

# WEST VIRGINIA COMMUNITY CORRECTIONS ACT

July 1, 2016 – June 30, 2017

## ANNUAL REPORT



State of West Virginia  
Jim Justice, Governor



Department of Military Affairs and Public Safety  
Jeff S. Sandy CFE, CAMS, Cabinet Secretary



Division of Justice and Community Services  
1124 Smith Street, Suite 3100  
Charleston, West Virginia 25301-1323  
W. Richard Staton, Director  
Jeffrey D. Estep, Chief Deputy Director  
Leslie S. Boggess, Deputy Director  
Dorse D. Sears, Senior Justice Program Specialist  
Marty A. Hatfield, Justice Program Specialist

## **Introduction**

As a requirement of the West Virginia Community Corrections Act, an annual report must be submitted by the Governor's Committee on Crime, Delinquency and Correction. This report includes activities for the previous year and an accounting of fees collected and funds disbursed from the special revenue account.

The goal of the Community Corrections Act is to provide a means for communities to develop, establish and maintain community-based corrections programs in order to provide the judicial system with sentencing alternatives for offenders who may require less than institutional custody. Specific objectives related to the Community Corrections Act are as follows:

1. Flexibility and involvement in responding to crime at the community level.
2. Effective protection of society and efficiency in the delivery of correctional services.
3. Opportunity for offenders to make restitution to victims.
4. Operate programs specifically designed to meet the needs of offenders.
5. Sentencing alternatives to reduce recidivism.
6. Community based programs to address local criminal justice needs.
7. Ensure space is available in regional jails and correctional facilities for offenders deemed to be most dangerous.
8. Promote accountability of offenders to their community.

## **Administration and Staffing**

The West Virginia Community Corrections Subcommittee provides policy direction and funding decisions to the Division of Justice and Community Services. They provide assurance that West Virginia is meeting the standards outlined in the West Virginia Community Corrections Act. Specific duties include:

1. Promulgate rules for funding recommendations, standards for approval of programs and reporting requirements, fee adjustments, and carrying out the purpose and intent of the Act.
2. Provide funding for approved programs.
3. Maintain records of community corrections programs.
4. Assist in securing funding from other sources.

The members of the Community Corrections Subcommittee are appointed according to statute. The members of the Community Corrections Subcommittee include:

John David Smith  
Professor, Concord University

Rick W. Modesitt  
At-Large Member

Gary L. Johnson  
Administrative Director, West Virginia Supreme Court of Appeals

James M. Casey  
Attorney at Law

Jonathan Adler, Vice Chair  
Executive Director, West Virginia Association of Counties

Denny E. Dodson  
Acting Director, West Virginia Division of Juvenile Services

Tonia Thomas  
Team Coordinator, West Virginia Coalition Against Domestic Violence

David A. Farmer  
Executive Director, West Virginia Regional Jail Authority

The Honorable James J. Rowe  
Senior Status Judge

Loita C. Butcher  
Acting Commissioner, West Virginia Division of Corrections

Robert E. Wilkinson, Chair  
Chief Public Defender, 6<sup>th</sup> & 24<sup>th</sup> Judicial Circuits

Philip W. Morrison  
Executive Director, West Virginia Prosecuting Attorney's Institute

Nancy J. Sullivan  
Acting Commissioner, WV DHHR: Bureau for Behavioral Health and Health Facilities

Rodney A. Miller  
Director, West Virginia Sheriff's Association

The West Virginia Division of Justice and Community Services have been assigned to staff and administer the Community Corrections Fund and to fulfill the requirements of the Community Corrections Act. Staff is responsible for administering grant funds, providing technical assistance to communities, and education to the courts regarding fees to be collected pursuant to the WV Code.

**Division of Justice and Community Services Staff:**

W. Richard Staton, Director  
 Jeffrey D. Estep, Chief Deputy Director  
 Leslie S. Boggess, Deputy Director  
 Dorse D. Sears, Senior Criminal Justice Specialist  
 Marty A. Hatfield, Criminal Justice Specialist  
 Vacant, Justice Programs Monitor

**Collection and Expenditure Summary**

A total of \$1,364,401.06 was collected during State Fiscal Year (FY) 2017. Figure 1.1 shows the collections by month for FY 2017 beginning July 2016. Figure 1.2 documents the total collections received from FY 2003 through FY 2017. There has been a steady decrease in collections over the last several years and this can be attributed to a number of issues within each county individually. Funds collected during FY 2016 were awarded for the FY 2017 grant funding cycle which began on July 1, 2016 and concluded on June 30, 2017.

<b>Community Correction Collections Fiscal Year 2017 Overview</b>	
<b>July 2016</b>	<b>\$112,279.94</b>
<b>August 2016</b>	<b>\$110,372.17</b>
<b>September 2016</b>	<b>\$113,452.92</b>
<b>October 2016</b>	<b>\$115,819.13</b>
<b>November 2016</b>	<b>\$97,524.77</b>
<b>December 2016</b>	<b>\$93,449.20</b>
<b>January 2017</b>	<b>\$86,580.57</b>
<b>February 2017</b>	<b>\$98,438.41</b>
<b>March 2017</b>	<b>\$151,106.51</b>
<b>April 2017</b>	<b>\$159,025.92</b>
<b>May 2017</b>	<b>\$112,849.56</b>
<b>June 2017</b>	<b>\$113,501.96</b>
<b>Total</b>	<b>\$1,364,401.06</b>

Figure 1.1 FY 2017 Collections Overview

The Community Corrections Subcommittee awarded \$1,572,446.14 in FY 2016 funds to fifteen (15) approved Community Corrections programs. Localities which received funding were:

Community Correction Collections Fiscal Year 2003 – 2017	
FY 2003	\$401,291.19
FY 2004	\$525,000.00
FY 2005	\$650,000.00
FY 2006	\$650,411.00
FY 2007	\$1,450,693.72
FY 2008	\$1,828,816.71
FY 2009	\$1,840,733.36
FY 2010	\$1,752,387.92
FY 2011	\$1,743,294.08
FY 2012	\$1,736,411.44
FY 2013	\$1,578,000.32
FY 2014	\$1,630,798.20
FY 2015	\$1,602,423.60
FY 2016	\$1,572,446.14
FY 2017	\$1,364,401.06

Figure 1.2 Summary of Collections

- ↔ Doddridge County Commission
- ↔ Fayette County Commission
- ↔ Hampshire County Commission
- ↔ Harrison County Commission
- ↔ Jefferson County Commission
- ↔ Marion County Commission
- ↔ Mason County Commission
- ↔ McDowell County Commission
- ↔ Mineral County Commission
- ↔ Monongalia County Commission
- ↔ Nicholas County Commission
- ↔ Preston County Commission
- ↔ Summers County Commission
- ↔ Taylor County Commission
- ↔ Tucker County Commission

In addition to FY 2016 collections, \$3.4 million in general revenue was made available by the Governor and Legislature. The Community Corrections Subcommittee awarded these funds to twelve (12) additional community correction programs. Localities which received funding were:

- ↔ Greenbrier County Commission
- ↔ Kanawha County Commission
- ↔ Logan County Commission
- ↔ Marshall County Commission
- ↔ Mercer County Commission
- ↔ Putnam County Commission
- ↔ Raleigh County Commission
- ↔ Randolph County Commission
- ↔ Upshur County Commission
- ↔ Wayne County Commission
- ↔ Wood County Commission
- ↔ Wyoming County Commission

## **Offender Case Management System & Community Correction Information System**

The WV Community Corrections Act specifies that all programs funded by the State are required to conduct an evaluation that will determine the program's effectiveness. To fulfill this requirement, the Community Corrections Subcommittee has required that all grant funded programs utilize two online databases to record information about offenders. Programs use the Offender Case Management System (OCMS), maintained by the West Virginia Supreme Court of Appeals, to store records for clients who are probationers, and use the Community Corrections Information System (CCIS) to record data for all other types of clients. These databases are designed to capture the information necessary to complete an evaluation of a single program, to compare programs to each other, and to examine multiple programs simultaneously.

## **Level of Service/Case Management Inventory**

Pursuant to West Virginia State Code and the Community Corrections Program Guidelines, all programs shall utilize a research based intake and risk/needs assessment tool that addresses the following: drug and alcohol screening, criminal history, known associates, community support system, education needs, treatment needs, mental health needs, and substance abuse history. The Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Corrections has approved and requires the use of the Level of Service/Case Management Inventory User (LS/CMI) for all community corrections programs funded by West Virginia Community Corrections grant and administered by the West Virginia Division of Justice and Community Services. At least one user training event per fiscal year has been provided to staff of the local community corrections programs since July 2006 to ensure all new staff and programs receive proper training on the utilization of the assessment instrument. LS/CMI information is also collected in the CCIS for each funded program and is available for review and monitoring by local program directors and administration of DJCS. Policies have been drafted by the Division's Office of Research and Strategic Planning regarding user and trainer certification for the LS/CMI, and were distributed to programs during the FY 2014 period.

## **Common Offenses for Admission**

The most common offenses for those admitted to local community correction programs include:

- Drug Related Offenses (e.g. Possession of Controlled Substance, Manufacturing of a Controlled Substance)
- Larceny
- Embezzlement, Fraudulent Schemes, and Forgery
- Driving Under the Influence
- Domestic Battery
- Property Crimes (e.g. Destruction of Property, Breaking and Entering)
- Public Intoxication
- Fleeing / Obstructing an Officer

If additional funds were made available, more counties could provide community correction services. In addition, established programs would be able to create more re-entry services for parolees in the state.

## **Summary of Activities**

From July 1, 2016 through June 30, 2017, funding was provided to support twenty-seven (27) local community correction programs. Many programs have taken on more of a “regional” approach when providing services. As a result, the community correction programs provided services to forty-nine (49) counties in West Virginia. Map 1.1 (See Attached) illustrates the counties that received services during this time frame.

All grant funded community corrections programs are required to complete an assessment on each offender entering the program to determine the level of risk and level of services which are needed. In Fiscal Year 2017, the grant funded programs reported a total of 3,058 direct sentence admissions, including 1,915 probationers recorded in the OCMS and 1,143 other admissions recorded in CCIS.

## **Common Services Provided**

- Substance Abuse/Addiction Counseling
  - Relapse Prevention
  - Alcoholics Anonymous
  - Problem Gamblers Counseling
  - Narcotics Anonymous
  - Dual Diagnosis Treatment (mental health and substance abuse)
  - Sober Parenting
  - Family and Marital Counseling
- Batterer's Intervention Prevention Program (BIPPs)
- Domestic Violence Education
- Anger Management
- GED/Adult Basic Education Classes
- Job Training/Placement
- Computer Literacy Classes
- Life Skills Classes
- Financial Budgeting Classes
- Healthy Living Skills
- Smoking Prevention Programs

Some programs provide more specific services such as:

- Pre-Sentence Assessments
- Re-Entry Services
- Faith-Based Support Groups
- Women's Issues
- Youthful Offender Programs (ages 18-24)
- Services for Parolees
- College level courses

The majority of Community Corrections programs also provide community service assignments to their offenders as a way to give back to the community in which they committed their offense. Below is a list of the types of community service projects that have given back to their communities:

- Litter Pick-up (with their county's Solid Waste Division)
- Election set up and clean up
- Volunteer work at local nursing homes
- Snow removal
- Landscaping/Lawn care for local government offices
- County car washes
- Building renovations (by skilled workers in the program)



## **Assessing Program Quality Using the Correctional Program Checklist (CPC)**

The CPC is an evidence-based program quality assessment tool developed by the Corrections Institute at the University of Cincinnati. It provides researchers with a framework for structuring site visits in such a way that they directly assess whether programs adhere to more than 70 practices that have been shown by research to be effective at reducing recidivism. When conducting a CPC assessment, researchers directly observe program operations, sit in on group treatment sessions, and conduct detailed interviews with administrative, treatment, and supervision staff. Several staff in the ORSP and in the broader DJCS have recently been trained in the use of the CPC and assessments have been conducted on 9 programs to date. It is anticipated that assessments will continue at the rate of about 4-5 assessments per year until all DRC programs have been assessed.