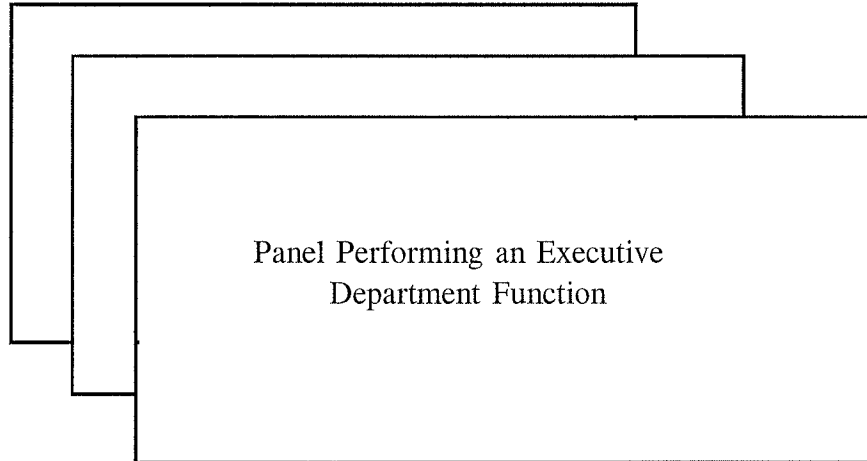


**STATE OF WEST VIRGINIA**

**UPDATE OF THE**  
**JUVENILE FACILITIES REVIEW PANEL**

**PRELIMINARY REVIEW**



**OFFICE OF LEGISLATIVE AUDITOR**  
**Performance Evaluation & Research Division**  
**Building 5, Room 751**  
**State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305**  
**(304) 347-4890**

PE95-13-34

# JOINT COMMITTEE ON GOVERNMENT OPERATIONS

## House of Delegates

Joe E. Martin, Chair  
Scott G. Varner, Vice Chair  
Sam Love  
Jay Nesbitt  
Douglas Stalnaker

## Senate

A. Keith Wagner, Chair  
Edwin J. Bowman, Vice Chair  
Larry Wiedebusch  
Sarah Minear  
John Yoder

## Citizen Members

Andy Gurtis  
Jack McComas  
W. Joseph McCoy  
Phyllis Presley  
Ronald Solomon

Aaron Allred, Legislative Auditor  
Office of Legislative Auditor

Antonio E. Jones, Ph.D., Director  
Performance Evaluation and Research Division

David Ellis, Research Manager  
Michael Midkiff, Senior Research Analyst

January 1996

**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

Building 5, Room 751A  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0592  
(304) 347-4890  
(304) 347-4889 FAX



Antonio E. Jones, Ph.D.  
Director

January 6, 1996

The Honorable A. Keith Wagner  
State Senate  
Box 446  
Iaeger, West Virginia 24844

The Honorable Joe Martin  
House of Delegates  
Building 1, Room 213E  
1900 Kanawha Blvd. East  
Charleston, West Virginia 25305

Gentlemen:

Pursuant to the West Virginia Sunset Law, we are transmitting an Update of the Juvenile Facilities Review Panel Preliminary Review, which will be reported to the Joint Committee on Government Operations on Saturday, January 6, 1996. The issue covered is "Panel Performing an Executive Department Function."

Sincerely,

A handwritten signature in black ink, appearing to read "Antonio E. Jones", written over a horizontal line.

Antonio E. Jones

AEJ/wsc

Enclosure



## TABLE OF CONTENTS

Executive Summary . . . . .	iii
Scope, Objective and Methodology . . . . .	3
<b>ISSUE 1:</b> Operation of the Juvenile Facilities Review Panel within the Supreme Court of Appeals Violates the Constitutional Principle of Separation of Powers and the Panel has Overlapping Duties with the Governor’s Committee on Crime, Delinquency and Correction . . . . .	5
<b>APPENDIX 1:</b> . . . . .	11
<b>APPENDIX 2:</b> . . . . .	13
<b>APPENDIX 3:</b> . . . . .	15
<b>APPENDIX 4</b> . . . . .	17



## EXECUTIVE SUMMARY

The Juvenile Facilities Review Panel was created in 1978 for the purpose of enhancing the effectiveness of legislative policy-making and executive decision-making affecting services delivered to children. The Panel is a five member body appointed and administered by the West Virginia Supreme Court of Appeals and is staffed by four employees, including an executive director. Further, the Panel is authorized to visit and interview juvenile residents and conduct periodic inspections of facilities housing West Virginia juveniles, including group homes, detention centers, mental health facilities and correctional institutions.

Because the Panel is performing functions that are typical of an executive branch agency, the scope of the evaluation was limited to obtaining answers to the following questions: is the administrative activity performed by the panel contrary to the separation of powers; can the service be provided by another agency in state government with a similar statutory mission?

**ISSUE 1: OPERATION OF THE JUVENILE FACILITIES REVIEW PANEL WITHIN THE SUPREME COURT OF APPEALS VIOLATES THE CONSTITUTIONAL PRINCIPLE OF SEPARATION OF POWERS AND THE PANEL HAS OVERLAPPING DUTIES WITH THE GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION.**

The Juvenile Facilities Review Panel operates under a grant of legislative authority that appears to be an improper delegation of authority that violates the constitutional principle of separation of powers. Additionally, one of the primary roles given to the authority has also been given to the Governor's Committee on Crime, Delinquency and Correction.





## **SCOPE, OBJECTIVE AND METHODOLOGY**



## SCOPE, OBJECTIVE AND METHODOLOGY

This preliminary review of the Juvenile Facilities Review Panel was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10 of the *West Virginia Code* as amended. Preliminary performance reviews are intended to assist the Joint Committee on Government Operations in making one of the following recommendations:

- The department, agency or board be terminated as scheduled;
- The department, agency or board be continued and reestablished;
- The department, agency or board be continued and reestablished, but the statutes governing it be amended in specific ways to correct ineffective or discriminatory practices or procedures, burdensome rules and regulations, lack of protection of the public interest, overlapping of jurisdiction with other governmental entities, unwarranted exercise of authority either in law or in fact or any other deficiencies;
- A performance audit be performed on a department, agency or board on which a preliminary review has been completed; or
- The department, agency or board be continued for a period of time not to exceed one year for the purpose of completing a full performance audit.

The preliminary review included interviews with the Panel's staff, the collection and review of records and consultation with legal staff in the Legislative Services Division. Because the Panel is performing functions that are typical of an executive branch agency, the scope of the evaluation was limited to obtaining answers to the following questions: is the administrative activity performed by the panel contrary to the separation of powers; can the service be provided by another agency in state government with a similar statutory mission?

### *Purpose and Duties of the Juvenile Facilities Review Panel*

The Juvenile Facilities Review Panel was created in 1978 for the purpose of enhancing the effectiveness of legislative policy-making and executive decision-making affecting services delivered to children (*West Virginia Code*, Chapter 49, Article 5, Section 16b). The Panel is a five member body appointed and administered by the West Virginia Supreme Court of Appeals. It is staffed by four employees, including an executive director. The Panel is authorized to visit and interview juvenile residents and conduct periodic inspections of facilities housing West Virginia juveniles, including group homes, detention centers, mental health facilities and correctional institutions located in and out of West Virginia. The Panel is required to submit its reports to the President of the Senate and Speaker of the House of Delegates annually. The Panel, in working with public and private entities, provides educational information and technical assistance.

In 1989, the Governor's Office of Criminal Justice and Highway Safety requested the Panel to establish the Juvenile Justice Database (JJDB), an information system relating to juvenile delinquency in West Virginia. The system contains data on a variety of issues including the number of juvenile offenses, commitment information, profiles on juvenile offenders and frequency of juvenile delinquency by counties. The Panel develops semiannual reports from the information and makes them available to all parties who have an interest in juvenile issues. The JJDB is used to evaluate the effectiveness of programs and services offered to juveniles and to develop policies to reduce juvenile delinquency in West Virginia. Federal grant monies and state funds are used to establish and maintain the database.

Beginning in 1992, the Panel established the Child Abuse and Neglect Database (CADB). The database contains information that is used to analyze and develop reports relating to child abuse and neglect in the State and provides a monthly status report to the circuit courts on abuse and neglect cases in which the child is awaiting placement in a permanent home. CADB was established and is maintained using federal and state revenue.

In 1993, the statutes governing the Panel were amended, removing the Panel's authority to conduct inspections of adult correctional facilities to monitor compliance with minimum jail and prison standards. Prior to the 1993 *Code* revision, the Panel was also authorized to "perform other duties as prescribed by the Governor" in addition to conducting inspections of juvenile facilities.<sup>1</sup> While this provision was deleted, the Panel has continued to maintain the Child Abuse and Neglect and the Juvenile Justice databases.

---

<sup>1</sup> In 1993, the statutes governing the Panel was amended to remove its authority to conduct inspections of adult correctional facilities to monitor compliance with minimum jail and prison standards. However, the Panel does inspect adult correctional facilities for the presence of juveniles.

**ISSUE 1: OPERATION OF THE JUVENILE FACILITIES REVIEW PANEL WITHIN THE SUPREME COURT OF APPEALS VIOLATES THE CONSTITUTIONAL PRINCIPLE OF SEPARATION OF POWERS AND THE PANEL HAS OVERLAPPING DUTIES WITH THE GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION.**

Pursuant to a request by Performance Evaluation and Research Division staff Counsel for the Office of Legislative Services in the Legislature's Joint Committee on Government and Finance provided an analysis of the statutory provisions creating the Juvenile Facilities Review Panel (WVC §49-5-16b). Counsel opined

The **constitutionality of §49-5-16b is questionable at best** based on examination of WV Supreme Court decisions concerning the separation of powers and specifically legislative delegation to the supreme court of nonjudicial duties and functions. The legislature seems to have imposed on the supreme court a function which is nonjudicial in nature and appears to be an administrative function. (emphasis added)

Counsel goes on to identify the provisions of several state supreme court opinions that clarify the nature of the judicial function. First, the function should be a regularly constituted exercise in matters brought before the court and should not come within the powers granted to the executive or legislative branches. Second, the constitutional jurisdiction of all West Virginia judicial proceedings extends only to cases or controversies that are adversarial in nature. Third, the courts are open to a hearing on complaint, where powers are exceeded, or for any other reason involving legal rights, the solution of which involves the exercise of a judicial power. If the statute had contemplated a role for the Panel in which its decisions affected the outcome of supreme court decisions or were established to monitor a supreme court decision then it is possible that a judicial role could be found for the Panel. The authorizing legislation does not contemplate such a purpose. Further, the broad role established for the Panel only requires reporting to the Legislature.

**Overlapping Duties**

The statutory mission of the Juvenile Facilities Review Panel is very similar to that given to the Governor's Committee on Crime, Delinquency and Correction. The Panel's authorizing statute (WVC §49-5-16b) requires the Panel

... to visit, inspect and interview residents of all juvenile institutions, detention facilities and places in or out of the state wherein West Virginia juveniles may be held involuntarily...

Similarly, the Governor's Committee on Crime, Delinquency and Correction authorizing statute (WVC §15-9-2) provides that

...the governor's committee on crime, delinquency and correction shall annually **visit and inspect** jails, **detention facilities**, correctional facilities, **facilities which may hold juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a voluntary or involuntary basis** for the purpose of compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended... (emphasis added)

In light of the above statutory provisions, it is reasonable to conclude that the executive branch has an agency that could easily provide the services currently being provided by the Panel. Furthermore, the Governor's Committee is situated in the executive branch where the above duties are more appropriately placed.

*Conclusion*

The Juvenile Facilities Review Panel operates under a grant of legislative authority that appears to be an improper delegation of authority that violates the constitutional principle of separation of powers. Additionally, one of the primary roles given to the Panel has also been given to the Governor's Committee on Crime, Delinquency and Correction.

**RECOMMENDATION 1:**

*The Legislature should consider terminating the Juvenile Facilities Review Panel pursuant to its authority under Chapter 4, Article 10 of the West Virginia Code. Further, the Legislature should consider transferring all functions and resources related to operation of the Panel to the Governor's Committee on Crime, Delinquency and Correction in the executive branch of state government. In considering this recommendation, the Legislature should note that Article 6, Section 51 of the West Virginia Constitution, as well as, subsequent interpretations by the Supreme Court of Appeals in State ex. rel. Brotherton v. Blankenship (157 W.Va. 100, 1973) and Bagely v. Blankenship (246 S.E. 2nd 99, 1978) prohibit the Legislature from decreasing the judicial budget without consent of the Supreme Court of Appeals. Therefore, if the Legislature terminates the Panel and transfers its staff and responsibilities to the Governor's Committee on Crime, Delinquency and Correction it is possible that the Court could refuse to decrease the funds associated to operation of the Panel currently in its budget. Assuming the transfer takes place without the associated funds, the Legislature would have to increase the appropriation of the Governor's Committee to account for the new staff and operations associated to the above mentioned computer databases.*

**RECOMMENDATION 2:**

*The Panel provide the Joint Committee on Government Operations an accounting of all staff funding sources and equipment in its response for the January 1996 Interim meeting of the Joint Committee on Government Operations. Financial information should detail WVFIMS account numbers, grant number and amount, fund type, as well as the amounts used for personal services and current expenses from these various sources.*





## APPENDICES



## APPENDIX 1

### Juvenile Facilities Review Panel

Jane Moran (Chair)  
Robert Noone  
Helen Gillison-Jackson  
Gregory Wagner  
Brenda Waugh

### Funding Sources

Appropriated General Fund Account, WVFIMS 0180-1995-2400-029

Non-appropriated Special Revenue Account, WVFIMS 1753-1995-2400-999

State Justice Institute Grant (Federal Funds), Award # SJI-92-06W-C-A-166-P94-1

Criminal Justice and Highway Safety,  
#94-JJ-2-022 Grant Period, 12/1/94 to 11/30/95  
#95-JJ-2-022 Grant Period, 11/1/95 to 10/31/96



APPENDIX 2

WEST VIRGINIA LEGISLATURE  
*Legislative Services Division*

COPY

Building 1, Room E-140  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0610  
(304) 347-4808 or 347-4800  
(304) 347-4819 FAX



John R. Homburg  
Senior Attorney

DATE: DECEMBER 15, 1995  
TO: DAVID ELLIS, PERD  
FROM: CANDACE KRAUS, *CK* ATTORNEY, LEGISLATIVE SERVICES  
RE: CONSTITUTIONALITY OF JUVENILE FACILITIES REVIEW PANEL

The Juvenile Facilities Review Panel is a statutory committee created in section sixteen-b, article five, chapter forty-nine [49-5-16b] of the West Virginia Code, and continued until July 1, 1996, in section five, article ten, chapter four [4-5-10] of the Code.

The constitutionality of §49-5-16b is questionable at best based on examination of WV Supreme Court decisions concerning the separation of powers and specifically legislative delegation to the supreme court of nonjudicial duties and functions. The legislature seems to have imposed on the supreme court a function which is nonjudicial in nature and appears to be an administrative function.

Judicial function has been defined by the Supreme Court in several ways:

(1) It is a function which "a regularly constituted court exercises in matters which are brought before it . . . and which matters do not come within the powers granted to the executive, or vested in the legislative department of the Government." State v. Huber, 129 W.Va.198, 208, 40 S.E.2d 11, 18. (emphasis added)

(2) The constitutional jurisdiction of all West Virginia Judicial proceedings "extends only to 'cases or controversies' that have adversarial character." In Re: Application of Teresa Jane Dailey 1995 WL 682865, 9 (W.Va.). (emphasis added)

(3) "The courts are open to a hearing on any complaint, where powers are exceeded, or for any other reason involving legal rights, the solution of which involves the exercise of judicial power." Huber, 129 W.Va. 198, 218, 40 S.E.2d 11, 23.

Section 3 of Article VIII of the Constitution of this state defines the jurisdiction of the supreme court, and "[i]t's powers, appellate and original, relate to 'cases' which necessarily means

\_\_\_\_\_  
*Joint Committee on Government and Finance*  
\_\_\_\_\_

a judicial proceeding of some character. . . . [A]ll of its powers . . . are wholly and exclusively judicial, and the legislature has no authority to confer upon it jurisdiction of any other or different character." Sims v. Fisher, 25 S.E.2d 216, 223.

While a plain reading of the statute implies that the Supreme Court is performing an administrative function, additional facts would be necessary to even give the inference that a judicial purpose is gained from the work of the panel. For instance, a showing that the panel's decisions affect the outcome of Supreme Court decisions would seem to provide at least a judicial purpose for the work of the panel. Likewise, if the panel were established by the Supreme Court to monitor a Supreme Court decision or a court ordered standard, then a judicial function could be inferred. But the statute makes no mention of what, if any, case law or guidelines are to be followed by the panel in its investigations. Thus, even if a Supreme Court connection could be implied, it is not stated in the statute.

"[S]ome judicial discretion is a prerequisite to satisfying the judicial function test under the separation of powers doctrine," Dailey, 1995 WL 682865, 8, yet, as written in §49-5-16b, there is no correlation between the panel and the judiciary at all. The statute is very broad without reference to who besides the Legislature receives the panel's reports, and is not clear as to who reacts to the reports and what actions, if any, are based on them. The statute provides for no connection between the Supreme Court and the panel once the panel members have been appointed.

Furthermore, while the Supreme Court is required to establish the panel, the panel is required to provide its reports to the president of the Senate and the speaker of the House of Delegates, and not to the Supreme Court or any of its members. "The Legislature may impose duties, judicial in character, upon the courts, but having once imposed these powers it has no right to control the exercise thereof." State v. Huber, 129 W.Va. 198, 208, 40 S.E. 2d 11, 18. Thus, even if the requirement of the Supreme Court were to pass constitutional muster, which it likely would not, this requirement of the panel seems to exceed legislative authority, as an attempt by the Legislature to retain ultimate control of a duty it has imposed on the Supreme Court.

JANE MORAN  
ATTORNEY AT LAW  
CINDERELLA BUILDING  
P.O. BOX 171  
WILLIAMSON, W.VA. 25661  
TELEPHONE (304) 235-3509

January 3, 1996

RECEIVED

JAN 4 1996

RESEARCH AND PERFORMANCE  
EVALUATION DIVISION

Antonio Jones, Director  
Office of Legislative Auditor  
Performance Evaluation and  
Research Division  
Building 5, Room 751  
State Capitol Complex  
Charleston, WV 25303

RE: Update of the Juvenile Justice  
Facilities Review Panel

Dear Mr. Jones:

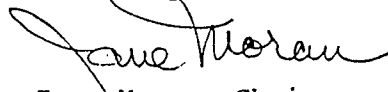
I am the Chairperson of the Juvenile Justice Committee Facilities Review Panel. A copy of the draft of the preliminary review of our agency which was conducted by your staff was made available to me on December 27, 1995. It is my understanding the draft had been presented to our office the morning of December 27, with instructions to provide our response to the draft no later than January 4, 1996.

We do not believe that the separation of powers issue addressed in your report exists in the structure or the functions of our agency. Nor has such a problem been suggested during the eighteen years of the agency's existence.

Lonnie Simmons, counsel for the Juvenile Justice Committee will appear, with members and staff of the Committee before the Subcommittee of the Joint Committee of Government Operations on January 7, 1996. It is my understanding that the report of your office will be presented at that meeting. We will respond to the report and be available for questions.

Please notify me of any change in the Subcommittee's schedule.

Sincerely,



Jane Moran, Chairperson  
Juvenile Justice Committee  
Facilities Review Panel

cc: Lonnie Simmons, Esq.  
Tony Sade, Esq.





STATE OF WEST VIRGINIA



JUVENILE JUSTICE COMMITTEE  
FACILITIES REVIEW PANEL  
304 / 558-3649

E-400 STATE CAPITOL  
1900 KANAWHA BLVD., EAST  
CHARLESTON 25305

January 4, 1996

Antonio Jones, Director  
Office of Legislative Auditor  
Performance Evaluation and  
Research Division  
Building 5, Room 751  
State Capitol Complex  
Charleston, WV 25305

RE: Update of the Juvenile Facilities Review Panel-  
Preliminary Review

Dear Sir:

Enclosed is the Juvenile Facilities Review Panel's response to the draft Preliminary Review issued by your office.

As indicated in Jane Moran's letter of January 3rd, members of the panel and staff, together with counsel will appear at the meeting of the Joint Committee on Government Operations on Saturday, January 6th at 1:00 p.m. to respond to the Preliminary Review and answer any questions.

Thank you for your attention to this matter.

Sincerely,

  
Tony Sade  
Executive Director

cc: Jane Moran, Esq.  
Lonnie Simmons, Esq.



COMPARISON OF THE STATUTORY DUTIES OF  
THE JUVENILE FACILITIES REVIEW PANEL  
AND  
THE GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION  
INCLUDING  
A CRITIQUE OF THE RECOMMENDATION TO TERMINATE  
THE JUVENILE FACILITIES REVIEW PANEL  
AND TO TRANSFER DUTIES TO  
THE GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION

Submitted To

Office of Legislative Auditor

By

Juvenile Facilities Review Panel

January 4, 1996

**Statutory Mission.** The report prepared by the Office of Legislative Auditor suggests that the statutory mission of the Juvenile Facilities Review Panel<sup>1</sup> duplicates that of the Governor's Committee on Crime, Delinquency and Correction.<sup>2</sup> Although there is an appearance of similarity upon a cursory reading of the respective statutes, the respective provisions define very different missions.

The statutory mission of the Juvenile Facilities Review Panel is very broad. It provides for comprehensive visits and inspections of juvenile facilities, including the interviewing of juvenile residents of the facilities, and the release of public reports which contain findings and recommendations.

In contrast, the statutory mission the Governor's Committee on Crime, Delinquency, and Correction is very narrow. It provides solely for the inspection of juvenile facilities for the purpose of compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP) grant provisions. The JJDP provides federal funding opportunities dependent upon the

---

<sup>1</sup> The Facilities Review Panel, commonly known as the Juvenile Justice Committee, was established by West Virginia Code, 49-5-16b in the 1978 legislative session. The Panel consists of five members appointed by the WV Supreme Court who have served without compensation for well over a decade, and paid staff. The Panel is under the fiscal administration of the Court. The Panel is specifically authorized to perform three duties related to all juvenile institutions and places in the state wherein juveniles may be held involuntarily: (1) visit; (2) inspect; (3) and, interview residents. The Panel is required to make public reports of its reviews and to submit annual reports to the President of the Senate and Speaker of the House. Formerly, the statute required the Panel to perform such other duties as prescribed by the Governor.

The Panel manages three statewide databases under this proviso: (1) the Juvenile Justice Data Base which gathers and disseminates court data on juvenile delinquency provided by court officials (primarily juvenile probation officers); (2) the Juvenile Arrest Data Base which analyzes data provided through the Uniform Crime Reporting system operated by the State Police; (3) and the Child Abuse and Neglect Data Base which gathers data on child protection from Department of Health and Human Services workers and, in addition to statistical reports, includes a component which reports the status of petitions pending in courts to judges and prosecutors on a monthly basis. The Panel's enabling statute was amended and it is no longer required to perform duties assigned by the Governor, but the Panel has maintained the databases established prior to the amendment.

<sup>2</sup> West Virginia Code, 15-9-1 et seq, designates the Governor's Committee on Crime, Delinquency and Correction as the state planning agency required for participation in specified funding opportunities established under federal law. This role includes the inspection of juvenile facilities for the exclusive purpose of compliance with the Juvenile Justice and Delinquency Prevention Act.

state's success in: (1) maintaining sight and sound separation of juveniles committed to adult jails; (2) and the separation in hardware secure facilities of status offenders, such as incorrigible youths, from juveniles charged with or adjudicated delinquent for criminal-type behavior. The statutory mission of the Governor's Committee on Crime, Delinquency and Correction with respect to inspection of juvenile facilities is limited strictly to measuring the state's compliance with the above listed federal requirements and the reporting of compliance to the federal agency which administers the JJDPA.

The Governor's Committee on Crime, Delinquency and Correction has no statutory authority to inspect juvenile facilities except to monitor compliance with the JJDPA and has never inspected juvenile facilities for any other purpose. In contrast, consistent with its statutory mission, the Juvenile Facilities Review Panel publishes facility inspection reports focused upon a variety of topics, such as safety, costs, statutory rights of residents, facility conditions, program effectiveness, and many other topics which inform judges, legislators, and professionals about juvenile facilities and the systems within which they operate.

**Duties of the Juvenile Facilities Review Panel and the Governor's Committee on Crime, Delinquency and Correction.** The report prepared by the Office of Legislative Auditor contains a heading entitled "Overlapping Duties" on page five. The report did not specifically describe any overlapping duties between the Juvenile Facilities Review Panel and the Governor's Committee on Crime, Delinquency and Correction, nor does overlapping of duties occur in practice.

The Juvenile Facilities Review Panel and the Governor's Committee on Crime, Delinquency and Correction have maintained long-standing interagency collaboration. (Refer to Attachment A.) A staff member of the Juvenile Facilities Review Panel was appointed by Governor Caperton to the Governor's Committee on Crime, Delinquency and Correction and is very familiar with its operations.

The Governor's Committee on Crime, Delinquency and Correction is essentially an agency which channels federal funds to other public and private agencies by reviewing grant applications and recommending awards. It does contract with an individual who reviews admission logs of adult jails to determine if any juveniles were committed to the jails; and who reviews admission logs of hardware secure juvenile detention centers to determine if any status offenders were mixed with criminal-type offenders.

Upon finding a violation of the JJDPA, staff of the Governor's Office of Crime, Delinquency and Corrections report the incident(s) to the Juvenile Facilities Review Panel. The Juvenile Facilities Review Panel then investigates the reported violation(s) and takes appropriate action to protect the state's continuing eligibility for federal funds. The action usually taken by Facilities Review Panel is to contact the judicial officer who committed the juvenile in violation of the JJDPA for the purposes of educating the judicial officer about the JJDPA and to explore alternatives which will not threaten federal funding.

In contrast, the Juvenile Facilities Review Panel performs, usually unannounced, comprehensive inspections of juvenile facilities, including facilities which have no relationship to compliance with the JJDPA, such as group homes, emergency shelters, mental hospitals, and out-of-state treatment facilities; and, provides direct assistance to professionals.

Typically, facility inspection reports published by the Juvenile Facilities Review Panel contain recommendations which focus upon facility specific and systemic areas that need improvement, submitted for the purpose of enhancing the delivery of effective child welfare and juvenile justice services. During many inspections of juvenile facilities by the Juvenile Facilities Review Panel, as part of the inspection process, technical assistance is provided to facility staff, juvenile justice or child welfare professionals. Resolution of inter-agency issues, such as a delay in the receipt of court commitment orders or a non-responsive community mental health service, may be addressed during the inspection process; or services may be provided to explore correction of deficiencies in a facility's physical plant.

The Facilities Review Panel maintains an on-going relationship with facility staffs. In contrast to inspections performed by the individual under contract with the Governor's Committee on Crime, Delinquency and Correction, facility inspections by the Juvenile Facilities Review Panel are not a one-visit event with the singular focus of measuring compliance of particular facilities with the JJDPA. Reports published by the Juvenile Facilities Review Panel are broadly distributed to judges, legislators, juvenile justice and child welfare professional, and state department officials.

The Juvenile Facilities Review Panel has court-ordered access to confidential juvenile information, which enables it to research issues using juvenile records during facility inspections and to conduct follow-up studies on program effectiveness after the release of juveniles from facilities. Access to confidential information also permits the Juvenile Facilities Review Panel to collect case specific data on juvenile delinquency and child abuse and neglect. The West Virginia Supreme Court has been awarded federal funds by the Governor's Committee on Crime, Delinquency and Correction since 1989 for the Juvenile Justice Data Base operated by the Juvenile Facilities Review Panel. The West Virginia Supreme Court has also been awarded federal funds by the State Justice Institute for the Child Abuse and Neglect Data Base operated by the Juvenile Facilities Review Panel. The Governor's Committee on Crime, Delinquency and Correction does not have access to confidential information.

**Proposed Transfer of Juvenile Facilities Review Panel Duties to the Governor's Committee on Crime, Delinquency and Corrections.** The following section provides information concerning the likely impact of transferring duties from the Juvenile Facilities Review Panel to the Governor's Committee on Crime, Delinquency and Correction, as proposed by the Auditor's Report.

1. **Increased Costs.** The Juvenile Facilities Review Panel consists of four private attorneys and a physician who are not compensated for their work. Staff consists of an Executive

Director/Legal Counsel, a youth specialist/investigator, an administrative assistant, and a data entry position funded through the West Virginia Supreme Court.<sup>3</sup> As noted in the report prepared by the Office of Legislative Auditor, it is questionable whether the Court would fund an executive branch agency if Juvenile Facilities Review Panel duties were transferred to the Governor's Committee on Crime, Delinquency and Correction.

The suggestion of transferring duties of the panel to the Governor's Committee fails to consider the composition of the Governor's Committee on Crime, Delinquency and Correction or the capability of its staff to perform the duties currently performed by members of the Juvenile Facilities Review Panel and its staff. Additional staffing over the current staffing of the Juvenile Facilities Review Panel would be needed to perform the current functions of the panel due to the loss of significant and extensive volunteer contributions currently performed by Panel members.

A cost related the recommended transfer of duties from the Juvenile Facilities Review Panel to the Governor's Committee on Crime, Delinquency and Correction is that associated with the replacement of equipment currently used by the Juvenile Facilities Review Panel and owned by the West Virginia Supreme Court. Even software purchased for the database functions of the Juvenile Facilities Review Panel with federal funds could not legally be transferred due to restrictions imposed in software licensing agreements. Replacement of these items by the Governor's Committee on Crime, Delinquency and Correction would have no corresponding savings by the Court. The only piece of equipment used by the Juvenile Facilities Review Panel and subject to potential transfer to the Governor's Committee on Crime, Delinquency and Correction is a seven year old computer bought with federal funds.

**2. Elimination of the only source of independently produced information on children's services.** If duties were transferred from the Juvenile Facilities Review Panel to the Governor's Committee on Crime, Delinquency and Corrections, it would have the effect of eliminating the only source of independently produced information on children's services available to policy-makers and practitioners in West Virginia. Facility inspections by the Juvenile Facilities Review Panel are most often conducted upon request of or complaint by persons associated with the executive, judicial, or legislative branch of government, rather than upon a routine schedule. Investigations and reports produced by the Juvenile Facilities Review Panel contain impartial and objective findings reflecting the independent determinations of the Juvenile Facilities Review Panel. If Juvenile Facilities Review Panel duties were transferred to an executive branch agency such as the Governor's Committee on Crime, Delinquency and Correction, a conflict of interest would exist when reporting upon a facility in a manner critical of another executive branch agency, especially if there is a perceived liability associated with facility conditions. In contrast, the Juvenile Facilities Review Panel is an independent agency distinct from the judicial, legislative, and executive

---

<sup>3</sup> One-half of the data entry position is funded through federal delinquency funds.

branches of government.

**3. Elimination of the only independent state resource available with demonstrated capability and willingness to facilitate resolution of deficiencies affecting children's services.** The Governor's Committee on Crime, Delinquency and Correction, even if fully funded to perform duties currently performed by the Facilities Review Panel, is not in a position as an executive branch agency to facilitate resolution of the numerous complicated and sometimes controversial inter-agency issues that arise in the fields of juvenile justice and child welfare. All three branches of government share duties related to the effective delivery of children's services. As an independent agency, the Juvenile Facilities Review Panel has performed upon request of judges, legislators, state departments, and others. In contrast, the Governor's Committee on Crime, Delinquency and Correction has no experience in facilitating resolution of deficiencies affecting children's services. The Panel has regularly been called upon to negotiate with agencies to improve safety in a juvenile institution; or, to produce reports upon request of legislators about issues affecting juvenile facilities.

It was not the monitoring by the Governor's Committee on Crime, Delinquency and Correction which curtailed the practice of placing juveniles in county jails, but the activity of the Juvenile Facilities Review Panel, with supportive litigation, that, in the face of controversy, corrected the practice and protected West Virginia's federal funding. Considering this same example, an interesting question arises if Juvenile Facilities Review Panel duties are transferred to the Governor's Committee on Crime, Delinquency and Correction: Without the Juvenile Facilities Review Panel as a resource, how will the Governor's Committee on Crime, Delinquency and Correction respond in the future if juveniles are found in adult jails to an extent that it threatens federal funding? Only an independent agency can successfully perform the statutory duties assigned to the Juvenile Facilities Review Panel by conducting activities which are not biased for or against a particular branch of government, agency, or profession.

**4. Elimination of the Juvenile Justice Data Base.** A likely impact of transferring duties from the Juvenile Facilities Review Panel to the Governor's Committee on Crime, Delinquency and Correction is the elimination of the Juvenile Justice Data Base. The Governor's Office of Crime, Delinquency and Correction, if it were fully funded to operate the database, would have no legal access to confidential information regarding confined juveniles.<sup>4</sup> The Governor's Committee on Crime, Delinquency and Correction access to confidential information would be problematic. Juvenile probation departments, which provide most of the data to the base, are supervised directly by circuit court judges, and subject to court policy. Given the history of two failed juvenile justice databases in the state,

---

<sup>4</sup> The Supreme Court in State ex rel Juvenile Justice Committee, et al v. Gretchen Lewis, Secretary, Department of Health and Human Resources, No. 23006, October 13, 1995, held that the Facilities Review Panel is the exception to the rule that otherwise prohibits the release of this confidential information.



the most likely impact of an attempt to transfer the database from the Juvenile Facilities Review Panel would be noncompliance by reporters to the base. Such non-compliance would pose a threat to future federal delinquency funding and again place policy-makers in a position of having no data upon which to consider policy. However, the Juvenile Arrest Data Base operated by the Facilities Review Panel in collaboration with the State Police could be rebuilt by the Governor's Committee on Crime, Delinquency and Correction as it does not involve the collection of confidential information. The software upon which this base is built, however, would have to be purchased from a vendor by the Governor's Committee on Crime, Delinquency and Correction as it cannot be transferred due to proprietary interests. Rebuilding the base would also involve programming costs.

**5. Elimination of the Child Abuse and Neglect Data Base.** Similarly, another likely impact of transferring duties from the Juvenile Facilities Review Panel to the Governor's Committee on Crime, Delinquency and Correction would be the elimination of the recently established Child Abuse and Neglect Data Base. Access to confidential information on child abuse and neglect cases by the Governor's Committee on Crime, Delinquency and Correction may be a more and even more sensitive matter than access to confidential information on juvenile delinquency cases. Especially since the data base is in its infancy, the most likely impact of transferring it from the Juvenile Facilities Review Panel would be noncompliance in reporting case data by child protective services workers. Further, as a component of the base involves tracking petitions filed in circuit courts through the court process, the willingness of circuit court judges to participate in the system if operated by an executive agency may be questionable at best.

**Summary** The respective missions and activities of the Juvenile Facilities Review Panel and the Governor's Committee on Crime, Delinquency and Correction are drastically different in both scope and practice and do not "overlap". Any merger of the two agencies would impose significant costs on the reconfigured agency and would result not only in the likely loss and/or elimination of a variety of activities currently undertaken by the Juvenile Facilities Review Panel, but in a significant loss of federal funding as well.

#### **OTHER MATTERS RAISED IN REPORT OF THE OFFICE OF LEGISLATIVE AUDITOR.**

**Separation of Powers.** The report issued by the Office of Legislative Auditor found that the "[o]peration of the Juvenile Facilities Review Panel within the Supreme Court of Appeals violates the constitutional principle of separation of powers...". The fact that this issue was to be addressed by the report was never conveyed to the Panel or its staff until the Auditor's staff presented the draft report to and conducted an exit interview with members of the Panel's staff on December 27th. The Panel was then given only until January 4th to respond to the draft, an extremely brief period made even more problematic by Christmas-New Year's holiday and the concomitant unavailability of some Panel members and staff. On January 3rd, Jane Moran, the panel's chairperson, wrote to the Office of the Legislative

Auditor's Performance Evaluation and Research Division noting the Panel's disagreement with this finding. As noted in Ms. Moran's letter, a copy of which is appended as Attachment B, the Panel's counsel will appear at the meeting at which the Auditor's report is presented to respond to this issue.

**Recommendation 2.** According to a phone call made to the panel's Executive Director by a member of the Legislative Auditor's staff, this recommendation has been withdrawn.

**Recommendation 3.** The report recommends that the Panel provide certain accounting, financial, and inventory materials. See Attachment 3.

ATTACHMENT 1





Department of Military Affairs and Public Safety  
**Criminal Justice and Highway Safety Division**

**Gaston Caperton**  
Governor

1204 Kanawha Boulevard East  
Charleston, West Virginia 25301-2900

**Joseph J. Skaff**  
Secretary

**James M. Albert**  
Director

Telephone (304) 558-8814  
Fax (304) 558-0391

February 7, 1995

**TO WHOM IT MAY CONCERN:**

During the past five years, our office has established a close working relationship with the Juvenile Justice Committee to coordinate efforts for improving the state juvenile justice system and for strengthening our agency's administration of the federal formula grant program, the Juvenile Justice and Delinquency Prevention (JJDP) Program.

Our agency has awarded several JJDP grants to the Supreme Court of Appeals which have been administered by Juvenile Justice Committee staff for the development and continued operation of the Juvenile Justice Data Base, a statewide computerized database for tracking all juveniles entering the state juvenile justice system and for disseminating essential data about juvenile delinquency in West Virginia. We have been pleased with the semiannual and annual reports as well as the variety of special topic reports that have been generated through the JJDB that provide a wealth of statistical data relating to juvenile delinquency.

JJDB reports have been submitted with Three-Year JJDP Plans and Plan Updates to meet statistical requirements required by the federal Office of Juvenile Justice and Delinquency Prevention. Additional data has also been collected through the JJDB to meet one of the federal JJDP program mandates of determining if the number of minority youth being detained or confined in juvenile detention facilities and the state juvenile correctional facility exceed the minority representation in the general population. The Governor's Committee on Crime, Delinquency and Correction, the state advisory group for the JJDP grant program, also utilizes the data generated through the JJDB to assist their efforts in making funding decisions.

In relation to two other JJDP program mandates, our agency is required to conduct on-site monitoring throughout the state to ensure that juveniles are not being detained or confined in any jail or lockup intended for adult offenders and to ensure that juveniles alleged to be or found to be delinquent are not being detained or confined in any institution in which they have regular contact with adult offenders. We submit annual reports to the Office of Juvenile Justice and Delinquency and Prevention regarding any violations and action taken. Since the Juvenile Justice Committee is commissioned by the legislature to insure that juveniles are not detained in adult jails, our agency reports any violations to the JJC so that they may pursue appropriate corrective action.

Page Two  
Feburary 7, 1995

Our agency is pleased with the Juvenile Justice Committee's successful implementation of the JJDB project and their invaluable support and assistance in our agency's administration of the Juvenile Justice and Delinquency Prevention grant program and would like to continue our joint efforts in strengthening the state juvenile justice system to meet the needs of the youth in our state.

Sincerely,



Martha Craig-Hinchman  
Juvenile Justice Program Coordinator

TOTAL P.03

ATTACHMENT 2





JANE MORAN  
ATTORNEY AT LAW  
CINDERELLA BUILDING  
P.O. BOX 171  
WILLIAMSON, W.VA. 25661  
TELEPHONE (304) 235-3509

January 3, 1996

Antonio Jones, Director  
Office of Legislative Auditor  
Performance Evaluation and  
Research Division  
Building 5, Room 751  
State Capitol Complex  
Charleston, WV 25303

RE: Update of the Juvenile Justice  
Facilities Review Panel

Dear Mr. Jones:

I am the Chairperson of the Juvenile Justice Committee Facilities Review Panel. A copy of the draft of the preliminary review of our agency which was conducted by your staff was made available to me on December 27, 1995. It is my understanding the draft had been presented to our office the morning of December 27, with instructions to provide our response to the draft no later than January 4, 1996.

We do not believe that the separation of powers issue addressed in your report exists in the structure or the functions of our agency. Nor has such a problem been suggested during the eighteen years of the agency's existence.

Lonnie Simmons, counsel for the Juvenile Justice Committee will appear, with members and staff of the Committee before the Subcommittee of the Joint Committee of Government Operations on January 7, 1996. It is my understanding that the report of your office will be presented at that meeting. We will respond to the report and be available for questions.

Please notify me of any change in the Subcommittee's schedule.

Sincerely,

Jane Moran, Chairperson  
Juvenile Justice Committee  
Facilities Review Panel

cc: Lonnie Simmons, Esq.  
Tony Sade, Esq.



## ATTACHMENT 3

### RECOMMENDATION 3:

In response to this recommendation, the Panel has previously provided accounting information and sources of funding to the Office of Legislative Auditor. See Attachment A. Budgets including grant budgets are provided. See attachment B. For a listing of equipment see Attachment C.



ATTACHMENT A  
PREVIOUSLY SUBMITTED FUNDING SOURCES

**Funding Sources:**

Account, WVFIMS #0180-1995-2400-029 (appropriated)

Special Revenue Account, WVFIMS #1753-1995-2400-999 (non-appropriated)

State Justice Institute Grant (federal), Award # SJI-92-06W-C-A-166-P94-1

Criminal Justice and Highway Safety Division (CJHS)

# 94-JJ-2-022 Grant period 12/1/94 - 11/30/95

# 95-JJ-2-002 Grant period 11/1/95 - 10/31/96



ATTACHMENT B

BUDGETS





# State Justice Institute

## APPLICATION

<p><b>1. APPLICANT</b></p> <p>a. Applicant Name <u>West Virginia Supreme Court</u></p> <p>b. Organizational Unit <u>Juvenile Justice Committee</u></p> <p>c. Street/P.O. Box <u>Room E-400, State Capitol</u></p> <p>d. City <u>Charleston</u></p> <p>e. State <u>WV</u> f. Zip Code <u>25305</u></p> <p>g. Name and Telephone Number of Contact Person <u>Robert Eggleton (304) 558-3649</u></p>	<p><b>2. TYPE OF APPLICANT</b> (Circle appropriate letter)</p> <p><input checked="" type="radio"/> a. State or local court</p> <p><input type="radio"/> b. National organization operating in conjunction with State court</p> <p><input type="radio"/> c. National state court education/training organization</p> <p><input type="radio"/> d. College or University</p> <p><input type="radio"/> e. Other non-profit organization or agency</p> <p><input type="radio"/> f. Individual</p> <p><input type="radio"/> g. Corporation or partnership</p> <p><input type="radio"/> h. Other unit of government</p> <p><input type="radio"/> i. Other _____ (specify)</p>
<p><b>3. EMPLOYER IDENTIFICATION NUMBER</b> <u>55-6000760</u></p> <p><b>4. ENTITY TO RECEIVE FUNDS</b> (if different from applicant)</p> <p>a. Name of Responsible Entity _____ (same)</p> <p>b. Street/P.O. Box _____</p> <p>c. City _____</p> <p>d. State _____ e. Zip Code _____</p> <p>f. Name and Telephone Number of Contact Person _____</p>	<p><b>5. TYPE OF PROJECT</b> (Circle most appropriate letter)</p> <p><input type="radio"/> a. Education/Training</p> <p><input checked="" type="radio"/> b. Research/Evaluation</p> <p><input checked="" type="radio"/> c. Demonstration</p> <p><input checked="" type="radio"/> d. Technical Assistance</p> <p><input type="radio"/> e. Other _____ (specify)</p>
<p><b>7. TITLE OF PROPOSED PROJECT</b></p> <p><u>W.Va. Child Abuse and Neglect Data Base</u></p>	<p><b>6. PROPOSED START DATE</b> <u>October 1, 1993</u></p> <p><b>8. PROPOSED START DATE</b> <u>October 1, 1993</u></p> <p><b>9. PROJECT DURATION</b> (Months) <u>12 months</u></p>
<p><b>10. a. AMOUNT REQUESTED FROM SJI</b> \$ <u>27,021</u></p> <p><b>b. AMOUNT OF MATCH</b></p> <p>Cash match \$ <u>4,787</u></p> <p>Non-cash match \$ <u>22,706</u></p> <p><b>TOTAL MATCH</b> \$ <u>27,493</u></p> <p><b>c. TOTAL PROJECT COST</b> \$ <u>54,514</u></p>	<p><b>11. IF THIS APPLICATION HAS BEEN SUBMITTED TO OTHER FUNDING SOURCES, PLEASE PROVIDE THE FOLLOWING INFORMATION:</b></p> <p>Source _____</p> <p>Date Submitted _____</p> <p>Amount Sought _____</p> <p>Disposition (if any) or Current Status _____</p>

**12. CONGRESSIONAL DISTRICT OF:** statewide

Applicant: Name of Representative; District Number

Project (if different than applicant): Name of Representative; District Number

**13. CERTIFICATION**

On behalf of the applicant, I hereby certify that to the best of my knowledge the information in this application is true and complete. I have read the attached assurances (Form D) and understand that if this application is approved for funding, the award will be subject to those assurances. I certify that the applicant will comply with the assurances if the application is approved, and that I am lawfully authorized to make these representations on behalf of the applicant.

Administrative Director 7/30/93

SIGNATURE OF RESPONSIBLE OFFICIAL OF APPLICANT \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

(For application from State and local courts, Form B, Certificate of State Approval, must be attached.)

**FOR INSTITUTE USE ONLY**

<p><b>14. a. APPLICATION NUMBER</b></p> <p>b. Concept Paper Number _____</p>	<p><b>15. DATE RECEIVED</b></p>	<p><b>16. DATE OF ACTION</b></p>
<p><b>17. ACTION TAKEN</b></p> <p>a. Awarded</p> <p>b. Rejected</p> <p>c. Returned for Modification</p> <p>d. Deferred</p> <p>e. Withdrawn</p> <p>f. Other _____</p>	<p><b>18. TYPE OF AWARD</b></p> <p>a. Grant</p> <p>b. Cooperative Agreement</p> <p>c. Contract</p>	<p><b>19. a. AMOUNT OF AWARD</b></p> <p>\$ _____</p> <p>b. Amount of Match Required</p> <p>\$ _____</p>

FORM C

(Instructions on reverse side)  
Revised 3/1/92

# State Justice Institute

## PROJECT BUDGET (TABULAR FORMAT)

Applicant: West Virginia Supreme Court of Appeals  
 Project Title: Child Abuse and Neglect Data Base  
 For Project Activity from 10-1-93 to 9-30-94  
 Total Amount Requested for Project from SJI \$ 27,021

ITEM	SJI FUNDS	STATE FUNDS	FEDERAL FUNDS	APPLICANT FUNDS	OTHER FUNDS	IN-KIND SUPPORT	TOTAL
Personnel	8840	0	0	500	0	12,025	215,365
Fringe Benefits	6072	0	0	40	0	0	6112
Consultant/Contractual	7850	0	0	0	0	6,637	14,487
Travel	0	0	0	735	0	0	735
Equipment	0	0	0	1000	0	1,500	2500
Supplies	421	0	0	400	0	0	821
Telephone	0	0	0	1000	0	180	1180
Postage	2110	418	0	382	0	0	2910
Printing/Photocopying	728	0	0	312	0	2364	3404
Audit	1000	0	0	0	0	0	1000
Other (specify)	0	0	0	0	0	0	0
Direct Costs	27,021	418	0	4369	0	22,706	54,514
Indirect Costs	0	0	0	0	0	0	0
Total	27,021	418	0	4369	0	22,706	54,514

Remarks: \*Fringe cost vary from \$2652 to \$6072. Refer to budget narrative.  
 \*Postage costs incurred by the Department of Health and Human Resources and College and University Systems represent unclaimed cash match. Refer to the budget narrative.

**JUVENILE JUSTICE AND  
DELINQUENCY PREVENTION PROGRAM**

**GRANT APPLICATION  
BUDGET - PAGE 2**

**APPLICANT:** W. VA. Supreme Court (JJC)

**FEIN NUMBER:**

CATEGORY	JJDP FUNDS	OTHER FUNDS	TOTAL BUDGET
Personnel/Contractual	\$ 16,496	\$ 20,000	\$ 36,496
Travel/Training	\$ 1,500	\$ 800	\$ 2,300
Equipment		\$ 4,000	\$ 4,000
Space		\$ 5,000	\$ 5,000
Other	\$ 2,004	\$ 11,300	\$ 13,304
<b>Total Budget</b>	<b>\$ 20,000</b>	<b>\$ 41,100</b>	<b>\$ 61,100</b>

FUNDING STRATEGY		
FUNDING SOURCE(S)	AMOUNT	STATUS
Juvenile Justice and Delinquency Prevention	\$ 20,000	A
W. Va. Supreme Court	\$ 40,300	
National Juvenile Court Data Archive	\$ 800	
Other - Division of Corrections, Prosecuting Attorneys, Kanawha County, DHHR, and other agencies.	unspecified	
<b>TOTAL</b>	<b>\$ 61,100</b>	

**Funding Source** -- Separately list each source of funds that will be used in the program.

**Amount** -- Enter the amount received or anticipated for each.

**Status** -- Indicate the status of each funding source of funds as follows:

- P - Projected grant, loan or donation
- A - Application submitted and under review
- C - Funds committed
- R - Funds received, appropriated or on hand

**JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM**

**GRANT APPLICATION BUDGET NARRATIVE - PAGE 3**

ITEMIZED PROJECT COST BY BUDGET CATEGORY	OTHER FUNDS	REQUESTED JJDP FUNDS	SAG RECOMMENDATION
<b>PERSONNEL/CONTRACTUAL</b>			CJHS USE ONLY
(a) The <u>JJDB Project Coordinator</u> position is a twenty hour per week position (\$9.00/hour) at an approximate gross annual salary of \$9,360 plus fringe benefits (\$3,800)		\$ 9,360	
(b) A <u>Temporary Data Entry Position</u> at a cost of \$1,836 annually (216 hours at \$8.50/hour).		\$ 3,800	
(c) An <u>On-Going Contractual</u> at an annual cost of \$1,500.		\$ 1,836	
(d) The following JJDB positions are funded by the West Virginia Supreme Court: Director (\$5,000), Supervisor (\$3,000), Technical Assistant/Trainer (\$5,000), Fiscal Officer (\$1,500), Personnel Officer (\$1,500), Three Consultants - Administrative Director, Assistant Director responsible for probation, and Assistant Director responsible as Court Statistician (\$3,500), and an Editor (\$500). Other unspecified contributions are from DHHR, prosecuting attorneys, the Division of Corrections, and other agencies.		\$ 1,500	
<b>PERSONNEL/CONTRACTUAL TOTAL</b>	\$ 20,000		
	\$ 20,000.00	\$ 16,496.00	
<b>TRAVEL/TRAINING</b>			
(a) The total estimated cost of travel/training is \$1,500. This item also includes JJDB Development Committee meetings, CJHS meetings, training on the new FOX PRO, ALPHA4, and WINDOWS software.		\$ 1,500	
(b) Unexpected costs in excess of this are funded by the Supreme Court and DHHR for probation officers who are on the JJDB Development Committee; and, by the National Juvenile Court Data Archive (\$800).	\$ 800		
<b>TRAVEL/TRAINING TOTAL</b>	\$ 800.00	\$ 1,500.00	
<b>EQUIPMENT (not JJDP funded category)</b>			
<b>SPACE (not JJDP funded category)</b>	\$ 9,000.00		
<b>OTHER</b>			
(a) <u>Telephone</u> costs are funded by the Supreme Court (\$5,000).	\$ 5,000		
(b) <u>Office Supplies</u> , such as pens, pads, and envelopes are funded by the Supreme Court (\$500).	\$ 500		
(c) <u>Printing</u> costs include the paper costs for printing JJDB reports and special topic reports estimated at \$1,000. Other printing costs are funded by the Supreme Court (\$5,000).	\$ 5,000	\$ 1,000	
(d) <u>Postage</u> costs cover the state-wide distribution of reports, memorandums, special topic reports, and instructions to reporters. The requested OJJDP costs are estimated at \$1,004. Costs in excess of this amount are funded by the Supreme Court (\$800).	\$ 800	\$ 1,004	
<b>OTHER TOTAL</b>	\$ 11,300.00	\$ 2,004.00	
* Fringe costs are calculated upon maximum cost of hospitalization coverage. Actual cost may be lower.			
<b>TOTAL OTHER FUNDS</b>	\$ 41,100.00		
<b>TOTAL JJDP FUNDS</b>		\$ 20,000.00	
<b>APPROVED BUDGET (CJHS USE ONLY)</b>			\$

ATTACHMENT C  
LISTING OF EQUIPMENT

4 DESKS  
4 COMPUTER HUTCHES  
4 EXECUTIVE CHAIRS  
1 COMPUTER CHAIR  
4 STACKABLE CHAIRS  
CONFERENCE TABLE  
4 WOOD CHAIRS  
WATER COOLER  
3 COMPUTER STATIONS  
(1 COMPUTER STATION ON ORDER)  
1 NOTEBOOK COMPUTER  
1 FILE SERVER COMPUTER  
1 HP LASERJET 4 PRINTER  
14 FILE CABINETS  
6 BOOKCASES  
2 PRINTER TABLES  
LARGE SUPPLY CABINET (LOCKED)  
SMALL SUPPLY CABINET  
COMPUTER SOFTWARE  
MODEM  
COPIER AND FAX MACHINE 1/2



ATTACHMENT C  
LISTING OF EQUIPMENT

4 DESKS  
4 COMPUTER HUTCHES  
4 EXECUTIVE CHAIRS  
1 COMPUTER CHAIR  
4 STACKABLE CHAIRS  
CONFERENCE TABLE  
4 WOOD CHAIRS  
WATER COOLER  
3 COMPUTER STATIONS  
(1 COMPUTER STATION ON ORDER)  
1 NOTEBOOK COMPUTER  
1 FILE SERVER COMPUTER  
1 HP LASERJET 4 PRINTER  
14 FILE CABINETS  
6 BOOKCASES  
2 PRINTER TABLES  
LARGE SUPPLY CABINET (LOCKED)  
SMALL SUPPLY CABINET  
COMPUTER SOFTWARE  
MODEM  
COPIER AND FAX MACHINE 1/2

# JOINT COMMITTEE ON GOVERNMENT OPERATIONS

## House of Delegates

Joe E. Martin, Chair  
Scott G. Varner, Vice Chair  
Sam Love  
Jay Nesbitt  
Douglas Stalnaker

## Senate

A. Keith Wagner, Chair  
Edwin J. Bowman, Vice Chair  
Larry Wiedebusch  
Sarah Minear  
John Yoder

## Citizen Members

Andy Gurtis  
Jack McComas  
W. Joseph McCoy  
Phyllis Presley  
Ronald Solomon

Aaron Allred, Legislative Auditor  
Office of Legislative Auditor

Antonio E. Jones, Ph.D., Director  
Performance Evaluation and Research Division

David Ellis, Research Manager  
Michael Midkiff, Senior Research Analyst

January 1996