

# **JUVENILE JUSTICE SUBCOMMITTEE**

**July 1, 2023 – June 30, 2024**

## **ANNUAL REPORT**



**State of West Virginia  
Jim Justice, Governor**



**Department of Homeland Security  
Mark A. Sorsaia, Cabinet Secretary**



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## Table of Contents

Juvenile Justice Subcommittee Membership .....	1
Mission and Purpose .....	2
Guiding Principles .....	3
Juvenile Justice and Delinquency Prevention Act Mandates .....	4
West Virginia's Compliance with the JJDP A Mandates .....	6
FY 2024 Juvenile Justice Subcommittee Accomplishments .....	11

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

Ronald Smith, Chair  
Retired Police Captain

Brenda Thompson, Vice-Chair  
Attorney

Fredric L. Wooton  
Commissioner  
West Virginia Alcohol Beverage Control Administration

Stephanie Bond  
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Supreme Court of Appeals of West Virginia

Wanda Cox  
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Retired Chief Probation Officer  
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Karen Haring  
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Libera, Inc.

Kimberly Mason  
Director of Investigations  
West Virginia Secretary of State's Office

Cindy Largent-Hill  
Director  
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Division of Children & Juvenile Services

Marvin Plumley  
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West Virginia Division of Corrections & Rehabilitation  
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Tracy Shroyer-Carlyle  
Chief Program Officer  
West Virginia Child Abuse Network

The Honorable Greg Puckett  
Commissioner  
Mercer County Commission

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The Honorable Maryclaire Akers  
Circuit Court Judge  
13<sup>th</sup> Judicial Circuit, Kanawha County

Codie Smith  
Youth Member

Regan Carpenter  
Youth Member

Dylan O'Sullivan  
Youth Member

Jane Cabbiness  
Youth Member

Lindsey Sprouse  
Youth Member

### **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 (GCCDC), 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 JJDPa, 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 JJDPa, 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 Act. 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, shared 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 Act, 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 U.S. 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 JJDP Act Mandates**

#### **Deinstitutionalization of Status Offenders**

The United States Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of DSO for 2023. During federal fiscal year 2023, West Virginia had one (1) DSO violation, which is compliant with the JJDP Act. The following West Virginia case law and statutes corroborate the JJDP Act:

- Youth who are adjudicated status offenders are referred to the Department of Human Services for services, pursuant to §49-4-711 and



§49-4-712 of WV Code. The Department of Human Services must report back to the court about the juvenile's progress at least every 90 days or until the court orders further disposition or dismisses the case from its docket.

- *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 2023, which is compliant with the JJDPA. 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 which were rewritten with the passage of House Bill 2200 in 2015, corroborate the JJDP Act:

- West Virginia Code §49-4-720(a) states that “a juvenile, including one who has been transferred to criminal jurisdiction of the court, may not 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 he or she has 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”.
- West Virginia Code §49-4-720(b) states that “a child who has been convicted or is awaiting trial of an offense under the adult jurisdiction of the circuit court may not be held in custody in an adult correctional facility of this state while under the age of 18 years”.
- *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”. (Note: the former WV Code §49-5-8(d) was rewritten and expanded upon in 2015 as part of what is currently codified in WV Code §49-4-705).

### **Sight and Sound Separation**

During federal fiscal year 2023, zero (0) sight and sound separation violations occurred in West Virginia’s law enforcement offices, which is compliant with the JJDP. 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 §49-4-720(a) states that “a juvenile, including one who

has been transferred to criminal jurisdiction of the court, may not 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 he or she has 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”.

- West Virginia Code §49-4-720(a) states that “a child who has been convicted or is awaiting trial of an offense under the adult jurisdiction of the circuit court may not be held in custody in an adult correctional facility of this state while under the age of 18 years. The Division of Juvenile Services shall notify the sentencing court and copy the county prosecuting attorney of the sentencing court within 180 days, or as soon as practicable, that the child will be turning 18 years of age. The court shall, upon receipt of the notice, set the matter for a hearing. Before the child reaches 18 years of age, the court shall hold a hearing and enter an order transferring the offender to an adult correctional facility, a facility for youthful offenders, if applicable: or any other disposition the court considers appropriate, which does not violate the provisions of subsection (a) of this section: Provided, however, That the court may not remand a person who reached the age of 18 years to a juvenile facility or place the person with other juveniles”.
- *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, despite recent reductions, racial and ethnic disparities at various stages of the juvenile justice process. The Juvenile Justice Subcommittee is charged with the responsibility of developing a 3-year plan for addressing racial and ethnic disparities (R/ED) throughout the state. A copy of the Subcommittee's most recent R/ED plan, which covers October 1, 2024 through September 30, 2027, is included below. JCS and its Office of Research and Strategic Planning (ORSP) will continue to collect and analyze statewide data to assist in minimizing the factors that lead to R/ED.

### **FY 2024 Accomplishments**

In December 2022, 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, \$433,551.00 in OJJDP Title II Formula Grant funds to the eight (8) projects below:

**CASA of the Eastern Panhandle**

**\$63,282.00**

Project Description: These funds will be used to support the Fostering Futures program. Fostering Futures volunteer mentors will provide one-on-one mentorship and support to youth that are involved in the child protective services system, often in foster care, between the ages of 13 and 17.

**Child Protect of Mercer County****\$55,321.00**

Project Description: These funds will be used to support the Girls Circle Project, which will create a circle of support for at-risk girls through a multi-prong approach that includes support group programming, mental health counseling services, and basic needs assistance for them and their families.

**Jefferson Day Report Center****\$58,390.00**

Project Description: These funds will be used to provide mental health and substance use treatment services to juveniles referred to the Jefferson Day Report Center, Jefferson Teen Court, and/or Jefferson County Juvenile Drug Court.

**Libera, Inc.****\$72,778.00**

Project Description: These funds will be used to support the Libera Mentoring Program to Empower Youth in the Juvenile Justice System program, which provides mentoring and connection to job training and career planning resources for youth in the juvenile justice system in West Virginia.

**Marshall University Research Corporation****\$50,000.00**

Project Description: These funds will be used to support the Community Outreach Project, which provides community outreach, evidence-based delinquency prevention programming, and positive youth development to primarily minority at-risk youth in Cabell County.

**Partnership of African American Churches****\$55,322.00**

Project Description: These funds will be used to decrease Disproportionate Minority Contact and reduce the negative consequences of such contact with



law enforcement when it does occur by expanding current initiatives between law enforcement, youth, and families.

**Public Defender Services**

**\$43,260.00**

Project Description: These funds will be used to host 6-8 sessions throughout the grant year to train public defenders and court-appointed attorneys on juvenile law and other topics important to representing children.

**Team for WV Children, Inc.**

**\$35,198.00**

Project Description: These funds will be used to continue to provide follow-up support and referrals after permanency is achieved for child victims in child abuse and neglect civil court cases.

A copy of the Juvenile Justice Subcommittee's most recent 3-Year Strategic Plan is included below. This plan covers the October 1, 2024 to September 30, 2027 period and summarizes the priority areas that will be the focus of the Juvenile Justice Subcommittee next fiscal year.

**State of West Virginia  
Three-Year Juvenile Justice Strategic Plan  
2024-2027**



**State of West Virginia  
Jim Justice, Governor**



**Department of Homeland Security  
Mark A. Sorsaia, Cabinet Secretary**



**Submitted by:**

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## **Table of Contents**

Analysis of Juvenile Crime Problems and Juvenile Justice Needs .....	1
West Virginia Demographics .....	1
Poverty .....	1
Education .....	3
Employment.....	4
Juvenile Crime Problems.....	5
Coordination of State Efforts .....	6
Project Design and Implementation.....	9
Goals and Objectives .....	11
Capabilities and Competencies .....	23
Management Staff and Structure.....	23
Training, Technical Assistance, and Grant Monitoring/Oversight .....	25
Data Collection Plan.....	25
Conditions and Assurances.....	27

## **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 1,775,156 residents spread across 24,034.8 square miles, by itself, is an example of how rural the population of West Virginia is, with only 73.6 residents per square mile and approximately 10% of the population living in the five largest cities of Charleston, Huntington, Morgantown, Parkersburg, and Wheeling. Juveniles comprise nearly 20% of the state's population. The state gender distribution is 50.3% female and 49.7% male. The racial composition is: 90.3% White; 3.4 % Black; 1.9% Hispanic; and 2.5% Other. Compared to recent years, the white juvenile population remains steady, while the minority child population continues to increase.

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, problems associated with geographic isolation, poverty, and low educational attainment persist.

### **Poverty**

The Annie E. Casey Foundation (AECF) reported that approximately 86,000 West Virginia juveniles were living below the poverty level in 2022, a rate of

approximately 25%<sup>1</sup>. This represents an increase of almost 23% from 2019.

Additionally, approximately 76,000 children were residing in households with a high housing cost burden, while the parents of 116,000 West Virginia children lacked secure employment<sup>2</sup>. Racial inequities in child well-being exist at both the national and state levels. In 2022, the national average for children living below the poverty level was 16%<sup>3</sup>. The national rates for American Indian or Alaska Native, Black, and Latino, children were 29%, 30%, and 22%, respectively<sup>4</sup>. Overall, West Virginia was ranked 44th for economic well-being<sup>5</sup>.

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

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<sup>1</sup> <https://assets.aecf.org/m/resourcedoc/aecf-2024kidscountdatabook-2024.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

- 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 state of West Virginia would like to pay particular attention to education and employment.

## **Education**

A significant factor contributing to the economic struggle of West Virginia is low educational attainment. According to the 2022 Census, approximately 89.1% of West Virginia residents aged 18 to 24 possessed a high school diploma or higher, which was slightly below the national average of 88.4%. Similarly, 24.8% of West Virginia residents over the age of 25 possessed a bachelor's degree or higher, compared to the national average of 35.7%. In addition, truancy continues to be a serious problem within the West Virginia school system. Recent information released from the state Department of Education said 28% percent of students in West Virginia public schools missed 18 or more days of school in the 2022/2023 school year<sup>6</sup>. Those students were labeled chronically absent, meaning they missed 10% or more of their school days in the 180-day year. 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 costs to taxpayers.

§18-8-4 (f) of the West Virginia State Code states "In the case of 10 total unexcused absences of a student during a school year, the attendance director or assistant may make a complaint against the parent, guardian, or custodian before a

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<sup>6</sup> <https://wveis.k12.wv.us/essa/dashboard.html>

magistrate of the county.” WV Code 18-8-4(e) also states that county attendance officers are required to meet with families of students after five unexcused absences to ascertain the reasons for missing school and 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. 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**

According to the Bureau of Labor Statistics (BLS) the unemployment rate in West Virginia in 2023 was 3.9%, compared to the national average of 3.6%<sup>7</sup>. West Virginia’s median household income for 2022 was \$54,329. West Virginia had one of the lowest median household incomes in 2022, approximately \$20,426 less than the national median income<sup>8</sup>. The percentage of children whose parents lacked secure employment in 2022 was 33%, which is significantly higher than the national rate of 26%<sup>9</sup>. Additionally, West Virginia has a slightly higher than average percentage of children living in single-parent families in 2024. West Virginia’s 2024 rate was 36%, while the national average was 34%<sup>10</sup>.

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

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<sup>7</sup> <https://www.bls.gov/news.release/srgune.htm>

<sup>8</sup> Ibid.

<sup>9</sup> <https://assets.aecf.org/m/resourcedoc/aecf-2024kidscountdatabook-2024.pdf>

<sup>10</sup> Ibid.

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<sup>11</sup>. 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**

According to the Federal Bureau of Investigation's Crime Data Explorer, there were 3,386 violent crime incidents, and 4,057 offenses reported in West Virginia by 237 law enforcement agencies that submitted National Incident-Based Reporting System (NIBRS) data in 2022<sup>12</sup>. This was a decrease from the 4,012 violent crime incidents and 4,636 offenses reported in 2021. Of the 3,386 incidents in 2022, 10 (<1%) were committed by offenders between the ages of 0 and 9. 387, or approximately 11.4%, of the incidents in 2022 were committed by offenders between the ages of 10 and 19. In 2022, there were 19,083 property crime incidents, and 19,083 offenses reported in West Virginia<sup>13</sup>. Of these incidents, 5 (<1%) were committed by offenders between the ages of 10 and 19, while 587 incidents (approximately 3.1%) were committed by offenders between the ages of 10 and 19. Of the 3,386 violent crime incidents in 2022, 2,410

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<sup>11</sup> <https://assets.aecf.org/m/resourcedoc/aecf-2024kidscountdatabook-2024.pdf>

<sup>12</sup> <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/home>

<sup>13</sup> Ibid.



incidents (approximately 71.1%) were committed by White offenders, while the remaining 976 incidents were committed by offenders of other or unknown races. Similarly, 8,501 of the 19,083 property crime incidents in 2022 were committed by White offenders, while the remaining 10,582 (55.4%) incidents were committed by other or unknown races.

According to juvenile arrest data submitted to Division of Administrative Services' Justice and Community Services (DAS/JCS) Section by the West Virginia State Police (WVSP), 755 juvenile arrests were made during calendar year 2023. Of these arrests, 620 were White juveniles while the remaining juveniles were African American/Black. The most common violations were simple assault and drug/narcotic violations. 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, 14,272 juveniles entered the West Virginia juvenile justice system during calendar year 2023. Of these 14,272 juvenile cases: 2,073 were referred to juvenile court; 2,133 were diverted from juvenile court; 307 resulted in pre-disposition detention; 2,689 resulted in petitions; 999 resulted in adjudication; 500 resulted in adjudication with probation; 64 resulted in adjudication with secure placement; and 7 were transferred to criminal court.

### **Coordination of State Efforts**

In the state of West Virginia, child abuse and neglect and juvenile proceedings take place in the circuit court. West Virginia's fifty-five counties are divided into thirty-

one circuits with seventy circuit court judges. The Supreme Court of Appeals of West Virginia, Administrative Office of the Courts, Division of Probation Services, provides oversight to juvenile probation and nineteen juvenile drug courts. The Court also houses the Juvenile Justice Commission. The West Virginia Division of Corrections and Rehabilitation (DCR) is a state agency that operates under the West Virginia Department of Homeland Security. DCR operates ten juvenile detention facilities and seventeen YRCs to provide positive alternatives to detention. Currently, participants must be deemed delinquent by a court and ordered to a YRC by a judge. Educational services are provided through the local boards of education and are available in seven of the seventeen centers.

On April 2, 2015, Governor Tomblin signed Senate Bill 393, launching comprehensive juvenile justice reform in West Virginia. The law stipulates that a portion of savings be reinvested in evidence-based community programs that reduce recidivism and improve other outcomes for juveniles and their families. The Bill encompasses the recommendations of the Task Force through:

- Creation of truancy diversion specialist for informal resolution and early intervention services to those children who need them most;
- 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;
- Expansion of YRCs across the state to provide community-based programs to youth as an alternative to detention or out-of-home placements;
- Introduction of evidence-based services and pilot programs to support

restorative justice programs, substance abuse recovery services, mental health programs, and family therapies; and

- Reduction of incidents of Disproportionate Minority Contact with the state's juvenile justice system.

The West Virginia Legislature appropriated \$4.5 million in the 2015 state budget to fund truancy diversion programs, additional YRCs, evidence-based pilot programs, and improved data collection and training.

The law establishes a bipartisan, interbranch oversight committee to monitor the progress of the reforms, explore additional areas for improvement, review performance measurement data, and assess opportunities for investing cost savings. The Juvenile Justice Reform Oversight Committee (JJROC) was established to oversee implementation of Senate Bill 393 reforms related to juvenile justice. The JJROC receives quarterly updates from DCR, the Court's Division of Probation, DHHR, the Bureau for Children and Families, and the Department of Education regarding implementation efforts like the Truancy Diversion Initiative, Family Functional Therapy and other community services, the Evidence-based Practice Checklist Evaluation of YRCs, and interagency efforts. During calendar year 2015, the Supreme Court of Appeals adopted the YLS/CMI risk and needs assessment. The purpose of this assessment is to identify risks and needs to provide a case plan for possible intervention opportunities from the adult criminal justice system. The Court continues to train newly employed probation officers in the use of the assessment and provides refresher training for all juvenile officers.

## **Project Design and Implementation**

During its Three-Year Plan Development Retreat in June 2024, the Juvenile Justice Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, which serves as the West Virginia State Advisory Group (SAG), identified the following priority areas for its 2024-2027 Strategic Plan:

- Priority Area 1 – Planning and Administration;
- Priority Area 2 – State Advisory Group Allocation;
- Priority Area 3 – Monitoring compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities;
- Priority Area 4 – Community-based alternatives (including home-based alternatives) to incarceration and institutionalization including:
  - for status offenders and other youth who need temporary placement, crisis intervention, shelter, and after-care;
  - for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services; and
  - for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs;
- Priority Area 5 – 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;
- Priority Area 6 – Programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of the law;
- Priority Area 7 – Educational programs or supportive services for at-risk or delinquent youth or other juveniles:
  - to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including for truancy prevention and reduction;
  - to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and
  - to enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that:
    - the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and
    - information regarding any learning problems identified in such

alternative learning situations is communicated to the schools;

- Priority Area 8 – Community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;
- Priority Area 9 – Projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system;
- Priority Area 10 – 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 an Indian Tribe;
- Priority Area 11 – Juvenile Justice System Improvement; and
- Priority Area 12 - Racial and Ethnic Disparities (R/ED) - 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).

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 DAS/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.

## **Goals and Objectives**

### **Priority Area 1**

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 of 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 least 2 technical assistance training sessions.

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 October 1st each year, 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**

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: 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.

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 (JJDPa).

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.

### **Priority Area 3**

Problem Statement: Funds will be used to ensure that the state of West Virginia remains in compliance with the four core requirements under the JJDP. This will be accomplished by DAS/JCS conducting annual compliance monitoring visits to all facilities throughout the state.

### **Priority Area 4**

Program Goal 1: Conduct a needs assessment to determine the state's specific needs related to community-based alternative to incarceration and institutionalization.

Program Goal 2: Identify community-based organizations that can assist with filling the gaps identified through the completion of Goal 1.

### **Priority Area 5**

Problem Statement: Many youth 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 reduce risk factors and strengthen resiliency and leadership skills for at-risk youth.

Activities and Services Planned:

- Sub-award 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 6**

Problem Statement: Child maltreatment is any act or series of acts of commission or omission committed by a parent or other caregiver (e.g., clergy, coach, or teacher) that results in harm, potential for harm, or threat of harm to a child. Acts of Commission, referred to as child abuse, are words or overt actions that cause harm, potential harm, or threat of harm that are deliberate and intentional; however, harm to a child might not be the intended consequence of a caregiver's actions. Intention only applies to caregiver acts—not the consequences of those acts.

Acts of Omission, referred to as child neglect, are failures to provide needs or to protect from harm or potential harm or to provide for a child's basic physical, emotional, or educational needs, or to protect a child from harm or potential harm. Like acts of commission, harm to a child might not be the intended consequence. In West Virginia, 5

West Virginia children between the ages 0 and 5 died due to child abuse or neglect in 2015 representing 26% of all injury related deaths for children of that age group<sup>14</sup>. 19 West Virginia children between the ages of 0 and 5 were hospitalized due to child abuse and neglect in 2013 representing 10% of all injury related hospitalizations for children of that age group<sup>15</sup>.

Program Goal 1: Establish and/or expand community-based programs that provide treatment to juveniles who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood of juvenile delinquency.

### **Priority Area 7**

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

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<sup>14</sup> <https://dhhr.wv.gov/vip/Child-Abuse/Pages/default.aspx>

<sup>15</sup> Ibid.

programs that foster an environment conducive to learning through prevention, mentoring, and safety. The Prevention Resource Officer (PRO) program is an example of such a 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 schools 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 8**

Program Goal 1: Conduct a needs assessment to determine the state's specific needs

related to community-based programs that provide follow-up post-placement services to adjudicated juveniles.

Program Goal 2: Identify community-based organizations that can assist with filling the gaps identified through the completion of Goal 1.

## **Priority Area 9**

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 10**

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<sup>16</sup>. 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.

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<sup>16</sup> <https://justiceresearch.dspacedirect.org/server/api/core/bitstreams/9a8e6938-8fd6-4f67-b561-f47d66867ae1/content>

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-award 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<sup>17</sup>.

**Priority Area 11**

Program Goal 1: Conduct a needs assessment to determine the state's specific needs that fall within an area not prioritized in this plan.

Program Goal 2: Identify potential subrecipients that can assist with filling the gaps identified through the completion of Goal 1.

**Priority Area 12**

Problem Statement: An analysis of West Virginia juvenile justice data revealed that: 1)

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<sup>17</sup> [https://archive.icjia-api.cloud/files/icjia/articles/Girls%20in%20Crisis%20Information%20Sheet\\_Final%20Version-191218T20335017.pdf](https://archive.icjia-api.cloud/files/icjia/articles/Girls%20in%20Crisis%20Information%20Sheet_Final%20Version-191218T20335017.pdf)



African American/Black arrests accounted for 17.9% of all arrests in calendar year 2023, while only accounting for 3.7% of the youth population; 2) the number and percentage of Hispanic youth diverted from juvenile court doubled from calendar year 2022 to calendar year 2023; 3) the number and percentage of Hispanic pre-disposition detentions doubled from calendar year 2022 to calendar year 2023; and 4) despite decreases between calendar year 2022 and calendar year 2023, African American/Black transfers to adult court accounted for 28.5% of all transfers during calendar year 2023, while accounting for only 3.7% of the youth population.

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: Strategically utilize the resources (including funding) to expand capacity for grassroots and community-based R/ED reduction efforts;

Objective 1.2: Promote awareness of R/ED through training and technical assistance opportunities, including engagements with targeted stakeholders and larger R/ED specific forums/conferences;

Objective 1.3: Expand prevention-centered and restorative direct services within communities and local jurisdictions where R/ED exist;

Objective 1.4: Decrease the number of African American/Black arrests by 5% statewide;

Objective 1.5: Decrease the number of Hispanic youth diverted from juvenile court by 2% statewide;

Objective 1.6: Decrease the number of Hispanic pre-disposition detentions by 2% statewide; and

Objective 1.7: Decrease the number of African American/Black youth transferred to adult court by 5% statewide.

### **Capabilities and Competencies**

#### **Management Staff and Structure**

DAS/JCS – under the Department of Homeland Security – serves as West Virginia’s criminal justice planning agency. In 1966, the Governor’s Committee on Crime, Delinquency and Correction (GCCDC) was created by executive order 7-A 66 and requested to develop a comprehensive plan that would direct efforts to improve the state’s criminal justice system. As a result, JCS was created as the statewide planning agency dedicated to the improvement of the state’s criminal justice system. JCS acts as staff to the GCCDC and strives to reduce or prevent crime and improve public safety in West Virginia by coordinating the efforts and impact of the criminal justice system.

JCS serves as the State Administrative Agency (SAA) for grant funded programs provided by the U.S. Department of Justice, as well as designated programs from the U.S. Department of Education, U.S. Department of Health and Human Services, other federal agencies as necessary, and the State of West Virginia. Our duties include, but are not limited to, assisting in the protection of the citizens of West Virginia through (1) research and statistics; (2) planning and coordination of services; (3) training and certification of law enforcement officers; (4) program development and implementation; and, (5) administration of grant funded programs emphasizing safety, prevention, coordination and the general enhancement of the criminal justice system as a whole. The role of JCS in state government is unique in that our responsibilities bridge the gap between federal, state, and local units of government, as well as private/non-profit

organizations and the general public.

JCS is experienced in program administration that requires the coordination of all facets of the criminal and juvenile justice systems, including law enforcement, jails, courts, corrections, community supervision and victim services. The project coordinator for the proposed project will be a Criminal Justice Specialist employed by JCS. He or she will dedicate 10% of his or her time to the project, serving as project coordinator, and will:

- Assist potential grantees in the development of grant applications and provide technical assistance to ensure grantees comply with federal and state grant requirements, reporting procedures, and proper record keeping;
- Prepare investment package of recommended grant award(s) to the Governor for approval;
- Upon approval of grant awards by the Governor, process appropriate grant documents (contract, etc.) necessary for implementation of grants;
- Monitor grantees to ensure compliance with applicable guidelines and regulations and to ensure that the objectives of the program are being met;
- Review and process progress reports, financial reports, and back-up documentation for accuracy and compliance with federal and state regulations;
- Review requests by grantee for budget and programmatic adjustments and make recommendations for approval; and
- Prepare required correspondence and documents.

An Accountant/Auditor III will dedicate 5% of her time to the proposed project and will

be responsible for reviewing and processing progress reports, financial reports, and back-up documentation for accuracy and compliance with federal and state regulations.

### **Training, Technical Assistance, and Grant Monitoring/Oversight**

The state of West Virginia will take an active role in the management and oversight of this project, providing staff to convene and coordinate key functions to assure that all goals and objectives of the grant are met. This includes capacity building, planning, implementation with technical assistance and support to all sites, as well as evaluation and reporting activities, budget monitoring, and overall performance oversight. JCS will make at least one on-site visit to each project site annually, if high-risk, and one on-site visit every two years for low risk subrecipients. The purpose of each monitoring visit is to: 1) determine if subgrantee activities are being carried out effectively and in accordance with the goals and objectives of this project; 2) determine progress made toward achieving outcomes; 3) help subgrantees develop feasible timelines for objectives, tasks, and activities throughout planning, implementation, and evaluation; 4) determine compliance with the terms, conditions, and purpose of grant including monthly progress and financial reporting; and 5) identify technical assistance needs and provide assistance, as needed.

### **Data Collection Plan**

The Office of Research and Strategic Planning (ORSP) is the research unit of DAS/JCS. ORSP staff members have extensive experience in developing, maintaining, and analyzing large data systems and have been instrumental in the development of key information sharing initiatives in the state. For example, the ORSP was instrumental in the development of a web-based application that provides near real-time information

to both practitioners and policymakers about community corrections programs in the state. Development and implementation of both the West Virginia Community Corrections Information System (CCIS) and the LS/CMI online offender assessment system was facilitated by the ORSP staff. In addition, each of these data systems developed by the ORSP were nationally recognized through a peer-review process as significant technical innovations by the Justice Research and Statistics Association (JRSA) and the Bureau of Justice Statistics (BJS) during their annual meeting in 2008 and 2011, respectively. In addition to the aforementioned systems, the ORSP routinely works with other agencies to obtain and prepare large data sets for analysis and reporting.

In August 2022, Dr. Catie Clark became the Director of the ORSP. Dr. Clark began her career as a correctional probation officer with the Florida Department of Corrections, where she served from 2005-2008. She then took a position at Florida State University as a Research/Teaching Assistant at the College of Criminology and Criminal Justice from 2012 to 2015. Dr. Clark then worked as a Research Associate for the National Center for State Courts, and quickly transitioned to a position as Director of the Statistical Analysis Center for the Arizona Criminal Justice Commission from 2016 to 2019. Dr. Clark then served a brief term as a Research Specialist for Arizona State University's School of Criminology and Criminal Justice before accepting the position as Research and Planning Manager for Mecklenburg County. The project coordinator, in collaboration with Dr. Clark, will develop monthly, quarterly, semi-annual, and annual reporting forms that capture all performance measures required by the OJJDP.

Once developed, the report template will be disseminated to all subrecipients.

Each subrecipient will complete the report template and return it to the JCS project coordinator. The JCS project coordinator will then analyze the data and manually enter the data into the appropriate reporting system (PMT and Just Grants). The JCS project coordinator will contact the subrecipient if there are any discrepancies in the submitted report. Data will also be validated during the program's programmatic site visit. All JCS subrecipients receive funds on a reimbursement basis. If the program fails to submit a progress report by an established deadline, funds will be withheld until the report is submitted. In instances where subrecipients are consistently delinquent with reports, JCS will take the appropriate steps to close the award.

### **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. The most recent report is available on JCS' website at the following link:  
<https://das.wv.gov/JCS/public-records/Documents/Final%20FY%202022%20JJ%20Annual%20Report.pdf>.
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 affirms that it will meet the requirements for passthrough funds under 34 U.S.C. § 11133(a), Section 223(a)(5).
10. 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.
11. West Virginia has provided an analysis on pages 5 through 22 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.
12. 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.

13. 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 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 12 above.

14. 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.

15. 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.
16. 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.
17. 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.
18. 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 planning 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.

19. 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.

20. 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 available upon request.

21. West Virginia provides for the coordination and maximum utilization of juvenile delinquency programs, programs operated by public and provide 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 is 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.

22. West Virginia assures that not less than 75% of the total Title II funds provided to the stateless the amount set aside for the SAG, shall be used for, through grants or contracts with priority in funding given to entities meeting the criteria for evidence-based or promising programs detailed through (A)-(W) ("Program Areas").
23. 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.
24. West Virginia complies with the DSO core requirement and the documentation has been submitted in the compliance monitoring tool.
25. West Virginia complies with the Sight and Sound Contact core requirement and the documentation has been submitted in the compliance monitoring tool.

26. West Virginia complies with the Jail Removal core requirement and the documentation has been submitted in the compliance monitoring tool.
27. West Virginia complies with providing for an Effective System of Monitoring and the documentation has been submitted in the compliance monitoring tool.
28. West Virginia complies with the Racial and Ethnic Disparities core requirement and the state's 3-Year R/ED Plan has been submitted in the compliance monitoring tool.
29. West Virginia provides assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, family income, and disability.
30. 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.
31. 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.
32. 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.

33. 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.

34. West Virginia affirms that it complies with the requirement to provide reasonable assurance that federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such state, local, tribal, and other non-Federal funds

35. 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.

36. West Virginia affirms that, from time to time, but not less than annually, the state will review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary.

37. 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.

38. West Virginia does **not** use the valid court order (VCO) exception.

39. West Virginia affirms that if the state receives an amount that exceeds 105 percent of the amount received under this section in FY 2000, all such excess would be expended through or for programs as part of a comprehensive and coordinated community system of services.

40. 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.

41. 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.

42. 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).

43. 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.

44. 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 available upon request.

45. 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.

46. 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.



47. 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.

48. 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.

**State of West Virginia  
Three-Year Racial and Ethnic Disparities Plan  
2024-2027**



**State of West Virginia  
Jim Justice, Governor**



**Department of Homeland Security  
Mark A. Sorsaia, Cabinet Secretary**



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## Table of Contents

Introduction .....	1
West Virginia Youth Demographics .....	4
Data Collection Points .....	4
Arrests .....	4
Diversions (Filing of Charges) .....	4
Pre-disposition Detentions .....	5
Adult Transfers .....	5
Action Plan .....	5
Successes .....	5
Areas of Improvement .....	5
Strategies for Reducing R/ED .....	6
Anticipated Reduction in R/ED .....	7
Reasonable Reduction in R/ED .....	7
Necessities for Success .....	8
Youth Accountability .....	8

## Introduction

States must submit their compliance data for the Deinstitutionalization of Status Offenders (DSO), section 223(a)(11)(B)1, separation, and jail removal core requirements for fiscal year 2023 (October 1, 2022 – September 30, 2023) and their Racial and Ethnic Disparities (R/ED) plans electronically to the OJJDP Compliance Monitoring Tool. This submission must include 12 months of data for at least 85 percent of facilities that are required to report compliance data. States that fail to meet these requirements will be determined not to have an effective system of compliance monitoring and thus will be deemed out of compliance with the DSO, separation, and jail removal requirements.

**Plan for compliance with the R/ED core requirement.** Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(15), in order to achieve compliance with the R/ED requirement, States must “implement policy, practice, and system improvement strategies at the state, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

- (A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders (including representatives of the educational system) at the state, local or tribal levels, to advise efforts by states, unit of local government, and Indian Tribes to reduce racial and ethnic disparities;
- (B) identifying and analyzing data on race and ethnicity at decision points in state, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice; and
- (C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B).”

The term “racial and ethnic disparity” means “minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than nonminority youth at that decision point.” 34 U.S.C. § 11103(41).

For FY 2024, states are required to provide R/ED plans using a three-pronged, research-driven, outcome-based strategy for their R/ED work. The R/ED plan must include a sentence that designates and names a coordinating body, that advises efforts by states, units of local government, and Indian Tribes to reduce racial and ethnic disparities.

Note: Juvenile justice stakeholders may include representatives of the educational system at the state, local, or Tribal levels.

- I. **Submit Statewide data at key juvenile justice decision points where research has shown that potential disparity may occur. Data collection must occur for**

**at least four of the five points below. Other research data points may be included but a minimum of four of the five below must be submitted. At each data point, the state must provide the definition of the contact point and percent distribution of race or ethnic groups compared to the general population distribution in the most recent U.S. Census data. Baseline data should not exceed three years.**

Data collection points:

1. Arrest
2. Diversion (filing of charges)
3. Pre-trial detention
4. Disposition commitments
5. Adult transfer

Note: States can provide more data collection points but must provide four of the five listed above. The Relative Rate Index (RRI) cannot be used in lieu of the data required above. States may use the RRI for their internal purposes.

## **II. Develop an R/ED Action Plan.**

The R/ED Action Plan is intended to align with the Three-Year State Plan and should encompass FY 2024 – FY 2026. States will be required to report on their progress in achieving the state's goals and objectives outlined in this R/ED Action Plan in Year 2 (FY 2025) and Year 3 (FY 2026).

For Year 1 (FY 2024), please provide answers to the questions below:

1. What do your R/ED numbers tell you about your jurisdiction? (Response should reflect an analysis of the state's data.)
2. What would success in R/ED reduction look like for your state? (Response should set forth a strategy and/or a vision and/or a plan, goals, or outcomes that reflect what success looks like.)
3. How do you want to reduce R/ED next year? (Response should include a desire to reduce R/ED at the contact point(s) for a specific racial group; no numerical target is required.)
4. Why do you believe this is a reasonable reduction? (Response should include a jurisdiction (examples, specifics) as to why the intervention is reasonable.)
5. What do you need, if anything, from OJJDP to be successful with your R/ED action plan? (Response must identify any support needed from OJJDP or that no support is needed from OJJDP.)

6. What safeguards will you put in place to ensure that as you work to reduce R/ED, you are equipping youth to live productive lives? (Response should include a discussion of how the mission goals are connected in some way to R/ED.)

**Beginning in Year 2 and then in Year 3 of the R/ED Action Plan, states will be asked to report on the following:**

**III. Conduct an outcome-based evaluation.**

States must address the following questions designed to assist in determining progress toward reductions in R/ED:

1. What are your most recent numbers for juveniles who have come into contact with the justice system? (Response should include a discussion of whether new state numbers reflect a change in R/ED within the state.)
2. Did you meet your goals? (Response should include a discussion of whether desired goals from previous years were met.)
3. If yes, what worked? What factors drove the success? (Response should include what worked to achieve the success.) If not, what were the barriers? How might you overcome them next year? What partners do you need? (Response should include a discussion around what prevented the state from meeting its goals.)
4. How can OJJDP provide technical assistance? (Response must identify any support needed from OJJDP or that no support is needed from OJJDP.)
5. How did you equip juveniles to live crime-free? (Response should include a discussion of how the mission goals were connected in some way to R/ED activities.)
6. What are your goals for next year?

The Office of Research and Strategic Planning (ORSP) is a unit of the Justice and Community Services Section of the West Virginia Division of Administrative Services (DAS/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.

### West Virginia Youth Demographics

Table 1.1 below outlines the West Virginia youth demographics, according to the 2022 Census.

Total Youth	White	Native American	Asian or Pacific Islander	African American or Black	Hispanic	Other
351,922	308,003 (87.5%)	478 (<1%)	2,841 (<1%)	13,067 (3.7%)	11,025 (3.1%)	16,508 (4.7%)

Table 1.1 – West Virginia Youth Demographics

### Data Collection Points

Table 1.2 below outlines the arrests for calendar year (CY) 2022 and 2023.

Calendar Year	Total Arrests	White	Native American	Asian or Pacific Islander	African American or Black	Hispanic	Other
2022	658	523 (79.5%)	0	6 (<1%)	129 (19.6%)	0	0
2023	755	620 (82.1%)	0	0	135 (17.9%)	0	0

Table 1.2 – CY 2022 and 2023 Arrests, by race/ethnicity

Table 1.3 below outlines the diversions (filing of charges) for CY 2022 and 2023.

Calendar Year	Total Diversions	White	Native American	Asian or Pacific Islander	African American or Black	Hispanic	Other
2022	3,063	2,724 (88.9%)	2 (<1%)	2 (<1%)	161 (5.2%)	13 (<1%)	120 (3.9%)
2023	2,133	1,917 (89.8%)	0	0	89 (4.1%)	28 (1.3%)	45 (2.1%)

Table 1.3 – CY 2022 and 2023 Diversions, by race/ethnicity

Table 1.4 below outlines the cases resulting in pre-disposition detention for CY 2022

and 2023.

Calendar Year	Total Pre-disposition Detentions	White	Native American	Asian or Pacific Islander	African American or Black	Hispanic	Other
2022	212	154 (72.6%)	1 (<1%)	1 (<1%)	38 (17.9%)	2 (<1%)	8 (3.7%)
2023	307	234 (76.2%)	0	1 (<1%)	40 (13.0%)	4 (1.3%)	14 (4.5%)

Table 1.4 – CY 2022 and 2023 Pre-disposition Detentions, by race/ethnicity

Table 1.5 below outlines the cases resulting in transfer or waiver to adult criminal court.

Calendar Year	Total Transfers	White	Native American	Asian or Pacific Islander	African American or Black	Hispanic	Other
2022	12	5 (41.6%)	0	0	6 (50%)	0	0
2023	7	3 (42.8%)	0	0	2 (28.5%)	0	1 (14.2%)

Table 1.5 – CY 2022 and 2023 Transfers to Adult Court, by race/ethnicity

### **Action Plan**

#### West Virginia's R/ED Successes

- Arrests for all minorities decreased between CY 2022 and CY 2023;
- Diversions for African Americans/Blacks decreased from 5.2% of all diversions during CY 2022 to 4.1% of all diversions during CY 2023;
- Pre-dispositions detention for African Americans/Blacks decreased from 17.9% of all detentions during CY 2022 to 13% of all detentions during CY 2023; and
- Transfers to adult court for African Americans/Blacks decreased from 50% of all transfers in CY 2022 to 28.5% of all transfers in CY 2023.

#### West Virginia's R/ED Areas of Improvement

Despite these successes, R/ED remains a problem in the state of West Virginia. Specifically,

- African American/Black arrests accounted for 17.9% of all arrests in CY 2023, while only accounting for 3.7% of the youth population;



- The number and percentage of Hispanic youth diverted from juvenile court doubled from CY 2022 to CY 2023;
- The number and percentage of Hispanic pre-disposition detentions doubled from CY 2022 to CY 2023; and
- Despite decreases between CY 2022 and CY 2023, African American/Black transfers to adult court accounted for 28.5% of all transfers during CY 2023, while accounting for only 3.7% of the youth population.

### Strategies for Reducing R/ED

There is not a single solution to reduce R/ED 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 R/ED, 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 timeframes, duties, and identified responsibilities provided by the State Advisory Group (SAG), specifically the Racial and Ethnic Disparities (R/ED) Workgroup of the SAG.

In regard to addressing the causes of R/ED, 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 African American/Black arrests; a reduction in the number of Hispanic youth diverted from juvenile court; a reduction in the number of Hispanic pre-disposition detentions; a reduction in the number of African Americans/Blacks transferred to adult court; and participation from all West Virginia juvenile justice agencies in this plan.

The West Virginia SAG has a plan to support and expand front-end diversion efforts (law enforcement, community-based, schools, etc.) and will also focus on other contact points with a goal to improve outcomes as youth experience the system and re-enter communities. In West Virginia, we are focused on enhancing our R/ED reduction efforts by implementing the following strategies:

- Strategically utilizing the resources (including funding) to expand capacity for grassroots and community-based R/ED reduction efforts;
- Promoting awareness of R/ED through training and technical assistance opportunities, including engagements with targeted stakeholders and larger R/ED specific forums/conferences; and

- Expanding prevention-centered and restorative direct services within communities and local jurisdictions where R/ED exist.

Consistent with these strategies, the SAG's R/ED Workgroup and DAS/JCS staff will work closely to develop R/ED Diversion Toolkit. This resource is designed to promote awareness of R/ED, engage new and existing community-based stakeholders in reduction efforts, and create effective and intentional diversion programming in an equitable and conscious manner.

### Anticipated Reduction in R/ED

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

- Decrease the number of African American/Black arrests by 5% statewide;
- Decrease the number of Hispanic youth diverted from juvenile court by 2% statewide;
- Decrease the number of Hispanic pre-disposition detentions by 2% statewide; and
- Decrease the number of African American/Black youth transferred to adult court by 5% statewide.

### Reasonable Reduction in R/ED

Currently, the goals identified above appear to be both reasonable and attainable. The Partnership for African American Churches (PAAC) in Charleston, West Virginia has submitted a subrecipient grant application. If awarded, the PAAC would use JJDP grant funds to restart the Kanawha County Disproportionate Minority Contact (DMC) Reduction Taskforce by inviting 10 or more community-based organizations, churches, juvenile justice system professionals (e.g., police, judges, attorneys, and other professionals) to attend 5 meetings in 2024. The funds would also be used to implement and evaluate the De-escalate & Stay Safe Initiative. This program focuses on training youth in emotional intelligence to equip them to de-escalate situations in their daily lives and in encounters with the juvenile justice system. Additionally, law enforcement officers in Kanawha County are provided with cultural competency, anti-racism, and youth engagement training.

While the De-escalate & Stay Safe Initiative focuses on the reduction of African American/black racial disparities in Kanawha County, a reduction in disparities in a single county would equate to a reduction in the statewide rates, thereby assisting the state in achieving the goals identified above. More importantly, to understand program effectiveness and evaluate the program process, the PAAC intends to measure: 1) the number of interactions with law enforcement and youth by using surveys of students at

targeted schools; 2) the results of a pre- and post-focus group survey for families participating in the focus groups; and 3) a pre- and post-survey to measure awareness and changes in law enforcement and court attorneys who attend continuing education classes. If the results of this evaluation reveal that the De-escalate & Stay Safe Initiative is successful in reducing racial disparities, the evaluation may assist the state in developing and implementing similar programs and strategies in other counties.

For the next year, DAS/JCS believes it is feasible to work diligently with our identified stakeholders and partners to reduce statewide referrals totals. In partnership with our community-based, public safety, and state and local government partners, DAS/JCS and the West Virginia SAG will plan and implement evidence-based jurisdictional and statewide efforts that are designed to prevent youth from becoming system-involved. Some of these efforts will include:

- Implementing front-diversion opportunities (community-based and law-enforcement);
- Supporting holistic programming that combat the contributing factors that lead to system involvement (low socioeconomic status, subpar academic experiences, family risk factors, and negative peer influence); and
- Expanding evidence-informed youth development and community-based programming in targeted jurisdictions that exhibit high rates of R/ED.

Such efforts will be vital as the State of West Virginia seeks to sustain the trend of continued reduction.

### Necessities for Success

In order to achieve the aforementioned goals, the following immediate and long-term needs are:

- Funding opportunities leading to additional implementation of local and regional R/ED reduction efforts, including opportunities designed to address the contributing factors that lead to this issue.
- Continued guidance, training and technical assistance, and information that will inform our state and local jurisdictions of effective best practices and strategies to mitigate R/ED at each contact point of our state's juvenile justice system.

### Youth Accountability

The state of West Virginia has implemented several safeguards to ensure that the public is protected, youth are held accountable, and youth are equipped with the necessary skills and resources to live crime-free, productive lives. These safeguards include but are not limited to:

- 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.
- The Division of Corrections and Rehabilitation (DCR), a sister agency of DAS/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.
- 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.
- DAS/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.

In addition, the West Virginia SAG has included R/ED as a priority for Title II funding requiring applicants for these funds to increase the implementation of programming and services designed to address this issue locally and in various regions in the state. The goal of the SAG in West Virginia is to address R/ED at the front-end and other identified contact points, including reentry efforts. DAS/JCS and the SAG will continue to expand strategic supports to serve system-involved youth, prevent youth from experiencing unnecessary contact with our juvenile justice system, and reduce recidivism.

Combating the contributing factors that lead to R/ED (low-socioeconomic status, family risk factors, subpar academic experiences, and negative peer influence) are vital to providing safeguards in the state. The implementation of restorative practices (community conferencing, community mediation, and peer mediation services), prevention efforts (mentoring, truancy prevention, etc.) and youth diversion programming designed to hold youth accountable when committing threshold offenses but also identifying the root causes that lead youth to the system will be incorporated in our efforts in West Virginia. Also, further expanding trauma-informed approaches and responses designed to address crises within communities, foster and promote resilience development, assist youth with coping and navigating with the traumatic implications of the pandemic, and efforts designed to address historical and systemic barriers/challenges will be a continued focus in West Virginia.

Overall, the vision is to create a safer state for all residents. However, beyond just holding youth accountable, it is our goal to address the various disruptive risk factors that lead to system involvement and R/ED. We are committed to developing and sustaining communities safely but envision reducing the victimization of youth who commit threshold offenses. It is our goal to connect youth to support and structures that will prevent deeper dives into the system and generate healthy outcomes for populations that are underserved and disadvantaged. We consider youth engagement and empowerment as a true solution to addressing challenges within the juvenile justice system.