Christie Ek. A former probationer she worked intensely with is in jail on drug charges; she was bitten by a horse where she and daughter Maddie ride; son Jonathan broke his arm during a trail bike spill; her mother's illness, once in remission, returned; and June 10 marked 17 years since her younger brother was gunned down in their parents' front yard. John Newberry Jr. has now been gone for as long as he once lived.

As the memory brought tears, Christie recalled the group of teenagers on mopeds that circled the neighborhood that afternoon, wreaking havoc, yelling profanities and being generally obnoxious. They passed by again just as Christie, her boyfriend and brother headed out the door to the car. As he was retrieving some items from his car, John shouted "Shut up and get out of here!" The group turned, headed toward John, and someone shot him in the chest.

It didn't take the police long to round up the group, trace the gun to the home of one and identify the shooter. The tragedy and court case consumed the family during the year before the shooter received a fifteen-year prison sentence. Christie dropped out of college, and with her parents overwhelmed by anger and grief, became the family spokesperson, advocate and investigator. Looking for understanding, she returned to college and took a criminal justice course. That whetted her appetite, and she switched from Accounting to Criminal Justice with a minor in Counseling. The change terrified her parents and family, who felt "we can't lose another family member; they're all violent, unpredictable, and will kill you, too." But Christie earned a B.A. and M.S., Ed from ODU, and says a group home internship was the turning point that opened her eyes. She got to know kids with personal stories and tragedies of their own, who became individuals instead of statistics. She gave up her intention to "fix the system," convinced instead that working directly with juveniles would be the most direct and best way to prevent future tragedies.

With seven years experience as a generic probation officer in the Fifth District Court Service Unit, and as Senior Probation Officer in its Isle of Wight office, Christie says she is "very fulfilled, love my job and love the kids." Though her "Flower Child" hairstyle, dimples and lilting voice fit the stereotype of a kindergarten teacher, Christie fully accepts her public safety responsibilities toward those who "don't get it." She is best known, however, for persevering,

advocating for and connecting with difficult kids. And for those reminiscent of the 16-year old who killed her brother, she tries to find the "something we can tap into" that will turn them around. And when that happens, Christie can say to herself, "This one's for John."



Christie Ek

Tough

Continued from page 9

it perpetual punishment. You have a felony record that follows you the rest of your life."

Ryan says that can affect college loans and admissions, voting and job prospects. "By cutting off opportunity, it increases the likelihood they'll be back in the justice system," she says.

The Associated Press and Richmond Times-Dispatch staff writer David Ress contributed to this report.

ADVOCATE

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Lifetime Memberships Awarded at 2007 Institute



Tom Courier



Jim Woolf



Bill Harrell

SAVE THE DATE – MAY 16, 2008

13th Annual Juvenile Law & Education Conference

REPRESENTING THE WHOLE CHILD

Sponsors: Virginia Indigent Defense Commission, The University of Richmond School of Law, The Mid-Atlantic Juvenile Defender Center and Virginia Juvenile Justice Assoc.

Location: University of Richmond School of Law

Audience: Defense Attorneys, Court Service Unit Staff, DJJ Administrative Staff

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Registration Fee will be \$65 for early bird/\$75 late.
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For information visit www.law.richmond.edu/majdc/events.php
Questions? Contact Jessie Munn at 804-289-8921

Just Us

Continued from page 3

Uniquely, though, lawyers have learned to use this to their probative advantage. Question: “Did you see the victim?” Answer: “Yes.” “It was dark. Are you sure? You saw the victim?” Answer: “Yes.” — meaning it was dark is a true statement. “You are sure?” “I think so.” — meaning it surely was dark. “You think so?” “Yes, I do.” — meaning I am sure it was dark. “Wasn’t the victim in the dark, so that you could not clearly see them?” “No. Yes.” — meaning they were in the dark, not the victim, but yes they could see them clearly. “No? Yes?” “Yes and no.” “Yes, now we’re getting somewhere, no? You do know what perjury is, don’t you?” “Yes, I think so.” “Do you or don’t you?” “I do. I think.” And on it goes....

So what can we do for children? I offer you my New Years’ proposals:

- First, existing law in Virginia allows a process whereby a child can be restored to competency for purposes of court proceedings. It is time-consuming and currently there are insufficient numbers of trained, qualified mental health professionals who can offer this service; however, attorneys need to become better informed of this process and ask for it on behalf of their clients — most especially for those clients who are younger, or those needing special education, and almost always for those facing “adult” consequences. Pay particular attention to children designated needing special education — it is an indicator that their development may not be equal to same-age peers.
- Second, we can encourage broader use of guardians *ad litem*. Children need someone in their lives looking out for their best interest; especially, if they **cannot** understand why they do.
- Third, we can pay much more attention to special education needs and deficits, as well as the need for mental health services. I know working with children is not the glamorous side of mental health, mental retardation, and substance abuse, and often no-shows and no-pays compound the ability to provide service but, for goodness sake, children need help. Childhood depression and resistance is real. Substance abuse and use is real. Working with adolescents using client-centered, client-empowered treatment services models isn’t easy, but they do need our help.
- As a matter of general conscience, a fourth suggestion would be to offer advocacy. Stimulate the Court

Appointed Special Advocate process in areas of the state where it does not now flourish. Within our institutions, whether community-based detention or group homes, or the state’s juvenile correctional centers, children need advocates. They should not present themselves before discipline committees, or triennial reviews without someone representing their interest. Juvenile justice is above all else a civil not a criminal process. We are not going to improve society by pointing a finger of blame or shame but, rather, through acceptance, inclusion and guidance we can encourage and stimulate long-term growth and development among the children with whom we work and thereby achieve long-term public safety.

None of this is easy. None of this is without a price. I have long held the belief that the only thing worse than crime is the fear of crime, and unless we willingly tackle the tough issues and wrestle with the difficult challenges, we will fast become a society that ignores the signs and bemoans that nothing can be done. Since *we* know better, *we* must guide the field toward a new direction of service and care. I hope some of my suggestions may help motivate you in that process. We can do things to help children. We can take action. We can become positive change agents for children and families throughout the Commonwealth. I thank you for the endorsement you have given me during the recent VJJA election and I invite you to join us in advocating for children during the current legislative session.

Author’s note: No one in our business is the sole proprietor of ideas. Like everyone, I am an amalgamation of thoughts and influences as extensive as my lifespan. I have been the recipient of tremendous support, advice and counsel throughout my career, but I did want to note particular appreciation for the kind insistences and corrections offered me by Dr. Robin Ramsey Telsch, who always encourages and aids me to make my written work as accurate and professionally sound as possible; and, she tolerates my sense of humor. Many of you know Robin as a colleague, some of you know her as my spouse, but I wanted to acknowledge my indebtedness to her and others in her profession who are making ours a better world, one person at a time. — *RET*

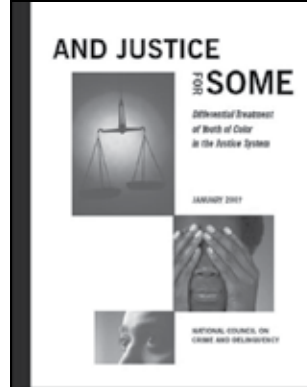
RESOURCES AND SUGGESTED READING

These and other resources available for download at:
www.VJJA.org/resources.html



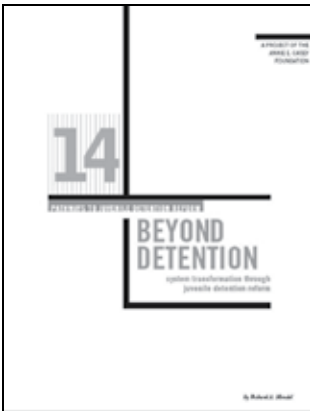
Gang Wars: The Failure of Enforcement Tactics & the Need for Effective Public Safety Strategies
 Justice Policy Institute

report seeks to debunk pervasive myths about gang crime. “More police, more prison and more punishment have *not* stopped gang violence”



And Justice For Some: Differential Treatment of Youth of Color
 National Council on Crime & Delinquency

This report details the accumulated disadvantage for youth of color as they move through the juvenile justice system and, too often, into the adult system.



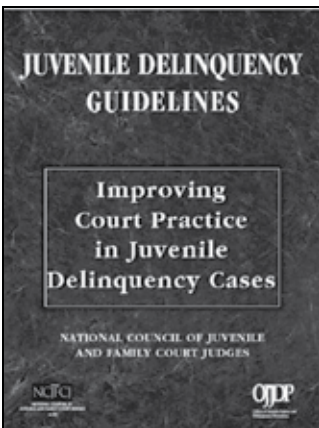
Beyond Detention
 Annie E Casey Foundation

Book #14 in the Juvenile Detention Alternatives Initiative Pathways series on juvenile detention reform. It documents the ways in which detention reforms in general – and JDAI’s comprehensive reform model in particular -- stimulate and support other juvenile justice system improvements.



The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform.
 Campaign for Youth Justice

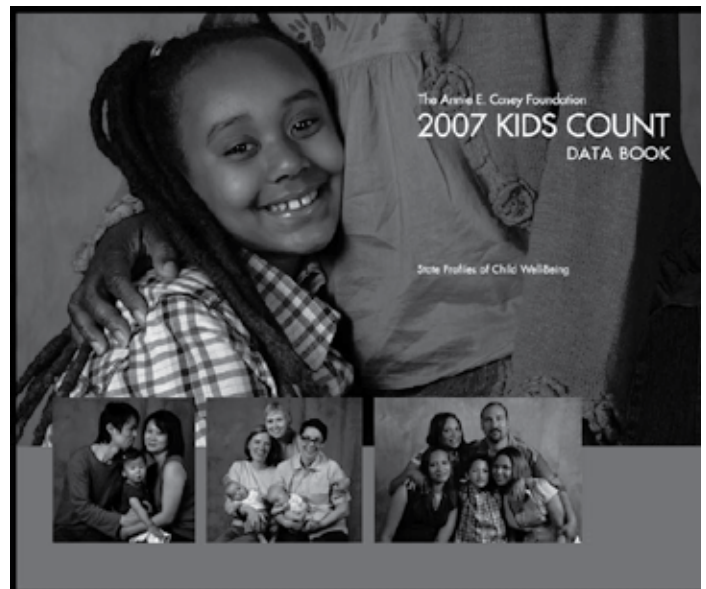
Study examines the laws in seven states: CA, CT, FL, IL, NC, VA, & WI. An estimated 200,000 youth end up in the adult system annually, and 40 states allow the jailing of these youth before trial.



Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases
 National Council of Juvenile & Family Court Judges

This publication is a benchbook of best practices developed by a committee of judges & other key professionals representing stakeholders in juvenile justice.

18th Annual KIDS COUNT Data Book
 Annie E Casey Foundation



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

Statewide Parent Advocacy Group Formed

A new statewide advocacy group, Families and Allies of Virginia's Youth (FAVY) has formed. Founded by parents Linda Kaufman and Liane Rozzell, the group is dedicated to advocating with and for incarcerated, court-involved and at-risk youth and their families. The group meets on the second Sunday of each month at Grace Episcopal Church, in Goochland, near the Beaumont Juvenile Correctional Center and the James River Regional Juvenile Detention Center. Past topics of discussion have included: "Coping Strategies for Families of Children Involved in the Juvenile Justice System" and "Advocating for Change in the General Assembly and Elsewhere." Additional details can be obtained by contacting FAVY Coordinator Liane Rozzell at: Liane@FAVYouth.org or by visiting the group's webpage at: <http://www.FAVYouth.org>.

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Save the Date!

The Restorative Justice
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MOVED

from Autumn to Spring!

The RJAV Conference
will take place on

Monday, March 3, 2008

at the Marriott Fairfax At Fair Oaks
11787 Lee Jackson Memorial
Highway (Rt. 50) (Off Rt. 50 on the
Fair Oaks Mall ring road)
Fairfax, Virginia