

**Juveniles Convicted in Circuit Court
FY2001 – FY2010**

Analysis of Juveniles Convicted in Circuit Court

- This presentation updates a similar analysis by the Sentencing Commission in 2009.
- The Sentencing Commission has determined that, in the past, it has not received sentencing guidelines forms for all juveniles convicted of a felony in circuit court.
 - By statute, guidelines apply in these cases.
 - Commission staff are addressing this through training.
- For this analysis, the Sentencing Commission has supplemented guidelines data with data from:
 - Juvenile Justice
 - Corrections
 - Supreme Court
 - Pre-Sentence Investigation reports

Analysis of Juveniles Convicted in Circuit Court

- **The Commission's analysis includes offenders who were under the age of 18 at the time of the offense (or for at least one offense in the case).**
- **Analysis includes juveniles who were transferred from JDR and juveniles automatically prosecuted in circuit court due to a prior conviction in circuit court (§ 16.1-271).**
 - **Available data are not sufficiently detailed to differentiate between these types of cases.**

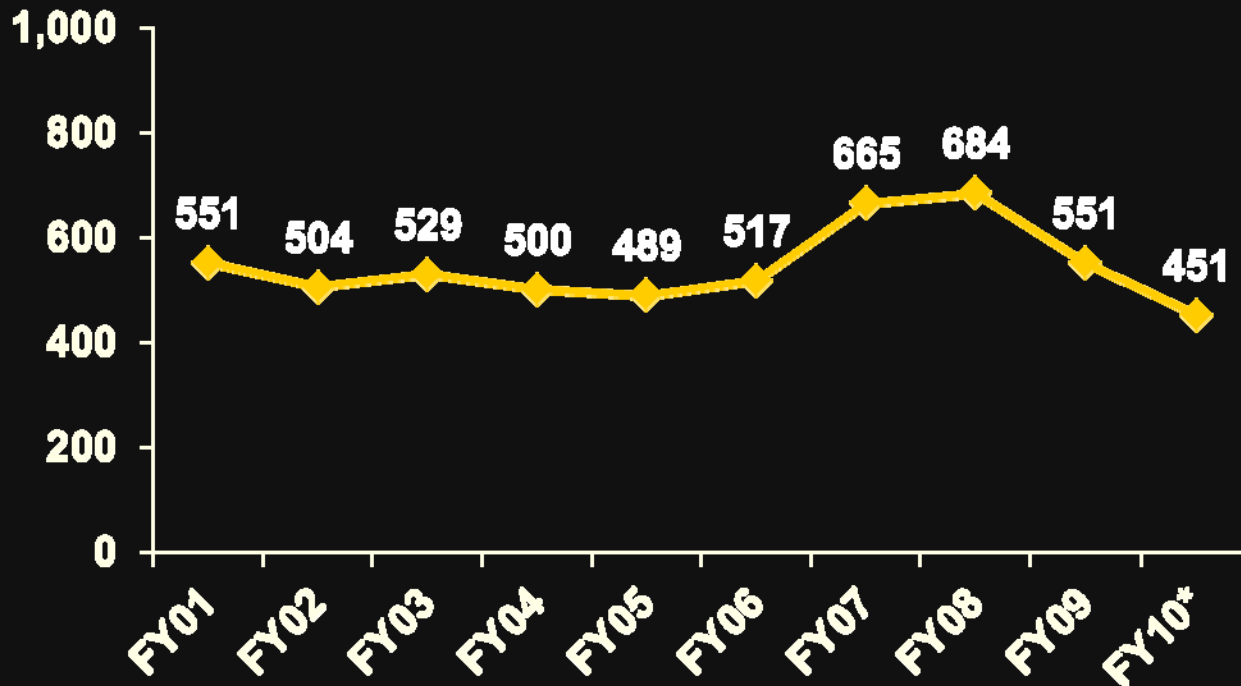
Analysis of Juveniles Convicted in Circuit Court

- **Analysis focuses on the original felony conviction and excludes subsequent probation violation hearings for that offense.**
- **Analysis excludes offenders who were 21 years or older at the time of arrest or filing and who must be prosecuted in circuit court (§ 16.1-242).**
- **The Commission's analysis is based on sentencing events, not individual juveniles.**

Changes for the 2010 Study

- **The 2010 study uses the same general methodology as last year.**
- **However, the Department of Corrections provided replacement data for fiscal years 2001 through 2008.**
- **Automated PSI data are not available for cases sentenced after October 2008.**
- **Local Inmate Data System (LIDS) data can include juveniles who are ultimately adjudicated in Juvenile and Domestic Relations court.**
 - **Because LIDS cannot distinguish juveniles by court of conviction, these data were excluded.**

Juveniles Convicted in Circuit Court, FY2001 – FY2010*



Total FY2001 – FY2010* = 5,441

Note: For the purposes of this analysis, “juveniles” refer to persons who were under the age of 18 at the time of the offense.

* Data for fiscal year 2010 are preliminary.

Juvenile Intake Cases at Court Service Units

Intake Type	FY2006	FY2007	FY2008	FY2009	FY2010
Person Felonies	4,040	3,873	3,508	3,170	2,735
Other Felonies	7,762	7,671	7,366	7,035	5,708
Class 1 Misdemeanor	27,333	26,490	26,248	26,642	23,908
Other	26,235	25,816	24,820	24,488	21,953
Total	65,370	63,850	61,942	61,335	54,304

There has been a 17% decrease in total intake cases between FY2006 and FY2010.

All categories of intakes declined in FY2010.

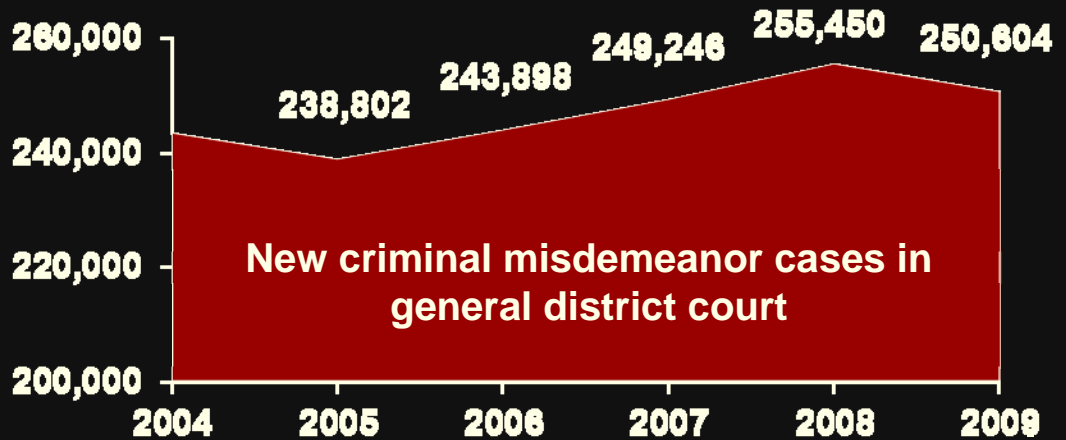
- Felony intakes dropped by 17.3%.
- Class 1 misdemeanor were down by 10.3%.

Note: Data may not be comparable to previous presentation due to methodological changes

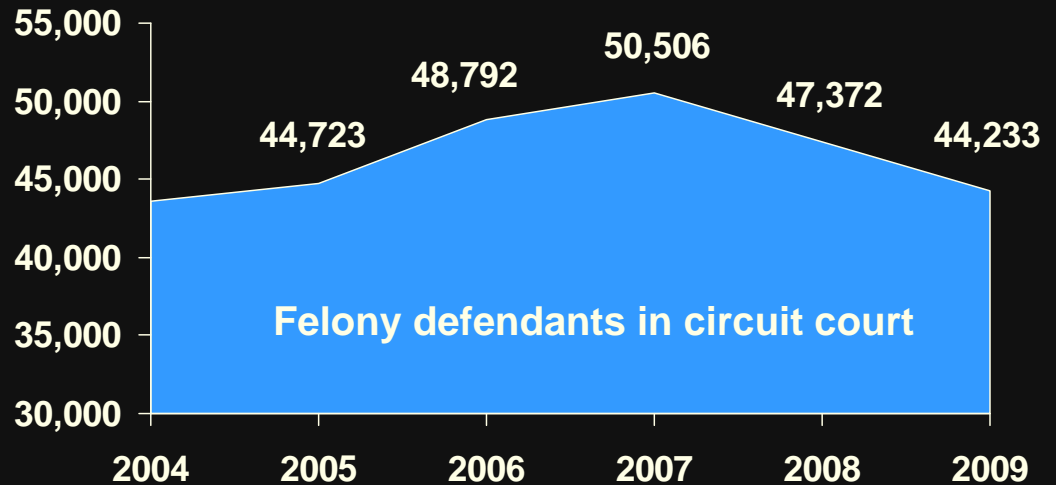
Source: Virginia Department of Juvenile Justice (July 21, 2010)

Trends in General District and Circuit Courts, 2004-2009

New misdemeanor cases in general district court (excluding criminal traffic misdemeanors) increased by 2.5% in 2008 but then decreased by 1.9% in 2009.



The number of felony defendants in circuit court declined by 6.2% in 2008 and another 6.6% in 2009.

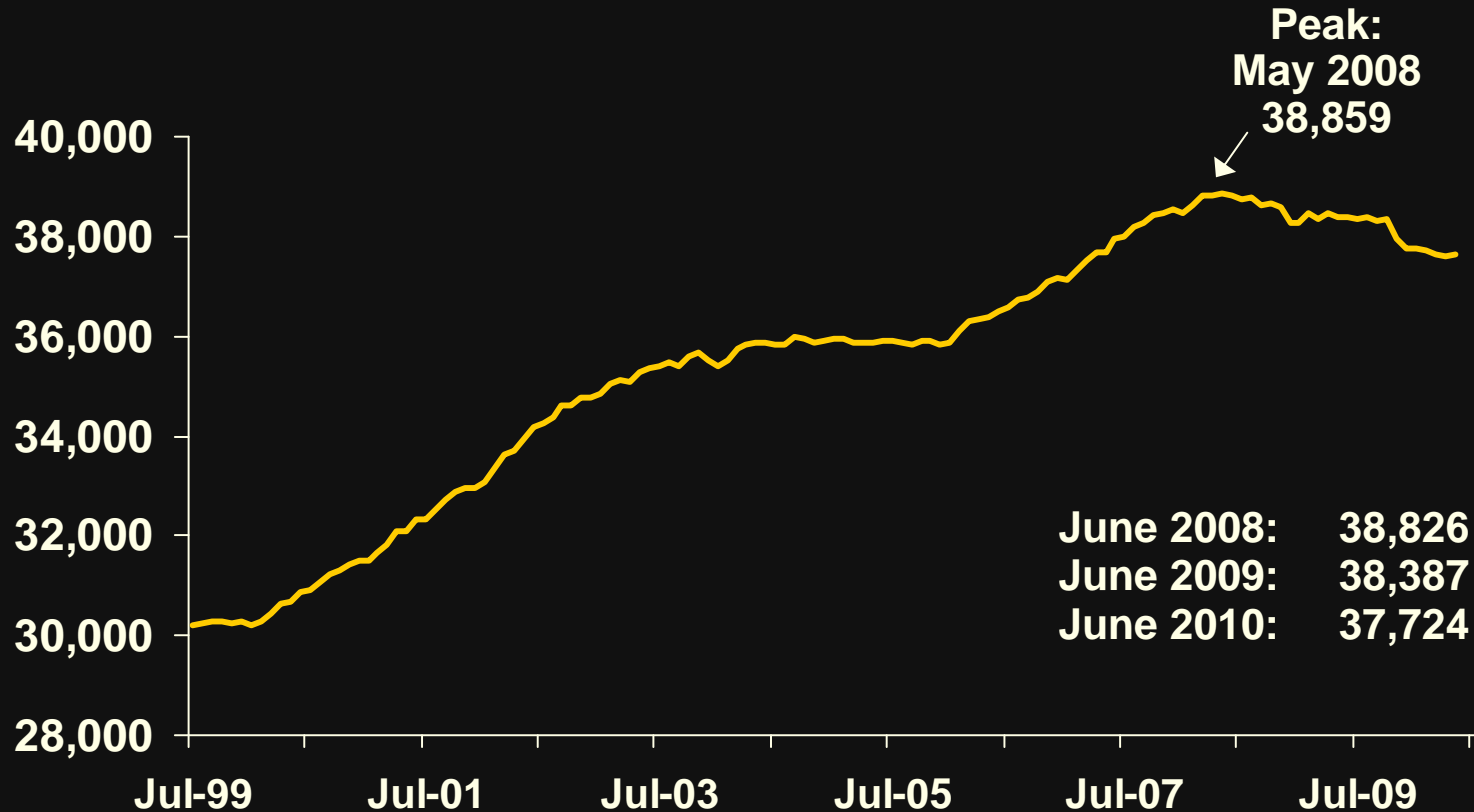


Local-Responsible Jail Population



Note: Data are based on the average population for each month reported
Source: Virginia Dept. of Criminal Justice Services Research Center (July 21, 2010)

State-Responsible Prison Population



Note: Data are based on the end-of-month population for each month reported
Source: Virginia Department of Corrections (July 21, 2010)

Modifications to § 16.1-271

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 221

An Act to amend and reenact § 16.1-271 of the Code of Virginia, relating to juvenile certification; only certified upon conviction.

[H 3007]

Approved March 9, 2007

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-271 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-271. Subsequent offenses by juvenile.

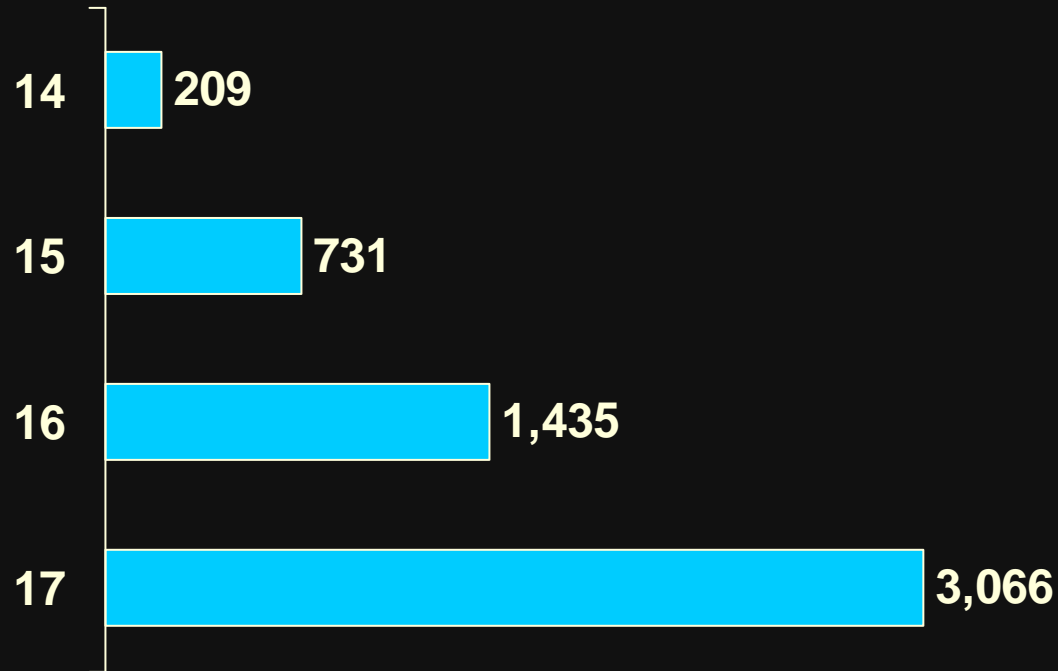
~~The trial or treatment~~ Conviction of a juvenile as an adult pursuant to the provisions of this chapter shall preclude the juvenile court from taking jurisdiction of such juvenile for subsequent offenses committed by that juvenile.

Any juvenile who is tried and convicted in a circuit court as an adult under the provisions of this article shall be considered and treated as an adult in any criminal proceeding resulting from any alleged future criminal acts and any pending allegations of delinquency which have not been disposed of by the juvenile court at the time of the criminal conviction.

All procedures and dispositions applicable to adults charged with such a criminal offense shall apply in such cases, including, but not limited to, arrest; probable cause determination by a magistrate or grand jury; the use of a warrant, summons, or capias instead of a petition to initiate the case; adult bail; preliminary hearing and right to counsel provisions; trial in a court having jurisdiction over adults; and trial and sentencing as an adult. The provisions of this article regarding a transfer hearing shall not be applicable to such juveniles.

Juveniles Convicted in Circuit Court, FY2001 – FY2010* by Age at Offense

Age at Offense

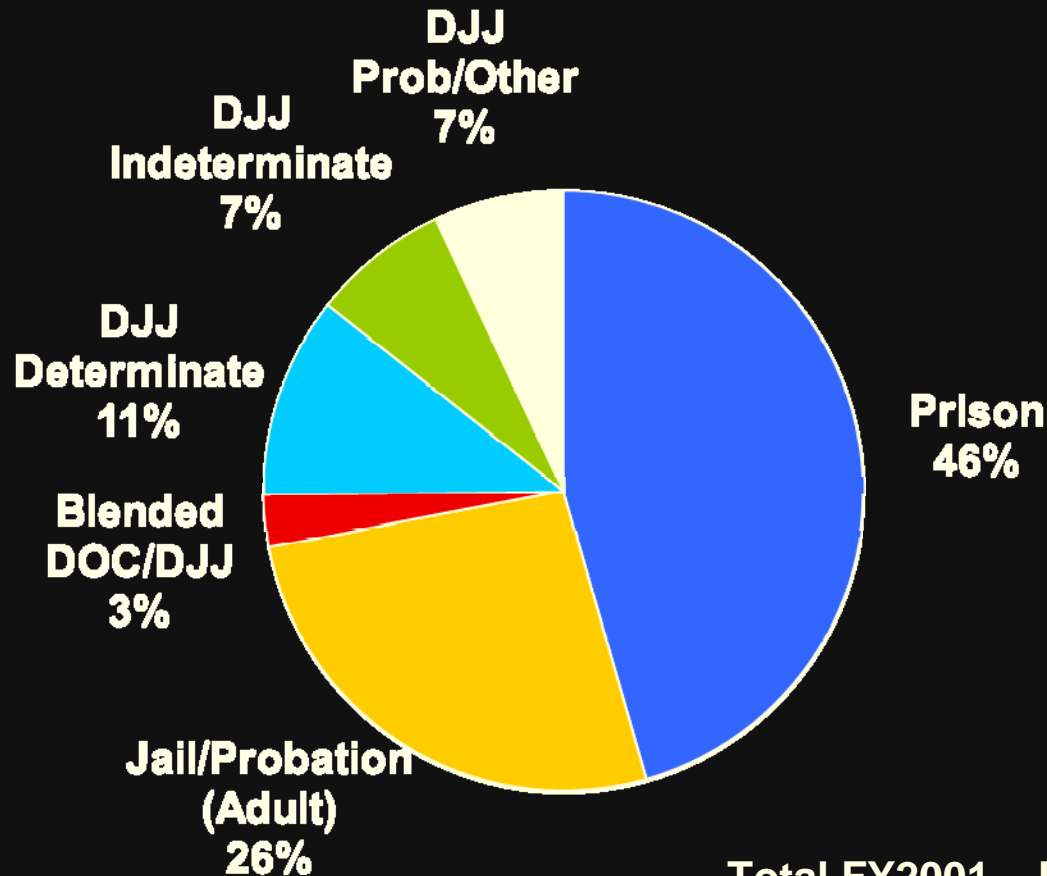


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Juveniles Convicted in Circuit Court, FY2001 – FY2010* by Type of Disposition



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Juveniles Convicted in Circuit Court, FY2001 – FY2010* by Most Serious Offense & Type of Disposition

Offense	Prison	Jail/Prob. (Adult)	Blended DOC/DJJ	DJJ/ Juvenile	TOTAL
Robbery	49%	15%	4%	32%	1,879
Assault	49%	25%	3%	23%	826
Larceny/Fraud	31%	49%	0%	20%	644
Drug Schedule I/II	40%	49%	0%	11%	428
Murder/Manslaughter	75%	7%	6%	12%	337
Burglary Dwelling	40%	32%	2%	26%	319
Rape/For. Sod./Obj. Pen.	35%	19%	4%	42%	295
Miscellaneous/Other	36%	34%	0%	30%	151
Other Sex Offense	41%	33%	0%	26%	146
Burglary Other	36%	42%	1%	21%	135
Weapon	54%	19%	1%	26%	123
Kidnapping	60%	12%	6%	22%	65
Drug Other	26%	64%	0%	10%	53
Traffic	37%	48%	0%	15%	40
TOTAL	46%	26%	3%	25%	5,441

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