

West Virginia Division of Justice and Community Services  
(DJCS)



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2016 Juvenile Justice and Delinquency Prevention Annual Report

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**The West Virginia Governor's Committee on Crime Delinquency and Correction**  
Joseph C. Thornton, Chairman

**The West Virginia Juvenile Justice Subcommittee**  
Bob Musick, Chairman

**Mike Lacy**  
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Director of Attendance, Monongalia County Schools

**Gary Robinson**  
West Virginia Alcohol Beverage Control Administration

**Francine Thalheimer**  
Counselor, Kanawha County Schools

**Nancy Exline**  
Commissioner  
West Virginia DHHR

**Captain Ron Smith**  
Prevention Resource Officer  
Mason County WV

**Stephanie Bond**  
Director  
West Virginia Division of Juvenile Services

**Michael Baylous**  
Lieutenant  
West Virginia State Police

**Vickie James**  
Executive Director  
WV Board of Social Work

**Phyllis Stewart-Brown**  
Retired Chief Probation Officer,  
12<sup>th</sup> Judicial Circuit, Monongalia County

**Karen Yost**  
President and CEO Prester Center

**Greg Puckett**  
Mercer County Commissioner

**Wanda Cox**  
Social Worker

**Honorable Judge Darrell Pratt**  
Circuit Court Judge, 24<sup>th</sup> Judicial Circuit

**Bob Musick**  
New Business Development / Legislative Liaison  
PSIMED

**Barri Faucett**  
Prevent Suicide WV

**Youth Members**

**Codie Smith**  
Youth Member

## **The Governor's Committee on Crime, Delinquency and Correction**

### **Juvenile Justice Subcommittee Mission and Purpose**

The West Virginia Division of Justice and Community Services serves as staff to the Governor's Committee on Crime, Delinquency and Correction, which was created in 1966 by executive order of the Governor, and was later codified into West Virginia Code §15-9-1, 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, as amended (42 United States Code Section 5601), 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, 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 ensure 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.

**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 West Virginia's Juvenile Detention Centers. These violations occurred at a hardware secure center.

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

West Virginia 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., 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 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 violation was a 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 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 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 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 2015 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 five targeted counties for DMC reduction activities. New goals have been identified to assist in starting local DMC committees in Berkeley, Kanawha, Raleigh, Cabell and Monongalia counties. The DMC workgroup of the Juvenile Justice Subcommittee fully supports the development of these local committees as a way to involve the community and local stakeholders and increase public awareness of DMC. The Juvenile Justice Subcommittee along with the WV DJCS decided to take DMC into a new direction by requesting proposals that seek to further the statewide DMC efforts through developing a Pilot Program(s) in the targeted counties. The selected DMC Pilot Projects will work closely with the WV Juvenile Justice Subcommittee and will be required to report on a quarterly basis. The goal of this initiative is to implement the DMC Reduction Cycle, which is 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 throughout the state. The objectives are as follows:

- Identify where minority overrepresentation exists within the eight points of contact in juvenile justice system as indicated by relative rate indexes (RRI's).
- Examine the statewide assessment identifying the mechanisms that contribute to minority overrepresentation and carry out recommendations.
- Develop and implement intervention strategies for reducing minority overrepresentation in the juvenile justice system based on the identification of mechanisms contributing to DMC.
- Increase public awareness of DMC through trainings, presentations, and other resources to encourage community participation and greater understanding of DMC issues.
- Evaluate the effectiveness of the various interventions.
- Establish community commitment with court partners, social services, mental health, police, DHHR, community and faith based organization, parents, etc.

This initiative is anticipated to be an ongoing effort but is contingent on the annual receipt of federal Juvenile Justice and Delinquency Prevention Title II grant funds. The “one size fits all” approach is not effective in West Virginia due to the rural nature and demographics of the state. The Juvenile Justice Subcommittee, WVDJCS, and the DMC workgroup will work diligently to find ways to ensure equal and fair treatment for every youth (regardless of membership in a minority or majority population group) involved in the juvenile justice system.

## **2015 Accomplishments**

During 2015, the Juvenile Justice Subcommittee:

1. The Juvenile Justice Specialist, and a Juvenile Justice Subcommittee member attended the National Symposium on Juvenile Services in October 2015. The Symposium focused on skills for engaging aggressive families and youth involved with the juvenile justice system. In addition, also discussed were alternatives to detention, reducing racial disparities and juvenile justice reform. Staff also attended the 16<sup>th</sup> Bi-Annual Adult and Juvenile Female Offenders Conference in Hartford, Connecticut. The conference focused on working with adjudicated adolescent females.
2. The Juvenile Justice Subcommittee decided to take DMC into a new direction by requesting proposals that seek to further the statewide DMC efforts through developing a Pilot Program(s) in five targeted counties. The proposals must demonstrate the knowledge and background in working on DMC and a tentative plan to further address DMC in WV, consistent with the Office of Juvenile Justice and Delinquency Prevention's DMC Reduction Mode. The Juvenile Justice Subcommittee decided to make available \$75,000.00 in funding to each successful applicant.
3. Awarded \$150,000.00 in federally allocated Title II - Juvenile Justice and Delinquency Prevention funds. Funds provided for 2 Prevention Resource Officer Programs, 1 Mental Health Program, and 5 Delinquency Prevention Programs.

## **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:

### **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. 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**

Title II grants 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**

Title II grants 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.

### **Mental Health**

Title II grants provided funds to programs that provide mental health services for youth in custody in need of such services including, but are not limited to assessment, development of individualized treatment plans, and discharge plans.

### **Substance and Alcohol Abuse**

Title II grants provided funds to programs, research, or other initiatives to address the use and abuse of illegal and other prescription and nonprescription drugs and the use and abuse of alcohol. Programs include control, prevention, and treatment

### **Mentoring, Counseling and Training**

Title II grants provided funds to programs to develop and sustain a one-to-one supportive relationship between a responsible adult age 18 or older (mentor) and an at-risk youth, youth who have offended or youth with a parent or legal guardian who is or was incarcerated (mentee) that takes place on a regular basis. These programs may support academic tutoring, vocational and technical training, and drug and violence prevention counseling.

**Protecting Juvenile Rights**

Title II grants provided funds to projects to develop and implement activities focused on improving services for and protecting the rights of youth affected by the juvenile justice system, including hiring court-appointed defenders, providing training, coordination, and innovative strategies for indigent defense services.

**Diversion**

Title II grants provided funds to programs to divert youth from entering the juvenile justice system including restorative justice programs such as youth or teen courts, victim-offender mediation and restorative circles.

A total of \$150,000.00 in West Virginia Juvenile Justice and Delinquency Prevention (JJDP) Title II Grant Funds were awarded to eight (8) 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**

**Harrison County Commission** **\$20,000.00**

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

**Contact:** William Parker  
Phone: (304) 624-8528  
Email: [wparker@harrisoncountywv.com](mailto:wparker@harrisoncountywv.com)

**MORGAN**

**Morgan County Commission** **\$20,000.00**

These funds will be utilized to support a school and community based program that provides a school-based violence prevention curriculum and a developmental asset program to cultivate youth strengths and self-esteem.

**Contact:** Ms. Megan Hauser  
Phone: (304) 258-7807  
Email: [megan@morganpartnership.org](mailto:megan@morganpartnership.org)

**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](mailto:invbarney@hotmail.com)

**KANAWHA**

**Kanawha County Commission** **\$25,000.00**

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](mailto:Rebecca.Boardman@Prestera.org)

**MONONGALIA**

**Monongalia County Child Advocacy Center** **\$15,000.00**

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](mailto:lcapage@comcast.net)

**Monongalia County Commission** **\$20,000.00**

These funds will be utilized to support the Morgantown Area Youth Services Project (MAYSP) which consists of culturally specific intervention programming aimed at reducing high-risk minority youth's further involvement in the criminal justice system.

**Contact:** Mr. Danny H. Trejo  
Phone: (304) 284-7321  
Email: [maysp160@gmail.com](mailto:maysp160@gmail.com)

**STATEWIDE**

**West Virginia Child Advocacy Network** **\$20,000.00**

These funds will be utilized to assess and improve the data tracking and evaluation on both a statewide and local-program level, thereby better equipping Child Advocacy centers to provide high quality services to child victims.

**Contact:** Ms. Emily Chittenden-Laird  
Phone: (304) 414-4455

Email: [elaird@wvcan.org](mailto:elaird@wvcan.org)

**West Virginia Supreme Court of Appeals**

**\$10,000.00**

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 Juvenile Justice Subcommittee and the citizens of West Virginia through the maintenance and daily management of the Juvenile Section of the Offender Case Management System. Funding will also provide analysis and a statewide report on the Juvenile Justice system as well as the collection of juvenile data and analysis to provide the numbers to create the DMC ratio.

**Contact:** Mr. Michael B. Lacy  
Phone: (304) 340-2933  
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