

**STATE OF WEST VIRGINIA  
PRELIMINARY REVIEW OF THE  
JUVENILE FACILITIES REVIEW PANEL**

CONTINUATION

**OFFICE OF LEGISLATIVE AUDITOR**

Performance Evaluation & Research Division

**CAPITOL BUILDING**

**CHARLESTON, WEST VIRGINIA**

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**WEST VIRGINIA LEGISLATURE**  
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**Antonio E. Jones, Ph.D.**  
**Director**

January 6, 1995

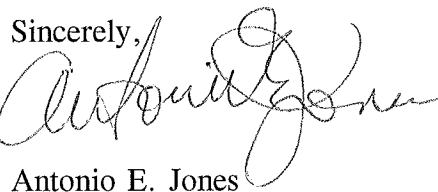
The Honorable A. Keith Wagner  
State Senate  
Box 446  
Iaeger, West Virginia 24844

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

Gentlemen:

This is to transmit a preliminary review of the Juvenile Facilities Review Panel on which we will report to the Joint Committee on Government Operations on Sunday, January 8, 1995. We recommend the continuation of the Panel.

Let us know if you have questions.

Sincerely,  
  
Antonio E. Jones

AEJ/wsc

Enclosure

## The Juvenile Facilities Review Panel

The Juvenile Facilities Review Panel was created in 1978 for the purpose of examining policies and practices affecting services delivered to children. The Panel consists of five members appointed by the West Virginia Supreme Court of Appeals. The Panel is authorized to inspect in-state and out-of-state facilities which detains West Virginia youths. Until 1993, the Panel was also authorized to perform duties at the request of the Governor. Under its statutory authority, the Panel: (1) conducted unannounced inspections of juvenile facilities; (2) conducted unannounced inspections of adult correctional facilities for the presence of juveniles; (3) conducted unannounced inspections of adult correctional facilities to monitor compliance with minimum jail and prison standards; and (4) performed special projects at the request of the executive, legislative and judicial branches.

In 1989 the Panel established the West Virginia Juvenile Delinquency Database, an automated information system used to track juvenile delinquency trends in the State. In 1992, the Panel established the West Virginia Child Abuse and Neglect Database, an automated information system used to monitor child abuse and neglect cases in the State. Both systems received full support from the Governor's Office and are valuable information sources to entities interested in juvenile services in West Virginia.

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. Currently, the Panel inspects juvenile facilities and develops reports on such inspections. The Panel also develops semiannual reports from the two information systems.

### RECOMMENDATIONS:

(1) Juvenile policies would be significantly and negatively impacted if the Panel was abolished. Since its inception, the Panel has had a major impact on juvenile welfare issues in West Virginia. To assist in the development of effective policies, the Panel collects information and educates public agencies which deal with juvenile issues, including the Legislature. Additionally, members of the Panel serve on a variety of committees dealing with juvenile issues. No existing agency has the resources and statutory authority to perform the duties and responsibilities of the Panel. **Therefore, the Juvenile Facilities Review Panel should be continued.**

(2) The Panel established and maintains information systems to track juvenile delinquency in the State and to monitor cases of abused and/or neglected West Virginia youths which serve as educational resources for agencies which provide services to juveniles and maintain the state's eligibility for federal assistance to help support juvenile programs. Additionally, the Panel currently performs duties addressing juvenile welfare issues at the direction of public and private entities including the Legislature, the Governor, judges and prosecuting attorneys. The statutes

should be clarified to avoid confusion relating to the Panel's authorization to perform such duties. **The Legislature should enact legislation to authorize the Panel to perform duties in addition to inspection of facilities at the request of the executive, legislative and judicial branches of government.**

(3) Since its inception in 1978, the Panel has been served by twelve individuals, eleven of which have been attorneys. Dr. Greg Wagner, who has served on the Panel since 1983, is a former Director of Community Medicine at Marshall University and is currently the Director of the National Institute for Occupational Safety and Health (NIOSH). The Panel has been well served by a distinguished group of West Virginians with tremendous credentials and expertise in the area of juvenile law. However, Performance Evaluation and Research Division (PERD) staff feels that if the Panel contained professionals representing several disciplines who deal with child welfare services even greater insight would be provided increasing its effectiveness. **The WV Supreme Court of Appeals should consider appointing a pediatrician or child psychologist to fill the Panel's next vacancy.**

(4) Being a public entity, meetings and records of the Panel's regular meetings should be available for public inspection. The Panel does not maintain records of its meetings and attendance at its inspections. There are instances in which confidential information relating to juveniles are discussed by the Panel. We believe that such information should remain protected from disclosure and that minutes could be drafted in a manner to preserve that confidentiality. Additionally, the Panel should have the authority to hold meetings closed to the public when such confidential information is being discussed. **The Panel should maintain records of attendance at its visitations and should record minutes of its regular meetings.**

(5) Approximately 15% of West Virginia juveniles committed to detention facilities are housed in a facility located outside of the State. However the Panel rarely inspects out-of-state facilities. **The Panel should conduct more frequent inspections of out-of-state facilities which house West Virginia juveniles.**

(6) **The West Virginia Supreme Court of Appeals should determine if any potential conflict of interest exists in having the Juvenile Facilities Review Panel appointed and administered by the Court since a portion of the Panel's work involves litigation brought before a state circuit court, which is also administered by the State Supreme Court of Appeals. The Court should report the results of its determination to the Joint Committee on Government Operations by January 31, 1995; and**

(7) **The statutes governing the Panel should be amended to authorize it to have direct access to information necessary to perform its duties, including confidential information on the residents and the staff of facilities which house West Virginia youths committed to its facilities.**

## Purposes and Duties of the Juvenile Facilities Review Panel.

The Juvenile Facilities Review Panel was created in 1978, West Virginia Code, Chapter 49, Article 5, Section 16b, for the purpose of enhancing the effectiveness of legislative policy and 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. 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 within or outside of West Virginia. The Panel, in working with public and private entities effects changes in juvenile policies through education, technical assistance and litigation. The Panel is required to make public reports of such inspections. Prior to the 1993 revision in West Virginia Code, Chapter 49-5-16b, the Panel was also authorized to "perform other duties as prescribed by the Governor" in addition to conducting inspections of juvenile facilities. From 1985 to 1993, the Juvenile Facilities Review Panel conducted inspections of adult correctional facilities to monitor compliance with minimum jail and prison standards.<sup>1</sup>

In 1989, the Governor's Office of Criminal Justice and Highway Safety requested the Panel to establish the Juvenile Justice Database (JJDB), a comprehensive information system relating to juvenile delinquency in West Virginia.<sup>2</sup> The system collects data on a variety of such issues including number of juvenile offenses, commitment information, profiles on juvenile offenders and frequency of juvenile delinquency by counties. The Panel develops semiannual reports of such data which are made 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, with support from the Governor, established the Child Abuse and Neglect Database (CADB). The database is used to collect, analyze and develop reports on information relating to child abuse and neglect in the State and provide a monthly status reporting system to circuit courts on abuse and neglect cases in which the child is awaiting placement in a permanent home. The system will facilitate prompt effective resolutions of such cases. CADB was also established and is maintained using federal and state revenue.

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<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.*

<sup>2</sup>*The Juvenile Justice Database has been recognized by the U. S. Department of Justice for its contribution to the field of Juvenile Justice.*

Under the current Code, the Panel's authority to perform duties prescribed by the Governor is deleted. Nonetheless, the Panel has continued to maintain the Child Abuse and Neglect and the Juvenile Justice databases. **Given the importance of maintaining the two information systems, the Panel's responsibilities in operating JJDB and CADB should be clearly authorized in the Code.**

**The Panel Provides a Unique and Vital Service to West Virginia Juvenile Policy.**

The Juvenile Facilities Review Panel is the one agency which collects comprehensive information on all West Virginia juveniles which are detained in any juvenile facility including mental health, correctional, or group home facility. No existing state agency collects comprehensive information on such juveniles and facilities housing juveniles or provide the services which the Panel does. The panel operates independently from agencies responsible for housing such juveniles and offers recommendations to ensure that juveniles receive adequate and quality services. The panel also has access to confidential information on juveniles in order to assist it in performing its duties. The data systems maintained by the panel are a vital sources of information used to monitor services delivered to West Virginia juveniles. **Operation of the systems maintains the State's eligibility for federal funds which are used to help support other juvenile services.**<sup>3</sup>

Throughout its existence, the Panel has had a significant and systemic impact in the constructive revision of juvenile policies in the State. Some of its major contributions include:

(1) The Panel was essential in the development of the West Virginia Juvenile Detention Standards and ensuring that juveniles are not confined in secure correctional facilities, except in extraordinary instances;<sup>4</sup>

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<sup>3</sup>*The Juvenile Justice Database is used to generate special reports which the federal government requires from time to time in order for the state to remain eligible for funding under the Juvenile Justice and Delinquency Prevention Act (JJDP). For Fiscal Year 1994, West Virginia received \$600,000 from the U.S. Department of Justice through JJDP which are used to fund several programs relating to juvenile delinquency..*

*The information provided through the Child Abuse and Neglect Database will enhance the State's competitiveness for grants through private foundations as well as the federal government.*

<sup>4</sup>*Facilities Review Panel v Coe, 420 SE2d 532, (1992), a case initiated by the Juvenile Facilities Review Panel and the Department of Health and Human Resources, directed the establishment of juvenile detention standards and addressed the manner in which juveniles are to be maintained at detention facilities.*

(2) A report of an inspection of the Kanawha Home for Children, Dunbar, WV, led to revisions in policies addressing health care at such facilities<sup>5</sup>; and

(3) A report from the Panel uncovered instances where nonviolent juvenile offenders were being detained in the same area as violent juvenile offenders at certain detention centers. As a result, nonviolent offenders were often exploited by more violent juvenile offenders. Additionally, nonviolent juveniles often developed a sense of admiration for violent juveniles and imitated their behavior. The Panel was instrumental in revising policies to restrict mixing violent and nonviolent juvenile offenders at detention facilities.

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<sup>5</sup>*Copies of a report of the Panel's inspection of a facility are often distributed to other facilities housing West Virginia youths. As a result, although the Panel's recommendations are directed at a specific facility, other facilities often revise their policies in accordance with such recommendations.*

## APPENDIX A

### **Current and Former Members of the Panel.**

Current Panel Membership (Member are appointed by the West Virginia Supreme Court of Appeals)

Jane Moran, Chairperson, Attorney, Williamson, (Appointed in 1991)  
Robert Noone, Attorney, Logan, (Appointed in 1992)  
Helen Gillison-Jackson, Attorney, Weirton, (Appointed in 1993)  
Dr. Gregory Wagner, Director National Institute for Occupational Safety and Health (NIOSH), Morgantown, (Appointed in 1983)  
Brenda Waugh, Attorney, Charleston (Beginning in 1995)

### Past Members of the Panel

Guy Bucci, 1977-1978  
William Woodyard, 1977-1983  
Bradley Pyles, 1980-1990  
Jay Montgomery Brown, 1977-1991  
Daniel Hedges, 1977-1992  
Frank Cleckley, 1977-1993  
Irene Berger, 1990-1994

### Juvenile Facility Review Panel Staff

Janice Binder, Attorney, Executive Director,  
Robert Eggleton, Director, JJDB & CADB, Investigator, Masters Degree in Social Work  
Beverly Jarrett  
Tracy Hodges



## **APPENDIX B**

### **Facilities Subject to Inspection by the Panel.**

The following Secure and Non-secure Juvenile and Special Program Facilities detain West Virginia Youths and are subject to inspection by the Juvenile Facilities Review Panel:

#### Secure Facilities (Housing 489 WV Juveniles)

West Virginia Industrial Home for Youth	Salem, WV
Parmadale Intensive Treatment Center	Parma, OH
Eastern Regional Juvenile Detention Center	Martinsburg, WV
Kanawha Home for Children	Dunbar, WV
Northern Regional Juvenile Detention Facility	Wheeling, WV
Southern Regional Juvenile Detention Facility	Princeton, WV
West Central Regional Juvenile Detention Center	Parkersburg, WV
Abraxas Foundation	Waverly, WV
Abraxas of Pennsylvania	Marionville, PA
Barry Robinson Center	Norfolk, VA
Davis Center	Davis, WV
Davis Stuart (campus)	Lewisburg, WV
Elkins Mountain School	Elkins, WV
George Junior Republic	Grove City, PA
Glen Mills School	Concordville, PA
Lutheran Youth and Family Services	Zelienople, PA
Ohio Center	Pedro, OH
Pressley Ridge at Laurel Park	Clarksburg, WV
Pressley Ridge at Grant Garden	Ona, WV
Specialized Treatment Services	Mercer, PA
Barboursville School	Barboursville, WV
Family Services Network	Beverly, WV
Pretera Center for Mental Health Services	Huntington, WV
Shawnee Hills Mental Health/Mental Retardation Center	Charleston, WV
Western District Guidance Center	Parkersburg, WV

#### Nonsecure Facilities (Housing 430 WV Juveniles)

Beckley Child Care Center	Beckley, WV
Burlington United Methodist Home	Burlington, WV
Cammack Children's Center	Huntington, WV
Children's Home of Wheeling	Wheeling, WV
Cherry Hill Child Shelter, Children's Home of WV	Daniels, WV
Autism Services Center	Huntington, WV
Teen Challenge for New Life	Wheeling, WV
Golden Girl	Ceredo, WV

New River Ranch	Fayetteville, WV
Stepping Stones	Lavalette, WV
Sugar Creek Children's Center	Phillippi, WV
Beckley Group Home - Davis Stuart	Beckley, WV
Bluefield Group Home - Davis Stuart	Bluefield, WV
Brooke Hancock Group Home	Wellsburg, WV
Craig House - Burlington United Methodist	Burlington, WV
Keyser Group Home - Burlington United Methodist	Keyser, WV
St. John's Home for Children	Wheeling, WV
Wheeling Group Home - Children's Home of Wheeling	Wheeling, WV
Odyssey	Morgantown, WV
Princeton Group Home - Davis Stuart	Princeton, WV
Stepping Stone	Fairmont, WV
Turning Point I	Charleston, WV
Turning Point II	Charleston, WV
West Virginia Children's Home	Elkins, WV
Davis Child's Shelter	South Charleston, WV
Helinski Shelter	Moundsville, WV
Samaritan House	Wheeling, WV
Time Out	Huntington, WV
Genesis Youth Center	Clarksburg, WV
Huntington Child Shelter	Huntington, WV
Martinsburg Child Shelter	Martinsburg, WV
Monongalia County Youth Services Center	Morgantown, WV
Patchwork	Charleston, WV
Paul Miller Home	Northfork, WV
Romney Shelter	Romney, WV
Shelter Care Facility	Parkersburg, WV
Braley & Thompson, Inc.	St. Albans, WV
Colin Anderson Center	St. Mary's, WV
Greenbrier Center	Lewisburg, WV
AFL-CIO Appalachian Council, Inc.	Charleston, WV
WV Rehabilitation Center	Institute, WV
WV Schools for the Deaf and Blind	Romney, WV

Foster Care and Child Placement Facilities

Action Youth Care	Ripley, WV
Children's Home Society of WV	Charleston, WV
Northern Tier Youth Services	Charleston, WV
Pryde West Virginia	Clarksburg, WV
Specialized Foster Care Program for Adolescents	Elkins, WV
Try-Again Homes Inc.	Fairmont, WV
WV Youth Advocate Program, Inc.	Wheeling, WV

Cross Roads Residential Pre-Independent Living Program      Huntington, WV  
New Connections      Charleston, WV  
Youth Services System, Inc.      Wheeling, WV

Drug and Alcohol Programs

Adolescent Care Unit-CAMC      Charleston, WV  
Jackson Treatment Center-Jackson General Hospital      Ripley, WV  
Olympic Center Preston      Kingwood, WV

Psychiatric Facilities for Adolescents

Charleston Area Medical Center      Charleston, WV  
Chestnut Ridge Hospital      Morgantown, WV  
Doctor's Hospital      South Charleston, WV  
Highland Hospital      Charleston, WV  
Ohio Valley Medical Center      Wheeling, WV  
Princeton Community Hospital      Princeton, WV  
River Park Hospital      Huntington, WV  
Saint Albans Psychiatric Hospital      Radford, VA  
St. John's Hospital      Steubenville, OH  
St. Joseph's Hospital      Parkersburg, WV  
St. Mary's Hospital      Huntington, WV

