

West Virginia Division of Justice and Community Services
(DJCS)



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2015 Juvenile Justice and Delinquency Prevention Annual Report

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**Juvenile Justice Subcommittee of
Bob Musick, Chair**

**The West Virginia Governor's Committee on Crime Delinquency and Correction
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Francine Thalheimer
Counselor, Kanawha County Schools

Captain Ron Smith
Prevention Resource Officer
Mason County WV

Michael Baylous
Lieutenant
West Virginia State Police

Phyllis Stewart-Brown
Retired Chief Probation Officer,
12th Judicial Circuit, Monongalia County

Greg Puckett
Mercer County Commissioner

Honorable Judge Darrell Pratt
Circuit Court Judge, 24th Judicial Circuit

Rev William Fruit,
Pastor, Sky Baptist Church

Youth Members

Codie Smith
Youth Member

Joshua Meadows
Youth Member

Jade Gravley
Youth Member

Adelina Lancianese
Youth Member

The Governor's Committee on Crime, Delinquency and Correction

Juvenile Justice Subcommittee Mission and Purpose

The Division of Justice and Community Services serves as staff to the Juvenile Justice Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, which was created in 1966 by executive order of the Governor to develop a statewide planning capacity for the improvement of the state's criminal justice system. The Juvenile Justice Subcommittee was established following the passage of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 to serve as the state advisory group to the Division of Justice and Community Services for the administration of juvenile funds received by West Virginia under the JJDP Act.

The purpose of the West Virginia Juvenile Justice Subcommittee is to utilize funds to provide the necessary funding to research, develop and implement programs which benefit youth and all who are involved in the juvenile justice process, and support efforts to insure compliance with the core requirements of the JJDP Act.

Juvenile Justice Subcommittee Guiding Principles

The guiding principle of the Juvenile Justice Subcommittee is to prevent and reduce juvenile delinquency and to improve the juvenile justice system in West Virginia. This is done by subgranting funds to various private/nonprofit organizations, schools, state agencies, and local units of government for delinquency prevention efforts that address the needs of the targeted at risk youth population. Funding consideration will be given to projects that address these priorities:

- Interagency coordination of services for meeting the needs of targeted at-risk population.
- Alternative to school settings for youth who exhibit behavior problems to prevent those youth from dropping out of school.
- Opportunities for children and youth to build their self-esteem.
- Activities that reduce peer pressure.
- Projects that encourage parent involvement by establishing a parental component as a part of the programming efforts.
- Crisis intervention services for youth who are exposed to domestic violence.
- Youth advocacy services or court-appointed advocates for youth involved in the court system.
- Direct services to victims of child sexual and physical abuse and neglect, and activities for prevention/awareness of child abuse.
- School safety programs, such as conflict resolution, peer mediation and gun/weapon control, which will decrease the incidence of school violence.
- Assessment of interagency cooperation and responsiveness of state services to this youth population.
- Assessment of the individual progress of the youth participating in the program through pretests and post-tests.
- Written assessment by youth and parents regarding program satisfaction or weaknesses.
- Documented support of the program from the state.

The Juvenile Justice and Delinquency Prevention Act Mandates

The Juvenile Justice and Delinquency Prevention (JJDP) Act, passed by Congress in 1974, authorized the States to administer local delinquency prevention and intervention efforts and juvenile justice system improvements. The goals of the JJDP Act are to insure appropriate services, due process, proper treatment and safe confinement of juveniles who are involved in the juvenile justice system. States must commit to achieve and maintain compliance with the following four core requirements of the JJDP Act:

1. Deinstitutionalization of Status Offenders (DSO)

A status offender (a juvenile who has committed an act that would not be a crime if committed by an adult) or nonoffender (such as a dependent or neglected child) cannot be held, with statutory exceptions, in secure juvenile detention or correctional facilities. Status offenders and nonoffenders cannot be detained or confined in adult facilities for any length of time.

2. Separation of Juveniles from Adult Offenders (Separation)

Alleged and adjudicated juvenile delinquents cannot be detained or confined in a secure institution (such as a jail, lockup or secure correctional facility) in which they have sight or sound contact with adult offenders.

3. Adult Jail and Lockup Removal (Jail Removal)

As a general rule, juveniles (individuals who may be subject to original jurisdiction of a juvenile court based on age and offense limitations established by State law) cannot be securely detained or confined in adult jails and lockups. The statute provides temporary hold exceptions for alleged and adjudicated delinquents and criminal misdemeanor offenders under conditions of separation and accepts juveniles waived or transferred to criminal court or felony charges.

4. Disproportionate Minority Contact (DMC)

States are required to address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.

DRAFT

West Virginia's Compliance with the
Office of Juvenile Justice and Delinquency Prevention (JJDP) Act

**Plan For Removal Of Status Offenders And Non-offenders
From Secure Detention And Correctional Facilities - Section 223 (a)(12)(A)
De-institutionalization of Status and Non-offenders.**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Deinstitutionalization of Status and Non-offenders (DSO) for calendar year 2014 and West Virginia was found to be in compliance. During calendar year 2014, West Virginia had 14 Deinstitutionalization of Status Offenders (DSO) violations. These violations occurred in a West Virginia's Juvenile Detention Centers. This violation occurred at a hardware secure center.

The following West Virginia Case Law and statutes corroborate the JJDP Act.

West Virginia State Code §49-5-11 decriminalizes status offenders making it illegal to detain status offenders in secure facilities. Youth who are adjudicated status offenders are referred to the Department of Health and Human Resources for services.

Facilities Review Panel v. Coe (1992) establishes standards that prohibit secure facilities from admitting status and non-offenders.

C.A.H. v. Strickler (1979), states that "under no circumstances can a child adjudged delinquent because of a status offense be incarcerated in a secure, prison-like facility with children adjudged delinquent because of criminal activity."

Harris v. Calendine (1977), states that "under no circumstances can a child adjudged delinquent because of a status offense, i.e., and an act which if committed by an adult would not be a crime, be incarcerated in a secure, prison-like facility with children adjudged delinquent because of criminal activity."

Plan For Separation Of Juveniles And Incarcerated Adults
Section 223(a)(13) Separation of Juveniles and Adult Offenders.

During calendar year 2014, one violation occurred in an adult jail. This was considered an isolated incident.

West Virginia will continue to provide training and technical assistance to secure and non-secure facilities. Regional trainings will be held in the upcoming year to address the specific needs and questions pertaining to the JJDP Act.

The West Virginia Supreme Court of Appeals, Administrative Order, effective July 1, 1997, charges the Division of Justice and Community Services of the Department of Military Affairs and Public Safety to monitor compliance with the State and Federal standards for juvenile detention facilities. The State will notify OJJDP if circumstances arise, or if resources are lost, which would jeopardize the State's capability to maintain compliance with the requirements of Section 222(a)(13).

The following West Virginia Case Law and statutes corroborate the JJDP Act.

West Virginia State Code § 49-5-16 paragraph (a) states that “no child, including one who has been transferred to criminal jurisdiction of the court, shall be detained or confined in any institution in which he or she has contact with or comes within sight and sound of any adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the security staff (including management) or direct-care staff of a jail or locked facility for adults.”

The State assures that adjudicated juveniles are not reclassified administratively and transferred to adult correction authority. Paragraph (b) of the above cited section states that “No child who has been convicted of an offense under the adult jurisdiction of the circuit court shall be held in custody in a penitentiary of this State....the child may be transferred from a secure juvenile facility to a penitentiary after he attains the age of eighteen years if, in the judgment of the Commissioner of the Department of Corrections and the court which committed such child, such transfer is appropriate.”

M.N.L. v. Greiner (1987) created a “sight and sound” separation authority in stating that juveniles between the ages of 18 and 20 who remain under jurisdiction of the juvenile court may not be incarcerated within sight and sound of adult prisoners.

There are no approved “Juvenile Detention Areas” in any adult jail or lockup in West Virginia at the present time.

Plan For Removal Of Juveniles From Adult Jails And Lockups
Section 223 (a)(14) Jail and Lockup Removal

West Virginia juveniles are not to be detained in any jail or lockup for adults. There is no approved juvenile detention of co-located areas in any adult jail or lockup in West Virginia at the present time.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Jail and Lockup Removal for calendar year 2014 and West Virginia was found to be in compliance. West Virginia's jail removal violations was case of misidentification where the police had information indicating the suspect was an adult, however it was later determined that the suspect was actually a juvenile. West Virginia will continue to provide training and technical assistance to secure and non-secure facilities. Regional trainings will be held in the upcoming year to address the specific needs and questions pertaining to the JJDP Act.

The West Virginia Supreme Court of Appeals, Administrative Order, effective July 1, 1997, charges the Division of Justice and Community Services of the Department of Military Affairs and Public Safety to monitor compliance with the State and Federal standards for juvenile detention facilities. The state will notify The Office of Juvenile Justice and Delinquency Prevention (OJJDP) if circumstances arise, or if resources are lost, which would jeopardize the state's capability to maintain compliance with the requirements of Section 223(a)(14).

The following West Virginia Case Law and statutes corroborate the JJDP Act.

West Virginia State Code § 49-5-16 prohibits the detention of juveniles in any institution where "he or she has contact with or comes within sight and sound of any adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the security staff (including management) or direct-care staff of a jail or locked facility for adults." It also prohibits detaining juveniles in state penitentiaries.

West Virginia State Code § 49-5A-2 makes it unlawful to incarcerate a child under 18 years of age in a common county jail or police station lockup.

The State assures that adjudicated juveniles are not reclassified administratively and transferred to adult correction authority. West Virginia State Code §49-5-16 (b) states that “No child who has been convicted of an offense under the adult jurisdiction of the circuit court shall be held in custody in a penitentiary of this State....the child may be transferred from a secure juvenile facility to a penitentiary after he attains the age of eighteen years if, in the judgment of the commissioner of the Department of Corrections and the court which committed such child, such transfer is appropriate.”

R.C.F. v. Wilt (1979), states “it is unlawful for Circuit Courts and Juvenile Referees to incarcerate a child under eighteen years of age in a common county jail prior to an adjudication of delinquency. Those provisions clearly manifest a legislative judgment that children will not be rehabilitated by detention in county jails along with adult offenders, and that detention, when necessary, in other types of facilities maintained exclusively for juveniles is more consistent with the rehabilitative goals of our juvenile delinquency legislation.”

Facilities Review Panel v. Coe (1992) states “The conditions outlined in West Virginia Code § 49-5-8(d) shall apply to all juveniles taken into custody, except that portion which refers to ‘the next judicial day’ shall instead be read as ‘the next day.’ Even when Circuit Judges and Juvenile Referees are not available, the rules and regulations for Magistrate courts require a Magistrate to make a telephone contact with the jails and juvenile secure detention facilities under their jurisdiction each and every day to ascertain if any adult or juvenile has been detained since the last contact period and immediately provide for a hearing for that individual.”

Plan to Address Disproportionate Minority Contact (DMC)

Section 223(a)(22)

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis and determined that West Virginia is in compliance with Section 223(a)(22) of the JJDP Act. For the past several years the State Advisory Group has recommended funding for a Disproportionate Minority Contact (DMC) Statewide Coordinator. During the 2014 calendar year, Title II funding was allocated to cover the salary and travel/training of the statewide DMC Coordinator. Through the statewide assessment, recommendations were made on how best to proceed with reduction efforts.

- Increase availability of community-based programs that seek to divert minority away from the system offering a larger continuum of alternatives, offer programmatic services that address “criminogenic” factors, and develop programs to improve reentry in the community.
- Compiling information on programs/services that target and assist at-risk minority youth in the state and across counties, including minority youth who are referred to the system.
- Increase objectivity at earliest stages of the process and greater scrutiny of cases receiving formal/informal/ dispositions.

West Virginia has identified three targeted counties for DMC reduction activities. The three counties identified as having the highest minority population rates are Berkeley County, Kanawha County, and Raleigh County. The local DMC committee in Raleigh County served as a pilot committee to help the Juvenile Justice Subcommittee learn the process of local initiation and planning. New goals have been identified to assist in starting local DMC committees in both Berkeley and Kanawha counties. Through the establishment of local DMC stakeholder committees, the completion of training and/or educational presentations as well as the distribution of DMC educational materials within the three target counties demonstrated an overall increase in public awareness. Delinquency prevention, intervention, and/or systems improvements have been identified as DMC reduction initiatives. Barriers to the implementation of these DMC reduction include: support from the local level in the

identified jurisdictions, cost and budget restraints due to limited funding, and identifying which programs/interventions work best in certain jurisdictions. West Virginia will continue to work diligently on finding ways to reduce DMC.

2014 Accomplishments

During 2014, the Juvenile Justice Subcommittee:

1. The Juvenile Justice Specialist, and a SAG members attended the 9th Annual Models for Change Working Conference in December 2014. The conference focused on a foundation for transforming the juvenile justice system so that it takes into account the ways in which youth are different from adults.
2. Title II funding was reallocated to cover the salary and travel/training of the statewide DMC Coordinator.
3. Awarded \$184,000.00 in Title II - Juvenile Justice and Delinquency Prevention funds. Funds provided for 3 Prevention Resource Officer Programs, 1 Disproportionate Minority Contact program, and 5 Delinquency Prevention Programs.
4. Awarded \$163,676.00 in Juvenile Accountability Block Grant (JABG) funds. Funds provided for 3 Prevention Resource Officer programs, 1 Teen Court, 2 Delinquency Intervention Program, and 1 Information Sharing program.

Title II – Juvenile Justice and Delinquency Prevention Grant Program

The Juvenile Justice Subcommittee has chosen the following Juvenile Justice and Delinquency Prevention funding categories to implement in West Virginia:

Community-Based Delinquency Prevention for At-Risk Children and Youth

Grant resources provided community based programs whose goals were to promote non-delinquent behavior and increase self-esteem, enhance interagency coordination and collaboration to meet the needs of the targeted at-risk youth population. A sample of the activities and services provided by various projects throughout West Virginia include: Activities that reduce peer pressure, school safety programs, direct services to victims of child sexual and physical abuse and projects that encourage parent involvement.

School Safety

The Prevention Resource Officer (PRO) Program is a cooperative effort between schools and law enforcement to: Improve student's attitudes and knowledge of criminal justice and law enforcement; prevent kids from committing crimes; mentor youth utilizing law enforcement officers; provide a safer school environment; and to combine safety and child advocacy assuring a better school experience for all West Virginia youth.

The PRO Program has three main components prevention, mentoring, and safety.

- Prevention - the officers facilitate classes on non-traditional educational topics.
- Mentoring - officers are trained on how to be a positive mentor to students they interact with daily.
- Safety - officers are trained to recognize potential danger, prevent violence, and to respond to dangerous school situations.

Gender Specific Services

Grant resources provided funds to programs designed to address needs unique to the gender of the individual to whom such services are provided. Projects that were funded included programs that are structured to recognize gender-specific differences during

developmental stages and the need for appropriate interventions which address these differences.

Disproportionate Minority Contact

Grant resources provided funds to programs, research or other initiatives primarily to address the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system, pursuant to Section 223(a)(22) of the JJDP Act. Projects that were funded included programs that address juvenile delinquency prevention efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate numbers of juvenile members of minority groups, who come in contact with the juvenile justice system.

A total of \$184,000.00 in West Virginia Juvenile Justice and Delinquency Prevention (JJDP) Title II Grant Funds to nine (9) projects. These funds are awarded to public and private non-profit agencies throughout the State for the purpose of preventing juvenile delinquency, rehabilitating juvenile offenders, and improving the juvenile justice system in West Virginia.

Funds were awarded to the following:

HARRISON COUNTY

City of Shinnston

\$20,000.00

These funds will be utilized for the Prevention Resource Officer program in Lincoln High School.

Contact: Mr. Jason Carlson
Phone: (304) 592-2121
Email: Shinnstonpolice@aol.com

Kanawha

East End Family Resource Center, Inc.

\$20,000.00

These funds will be utilized to support the delinquency prevention project, Targeting Academic Goals - The TAG Team program in Kanawha County.

Contact: Ms. Terri Berkely

Phone: (304) 344-1656
Email: eefrced@wvdsi.net

Kanawha Institute for Social Research & Action, Inc.

\$10,000.00

These funds will be utilized to support the delinquency prevention project, Harambee Growing Health Project in Kanawha County.

Contact: Mr. George Reineberg
Phone: (304) 768-4232
Email: greineberg@kisra.org

MONONGALIA

Monongalia County Child Advocacy Center

\$20,000.00

These funds will be utilized to provide Trauma Focused Cognitive Behavioral Therapy to child victims of abuse in Monongalia County.

Contact: Dr. Laura Capage
Phone: (304) 598-0344
Email: lcapage@comcast.net

MORGAN

Morgan County Commission

\$20,000.00

These funds will be utilized to support the position of a Prevention Resource Officer (PRO) in Berkeley Springs High School.

Contact: Deputy Kevin Barney
Phone: (304) 258-1067
Email: invbarney@hotmail.com

Morgan County Commission

\$10,000.00

These funds will be utilized to support the delinquency prevention project, Building Youth Through Positive Community Actions program in Morgan County.

Contact: Ms. Megan Scott
Phone: (304) 258-7807
Email: megan@morganpartnership.org

ROANE

Roane County Commission

\$20,000.00

These funds will be utilized to support the position of a Prevention Resource Officer (PRO) in Roane County High School.

Contact: Mr. Mikel Harper
Phone: (304) 927-3410
Email: mharper@sheriff.state.wv.us

STATEWIDE

City of Beckley

\$45,000.00

These funds will be utilized to reduce the overrepresentation of minorities within the juvenile justice system through the support of a statewide Disproportionate Minority Contact Coordinator.

Contact: Mr. A. Lee Leftwich
Phone: (304) 207-8825
Email: mustproject@peoplepc.com

West Virginia Child Advocacy Network

\$19,000.00

These funds will be utilized to prepare Family Advocates in Child Advocacy Centers to work effectively with non-offending caregivers of sexually abused children

Contact: Ms. Emily Chittenden-Laird
Phone: (304) 414-4455
Email: echittenden@gmail.com

Division of Justice & Community Services contact:

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Email: Tanisha.C.Travis@wv.gov

Juvenile Accountability Block Grant Program

The Juvenile Justice Subcommittee has chosen the following Juvenile Accountability Block Grant funding categories to be implemented in West Virginia:

Accountability

Grant resources provided funding to help establish and maintain accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies. The goal of these programs is to build on the existing aftercare policy by increasing the intensity of the aftercare component as well as prepare youth for progressively increasing responsibility and freedom in the community.

School Safety

The Prevention Resource Officer (PRO) Program is a cooperative effort between schools and law enforcement to: Improve student's attitudes and knowledge of criminal justice and law enforcement; prevent kids from committing crimes; mentor youth utilizing law enforcement officers; provide a safer school environment; and to combine safety and child advocacy assuring a better school experience for all West Virginia youth.

The PRO Program has three main components: prevention, mentoring, and safety.

- Prevention - the officers facilitate classes on non-traditional educational topics.
- Mentoring - officers are trained on how to be a positive mentor to students they interact with daily.
- Safety - officers are trained to recognize potential danger, prevent violence, and to respond to dangerous school situations.

Information Sharing

Grant resources provided funding to establish and maintain interagency information sharing programs that enable the juvenile justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

A total of \$163,676.00 in West Virginia Juvenile Accountability Block Grant (JABG) funds was awarded to seven (7) agencies statewide. These funds will be used to address the growing problem of juvenile crime by promoting greater accountability in the juvenile justice system. The recent awards are focused in the areas of accountability-based sanction programs for juvenile offenders, court and probation programs; and school safety programs.

Funds were awarded to the following:

DODDRIDGE

Doddridge County Commission

\$20,000.00

These funds will be utilized to provide a Prevention Resource Officer (PRO) at Doddridge County Middle School.

Contact: Ms. Jane Manning
Phone: (304) 873-2332
Email: amanning@access.k12.wv.us

HARRISON

Harrison County Commission

\$20,000.00

These funds will be utilized to provide a Prevention Resource Officer (PRO) at South Harrison High School.

Contact: Ms. M.L. Quinn
Phone: (304) 624-8500
Email: mlquinn@harrisoncountywv.com

KANAWHA

Kanawha County Commission

\$21,226.00

These funds will be utilized to support the Project INTER-CEPT Program (Interventions Needed To End Recidivism-Critical Entry Point Treatment) in Kanawha County.

Contact: Ms. Rebecca Boardman
Phone: (304) 341-0511
Email: Rebecca.Boardman@Prestera.org

KANAWHA/PUTNAM

City of Nitro

\$20,000.00

These funds will be utilized to provide a Prevention Resource Officer (PRO) at Nitro High School.

Contact: Patrolman Ray Blake
Phone: (304) 755-0777
Email: npdblake@nitropolice.com

MONONGALIA

Monongalia County Commission

\$20,000.00

These funds will be utilized to support the Morgantown Area Youth Services Project (MAYSP) Delinquency Prevention Program.

Contact: Mr. Danny Hernandez Trejo
Phone: (304) 284-7321
Email: maysp1@yahoo.com

MORGAN

Morgan County Commission

\$16,226.00

These funds will be utilized to continue operating a Teen Court in Morgan County.

Contact: Ms. Megan Scott
Phone: (304) 258-7807
Email: megan@morganpartnership.org

STATEWIDE

West Virginia Supreme Court of Appeals

\$46,224.00

These funds will be utilized to provide current juvenile justice probation data to the State of West Virginia, the federal government, West Virginia Division of Justice and Community Services, the State Advisory Group and the citizens of West Virginia through the maintenance and daily management of the Juvenile Justice Database. Funding will also provide updates to the system and will support the analysis, technical assistance, training and production of state report on juvenile justice.

Contact: Mr. Michael B. Lacy
Phone: (304) 558-0145
Email: mike.lacy@courtsww.org

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