

JUVENILE JUSTICE SUBCOMMITTEE

July 1, 2021 – June 30, 2022

ANNUAL REPORT



State of West Virginia
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The members of the Juvenile Justice Subcommittee are appointed according to statute and include:

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Codie Smith
Youth Member

Regan Carpenter
Youth Member

Lian Dunlevy
Youth Member

Cayden Faucett
Youth Member

James King
Youth Member

Jaydyn Johnson
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Youth Member

Erin O'Sullivan
Youth Member

Dylan O'Sullivan
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Mission and Purpose

The Justice and Community Services (JCS) Section of the West Virginia Division of Administrative 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 JCS for the administration of 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 ensure compliance with the core requirements of the JJDP Act.

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 sub-granting 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 youth from dropping out of school;
- Opportunities for children and youth to build their self-esteem;
- Activities that reduce peer pressure;
- Projects that encourage parental 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; and

- Documented support of the program from the state.

Juvenile Justice and Delinquency Prevention Act Mandates

The JJDP Act, passed by Congress in 1974, authorized 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 four core requirements below.

Deinstitutionalization of Status Offenders (DSO)

Status offenses are offenses that only apply to minors whose actions would not be considered offenses if they were adults. The most common are skipping school, running away, breaking curfew, and possession or use of alcohol. Under the JJDP Act, status offenders may not be held in secure detention or confinement. The DSO provision seeks to ensure that status offenders who have not committed a criminal offense are not held in secure juvenile facilities for extended periods of time or in secure adult facilities for any length of time. These children, instead, should receive community-based services, such as day treatment or residential home treatment, counseling, mentoring, family support, and alternative education.

Adult Jail and Lock-up Removal

Under the JJDP Act, youth may not be detained in adult jails and lockups except for limited times before or after a court hearing (6 hours), in rural areas (24 hours plus weekends and holidays), or in unsafe travel conditions. This provision is designed to protect children from psychological abuse, physical assault, and isolation. Children housed in adult jails and lockups have been found to be eight times more likely to commit suicide, two times more likely to be assaulted by staff, and 50 percent more likely to be attacked with a weapon than

children housed in juvenile facilities.

Sight and Sound Separation

When children are placed in an adult jail or lock-up, "sight and sound" contact with adults is prohibited under the JJDP. This provision seeks to prevent children from threats, intimidation, or other forms of psychological abuse and physical assault. Under "sight and sound," children cannot be housed next to adult cells, share dining halls, recreation areas, or any other common spaces with adults, or be placed in any circumstance that could expose them to threats or abuse from adult offenders.

Racial and Ethnic Disparities

Under the JJDP, states are required to assess and address racial and ethnic disparities at key points in the juvenile justice system – from arrest to detention to confinement. Studies indicate that youth of color receive tougher sentences and are more likely to be incarcerated than white youth for the same offenses. With youth of color comprising one-third of the youth population but two-thirds of youth in contact with the juvenile justice system, this provision requires states and local jurisdictions to create action plans to address disparities within their systems.

West Virginia's Compliance with the Mandates

Deinstitutionalization of Status Offenders

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of DSO for 2021. During federal fiscal year 2021, West Virginia had one (1) DSO violation, which occurred in juvenile detention facilities. 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”.

Adult Jail and Lock-up Removal

West Virginia juveniles are not to be detained in any jail or lockup for adults. There is no approved juvenile detention or co-located areas in any adult jail or lockup in West Virginia at the present time. Six (6) Adult Jail and Lock-Up Removal violations occurred in West Virginia’s law enforcement offices during federal fiscal year 2021. The Supreme Court of Appeals of West Virginia charges JCS with the responsibility of monitoring compliance with 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 223(a)(13). 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.

- *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.”

Sight and Sound Separation

During federal fiscal year 2021, seven (7) Sight and Sound violations occurred in West Virginia’s law enforcement offices. West Virginia will continue to provide training and technical assistance to secure and non-secure facilities. As stated above, the Supreme Court of Appeals of West Virginia charges JCS with the responsibility of monitoring compliance with 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 223(a)(12). The following West Virginia case law and statutes corroborate the JJDP Act:

- West Virginia Code §49-5-16 paragraph (a) states that “no juvenile, 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 or 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 provides assurances 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: Provided, That such child may be transferred from a secure juvenile facility to a penitentiary after he shall attain the age of eighteen years if, in the judgment of the court which committed such child, such transfer is appropriate: Provided, however, That any other provision of this code to the contrary notwithstanding, prior to such transfer the child shall be returned to the sentencing court for the purpose of reconsideration and modification of the imposed sentence, which shall be based upon a review of all records and relevant information relating to the child's rehabilitation since his conviction under the adult jurisdiction of the court.”

- *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.

Racial and Ethnic Disparities

OJJDP has completed its review and analysis and determined that West Virginia is compliant with Section 223(a)(22) of the JJDP Act. However, racial and ethnic disparities are prevalent in the state of West Virginia. While present at multiple stages of the juvenile justice process, disparities appear to be particularly prevalent during the arrest and pretrial detention phases. JCS and its Office of Research and Strategic Planning (ORSP) will continue to collect and analyze statewide data to assist in minimizing the variety of factors that lead to racial and ethnic disparities. In addition to improved data collection and analysis, JCS has identified the following goals related to racial and ethnic disparities:

- Decrease the number of arrests for minorities, particularly African Americans/blacks, by 5% statewide;
- Decrease the number of minorities in pretrial detention by 5% statewide;
- Decrease the number of minorities transferred to adult court by 5% statewide;
- Continue to raise awareness of racial and ethnic disparities, including what causes such disparities and research-based strategies for reducing them;
- Improve the validity and reliability of data collected on race/ethnicity and factors that may contribute to disparate decisions;

- Increase availability of community-based programs that seek to divert minorities away from the juvenile justice system; and
- Allocate funds to develop and implement programs which benefit youth, provide alternatives to entering the juvenile justice process, and support efforts to ensure compliance with the core requirements of the JJDP Act.

Of course, successful completion of these goals is contingent on the annual receipt of federal JJDP Title II grant funds. West Virginia’s full racial and ethnic disparities plan is included in Attachment 1 below.

FY 2022 Accomplishments

In July 2021, the Juvenile Justice Subcommittee conducted its Three-Year Plan Development Retreat. During this retreat, Subcommittee members identified the following priority areas for its 3-year strategic plan:

- Community-based programs and services to work with:
 - status offenders, other youth, and the parents and other family members of such offenders and youth to strengthen families, including parent self-help groups, so that juveniles may remain in their homes;
 - juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and
 - parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited English-speaking ability;
- Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, healthcare agencies, and private nonprofit agencies offering youth services;
- Educational programs or supportive services for at-risk or delinquent youth or other juveniles;

- Programs for positive youth development that assist delinquent and other at-risk youth in obtaining a sense of safety and structure, self-worth and social contribution, independence and control over one's life, and closeness in interpersonal relationships;
- Community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration to strengthen families and reduce the risk of recidivism;
- Programs designed to prevent and to reduce hate crimes committed by juveniles;
- Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system;
- Programs designed to provide mental health or co-occurring disorder services for court- involved or incarcerated juveniles in need of such services, including assessment, development of individualized treatment plans, provision of treatment, and development of discharge plans;
- Programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of a Native American tribe; and
- Programs, research, or other initiatives to address the disproportionate number of youth members of minority groups who encounter the juvenile justice system, pursuant to the requirement at 34 U.S.C. § 11133(a)(15).

Consistent with these priority areas, the Juvenile Justice Subcommittee recommended, and the Office of the Governor awarded \$308,000.00 in OJJDP Title II Formula Grant funds to the seven (7) projects below. The Juvenile Justice Subcommittee's full three-year plan is included in Attachment 2 below.

CASA of the Eastern Panhandle - \$59,000.00

Project Description: Funds were used to launch the Fostering Futures/I-AM Mentor initiative to serve youth who were victims of abuse or neglect in Berkeley, Jefferson, and Morgan Counties.

Libera, Inc. - \$24,000.00

Project Description: Funds were used to provide Libera Model Teen Girl Groups at the Ronald C. Mulholland Juvenile Detention Center and Crittenton Services residential foster home in Wheeling.

Marshall University Research Corporation - \$50,000.00

Project Description: Funds were used to implement the Peers Making Peace program in five community centers in Cabell County to provide community outreach, evidence-based delinquency prevention programming, and positive youth development services to at-risk youth.

Partnership of African American Churches - \$70,000.00

Project Description: Funds were used to decrease Racial and Ethnic Disparities in Kanawha County by expanding current initiatives between law enforcement, public defenders, prosecuting attorneys, clergy, youth, and families.

Public Defender Services - \$40,000.00

Project Description: Funds were used to launch the Juvenile Law Boot Camp and Alternatives Program to train juvenile defenders in the biological, psychological, and socio-environmental aspects of the youth they represent.

Team for WV Children, Inc. - \$30,000.00

Project Description: Funds were used to provide follow-up contact and referrals after permanency for child victims in child abuse/neglect civil court cases.

Voices for Children - \$35,000.00

Project Description: Funds were used to advocate for the best interest of children who have been removed from their home due to abuse, neglect, and maltreatment and provide direct services to children to ensure all their needs are being met.

Attachment 1

West Virginia's Racial and Ethnic Disparities (RED) Plan

Fiscal Year 2022

**FY 2022 OJJDP Title II Formula Grants Program
West Virginia Racial & Ethnic Disparities (RED) Plan
October 1, 2022 – September 30, 2026**

Calendar Years 2020 and 2021 Data

The Office of Research and Strategic Planning (ORSP) is a unit of Justice and Community Services (JCS) that supports the agency's mission to foster public safety by providing high-quality statistical information, training, technical consultation, and research. The ORSP consists of two subunits: the Criminal Justice Statistical Analysis Center (CJSAC); and the Justice Center for Evidence Based Practices (JCEBP). The ORSP is staffed by a multidisciplinary team of research specialists with methodological training and expertise in a variety of fields including, but not limited to, criminology, statistics, sociology, political science, and psychology. Staff within both subunits of the ORSP share a common commitment to producing research that meets the highest standards for methodological rigor and ethical integrity. In 2015, the West Virginia Legislature addressed juvenile justice reform by passing Senate Bill (SB) 393 as a result of recommendations by the Intergovernmental Task Force on Juvenile Justice. This legislation mandates enhanced data collection, oversight, and information sharing.

The law also requires state agencies and contractors to collect a broad range of performance measures, including data about recidivism, diversion, community service, drug and teen courts, racial and ethnic disparities, and the use and quality of evidence-based practices. As staff to the West Virginia Juvenile Justice Reform Oversight Committee (JJROC), the ORSP has been developing performance measures and conducting outcomes research to assess the impact of SB 393. The ORSP assisted in the drafting of memorandums of understanding between JCS, the West Virginia Division of Juvenile Services (DJS), and the Supreme Court of Appeals of

West Virginia. These agreements established a framework for providing ORSP research staff with access to juvenile offender information contained in two databases: the Offender Case Management System (OCMS) managed by the Supreme Court of Appeals; and the Offender Information System (OIS) managed by the West Virginia Division of Corrections and Rehabilitation (DCR). Together, these two databases provide sufficient information to track juvenile recidivism, estimate averted costs, and calculate most of the performance measures approved by the JJROC.

Since obtaining access to the OIS and OCMS data, ORSP staff have worked to clean the data and have developed new procedures for matching records across databases. This has made it possible to observe the involvement of juveniles in different state government agencies and to track offending behavior by former juvenile offenders who later become involved in the adult justice system. Additionally, the ORSP uses OIS and OCMS data, as well as the Office of Juvenile Justice and Delinquency Prevention’s EZPOP, to determine minority contact points at each decision point in the West Virginia juvenile justice system. Appendix A summarizes 2020 and 2021 West Virginia statewide juvenile justice system contacts.

Action Plan

What do your RED numbers tell you about your jurisdiction?

Table 1.1 provides percentage change calculations for juvenile justice system contacts between calendar years 2020 and 2021 for five points of contact: 1) arrests; 2) pretrial detentions; 3) diversions; 4) secure confinements; and 5) transfers to adult criminal courts.

	2020	2021	Percentage Change
Arrests, Native American	0	0	No change
Arrests, Asian or Pacific Islander	0	4	100% increase
Arrests, African American or Black	85	110	23% increase
Arrests, Hispanic/Other	0	0	No change
Arrests, All Minorities	85	114	25% increase

Pretrial Detentions, Native American	0	1	100% increase
Pretrial Detentions, Asian or Pacific Islander	0	1	100% increase
Pretrial Detentions, African American or Black	29	38	24% increase
Pretrial Detentions, Hispanic/Other	20	18	11% decrease
Pretrial Detentions, All Minorities	49	58	16% increase
Diversions, Native American	1	0	100% decrease
Diversions, Asian or Pacific Islander	7	8	13% increase
Diversions, African American or Black	128	234	45% increase
Diversions, Hispanic/Other	99	321	69% increase
Diversions, All Minorities	235	563	58% increase
Secure Confinements, Native American	0	0	No change
Secure Confinements, Asian or Pacific Islander	0	0	No change
Secure Confinements, African American or Black	7	8	13% increase
Secure Confinements, Hispanic/Other	8	4	100% decrease
Secure Confinements, All Minorities	15	12	25% decrease
Transfers, Native American	0	0	No change
Transfers, Asian or Pacific Islander	0	0	No change
Transfers, African American or Black	2	2	No change
Transfers, Hispanic/Other	0	1	100% increase
Transfers, All Minorities	2	3	33% increase

Table 1.1 – Percentage Change of Juvenile Justice System Contacts, 2020-2021

As shown in Table 1.1, RED remains a significant problem in the state of West Virginia, particularly during the arrest and pretrial detention phases. JCS and the ORSP will continue to collect and analyze statewide data to identify the specific factors that lead to racial and ethnic disparities and strategies/policies necessary to minimize these factors.

What would success in reducing disparities look like in West Virginia?

There is not a single solution to reduce RED in West Virginia. The state acknowledges that it will take many efforts across many points in the juvenile justice system over time to see a reduction. This issue exists through multiple stages of the juvenile justice system and touches many different programs and people. In order to reduce RED, each person or program should be involved and invested in improving the lives of West Virginia's youth. A plan that is comprehensive enough to tackle the problem is needed. That plan will include time frames,

duties, and identified responsibilities provided by the State Advisory Group (SAG), specifically the Racial and Ethnic Disparities (RED) subcommittee of the SAG.

In regard to addressing the causes of RED, the state has identified a number of strategies to implement that have been successful in other jurisdictions at reducing disparities in justice system outcomes for minority youth. These include working to develop an institutional culture that emphasizes rehabilitation and treatment rather than punishment; creating alternatives to secure confinement for youth; and increasing collaboration between state and local stakeholders in the juvenile justice system. Based on the data above, successfully reducing racial and ethnic disparities in West Virginia would require a reduction in minority arrests; reduction in the number of minorities held in secure detention facilities during court processing; reduction in the number of minorities transferred to adult court; and participation from all West Virginia juvenile justice agencies in this plan.

How much do you want to reduce disparities next year?

Despite the small size of West Virginia's minority youth population, the state is not immune to the racial disparities. Over the next year, the state would like to:

- 1.) Decrease the number of arrests for minorities, particularly African Americans/blacks, by 5% statewide;
- 2.) Decrease the number of minorities in pretrial detention by 5% statewide;
- 3.) Decrease the number of minorities transferred to adult court by 5% statewide;
- 4.) Expand its focus statewide and implement additional programs that focus on reducing racial disparities;
- 5.) Increase diversions to Youth Reporting Centers (YRCs) and community-based services statewide; and
- 6.) Engage local stakeholders, including law enforcement, schools, probation officers, mental health services, and local community and faith-based organizations to reduce racial and ethnic disparities within the West Virginia juvenile justice system.

Is that reasonable? If yes, why?

Currently, the goals identified above appear to be reasonable and attainable. Progress has already been made in Kanawha and Monongalia Counties that would greatly assist in reducing disparities. For example, in Kanawha County, the Partnership of African American Churches (PAAC) hosts community events to raise public awareness of RED. Additionally, law enforcement officers in Kanawha County are provided with cultural competency, anti-racism, and youth engagement training. In Monongalia County, the Mountaineer Boy and Girls Club engages law enforcement and minority youth in team building activities in order to improve their relationships. In addition, the Career Path Program in Monongalia County provides job training and secure employment for minority youth. The program has received referrals from the Supreme Court of Appeals and Department of Health and Human Resources (DHHR) to work with minority youth in areas of truancy, mental health, and behavioral issues.

What do you need from OJJDP to be successful with your plan?

OJJDP can assist West Virginia by providing more training to assist in identifying the contributing factors of racial and ethnic disparities. Additionally, OJJDP can help JCS staff collaborate with other states that share similar challenges with RED reduction efforts. This will potentially assist the state in the development and implementation of more effective policies and strategies to reduce juvenile justice disparities.

What safeguards will you put in place to ensure that as you work to reduce RED you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

- As indicated above, the West Virginia Legislature addressed juvenile justice reform by passing SB Bill 393 in March 2015 as a result of the recommendations by the Intergovernmental Task Force on Juvenile Justice. This legislation mandates enhanced data collection, oversight, and information sharing and requires state

agencies and contractors to collect a broad range of performance measures, including data about recidivism, diversion, community service, drug and teen courts, racial and ethnic disparities, and the use and quality evidence-based practices.

- The state is committed to providing effective, beneficial services to youth in the juvenile justice system that promote positive development and accountability, while preserving community safety, and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all.
- DCR, a sister agency of JCS, operates ten (10) juvenile detention centers. The mission of these centers is to ensure safe, secure facilities with sufficient space for pre-dispositional youth, with quality services, and progressive programming to achieve positive outcomes for detention residents.
- West Virginia will continue to provide funding to localities to implement the Prevention Resource Officer (PRO) program. These officers adhere to community policing principles, provide education in all areas of juvenile law, act as a deterrent to crime and positive role model for juveniles, and mentor youth in the communities and schools they serve.
- Introduction of a two-step diversion process that expands community-based alternatives prior to the filing of a juvenile petition for a status offense or a misdemeanor.
- Interagency coordination of services for meeting the needs of targeted at-risk populations.
- Alternatives to school settings for youth who exhibit behavior problems to prevent those youth from dropping out of school.
- The state will continue to provide cultural competency training for law enforcement and other justice system staff in order to recognize the ways in which racial stereotyping and decision-making bias can perpetuate disparities in arrests and other outcomes.
- JCS staff will continue to examine how supervision and treatment practices vary by race and what factors predict a youth's return to the system, including probation violations.

Outcome-Based Evaluation

What are your new numbers?

As shown in Table 1.1 above:

- Arrests for Asians or Pacific Islanders increased 100% between 2020 and 2021;
- Arrests for African Americans or blacks increased 23% between 2020 and 2021;
- Arrests for all minorities increased 25% between 2020 and 2021;
- The number of pretrial detentions for all minorities increased 16% from 2020 and 2021; and
- The number of transfers for all minorities increased 33% from 2020 and 2021.

Did you meet your goals?

Goal 1: Continue to fund and sustain RED programs throughout the state.

Status: JCS currently has a sub-grantee contract with the Partnership of African American Churches (PAAC) in Charleston, West Virginia. Using OJJDP Title II funding, PAAC is focusing on 1) training youth in emotional intelligence to equip them to de-escalate situations in their daily lives and during encounters with the juvenile justice system; and 2) holding informal events for youth and law enforcement and court personnel.

Goal 2: Increase public awareness of racial and ethnic disparities.

Status: Several JCS funded projects hosted community events to raise public awareness of RED. Projects also engaged law enforcement and youth in team building activities in order to improve their relationships. West Virginia would like to host these types of events quarterly.

Goal 3: Increase availability of community-based programs that seek to divert minorities away from the system.

Status: The state's diversion efforts have been extremely successful. Between 2020 and 2021, Asian and Pacific Islander diversions increased 13%, African American and black diversions increased 45%, and Hispanic/other diversions increased 69%. Overall, youth diversions increased 58% between 2020 and 2021.

If goals were met, what factors led to the success?

JCS and West Virginia believes that by increasing awareness and bringing to light the issues and concerns related to RED, the state was able to gain support for the programs and initiatives that have an impact on racial disparities. Also, collaboration initiatives between the SAG, juvenile justice agencies, juveniles, and community members have changed perceptions and facilitated system changes.

How can OJJDP help you next year?

West Virginia could greatly benefit from OJJDP's assistance on how to reduce racial and ethnic disparities with limited funding and resources.

How did you protect the public, hold juvenile offenders accountable, and equip them to live crime-free?

Collaborative justice systems efforts exist between local governments and state agencies in West Virginia. As indicated above, the DCR operates ten (10) detention facilities and seventeen (17) YRCs to provide positive alternatives to detention. Currently, participants must be deemed "delinquent" by a court and ordered to a YRC by a judge.

What are your goals for next year?

- Decrease the number of arrests for minorities, particularly African Americans/blacks, by 5% statewide;
- Decrease the number of minorities in pretrial detention by 5% statewide;
- Decrease the number of minorities transferred to adult court by 5% statewide;

- Continue to raise awareness of racial and ethnic disparities, including what causes such disparities and research-based strategies for reducing them;
- Improve the validity and reliability of data collected on race/ethnicity and factors that may contribute to disparate decisions;
- Increase availability of community-based programs that seek to divert minorities away from the juvenile justice system; and
- Allocate funds to develop and implement programs which benefit youth, provide alternatives to entering the juvenile justice process, and support efforts to ensure compliance with the core requirements of the JJDP Act.

Attachment 2

West Virginia's Three-Year Juvenile Justice Strategic Plan

Oct. 1, 2021 – Sep. 30, 2024

**FY 2021 OJJDP Title II Formula Grants Program
West Virginia 3-year Strategic Plan
October 1, 2021 – September 30, 2024**

Introduction

During the July 2021 Three-Year Plan Development Retreat, the Juvenile Justice State Advisory Group (SAG) identified the following priority areas for its 3-year strategic plan:

- Community-based programs and services to work with:
 - status offenders, other youth, and the parents and other family members of such offenders and youth to strengthen families, including parent self-help groups, so that juveniles may remain in their homes;
 - juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and
 - parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited English-speaking ability;
- Comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, healthcare agencies, and private nonprofit agencies offering youth services;
- Educational programs or supportive services for at-risk or delinquent youth or other juveniles;
- Programs for positive youth development that assist delinquent and other at-risk youth in obtaining:
 - a sense of safety and structure;
 - a sense of belonging and membership;
 - a sense of self-worth and social contribution;
 - a sense of independence and control over one's life; and
 - a sense of closeness in interpersonal relationships;
- Community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration to strengthen families and reduce the risk of recidivism;
- Programs designed to prevent and to reduce hate crimes committed by juveniles;

- Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system;
- Programs designed to provide mental health or co-occurring disorder services for court- involved or incarcerated juveniles in need of such services, including assessment, development of individualized treatment plans, provision of treatment, and development of discharge plans;
- Programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of a Native American tribe; and
- Programs, research, or other initiatives to address the disproportionate number of youth members of minority groups who encounter the juvenile justice system, pursuant to the requirement at 34 U.S.C. § 11133(a)(15).

Requests for proposals are sent out annually to all eligible applicants and a grant writing workshop is conducted to assist prospective grantees with the formal application. The applications are reviewed by Justice and Community Services (JCS) staff for completeness and then by the SAG for merit. The SAG makes award recommendations to the Office of the Governor who makes the final award decisions.

Analysis of Juvenile Crime Problems and Juvenile Justice Needs

West Virginia Demographics

West Virginia is a very rural state and is the only state located entirely within the Appalachian region. An estimated population of 1,792,147 residents spread across 24,077 square miles by itself is an example of how rural the population of West Virginia is, with only 74 residents per square mile and more than 10% of the population living in the five largest cities of Charleston, Huntington, Morgantown, Parkersburg, and Wheeling. Juveniles comprise approximately 20% of the state's population. The state gender distribution is 51.4% female and 48.6% male. The racial composition is: 93.6% White; 3.6% African American; 1.5% Hispanic;

and 1.7% Other. Overall, the white juvenile population remains steady, while the minority child population continues to increase.

Counties that have the most minority children are Berkeley, Cabell, Kanawha, Monongalia, and Raleigh. The rural nature of West Virginia is exacerbated by the mountainous terrain that is prevalent throughout the state given the location within the Appalachian Mountains. Juveniles in the state of West Virginia face many challenges, including systemic generational poverty and geographic and cultural isolation from community resources. The state has attempted and continues to attempt to solve these and many other problems by making education and economic development top priorities. Despite these efforts, the problems associated with geographic isolation, poverty, and low educational attainment persist.

Poverty

The Annie E. Casey Foundation (AECF, 2021) reported that approximately 70,000 West Virginia juveniles were living below the poverty level in 2019, a rate of approximately 20%. This means that approximately 1 in 5 children are classified as poor in West Virginia. Additionally, approximately 72,000 children were residing in households with a high housing cost burden, while the parents of 123,000 West Virginia children lacked secure employment (AECF, 2021). Racial inequities in child well-being exist at both the national and state levels. In 2019, the national average for children living below the poverty level was 17% (AECF, 2021). The rates for African American, American Indian, and Latino children were 31%, 30%, and 23%, respectively (AECF, 2021). Overall, West Virginia was ranked 46th for economic well-being (AECF, 2021).

The effects of child poverty permeate many of the issues that West Virginia residents and policymakers have been grappling with in recent years. While not a direct cause, child poverty has contributed to a wide range of concerns, including:

- Severe overcrowding of the state's prisons and a rise in state expenditures on corrections;
- The state's substance abuse epidemic, which is currently being addressed by the Governor's Advisory Council on Substance Abuse and six regional task forces;
- The state's high obesity rate and its related health problems, including Type 2 diabetes, cardiovascular problems, and bone and joint problems;
- The high teen birth rate and the health, economic and educational challenges it creates for teen mothers and their babies; and
- Concerns about students dropping out of high school and the consequences that may have on future opportunities, earnings, and quality of life.

There are often many individual and economic causes behind poverty. For the purposes of this plan, the SAG would like to pay particular attention to educational attainment and employment.

Education

A significant factor contributing to the economic struggle of West Virginia is low educational attainment. According to the 2019 Census, approximately 86.9% of West Virginia residents possessed a high school diploma or higher, which was slightly below the national average of 88%. Similarly, 20.6% of West Virginia residents possessed a bachelor's degree or higher, compared to the national average of 32.1%. In addition, truancy continues to be a serious problem within the West Virginia school system. Nearly one in three public school students in West Virginia missed at least five days of class last year without an excuse, according to the state Department of Education (Mays, 2014). A handful of school districts in West Virginia had more than half of their students marked as truant during the 2013-14 school year (Mays, 2014).

There has been a significant increase in the number of truants referred to the West Virginia's court system over the past several years, resulting in exorbitant cost to taxpayers.

Governor Earl Ray Tomblin signed House Bill 2550 in 2015, increasing the number of days students are allowed to miss without an excuse from 5 to 10 days. County attendance officers are required to meet with families of truant students to curb truancy before the children are referred to court. Sending kids to court for truancy hurts their chances of finishing school and becoming productive adults. This legislation provides much-needed time for parents and school administrators to intervene and develop workable solutions. The Truancy Diversion Initiative is part of Governor Tomblin's Juvenile Justice Reform Task Force compiled in the summer of 2014. Truancy is not a problem unique to West Virginia. Nationwide, states have been dealing with the issue for several years and truancy often leads to higher poverty, crime, incarceration, and dropout rates.

Employment

In September 2017, the unemployment rate in West Virginia was 5.3%, its lowest level in a decade. However, in April 2020, the unemployment rate was nearly 3 times higher at 15.6%. The average unemployment rate for 2020 was 8.3%, compared to an average rate of 4.9% in 2019, 5.2% rate in 2018, and 5.2% rate in 2017. West Virginia's median household income for 2018 was \$44,097. Excluding U.S. territories, West Virginia had the lowest median household income in 2018, approximately \$20,227 less than the national median income. The percentage of children whose parents lacked secure employment in 2019 was 34%, which is significantly higher than the national rate of 26% (AECF, 2021). Additionally, West Virginia has a slightly higher than average percentage of children living in single-parent families in 2019. West Virginia's 2019 rate was 35%, while the national average was 33% (AECF, 2021).

The state has traditionally relied on its mining industry for jobs and growth. Mining jobs have become increasingly scarce and many West Virginians, who never obtained a college degree, are migrating to other states. Many West Virginia families are struggling to make ends meet and are considered income poor. Children need certain resources to survive, grow, and develop normally. However, West Virginia ranks 44th in the U.S. for child well-being (AECF, 2021). Regardless of where the issue stems, it seems to be a continuous cycle that is passed from one generation to the next. Because of the poverty conditions that the poor are already experiencing, they are not able to break out. Results of poverty often leave the youth in West Virginia vulnerable to many unfortunate circumstances. These circumstances can range from child abuse to teen pregnancy and school dropouts and, in some cases, entering the state's juvenile justice system.

Juvenile Crime Problems

The Juvenile Justice Database (JJDB) is the juvenile probation database wherein information about juvenile offenders whose cases are referred to probation is entered and stored. These data collection tools are not all inclusive and do not fully interact with each other. Currently, data transfer between systems is conducted on a case-by-case basis only. According to the JJDB, 6,670 juvenile offenders entered the West Virginia juvenile justice system in 2019. Of those, 58% were male and 41% female. Offenders were: 88% White; 6.4% Black; and 5.6% American Indian or Alaska Native, Asian, Multi-Racial, or Unknown. The average age of juvenile offenders in 2019 was 14 years old. The primary offense types committed in West Virginia were assault with 481 occurrences, 197 battery occurrences, and 126 larceny occurrences. Status offenses in West Virginia totaled 4,620 occurrences. Of the total number of

juvenile offenders that entered the West Virginia juvenile justice system, 4,591 were handled through an informal disposition.

These dispositions include, but are not limited to, the case was closed/withdrawn, diversion, informal adjustment, case held open without further action or referred to community agency/non-custodial counseling, truancy diversion, and referral to Youth Reporting Center (YRC). The following juvenile offenders were handled through a formal disposition: 679 juveniles were given an improvement period; 515 were given probation/non-custodial; 222 were given DHHR custody and probation; 71 were given DHHR custody only; 76 were given DJS custody; 6 were transferred to adult court; and 168 were referred to DHHR. In addition to the above dispositions, 202 were given other dispositions, including fine/restitution, custodial improvement period, community services, charges dismissed, mental health processing and/or bond review. 668 cases were dismissed.

Goals and Objectives

Priority Area 1 – Planning and Administration

Problem Statement: Pursuant to 34 U.S.C. § 11132(c), the state may allocate up to 10 percent for effective and efficient administration of funds, including the designation of not less than one individual who will coordinate efforts to achieve and sustain compliance with the core requirements.

Program Goal 1: Grant program and state matching funds will be utilized to assist with the planning and administration of the grant program.

Objective 1.1: Employ staff positions dedicated to the planning and administration of the formula grant program.

Objective 1.2: Staff at a minimum 4 SAG committee and subcommittee meetings per year.

Objective 1.3: Conduct on-site monitoring visits to all programs funded with formula grant funds on a yearly basis beginning July 1st.

Objective 1.4: Conduct at a minimum 2 technical assistance trainings.

Objective 1.5: Update the 3-year strategic plan annually.

Activities and Services Planned:

- Employ three part-time staff positions dedicated to planning and administration of the formula grant program;
- Plan and conduct 4 quarterly SAG meetings;
- Beginning July 1st, develop an on-site monitoring visit schedule for all sub-grantees;
- Conduct technical assistance training at the beginning of each calendar year for all those interested in applying for formula grant funds;
- Once subgrants are awarded, conduct technical assistance; and
- Other programmatic requirements.

Priority Area 2 – State Advisory Group Allocation

Problem Statement: The SAG continues to recognize the need to educate juvenile justice professionals, legislators, and the public. As in the past, the SAG is taking a proactive leadership role in West Virginia by being an active participant in the planning of juvenile justice training and reform efforts. Child and victim advocates, education professionals and students, attorneys, judges, juvenile detention and correctional staff, law enforcement officers, probation officers, social workers, and state and local policymakers serve as the committee.

Program Goal 1: Utilize a combination of SAG funds and program funds to provide the SAG with the necessary funding to research, develop, and implement activities, materials, programs, and policies which will benefit youth and all those involved in the juvenile justice system in West Virginia.

Objective 1.1: Become more involved in the promulgation and dissemination of information involving juvenile justice issues by reviewing existing and proposed state law, case law and governmental policy to assess their impact on the juvenile justice system.

Objective 1.2: Receive training, which will assist the group in directing its energies to meet the intent of the Juvenile Justice and Delinquency Prevention Act.

Activities and Services Planned:

- Meetings and training sessions will be scheduled to provide opportunities for SAG members to review, study and discuss issues related to juvenile justice in West Virginia;
- Guest trainers and speakers involved in juvenile justice-related issues will be invited to participate in SAG sessions;
- Annual retreats that will allow members to intensively examine issues confronting juvenile justice in the State and to make plans to address these issues;
- Individuals and groups will subcontract with the SAG to collect data on requested topics and to develop training protocol and materials which will be used to provide information and training to specific target populations (i.e., magistrates, judges, defense attorneys, prosecutors, probation and parole officers, law enforcement officers, school personnel, regional multi-jurisdictional agencies, etc.);
- Informational papers may include, but are not limited to, juveniles placed out-of-state, mental health needs of children in juvenile justice system, minority overrepresentation, gangs, status offenders, sexual offenders, alcohol and substance use issues, and delinquency prevention; and
- Training materials will become part of a comprehensive training program for those involved in the juvenile justice system concerning legal requirements and expectations, youth issues, research findings and strategies related to juvenile justice trends, problems, options for prevention, intervention, restitution diversion, and advocacy.

The table below summarizes the composition of the SAG Advisory Board.

Name	Represents	Full-Time Government	Youth Member	Date of Appt.
Bob Musick, Chair	D			Feb. 1996
Vickie James	B & C	X		Feb. 1996
Linda Watts	B	X		Feb. 2016
Phyllis Stewart-Brown	B & E			Feb. 1996
Stephanie Bond	B	X		Feb. 2013
Judge Darrell Pratt	A & B	X		Feb. 2002
Captain Ron Smith	B & G	X		Feb. 2002
Brenda Thompson	B	X		Aug. 2004
Gary Robinson	B & E	X		May 2005

Wanda Cox	C		Aug. 2009
Greg Puckett	A		Aug. 2009
Danica Rubenstein	C & G		Mar. 2014
Barri Faucett	C & D		Feb. 2016
Codie Smith	F	X	Mar. 2014
Regan Carpenter	F	X	Jan. 2017
Lian Dunlevy	F	X	Jan. 2017
William Marshall III	B	X	Nov. 2017
Karen Haring	D		May 2019
Judge Joanna Tabit	A & B	X	May 2019
Cayden Faucett	F	X	May 2019
Cindy Largent-Hill	B & C	X	May 2019
James King	F	X	May 2019
Que Stephens	B, C, & F	X	May 2019
Mona Dues	B & C	X	May 2019
Shamieka Johnson	C & D		May 2019
Jaydyn Johnson	F	X	May 2019
Parnel Legros	B & C	X	May 2019
Elliott Law Office	E		May 2019
Dylan O'Sullivan	F	X	Feb. 2021

Table 1 – SAG Roster

Codes Listed for Areas Represented:

A – Locally elected official representing general purpose local government.

B – Representative of law enforcement and juvenile justice agencies, including:

- Juvenile and family court judges
- Prosecutors
- Counsel for children and youth
- Probation workers

C – Representatives of public agencies concerned with delinquency prevention or treatment:

- Welfare
- Social services
- Mental health
- Special education
- Recreation
- Youth services

D – Representatives of private nonprofit organizations, including person concerned with:

- Family preservation and strengthening
- Parent groups and parent self-help groups
- Youth development
- Delinquency prevention and treatment
- Neglected or dependent children
- Quality of juvenile justice
- Education
- Social services for children

E – Volunteers who work with juvenile justice.

F – Youth workers involved with programs that are alternatives to confinement, including organized recreation activities.

G – Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.

H – Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

Priority Area 3 – Community-based programs and services to work with status offenders, other youth, and the parents and other family members; juveniles during their incarceration; and parents with limited English-speaking ability

Problem Statement: Many youths in West Virginia are at-risk for becoming delinquent for a variety of reasons, including a lack of appropriate role models, rise in family violence, increase in child physical and sexual abuse and neglect cases, the high number of school dropouts, and an increase in school violence. In confronting the problems faced by this at-risk population, it is apparent that specific types of programs are needed to decrease delinquent behavior.

Program Goal 1: Establish and/or expand community-based programs that: enhance interagency coordination and collaboration to meet the needs of youth; and 2) assist youth and their families in developing an environment that supports positive behaviors and discourages negative behaviors.

Objective 1.1: Reduce the number of status offenders and delinquent youth entering the juvenile justice system.

Objective 1.2: Develop local partnerships to plan and implement programs to reduce risk factors and strengthen resiliency.

Objective 1.3: Expand community-based programs and resources that reduces risk factors and strengthens resiliency and leadership skills for at-risk youth.

Activities and Services Planned:

- Sub grant 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.

Priority Area 4 – Educational programs or supportive services for at-risk or delinquent youth or other juveniles

Problem Statement: Incidents of school shootings such as those that occurred in Kentucky, Oregon, Pennsylvania, Mississippi, Arkansas, Connecticut, Virginia, and Colorado have focused local, state, and national attention on school violence. These tragic events have received massive amounts of national media attention and raised several questions about the safety of students and faculty in the public school system. According to the West Virginia Youth Risk Behavior Survey

administered by the Department of Education Office of Healthy Schools in 2013, students reporting they have been involved in a physical altercation on school property appear to have decreased however; the number of students reporting they were threatened or injured with a weapon on school property has risen.

Student perception of their personal safety at school is perhaps the most defining indicator of a school safety problem. Trends demonstrated through West Virginia students' own reporting of their experiences and perceptions demonstrate the need for programs that foster an environment conducive to learning through prevention, mentoring, and safety. The Prevention Resource Officer (PRO) program is an example of such program.

Program Goal 1: Provide funding to localities to implement the PRO program.

Objective 1.1: Educate students on juvenile crime and juvenile issues by providing instruction on nontraditional educational topics.

Objective 1.2: Mentor students who are at risk of becoming involved in juvenile crime.

Objective 1.3: Inform students of problems which lead to truancy, poor grades, drug use, and crime.

Objective 1.4: Increase awareness of the problems and consequences involved in high-risk behavior.

Objective 1.5: Act as a deterrent to juvenile crime in the school and in the community.

Objective 1.6: Act as a positive role model and mentor in the school and in the community minimizing negative stereotypes by allowing the officer to be known as an individual, rather than by their role.

Objective 1.7: Increase awareness of the dangers of underage drinking.

Activities and Services Planned:

- Sustain existing PRO officer programs and fund additional officers throughout the state as funds become available.

Priority Area 5 – Programs for positive youth development that assist delinquent and other at-risk youth in obtaining a sense of safety and structure, belonging and membership, self-

worth and social contribution, independence and control over one's life, and closeness in interpersonal relationships

Problem Statement: Adverse Childhood Experiences (ACEs) include all forms of abuse, neglect, and household dysfunction experienced by children prior to their eighteenth birthday. These events not only create toxic stress (or excessive activation of the stress response system) for the children who experience them, but also can lead to later life physical, mental, and behavioral health outcomes ranging from depression and substance use disorder to stroke and early death. The more ACEs an individual experiences, the greater likelihood for poor health, lower earning potential, and even incarceration and detention in the criminal justice system. According to a 2016 report by the Child & Adolescent Health Measurement Initiative at the Johns Hopkins Bloomberg School of Public Health, with support from the Robert Wood Johnson Foundation, West Virginia children experienced at least one ACE at a rate greater than the national average.

Fifty-two percent of West Virginia's children have experienced at least one ACE; nationally, 46% of youth in the United States have experienced at least one ACE. ACEs are more prevalent for children living below the federal poverty level. In 2019, 20% of West Virginia children lived in poverty. There is also a correlation between high rates of ACEs and the juvenile offender system. Based on a study of more than 64,000 juvenile offenders in Florida, the researchers found that ACEs not only increase the chance of involvement in the juvenile justice system but also increase the risk for reoffending. Therefore, early interventions are necessary to intervene into the lives of children experiencing ACEs to decrease juvenile offending, increase educational and vocational attainment, and decrease substance use, physical, and mental health conditions.

Program Goal 1: Establish programs for all at-risk youth or youth who encounter the juvenile justice system that detect the presence and number of ACEs in at-risk youth, status offenders,

and delinquent youth and establish referrals to trauma-sensitive care for all youth with high ACE scores.

Objective 1.1: Detect the presence and number of ACEs in all at-risk youth or youth who have encounter the juvenile justice system.

Objective 1.2: Intervene early into the lives of all at-risk youth or youth who have encounter the juvenile justice system based on the outcomes of an ACEs assessment measuring three or greater.

Objective 1.3: Incorporate trauma-sensitive interventions for all at-risk youth or youth who have encounter the juvenile justice system with ACE scores of three or greater.

Objective 1.4: Provide support and resources to families where high ACE scores in youth have been identified at a score of three or more.

Objective 1.5: Promote resilience through the expansion of community-based mentorship and skill building programs for at-risk youth or youth who have encounter the juvenile justice system with an ACE score of three or more.

Activities and Services Planned:

Activities that:

- Include mentorship that promotes a sense of belonging and self-worth;
- Promote skills-building that promotes well-being, independence, and control over one's life;
- Serve the needs of families with youth with high ACE scores to promote safety and structure within the family unit;
- Include trauma-sensitive interventions for individual well-being, safety, and self-worth; and;
- Support resilience through healthy mentorships, strategic skill building, and therapeutic interventions of trauma-sensitive care.

Priority Area 6 – Programs designed to prevent and reduce hate crimes committed by juveniles

Problem Statement: The Federal Bureau of Investigation (FBI, 2020) reported 7,103 hate crime incidents in 2019 that involved 8,302 offenses, 8,552 victims, and 6,268 known offenders.

Analysis of these incidents revealed that: 55.8% were motivated by a race/ethnicity/ancestry bias; 21.4% were prompted by religious bias; 16.8% resulted from sexual-orientation bias; 2.8% were motivated by gender-identity bias; 2.2% were prompted by disability bias; and 1.0% were motivated by gender bias (FBI, 2020). Unfortunately, little data exists to analyze the prevalence of hate crime in West Virginia due primarily, but not exclusively, to the underreporting of such crime.

Program Goal 1: Improve West Virginians' understanding of hate crimes and implement programs designed to prevent and reduce hate crimes committed by juveniles.

Objective 1.1: Increase public awareness regarding hate crime in West Virginia.

Objective 1.2: Create multidisciplinary planning processes to develop coordinated approaches to prevent and respond to hate crime.

Objective 1.3: Focus public attention on issues of prejudice, intolerance, and the ways that hate crime affects community vitality and safety.

Objective 1.4: Provide education and training for children and young adults, as well as community groups and leaders.

Objective 1.5: Involve parents in efforts to prevent and intervene against bias-motivated behavior of their children.

Objective 1.6: Incorporate hate crime education into existing curricula.

Objective 1.7: Reinforce diversity training and multicultural education at early ages.

Objective 1.8: Improve data collection and analysis.

Priority Area 7 – Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system

Problem Statement: According to W. Va. Code 49-4-701 and W.Va. R. Juv. P. 5(a), a juvenile has the right to be represented by an attorney at all stages of delinquency and status offense proceedings. The National Juvenile Defender Center assessed access to counsel and quality of representation, finding that despite the state's progressive juvenile code, many defenders

reported experiencing overwhelming pressure to yield to the wishes of probation, the prosecution, and the court, rather than the best interests of the client.

Program Goal 1: Utilize program funds to increase resources to support public defenders and court appointed counsel in representing juvenile clients in all stages of proceedings, including pre-petition informal resolutions and noncustodial counseling or community services in lieu of formal court involvement.

Objective 1.1: Protect the rights of juveniles facing status offense and delinquency proceedings and develop alternatives to formal court involvement.

Activities and Services Planned:

- Training and technical support at the state and local level to public defenders and appointed counsel;
- Represent youth at all stages of proceedings including diversion;
- Create publications and resources to improve the quality of juvenile defense;
- Ensure early appointment of counsel to allow clients to understand their rights, negotiate alternatives with prosecutors, and advocate for diversion; and
- Ensure needed services are provided, including educational, medical, and mental health services.

Priority Area 8 – Programs designed to provide mental health or co-occurring disorder services for court- involved or incarcerated juveniles in need of such services, including assessment, development of individualized treatment plans, provision of treatment, and development of discharge plans

Problem Statement: Multiple studies confirm that a large proportion of youths in the juvenile justice system have a diagnosable mental health disorder, including substance-related and addictive disorders, bipolar and related disorders, trauma- and stressor-related disorders such as posttraumatic stress disorder and adjustment disorders, and/or anxiety disorders. Studies have found that approximately two-thirds of youth in detention or correctional settings have at least one diagnosable mental health problem (Schubert & Mulvey, 2014). West Virginia has experienced an increase in the number of juveniles who show signs of mental health problems.

Many of these youths are released back into society without the opportunity to receive much-needed mental health and substance use treatment services.

According to the National Center for Mental Health and Juvenile Justice, juveniles who immediately receive a mental health screening are more likely to have their problems identified and treated. Access to mental health services upon release is an important part of a comprehensive approach to addressing mental health needs of juvenile offenders.

Program Goal 1: Provide mental health services for youth, including risks and needs assessments, individualized treatment plans, case management, individual and/or group therapy, and/or aftercare.

Objective 1.1: Collaborate with schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and non-profit agencies to implement and expand evidence-based treatment services to juveniles.

Activities and Services Planned:

- Sub grant funds to various private/nonprofit organizations, schools, state agencies, and local units of government to expand mental health and substance use treatment services.
- Priority will be given to programs that utilize best practice screening processes, identify youth who have mental health issues, and deliver evidence-based mental health and substance use treatment.

Priority Area 9 – Programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of a Native American tribe

Problem Statement: Females are the fastest growing demographic across all incarceration settings, including state juvenile institutions. The Sentencing Project found that between 1980 and 2019, the number of incarcerated women in jails and prisons increased by more than 700%, rising from a total of 26,378 in 1980 to 222,455 in 2019 (Sultan & Myrent, 2020). In West

Virginia, 40% of all juvenile arrests involved female offenders in 2014. Overall, compared to their male counterparts, females were more likely to be referred to a juvenile court for a personal offense or a property offense. Additionally, female youths were nearly twice as likely as male youth to be charged with a truancy offense. West Virginia racial disparity research shows that females are sentenced more leniently than males and indicated that females are significantly less likely to receive a sentence, be adjudicated delinquent, be detained prior to adjudication, and are more likely to receive informal probation supervision.

Program Goal 1: Identify and address the specific and unique needs of at-risk girls and females in the West Virginia juvenile justice system.

Objective 1.1: Increase best practice approaches to identify and address female-specific issues.

Objective 1.2: Reduce female involvement in delinquency and violence.

Objective 1.3: Assess life skills differences in relation to gender and stages of development.

Objective 1.4: Teach female-specific life skills.

Activities and Services Planned:

- Sub grant funds to various private/nonprofit organizations, schools, state agencies, and local units of government to expand gender-specific services for at-risk and justice-involved females.
- Priority will be given to programs that: 1) use a relationship-based approach; 2) empower girls through resource attainment; 3) use a trauma-informed approach; 4) are contextually and culturally competent; 5) use community-based systems and strengths-based programs; 6) are restorative in nature, navigating system with attention to trauma and victimization; 7) individualize services to meet various needs of girls; and 8) engage a multi-systems approach (Gleicher, 2019).

Priority Area 10 – Racial and Ethnic Disparities (RED). Programs, research, or other initiatives primarily to address the disproportionate number of youth members of minority groups who encounter the juvenile justice system, pursuant to the requirement at 34 U.S.C. § 11133(a)(15)

Problem Statement: An analysis of West Virginia juvenile justice data revealed that: 1) arrests for Hispanics and other races increased 60% between 2018 and 2019, while the number of arrests for all minorities increased 11%; 2) pretrial detention for African Americans or blacks increased 114% and 16% for Hispanics and other races between 2018 and 2019; 3) the number of pretrial detentions for all minorities increased 71% between 2018 and 2019; and 4) secure confinement for African Americans or blacks increased 23% between 2018 and 2019.

Program Goal 1: Implement and/or expand programs and services designed to reduce racial and ethnic disparities within the West Virginia juvenile justice system.

Objective 1.1: Decrease the number of arrests for Hispanics and other races by 10% statewide.

Objective 1.2: Decrease the number of minorities in pretrial detention by 10% statewide.

Objective 1.3: Reduce the number of African Americans or blacks placed in secure residential or correctional facilities by 5% statewide.

Objective 1.4: Increase diversions to YRCs and community-based services statewide.

Objective 1.5: Improve collection, analysis, and dissemination of RED data.

Objective 1.6: Increase public awareness of racial and ethnic disparities, including what causes such disparities and research-based strategies for reducing them, through trainings, presentations, an annual West Virginia Juvenile Justice Conference, and other resources to encourage community participation.

Conditions and Assurances

1. The Justice and Community Services (JCS) section of the West Virginia Division of Administrative Services (DAS) is the designated state agency responsible for preparation and administration of the 3-year plan.
2. The Justice and Community Services (JCS) section 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 to serve as the state advisory group to the Justice and Community Services for the administration of juvenile funds received by West Virginia under the JJDP Act.

3. The State Advisory Group (SAG) participates in the development and review of the state's juvenile justice plan prior to submission to the supervisory board for final action. This is done through a SAG retreat in which members discuss and vote on priorities for the plan, and then by subsequent review and approval of the draft plan prior to submission to OJJDP.
4. The SAG is afforded the opportunity to review and comment, within 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the designated state agency. The grants subcommittee of the SAG reviews and scores the grant applications and provides funding recommendations that are made to the full SAG within 30 days of receiving the applications. The full SAG provides the final vote on the awards to be made by the designated state agency.
5. The SAG advises the state agency and its supervisory board. The SAG holds an annual strategy session at the designated state agency to address the need for effective statewide planning and coordination of activities that are written into the 3-year plan. The state agency, under the guidance of the SAG, is responsible for implementing that plan. Throughout the year, the state agency updates the SAG on the priorities and activities. The SAG makes recommendations for the annual updates required by OJJDP.
6. West Virginia affirms that recommendations regarding compliance with the requirements of paragraphs (11), (12), and (13) are submitted to the chief executive officer and the West Virginia Legislature annually in the form of an annual report. A copy of the most recent annual report ("West Virginia SAG Recommendations") is attached.
7. West Virginia affirms that contact and regular input is sought from juveniles currently under the jurisdiction of the JJ system. The West Virginia Division of Corrections and Rehabilitation's Bureau of Juvenile Services (BJS) maintains statutory authority over all juvenile detention and juvenile correctional facilities. The Assistant Commissioner of BJS serves on the SAG and provides regular opportunities for SAG members to meet with juveniles who are currently under their jurisdiction to gather input.
8. West Virginia provides for the active consultation with and participation of units of local government or combinations thereof in the development of the state plan which considers the needs and requests of units of local government. West Virginia has regional youth justice teams that met quarterly throughout the past year, providing opportunities for communication between the state agency, units of local government, and other local justice stakeholders. This structure gives localities an opportunity to give input into the state plan and juvenile justice priorities.
9. West Virginia provides for an equitable distribution of the assistance received within the state, including in rural areas. This occurs through the creation of the state regional youth justice teams that help inform local entities as well as the state about challenges and needs throughout the state. This information, in conjunction with youth crime analysis data, helps inform the funding decisions made.

10. West Virginia has provided an analysis on pages 2 through 20 of juvenile delinquency problems and needs in the state, including a description of services, goals, and priorities, and how the state will meet these needs.
11. West Virginia has a plan to include a description of an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services. JCS staff will conduct a needs assessment with juvenile justice practitioners, non-profit organizations, and other relevant stakeholders to identify existing services and gaps in services. Results will be provided to OJJDP once the assessment has been completed.
12. West Virginia has a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency. As indicated above, programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of a Native American tribe was a priority area identified by the identified by the SAG at its July 2021 planning retreat. JCS grant programs that have an open solicitation release an annual Request for Proposals (RFP), which includes information regarding the grant program, eligible applicants, allowable expenses, and a deadline for the application and instructions for obtaining an application kit. Sub-grantees are received and reviewed by JCS staff for completeness and merit and further reviewed by the SAG for merit. Priority will be given to applicants that can assist the state with addressing the gaps in gender-specific services identified in the need assessment discussed in assurance 11 above.
13. West Virginia has a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas. Applicants that can provide such services to rural areas, especially areas with limited access to juvenile delinquency prevention and treatment services due to geographic isolation, will be given priority during the application review process.
14. West Virginia has a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first encounter the juvenile justice system. Applicants that can assist the state in providing such services will be given priority during the application review process.
15. West Virginia has a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs. The "Thursday Meeting" is chaired by the Director of Programs and Treatment with the Bureau of Juvenile Services (BJS). The meeting is attended by representatives of BJS, each DHHR Youth Services Region, Psi-Med, the Supreme Court's Divisions of Children/Juvenile Services and Probation Services, Interstate Compact, and others involved in the welfare of at-risk youth. Meetings began in early 2017 and continue today.

Most of the youth discussed are very young (8-13), developmentally delayed, have serious emotional disorders, and/or are autistic. These types of youth typically linger in custody due to difficulties in finding appropriate placement.

16. West Virginia has a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and services, particularly post-placement. Applicants that can assist the state in identifying and implementing programs that encourage family involvement in the prevention and treatment of juvenile delinquency will be given priority during the application review process.
17. West Virginia has a plan to use community-based services to respond to the needs of at-risk youth or youth who have encountered the juvenile justice system. As indicated above, the SAG identified several priority areas at its July 2021 retreat, including community-based programs and services to work with status offenders, other youth, and the parents and other family members of such offenders and youth to strengthen families, including parent self-help groups, so that juveniles may remain in their homes; juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited English-speaking ability. Applicants that can assist the state in addressing this priority area will be given priority during the application review process.
18. West Virginia has a plan to promote evidence-based and trauma-informed programs and practices. JCS staff will review grant applications to determine if sub-grantee discusses evidence-based and/or trauma-informed programs. Applicants who use such programs will be given priority during the application review process. JCS will also use Crime Solutions, OJJDP's Model Programs Guide (MPG), and other sources of information to provide guidance regarding the use of evidence-based and/or trauma-informed programs to potential sub-grantees.
19. The Bureau of Juvenile Services (BJS), formally known as the Division of Juvenile Services (DJS), implemented Policy 306.00 on July 1, 2017, to address the use of physical force and restraints, including the use of restraints for pregnant females. A copy of Policy 306.00 is provided in Appendix A below.
20. West Virginia provides for the coordination and maximum utilization of juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs in the state. This occurs through quarterly meetings with stakeholders, as well as the involvement of SAG members who have connections to various programs throughout the state. SAG subcommittees involve representation spanning multiple departments and sectors across the state. There are cross-system collaborations in place that allow for planning and coordination through committee meetings and regional collaboration groups. Information gathered from regional and subcommittee groups is shared at the SAG meeting to consider how to incorporate into the state plan.

21. West Virginia has developed an adequate research, training, and evaluation capacity within the state through the Office of Research and Strategic Planning (ORSP). The ORSP provides high quality data, research, and evaluation services to an array of entities including federal, state, and local governments. In addition, the SAG has supported an evaluation of a state-funded juvenile diversion program; this evaluation has yielded useful information leading to improvements in the operations of diversion programs, including training for staff involved in those programs.
22. West Virginia complies with the DSO core requirement and the documentation has been submitted in the compliance monitoring tool.
23. West Virginia complies with the Sight and Sound Contact core requirement and the documentation has been submitted in the compliance monitoring tool.
24. West Virginia complies with the Jail Removal core requirement and the documentation has been submitted in the compliance monitoring tool.
25. West Virginia complies with providing for an Effective System of Monitoring and the documentation has been submitted in the compliance monitoring tool.
26. West Virginia provides assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability.
27. West Virginia provides assurance that consideration will be given to, and that assistance will be available for, approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency.
28. West Virginia has established procedures to protect the rights of recipients of services and for ensuring appropriate privacy regarding records relating to such services provided to any individual under the state plan. All agencies that contract with JCS are compliant with HIPAA and other relevant laws related to information sharing and privacy concerns.
29. West Virginia affirms that any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) of any currently employed employee; activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved.
30. West Virginia has strong internal fiscal controls and fund accounting procedures necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.
31. West Virginia assures that federal funds made available under this part will be used to supplement and increase (but not supplant) the level of the state, local, and other non-

federal funds that would be used in the absence of such federal funds made available for these programs, and will in no event replace such state, local, and other non-federal funds.

32. West Virginia will give priority to the extent practicable in funding programs and activities that are based on rigorous, systematic, and objective research that is scientifically based. JCS is prioritizing dissemination of evidence-based practices by supporting training and technical assistance for agency staff and service providers. Some projects include evaluation components; others include programmatic fidelity requirements.
33. West Virginia's crime data section on pages 6 and 7 provides an analysis of juvenile crime for fiscal years 2019 and 2020, showing a decline in indicators of delinquent activity among juveniles at state and local levels. Effectiveness of funded programs is reviewed annually by the SAG and used to inform funding decisions.
34. West Virginia affirms that funds will not be provided to carry out a program if the recipient of funds has failed during the preceding 2-year period to demonstrate, before the expiration of the 2-year period, that the program achieved substantial success in achieving the specified goals. Programs submit quarterly progress reports. When subaward applications are reviewed, prior program performance is considered as one of the factors for funding.
35. West Virginia does **not** use the valid court order (VCO) exception.
36. West Virginia has compared the amount received in FY 2000 with the amount to be received in FY 2021, and the FY 2021 amount does not exceed 105 percent of the FY 2000 amount.
37. West Virginia will **not** utilize funds received by the state under Section 222 to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units.
38. West Virginia affirms that, to the maximum extent practicable, a system has been implemented to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to that juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.
39. West Virginia has a plan to provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).
40. West Virginia has a plan to provide for the coordinated use of funds provided under this title with other federal and state funds directed at juvenile delinquency prevention and intervention programs. As the State Administrative Agency (SAA) for West Virginia, JCS

has extensive experience managing and overseeing multiple grants concurrently and ensuring that efforts are not duplicated across grant programs.

41. The Bureau of Juvenile Services (BJS), formally known as the Division of Juvenile Services (DJS), implemented Policy 332.00 on January 1, 2018, which discusses room confinement and administrative segregation, including time limits and the requirement of a behavioral management plan for any youth in room confinement or administrative segregation for more than three days. A copy of Policy 332.00 is provided in Appendix B below.
42. West Virginia has a plan to describe: a) the evidence-based methods that will be used to conduct mental health and substance abuse screenings, assessments, referrals, and treatment for juveniles who request a screening; show signs of needing a screening; or are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and b) how the state will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment.
43. West Virginia has a plan to describe how reentry planning by the state for juveniles will include: a) a written case plan based on an assessment of needs that includes the pre-release and post-release plans for the juveniles; the living arrangement to which the juveniles are to be discharged; and any other plans developed for the juveniles based on an individualized assessment; and b) review processes.
44. West Virginia has a plan to provide an assurance that the agency of the state receiving funds under this title collaborates with the state educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that: a) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll; b) the credits of adjudicated juveniles are transferred; and c) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and in order to support educational progress.
45. West Virginia has a plan to include a description of policies and procedures to screen for, identify, and document in state records the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

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