

July 6, 2015

Dear Members of Council:

City Councilors have the opportunity to ensure equal treatment in the juvenile justice system. To reach that goal, you initiated the Disproportionate Minority Contact (DMC) in Juvenile Justice Task Force over three years ago. Many of us serve on the Task Force and all of us have watched with interest, hoping Charlottesville will provide racially just services and address the needs of black young people and their families. Task Force members have dedicated tremendous energy and time to studying and addressing the local causes and effects of racial disparities in juvenile justice, and research-proven methodologies to reduce these inequities. Despite the significant expense of time and resources in pursuing this mission, the Task Force has fallen short of many of the reasonable expectations we have had for it. Three years after its inception, the question we continue to ask is “why?”

- Why are black children in Charlottesville being stopped and frisked more than children of other races?
- Why are black children getting arrested more often than children of other races?
- Why are more of our black children being locked up?
- Why won't the Police Department provide accurate, up-to-date data about police stops and stops and frisks of children?
- Why are more black children feeling like their interactions with police are negative?
- Why are direct requests from the Task Force repeatedly ignored, left unaddressed, or refused?

These are several of the important questions that the Task Force has not adequately addressed. Not only do we need a better understanding of how these and other inequities occur, but we need focused and timely remedies to continue making progress and ensure the Task Force accomplishes its core goals. The DMC Task Force has moved the ball forward in important ways, and we applaud the ongoing commitments of many Task Force members to achieving its mission. City leadership needs to ensure the work of the Task Force – including the work of committees/subcommittees – makes progress on a timetable that reflects the urgency of this issue. Now is the time to reinvigorate our efforts.

At the May 2014 work session, you received information about the Black Male Achievement Program and the Peer Network as two possible ways to address the effects of racial disproportionality in juvenile justice and other systems. Over a year later it has become clear these programs are not enough. There are still many unfilled needs (including children who need mentors and are not receiving this service), the Peer Network participants have yet to become involved in addressing juvenile justice needs, and many community members are not aware of these programs.

We call for a renewed commitment to addressing DMC in juvenile justice. The City staff has proposed closing down the Task Force soon, consigning these issues to an open-ended “monitoring” phase. We vigorously oppose this proposal. There is much more work to be done that requires the Task Force’s reinvigorated attention. At the community forums in February, community members shared their concern there was no clear and detailed work plan for the DMC Task Force. Since then, no such

work plan has been developed, even though there is much more work left to be done. This situation leads us to more questions:

- Why doesn't Black Life matter to leadership of Charlottesville, VA?
- Why is it okay to allow one more life to potentially ride the "Cradle to Prison Pipeline" by shelving the DMC into a "monitoring phase"?
- What progress/outcomes does the DMC leadership view as successful enough to dismantle to task force?

Specifically, we urge:

1. Improved Accountability

- Independent oversight of the Police Department** is critically important. The City Manager should convene quarterly meetings of a panel of community members, including several who are involved in remedying racial injustice. They should receive timely, thorough and relevant information about racial disparities in police stops, review complaints and their outcomes, and sufficient other information to help them make rigorous recommendations about how to address the community's needs. We hear time and again that the relationships between community members and police must be improved, and this would be one step in the right direction.
- Police Department participation and accountability are needed.** Community members have long asked for the Chief of Police to be involved in the DMC Task Force. His regular participation is necessary to show he embraces the mission and activities, and to ensure that senior staff help us to reach our shared goals. We have repeatedly voiced this concern to the City Manager and lead staff of the Task Force, but we still do not see Chief Longo at the table. In fairness, the Police Department sent representatives to some meetings for several months, but no one from the agency has attended the last two meetings of the Task Force. Why not? When will Chief Longo join us to show he is willing to dedicate himself to this process, and bring the power of his office to address racial disparities?
- We need more information.** We have repeatedly requested updated and comprehensive data about police stops of juveniles. Despite our understanding this information was forthcoming, it has been many months and our requests remain unanswered. How do we know what is happening and what needs work when we lack critical information? How will this failure of transparency be addressed?

2. Better Support for Children and Families

- Prevention services must be improved.** Children and families need support, not punishment. Prevention services were one of the five recommendations in the DMC Task Force report. However, the Task Force has no plan to address disproportionality in youth services, even though robust changes geared toward prevention are critical pieces of the puzzle. Relatedly, substance abuse is a well-documented problem among youth offenders, yet there continues to be a major gap in services for children.
- Procedures at the Court Services Unit intake are important contributors to the problem.** Children going through intake should always be allowed to bring a supporter or advocate. Right now that is allowed as a discretionary option, but it should be consistently encouraged. We also understand that local practice is such that young people at intake who have the option of agreeing

to a diversion plan must admit responsibility for the alleged delinquent act, or lose access to diversion and proceed into the juvenile court. This is problematic for a variety of reasons, and is unfair and unnecessary. Diversion should be a path to supportive opportunities without pressure to “cop a plea” to access services.

c. **We need to do a better job of educating the community about the juvenile justice system.**

We have supported updating the Juvenile Court Guide for over two years. Facilitating understanding of what all agree is a highly complex and challenging system is the first step to helping support families. The current draft is not adequate. JustChildren provided detailed and reasonable feedback, but the current draft incorporates almost none of it. Instead, it proposes to use complex language to explain complex concepts, and it fails to provide references to additional resources. At bottom, it is not user-friendly and needs to be changed.

3. More fairness

a. **The DMC Task Force hasn’t tackled key policies**, such as :

- i. **Commonwealth Attorney** policies, including those governing decisions to pursue charges after a child is ineligible for diversion, matters relating to juvenile probation, and juvenile transfer.
- ii. **Court Services Unit** policies including the requirement that juveniles must plead guilty to get diverted to community-based interventions (item 3b, above) *and* limiting the current discretion leading to detaining children found to violate probation in non-violent ways, such as school misconduct or curfew violations.
- iii. **Judicial** policies have not been examined, but were identified as contributing factors several years ago. The “co-defendant rule” needs to be re-considered because it contributes to DMC and school failure. Under this judicial policy, a youth with no prior record who committed an offense with other youths who have prior records is treated as if s/he has a prior record. This makes youth fall behind in school, an example of the school-to-prison pipeline. Relatedly, judges should stop sending youth to detention for non-violent probation violations.

b. **The connections with schools must be addressed with renewed attention.** Much to our surprise, city staff proposed ending the School Committee last month, but there is much more to be done. For example, a Memorandum of Understanding (MOU) delineating the roles of School Resource Officers (SROs) was one of the key recommendations the Task Force identified as necessary to address disproportionality in referrals to law enforcement for misconduct at school. JustChildren shared model MOUs, giving Charlottesville the opportunity to become a model community, but a draft has not come before the Task Force. Although CCS has made substantial progress in reducing suspensions and expulsions, the data still shows stark racial disparities. In 2013-2014 three out of every four suspensions were of black students. The UVA DMC report released a year ago recommends several items in addition to the CCS-Police Department MOU, such as increasing Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice practices, and enhancing professional development and increasing the use of disparity-reducing educational programming (e.g., Check and Connect). These are among the goals which have not received the attention they deserve.

- c. **Racial disparities in juvenile justice are connected to adult issues and other systemic injustices.** The original report about by the Commission on Children and Families (2011) showed additional disparities in mental health, physical health and foster care. We also know that today's youth offenders may be tomorrow's adult offenders. Asking the Human Rights Commission to address adult offender disparities is inappropriate, due to lack of expertise and inadequate resources. Charlottesville needs to tackle all areas of racial injustice aggressively with plans to address the community's needs!

We look forward to continuing to work with you, and hope that the city will re-invest in addressing these significant problems. We would like to recommit to ensure that Black Charlottesvilleans are able to experience "World Class City" living.

Signed,

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Organizations

Albemarle-Charlottesville Chapter of the NAACP
JustChildren, a program of the Legal Aid Justice Center

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