

# Attachment 1

***Section 1 – Structure and Function of the Juvenile Justice System*** (Source: *West Virginia Juvenile Law & Procedure*).

The following is an overview of West Virginia Juvenile Law and Procedure. This overview is intended to provide a framework for understanding West Virginia's Juvenile Justice System. It is not intended to detail exhaustively every nuance of law and procedure. For further clarification and understanding refer to the specific code citation for the actual code language.

Juvenile proceedings are governed principally by West Virginia (WV) Code, Chapter 49, Article 5 and 5A. The Juvenile Offender Rehabilitation Act, contained in WV Code, Chapter 49, Article 5B, regarding juvenile status and delinquency offenses, provides for certain services for alleged and adjudicated juvenile offenders, before and after court intervention.

***Juvenile Court Jurisdiction & Judicial Officers***

Jurisdiction for most proceedings involving juveniles lies with circuit court. However, there are various exceptions and for some matters, officials other than circuit judges act as judicial officers of the circuit court.

Municipal courts have concurrent jurisdiction with the circuit court for violation by a juvenile of any act prohibited by §60-6-9, but may not impose a sentence of incarceration [§49-5-2(d)]. For certain offenses, magistrate courts have concurrent jurisdiction to conduct proceedings involving a juvenile the same as for an adult [§49-5-2(c)]. A magistrate may also acquire jurisdiction over a juvenile on any misdemeanor charge if a juvenile age 14 or older demands the circuit court to order transfer to adult criminal jurisdiction [§49-5-10(c)]. Further, any magistrate may order a juvenile to be taken into custody [§49-5-8(a)]; and any magistrate is authorized to conduct a juvenile detention hearing when a judge or juvenile referee is not available [§49-5-8(c)(4)]. In these instances, a magistrate is acting as a judicial officer of the circuit court.

Circuit judges are authorized to appoint a full-time or part-time juvenile referee for each county [§49-5A-1]. Three counties have referees: Cabell, Kanawha, and Wayne. In the other 52 counties, circuit judges have appointed a magistrate as referee. A juvenile referee has the authority to hold juvenile detention hearings and to perform "such other duties as are assigned" by circuit court [§49-5A-1] and to conduct preliminary hearings [§49-5A-9(a)].

Juvenile jurisdiction is initiated, strictly speaking, by the filing of a juvenile petition (as provided by §49-5-7) alleging a status offense or delinquency or by certification (as provided by §49-5-2(b) or transfer (as provided by §49-5-2(e)) to circuit court juvenile jurisdiction from the adult criminal jurisdiction of any court. Juvenile jurisdiction extends to juveniles accused of delinquency or a status offense.

***Juvenile Records***

With certain exceptions, all records and information concerning a child or juvenile which are maintained by the Division of Juvenile Services, the Department of Health and Human Resources, a child agency or facility, court or law-enforcement agency shall be kept confidential

and shall not be released or disclosed to anyone, including any federal or state agency [§49-7-1]. Records of juvenile proceedings are not public records and shall not be disclosed to anyone unless disclosure is otherwise authorized by code [§49-5-17].

One year after the juvenile's eighteenth birthday, or one year after personal or juvenile jurisdiction has terminated, whichever is later, the records of a juvenile proceeding must be returned to the circuit court in which the case was pending, be kept in a separate confidential file, and sealed by operation of law [§49-5-18].

### ***Protection of Rights***

Juveniles involved in status-offense or delinquency proceedings have an array of rights protected by statute, by Constitution, or by both. Further, the WV Code requires that a juvenile be informed expressly and specifically of certain rights in three particular situations. (1) At a detention hearing, the judicial officer must inform the juvenile that the juvenile has the right to remain silent and the right to counsel, that the juvenile may be interrogated only in the presence of a parent or counsel, and that any statement by the juvenile may be used against him or her [§49-5-8a(a)]. (2) At a preliminary hearing, if a juvenile does not have counsel, the judge or referee must inform the juvenile of the right to be represented by counsel and to have counsel appointed, and of the right to demand trial by jury [§49-5-9(a)(1) and (5)]. (3) Upon coming into the custody of a sheriff or a detention facility director, a juvenile must be provided a written statement explaining the right to a prompt detention hearing, the right to counsel, and the right against self-incrimination [§49-5-8(d)]. In addition, a juvenile in custody or detention has numerous specific rights along with the right to a copy of such rights upon admission to a juvenile facility [§49-5-16a].

### ***Facilities and Placement Limitations***

The WV Code defines three kinds of facilities in which juveniles involved in juvenile proceedings may be detained or to which they may be committed:

- A secure facility is "any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility" [§49-1-4(12)]. The Division of Juvenile Services (DJS) within the Department of Military Affairs and Public Safety has authority over the public in-state secure detention and correctional facilities [§49-1-1(c), §49-2-16, §49-5E-2]. Only juveniles charged or adjudicated in delinquency proceedings may be placed in secure facilities [see §49-5-8a(a)(3), §49-5-11a(b)(2)].
- A staff-secure facility is "any public or private residential facility characterized by staff restrictions of the movements and activities of individuals held in lawful custody in such facility and which limits its residents' access to the surrounding community, but is not characterized by construction fixtures designed to physically restrict the movements and activities of residents" [§49-1-4(13)]. The Department of Health and Human Resources (DHHR) has responsibility for oversight (principally by way of licensing) of these in-state juvenile facilities. Juveniles charged or adjudicated in delinquency, as well as in status-offense proceedings, may be placed in nonsecure or staff-secure facilities.
- A nonsecure facility is "any public or private residential facility not characterized by construction fixtures designed to physically restrict the movements and activities of

individuals held in lawful custody in such facility and which provides its residents access to the surrounding community with supervision” [§49-1-4(9)].

### ***Juvenile Proceedings: Status Offense And Delinquency***

Before formal filing of a juvenile petition, an alleged status offender or delinquent may be referred to a DHHR worker or to a probation officer for diversion to informal resolution of the matter in lieu of formal proceedings [§49-5-2(a)]. There are a variety of possibilities for informal resolutions, before or after the filing of a formal petition, which include, but are not limited to: noncustodial counseling, informal probation, and teen court.

Any person with knowledge of or information about facts constituting an act of juvenile delinquency or a status offense may file a petition alleging that a juvenile has committed a delinquency or a status offense. A petition has to be filed with the circuit court in the county where the delinquency or status offense allegedly occurred. After a petition has been filed, the court must set a time and place within two weeks for a preliminary hearing and should appoint counsel.

Like adults, juveniles may be taken into custody with or without advance authorization by a judicial officer. If formal proceedings have been initiated by petition, a circuit judge, a juvenile referee, or a magistrate may order a juvenile to be taken into custody upon a showing of probable cause. When a juvenile has been taken into custody, the law enforcement officer shall immediately contact the juvenile’s parent, guardian, or custodian. If the juvenile taken into custody is an alleged status offender, the law enforcement officer must also notify DHHR. An alleged status offender may be detained, but only in a non-secure or staff-secure facility and only if release would threaten serious bodily harm or no adult can be found to take custody. If a juvenile taken into custody by a law enforcement officer is not released to a parent, guardian, custodian, or other responsible adult, the juvenile must be taken without unnecessary delay before a judge, juvenile referee, or magistrate for a detention hearing, but the delay may never be beyond the next day [§49-5-8(c)(4)]. If a juvenile is kept in custody, the sheriff or detention center director is mandated to provide the juvenile a written statement explaining the juvenile’s right to a prompt detention hearing, right to counsel, and privilege against self-incrimination. The juvenile must be released by the end of the next day unless a detention hearing has been held and an order of detention has resulted [§49-5-8(d)].

A detention hearing may be conducted by a circuit judge, a juvenile referee, or, if neither is available, a magistrate [§49-5-8(c)(4), §49-5A-1, §49-5-8a(a)]. The sole mandatory issue at a detention hearing is whether the juvenile should be detained pending further court proceedings. Unless the health, safety, and welfare of the juvenile are endangered, the judicial officer must release the juvenile on recognizance to the juvenile’s parent, custodian, or appropriate agency [§49-5-8a(a), §49-5A-2]. Bail may be required, but may be denied only in cases where bail could be denied for an adult [§49-5-2(g), §49-5-8a(a)]. At the conclusion of a detention hearing, the judicial officer is required to prepare an order setting forth findings of fact and conclusions of law, and to provide a copy to the juvenile, the parent, and the attorney [§49-5A-3]. A circuit judge may review and modify or vacate any detention order as the judge “deems just and proper” [§49-5A-4].

Once a petition has been formally filed alleging a status or delinquency offense, a preliminary hearing, unless waived, is required for all charges; a juvenile may waive a



preliminary hearing only upon advice of counsel [§49-5-9(a)]. At the preliminary hearing or before an adjudicatory hearing, a juvenile may request an improvement period. If the court is satisfied that an improvement period would benefit the juvenile, the court may delay the adjudicatory hearing and grant a noncustodial improvement period of up to one year, with terms and conditions that are designed to rehabilitate the juvenile [§49-5-9(b)]. For a juvenile alleged to be delinquent or a status offender referred after being granted an improvement period, DHHR is required to provide an individualized program of rehabilitation [§49-5B-4(b)]. If an improvement period is successfully completed, the court shall dismiss the case. If not, the court shall proceed to an adjudicatory hearing. A motion for an improvement period may not be construed as an admission by the juvenile or used as evidence against the juvenile in later proceedings [§49-5-9(b)].

### ***Juvenile Proceedings: Status Offense Only***

A judge must begin an adjudicatory hearing by allowing the juvenile to admit or deny the allegations in the petition. If the juvenile admits the allegations and the judge makes certain findings that the juvenile's rights are protected and the facts support the juvenile's being a status offender, the judge considers the admission to be proof of the allegations. If the juvenile denies the allegations, the judge or a jury hears evidence [§49-5-11(a) and (b)]. A juvenile, the juvenile's counsel or the juvenile's parent or guardian, may demand a trial by jury to try any question of fact. A judge may also order a trial by jury by his or her own motion [§49-5-6].

When, upon trial, the judge or jury finds that the allegations in the petition are not sustained by clear and convincing proof, the judge is required to dismiss the petition and, if the juvenile is in custody, release him or her [§49-5-11(e)].

When the allegations in the petition are admitted or, upon trial, the judge or a jury finds them sustained by clear and convincing proof, the judge is required to refer the juvenile to DHHR for services and to order DHHR to report the juvenile's progress to the court at least every 90 days or until the judge (on motion by DHHR or a party or on the judge's own motion) orders further disposition or dismisses the case from the court's docket [§49-5-11(d)]. When a juvenile adjudicated to be a status offender is referred to DHHR under §49-5-11(d), a multi-disciplinary treatment team must be convened. The MDT is mandated to assess, plan, and implement an individually tailored service plan for the juvenile and his or her family [§49-5D-3(a)(2)]. The judge must conduct at least every three months a judicial review, attended by the MDT and a juvenile probation officer, as long as the child remains in the legal and physical custody of the state [§49-5-21]. In providing services appropriate to the needs of a status offender and his or her family, DHHR must not only consider the MDT recommendations but must maintain consistency with the provisions of the Juvenile Offender Rehabilitation Act, WV Code, Chapter 49, Article 5B [§49-5-11a(a)].

A status offender may appeal to the WV Supreme Court any dispositional order other than the mandatory 49-5-11(d) order referring the juvenile to DHHR [§49-5-11a(d)].

### ***Juvenile Proceedings: Delinquency Only***

Not all juveniles charged with acts that would be criminal if committed by an adult are dealt with under juvenile jurisdiction. The WV Code has provisions requiring or allowing transfer

from juvenile to adult criminal jurisdiction in certain circumstances. If the court transfers a case to adult criminal jurisdiction, in the transfer order the court must articulate findings of fact and conclusions of law on which the decision is based [§49-5-10(i)]. When a juvenile is convicted as an adult after transfer, the court may make disposition pursuant to the juvenile delinquency provisions of the WV Code instead of sentencing the juvenile as an adult [§49-5-13(e), §49-5-13b(c)]. Even upon being sentenced as an adult after transfer, the person convicted may not be incarcerated in any adult facility until reaching age 18, and then only after review of circumstances by the sentencing court [§49-5-16].

A judge must begin an adjudicatory hearing by allowing the juvenile to admit or deny the allegations in the petition. If the juvenile admits the allegations and the judge makes certain findings that the juvenile's rights are protected and the facts support the juvenile's being a delinquent, the judge considers the admission to be proof of the allegations. If the juvenile denies the allegations, the judge or a jury hears evidence [§49-5-11(a) and (b)]. A juvenile, the juvenile's counsel or the juvenile's parent or guardian, may demand a trial by jury to try any question of fact. A judge may also order a trial by jury by his or her own motion [§49-5-6]. When, upon trial, the judge or jury finds that the allegations in the petition are not sustained by proof beyond a reasonable doubt, the judge is required to dismiss the petition and, if the juvenile is in custody, release him or her [§49-5-11(c)]. When the allegations in the petition are admitted or, upon trial, the judge or jury finds them sustained by proof beyond a reasonable doubt, the court must schedule a dispositional hearing [§49-5-11(e)]. In deciding disposition, the court is not limited to the relief sought in the petition, but must consider the best interests of the juvenile and the welfare of the public in selecting from several alternative dispositions.

Any dispositional order may be appealed to the WV Supreme Court, and the juvenile or counsel is entitled to a transcript of proceedings for use in appeal [§49-5-13(c) and (d)]. At least 45 days before discharging a juvenile from a DJS correctional facility or from a mental health facility, the facility director is required to send a copy of a proposed aftercare plan to: the committing circuit court; the juvenile's parent, guardian, or custodian; the juvenile's attorney; the juvenile's probation officer or community mental health center professional; the prosecutor; and the principal of the school the juvenile will attend. The aftercare plan shall contain a detailed description of the education, counseling, and treatment the juvenile received at the facility and a proposed plan for education, counseling, and treatment after the juvenile's discharge from the facility. The plan must also describe any problems the juvenile has and propose a way of addressing those problems after discharge [§49-5-20(a) and (b)].

### ***Formula Grant Program***

The goal of the Formula Grant Title II program in WV is to prevent and reduce juvenile delinquency and to improve the juvenile justice system in WV. Projects funded by this program seek to:

- Prevent juvenile involvement in delinquent activities.
- Assist in eliminating risk factors contributing to juvenile crime.
- Develop cooperative efforts for services development and delivery.
- Train juvenile justice professionals, legislator, policy makers and the public.

- Maintain compliance with the mandates for the Juvenile Justice and Delinquency Prevention Act (JJDP).
- Develop a training protocol for uniform handling of juveniles.
- Reduce the number of status offenders in the juvenile justice system.

The State Advisory Group (SAG) held a retreat in the fall of 2008 to look at current statistical data, trends, gaps in the system, etc., in order to formulate a three-year plan. Once these areas had been covered, priorities for funding areas were established. In addition to planning and administration and SAG funds, the following areas were identified as priority to receive funding over the next three years:

- Alternative to Detention
- Delinquency Prevention
- Child abuse and neglect
- Diversion
- Gender-Specific Services
- Juvenile Justice System Improvement
- Restitution/Community Service
- School Programs
- Early Intervention

During the February 2009 SAG meeting, discussion took place as to funding levels for the coming years. With the release of the FY 2009 Formula Grant application kit, the SAG learned West Virginia was eligible to receive \$600,000. Currently, eighteen Title II project are funded. Many are in their last year of eligibility. Some will, if funded again, be starting their final year of eligibility. With \$600,000 to award it was discovered there would be enough money to not only fund existing subgrantees but additional moneys to fund new programs. Therefore, with Fiscal Year 2009 Formula Grant funds, the State Advisory Group has chosen six Grant Program areas to concentrate funding in. These six are:

1. *Delinquency Prevention* – Problem: Many youth in WV are at-risk for becoming delinquent for a variety of reasons including: the lack of appropriate role models, the rise in family violence, the increase in child physical and sexual abuse and neglect cases, the high number of school dropouts and the 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.
2. *School Programs* – Problem: Incidents of school shootings such as those that occurred in Kentucky, Oregon, Pennsylvania, Mississippi, Arkansas, 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 a number of 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 1999 and again in 2001, students reporting they have been involved in a physical altercation on school property appears to have decreased during this time; 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. In 2001, a larger proportion of students than in 1999 reported missing school for fear of their personal safety. Trends demonstrated through West Virginia students' own reporting of their experiences and perceptions demonstrate the need for programs that foster an environment conducive to learning through prevention, mentoring, and safety. The Prevention Resource Officer (PRO) program is one of these programs.

3. Disproportionate Minority Contact (DMC) – Problem: Despite West Virginia having a small minority youth population, overrepresentation has been identified at several points of contact. In calendar year 2008, state-wide relative rate indexes indicate that the volume of activity for Black or African American youth at the arrest stage was close to two and a half times greater when compared to the activity rate for white youth. In addition, Black or African American youth have more than twice the amount of activity at the secure detention point and more than three times the volume of activity for confinement to a secure juvenile facility.

This finding is problematic given that research conducted by various youth advocacy groups, has firmly established the detrimental effects on youth who have repeated contact with the juvenile.

4. Restitution/Diversion – Problem: West Virginia seeks to provide additional resources for pretrial services and restitution / community service and diversion programs. Juvenile crime factors have become more complex, but appropriate development of resources has not kept pace with need. The court system is struggling to provide juveniles with alternative dispositions and sentences that will result in rehabilitation and reduce recidivism.

Restitution and structured diversion of juvenile offenders is an exercise of discretionary authority to substitute an informal disposition prior to a formal hearing on an alleged violation.

Diversion permits the greatest flexibility in selecting the most suitable disposition for misdemeanants and first time offenders. The selection of a community service alternative or restitution in place of formal adjudications bypasses the often stigmatizing labeling process, allows the juvenile to become involved in programs without obtaining an official court record, and offers juveniles an opportunity to rehabilitate.

Providing grant resources for pretrial services and restitution and diversion programs will enable the court to combat crime more effectively by providing a wider variety of sentencing alternatives. This program will also enable more communities to begin developing the first phases of graduated sanctions.

5. Gender Specific Services – Problem: The WV racial disparity research shows that females are sentenced more leniently than males and indicated that females are significantly less likely to receive a sentence to the Division of Juvenile Services' custody, be adjudicated delinquent, be detained prior to adjudication, and are more likely to receive informal probation supervision. Currently, very little is known regarding gender difference in sentencing, services provided, development/need

factor in WV.

West Virginia will seek to provide funding to develop and implement programs which focus on gender-specific services.

6. Juvenile Justice System Improvement – Problem: Programs, research and/or other initiatives designed to examine issues or improve practices, policies, or procedures on a system-wide basis (e.g., examining problems affecting decisions from arrest to disposition, detention to corrections).

All subgrants are awarded by the Governor through the same process Division of Criminal Justice Services (DCJS) utilizes to award its other program funds. The award cycle is the state fiscal year (July-June).

Request 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 DCJS staff for completeness and then by the SAG for merit. The SAG makes award recommendations to the Governor who makes the final award decisions.

With this year's funding cycle (FY 2009 Formula Funds), the SAG will look toward funding many new programs in the different areas identified as priority by the SAG during the September 2009 retreat.

Other activities the SAG will be involved in this fiscal year include a more effective approach to SAG effectiveness, greater education of professionals in the juvenile justice system, increased alternatives to detention, and opportunities that promote positive activities for youth. In addition the SAG plans to work with the West Virginia DMC Coordinator in researching data collection gaps pertaining to West Virginia's DMC issues.

Again, this year's FY 2009 application is focused on six program areas with the hopes of expanding efforts with the FY 2010 application.

## ***Section 2 – Analysis of Juvenile Crime Problems and Juvenile Justice Needs***

### **Analysis of Juvenile Crime Problems** (Source: West Virginia Juvenile Justice Database, and Juvenile Detention Database)

West Virginia as a state does not fully participate in the Uniform Crime Reporting (UCR) system, and therefore no agency collects all juvenile arrest data statewide. The state does however compile juvenile arrest data, detention data, corrections data, and probation data in a number of individually contained information collection systems. The West Virginia Incident Based Reporting System (WVIBRS) provides detailed information on incidents and arrests involving juvenile perpetrators and victims. The Juvenile Detention Database incorporates Facility Review Panel versus Coe state standards monitoring information, detention intake needs assessment and detention release needs assessment for each juvenile that is detained prior to case disposition. The detention database also provides information about the juveniles admitted to the state's five juvenile detention facilities on a monthly basis. The Juvenile Corrections Database houses information about juveniles committed to, transferred from, and released from the state's two juvenile corrections facilities on a monthly basis. 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.

Juvenile arrests in West Virginia have remained relatively consistent over the past three years. In 2006 1,325 juvenile offenders entered the juvenile justice system. Of those 80.3% were male, 19.7% female. Offenders were 81.0% White, 15.8% Black, 2.5% Multi-Racial, 0.3% Hispanic, and 0.4% Other. The average age of juvenile offenders in 2006 was 16 year. The primary offense types committed in West Virginia are Battery with 18.23% and 242 occurrences, Obstruction with 6.91% and 92 occurrences, Possession of Marijuana with 7.29% and 97 occurrences, Destruction of Property with 6.36% and 84 occurrences, Assault with 6.95% and 92 occurrences, and Grand Larceny with 4.28% and 57 occurrences. Status Offenses in West Virginia totaled 110 occurrences and 8.33% of 2006 total offence rate. Of the 1,325 juvenile offenders entered into the West Virginia juvenile justice system, 186 were not petitioned, 679 were released to home confinement, 403, were released to DHHR, 11 were sent to the Regional Jail Authority, 3 was sent to the Department of Corrections (DOC), 19 were extradited, 11 were Interstate Compacts, 7 were sent to U.S. Military confinement, and 6 were held in sheriffs confinement.

In 2007 1,262 juvenile offenders entered the Juvenile justice system. Of those 78.4% were male, 21.6% female. Offenders were 78.8% White, 16.8% Black, 3.4%, Multi-Racial, 0.6% Hispanic, and 0.4% Other. The average age of juvenile offenders in 2007 was 16 year. The primary offense types committed in West Virginia are Battery with 18.13% and 322 occurrences, Obstruction with 8.11% and 144 occurrences, Possession of Marijuana with 7.93% and 141 occurrences, Destruction of Property with 6.98% and 124 occurrences, Assault with 6.7% and 119 occurrences, and Grand Larceny with 4.62% and 82 occurrences. Status Offenses in West Virginia totaled 146 occurrences and 8.23% of 2007 total offence rate. Of the 1,262 juvenile offenders entered into the West Virginia juvenile justice system, 328 were not petitioned, 555 were released to home confinement, 347, were released to DHHR, 6 were sent

to the Regional Jail Authority, 1 was sent to the DOC, 13 were extradited, 8 were Interstate Compacts, and 4 were held in sheriffs confinement.

In 2008 1388 juvenile offenders entered the Juvenile justice system. Of those 76.3% were male, 23.7% female. Offenders were 79.9% White, 15.6% Black, 2.7%, Multi-Racial, 1.6% Hispanic, and 0.3% Other. The average age of juvenile offenders in 2008 was 16 year. The primary offense types committed in West Virginia are Battery with 16.50% and 315 occurrences, Obstruction with 6.91% and 132 occurrences, Possession of Marijuana with 7.75% and 148 occurrences, Destruction of Property with 6.81% and 130 occurrences, Assault with 7.75% and 148 occurrences, and Grand Larceny with 3.30% and 63 occurrences. Status Offenses in West Virginia totaled 175 occurrences and 9.16% of 2008 total offence rate. Of the 1388 juvenile offenders entered into the West Virginia juvenile justice system, 416 were not petitioned, 581 were released to home confinement, 349, were released to DHHR, 7 were sent to the Regional Jail Authority, 0 were sent to the DOC, 16 were extradited, 9 were Interstate Compacts, and 10 were held in sheriffs confinement.

### ***Problem Statement***

West Virginia (WV) juveniles face many challenges including a tradition of poverty and geographic and cultural isolation from community resources. The State is endeavoring to solve these and many other problems by making education and economic development top priorities.

### ***West Virginia Demographics (Source: U.S. Census Bureau)***

West Virginia (WV) is located in the middle of the Appalachian Mountain chain in the Eastern U.S. WV is the only state that falls completely within the Appalachian region. WV covers 24,078 square miles and has approximately 1.8 million residents. West Virginia is primarily a rural state with 45% of its residents living in rural areas and 55% living in urban areas. Juveniles comprise approximately 21.4 % of the State's population of 1,812,035.

The state gender distribution is 51% female and 49% male. The racial composition is: 94.6. % White; 3.5% African-American; 0.2% American Indian or Alaskan Native; 0.7% Asian; and 1% is Hispanic or Latino. Overall, the white child population has decreased since 2000, while the minority child population continues to increase. Counties that have the most minority children in residence include: Berkeley, Cabell, Kanawha, Marion, McDowell, Monongalia and Raleigh Counties.

### ***Poverty (Source: 2008 WV Kids Count Data Book)***

Twenty-three percent of all of WV youth live below the poverty level compared to the national rate of 18%. This means that almost 1 in 4 children are classified as poor in WV. Eleven percent (11%) of these youth live in extreme poverty (income below 50% of poverty level) compared to only 8% nationally and more than one-fourth (29%) of WV children under the age of five live below the poverty rate. Within the state, forty-five of West Virginia's fifty-five counties have more than 20% of their youth that live in poverty. The highest poverty rates tend to fall in rural counties in the southern part of WV such as McDowell (47%), Summers (35%), Mingo (34.2%) and Wyoming (33.7%). Estimates indicate a poverty rate of 19.8% exists in rural West Virginia, compared to 15.0% in urban areas of the state. The poverty rate for the entire population of the State is high as well. West Virginia is one of six states that have

17% or more of their total population in poverty and has the ninth highest child poverty rate in the country. WV had a three-year average poverty rate of 15.2% from 2005 to 2007 compared to the national average of 12.5%.

"The effects of poverty on the well-being of children of all ages are profound. While many children whose families live in poverty do well, research has consistently shown that children living in poverty are at much greater risk than their peers in failing to thrive. Moreover, this impact of poverty is not limited to economic deprivation. It is associated with health and mental health problems, teen pregnancy and delinquency" (1998 Kids Count).

There are often many individual and economic causes behind poverty. For West Virginia purposes we want to pay particular attention to are Education and Employment.

***Education*** (Source: *National Center for Children in Poverty*)

The majority of WV children that live in poor families often have parents that do not have a strong education. Sixty-Seven percent of those children's parents do not have a high school degree and another 30% have a high school degree, but no college education.

This also seems to be flowing into the youth of West Virginia as only 19% of high school graduates age 25-29 have completed a bachelor's degree or higher in 2006, compared to the US average of 27%

***Employment*** (Source: Bureau of Economic Analysis and Bureau of Labor Statistics)

As of January 2009, the unemployment rate in West Virginia jumped from 4.4% to 6.2%. All fifty-five counties have reported an increase as well. Since 2000, West Virginia's median household income has shown a 5.6% increase, but still has the second lowest household median income in the nation. In fact, median earnings for full-time females in WV, are far lower than men, and are actually the lowest in the nation.

Of the youth in WV that live below the poverty line, twenty five percent have at least one parent who is employed full-time, year round. However, the other 75% only have a parent employed part-time or do not have an employed parent at all.

Regardless of where the issue stems, it seems to be a continuous cycle that is passed to the next generation. Basically, because of the poverty that the poor are already experiencing, they and their children are not able to break out. Results of poverty often leave our youth in West Virginia vulnerable to many unfortunate circumstances. These circumstances can range from child abuse, to teen pregnancy and school dropouts, or ultimately becoming part of the juvenile justice system. The Annie E. Casey Foundation finds that young people who penetrate the systems deeply - those who end up confined in detention centers and training schools- suffer among the lowest odds of long-term success of any group of adolescents in our nation. They will achieve less educationally, work less and for lower wages, fail more frequently to form enduring families, experience more chronic health problems (including addiction), and suffer more imprisonment than other adolescents. (The Annie E. Casey Foundation)

"We all want the best for West Virginia's children. Every child in the state deserves an opportunity to succeed and become a productive citizen," said Margie Hale, Executive Director of the West Virginia KIDS COUNT Fund. "We have made some important gains in child well-



being over the years, but, if we really want West Virginia to prosper, our ranking of child well-being will have to be better than 44th in the nation. As a state, we must invest in public structures we know will improve children's outcomes and support long-term economic prosperity, like high-quality childcare programs" (2008 Kids Count).

### ***Section 3 – Plans for Compliance with the first three core requirements of the JJDP Act and the State's plan for compliance monitoring***

Annually, an on-site verification inspection will be conducted at each of the regional juvenile detention and correctional facilities. The WV Division of Criminal Justice Services has developed a system, which provides for the monitoring of jails, lockups, detention facilities, correctional facilities, and non-secure facilities to ensure that the requirements of Deinstitutionalization of Status Offenders (DSO), Separation of Status Offenders (Separation), and Removal of Juveniles from Adult Jails and Lock-ups (Jail Removal) are met.

Summary of annual on-site visits: (listed are minimums)

- 100% Adult Jails
- 33% Adult Lockups
- 100% Juvenile Facilities
- 33% of all Facilities Classified as "Non-Secure"
- 33% of all DOC Facilities

The inspections include a review of the record keeping systems as well as the physical accommodations to determine compliance with the JJDP Act. All monitoring activities include the collection of data to ensure compliance with the applicable requirements of DSO, Separation, and Jail Removal.

### ***Plan for Removal of Status Offenders & Non-Offenders from Secure Detention & Correctional Facilities Section 223 (a)(11)***

In West Virginia (WV), juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court orders, or alien juveniles in custody, such as non-offenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities.

For facilities to monitor compliance the following activities are completed:

- reviewing offenses listed on log sheets;
- asking questions about scared straight programs and group tours;
- review of architectural layout to determine secure areas; and
- asking where juveniles are held within the facility

WV continues to work toward compliance with the requirements of Section 223(a)(11) of the JJDP Act based on annual compliance monitoring reports.

The following WV Case Law and statutes corroborate the JJDP Act:

- WV State Code sub section §49-5-11 and §49-5-11(a) decriminalizes status offenders making it illegal to detain status offenders in secure facilities. Youth who are adjudicated status offenders are referred to the Department of Health and Human Resources for services.
- WV Case Law Facilities Review Panel v. Coe (1992) establishes standards that prohibit secure facilities from admitting status and non-offenders.
- WV Case Law 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.”
- WV Case Law Harris v. Calendine (1977), states that “under no circumstances can a child adjudged delinquent because of a status offense, i.e., and act which if committed by an adult would not be a crime, be incarcerated in a secure, prison-like facility with children adjudged delinquent because of criminal activity.”

***Plan for Separation of Juveniles & Incarcerated Adults Section 223(a)(12)***

In WV, juveniles alleged to be, or found to be delinquent, status offenders, and/or non-offenders shall not be detained or confined in any institution in which they have contact with adult prisoners or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults.

For facilities to monitor compliance the following activities are completed:

- reviewing documentation related to when and where offenders are held;
- reviewing architectural layout to determine level of separation;
- asking where juveniles are held in relation to where adults are held;
- asking questions about scared straight programs and group tours;
- asking about the use of adult inmate trustees

WV was found to be out of compliance with the requirements of Section 223(a)(12) of the JJDP Act on its most recent annual report. In previous instances of non-compliance, WV has demonstrated this to be a violation of State statutes.

West Virginia does not currently operate any colocated facilities. All staff working in Juvenile Centers are employed by the WV Division of Juvenile Services. Staff working in adult facilities are employed by a different State agency.

WV Supreme Court of Appeals, Administrative Order, effective July 1, 1997, charges the Division of Criminal Justice Services of the Department of Military Affairs and Public Safety to monitor compliance with the State and Federal standards for juvenile detention facilities. The State will notify OJJDP if circumstances arise, or if resources are lost which would jeopardize the State’s capability to maintain compliance with the requirements of Section 222(a)(13).

The following WV Case Law and statutes corroborate the JJDP Act:

- WV State Code sub section §49-5-16 paragraph (a) states that “no child, including one who has been transferred to criminal jurisdiction of the court, shall be detained or confined in any institution in which he or she has contact with or comes within sight and sound of any adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the security staff (including management) or direct-care staff of a jail or locked facility for adults.”
- The State assures that adjudicated juveniles are not reclassified administratively and transferred to adult correction authority. Paragraph (b) of the above cited section states that “No child who has been convicted of an offense under the adult jurisdiction of the circuit court shall be held in custody in a penitentiary of this State....the child may be transferred from a secure juvenile facility to a penitentiary after he attains the age of eighteen years if, in the judgment of the Commissioner of the Department of Corrections and the court which committed such child, such transfer is appropriate.”
- WV Case Law 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.”

***Plan for Removal of Juveniles from Adult Jails & Lockups Section 223(a)(13)***

In WV, juveniles are not to be detained in any jail for adults. The JJDP Act states that “no juvenile shall be detained or confined in any jail or lockup for adults....,” but the Act does allow for some exceptions. As documented below, in WV, juveniles are not to be detained in any facility with the intended use by adult offenders. Since WV’s Regional Jails are to be used by adults, no exceptions are needed. With regards to local police departments and other smaller lockups, these may be used by both adults and juveniles without being non-complaint with WV State Code. Therefore, these are not adult facilities.

For facilities, to monitor for compliance the following activities are completed:

- verifying date of births for all new admissions in adult jails; and
- asking about what policies and procedures dictate if a juvenile is brought to facility

WV continues to be in compliance with the requirements of Section 223(a)(13) of the JJDP Act based on annual compliance monitoring reports. WV has demonstrated that all prior instances on noncompliance are in violation of the State statutes, a pattern of noncompliance does not exist and a mechanism to enforce the State law is in effect. WV Supreme Court of Appeals, Administrative Order, effective July 1, 1997, charges the Division of Criminal Justice Services of the Department of Military Affairs and Public Safety to monitor compliance with the State and Federal standards for juvenile detention facilities.

The state will notify OJJDP if circumstances arise, or if resources are lost which would jeopardize the state’s capability to maintain compliance with the requirements of Section 223(a)(13). The following WV Case Law and statutes corroborate the JJDP Act.

- WV State Code sub section §49-5-16 prohibits the detention of juveniles in any institution where “he or she has contact with or comes within sight and sound of any

adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the security staff (including management) or direct-care staff of a jail or locked facility for adults.” The State assures that adjudicated juveniles are not reclassified administratively and transferred to adult correction authority. Sub section §49-5-16 paragraph (b) states the “No child who has been convicted of an offense under the adult jurisdiction of the circuit court shall be held in custody in a penitentiary of this State....the child may be transferred from a secure juvenile facility to a penitentiary after he attains the age of eighteen years if, in the judgment of the commissioner of the Department of Corrections and the court which committed such child, such transfer is appropriate.”

- WV State Code sub section §49-5A-2 makes it unlawful to incarcerate a child under 18 years of age in any jail. This is supported by WV Case Law R.C.F. v. Wilt (1979), which states “we hold that 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.”
- WV Case Law Facilities Review Panel v. Coe (1992) states “The conditions outlined in §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.”

The following section lists the ten (10) elements for an adequate Compliance Monitoring system and brief descriptions of West Virginia Procedures.

### ***Item 1 of Section 3: Policies and Procedures***

The following comes from the Division of Criminal Justice Services Procedures for Monitoring for Compliance Under the Juvenile Justice and Delinquency Prevention Act issued on February 22, 2007.

### ***Background/Overview of Compliance Monitoring***

The Juvenile Justice and Delinquency Prevention (JJDP) Act, through the 2002 reauthorization, establishes four (4) core protections with which participating States and territories must comply to receive Federal funding. These protections are:

1. Deinstitutionalization of Status Offenders (DSO) – Section 223(a)(11).
2. Separation of juvenile's from adults in institutions (Separation) – Section 223(a)(12).
3. Removal of juveniles from adult jails and lockups (Jail Removal) – Section 223(a)(13).
4. Reduction of disproportionate minority contact (DMC) – Section 223(a)(22), where it exists.

DCJS has accepted the philosophy that meeting these core protections is essential to creating a fair, consistent and effective juvenile justice system that advances the important goals of the JJDP Act.

Furthermore, Section 223(a)(14) of the JJDP Act states:

*"Participating States must provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to ensure that the requirements of paragraph (11), paragraph (12) and paragraph (13) are met, and of the annual reporting of such monitoring to the [OJJDP] Administrator."*

### ***Defining the Core Protections***

#### **Deinstitutionalization of Status Offenders – Section 223(a) (11)**

Juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult....or such non-offenders as dependent or neglected children shall not be placed in secure detention or correction facilities.

#### Separation – Section 223(a) (12)

Juveniles alleged to be or found to be delinquent [and status offenders and non-offenders] will not be detained or confined in any institution in which they have contact with adult inmates.

#### Jail Removal – Section 223(a) (13)

No juvenile shall be detained or confined in any jail or lockup for adults.

#### Disproportionate Minority Contact (DMC) – Section 223(a) (22)

State are to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.”

#### ***West Virginia Division of Criminal Justice Services’ (DCJS) Authority to Monitor for Compliance with JJDP Act Mandates***

West Virginia state code establishes authority for the Governor’s Committee on Crime, Delinquency, and Correction, to monitor facilities to verify compliance with JJDP Act mandates. Relevant sections are as follows:

##### **§15-9-1. Committee designated as state planning agency under state law.**

The Legislature hereby designates the Governor's Committee on Crime, Delinquency and Correction (established by Executive Order No. 7-A-66 and designated a state planning agency by Executive Order No. 14-68) as the state planning agency required for participation by the state of West Virginia in programs provided for by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 United States code, sections 3701 through 3796c, inclusive) and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 United States code, section 5601).

##### **§15-9-2. Facility inspection.**

The Governor's Committee on Crime, Delinquency and Correction shall annually visit and inspect jails, detention facilities, correctional facilities, facilities which may hold juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a voluntary or involuntary basis for the purpose of compliance with standards promulgated by the juvenile facilities standards commission, pursuant to section nine-a, article twenty, chapter thirty-one of this code and with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

As staff to the Governor’s Committee on Crime, Delinquency, and Correction, the West Virginia Division of Criminal Justice Services carries out these annual on-site inspections.

### ***Annual Tasks in Establishing an Adequate System of Monitoring***

In compliance with the JJDP Act, the State of West Virginia must annually:

1. Establish/update the monitoring universe to include all facilities which might hold juveniles pursuant to public authority. This list should include all jails, lockups, detention centers, juvenile correctional facilities, halfway houses, group homes, prisons and any other secure or non-secure public or private facilities in which a juvenile might be detained or placed.
2. Each facility identified needs to be classified. Classification has four (4) elements:
  - a. Secure or non-secure.
  - b. Public or private.
  - c. Residential or nonresidential.
  - d. For juveniles only, for adults only, or for both juveniles and adults.
3. Inspect facilities to:
  - a. Confirm initial classification (*e.g., secure or non-secure*).
  - b. Assess the separation levels at all points in the facility.
  - c. Determine if record keeping systems is adequate for the Compliance Monitor to collect the necessary data to determine compliance with the Core Protections.

### ***DCJS Procedures for Monitoring for Compliance: Scheduling On-Site Visits:***

Once the monitoring universe has been identified and classified, on-site visits will be scheduled. Current DCJS procedures when determining who to schedule are as follows:

- 100% Adult Jails
- 33% Adult Lockups
- 100% Juvenile Facilities
- 33% of all Facilities Classified as "Non-Secure"
- 33% of all DOC Facilities

Steps:

- a. Contact facility to schedule visit.
- b. Confirm visit by sending an "Initial Visit" letter. This letter will at a minimum state the date and approximate time of visit and attach a complete and executed copy of this protocol for further clarification.

***DCJS Procedures for Monitoring for Compliance:  
On-Site:***

The Compliance Monitor will verify the facility's initial classification, assess separation levels and collect data to determine compliance with JJDP Act mandates.

1. Initial Classification – each facility will be classified; and, upon completing of the on-site visit, the Compliance Monitor will verify this classification. For more information concerning classification, refer to Section IV.
2. Assess Separation Levels – the JJDP Act provides that no juvenile shall be securely detained or confined in any facility in which they could have sight and/or sound contact with incarcerated adults, including adult trustees. Therefore, a juvenile being held in an adult jail or lockup must be separated from sight and sound contact, and have no physical contact, with incarcerated adults, including trustees. To determine separation, the compliance monitor may:
  - a. Request for a facility layout to better document areas where juveniles and adults may be held;
  - b. Asked to be “walked through” a facility as if they were a juvenile offender and/or;
  - c. Request copies of the facility's policies and procedures for handling juveniles and adult offenders
3. Data Collection and Verification – to ensure compliance with the Core Protections, the Compliance Monitor will need access to records (usually log books) to verify if adequate records are maintained to determine compliance. Items which will be viewed may include but not necessarily be limited to:
  - a. Name or ID
  - b. Date of birth
  - c. Offense (most serious)
  - d. Date and time IN secure setting
  - e. Date and time OUT of secure setting
  - f. Time out for court appearance (if applicable)
  - g. Time back in for court appearance (if applicable)

***DCJS Procedures for Monitoring for Compliance:  
Data Collection:***

The Compliance Monitor duties will consist of the following:

1. Viewing “Log Books” to take a count on admissions, and status offenses.



2. Ensuring detainees who are eighteen years old to verify juvenile jurisdiction if placed in a secure juvenile facility.
3. In juvenile facilities, pulling files which list a charge for detention as probation violation to check for a valid court order with a detainable charge. Specifically the Compliance Monitor will be looking for documentation as to the original charge. Either the violation charge or the original charge must be detainable. For JJDP Act purposes, a probation violation with a status offense as the original charge and no other detainable offenses as the violating charge would constitute a violation.
4. View all files where the offense listed is either a status offense or does not list an offense. Detention of a status offender in a hardware secure juvenile detention or correctional center is a violation of both the JJDP Act and State Code.
5. Randomly pull files to check for complete orders. Usually this can be accomplished while checking the eighteen year olds' files and files where the juvenile was detained under the charge of probation violation.

***DCJS Procedures for Monitoring for Compliance:  
Problems Encountered:***

**NOTE:** It is recognized and understood that the monitor is a fact finder (an auditor) ONLY, and a resource of information. It is further recognized and understood that the monitor has no "codified enforcement powers" and under no circumstance is the monitor to present themselves as having any enforcement power or regulatory oversight to influence/effect change.

Guidelines for addressing problems are as follows:

1. Incomplete Logs – logs where information (as described in Section VI, point 3 of this document) is missing.
  - a. Request from facility personnel to look at the file to determine if this information can be found.
  - b. If found, make a note and discuss with facility personnel during exit interview.
  - c. If not found, ask facility personnel if they can gather the information. If information can still not be obtained then,
    - i. make note of the incomplete log entry (request a copy) and
    - ii. document efforts to obtain information.
  - d. Review incomplete entries with facility personnel during exit interview.
2. Court Orders– when viewing files, some may not have the necessary court orders or the court orders may not document detainable offenses. Further information must be gathered to determine compliance.

- a. Ask facility personnel if they can obtain the necessary information. The facility personnel can contact the appropriate individual and request the information be sent. Appropriate individuals could include Circuit Clerk, Prosecutor Involved, or Probation Officer.
  - b. If information is sent, determine adequacy and proceed.
  - c. If no information is sent or contact cannot be made,
    - i. make note of the questionable file,
    - ii. obtain copies of court orders contained in the file,
    - iii. document efforts in trying to obtain information, and
    - iv. return to DCJS to take further action.
3. Probation Violation Offenses – No original or detainable charge is documented in the file. Further information must be gathered to determine compliance.
  - a. Ask facility personnel if they can obtain the necessary information. The facility personnel can contact the appropriate individual and request the information be sent. Appropriate individuals could include Circuit Clerk, Prosecutor Involved, or Probation Officer.
  - b. If information is sent, determine adequacy and proceed.
  - c. If no information is sent or contact cannot be made,
    - i. make note of the questionable file,
    - ii. obtain copies of court orders contained in the file,
    - iii. document efforts in trying to obtain information, and
    - iv. return to DCJS to take further action.
4. Juvenile jurisdiction not found for an eighteen year old detainee in a secure juvenile facility. This gives the “appearance” of an adult confined in the secure juvenile facility without sight and sound separation. See if further information can be obtained for clarification.
  - a. Ask facility personnel if they can obtain the necessary information. The facility personnel can contact the appropriate individual and request the information be sent. Appropriate individuals could include Circuit Clerk, Prosecutor Involved, or Probation Officer.
  - b. If information is sent, determine adequacy and proceed.
  - c. If no information is sent or contact cannot be made,
    - i. make note of the questionable file,
    - ii. obtain copies of court orders contained in the file,
    - iii. document efforts in trying to obtain information, and
    - iv. return to DCJS to take further action.

***Special Note*** – In all instances, the Compliance Monitor will not be contacting the appropriate individual to gather further information. This applies to when the Compliance Monitor is at the facility or out in the field. Any instances where additional information cannot be obtained by the facility, then appropriate actions of the Compliance Monitor are discussed in Section IX of this document.

***DCJS Procedures for Monitoring for Compliance:  
When Further Information Cannot be Obtained***

When effort has been made by the facility to obtain further documentation but none has been sent or they cannot make contact, the Compliance Monitor in all instances will:

1. Make note of the questionable file.
2. Obtain copies of court orders contained in the file.
3. Document efforts in trying to obtain information.
4. Return to DCJS for further action.

Upon returning to DCJS, a letter will be sent to the appropriate supervising agency requesting further information to determine compliance with core requirements. Specifically, agencies that may be contacted could include:

1. The Division of Juvenile Services will be contacted if questionable files are noted at Juvenile Detention and Correctional Facilities.
2. Regional Jail Authority will be contacted if questionable files are noted at Regional Jails.
3. The Chief of Police or Sheriff will be contacted if questionable files are noted in local lockups or court holding facilities.

***DCJS Procedures for Monitoring for Compliance:  
Exit Interview:***

Upon completion of the on-site visit, the Compliance Monitor will meet with the facility contact to discuss the following:

1. Classification review according to the JJDP Act.
2. Violations or questionable records – the Compliance Monitor may outline their next steps in obtaining the information.
3. Record keeping system – the Compliance Monitor may leave a sample log which better documents the information required by the JJDP Act to determine if facilities are in compliance.
4. Questions or concerns noted during walk through of the facility.
5. Follow-up monitoring report – this report will be completed and sent to the facility within three weeks following the on-site visit.
6. Any additional information that may be relevant to the JJDP Act.

**Under no circumstances** is the monitor to engage in activities (dialogue or otherwise) in regard to a disputed finding which may be considered adversarial in nature. The monitor should maintain a “continuously customer service oriented posture” at all times.

***DCJS Procedures for Monitoring for Compliance:  
Follow-Up Letter and Report:***

Within three (3) weeks after the conclusion of the on-site visit the Compliance Monitor will issue an "On-Site Monitoring" reporting documenting the items discussed during the exit interview and other information relevant to the Core Requirements of the JJDP Act.

***Item II of Section 3: Monitoring Authority***

West Virginia state code establishes authority for the Governor's Committee on Crime, Delinquency, and Correction, to monitor facilities to verify compliance with JJDP Act mandates. Relevant sections are as follows:

**§15-9-1. Committee designated as state planning agency under federal law.**

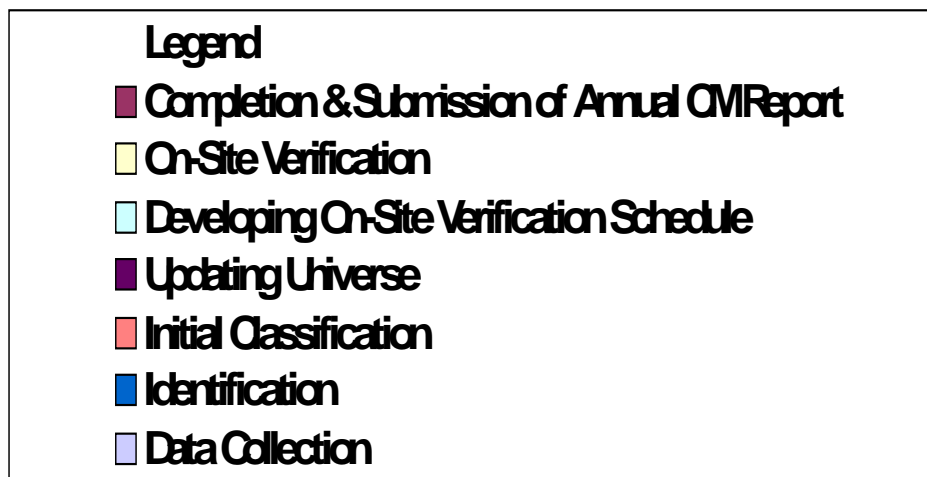
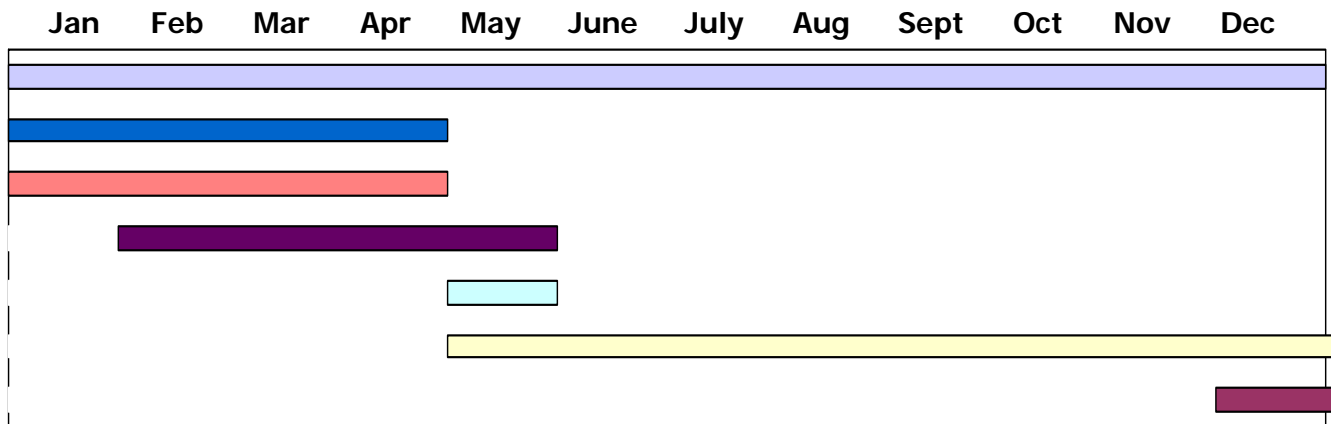
The Legislature hereby designates the Governor's Committee on Crime, Delinquency and Correction (established by Executive Order No. 7-A-66 and designated a state planning agency by Executive Order No. 14-68) as the state planning agency required for participation by the state of West Virginia in programs provided for by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 United States code, sections 3701 through 3796c, inclusive) and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 United States code, section 5601).

**§15-9-2. Facility inspection.**

The Governor's Committee on Crime, Delinquency and Correction shall annually visit and inspect jails, detention facilities, correctional facilities, facilities which may hold juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a voluntary or involuntary basis for the purpose of compliance with standards promulgated by the juvenile facilities standards commission, pursuant to section nine-a, article twenty, chapter thirty-one of this code and with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

As staff to the Governor's Committee on Crime, Delinquency, and Correction, the West Virginia Division of Criminal Justice Services carries out these annual on-site inspections.

### Item III of Section 3: Monitoring Timetable



Brief Description of each activity:

### **Data Collection**

As represented on the Monitoring Timetable chart, data collection takes place through the entire year. Types of data which is collected include:

- Facility classification forms from Sheriff Departments, Police Departments, and College / University Security Departments.
- Admission records from Regional Jails (Adult Jails), lockups, juvenile detention facilities, juvenile correctional facilities.
- WV State Juvenile Detention Screening forms from all juvenile detention facilities.

Responsible for completion of task: Compliance Monitor

### **Identification**

The compliance monitoring team, with assistance from the State Advisory Group, will identify all facilities which might hold juvenile pursuant to public authority. Facilities may include:

- Jails
- Lockups
- Detention Centers
- Correctional Facilities
- Residential and/or group homes
- Other secure or non-secure public or private facility in which a juvenile might be detained or placed.

Responsible for completion of task: Compliance Monitor

### **Initial Classification**

All facilities are classified and this information is maintained by the Compliance Monitor in a database. This database contains check boxes for each identified facility and the Compliance Monitor can classify based on the following criteria:

- Secure or non-secure
- Public or private
- Residential or non-residential
- For juvenile only, for adults only, or for both juveniles and adults

To aid with initial classification of facilities, Certification of Facility Classifications are mailed to all county Sheriff Departments, all municipal lockups, and all college/university police departments. The purpose of these certifications is two fold:

1. Serves as an aid when determining classification. It is important to note, facilities self report and to verify certification the compliance monitor will review the form and schedule an on-site visit at least once every three years.
2. Serves as a form of data collection.

Responsible for completion of task: Compliance Monitor

### **Updating Universe**

As facilities are identified and / or certification forms are received, the Compliance Monitor will update the universe database accordingly. As mentioned earlier, the Compliance Monitor will verify initial certifications by scheduling on-site visits. All identified facilities will be visited at least once every three years.

Responsible for completion of task: Compliance Monitor

### **Scheduling**

Based upon the classification of a facility, a schedule is developed in accordance with West Virginia's Procedures for Monitoring for Compliance Under the Juvenile Justice and Delinquency Prevention Act. On-site visits begin in July and conclude by December.

Responsible for completion of task: Compliance Monitor

### **On-Site Verification**

On-site verification of facilities will begin annually in May and conclude by December. The purpose of these on-site verifications will be:

1. determine if the initial classification was correct as reported
2. determine if the data submitted to the Division of Criminal Justice Services was accurate
3. determine compliance with Juvenile Justice and Delinquency Prevention Act requirements

Responsible for completion of task: Compliance Monitor

### **Completion and Submission of Annual Compliance Monitoring Report**

Data collected during the reporting cycle is compiled and the annual compliance monitoring reporting is completed and sent to OJJDP by December 31 of each year.

Responsible for completion of task: Compliance Monitor

### ***Item IV of Section 3: Violation Procedures***

If a facility is found to be in violation with one or more of the Federal Act mandates, the following will be used as a guide:

The violation will be noted and upon completion of the on-site visit, the Compliance Monitor will meet with the facility contact to discuss the following:

1. Classification review according to the JJDP Act.
2. Violations or questionable records – the Compliance Monitor may outline their next steps in obtaining the information.
3. Record keeping system – the Compliance Monitor may leave a sample log which better documents the information required by the JJDP Act to determine if facilities are in compliance.
4. Questions or concerns noted during the walk through of the facility.
5. Reporting any violations noted during the visit.
6. Follow-up monitoring report – this report will be completed and sent to the facility within three weeks following the on-site visit.
7. Any additional information that may be relevant to the JJDP Act.

The violation, or violations, will be noted on the follow-up monitoring report and recommendations will be made to correct this problem. Future visits will be scheduled to determine compliance.

In addition, during the exit interview violation implications will be discussed. These implications include:

- Too many violations may jeopardize the State's eligibility to receive Formula Grant funds.
- Violations could result in the area served by the facility not receiving juvenile justice funds and/or having funds deobligated from existing local programs.

The Division of Criminal Justice Services does not have authority to sanction any facility found to be out of compliance. If a facility is continually found to be out of compliance, the State Advisory Group will not recommend funds to the area served by that facility.

### ***Item V of Section 3: Barriers and Strategies***

The following barriers and possible strategies to deal with the barriers have been identified by the Compliance Monitoring Team:

**Barrier:** *Lack of understanding with the JJDP Act mandates.*

**Possible Strategies to address barrier:**

- Develop a manual for distribution to facilities explaining what the JJDP Act is and how to maintain compliance.



- Host regional trainings for law enforcement agencies and present information pertaining to complying with JJDP Act mandates.
- Discuss JJDP Act mandates with the WV Supreme Court of Appeals – Administrative Offices so that they could distribute information to all probation officers and judges.

**Barrier:** *Local definition differences when dealing with the term “Secure”*

**Possible Strategies to address barrier:**

- Develop a manual for distribution to facilities explaining the Federal Definitions of key terminology.
- Host regional trainings for law enforcement agencies.
- Discuss secure vs. non-secure during on-site visits. The most appropriate time would be during the initial walk through of the facility.

**Barrier:** *Incomplete data*

**Possible Strategies to address barrier:**

- Develop model log sheets for use by facilities
- Develop a manual for distribution to facilities explaining what the JJDP Act is and how to maintain compliance.
- Host regional trainings for law enforcement agencies
- Discuss importance of ensuring data is complete during on-site visits.

**Barrier:** *Data Submission*

**Possible Strategies to address barrier:**

- Develop model log sheets for use by facilities
- Develop a manual for distribution to facilities explaining what the JJDP Act is and what data needs to be submitted
- Host regional trainings for law enforcement agencies

### ***Item VI of Section 3: Definitions***

Federal Definition of Terms Related to the JJDP Act

**Adult Jail** - A locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

**Adult Lockup** - Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

**Collocated Facility** - Collocated facilities are facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds.

A related complex of buildings is two or more buildings that share physical features such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or the specialized services such as medical care, food service, laundry, maintenance, engineering services, etc.

- Separation between juveniles and adults such that there could be no sustained sight or sound contact between juveniles and incarcerated adults. Separation can be achieved architecturally or through time phasing of common use nonresidential areas.
- The facility must have separate juvenile and adult program areas, including recreation, education, vocation, counseling, dining, sleeping, and general living activities. There must be an independent and comprehensive operational plan for the juvenile detention facility that provides a full range of separate program services. No program activities may be shared by juveniles and adult inmates. Time phasing of common use nonresidential areas is permissible to conduct program activities. Equipment and other resources may be used by both populations subject to security concerns.
- If the state will use the same staff to serve both the adult and juvenile populations, there is in effect in the state a policy that requires individuals who work with both juveniles and adult inmates to be trained and certified to work with juveniles.
- In states that have established standards or licensing requirements for secure juvenile detention facilities, the juvenile facility meets the standards and be licensed as appropriate. If there are no state standards or licensing requirements, OJJDP encourages states to establish administrative requirements that authorize the state to review the facility's physical plant, staffing patterns, and programs in order to approve the colocated facility based on prevailing national juvenile detention standards.

**Court Holding** - A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearing, or other court proceedings. Court holding facilities, where they do not detain individuals overnight (i.e., are not residential) and are not used for punitive purposes or other purposes unrelated to a court appearance, are not considered adult jails or lockups for purposes of section 223 (a)(13) of the JJDP Act. However, such facilities remain subject to the section 223 (a)(12) separation requirement of the Act.

**Facility** - A place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public and private agencies.

**Juvenile Offender Types** - Juvenile who is accused of having committed an offense. A juvenile with respect to whom a petition has been filed in the juvenile court or other action has

occurred alleging that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender, and no final adjudication has been made by the juvenile court.

Juvenile who has been adjudicated as having committed an offense. A juvenile with respect to whom the juvenile court has determined that such juvenile is a juvenile offender, i.e., a criminal-type offender or a status offender.

Juvenile offender. An individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations by defined as State law, i.e., a criminal-type offender or a status offender.

Criminal-type offender (Delinquent). A juvenile offender who has been charged with or adjudicated for conduct that would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Status offender. A juvenile offender who has been charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Nonoffender. A juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

**Non-Secure Custody** - The following policy criteria, if satisfied, will constitute non-secure custody of a juvenile in a building that houses an adult jail or lockup facility: (1) the area(s) where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designated, set aside or used as a secure detention area or is not a part of such an area, or, if a secure area, is used only for processing purposes; (2) The juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the facility(3); the use of the area(s) is limited to providing non-secure custody only long enough and for the purposes of identification, investigation, processing, release to parent, or arranging transfer to an appropriate juvenile facility or to court; (4) in no event can the area be designed or intended to be used for residential purposes; and (5) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in non-secure custody.

**Public Agency** - The term "public agency" means any State, unit of local government, combination of such States or Units, or any department, agency or instrumentality of any of the foregoing.

**Secure Detention Facility** - The term "secure detention facility" means any public or private residential facility which:

- Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.

- Is used for the temporary placement of any juvenile who is accused of having committed an offense, of any non-offender, or of any other individual accused of having committed a criminal offense.

**Secure Correctional Facility** - The term "secure correctional facility" means any public or private residential facility which:

- Includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility.
- Is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any non-offender, or any other individual convicted of a criminal offense.

**Secure Custody** - As used to define a detention or correctional facility this term includes residential facilities which include construction fixtures designed to physically restrict the movements and activities of persons in custody such as locked rooms and buildings, fences, or other physical structures. It does not include facilities where physical restriction of movement or activity is provided solely through facility staff.

**Sight and Sound Separation** - Secure custody status is when a juvenile offender is physically detained or confined in a locked room or area. Secure detention or confinement may result either from being placed in such a room or area and/or being physically secured to a cuffing rail or other stationary object. Separation must be accomplished architecturally or through policies and procedures in all secured areas. Sight contact is when a juvenile has clear visual contact with an incarcerated adult within close proximity. Sound contact is when a juvenile can have direct oral communication with an incarcerated adult. In accordance with OJJDP policy the state must assure that no juvenile offender shall enter, under public authority, for any amount of time, into a secure setting or secure section of any jail, lockup, or correctional facility as a disposition of an offense or as a means of modifying their behavior.

**Valid Court Order** - The term means a court order given by a juvenile court judge to a juvenile who has been brought before the court and made subject to a court order. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as guaranteed by the Constitution of the United States.

### ***State Definitions and General Juvenile Justice Terms***

**Adjudication/Adjudicatory:** The judicial hearing wherein guilt or innocence is determined either by the child's admission or by trial to a court or jury.

**Adult:** A person eighteen (18) years of age or over, except when the Court's jurisdiction continues

**Advisement:** A court procedure formally advising the accused of certain statutory and constitutional rights. The advisement is delivered during the first appearance in court.

**Advisement of Rights:** 1.) A court procedure formally advising a person of certain statutory and constitutional rights. Such advisement must be given at the first appearance in court. 2.) A set of warning which must be given to a person upon arrest (see Miranda Warning).

**Allege:** To assert to be true without proving.

**Appearance:** The formal proceeding by which an offender presents him/herself to the jurisdiction of the court.

**Apprehend:** To arrest, take into custody, or seize a person on a criminal charge.

**Arraignment:** A court hearing where the accused is brought before the court to plead to the criminal charge in the indictment or information. The accused is advised of the charges pending against him, as well as his constitutional rights to have a lawyer and a trial.

**Assessment:** A process of data collection and analysis used to determine risk to the community (likelihood of reoffense or failure to appear in court) and options for placement pending further action of the court. May be linked to screening and/or case management. The primary purpose is to make an initial recommendation to the court for placement pending further court action, the secondary purpose is to perform a "triage" of emergent needs of the juvenile.

**Bail:** (see Bond) Security, in the form of money or property, deposited with the court to insure the appearance of the accused at a specific future time and place.

**Bail Bond:** An obligation signed by the accused, with sureties to secure his/her presence in court.

**Balanced Approach/Restorative Justice:** A concept which suggests that the juvenile justice system should give equal weight to (1) ensuring community safety, (2) holding offenders accountable to victims, and (3) providing competency development for offenders in the system so they can pursue legitimate endeavors after release.

**Bench Warrant:** Process issued by the court itself, or "from the bench," for the apprehension or arrest of a person.

**Bond:** A type of security required by the court before an offender is released from custody. An accused may be released on his own promise (personal recognizance), by having a licensed bondsman post an agreement to pay a certain amount (bond) by personally depositing money in cash (bail), or by encumbering property (property bond). The court may allow the amount of bail posted in cash to be a percentage of the total amount of bail set; however, in the event of default, the entire amount of bail set is forfeited and becomes due to the state.

Bond, personal recognizance (PR Bond): An obligation of record entered into before a court requiring the performance of an act such as appearing in court as instructed or penalty of a money forfeiture. (Webster's 7<sup>th</sup> new collegiate dictionary.)

**Case Management:** The development and implementation of a service and release plan for each juvenile detained in the detention facility or placed in a non-secure or staff-secure program as an alternative to secure detention. This process begins following the detention hearing.

**Change of venue:** The removal of a suite begun in one country or district, to another, for trial, or from one court to another in the same county or district.

**Child:** Any person under eighteen (18) years of age. (Statutory Definition)

**Commitment:** Action of a judicial officer ordering that a juvenile subject to judicial proceedings be placed in a particular kind of confinement or residential facility for a specified reason authorized by law.

**Committed juveniles in detention:** Youth either awaiting placement in a program for committed youths, or awaiting court action on new charges, parole violations, etc.

**Complaint and summons:** The formal charge, which initiates a criminal proceedings in a court. It must contain the name of the defendant, the offense, and statute number, and direct the defendant to appear before a specified court at a given date, time and location.

**Contempt of Court:** The punishable act of showing disrespect for the authority or dignity of a court.

**Deferred Disposition/Prosecution, Deferred Sentence:** Some defendants are granted a deferred prosecution, which means that the judge and district attorney permit the accused person to delay going to trial for a period of time, usually one year. During this period, the accused is supervised by a probation officer, if the person complies with all the requirements of the deferred prosecution, the charges may be dismissed. A defendant who pleads guilty to a crime may be given a deferred sentence, which means that the judge does not impose a sentence immediately but continues the case up to two years, placing the defendant under the Probation Department's supervision. If the defendant complies with all of the requirements, the charges against him will be dismissed.

**Delinquency Petition:** A petition charging a child with a violation of the penal statute or municipal ordinances.

**Delinquent:** A child, ten (10) years of age or older, who violates any Federal or State law or any lawful order of the court made under the state code.

**Detention:** Temporary care of a juvenile offender or of a juvenile alleged to be delinquent who requires secure custody in a physically restricting facility pending disposition of the case. This is a secure facility designed to be a nonpunitive facility.

**Detention Hearing:** A judicial hearing held within forty-eight (48) hours (excluding weekends and court holidays) after a child is taken into Temporary Custody to determine whether continued detention is necessary.

**Direct File in Adult Court:** The formal process to transfer or direct file a juvenile case into adult court for trial.

**Dispositional Hearing:** A judicial hearing at which time information is presented and reviewed along with recommendations for disposition. The conclusion is the court's official disposition order, (i.e. probation, commitment, etc.)

**District Attorney:** A lawyer elected or appointed in a specified district to serve as the chief or administrative prosecutor for the State in criminal cases.

**Diversion:** A decision made by a person with authority or a delegate of that person that results in specific official action of the legal system no being taken in regard to a specific juvenile or child and in lieu thereof providing individually designed services by a specific program. The goal of diversion is to prevent further involvement of the juvenile or child in the formal legal system.

**Guardian Ad Litem (ad li'tem):** A person appointed by a court to look after the interests of a child in litigation.

**Guardianship:** The duty and authority vested in a person or agency by court action to make major decisions affecting a child, which may include: consent of marriage, military enlistment, medical or surgical treatment, adoption when parental rights have been terminated, or representation of a child in legal actions.

**Hebeas Corpus:** An order of the court to bring a person before the court to show cause why that person is being deprived of his/her liberty.

**Home detention:** Release to parents or other responsible adult with services which may include electronic monitoring and/or tracking or assistance such as case management, substance abuse treatment, restitution, etc.

**Incarceration:** Imprisoned in a lockup/holding facility, jail, juvenile detention center, juvenile correctional facility, or prison.

**Indictment:** An accusation in writing found and presented by a grand jury, charging that a person therein named has done some act, or been guilty of some omission that by law is a crime.

**Informal Adjustment:** A type of disposition used primarily for first time offenders, which does not involve a court hearing. If the child admits the facts of the allegation (with parental consent), the child may be supervised for a period without being adjudicated.

**Jurisdiction:** The legal power to hear and decide cases; the territorial limits of such power.

**Juvenile:** Refers to any individual under the age of 18 or is still under the jurisdiction of the juvenile court.

**Juvenile Offender:** An individual subject to the exercise of the juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations by defined as state law, i.e., a criminal type offender or a status offender.

**Juvenile Court:** The Division of the district court which exercises original jurisdiction over children as set forth in the state code.

**Mentoring:** A prevention strategy in which a one-to-one relationship is created between a young person and a screened and trained adult volunteer. This relationship supports advocacy, role modeling, skill development, self esteem enhancement and positive, drug free activities for youth. Ideally, the commitment is for one year with no less than two hours per week.

**Municipal Court:** Courts whose territorial authority is confined to the city or community.

**National Crime Information Center:** (NCIC) A national computer system with information relative to any active warrants on individuals.

**Nolo Contendere:** A pleading usually used by defendants in criminal cases, which literally means, "I will not contest it," and is treated as a guilty plea when it comes for sentencing.

**Ordinance:** A law passed by a city or town lawmaking body.

**Personal Recognizance:** Security for the appearance of a criminal defendant, in the form of a personal promise without posting any bail or filing a formal bond.

**Petition:** A formal application in writing made to the Court, requesting judicial action concerning some matter therein set forth.

**Plea:** The defendant's formal response to criminal charges. If a defendant stands mute, the judge will enter a plea of not guilty for the defendant. Examples are: guilty, not guilty, nolo contendere, not guilty by reason of insanity.

**Plea Bargaining:** A compromise reached by the prosecution and defense after negotiation resulting in a plea of guilty or nolo contendere to a charge or one of the charges, or to a lesser charge, dismissal of remaining charges, elimination of the trial, and the possibility of a lesser sentence. Plea-bargaining is conducted between counsel, and not before the judge. The compromise reached is presented to the judge by the prosecution and must be agreed to by the judge before it can become effective. Plea-bargaining results from a number of factors: 1. The prosecution has sole discretion to file charges, 2. Open negotiation may disclose the strength or weakness of either side's case, 3. Heavy trial dockets necessitate reducing the trial load in large volume in prosecution offenses.



**Preadjudicated juveniles:** Youths arrested for a new offense or a violation of probation and taken to detention pending a court action.

**Preliminary Hearing:** A discretionary hearing to determine if there is probable cause to believe that the facts alleged in the petition bring the child/defendant within the court's jurisdiction.

**Pre-Sentence Investigation:** Social diagnostic study, which is a report to the judge to help him determine an appropriate sentence.

**Probable Cause:** A legal term meaning that there is sufficient reason or belief to detain or cause a petition to be filed. This is based on a legal examination of the facts.

**Probation:** A sentence alternative to incarceration, whereby an adjudicated juvenile may be released under certain conditions and under the supervision of a probation officer for a specified time. In some cases, a short detention sentence or "work release" program is combined with the probation.

**Probationer:** Convicted law violator allowed to remain in free society while under a probation officer's supervision, in lieu of serving a detention sentence or being committed to the Division of Juvenile Services.

**Prosecution:** The procedure by which a person is charged and tried for a criminal offense. Also, the charging, as opposed to the defending, side of a criminal case.

**Public Defender:** An attorney, or system of attorneys, funded by the state, to represent indigent persons in criminal or juvenile cases.

**Reasonable Cause Hearing:** In the context of the VCO Exception, the reasonable cause hearing (also referred to as a probable cause hearing or preliminary hearing) is a court proceeding held by a judge to determine whether there is sufficient cause to believe that a juvenile status offender accused of violating a valid court order and to determine the appropriate placement of such juvenile pending disposition of the violation alleged. (42 U.S.C. 5633 Sec. 223(a)(23)(C)(ii).

**Recidivism:** The return to criminal activity after completion of a sentence following an earlier conviction. A statistical measure of "failure" of offenders previously convicted of a crime.

**Revocation:** A court order rescinding or withdrawing a previous court order. When a person on probation has violated one or more of the terms or conditions of probation, a petition to revoke probation or modify the term and conditions may be filed with the court. If the allegations are proven, the judge may modify the terms of probation or revoke probation and exercise any of the dispositional alternatives, including commitment to the Division of Youth Corrections.

**Sentenced juveniles:** Youth sentenced by the court to spend time in a detention center as a result of a new adjudication and/or as a condition of probation.

**Shelter:** Facility similar to staff-secure facility except that continuous staff supervision is not required. They are licensed as residential child care facilities by the Department of Health and Human Resources.

**Staff-secure facility/detention:** A staff secure facility may be defined as a residential facility (1) which does not include construction features designed to physically restrict the movements and activities of juveniles who are in custody therein; (2) which may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

**Status Offender:** A juvenile who has been charged with, or adjudicated for, conduct that would not be criminal if committed by an adult. Examples include: running away, underage drinking, underage possession of alcohol or tobacco, curfew violation (if the curfew ordinance applies only to juveniles), and truancy. Possession of a handgun by a juvenile is excluded from the status offense classification by state and federal laws. Juveniles who are illegal immigrants and have not committed a delinquent act are monitored as status offenders.

**Summons:** A notice requiring a person to appear in court on a specific day at a specific time. The summons is returned to the court to reflect that the person was served with it.

**Temporary Holding:** An area used for the temporary holding used for the temporary holding of a child from the time they are taken into custody until a detention hearing has been held, if it has been determined that the child requires a staff-secure setting. The area must be sight and sound separated from adults and constantly monitored.

**Verdict:** The decision the jury or judge makes at the conclusion of trial as to the accused guilt or innocence.

**Warrant:** An order of the court authorizing either the arrest of a specific person or the search of a specific place for the seizure of specific items named in the order.

### ***Item VII of Section 3: Identification of the Universe***

DCJS's monitoring universe includes local Police Departments, County Sheriff Departments, State Police detachments, Juvenile Detention and Correctional facilities, Adult Regional Jails, College and University security departments, Group Residential Facilities, Mental Health treatment facilities, as well as a host of Federal Law Enforcement Agencies.

DCJS has a report generated from the WV law enforcement training database of all local law enforcement agencies that would have the legal authority to detain or hold a juvenile. DCJS uses the Law Enforcement Certification of Facility Classification forms in two ways:

- classification of facilities as discussed in the next section, and

- a way of identifying the full realm of the universe by having all law enforcement agencies complete a separate form for each substation or satellite office operated by or utilized by their agency.

DCJS also reviews with the State Police any new, discontinued, or relocated offices throughout the state. Due to the fact that the Sheriff's department serves as bailiff to Circuit Court, DCJS inquires of them the operation of any Court Holding facilities. DCJS request a list of group residential facilities, and mental health facilities from the Dept. of Health and Human Resources, the state licensing agency for these types of facilities. Annually DCJS, the Division of Juvenile Services, and the Regional Jail Authority review their listing of facilities.

### ***Item VIII of Section 3: Classification of the Universe***

DCJS has five categories in which all facilities must be classified:

- Facility Type
  - Adult Lockup
  - Adult Jail
  - Juvenile Detention Center
  - Juvenile Training School
  - Non secure
  - Prison
  - Juvenile Staff Secure Detention
- Offender Type
  - Adult only
  - Adult & Juvenile
  - Juvenile only
- Security
  - Secure
  - Non Secure
  - Staff Secure
- Public/ Private
- Residential/ Non-Residential

With the establishment of adult regional jails, many county jails and municipal lockups are no longer in use. To assist with updating and classify our universe, Law Enforcement Certification of Facility Classification forms are mailed to all county Sheriff Departments, all municipal lockups, and all college/university police departments. Specifically local departments are requested to answer true, false, or not applicable to the following questions:

- Within our facility there are no holding cells.
- Within this facility there are holding cells, but they are not used to detain juveniles or adults for any reason (perhaps they are being used for storage or are empty). Our

agency has either issued a memo that the cells will not be used or has policies and procedures that contain this directive. Please include copy of memo or policy when returning form.

- There is an interview room which we use for victim interviews and/or suspect interrogations.
  - The interview room has no locks on the door and is not used as secure holding for any person our agency takes into custody.
  - The interview room has a lock on the door but no officer can lock it (for example, they don't have keys).
  - The interview room has a lock on the door but the lock is only operational from the inside, therefore, the suspect or victim can lock themselves in but officers cannot lock the room from the outside.
- There are no cuffing rings, cuffing benches or other stationary object that officers use to cuff people to prevent them from leaving the building or room.
- Included in our agency's written policies and procedures are directive that suspects will not be cuffed to a stationary object within the facility. Please include copy of policies and procedures when returning form.

Based on the information submitted, the Compliance Monitor can classify facilities as "Secure" or "Non-Secure".

### ***Item IX of Section 3: Inspection of Facilities***

The Compliance Monitor will verify the facility's initial classification, assess separation levels and collect data to determine compliance with JJDP Act mandates.

1. Initial Classification – each facility will be classified; upon completing of the on-site visit, the Compliance Monitor will verify this classification. For more information concerning classification, refer to Item VIII.
2. Assess Separation Levels – the JJDP Act provides that no juvenile shall be securely detained or confined in any facility in which they could have sight and/or sound contact with incarcerated adults, including adult trustees. Therefore, a juvenile being held in an adult jail or lockup must be separated from sight and sound contact, and have no physical contact, with incarcerated adults, including trustees. To determine separation, the compliance monitor may:
  - a. Request for a facility layout to better document areas where juveniles and adults may be held;
  - b. Ask to be "walked through" a facility as if they were a juvenile offender;
  - c. Request copies of the facility's policies and procedures for handling juveniles and adult offenders.
3. Data Collection and Verification – to ensure compliance with the Core Protections, the Compliance Monitor will need access to records (usually log books) to verify if adequate records are maintained to determine compliance. Items which will be viewed may include but not necessarily be limited to:
  - a. Name or ID
  - b. Date of birth

- c. Offense (most serious)
- d. Date and time IN secure setting
- e. Date and time OUT of secure setting
- f. Time out for court appearance (if applicable)
- g. Time back in for court appearance (if applicable)

***Item X of Section 3: Data Collection and Data Verification***

Data is collected for every facility which has the capability to hold any individual in a secure manner for any length of time. All data is collected and reported over a twelve month period.

Juvenile facilities submit monthly population reports and screening forms. In the instance of non-compliance with any Federal Mandate, the compliance monitor immediately contacts the facility to gather all information and if needed schedules a visit. Once a determination is made as to whether or not the detention is in violation, follow-up correspondence will be sent to the juvenile facility and is kept on file to be included with the annual compliance monitoring report.

WV Code prohibits the detention of a juvenile in any facility designed for use by adults. Therefore, any instance of non-compliance violates state law as well as the federal mandate. With any instance of non-compliance, the compliance monitor will immediately gather relevant information and report this to the WV Supreme Court of Appeals, Administrative Office. The Compliance Monitor receives electronic copies of regional jail logs to ensure compliance. Data for local police departments and other facilities is collected on an annual basis.

As mentioned previously, facilities are scheduled for an on-site monitoring visit annually. One of the main purposes for this visit is to verify the data submitted.

## ***Section 4 – Plan for Compliance with the Disproportionate Minority Contact (DMC) Core Requirement***

### ***Item 1 of Section 4: Identification***

Relative Rate Indexes (RRI's) for calendar year 2008 were calculated state-wide and for the three counties with the highest minority populations. The Office of Juvenile Delinquency and Prevention's (OJJDP) resource, *Easy Access to Juvenile Populations: 1990-2007*, was used for state and county population counts as well as identifying the three counties with the highest minority populations. Population numbers for the Other/Mixed minority group was obtained from American Fact Finder, United States Census. Data sources for the points of contact in the juvenile justice system included the West Virginia Juvenile Justice Database (JJDB) and the West Virginia Division of Juvenile Services (DJS).

The JJDB does not capture ethnicity and therefore cases involving Hispanic/Latino youth are dispersed across race categories in the database. Consequently, RRI calculations were not possible for this minority group. In addition, juvenile arrest data reported annually by the WV State Police does not report on race/ethnicity; therefore, these cases (n=435) are not included in the RRI matrix. Accordingly, calculations underestimate both arrest and diverted cases indexes. See Goal 1 in DMC Reduction Plan FY 2009-2011 for strategies addressing data deficiencies.

For comparison purposes, West Virginia 2003 state-wide RRI's were utilized in the analysis as well as 2005 national RRI averages. Analysis of Berkeley, Kanawha and Raleigh counties will follow state-wide reporting.

#### **A. State-Wide Relative Rate Indexes [Attachment # 2]**

State-wide, minority populations meeting the 1% rule include Black or African American, Hispanic/ Latino, and Other/Mixed. The following is an analysis of RRI's for Black or African American youth, Other/Mixed youth, and for the minority youth population as a whole. As previously noted, RRI calculations for the Hispanic/Latino population was not possible due to insufficient data.

#### **Black or African American Youth**

State-wide RRI's indicate that statistically significant results were obtained at the following points of contact: arrest, referral, diversion, detention, and secure confinement. This means that differences in rates of occurrence between Black or African American youth and white youth are unlikely to have occurred by chance.

The rate of activity at the arrest point of contact for Black or African American youth was close to two and a half times greater when compared to the activity rate for white youth. The arrest RRI of 2.38 for Black or African American youth represents a decrease when compared to data for 2003, during which the rate of activity for Black or African American youth was over four times greater when compared to the arrest rate for white youth. See Figure 1 for comparisons.

At the referral stage, the rate of activity for Black or African American youth was half the rate of activity for white youth. When compared to 2003, the current RRI of .53 represents a decrease when compared to the 2003 RRI of .65. When diverted cases were examined, it was

found that the rate of activity for Black or African American youth was slightly greater than the rate of activity for white youth. This represents an increase from 2003 and is favorable for Black or African American youth whose cases are diverted from further penetration into the juvenile justice system. The RRI of 1.91 at the petitioned (charges filed) stage indicates that Black or African American youth had close to twice the rate of activity at this point of contact as compared to white youth. This represents an increase over the 2003 RRI of 1.25 for this stage in the juvenile justice system.

Additionally, Black or African American youth have more than twice the rate of activity at the detention stage and more than three times the rate of activity at the secure confinement stage as compared to the activity levels for white youth. These results represent an increase from 2003 in which the volume of activity for detention and secure confinement for Black or African American youth approached twofold the rates as compared to rates for white youth. In 2008, there were insufficient numbers of cases to generate an RRI for cases transferred to adult court.

The volume of activity identifies the total number of youth involved at points of contact in the juvenile justice system. This variable is significant when examining RRI's for West Virginia, a state possessing a small minority youth population. Based on 2008 data, it was determined that the greatest volume of activity for Black or African American youth was at the arrest and petitioned (charges filed) stages.

When compared to national data for 2005, Black or African American youth in West Virginia fare better at the referral and diversion points of contact. However, at all other points of contact, West Virginia exceeds the 2005 national RRI averages.

**Figure 1: Comparison of Relative Rate Indexes for Black or African American Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes	2005 National Relative Rate Indexes
Juvenile Arrests	<b>4.26</b>	<b>2.38</b>	2.10
Refer to Juvenile Court	<b>0.65</b>	<b>0.53</b>	1.20
Cases Diverted	<b>0.64</b>	<b>1.22</b>	0.70
Cases Involving Secure Detention	<b>1.60</b>	<b>2.23</b>	1.50
Cases Petitioned (Charges Filed)	<b>1.25</b>	<b>1.91</b>	1.20
Cases Resulting in Delinquent Findings	<b>0.79</b>	0.95	0.90
Cases Resulting in Probation Placement	<b>0.82</b>	0.92	0.90
Cases Resulting in Secure Confinement	<b>1.67</b>	<b>3.30</b>	1.20
Cases Transferred to Adult Court	1.56	**	1.10

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

National RRI's from National Disproportionate Minority Contact Databook

### Other/Mixed Youth

West Virginia youth categorized in the RRI matrix as Other/Mixed consist of youth who identify with two or more races.

State-wide RRI's indicate that statistically significant results were obtained at the following points of contact: arrest, referral, and petitioned (charges filed). This means that rate differences between Other/Mixed youth and white youth are unlikely to have occurred by chance.

The rate of activity at the arrest stage for Other/Mixed youth was twice as high as compared to the rate of activity for white youth. It was not possible to compare 2008 to 2003 indexes at this stage due to insufficient number of cases reported in 2003. At the referral stage, the rate of activity for Other/Mixed youth was one-fourth less than the rate for white youth. This index represents a decrease when compared to the referral rate from 2003. The rate of activity for 2008 at the diversion and detention stages for Other/Mixed youth was close to the rate of activity for white youth. When compared to 2003, the current rate of activity at the diversion stage represents a slight increase and the rate of activity at the detention stage indicates a slight decrease.

At the petitioned point of contact, the rate of activity for Other/Mixed youth was close to one-half times greater than the rate of activity for white youth. This represents approximately a 50% increase over 2003 rates for Other/Mixed youth who were petitioned. The rate of activity for delinquent findings was approximately equal between Other/Mixed youth and white youth. When compared to 2003, this rate of activity represents close to a 50% decrease. There were insufficient cases for calculating 2008 RRI's for the remaining stages including probation, secure confinement, and youth transfers to adult court. In addition, it was not possible to compare 2008 RRI's to 2005 national data due to national data not reporting on this minority group.

In the future, data for this minority group will be aggregated over several years in order to attain adequate representation for calculating RRI's at all points of contact. The volume of activity identifies the number of youth involved at points of contact in the juvenile justice system. This variable is particularly important when examining RRI's for a state such as West Virginia that has a small minority youth population. Based on 2008 data, it was determined that the greatest volume of activity for Other/Mixed youth was at the diversion and cases petitioned points of contacts.

**Figure 2: Comparison of Relative Rate Indexes for Other/Mixed Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes
Juvenile Arrests	**	<b>2.02</b>
Refer to Juvenile Court	<b>1.04</b>	<b>0.75</b>
Cases Diverted	<b>0.98</b>	1.11
Cases Involving Secure Detention	<b>1.38</b>	1.15
Cases Petitioned (Charges Filed)	<b>1.00</b>	<b>1.46</b>
Cases Resulting in Delinquent Findings	<b>1.50</b>	0.99



Cases Resulting in Probation Placement	<b>0.92</b>	**
Cases Resulting in Secure Confinement	<b>0.24</b>	**
Cases Transferred to Adult Court	**	**

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

### Minority Youth

Statewide RRI's indicate that statistically significant results were obtained at the following points of contact: arrest, referral, diversion, detention, petitioned (charges filed) and secure confinement. This means that rate differences between minority youth and white youth are unlikely to have occurred by chance. This group represents all minority youth in West Virginia including groups that did not meet the 1% rule. The rate of activity at the arrest stage for all minority youth is approached 70% greater when compared to the arrest rate for white youth. This rate represents a decrease from 2003 data which indicated a rate of activity close to three times greater for minority youth. See Figure 3 for comparisons.

At the referral stage, the volume of rate of activity for minority youth was over half the rate of activity when compared to white youth. This represents a decrease when compared to the 2003 RRI. At the diversion stage, the rate of activity was slightly greater when compared to the rate of for white youth. The RRI for cases that are diverted represents an increase from the 2003 RRI.

The RRI's for detention and petitioned show an increase over 2003 RRI's. Specifically, minority youth were detained over twice the amount of times as compared to white youth. In addition, minority youth were petitioned close to twice the rate as compared to white youth.

The RRI's for delinquent findings and cases referred for probation are similar to that for white youth. However, at the secure confinement point of contact, minority youth had three times the rate of activity when compared to white youth. There were an insufficient number of cases to calculate a RRI for cases transferred to adult court.

The volume of activity identifies the number of youth involved at points of contact in the juvenile justice system. This variable is particularly important when examining RRI's for a state such as West Virginia that has a small minority youth population. Based on 2008 data, it was determined that the greatest volume of activity for minority groups, as a whole, was at the arrest and petitioned stages.

When compared to 2005 national average RRI's, minority youth in West Virginia fare better at all points of contact with the exception of delinquent findings which was slightly greater when compared to white youth.

**Figure 3: Comparison of Relative Rate Indexes for Minority Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes	2005 National Relative Rate Indexes
Juvenile Arrests	<b>2.68</b>	1.67	1.70
Refer to Juvenile Court	<b>0.81</b>	<b>0.57</b>	1.20
Cases Diverted	<b>0.62</b>	<b>1.19</b>	0.70
Cases Involving Secure Detention	<b>1.63</b>	<b>2.20</b>	1.40
Cases Petitioned (Charges Filed)	<b>1.24</b>	<b>1.79</b>	1.20
Cases Resulting in Delinquent Findings	0.81	0.96	0.90
Cases Resulting in Probation Placement	0.87	0.94	0.90
Cases Resulting in Secure Confinement	<b>1.51</b>	<b>2.99</b>	1.20
Cases Transferred to Adult Court	1.25	**	1.10

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

National RRI's from National Disproportionate Minority Contact Databook

## **B. County Relative Rate Indexes [Attachment #2]**

### **1. Kanawha County Black or African American Youth**

RRI's for Kanawha County indicate statistically significant results were obtained at the arrest, diversion and secure detention points of contact. This means that rate differences between Black or African American youth and white youth are unlikely to have occurred by chance.

At the arrest stage, the rate of activity for Black or African American youth was over two and a half times greater than the rate of activity for white youth. The RRI representing activity rates for cases referred to juvenile court was close to equal between Black or African American youth and white youth. At the diversion stage, the rate of activity for Black or African American youth was close to one-fourth less than the rate of activity for white youth.

The RRI of 1.48 for cases involving secure detention indicates that that the rate of activity for Black or African American youth at this stage was close to one-half times greater as compared to the rate for white youth. The RRI for cases petitioned was close to equal, with rates for Black or African American youth slightly higher than rates for white youth. When examining cases in which there was a delinquent finding, it was found that the rate of activity for Black or African American youth was slightly greater than the rate of activity for white youth. However, the RRI for cases resulting in secure confinement indicates that the rate of activity for Black or African American youth was close to one-fourth less than the rate for white youth.

There were insufficient number of cases at the probation stage and cases transferred to adult court for analysis.

Figure 4 is a comparison of RRI's for years 2003 and 2008 for Kanawha County. It is noted that there were increases in rate of activities for Black or African American youth at all points of contact with the exception of arrest and secure confinement.

**Figure 4: Comparison of Relative Rate Indexes for Black or African American Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes
Juvenile Arrests	<b>5.11</b>	<b>2.61</b>
Refer to Juvenile Court	<b>0.63</b>	1.04
Cases Diverted	0.67	<b>0.72</b>
Cases Involving Secure Detention	1.32	<b>1.48</b>
Cases Petitioned (Charges Filed)	<b>1.15</b>	1.17
Cases Resulting in Delinquent Findings	<b>0.72</b>	1.38
Cases Resulting in Probation Placement	0.82	**
Cases Resulting in Secure Confinement	<b>2.50</b>	0.79
Cases Transferred to Adult Court	**	**

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

### Other/Mixed Youth

With the exception of arrest RRI, there were insufficient numbers of cases to calculate RRI's for the remaining 8 points of contact. The arrest RRI of .79 indicates that the rate of activity for this racial group was less than that for white youth.

### Minority Youth

Statistically significant results were obtained at the following points of contact: arrest, diversion, secure detention, cases petitioned and cases resulting in probation placement. This means that rate differences between minority youth and white youth are unlikely to have occurred by chance.

At the arrest stage, RRI's indicate that the rate of arrest for minority youth was close to 60% greater when compared to the rate of arrest for white youth. The rates of activity for referrals to juvenile court were close to equal between minority and white youth. With regard to diverted cases, it was found that the rate of activity for minority youth at this stage was close to one-fourth less than the rate of activity for white youth. When the rates of cases involving secure detention were examined, it was found that the rate for minority youth was 40% greater than the rate for white youth. Similar results were found for the rates of activity with cases involving petitions and cases resulting in delinquent findings indicating that minority youth rates of activity were slightly higher when compared to white youth rates of activity. The rates of activity for cases resulting in probation for minority youth were slightly less than the rate of

activity for white youth. The rate of secure confinement for minority youth was close to one-fourth less than the rate for white youth. There were insufficient cases to calculate a RRI for cases transferred to adult court.

Figure 5 is a comparison of RRI's for years 2003 and 2008 for Kanawha County. It is noted that there were increases in rate of activities for minority youth at all points of contact with the exception of arrest and secure confinement.

**Figure 5: Comparison of Relative Rate Indexes for Minority Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes
Juvenile Arrests	<b>3.80</b>	<b>1.59</b>
Refer to Juvenile Court	<b>0.77</b>	0.99
Cases Diverted	0.58	<b>0.71</b>
Cases Involving Secure Detention	1.38	<b>1.40</b>
Cases Petitioned (Charges Filed)	<b>1.16</b>	<b>1.24</b>
Cases Resulting in Delinquent Findings	0.89	1.37
Cases Resulting in Probation Placement	0.80	<b>0.93</b>
Cases Resulting in Secure Confinement	1.56	0.78
Cases Transferred to Adult Court	**	**

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

## **2. Berkeley County**

Due to insufficient number of cases reported the only calculation possible was for the arrest stage for Black or African American Youth. The RRI of 1.66 indicated that the rate of arrest for this minority group was over 60% greater than the rate of activity for white youth.

## **3. Raleigh County**

### **Black or African American Youth**

Statistically significant results were obtained at the arrest and referral to juvenile court stages. This means that rate differences between minority youth and white youth are unlikely to have occurred by chance.

At the arrest stage, the rate of activity for Black or African American youth was nearly four times the rate of activity as compared to white youth. However, the rate of referral to juvenile court for this population was approximately one-half the rate when compared to white youth. When cases resulting in delinquent findings were examined it was found that the rate of activity for Black or African American youth was 45 % greater when compared to the rate of activity for white youth. There were insufficient numbers of cases for the remaining stages to complete an analysis.

Figure 6 is a comparison of 2003 and 2008 RRI's. There is a noted decrease with the arrest rate of activity and a slight increase with referrals to juvenile court and the rate for cases found delinquent for Black or African American youth.

**Figure 6: Comparison of Relative Rate Indexes for Black or African American Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes
Juvenile Arrests	<b>6.06</b>	<b>3.75</b>
Refer to Juvenile Court	<b>0.44</b>	<b>0.55</b>
Cases Diverted	**	**
Cases Involving Secure Detention	**	**
Cases Petitioned (Charges Filed)	<b>1.22</b>	**
Cases Resulting in Delinquent Findings	1.10	1.45
Cases Resulting in Probation Placement	**	**
Cases Resulting in Secure Confinement	**	**
Cases Transferred to Adult Court	**	**

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

### Minority Youth

Statistically significant results were obtained at the arrest, referral to juvenile court, cases involving secure detention and cases petitioned. This means that rate differences between minority youth and white youth are unlikely to have occurred by chance.

At the arrest stage, the rate of minority youth contact was over twice the rate of white youth. The rate of activity for minority youth referred to juvenile court was 40% less than the rate for white youth. Rates of activity at the diversion stage were close to equal, with minority youth having a slightly greater rate of activity. Rates of activity at the secure detention stage indicated that minority youth approached twice the rate of activity for white youth. The rates of activity for cases petitioned (charges filed) and cases resulting in delinquent findings indicated that the rates for minority youth were close to 40% greater than the rate for white youth. There were insufficient numbers of cases at the remaining points of contact to generate RRI's.

**Figure 7: Comparison of Relative Rate Indexes for Minority Youth**

Data Items	WV 2003 Relative Rate Indexes	WV 2008 Relative Rate Indexes
Juvenile Arrests	<b>4.96</b>	<b>2.09</b>
Refer to Juvenile Court	<b>0.50</b>	<b>0.60</b>
Cases Diverted	**	1.07
Cases Involving Secure Detention	**	<b>1.86</b>
Cases Petitioned (Charges Filed)	<b>1.21</b>	<b>1.44</b>
Cases Resulting in Delinquent Findings	0.98	1.40
Cases Resulting in Probation Placement	**	**
Cases Resulting in Secure Confinement	**	**
Cases Transferred to Adult Court	**	**

Data in bold is statistically significant at the .05 level.

\*\* Insufficient number of cases for analysis.

### **C. Summary**

Both county and state-wide data indicate that the arrest rates for all minority youth have decreased since 2003. In addition, the number of cases that are diverted from the court system for minority youth have increased state-wide as well as in the three counties that were examined. These trends prove positive for minority youth. However, the rates of activity at most other stages in the juvenile system have increased for all minority youth and in some cases exceed national RRI averages.

### ***Item II of Section 4: Assessment/Diagnosis***

In 2004, the "Final Report on Racial Disparity and the Juvenile Justice Process": A Multi-Stage Analysis for the State of West Virginia was submitted to the Supreme Court of Appeals of West Virginia's Task Force to Study Perceived Racial Disparity in the Juvenile Justice System. This study examined information contained in official juvenile records to determine the extent to which race influences outcomes at various stages of the juvenile justice system. It was found that disparity existed at multiple decision points in the juvenile justice system even after the effects of other relevant factors were controlled. The study concluded that minority overrepresentation is due to substantial differences in the processing of minority and majority youths in West Virginia's juvenile justice system.

In addition, the study measured the extent to which juvenile court stakeholders perceive the presence of racial disparity in juvenile justice decision-making. It found that levels of perceived racial disparity varied by type of stakeholder (community member, probation officer, parent, judge, public defender, and prosecuting attorney); education level; race; and region or county of employment. Mean levels for the perception of racial disparity were significantly higher for public defenders, those with doctorate degrees, and nonwhite stakeholders. For

complete details and study recommendations see Section 4 Attachment – Report on Racial Disparity. Details for a new state-wide assessment are included in the 2009-2011 DMC Plan.

In 2007, the “Interim Report of the Task Force to Study Perceived Racial Disparity in the Juvenile Justice System,” was submitted to the Justices of the Supreme Court of Appeals of West Virginia. This report overviewed initiatives taken by various stakeholders to address DMC, summarized research projects identifying the prevalence of DMC in the juvenile justice system, and detailed recommendations for reducing DMC in the state. See Section 4 Attachment - Interim Report for the full report.

### ***Item III of Section 4: Intervention***

#### **A. Progress Made in FY 2008**

- A sub-grant was awarded to the Supreme Court of Appeals of West Virginia for hiring a full-time DMC Coordinator effective July 2008.
- A technical assistance request was completed and the DMC Coordinator attended an intensive two-day OJJDP training in January 2009.
- Three members of the DMC Work Group attended OJJDP’s National Training provided by the State Relations and Assistance Division, August 2008 in Nashville, TN.
- The DMC Coordinator gathered data for calculating RRI’s in OJJDP’s Web-Based Entry System. Strategies for addressing data deficiencies have been identified.
- The DMC Coordinator implemented the DMC Reduction Model.
- The DMC Coordinator completed a literature review.
- The DMC Coordinator graduated from the Diversity Leadership Academy of WV. This program, sponsored by the American Institute for Managing Diversity, enabled the Coordinator to develop skills for managing diversity in the workplace as well as teaching stakeholders’ strategies for diversity management.
- The 2007 “Interim Report of the Task Force to Study Perceived Racial Disparity in the Juvenile Justice System” was presented to the Justices of the Supreme Court of Appeals of West Virginia.

#### **B. DMC Reduction Plan for FY 2009 - 2011**

##### **Goal Number 1: Improve Data Collection and Analysis**

**Outcome Measure:** Data entered into OJJDP’s Web-Based Entry System will accurately reflect the rates of activity for youth (ages 10-17) at each point of contact in the Juvenile Justice System according to race and ethnicity. Race and ethnicity categories will be captured according to OJJDP standards including White, Black or African American, Hispanic or Latino, Asian, Native Hawaiian or Other Pacific Islanders, American Indian or Alaska Native or Other/Mixed.

**Objective Number 1:** The Juvenile Justice Database will contain reliable data representing rates of activity for youth at the nine points of contact in the WV Juvenile Justice System.

**Activities to meet Objective:**

1. DMC Coordinator will meet with the Juvenile Justice Database (JJDB) Committee and recommend changing data fields capturing race and ethnicity.

**Timeline:** July 2009

2. DMC Coordinator will work with the JJDB Committee to update the JJDB Reference Manual reflecting changes in race and ethnicity fields.

**Timeline:** August 2009

3. DMC Coordinator will collaborate with the Director of the Division of Probation Services (WVSPCA) on developing training for Probation Officers explaining changes in database fields; clarifying/explaining all fields; and use of the Reference Manual.

**Timeline:** September 2009

4. Provide training on the JJDB at the Probation Officer's Annual Conference.

**Timeline:** November 2009

**Objective Number 2:** Data collected by the WV State Police will capture demographic information necessary for valid representation of youth who are diverted from the legal system.

**Activities to meet Objective:**

1. DMC Coordinator will collaborate with WV State Police on collecting data (including race and ethnicity) on juveniles who come in contact with law enforcement and who are diverted from the system.

**Timeline:** August 2009

**Objective Number 3:** Reliable data will be used for calculating RRI's statewide and for the three counties with the highest youth minority populations.

**Activities to meet Objective:**

1. DMC Coordinator will query the JJDB to extract information for calculating RRI's.

**Timeline:** January 2010 and January 2011

2. DMC Coordinator will request data from WV State Police on juveniles who came in contact with law enforcement but who were diverted from the system (according to race/ethnicity state-wide and counties with the greatest minority populations).

**Timeline:** January 2010 and January 2011

3. DMC Coordinator will request data from DJS regarding the number of youth held in secure detention and secure confinement (according to race/ethnicity state-wide and counties with the greatest minority populations).

**Timeline:** January 2010 and January 2011



4. DMC Coordinator will enter data into OJJDP's Web-Based Entry System to calculate relative rate indexes (RRI's).

**Timeline:** January 2010 and January 2011

**Objective Number 4:** Court personnel, State Advisory Group (SAG), DMC Work Group, and community stakeholders will be informed and updated about DMC trends and progress toward state-wide goals.

**Activities to meet Objective:**

1. DMC Coordinator will write a DMC Plan Update reporting on RRI's, noting changes in indexes, and assessing progress toward meeting goals and objectives.

**Timeline:** February 2010 and February 2011

2. DMC Coordinator will present DMC Plan Update to the SAG, the DMC Work Group, and other stakeholders.

**Timeline:** March 2010 and March 2011

3. DMC Coordinator will request that the DMC Plan Update be posted on the Supreme Court of Appeal's website.

**Timeline:** March 2010 and March 2011

**Goal Number 2: Conduct a state-wide assessment examining mechanisms contributing to DMC that leads to identification of appropriate strategies and interventions aimed at reducing DMC.**

**Outcome Measure:** A state-wide assessment will be initiated during the 2009-2011 three-year plan time period.

**Objective Number 1:** Identify resources for implementing a state-wide assessment.

**Activities to meet Objective:**

1. Collaborate with Division of Criminal Justice Services, SAG, and DMC Work Group on securing funds to conduct a state-wide assessment.

**Timeline:** March – April 2010

2. Present SAG and DMC Work Group priorities for state-wide priorities for state-wide assessment based on results of updated RRI's and identified trends.

**Timeline:** April 2010

3. Solicit Request for Proposals.

**Timeline:** May 2010

4. Review proposals with SAG and DMC Work Group; award proposals; and initiate state-wide assessment.

**Timeline:** June – July 2010

**Goal Number 3: Increase public awareness of DMC.**

**Outcome Measure:** Provide training to relevant groups and/or organizations explaining OJJDP requirements, national and state DMC trends, mechanisms contributing to DMC, and best practices for reducing DMC.

**Objective Number 1:** Court personnel will receive training at annual statewide conferences.

**Activities to meet Objective:**

- |  |                                      |
|--|--------------------------------------|
| 1. Develop training/education program.   | <b>Timeline:</b> July 2009           |
| 2. Coordinate training schedule with The Supreme Court of Appeal's Director of the Division of Judicial Education. | <b>Timeline:</b> August 2009         |
| 3. Establish training schedule.  | <b>Timeline:</b> September 2009-2010 |

**Objective Number 2:** Law enforcement will receive training at regional workshops.

**Activities to meet Objective:**

- |   |                                      |
|---|--------------------------------------|
| 1. Develop training/education program.  | <b>Timeline:</b> July 2009           |
| 2. Present training proposal to Law Enforcement Training Committee and seek approval to provide regional training sessions. | <b>Timeline:</b> August 2009         |
| 3. Establish training schedule.   | <b>Timeline:</b> September 2009-2010 |

**Objective Number 3:** Prosecutors and defense attorneys will receive training at regional and local conferences.

**Activities to meet Objective:**

- |   |                                    |
|---|------------------------------------|
| 1. Develop training program.  | <b>Timeline:</b> July 2009         |
| 2. Request meetings with Executive Director of Prosecuting Attorney's Institute and the Executive Director of Public Defenders Services Office to seek approval for training. | <b>Timeline:</b> September 2009    |
| 3. Establish training schedule.   | <b>Timeline:</b> October 2009-2010 |

**Objective Number 4:** Community forums will be scheduled with targeted audiences, i.e., faith-based organizations, professional conferences, service clubs, social service agencies, and other relevant groups/organizations.

**Activities to meet Objective:**

- |   |                               |
|---|-------------------------------|
| 1. DMC Coordinator will collaborate with DMC Work Group on developing Power Point presentation and talking points for community forums. | <b>Timeline:</b> October 2009 |
| 2. Identify targeted agencies/organizations.  | <b>Timeline:</b> October 2009 |
| 3. Market availability of training to identified  | <b>Timeline:</b> October 2009 |

agencies/organizations.

4. Market availability of presentation to identified agencies/organizations.

**Timeline:** November 2009

5. Submit requests to present at appropriate conferences.

**Timeline:** December-  
January 2009

**Goal Number 4: Based on results of state-wide assessment identify evidenced-based practices/programs for implementation in counties where DMC exists. These interventions will target points of contact where there is the greatest amount of activity.**

**Outcome Measure:** Evidence-based practices/programs will be implemented in counties where DMC exists.

**Objective Number 1:** Appropriate programs will be identified.

**Activities to meet Objective:**

1. DMC Coordinator will research best practices and evidence-based programs that address needs of WV.

**Timeline:** March – April  
2011

2. Will summarize research findings to the DMC Work Group and seek decision for implementation.

**Timeline:** May 2011

3. DMC Coordinator will work with service providers on program development and grant seeking.

**Timeline:** June 2011

**Goal Number 5: Youth and their families will understand their rights and responsibilities as related to the Juvenile Justice System in WV.**

**Outcome Measure:** Youth and their families will understand their rights and responsibilities as related to the Juvenile Justice System in WV.

**Objective Number 1:** Develop a handbook for families and juveniles explaining the JJ System and their rights and responsibilities.

**Activities to meet Objective:**

1. DMC Coordinator will research handbooks from other states.

**Timeline:** February 2011

2. DMC Coordinator will compile handbook specific to WV's Juvenile Justice System.

**Timeline:** March 2011

3. Seek approval from DCJS and Supreme Court of Appeals to publish and distribute.

**Timeline:** April 2011

4. Develop a protocol for court personnel in distributing

**Timeline:** May 2011

handbooks to youth and families.

**Goal Number 6: Court personnel and law enforcement will be cognizant regarding diversity and cultural issues specific to West Virginia and will be well-versed in appropriate strategies for intervening with diverse youth.**

**Outcome Measure:** Court personnel and law enforcement will be trained on cultural diversity and implicit bias.

**Objective Number 1:** Develop training program.

**Activities to meet Objective:**

- |   |                                |
|---|--------------------------------|
| 1. DMC Coordinator will collaborate with Supreme Court of Appeals' Special Project Counsel on researching and developing training curriculum. | <b>Timeline:</b> January 2011  |
| 2. Seek approval to provide training from Supreme Court's Director of Judicial Education.   | <b>Timeline:</b> February 2011 |
| 3. Schedule training sessions for court personnel.  | <b>Timeline:</b> March 2011    |
| 4. Seek approval to provide training from Law Enforcement Training Committee.   | <b>Timeline:</b> February 2011 |
| 5. Schedule training sessions for law enforcement.  | <b>Timeline:</b> March 2011    |

***Item IV of Section 4: Evaluation***

**Not applicable. No formal process or outcome evaluation has been conducted.**

***Item V of Section 4: Monitoring***

The full-time DMC Coordinator will be responsible for updating RRI's annually and report changes in the DMC Plan Update. The DMC Plan Update will also document progress toward goals and report any adjustments regarding intervention strategies. The DMC Coordinator will continue to adhere to OJJDP's DMC Reduction Model.



## ***Section 5 – Coordination of Child Abuse and Neglect and Delinquency Programs***

Source: (Source: *2006 National Child Maltreatment Statistics and Child Welfare Information Gateway*)

Efforts to prevent child abuse and neglect in West Virginia include a wide range of activities with the goal of helping families receive the necessary support and education. In order for these efforts to be effective, prevention efforts require an understanding of the types and causes of maltreatment and fatalities. Prevention and intervention activities must address the risk factors for maltreatment, and strengthen families and communities to create healthier environments for raising children. Prevention promotes the actions, thoughts and interactions that lead to family well-being and the healthy, optimal development of children.

One of the greatest tragedies is the death of a child from abuse or neglect. Unfortunately, children under the age of 4 happen to be the most frequent victims of child abuse and neglect fatalities. In fact, children under one year old account for 44.2% of those fatalities. Of these, 41.1% of child maltreatment fatalities were associated with neglect alone. Although such deaths are relatively infrequent, based on estimated numbers, the numbers continue to rise.

In 2006, local and state Child Protective Service (CPS) accepted an estimated 3.5 million children as alleged victims of child maltreatment for investigation or assessment. This translates to a rate of 47.8 per 1,000 children in the U.S. population. Between 2002 to 2006 the rate of children who were subjects of a CPS investigation increased by 9.1 percent. Teachers, law enforcement officers, social service workers and physicians make the majority of the reports. Just fewer than 1 million children (an estimated 905,000) were substantiated as victims of child maltreatment. The term "substantiated" means that an allegation of maltreatment was confirmed according to the level of evidence required by the State law or State policy. Over 64% of the substantiated cases were victims of neglect.

Since 2003, Partners in Prevention community teams have been working to strengthen families and keep children safe. Together, the teams provide services and training to about 10,000 children, parents, staff, volunteers and concerned citizens each year. The community teams participate in educational workshops and receive mini-grants for local projects. The goals of the team are: raising awareness about the prevention of child abuse and neglect, developing and expanding effective services that prevent or reduce child maltreatment, and informing policymakers about best practices in the prevention of child abuse and neglect.

In 2006, twenty-five participating partners in Prevention Community Teams produced the following results:

- More than 20,000 children, parents, staff, and concerned citizens received face-to-face services and/or training.
- More than 59,000 copies of educational materials were distributed to parents, professionals, and the public.
- More than 900 media spots were aired to bring awareness to the public about their work.

Partners in Prevention is sponsored by Prevent Child Abuse West Virginia, with funding from the Claude Worthington Benedum Foundation, West Virginia Children's Trust Fund, WVDHHR, and U.S. Department of Health and Human Services.

The Bureau for Children and Families is responsible for the operation of a number of programs that affect families and children. The Mountain State Family Alliance is working to establish a comprehensive and integrated system of care where children and families choose and receive timely services within their communities that are strength-based and culturally sensitive. The Alliance is a collaborative partnership between families, the Department of Education, Division of Juvenile Services, the Department of Health and Human Resources, and local providers in DHHR Region II (southwestern West Virginia). The West Virginia Judicial Benchbook was produced by the West Virginia Court Improvement Oversight Board and the West Virginia Supreme Court of Appeals to provide guidance to judges in cases involving child abuse and neglect.

West Virginia has the benefit of being both small geographically and low populated which makes the coordination of varying social service agencies easier and more productive than the efforts of larger more populated states.

Also, as mentioned above, DHHR Region II, along with the Mountain State Family Alliance, is working to improve the system of care of children and families. That includes improving the level of communication on behalf of the children, among the ranks of the juvenile justice system. The Alliance has made the sharing of information easier and more accessible.

Although the Division of Juvenile Services does not request information from DHHR about juveniles who are placed in our custody by policy, they do request relevant information regarding psychological findings, education level and achievements, medical data, and other records that we need in order to complete our intake process. We have authority to obtain such information through WV Code §49-5-13:

*The court shall provide the Division of Juvenile Services with access to all relevant court orders and records involving the juvenile's underlying offenses for which the juvenile was adjudicated delinquent, including sentencing and pre-sentencing reports and provide the Division with access to school records, psychological reports and evaluations, medical reports and evaluations, and any other such records as may be in the court's possession that would enable DJS to better assess and determine the appropriate counseling, education, and placement needs for the offender.*

## ***Section 6 – Collecting and Sharing Juvenile Justice Information***

West Virginia is primarily comprised of rural areas located between moderately sized urban centers. There are limited services and resources for juvenile services and information sharing. This is due, in part, to a small revenue base and a need for improved information technology infrastructures. These issues contribute greatly to West Virginia's inability to provide adequate services for prevention programs, early intervention and diversion programs, and interagency data sharing. Collaborative justice systems efforts exist between local governments and state agencies in a very irregular manner, due in part to the complicated systems of legal and financial responsibility for juvenile justice services. Part of the responsibility also rests with local government such as county detention and municipal police departments. West Virginia also utilizes a variety of information systems that are specific to individual agency needs. These systems often do not connect to one another and are not capable of sharing information. West Virginia has resource problems and difficulties in collaboration in most areas of the state. Additional training, technical and financial assistance is needed to assist in developing and implementing a strategic approach to juvenile justice systems. In addition the use of modern information sharing technology and evidence-based practices to improve standardized networks capable of collecting and sharing information on a state wide level is required.

Currently juvenile justice information and data in West Virginia is derived from four computerized information systems that provide data on juvenile arrest, detention, corrections, and probation. The West Virginia Incident Based Reporting System (WVIBRS) provides detailed information on incidents and arrests involving juvenile perpetrators and victims. The Juvenile Detention Database incorporates Facility Review Panel versus Coe state standards monitoring information, detention intake needs assessment and detention release needs assessment for each juvenile that is detained prior to case disposition. The detention database also provides information about the juveniles admitted to the state's five juvenile detention facilities on a monthly basis. The Juvenile Corrections Database houses information about juveniles committed to, transferred from, and released from the state's two juvenile corrections facilities on a monthly basis. 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. Each information system is capable of compiling general and specific demographics associated with the juvenile justice system, but all information is self contained within each agencies individual system. Compiling of data must be conducted manually.



## ***Section 7 –Program Descriptions***

### ***Planning and Administration***

#### Formula Grant Program Area

23 – Planning and Administration. Activities related to state plan development, other pre-award activities, and administration of the Formula Grant Program, including evaluation, monitoring, and one full-time staff position pursuant to Section 222 (c) of the JJDP Act and the OJJDP Formula Grant Regulation.

#### Problem Statement

As stated above, Section 222 (c) of the JJDP Act allows for States to utilize Formula Grant funds for activities related to state plan development, other pre-award activities, and administration of the Formula Grants Program, including evaluation, monitoring, and one-full-time staff position. West Virginia will utilize Formula Grant funds for this purpose because sufficient local funds are not available to accomplish all necessary tasks.

#### Program Goal

Grant Program and State Matching funds will be utilized to assist with the planning and administration of the Formula Grant Program.

#### Objectives

1. Employee one full-time staff position dedicated to planning and administration of the Formula Grant program.
2. Staff at a minimum 4 SAG committee and subcommittee meetings per year.
3. Conduct on-site monitoring visits to all programs funded with Formula Grant funds on a yearly basis beginning July 1.
4. Conduct at a minimum 2 technical assistance trainings.
5. Annually update the three-year comprehensive plan.

#### Activities and Services Planned

- Employee one full-time staff position dedicated to planning and administration of the Formula Grant Program.
- Plan for 4 quarterly full-SAG meetings.
- Beginning July 1, develop an on-site monitoring visit schedule for all programs funded by the Formula Grant program.
- Conduct technical assistance training at the beginning or each calendar year for all those interested in applying for Formula Grant funds.
- Once subgrants are awarded, conduct technical assistance training to those awardees.
- Other program requirements.

#### JJDP Identified Performance Measures that will be collected:

- Formula Grant Funds Awarded for Planning and Administration
- Number of Full-Time Equivalents funded with Formula Grant funds
- Number of SAG committee and subcommittee meetings staffed
- Number of planning activities conducted
- Number of subgrants awarded

- Number of subgrant technical assistance events
- Number of Request for Proposals (RFPs) developed that support programming identified in the Plan
- Number and percent of program monitored
- Number and percent of programs funded directly in line with the 3-year plan
- Average time from receipt of subgrant application to date of award
- Number of Formula Grant funded program sustained after 3 years

Budget Information for utilization of FY 2009 Formula Grant Funds

The information listed below outlines how much FY 2009 funds will be used during the appropriated State Fiscal year. Awards have already been made for State Fiscal Year 2009, so this chart reflects those awards anticipated during State Fiscal Year 2010.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$60,000	\$60,000	\$120,000
2011			

## ***Community-Based Delinquency Prevention for At-Risk Youth***

### Formula Grant Program Area

9 – Delinquency Prevention. Programs, research, or other initiatives to prevent or reduce the incidence of delinquent acts. It is directed to youth at risk of becoming delinquent to prevent them from entering the juvenile justice system or to intervene with first-time and nonserious offenders to keep them out of the juvenile justice system. This program area excludes program targeted at youth already adjudicated, on probation, in corrections, and those program designed specifically to prevent gang-related or substance abuse activities undertaken as part of program areas 12 and 32.

### Problem Statement

Many youth in WV are at-risk for becoming delinquent for a variety of reasons including: the lack of appropriate role models, the rise in family violence, the increase in child physical and sexual abuse and neglect cases, the high number of school dropouts and the 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 Goals

To establish community-based programs that:

- Enhance interagency coordination and collaboration to meet the needs of youth.
- Assist youth and their families in developing an environment that supports positive behaviors and discourages negative behaviors.

### Objective 1

To reduce the number of status offenders and delinquent youth entering the juvenile justice system.

### Performance Indicators

- Number of status offenders and delinquent offenders entering the juvenile justice system.
- Number of status offenses and delinquency cases processed through the juvenile justice system.

### Objective 2

To develop local partnerships to plan and implement programs to reduce risk factors and strengthen resiliency.

### Performance Indicators

- Number of identifiable interagency groups in place at the local or regional level.

### Objective 3

To expand community-based programs and resources that reduces risk factors and strengthens resiliency and leadership skills for at-risk youth.

### Performance Indicators

- Number of programs designed and implemented.
- Number of youth and families served.

### Summary of Activities and Services

Subgrant 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. Funding consideration will be given to projects that address these priorities

- Interagency coordination of services for meeting the needs of targeted at-risk population.
- Alternative to school settings for youth who exhibit behavior problems to prevent those youth from dropping out of school.
- Opportunities for children and youth to build their self-esteem.
- Activities that reduce peer pressure.
- Projects that encourage parent involvement by establishing a parental component as a part of the programming efforts.
- Crisis intervention services for youth who are exposed to domestic violence.
- Youth advocacy services or court-appointed advocates for youth involved in the court system.
- Direct services to victims of child sexual and physical abuse and neglect, and activities for prevention/awareness of child abuse.
- School safety programs, such as conflict resolution, peer mediation and gun/weapon control, which will decrease the incidence of school violence.
- Assessment of interagency cooperation and responsiveness of state services to this youth population.
- Assessment of the individual progress of the youth participating in the program through pretests and post tests.
- Written assessment by youth and parents regarding program satisfaction or weaknesses.
- Documented support of the program from state agencies, probation officers, circuit judges, law enforcement and school personnel.

A final report summarizing all activities, achievements and problems.

### JJDP Identified Performance Measures that will be collected:

- Number and Percent of Program Youth exhibiting desired change in targeted behaviors:
  - Substance use
  - School attendance
  - Antisocial behavior
  - Family relationships
  - Pregnancies
- Number and percent of youth completing program requirements
- Number and percent of program families satisfied with program
- Number and percent of program youth satisfied with program
- Number and percent of program staff with increased knowledge of program area
- Formula Grant funds awarded for services
- Number of program slots available
- Use of best practice model (Y/N)
- Number of program youth served
- Average length of stay in program

Budget Information for utilization of FY 2009 Formula Grant Funds

The information listed below outlines how much FY 2009 funds will be used during the appropriated State Fiscal year. Awards have already been made for State Fiscal Year 2009, so this chart reflects those awards anticipated during State Fiscal Year 2010.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$175,000		\$175,000
2011			

## ***Prevention Resource Officer (School Programs)***

### Formula Grant Program Area

27 – School Programs. Education program and/or related services to prevent truancy, suspension, and expulsion. School safety program may include support for school resource officers and law related education.

### Problem Statement

Incidents of school shootings such as those that occurred in Kentucky, Oregon, Pennsylvania, Mississippi, Arkansas, 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 a number of 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 1999 and again in 2001, students reporting they have been involved in a physical altercation on school property appears to have decreased during this time; 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. In 2001, a larger proportion of students than in 1999 reported missing school for fear of their personal safety. Trends demonstrated through West Virginia students' own reporting of their experiences and perceptions demonstrate the need for programs that foster an environment conducive to learning through prevention, mentoring, and safety. The Prevention Resource Officer (PRO) program is one of these programs.

### Program Description

The PRO Program is a cooperative effort between schools and law enforcement to: improve student's attitudes and knowledge of criminal justice and law enforcement; to prevent kids from committing crimes; to mentor youth with law enforcement officers; to provide a safer school environment; and to combine safety and child advocacy assuring a better school experience for all WV youth.

The PRO program has three main components prevention, mentoring, and safety. Prevention: the officers facilitate classes on non-traditional educational topics. Mentoring: officers are trained on how to be a positive mentor to students they interact with daily; and Safety: officers are trained to recognize potential danger, prevent violence, and to respond to a dangerous school situation.

The PRO program places certified WV Police Officers who are also certified Prevention Resource Officers in local middle and high schools. The officers maintain an office in the school, are in that one school 35-40 hours per week, attend extra curricular activities, facilitate classes on non-traditional educational topics; such as juvenile law, domestic violence, underage drinking, drug and alcohol prevention, and child abuse and neglect. They work on safety issues, prevention, and learning more about youth and interaction with them.

### Program Goal

- To provide funding localities to implement the PRO (Prevention Resource Officer) program. These officers will adhere to community policing principles, provide education

to all areas of juvenile law, act as a deterrent to crime and be a positive role model and mentor for the youth in that community and school.

#### Objectives

- To educate students on juvenile crime and juvenile issues by providing instruction on nontraditional educational topics.
- To provide advice to students who are at risk of becoming involved in juvenile crime.
- To inform students of problems which lead to truancy, poor grades, drug abuse and crime.
- To increase awareness of the problems and consequences involved in high-risk behavior.
- To act as a deterrent to juvenile crime in the school and in the community.
- To 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.
- Increase awareness of the dangers of underage drinking through the Fatal Vision Program.

#### Performance Indicators

- Reduction of incidences of criminal and status offenses by students on school property.
- Increase of students' knowledge of the consequences of their choices through non-traditional educational topics.
- Improve of student and faculty perceptions of school safety.
- Improve of student perceptions that police officers are positive role models.
- Increase in school attendance.
- Increase in student acceptance and value of the program (determined by student surveys).
- Decrease Driving under the Influence (DUI) arrest of juveniles in the community.

#### Summary of Activities & Services

To maintain the existing PRO officer programs and fund additional Prevention Resource Officers throughout the state as funds become available. These programs will be required to follow the following established PRO Guidelines:

#### Program Guidelines

- PRO must be a current, state certified police officer and be employed by a law enforcement agency, the county or the city.
- PRO must complete required DCJS training and be certified as a PRO before entering the school.
- PRO must adhere to all established PRO guidelines.
- DCJS requires grantee to employ one, full-time PRO officer per school.
- PRO will be stationed in a middle or high School. The program is not designed to meet the needs of elementary age students. However, it is encouraged for the officer to occasionally visit the elementary school and establish communication with the teachers, administrators and students.
- PRO must maintain an office in the assigned school and be present in that school at least 35 hours per week.
- PRO must be available to facilitate non-traditional educational classes as requested.

- Grantee must submit to DCJS before the start of school or before the officer enters the school which ever is first, an Agreement between Law Enforcement and the County Board of Education.
- PRO must be aware of and adhere to all school policies and school laws.
- PRO must follow School Smoking Policy. If policy requires legal action at a certain point that is the point the PRO becomes involved. They are not to be involved at any discipline stage not requiring legal action with the exception of counseling or education.
- PRO will respond to any criminal activity in the school. After the immediate response the officer is then encouraged to contact his department for further action.
- PRO must maintain a resource list containing the names and numbers of services available to youth, the school, and community.
- PRO will directly report to the principal of the school the PRO is stationed in, as well as their law enforcement supervisor.
- PRO must submit classroom topics to the county school board, school principal, and classroom teacher for approval.
- PRO must attend and present the PRO program at the first Faculty/Senate Meeting prior to the first day of school and must attend Faculty/Senate Meetings on a regular basis.
- PRO must be familiar with and adhere to confidentiality requirements.
- PRO must maintain and update annually a copy of the blueprints to the school they are stationed in. These current blueprints must be in a secure area in the office of the PRO as well as on file with the head of the law enforcement department which employees the PRO.
- PRO must have a copy, be familiar with, and participate in the execution of the school crisis plan. This plan must be updated annually and kept in a secure area in the office of the PRO, as well as on file with the head of the law enforcement department that employs the PRO.
- PRO must maintain a written evacuation plan. This plan must be updated annually and kept in a secure area in the office of the PRO as well as on file with the head of the law enforcement department which employees the PRO.
- PRO must follow the Law Enforcement Code of Conduct as well as the Teacher's Code of Conduct at all times.
- PRO must maintain individual and/or group files representing every student reported on the monthly demographic report. These files must be kept in a locked and secure manner in order to protect the confidentiality of all juveniles involved in this program.
- PRO must maintain facilitation resources, materials, and lesson plans for chosen core curriculum.
- PRO must maintain annually required baseline data that will be submitted to DCJS.
- PRO must in cooperation with the Planning and Evaluation team maintain a copy of the evaluation plan for the program and update it annually.
- Grantee must include at least one parent and at least one student on the Planning and Evaluation Team, Policy Board, or Task Team.
- PRO must complete or have completed required Conflict Resolution training within 12 months from PRO certification.
- PRO must have at least one-year field experience as a police officer.
- PRO must be a child advocate, must enjoy working with youth and be willing to do so, but can be trained and use the other approved curriculums also.

JJDP Identified Performance Measures that will be collected:



- Number and percent of program youth who offend or re-offend
- Number and percent of program youth suspended from school
- Number and percent of program youth exhibiting desired change in targeted behaviors
  - Substance use
  - School attendance
  - GPA
  - Social competencies
- Number and percent of program youth completing program requirements
- Percent in change in school-related discipline incidents
- Formula Grant funds awarded for services
- Number and percent of program staff trained
- Number of hours of program staff training provided
- Number of program youth served

Budget Information for utilization of FY 2009 Formula Grant Funds

The information listed below outlines how much FY 2009 funds will be used during the appropriated State Fiscal year. Awards have already been made for State Fiscal Year 2009, so this chart reflects those awards anticipated during State Fiscal Year 2010.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$180,000		\$180,000
2011			

## ***Restitution / Community Service & Diversion***

### **Formula Grant Program Area**

11 – Diversion. Programs to divert juveniles from entering the juvenile justice system.

25 – Restitution / Community Service. Program to hold juveniles accountable for their offenses by requiring community service or repayment to the victims.

### **Problem Statement**

WV seeks to provide additional resources for pretrial services and restitution / community service and diversion programs. Juvenile crime factors have become more complex, but appropriate development of resources has not kept pace with need. The court system is struggling to provide juveniles with alternative dispositions and sentences that will result in rehabilitation and reduce recidivism.

Restitution and structured diversion of juvenile offenders is an exercise of discretionary authority to substitute an informal disposition prior to a formal hearing on an alleged violation. Diversion permits the greatest flexibility in selecting the most suitable disposition for misdemeanants and first time offenders. The selection of a community service alternative or restitution in place of formal adjudications bypasses the often stigmatizing labeling process, allows the juvenile to become involved in programs without obtaining an official court record, and offers juveniles an opportunity to rehabilitate.

Providing grant resources for pretrial services and restitution and diversion programs will enable the court to combat crime more effectively by providing a wider variety of sentencing alternatives. This program will also enable more communities to begin developing the first phases of graduated sanctions.

### **Program Goal**

- To establish community-based programs which will hold the juvenile offender accountable while offering rehabilitation and restitution opportunities.

### **Objectives**

- Expand types of restitution and diversion programs.
- Provide training for community-based juvenile justice and child welfare system staff on how to develop and implement restitution and diversion programs.

### **Performance Indicators**

- Number and percent of juveniles involved in structured diversion and restitution.
- Recidivism rate of youth involved in structured diversion and restitution programs.
- Written assessment by youth and parents regarding program satisfaction or weaknesses.
- Assessment of community cooperation with the program.
- Decreased formal juvenile court caseload.

### **Summary of Activities & Services**

Consideration will be given to projects that present a need for programs that re-route juvenile offenders, particularly those who are charged with misdemeanors and are first time offenders, from the formal machinery of the juvenile justice system, as warranted by the nature of the individual case, and are composed of the following elements:

- Specific referral procedures.
- Voluntary participation by the juvenile offender.
- Adequate provision for feedback and evaluation of the juvenile offender by referring agencies.
- Provision for structured diversion and community service restitution.
- Program component for involving parents.
- Legal framework.
- Provide timely feedback to the court on participant's progress.

### **JJDP Identified Performance Measures that will be collected:**

- Formula grant funds awarded for services.
- Number of program slots available.
- Number of program youth served.
- Average length of stay in diversion program.
- Number and percent of program youth who offend or re-offend.
- Number and percent of program youth exhibiting a desired change in the following targeted behaviors:
  - Substance
  - Antisocial behavior
  - Family relationships
  - Social relationships
- Number and percent of program youth completing program requirements.
- Number and percent of program youth satisfied with program.
- Number and percent of program families satisfied with program.
- Number and percent of crime victims served by the program that were satisfied with the program.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$25,000		\$25,000
2011			

## ***Gender-Specific Services***

### **Formula Grant Program Area**

13 – Gender-Specific Services. Services designed to address needs unique to the gender of the individual to whom such services are provided.

### **Problem Statement**

Nationally, between 1997 and 2006, arrests of juvenile females generally decreased less than male arrests. In West Virginia, 23.7% of all juvenile arrests involved female offenders in 2008. However, the previous year only showed that females accounted for 21.6% of the total WV Arrests.

Overall, compared to male offender, females were more likely to be referred to the juvenile court for a person offense or a property offense. Female youths were nearly twice as likely as male youth to be charged with a truancy offense.

The WV racial disparity research shows that females are sentenced more leniently than males and indicated that females are significantly less likely to receive a sentence to the Division of Juvenile Services' custody, be adjudicated delinquent, be detained prior to adjudication, and are more likely to receive informal probation supervision. Currently, very little is known regarding gender difference in sentencing, services provided, development/need factor in WV.

West Virginia will seek to provide funding to develop and implement programs which focus on gender-specific services.

### **Program Goal**

- Promote and enhance some preventive effort dealing with gender-specific services.

### **Objective 1**

- Increase best practice approaches to identify gender-specific issues.
- Reduction with girl's involvement in delinquency and violence.
- Asses Life Skills difference in relation to gender and stage of development.
- Teach and educate gender-specific life skills.

### **Program Guidelines**

Consideration will be given to programs that are structured to recognize gender-specific differences during developmental stages and the need for appropriate interventions which address these differences. In addition, consideration will also be given to those programs using a data-driven approach to target female offenders.

### **JJDP Identified Performance Measures that will be collected:**

- Formula grant funds awarded for services.
- Number of MOU's developed.
- Number of hours or program staff training provided.
- Use of best practice model.
- Number of program youth served.
- Number and percent of program youth who offend or re-offend.

- Number and percent of youth exhibiting desired change in the following targeted behaviors:
  - Substance abuse
  - Self esteem
  - Body image
  - Family relationships
  - Perception of social support
- Number and percent of program youth completing program requirements.
- Number and percent of program youth satisfied with program.
- Number and percent of program staff with increased knowledge of the program area.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$30,000		\$30,000
2011			

## ***State Advisory Group/Use of SAG Allocation***

### Formula Grant Program Area

31 – State Advisory Group Allocation. Activities related to carrying out the State Advisory Group's responsibilities under Section 223(a)(3) of the JJDP Act.

### Problem Statement

The State Advisory Group (SAG) continues to recognize the need to educate juvenile justice professionals, legislators and the general public.

As in the past, the SAG is taking a proactive leadership role in WV by being an active participant in the planning of juvenile justice training and planning 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 will be in attendance at any training planning effort.

### Program Goal

To utilize a combination of SAG funds and program funds to provide the SAG with the necessary funding to research, develop and implement activities, materials, programs and policies which will benefit youth and all those involved in the juvenile justice process in WV.

### Objective 1

To become more involved in the promulgation and dissemination of information involving juvenile justice issues by review existing and proposed state law, case law and governmental policy to assess their impact on the juvenile justice system.

### Performance Indicators

- Appointment of committee to review current and proposed policies.
- Dissemination of information.

### Objective 2

To receive training, which will assist the group in directing its energies to meet the intent of the Juvenile Justice and Delinquency Prevention Act.

### Performance Indicators

- Number of SAG members attending training.
- Summaries of training.

### Summary of Activities & Services

- A) Meetings and training sessions will be scheduled to provide opportunities for SAG members to review, study and discuss issues related to juvenile justice in WV.
- B) Guest trainers and speakers involved in juvenile justice-related issues will be invited to participate in SAG sessions.
- C) Annual retreats that will allow members to intensively examine issues confronting juvenile justice in the State and to make plans to address these issues.

- D) 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.)
- E) 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 abuse issues and delinquency prevention.
- F) 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, prevention, intervention, restitution, diversion and advocacy.

#### Required Formula Grant Performance Measures

- Number of grants funded with Formula Grant Funds.
- Number of grant applications reviewed and commented on.
- Number and percent of plan recommendations implemented.

#### Budget Information for utilization of FY 2009 Formula Grant Funds

The information listed below outlines how much FY 2009 funds will be used during the appropriated State Fiscal year. Awards have already been made for State Fiscal Year 2009, so this chart reflects those awards anticipated during State Fiscal Year 2010.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$10,000		\$10,000
2011	\$20,000		\$20,000

## ***Disproportionate Minority Contact***

### Formula Grant Program Area

10 – Disproportionate Minority Contact. Programs, research and/or other initiatives addressing the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system (Section 223(a)(22) of the JJDP Act).

### Problem Statement

DMC exists when the volume of activity for minority youth at points of contact in the juvenile justice system exceeds the volume of activity for the white youth population. Points of contact refer to decision points in the juvenile justice system. In West Virginia, there are nine (9) points of contact, including arrest; referral to juvenile court; diversion; secure detention prior to adjudication; issuance of a petition or charge(s) filed; adjudicated delinquent; placement on probation; cases resulting in commitment to a secure juvenile facility; and cases transferred to adult court.

Despite West Virginia having a small minority youth population, overrepresentation has been identified at several points of contact. In calendar year 2008, state-wide relative rate indexes indicate that the volume of activity for Black or African American youth at the arrest stage was close to two and a half times greater when compared to the activity rate for white youth. In addition, Black or African American youth have more than twice the amount of activity at the secure detention point and more than three times the volume of activity for confinement to a secure juvenile facility.

This finding is problematic given that research conducted by various youth advocacy groups, such as the Annie E. Casey Foundation, has firmly established the detrimental effects on youth who have repeated contact with the juvenile system or who further penetrate the juvenile justice system.

### Program Goal

- To implement the DMC Reduction Model, which is designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate numbers of juvenile members of minority groups who come in contact with the juvenile justice system.

### Objectives

- Identify where minority overrepresentation exists in the juvenile justice system as indicated by relative rate indexes (RRI's).
- Conduct a state-wide assessment identifying the mechanisms that contribute to minority overrepresentation.
- Develop and implement intervention strategies for reducing minority overrepresentation in the juvenile justice system based on the identification of mechanisms contributing to DMC.
- Evaluate the effectiveness of the various interventions.
- Reassess minority overrepresentation in the juvenile justice system by identifying trends and adjusting interventions.

### Performance Indicators



- Number of minority arrest.
- Number of minorities in detention.
- Number of minorities on probation.
- Review assimilated data to identify patterns of disparity.
- Identify or create resources and referral plans for at risk minority youth.
- Completed report of statistical data based on a analyzed juvenile delinquency activities and results from intervention programs

#### Summary of Activities & Services

In July of 2008, the West Virginia Division of Criminal Justice Services partnered with the West Virginia Supreme Court of Appeals to provide grant funding for a full-time DMC State Coordinator. The DMC State Coordinator is responsible for the implementation of the DMC Reduction Model in West Virginia, and is working toward the same utilizing the objectives set forth above.

#### Budget Information for utilization of FY 2009 Formula Grant Funds

The information listed below outlines how much FY 2009 funds will be used during the appropriated State Fiscal year. Awards have already been made for State Fiscal Year 2009, so this chart reflects those awards anticipated during State Fiscal Year 2010.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$65,000		\$65,000
2011			

## ***Juvenile Justice Information System***

### Formula Grant Program Area

19 – Juvenile Justice System Improvement. Programs, research and/or other initiatives designed to examine issues or improve practices, policies, or procedures on a system-wide basis (e.g., examining problems affecting decisions from arrest to disposition, detention to corrections).

### Problem Statement

System-wide improvements to the Juvenile Justice System must be data driven. West Virginia has ample data sources; however, fields are not consistently defined across databases nor are efforts to collaborate when analyzing data. Specifically, information generated from the Juvenile Justice Database and other sources including the West Virginia Incident Based Reporting System (WVIBRS), the Juvenile Detention Database, and the Juvenile Corrections Database must provide reliable and valid data in order to conduct analyses and provide quality information to policy makers and juvenile justice practitioners.

### Program Goal

- To continue efforts for improving the quality of juvenile justice data and to generate reports providing the state with needed information on juvenile and status offending. Trend analysis will identify problem areas leading to policy changes and/or systems improvement efforts. In addition, trend analysis will identify areas where WV is exceeding standards in meeting the needs of youthful offenders.

### Objectives

- Collaborate with the JJDB Planning and Evaluation Committee on updating data fields where needed and reports that will assist in case
- Work in partnership with other entities i.e., The Division of Juvenile Services and the West Virginia State Police on improving the reliability and validity of data collected related to juvenile and status offenders.
- Prepare annual reports on juveniles admitted to WV juvenile detention and corrections and generate recommendations for systems improvement.
- Prepare annual reports on juveniles whose cases are referred to Juvenile Probation and generate recommendations for systems improvement.
- Prepare annual reports on incidents and arrests involving juveniles in WV and generate recommendations for reducing the arrest rate for WV juveniles.
- Collaborate with the Supreme Court of Appeals of West Virginia in providing training and technical assistance to users of the JJDB with the goal of improving data collection and entry.

### Summary of Activities & Services

In January of 2009, the Supreme Court of Appeals of West Virginia began managing the JJDB. This will allow greater resources for improving the quality of data as well as the usability of generated reports for policy changes and/or systems improvement. DCJS will continue to collaborate with other entities for improving data collection and analysis.

Fiscal Year	Formula Grant Funds (\$)	State / Local / Private Funds (\$)	Total (\$)
2009			
2010	\$30,000		\$30,000
2011			

### ***SMART System***

West Virginia's Division of Criminal Justice Services has registered with the SMART system and staff is becoming more familiar with the types of data and information that is available. Although, this information will be utilized when determining where JJDP Programs should be concentrated, it is not the most recent data available.

Please refer to the Attachment titled SMART Report and SMART Map for proof that West Virginia has registered and accessed the SMART System.

## ***Section 8- Subgrant Award Assurances***

### **Eligible Applicants and Subgrant Award Process**

Eligible applicants for JJDP funds include state and local units of government and private nonprofit agencies.

All subgrants are awarded by the Governor through the same process DCJS utilizes to award its other program funds. The award cycle is the state fiscal year beginning July 1 and ending June 30.

#### **Award Process**

Request 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 use of established evidence-based programs are encouraged when developing an application provided these programs meet the applicant's needs. OJJDP's Model Programs Guide and Database will be made available during the grant writing workshop and priority will be given to those applications that utilize a model program. In the event a grant writing workshop cannot be conducted, information will be made available to applicants concerning where to find the Model Programs Guide and Database.

Once applications are submitted, they are reviewed by DCJS staff for completeness and then by the State Advisory Group (SAG) for merit. The SAG makes award recommendations to the Governor who makes the final award decisions.

All programs funded will receive an annual on-site monitoring visit. The purpose of this visit is to ensure program guidelines are being followed, answer any requests for technical assistance, and determine progress made in achieving goals and objectives. All programs are monitored and reports completed before the start of the next year's grant award process. Those which fail to demonstrate the program has achieved substantial success in meeting their goals specified in the original subgrant application can be determined from the monitoring reports. Any program found to be not achieving success with specified goals will not be re-funded.

### **Geographic Information**

West Virginia's Division of Criminal Justice Services will provide geographic information to OJJDP for each sub-grant awarded. Information will contain the following:

- Physical address
- Map and street description

This geographic information will be discussed at the technical assistance training. All sub-grants will be required to attend this training. Requirement will be discussed and each sub-grant will submit the necessary information.

## ***Section 9 – SAG Membership***

Board serves in an advisory capacity.

	<b>Name</b>	<b>Represents</b>	<b>Full-Time Government</b>	<b>Youth Member</b>	<b>Date of Appoint.</b>	<b>Residence (County)</b>
1	Steve Mason, Chair	E			Feb 2009	Kanawha
2	Michael Baylous	B	X	X	Feb 1996	Putnam
3	Vickie James	E			Feb 1996	Kanawha
4	David J. Majic	C & H	X		Feb 1996	Kanawha
5	Sue Hage	C & H	X		Feb 1996	Cabell
6	Phyllis Stewart	B	X		Feb 1996	Monongalia
7	Dale Humphreys	B	X		Feb 1999	Kanawha
8	The Hon. Darrell Pratt	A & B	X		Feb 2002	Wayne
9	Lee Leftwich	A & D			Feb 2002	Raleigh
10	Susan Fry	D & H			Feb 2002	Wayne
11	Ron Smith	B & G	X		Feb 2002	Putnam
12	Mike Lacy	B	X		Oct 2002	Kanawha
13	Brenda Thompson	B & E	X		Aug 2004	Kanawha
14	Wayne Coombs	C			Aug 2004	Kanawha
15	Dallas Staples	B	X		May 2005	Kanawha
16	Wanda Cox	C			Pending	Monongalia
17	Laurah Currey	D			Pending	Wood
18	Shawn Bartram	B	X		Pending	Cabell
19	Pam Cain	G			Pending	Kanawha
20	Francine Thalheimer	G			Pending	Kanawha
21	Greg Puckett	D			Pending	Mercer
22	Trudy Laurenson	D & H			Pending	Greenbrier
23	Hon. Cynthia J. Jarrell	B	X		Pending	Boone
24	Tara Holbert	F		X	Pending	Cabell
25	Justin Smith	F		X	Pending	Kanawha
26	Kadija Tyler	F		X	Pending	Kanawha

Codes Listed for Areas Represented:

A – Locally elected official representing general purpose local government.

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

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

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

- Welfare
- Social services
- Mental health
- Special education

- Recreation
- Youth services

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

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

E – Volunteers who work with juvenile justice.

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

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

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

Division of  
**CRIMINAL  
JUSTICE  
SERVICES**  
Department of Military Affairs  
& Public Safety

March 24, 2009

Office of Juvenile Justice and Delinquency Prevention  
800 K Street, N.W.  
Washington, D.C. 20531

**RE: Section 223(a)(3)(A) of the JJDP Act of 2002**

Dear Sirs:

This letter is being written to address the State of West Virginia State Advisory Group (SAG) membership composition. The West Virginia Division of Criminal Justice Services (DCJS) is the agency designated by the Governor's Office to receive the Juvenile Justice Title II Formula Grant Funds. A requirement of receiving JJ Title II Formula grant funds is to provide an advisory board that shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State.

DCJS had a site visit from Elizabeth Wolfe, OJJDP, in September 2008. A "finding" of that visit was the SAG membership. DCJS drafted a letter to Ms. Wolfe stating that a SAG meeting was scheduled for January 2009 at which time a chair would be elected and that DCJS was working towards reappointing existing members, removing non-participating members and appointing new members. DCJS is currently working towards meeting the issues referenced above.

As of this date, a new Chairman has been elected. Steve Mason was elected chairman of the SAG on February 10, 2009. During this SAG meeting a call for nominations for new SAG members was issued. A few recommendations were received.

DCJS issued a letter to all SAG members in March 2009 requesting nominations for new SAG members to be made to DCJS no later than Friday, March 13, 2009.

DCJS will be making recommendations for SAG members to the Governor's Office by no later than March 31, 2009. These recommendations will include reappointing existing members, removing non-participating members and appointing new members. The membership will be representative of all areas referenced in the Act particularly those of nonprofit organizations and youth which have been lacking in the past. It is the hope of this agency that these appointments will be made in a timely manner.

DCJS realizes that the SAG membership has been out of compliance and is taking all necessary steps to become compliant. Your patience in this process is appreciated.

J. Norbert Federapiel, Director

1204 Kanawha Boulevard East  
Charleston, West Virginia 25301



Joe Manchin III, Governor

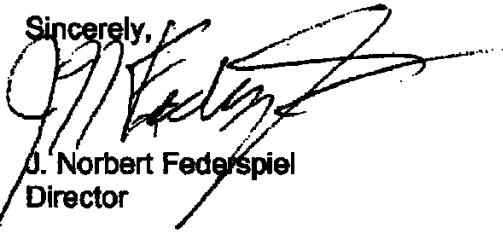
Phone: (304) 558-8814  
Fax: (304) 558-0391



Office of Juvenile Justice and Delinquency Prevention  
March 24, 2009  
Page Two

Should you have any questions or need any assistance please feel free to contact Kimberly Mason of my staff at (304) 558-8814, extension 284.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Norbert Federspiel", written over the word "Sincerely,".

J. Norbert Federspiel  
Director

JNF:LB/bjw

c: Leslie Boggess, Associate Deputy Director of Programs  
Lora Maynard, Senior Justice Programs Specialist

T:\LBoggess\JJASAG Composition

Division of  
**CRIMINAL  
JUSTICE  
SERVICES**  
Department of Military Affairs  
& Public Safety

March 27, 2009

Mr. Scott Cosco  
Assistant for Executive Appointments  
Governor's Office  
State Capitol Complex  
1900 Kanawha Boulevard East  
Charleston, WV 25305

**RE: West Virginia State Advisory Group (SAG)**

Dear Mr. Cosco:

This letter is being written to address the West Virginia State Advisory Group (SAG) membership composition. Section 223(a)(3)(A) of the Juvenile Justice Delinquency Prevention Act of 2002 outlines the SAG requirements. The West Virginia Division of Criminal Justice Services (DCJS) is the agency designated by the Governor's Office to receive the Juvenile Justice Title II Formula grant funds. A requirement of receiving Title II Formula grant funds is to provide an advisory board that shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the state.

DCJS had a site visit from Ms. Elizabeth Wolfe, OJJDP, in September 2008. A "finding" of that visit was the SAG membership. DCJS drafted a letter to Ms. Wolfe stating that a SAG meeting was scheduled for January 2009 at which time a chair would be elected and that DCJS was working towards reappointing existing members, removing non-participating members and appointing new members. DCJS is currently working towards meeting the issues referenced above.

In order to carry out the requirement of the SAG and prevent the State of WV from potentially losing \$600,000 in Title II Formula funding, DCJS is requesting that the Governor make the following new appointments/invitations:

Wanda Cox, Citizen  
Laura Currey, State Director, Pressley Ridge  
Shawn Bartram, Juvenile Prosecutor, Cabell County Prosecutors Office  
Pam Cain, Assistant State Superintendent, WV Board of Education  
Francine Thalheimer, School Counselor, Alum Creek Elementary  
Greg Puckett, Community Connections, Inc.  
Trudi Laurensen, Retired Director of Greenbrier County Child Advocacy Center  
Honorable Cynthia J. Jarrell, Boone-Lincoln County Family Court Judge  
Tara Holbert  
Justin Smith  
Kadija Tyler



Scott Cosco  
March 27, 2009  
Page Two

Contact information for each of the individuals is attached.

There are six members who were previously appointed and no longer attend the SAG meetings that need to be removed as members. These individuals are:

Constance M. Grant, Family Services Association, Inc.  
Rev. Larry Patterson, Ebenezer Community Outreach Center, Inc.  
Fred McDonald  
Ron Mulholland  
Delegate Virginia Mahan  
Rachel Johnson

Contact information is attached for each individual.

Last, there were several members who were appointed under previous administrations with no "time limits" on their appointments. If Governor Manchin wishes to continue with these appointments there will be no reason to reappoint existing members; however, if he wishes to limit the appointments to 1 year or more then there will be a need to reappoint all members.

Thank you for your prompt attention to this matter. Should you have any questions or need any assistance please feel free to contact Kimberly Mason of my staff at (304) 558-8814, extension 284.

Sincerely,



J. Norbert Federspiel  
Director

JNF:LB/bjw

T:\LBoggses\JJ\Cosco Letter

## ***Section 10 – Staff of the JJDP Formula Grant Program***

### West Virginia's Division of Criminal Justice Services

The WV Division of Criminal Justice Services – under the Department of Military Affairs and Public Safety – serves as West Virginia's criminal justice planning agency. In 1966, the Governor's Committee on Crime, Delinquency and Correction 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. The West Virginia Division of Criminal Justice Services acts as staff to the Governor's Committee on Crime, Delinquency and Correction, 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.

The WV Division of Criminal Justice Services serves as the state administrative agency for grant funded programs provided by the United States Department of Justice, as well as designated programs for the United States Department of Education 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:

- Research and statistics
- Planning and coordination of services
- Training and certification of law enforcement officers
- Program development and implementation
- Administration of grant funded programs emphasizing safety, prevention, and the general enhancement of the criminal justice system

The WV Division of Criminal Justice Services' role 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. The Division 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.

#### Current DCJS Grant Programs Include:

- Justice Assistance Grant (JAG) – funded the U.S. Department of Justice
- National Criminal History Improvement Grant Program – funded by the U.S. Department of Justice
- Juvenile Justice and Delinquency Prevention Formula Grant Program – funded by the U.S. Department of Justice
- Juvenile Justice and Delinquency Prevention Title V Incentive Grants for Local Delinquency Prevention Programs – funded by the U.S. Department of Justice
- Juvenile Accountability Block Grant Program (JABG) – funded by the U.S. Department of Justice
- Enforcing the Underage Drinking Laws – funded by the U.S. Department of Justice
- Residential Substance Abuse Treatment for State Prisoners Grant Program – funded by the U.S. Department of Justice
- Safe and Drug-Free Communities Grant Program – funded by the U.S. Department of Education

- Community Corrections Grant Program – funded by the State of West Virginia
- Child Advocacy Centers Grant Program – funded by the State of West Virginia
- STOP Violence Against Women Grant Program – funded by the U.S. Department of Justice
- Victims of Crime Act Assistance Grant Program – funded by the U.S. Department of Justice
- Bullet Proof Vest Partnership Grant Program – funded by the U.S. Department of Justice
- Court Security Fund – funded by the State of West Virginia
- Criminal Justice Statistical Analysis Center – funded by various Federal and State sources
- Law Enforcement Training and Certification – funded by the State of West Virginia
- Purdue Pharma Asset Forfeiture Funds Grant Program – U.S. Department of Justice
- Strategic Prevention Framework State Incentive Grant Program – U.S. Department of Justice
- Paul Coverdell Forensic Grant Program – U.S. Department of Justice
- Project Safe Neighborhoods – U.S. Department of Justice

#### WV Division of Criminal Staff

DCJS employees 29 full-time staff members. Three are dedicated to juvenile justice programs while various administrative and support staff members spend much of their time on juvenile justice programs.

The juvenile justice planning staff include:

- J. Norbert Federspiel, Director – position is supported through many different funding sources including the Juvenile Justice and Delinquency Prevention Formula Grant Program as well as State funds. Approximately 2.5% of the position time is devoted to the JJDP Program.
- Jeffrey D. Estep, Deputy Director – position is supported through many different funding sources including the Juvenile Justice and Delinquency Prevention Formula Grants Programs as well as State funds. Approximately 2.5% of the positions time is devoted to the JJDP Program.
- Leslie S. Boggess, Associate Deputy Director - position is supported through many different funding sources including the Juvenile Justice and Delinquency Prevention Formula Grants Programs as well as State funds. Approximately 5% of the positions time is devoted to the JJDP Program.
- Lora J. Maynard, Senior Programs Specialist – position is supported through the Juvenile Accountability Block Grant Program, Enforcing the Underage Drinking Laws Grant Program, the WV Community Corrections Grant Program, WV State matching funds, and the JJDP Formula Grant Programs. Approximately 10% of the positions time is devoted to the JJDP Program.
- Kimberly S. Mason, Juvenile Justice Specialist – position is supported through the JJDP Formula Grants Program, Enforcing the Underage Drinking Laws Grant Program, Child Advocacy Centers Grant Program and WV State matching funds. Approximately 50% of the positions time is devoted to the JJDP Program. The remaining 50% is devoted Underage Drinking and Child Advocacy Centers Grant Programs.

- John Stigall, Juvenile Justice Compliance Monitor – position is supported through WV State funds. All time is devoted towards compliance with JJDP Act mandates and State of West Virginia laws pertaining to juveniles.
- Administrative staff (four accountants and four secretarial positions) – positions are supported through many different funding sources including the Juvenile Justice and Delinquency Prevention Formula Grants Programs. Approximately 30% of the position time is devoted to the JJDP Program.

Below are general job descriptions for the six program and administrative staff positions listed above. Please note, the general classifications and job titles of each position are different. To help avoid any confusion, listed below the general job classification are the job titles the classification refers to.

## **CRIMINAL JUSTICE SPECIALIST 1**

### **Juvenile Justice Specialist and Juvenile Justice Compliance Monitor**

#### **Nature of Work**

Performs beginning level professional work in one or more of a varied number of criminal justice program development, improvement and research activities in the State. These development, improvement and research activities may be within sub-areas of corrections, law enforcement, prosecution and/or court management. The specialist may work in one or more specialty areas: planning, grants management, program development, program assessment, grant/compliance monitoring, data analysis and research studies. Assists higher level specialist or other program managers in the area of assignment. Performs related work as required.

#### **Distinguishing Characteristics**

This is the first level in the Criminal Justices Specialist series. The Criminal Justice Specialist 1 performs at the beginning level assisting higher level specialists or other program managers in the area of assignment.

#### **Examples of Work**

Assists in identifying criminal justice system development needs through meetings with state and local government officials, community leaders, and private sector parties, and by collecting and reviewing relevant criminal justice data.

Assists in developing and administering state and federal grant programs to meet the criminal justice community needs.

Assists in developing state and federal criminal justice grant program strategies and plans.

Assists with strategic and/or operational planning for criminal justice grant programs and/or agencies.

Assists in conducting workshops and meetings to advise state and local government officials, community leaders, and private sector parties of available programs and trains these parties on grant writing and grant procedures/administration.

Assists in reviewing grant applications for accuracy in such areas as financial documentation, program guidelines, etc.

Assists grantees in developing and maintaining grant management systems for financial records and monthly reports.

Assists with monitoring the administration of state and local criminal justice grants to assure compliance with grant requirements.

Assists with the production of statistical, research and planning documents.

Assists in designing and implementing scientific research projects, including statewide data collection procedures, to study sub-areas or topics in criminal justice.

Assists in obtaining, validating and analyzing data using statistical and spreadsheet software packages.

Assists with presenting the results of research studies and relevant conclusions to the Legislature, criminal justice professionals and the public.

May assist in monitoring criminal justice agencies for compliance with applicable state and federal laws and regulations.

#### **Knowledge, Skills and Abilities**

Knowledge of the criminal justice system and the operations of its respective components.

Knowledge of the grant process.

Knowledge of strategic planning and planning techniques.  
Knowledge of the scientific method, research design, and statistical analysis.  
Knowledge of data collection, compilation and analysis procedures, and techniques.  
Knowledge of statistical, spreadsheet and other relevant computer software applications.  
Knowledge of publication procedures and techniques.  
Ability to establish and maintain effective working relationships at the federal, state and local levels.  
Ability to speak about and clearly explain grant programs, planning documents and research studies.  
Ability to communicate complex ideas and procedures through the written word.

### **Minimum Qualifications**

#### **Training:**

Bachelor's degree from an accredited four-year college or university in criminal justice, political science, social sciences, mathematics, statistics, planning, management or related field.

#### **Experience:**

One year of full-time or part-time equivalent paid professional experience in grants development or grants administration, planning, project administration, criminal justice, data analysis, statistics, research or mathematics.

#### **Substitution:**

Six college semester hours related to grants development or grants administration, planning, project administration, criminal justice, data analysis, statistics, research, or mathematics may substitute for the required experience.



## **CRIMINAL JUSTICE SPECIALIST 3 SENIOR PROGRAMS SPECIALIST**

### **Nature of Work**

Under limited supervision, performs advanced level professional work in one or more of a varied number of criminal justice program development, improvement and research activities in the State. These development, improvement and research activities may be within sub-areas of corrections, law enforcement, prosecution and/or court management. The specialist may work in one or more specialty areas: planning, grants management, program development, program assessment grant/compliance monitoring, data analysis and research studies. Typically is held responsible for a complex statewide grant or research project or program and performs highly complex work as a senior specialist in the area of assignment. Trains or leads lower level personnel. Performs related work as required.

### **Distinguishing Characteristics**

The Criminal Justice Specialist 3 is distinguished from the Criminal Justice Specialist 2 by the most complex assignments of statewide grant or research projects or programs. Performs as a senior specialist in the area of assignment with lead worker/project leadership responsibility.

### **Examples of Work**

Performs more complex or sensitive criminal justice systems assignments.

Plans, organizes and coordinates complex projects or grants in the area of assignment.

Identifies complex criminal justice system development needs through meetings with state and local government officials, community leaders, and private sector parties, and by collecting and reviewing relevant criminal justice data.

Trains and leads new personnel and others on the work of the unit.

Conducts workshops and meetings to advise state and local government officials, community leaders, and private sector parties of available programs and trains these parties on grant writing and grant procedures/administration.

Reviews grant applications for accuracy in such areas as financial documentation, program guidelines, etc.

Assists grantees in developing and maintaining grant management systems for financial records and monthly reports.

Monitors the administration of state and local criminal justice grants to assure compliance with grant requirements.

Monitors criminal justice agencies for compliance with applicable state and federal laws and regulations.

Designs and implements complex scientific research projects, including statewide data collection procedures, to study sub-areas or topics in criminal justice.

Obtains, validates and analyzes data using statistical and spreadsheet software packages.

Presents the results of research studies and relevant conclusions to the Legislature, criminal justice professionals and the public.

Prepares statistical, research and planning documents.

### **Knowledge, Skills and Abilities**

Knowledge of the criminal justice system and the operations of its respective components.

Knowledge of the grant process.

Knowledge of strategic planning and planning techniques.

Knowledge of the scientific method, research design, and statistical analysis.

Knowledge of data collection, compilation and analysis procedures, and techniques.

Knowledge of statistical, spreadsheet and other relevant computer software applications.

Knowledge of publication procedures and techniques.

Ability to develop grant programs and plans.

Ability to train local officials and interested parties in grant administration and application procedures.

Ability to review grant applications and other records for accuracy and compliance with established guidelines.

Ability to design and implement complex scientific research projects.

Ability to establish and maintain effective working relationships with federal, state and local officials and co-workers.

Ability to lead others in the work of the unit.

Ability to plan, organize and complete special projects.

Ability to speak about and clearly explain grant programs, planning documents and research studies.

Ability to communicate complex ideas and procedures through the written word.

### **Minimum Qualifications**

#### **Training:**

Bachelor's degree from an accredited four-year college or university in criminal justice, political science, social sciences, mathematics, statistics, planning, management or related field.

#### **Experience:**

Four years of full-time or part-time equivalent paid professional experience in grants development or grants administration, planning, project administration, criminal justice, data analysis, statistics, research or mathematics.

#### **Substitution:**

A master's degree from an accredited college or university may substitute for one year of the required experience. **OR** Six college semester hours related to grants development or grants administration, planning, project administration, criminal justice, data analysis, statistics, research, or mathematics may substitute for one year of the required experience.

## **ADMINISTRATIVE SERVICES MANAGER 2 ASSOCIATE DEPUTY DIRECTOR**

### **Nature of Work**

Under administrative direction, manages an organizational unit providing administrative and support services (i.e., budgeting, accounting, purchasing, personnel, business operations, etc.) in a division. The operations, policy, work processes, and regulatory requirements of the unit are moderately complex, varied and dynamic, requiring some depth of analysis and interpretation of theory, principles, practices, and regulations of a professional or administrative field. Involves the supervision of professional, technical, and clerical employees. The scope of responsibility includes planning the operations and procedures of the unit; directing the work of employees; developing employees; evaluating unit operations; developing budget needs; researching new procedures and improvements; interpreting statutes, regulations, and policies. Performs related work as required.

### **Distinguishing Characteristics**

The Administrative Services Manager 2 is distinguished from the Administrative Services Manager 1 by the responsibility to manage a complex secondary mission or unit of a primary statewide mission of the department. The allocations of positions to this class is determined by the higher complexity of the work performed relative to that assigned to the Administrative Services Manager 1 class.

### **Examples of Work**

Plans, develops, and executes through professional, technical, and clerical staff, a complex mission of a statewide program or a primary department-wide program.  
Directs the daily operations of the staff and may direct regional or other field staff.  
Develops and implements operating procedures within regulatory and statutory guidelines; develops and approves forms and procedures.  
Renders decisions in unusual or priority situations; consults with supervisors and other state managers in reviewing same.  
Evaluates the operations and procedures of the unit for efficiency and effectiveness.  
Recommends the selection and assignment of staff to supervisors; conducts interviews and background evaluations for prospective employees.  
Determines need for training and staff development and provides training or searches out training opportunities.  
Assists in the development of the division and/or agency budget for personnel services, supplies, and equipment.  
Researches professional journals, regulations, and other sources for improvements to agency and unit programs and procedures.  
Compiles a variety of data related to the operation of the unit and/or the agency.  
Interprets statutes, regulations and policies to staff, other managers, and the public.  
May serve as a witness in grievance hearings or other administrative hearings.  
Prepares reports reflecting the operational status of the unit and or agency programs.  
May participate in local conferences and meetings.

**Knowledge, Skills and Abilities**

Knowledge of the organization and programs of the agency or department.

Knowledge of the principles and techniques of management, including organization, planning, staffing, training, budgeting, and reporting.

Knowledge of state government organization, programs and functions.

Knowledge of state legislative processes.

Knowledge of federal, state, and local government relationships as they relate to the program, mission and operations of the unit and/or department.

Ability to plan, direct, and coordinate the program and administrative activities of the unit.

Ability to supervise others.

Ability to evaluate operational situations, analyze data and facts in preparation for administrative and policy decisions.

Ability to establish and maintain effective working relationships with other government officials, employees, and the public.

Ability to present ideas effectively, both orally and in writing.

**Minimum Qualifications****Training:**

Graduation from a regionally accredited college or university with a degree in the area of assignment.

**Substitution:**

Experience as described below may substitute for the training requirement on a year-for-year basis.

**Experience:**

Five years of full-time or equivalent part-time paid administrative or supervisory experience in the area of assignment.

## **ADMINISTRATIVE SERVICES MANAGER 2 DEPUTY DIRECTOR**

### **Nature of Work**

Under administrative direction, manages an organizational section providing administrative and support services in a division. The operations, policy, work processes, and regulatory requirements of the section are complex, varied, dynamic, and requiring substantial depth of analysis and interpretation of theory, principles, practices, and regulations of a professional or administrative field. Involves the supervision of professional, technical and clerical employees. The scope of responsibility includes planning the operations and procedures of the unit; directing the work of employees; developing employees; evaluating unit operations; developing budget needs; researching new procedures and improvements; interpreting statutes, regulations, and policies. Performs related work as required.

### **Distinguishing Characteristics**

The Administrative Services Manager 3 is distinguished from the Administrative Services Manager 2 by responsibility to manage a statewide administrative support function of the department. Positions having responsibility to manage a department-wide support function involving an established professional field (i.e., accounting) including the supervision of a significantly large staff of professional, technical, and clerical employees may also be allocated to this class.

### **Examples of Work**

Plans, develops and executes through professional, technical, and clerical staff, a statewide administrative support program or a primary department-wide program of considerable complexity.

Directs the daily operations of the staff and may direct regional or other field staff.

Develops and implements operating procedures within regulatory and statutory guidelines; develops and approves forms and procedures.

Renders decisions in unusual or priority situations; consults with supervisors and other state managers in reviewing same.

Evaluates the operations and procedures of the unit for efficiency and effectiveness.

Recommends the selection and assignment of staff to supervisors; conducts interviews and background evaluations for prospective employees.

Determines need for training and staff development and provides training or searches out training opportunities.

Assists in the development of the division and/or agency budget for personnel services, supplies, and equipment.

Researches professional journals, regulations, and other sources for improvements to agency and unit programs and procedures.

Compiles a variety of data related to the operation of the unit and/or the agency.

Interprets statutes, regulations and policies to staff, other managers, and the public.

Represents the division or department in grievance hearings and serves as a witness in same.

Prepares reports reflecting the operational status of the unit and or agency programs.

May participate in local conferences and meetings.

### **Knowledge, Skills and Abilities**

Knowledge of the organization and programs of the agency or department.

Knowledge of the principles and techniques of management, including organization, planning, staffing, training, budgeting, and reporting.  
Knowledge of state government organization, programs and functions.  
Knowledge of state legislative processes.  
Knowledge of federal, state, and local government relationships as they relate to the program, mission and operations of the unit and/or department.  
Ability to plan, direct, and coordinate the program and administrative activities of the unit.  
Ability to supervise others.  
Ability to evaluate operational situations, analyze data and facts in preparation for administrative and policy decisions.  
Ability to establish and maintain effective working relationships with other government officials, employees, and the public.  
Ability to present ideas effectively, both orally and in writing.

### **Minimum Qualifications**

#### **Training:**

Graduation from an accredited college or university with a degree in the area of assignment.

#### **Substitution:**

1. Experience as described below may substitute for the training requirement on a year-for-year basis.
2. For positions in the Accounting, Auditing Area of Assignment, certification or registration as a public accountant in West Virginia may be substituted for the training and two years of the required experience.

#### **Experience:**

Six years of full-time or equivalent part-time paid administrative or supervisory experience in the area of assignment.

## **DIRECTOR**

### **Nature of Work**

Under administrative direction, directs and provides leadership for the state's criminal justice strategic planning, programming, and policy analysis functions. Provides policy leadership to the Department of Military Affairs and Public Safety and other agencies on a broad range of issues relating to law enforcement, corrections, adjudication, juvenile services, legislative reform, and community mobilization. Acts as the principal division liaison with legislature, supreme court, federal government, private entities and the general public. Performs related work as required.

### **Examples of Work**

Provides general direction to section managers who administer a vast array of federal and state grant-in-aid programs designed to affect the broad scope of criminal justice system activity.

Directs personnel, budgetary, programmatic, and service functions of the Division.

Directs the recruitment, development and management of the professional and support staff members.

Directs the state's criminal justice planning and policy development efforts.

Directs research and performance evaluations of the state's criminal justice functions.

Directs the overall development and coordination of the state's criminal justice data systems.

Approves, signs of and submits various state plans and applications for federal funds.

Directs staff activities for various state boards and commissions involved in criminal justice policy development and fund allocations.

Represents the Governor and Cabinet Secretary at meetings and public appearances as required.

Reports annually to the Governor and Legislature on the various activities of the Division.

Serves as liaison to the Legislature regarding criminal justice issues, develops Division's legislative strategy, and advises regarding statutory and policy changes.

Provides policy recommendations to the Cabinet Secretary and Governor regarding Criminal Justice issues.

### **Knowledge, Skills and Abilities**

Knowledge of the West Virginia Criminal Justice System and its operation.

Knowledge of Federal and State Statutes relating to criminal justice and program administration.

Knowledge of Federal, State and Local budgetary and fiscal procedures.

Knowledge of basic training and educational principles and techniques.

Knowledge of basic design concepts relating to criminal justice data management and data analysis.

Ability to develop, manage and direct the activities of professional, technical and support staff.

Ability to direct professional staff engaged in highly technical research, evaluation and policy analysis activities.

Ability to communicate clearly and effectively with public officials, the general public and the news media.

Ability to develop and facilitate consensus building among various criminal justice leaders and community representatives.

**WEST VIRGINIA DIVISION OF CRIMINAL JUSTICE SERVICES**





# Attachment 2

## Data Entry Section

### AREA REPORTED

State : West Virginia

County : Statewide

Reporting Period 1/1/2008  
through 12/31/2008

	Total Youth	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	183,463	167,467	9,020	2,684	1,305	0	358	2,629	15,996
2. Juvenile Arrests	2,380	2,052	263	0	0	0	0	65	328
3. Refer to Juvenile Court	2,155	1,975	133	0	0	0	0	47	180
4. Cases Diverted	1,885	1,700	140	0	0	0	0	45	185
5. Cases Involving Secure Detention	1,095	912	137	21	0	0	0	25	183
6. Cases Petitioned (Charge Filed)	2,236	1,922	247	0	0	0	0	67	314
7. Cases Resulting in Delinquent Findings	701	606	74	0	0	0	0	21	95
8. Cases resulting in Probation Placement	575	501	56	0	0	0	0	18	74
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	288	196	79	1	0	0	0	12	92
10. Cases Transferred to Adult Court	7	3	4	0	0	0	0	0	4

Meets 1% rule for group to be assessed?

Yes

Yes

Yes

No

No

No

Yes

release 10/17/05

### 5. DATA SOURCES & NOTES

Item 1.Population:

Item 3.Referral: Data Sources:

Item 5.Detention: Data Sources:

Item 7.Delinquent: Data Sources:

Item 9.Confinement: Data Sources:

Item 2.Arrest: Item 1: Population Data. Easy Access to

Item 4.Diversion: Data Sources:

Item 6.Petitioned: Data Sources:

Item 8.Probation: Data Sources:

Item 10.Transferred: Data Sources:

## 1. AREA REPORTED

State : West Virginia

County : Statewide

2. MINORITY  
GROUP:

Black or African-American

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	29.16	<b>2.38</b>
3. Refer to Juvenile Court	96.25	50.57	<b>0.53</b>
4. Cases Diverted	86.08	105.26	<b>1.22</b>
5. Cases Involving Secure Detention	46.18	103.01	<b>2.23</b>
6. Cases Petitioned (Charge Filed)	97.32	185.71	<b>1.91</b>
7. Cases Resulting in Delinquent Findings	31.53	29.96	0.95
8. Cases resulting in Probation Placement	82.67	75.68	0.92
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	106.76	<b>3.30</b>
10. Cases Transferred to Adult Court	0.16	1.62	**

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## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Asian

State : West Virginia

County : Statewide

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	0.00	*
3. Refer to Juvenile Court	96.25	0.00	*
4. Cases Diverted	86.08	0.00	*
5. Cases Involving Secure Detention	46.18	0.00	*
6. Cases Petitioned (Charge Filed)	97.32	0.00	*
7. Cases Resulting in Delinquent Findings	31.53	0.00	*
8. Cases resulting in Probation Placement	82.67	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	0.00	*
10. Cases Transferred to Adult Court	0.16	0.00	*

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia

County : Statewide

2. MINORITY  
GROUP:

Hispanic or Latino

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	0.00	**
3. Refer to Juvenile Court	96.25	0.00	**
4. Cases Diverted	86.08	0.00	**
5. Cases Involving Secure Detention	46.18	0.00	--
6. Cases Petitioned (Charge Filed)	97.32	0.00	**
7. Cases Resulting in Delinquent Findings	31.53	0.00	**
8. Cases resulting in Probation Placement	82.67	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	0.00	--
10. Cases Transferred to Adult Court	0.16	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Statewide

2. MINORITY  
GROUP:

Native Hawaiian or other Pacific  
Islanders

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	0.00	*
3. Refer to Juvenile Court	96.25	0.00	*
4. Cases Diverted	86.08	0.00	*
5. Cases Involving Secure Detention	46.18	0.00	*
6. Cases Petitioned (Charge Filed)	97.32	0.00	*
7. Cases Resulting in Delinquent Findings	31.53	0.00	*
8. Cases resulting in Probation Placement	82.67	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	0.00	*
10. Cases Transferred to Adult Court	0.16	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Statewide

2. MINORITY  
GROUP:

American Indian or Alaska Native

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	0.00	*
3. Refer to Juvenile Court	96.25	0.00	*
4. Cases Diverted	86.08	0.00	*
5. Cases Involving Secure Detention	46.18	0.00	*
6. Cases Petitioned (Charge Filed)	97.32	0.00	*
7. Cases Resulting in Delinquent Findings	31.53	0.00	*
8. Cases resulting in Probation Placement	82.67	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	0.00	*
10. Cases Transferred to Adult Court	0.16	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Other/ Mixed

State : West Virginia

County : Statewide

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	24.72	<b>2.02</b>
3. Refer to Juvenile Court	96.25	72.31	<b>0.75</b>
4. Cases Diverted	86.08	95.74	1.11
5. Cases Involving Secure Detention	46.18	53.19	1.15
6. Cases Petitioned (Charge Filed)	97.32	142.55	<b>1.46</b>
7. Cases Resulting in Delinquent Findings	31.53	31.34	0.99
8. Cases resulting in Probation Placement	82.67	85.71	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	57.14	**
10. Cases Transferred to Adult Court	0.16	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned



## 1. AREA REPORTED

State : West Virginia  
County : Statewide

2. MINORITY  
GROUP:

All Minorities

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	12.25	20.51	<b>1.67</b>
3. Refer to Juvenile Court	96.25	54.88	<b>0.57</b>
4. Cases Diverted	86.08	102.78	<b>1.19</b>
5. Cases Involving Secure Detention	46.18	101.67	<b>2.20</b>
6. Cases Petitioned (Charge Filed)	97.32	174.44	<b>1.79</b>
7. Cases Resulting in Delinquent Findings	31.53	30.25	0.96
8. Cases resulting in Probation Placement	82.67	77.89	0.94
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	32.34	96.84	<b>2.99</b>
10. Cases Transferred to Adult Court	0.16	1.27	**

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## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

# Relative Rate Index Compared with White Juveniles

Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia  
County : Statewide

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	<b>2.38</b>	**	*	*	*	<b>2.02</b>	<b>1.67</b>
3. Refer to Juvenile Court	<b>0.53</b>	**	*	*	*	<b>0.75</b>	<b>0.57</b>
4. Cases Diverted	<b>1.22</b>	**	*	*	*	1.11	<b>1.19</b>
5. Cases Involving Secure Detention	<b>2.23</b>	--	*	*	*	1.15	<b>2.20</b>
6. Cases Petitioned	<b>1.91</b>	**	*	*	*	<b>1.46</b>	<b>1.79</b>
7. Cases Resulting in Delinquent Findings	0.95	**	*	*	*	0.99	0.96
8. Cases resulting in Probation Placement	0.92	**	*	*	*	**	0.94
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	<b>3.30</b>	--	*	*	*	**	<b>2.99</b>
10. Cases Transferred to Adult Court	**	**	*	*	*	**	**
Group meets 1% threshold?	Yes	Yes	No	No	No	Yes	

release 10/17/05

Key:

Statistically significant results:

**Bold font**

Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis	**
Missing data for some element of calculation	---

**Population Based Relative Rate Index Values**Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia

County : Statewide

	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	1.00	2.38	--	--	--	--	2.02	1.67
3. Refer to Juvenile Court	1.00	1.25	--	--	--	--	1.52	0.95
4. Cases Diverted	1.00	1.53	--	--	--	--	1.69	1.14
5. Cases Involving Secure Detention	1.00	2.79	1.44	--	--	--	1.75	2.10
6. Cases Petitioned	1.00	2.39	--	--	--	--	2.22	1.71
7. Cases Resulting in Delinquent Findings	1.00	2.27	--	--	--	--	2.21	1.64
8. Cases resulting in Probation Placement	1.00	2.08	--	--	--	--	2.29	1.55
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	7.48	0.32	--	--	--	3.90	4.91
10. Cases Transferred to Adult Court	1.00	24.75	--	--	--	--	--	13.96
<b>Group meets 1% threshold?</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

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## Significance Testing

The spreadsheet test provide a test of statistical significance for use in guiding analysis. The test which is a given decision (or example a finding of guilt / delinquency) It calculates the expected number of cases if would be expected to have the targeted decision (guilt), if there were no differences in the rates of that decision actual results are from that expectation, and compares the size of the discrepancy to what could be expected. The 'standard' significance level is  $p=.05$ , meaning that a discrepancy of this magnitude (or larger) might occur 1/20). For those who wish to use a different level of significance, choices below allow choosing the optic

Significance level 0.05

## Data Sufficiency Test

The Relative Risk Index is based on the computation and comparison of rates. Under some circumstances, rates based on small numbers, which makes the rates relatively unreliable. In general, rates based on five or fewer potential events should be viewed with caution. In the individual work sheets for each race and ethnicity, the Relative Risk Index indicates whether the data meets these standards. For those who wish to use other levels in their analysis, the Relative Risk Index and the size of the base population may be adjusted below.

Minimum Number of Target Events	5
Minimum Size of Base Population	30

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s used is based on the chi square distribution. For  
nvolving white youth and minority youth that  
cision. It then calculates how discrepant that  
ed to occur by chance at a given significance level.  
occur by chance in 1 of 20 comparisons (.05 =  
n of .10, .05, or .01

mstances these rates may be computed based  
fewer events from a possible base of 50 or  
: / ethnic group, a column appears which  
analysis of these data, the number of events

## Data Entry Section

### AREA REPORTED

State : West Virginia

County : Raleigh

Reporting Period 1/1/2008  
through 12/31/2008

	Total Youth	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	7,861	6,569	692	92	78	0	18	412	1,292
2. Juvenile Arrests	175	124	49	0	0	0	0	2	51
3. Refer to Juvenile Court	161	129	28	0	0	0	0	4	32
4. Cases Diverted	124	98	22	0	0	0	0	4	26
5. Cases Involving Secure Detention	38	26	12	0	0	0	0	0	12
6. Cases Petitioned (Charge Filed)	220	162	56	0	0	0	0	2	58
7. Cases Resulting in Delinquent Findings	33	22	11	0	0	0	0	0	11
8. Cases resulting in Probation Placement	18	13	5	0	0	0	0	0	5
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	7	2	5	0	0	0	0	0	5
10. Cases Transferred to Adult Court	1	0	1	0	0	0	0	0	1
Meets 1% rule for group to be assessed?		Yes	Yes	Yes	No	No	No	Yes	

release 10/17/05

### 5. DATA SOURCES & NOTES

Item 1.Population:

Item 3.Referral:

Item 5.Detention:

Item 7.Delinquent:

Item 9.Confinement:

Item 2.Arrest: Population Data Sources, Easy Access to

Item 4.Diversion:

Item 6.Petitioned:

Item 8.Probation:

Item 10.Transferred:



## 1. AREA REPORTED

2. MINORITY  
GROUP:

Black or African-American

State : West Virginia

County : Raleigh

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	70.81	<b>3.75</b>
3. Refer to Juvenile Court	104.03	57.14	<b>0.55</b>
4. Cases Diverted	75.97	78.57	**
5. Cases Involving Secure Detention	20.16	42.86	**
6. Cases Petitioned (Charge Filed)	125.58	200.00	**
7. Cases Resulting in Delinquent Findings	13.58	19.64	<b>1.45</b>
8. Cases resulting in Probation Placement	59.09	45.45	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	45.45	**
10. Cases Transferred to Adult Court	0.00	1.79	**

release 10/17/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Asian

State : West Virginia

County : Raleigh

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	0.00	*
3. Refer to Juvenile Court	104.03	0.00	*
4. Cases Diverted	75.97	0.00	*
5. Cases Involving Secure Detention	20.16	0.00	*
6. Cases Petitioned (Charge Filed)	125.58	0.00	*
7. Cases Resulting in Delinquent Findings	13.58	0.00	*
8. Cases resulting in Probation Placement	59.09	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	0.00	*
10. Cases Transferred to Adult Court	0.00	0.00	*

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

\*\*

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Hispanic or Latino

State : West Virginia

County : Raleigh

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	0.00	**
3. Refer to Juvenile Court	104.03	0.00	**
4. Cases Diverted	75.97	0.00	**
5. Cases Involving Secure Detention	20.16	0.00	**
6. Cases Petitioned (Charge Filed)	125.58	0.00	**
7. Cases Resulting in Delinquent Findings	13.58	0.00	**
8. Cases resulting in Probation Placement	59.09	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	0.00	**
10. Cases Transferred to Adult Court	0.00	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Raleigh

2. MINORITY  
GROUP:

Native Hawaiian or other Pacific  
Islanders

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	0.00	*
3. Refer to Juvenile Court	104.03	0.00	*
4. Cases Diverted	75.97	0.00	*
5. Cases Involving Secure Detention	20.16	0.00	*
6. Cases Petitioned (Charge Filed)	125.58	0.00	*
7. Cases Resulting in Delinquent Findings	13.58	0.00	*
8. Cases resulting in Probation Placement	59.09	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	0.00	*
10. Cases Transferred to Adult Court	0.00	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Raleigh

2. MINORITY  
GROUP:

American Indian or Alaska Native

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	0.00	*
3. Refer to Juvenile Court	104.03	0.00	*
4. Cases Diverted	75.97	0.00	*
5. Cases Involving Secure Detention	20.16	0.00	*
6. Cases Petitioned (Charge Filed)	125.58	0.00	*
7. Cases Resulting in Delinquent Findings	13.58	0.00	*
8. Cases resulting in Probation Placement	59.09	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	0.00	*
10. Cases Transferred to Adult Court	0.00	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Other/ Mixed

State : West Virginia

County : Raleigh

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	4.85	**
3. Refer to Juvenile Court	104.03	200.00	**
4. Cases Diverted	75.97	100.00	**
5. Cases Involving Secure Detention	20.16	0.00	**
6. Cases Petitioned (Charge Filed)	125.58	50.00	**
7. Cases Resulting in Delinquent Findings	13.58	0.00	**
8. Cases resulting in Probation Placement	59.09	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	0.00	**
10. Cases Transferred to Adult Court	0.00	0.00	**

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

All Minorities

State : West Virginia

County : Raleigh

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	18.88	39.47	<b>2.09</b>
3. Refer to Juvenile Court	104.03	62.75	<b>0.60</b>
4. Cases Diverted	75.97	81.25	1.07
5. Cases Involving Secure Detention	20.16	37.50	<b>1.86</b>
6. Cases Petitioned (Charge Filed)	125.58	181.25	<b>1.44</b>
7. Cases Resulting in Delinquent Findings	13.58	18.97	1.40
8. Cases resulting in Probation Placement	59.09	45.45	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	9.09	45.45	**
10. Cases Transferred to Adult Court	0.00	1.72	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

# Relative Rate Index Compared with White Juveniles

Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia

County : Raleigh

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	<b>3.75</b>	**	*	*	*	**	<b>2.09</b>
3. Refer to Juvenile Court	<b>0.55</b>	**	*	*	*	**	<b>0.60</b>
4. Cases Diverted	**	**	*	*	*	**	1.07
5. Cases Involving Secure Detention	**	**	*	*	*	**	<b>1.86</b>
6. Cases Petitioned	**	**	*	*	*	**	<b>1.44</b>
7. Cases Resulting in Delinquent Findings	1.45	**	*	*	*	**	1.40
8. Cases resulting in Probation Placement	**	**	*	*	*	**	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	*	*	*	**	**
10. Cases Transferred to Adult Court	**	**	*	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	
release 10/17/05							

Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis	**
Missing data for some element of calculation	---

**Population Based Relative Rate Index Values**Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia

County : Raleigh

	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	1.00	3.75	--	--	--	--	0.26	2.09
3. Refer to Juvenile Court	1.00	2.06	--	--	--	--	0.49	1.26
4. Cases Diverted	1.00	2.13	--	--	--	--	0.65	1.35
5. Cases Involving Secure Detention	1.00	4.38	--	--	--	--	--	2.35
6. Cases Petitioned	1.00	3.28	--	--	--	--	0.20	1.82
7. Cases Resulting in Delinquent Findings	1.00	4.75	--	--	--	--	--	2.54
8. Cases resulting in Probation Placement	1.00	3.65	--	--	--	--	--	1.96
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	23.73	--	--	--	--	--	12.71
10. Cases Transferred to Adult Court	--	--	--	--	--	--	--	--
<b>Group meets 1% threshold?</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

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## **Significance Testing**

The spreadsheet test provide a test of statistical significance for use in guiding analysis. The test which i  
a given decision (or example a finding of guilt / delinquency) It calculates the expected n

Significance level	0.05
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## **Data Sufficiency Test**

The Relative Risk Index is based on the computation and comparison of rates. Under some circu  
on small numbers, which makes the rates relatively unreliable. In general, rates based on five or 1

Minimum Number of Target Events	5
Minimum Size of Base Population	30

release 10/17/05

s used is based on the chi square distribution. For

mstances these rates may be computed based  
fewer events from a

## Data Entry Section

### AREA REPORTED

State : West Virginia

County : Kanawha

Reporting Period 1/1/2008  
through 12/31/2008

	Total Youth	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	19,840	15,515	2,244	429	299	0	53	1,300	4,325
2. Juvenile Arrests	543	376	142	0	0	0	0	25	167
3. Refer to Juvenile Court	209	145	57	0	0	0	0	7	64
4. Cases Diverted	296	225	64	0	0	0	0	7	71
5. Cases Involving Secure Detention	181	112	65	0	0	0	0	4	69
6. Cases Petitioned (Charge Filed)	457	295	136	0	0	0	0	26	162
7. Cases Resulting in Delinquent Findings	91	52	33	0	0	0	0	6	39
8. Cases resulting in Probation Placement	90	53	32	0	0	0	0	5	37
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	19	12	6	0	0	0	0	1	7
10. Cases Transferred to Adult Court	4	1	3	0	0	0	0	0	3
Meets 1% rule for group to be assessed?		Yes	Yes	Yes	Yes	No	No	Yes	

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### 5. DATA SOURCES & NOTES

Item 1.Population:

Item 3.Referral:

Item 5.Detention:

Item 7.Delinquent:

Item 9.Confinement:

Item 2.Arrest: Population Data Sources, Easy Access to

Item 4.Diversion:

Item 6.Petitioned:

Item 8.Probation:

Item 10.Transferred:

## 1. AREA REPORTED

State : West Virginia

County : Kanawha

2. MINORITY  
GROUP:

Black or African-American

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	63.28	<b>2.61</b>
3. Refer to Juvenile Court	38.56	40.14	1.04
4. Cases Diverted	155.17	112.28	<b>0.72</b>
5. Cases Involving Secure Detention	77.24	114.04	<b>1.48</b>
6. Cases Petitioned (Charge Filed)	203.45	238.60	1.17
7. Cases Resulting in Delinquent Findings	17.63	24.26	1.38
8. Cases resulting in Probation Placement	101.92	96.97	--
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	18.18	0.79
10. Cases Transferred to Adult Court	0.34	2.21	**

release 10/17/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Asian

State : West Virginia

County : Kanawha

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	0.00	**
3. Refer to Juvenile Court	38.56	0.00	**
4. Cases Diverted	155.17	0.00	**
5. Cases Involving Secure Detention	77.24	0.00	**
6. Cases Petitioned (Charge Filed)	203.45	0.00	**
7. Cases Resulting in Delinquent Findings	17.63	0.00	**
8. Cases resulting in Probation Placement	101.92	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	0.00	**
10. Cases Transferred to Adult Court	0.34	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned



## 1. AREA REPORTED

State : West Virginia  
County : Kanawha

2. MINORITY  
GROUP:

Hispanic or Latino

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	0.00	**
3. Refer to Juvenile Court	38.56	0.00	**
4. Cases Diverted	155.17	0.00	**
5. Cases Involving Secure Detention	77.24	0.00	**
6. Cases Petitioned (Charge Filed)	203.45	0.00	**
7. Cases Resulting in Delinquent Findings	17.63	0.00	**
8. Cases resulting in Probation Placement	101.92	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	0.00	**
10. Cases Transferred to Adult Court	0.34	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Kanawha

2. MINORITY  
GROUP:

Native Hawaiian or other Pacific  
Islanders

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	0.00	*
3. Refer to Juvenile Court	38.56	0.00	*
4. Cases Diverted	155.17	0.00	*
5. Cases Involving Secure Detention	77.24	0.00	*
6. Cases Petitioned (Charge Filed)	203.45	0.00	*
7. Cases Resulting in Delinquent Findings	17.63	0.00	*
8. Cases resulting in Probation Placement	101.92	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	0.00	*
10. Cases Transferred to Adult Court	0.34	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Kanawha

2. MINORITY  
GROUP:

American Indian or Alaska Native

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	0.00	*
3. Refer to Juvenile Court	38.56	0.00	*
4. Cases Diverted	155.17	0.00	*
5. Cases Involving Secure Detention	77.24	0.00	*
6. Cases Petitioned (Charge Filed)	203.45	0.00	*
7. Cases Resulting in Delinquent Findings	17.63	0.00	*
8. Cases resulting in Probation Placement	101.92	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	0.00	*
10. Cases Transferred to Adult Court	0.34	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Other/ Mixed

State : West Virginia

County : Kanawha

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	19.23	0.79
3. Refer to Juvenile Court	38.56	28.00	**
4. Cases Diverted	155.17	100.00	**
5. Cases Involving Secure Detention	77.24	57.14	**
6. Cases Petitioned (Charge Filed)	203.45	371.43	**
7. Cases Resulting in Delinquent Findings	17.63	23.08	**
8. Cases resulting in Probation Placement	101.92	83.33	--
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	16.67	**
10. Cases Transferred to Adult Court	0.34	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

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Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

All Minorities

State : West Virginia

County : Kanawha

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	24.23	38.61	<b>1.59</b>
3. Refer to Juvenile Court	38.56	38.32	0.99
4. Cases Diverted	155.17	110.94	<b>0.71</b>
5. Cases Involving Secure Detention	77.24	107.81	<b>1.40</b>
6. Cases Petitioned (Charge Filed)	203.45	253.13	<b>1.24</b>
7. Cases Resulting in Delinquent Findings	17.63	24.07	1.37
8. Cases resulting in Probation Placement	101.92	94.87	<b>0.93</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	23.08	17.95	0.78
10. Cases Transferred to Adult Court	0.34	1.85	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

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Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

# Relative Rate Index Compared with White Juveniles

Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia  
County : Kanawha

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	<b>2.61</b>	**	**	*	*	0.79	<b>1.59</b>
3. Refer to Juvenile Court	1.04	**	**	*	*	**	0.99
4. Cases Diverted	<b>0.72</b>	**	**	*	*	**	<b>0.71</b>
5. Cases Involving Secure Detention	<b>1.48</b>	**	**	*	*	**	<b>1.40</b>
6. Cases Petitioned	1.17	**	**	*	*	**	<b>1.24</b>
7. Cases Resulting in Delinquent Findings	1.38	**	**	*	*	**	1.37
8. Cases resulting in Probation Placement	--	**	**	*	*	--	<b>0.93</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	0.79	**	**	*	*	**	0.78
10. Cases Transferred to Adult Court	**	**	**	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

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Key:

Statistically significant results:

**Bold font**

Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis	**
Missing data for some element of calculation	---

**Population Based Relative Rate Index Values**

Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia

County : Kanawha

	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	1.00	2.61	--	--	--	--	0.79	1.59
3. Refer to Juvenile Court	1.00	2.72	--	--	--	--	0.58	1.58
4. Cases Diverted	1.00	1.97	--	--	--	--	0.37	1.13
5. Cases Involving Secure Detention	1.00	4.01	--	--	--	--	0.43	2.21
6. Cases Petitioned	1.00	3.19	--	--	--	--	1.05	1.97
7. Cases Resulting in Delinquent Findings	1.00	4.39	--	--	--	--	1.38	2.69
8. Cases resulting in Probation Placement	1.00	4.17	--	--	--	--	1.13	2.50
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	3.46	--	--	--	--	0.99	2.09
10. Cases Transferred to Adult Court	1.00	20.74	--	--	--	--	--	10.76
<b>Group meets 1% threshold?</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

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## Significance Testing

The spreadsheet test provide a test of statistical significance for use in guiding analysis. The test which i  
a given decision (or example a finding of guilt / delinquency) It calculates the expected n

Significance level	0.05
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## Data Sufficiency Test

The Relative Risk Index is based on the computation and comparison of rates. Under some circu  
on small numbers, which makes the rates relatively unreliable. In general, rates based on five or 1

Minimum Number of Target Events	5
Minimum Size of Base Population	30

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s used is based on the chi square distribution. For

mstances these rates may be computed based  
fewer events from a

## Data Entry Section

### AREA REPORTED

State : West Virginia

County : Berkeley

Reporting Period 1/1/2008  
through 12/31/2008

	Total Youth	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	12,645	10,264	1,175	528	102	0	37	539	2,381
2. Juvenile Arrests	51	42	8	0	0	0	0	1	9
3. Refer to Juvenile Court	1	1	0	0	0	0	0	0	0
4. Cases Diverted	1	0	1	0	0	0	0	0	1
5. Cases Involving Secure Detention	104	71	19	8	0	0	0	6	33
6. Cases Petitioned (Charge Filed)	50	42	7	0	0	0	0	1	8
7. Cases Resulting in Delinquent Findings	34	29	5	0	0	0	0	0	5
8. Cases resulting in Probation Placement	26	22	4	0	0	0	0	0	4
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	8	7	1	0	0	0	0	0	1
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0

Meets 1% rule for group to be assessed?

Yes

Yes

Yes

No

No

No

Yes

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### 5. DATA SOURCES & NOTES

Item 1.Population:

Item 3.Referral:

Item 5.Detention:

Item 7.Delinquent:

Item 9.Confinement:

Item 2.Arrest: Population Data Sources, Easy Access to

Item 4.Diversion:

Item 6.Petitioned:

Item 8.Probation:

Item 10.Transferred:

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Black or African-American

State : West Virginia

County : Berkeley

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	6.81	1.66
3. Refer to Juvenile Court	2.38	0.00	**
4. Cases Diverted	0.00	0.00	--
5. Cases Involving Secure Detention	7,100.00	0.00	--
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	--
7. Cases Resulting in Delinquent Findings	69.05	71.43	**
8. Cases resulting in Probation Placement	75.86	80.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	20.00	**
10. Cases Transferred to Adult Court	0.00	0.00	**

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## Key:

Statistically significant results:

**Bold font**

Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

\*\*

Missing data for some element of calculation

---

**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Asian

State : West Virginia

County : Berkeley

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	0.00	*
3. Refer to Juvenile Court	2.38	0.00	*
4. Cases Diverted	0.00	0.00	*
5. Cases Involving Secure Detention	7,100.00	0.00	*
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	*
7. Cases Resulting in Delinquent Findings	69.05	0.00	*
8. Cases resulting in Probation Placement	75.86	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	0.00	*
10. Cases Transferred to Adult Court	0.00	0.00	*

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## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

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Missing data for some element of calculation

---

**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Berkeley

2. MINORITY  
GROUP:

Hispanic or Latino

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	0.00	**
3. Refer to Juvenile Court	2.38	0.00	**
4. Cases Diverted	0.00	0.00	**
5. Cases Involving Secure Detention	7,100.00	0.00	--
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	**
7. Cases Resulting in Delinquent Findings	69.05	0.00	**
8. Cases resulting in Probation Placement	75.86	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	0.00	**
10. Cases Transferred to Adult Court	0.00	0.00	**

release 10/3/05

## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

\*\*

Missing data for some element of calculation

---

**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

State : West Virginia  
County : Berkeley

2. MINORITY  
GROUP:

Native Hawaiian or other Pacific  
Islanders

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	0.00	*
3. Refer to Juvenile Court	2.38	0.00	*
4. Cases Diverted	0.00	0.00	*
5. Cases Involving Secure Detention	7,100.00	0.00	*
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	*
7. Cases Resulting in Delinquent Findings	69.05	0.00	*
8. Cases resulting in Probation Placement	75.86	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	0.00	*
10. Cases Transferred to Adult Court	0.00	0.00	*

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## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned



## 1. AREA REPORTED

State : West Virginia  
County : Berkeley

2. MINORITY  
GROUP:

American Indian or Alaska Native

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	0.00	*
3. Refer to Juvenile Court	2.38	0.00	*
4. Cases Diverted	0.00	0.00	*
5. Cases Involving Secure Detention	7,100.00	0.00	*
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	*
7. Cases Resulting in Delinquent Findings	69.05	0.00	*
8. Cases resulting in Probation Placement	75.86	0.00	*
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	0.00	*
10. Cases Transferred to Adult Court	0.00	0.00	*

release 10/3/05

## Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

Insufficient number of cases for analysis

Missing data for some element of calculation

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Regular font

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**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

Other/ Mixed

State : West Virginia

County : Berkeley

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	1.86	**
3. Refer to Juvenile Court	2.38	0.00	**
4. Cases Diverted	0.00	0.00	**
5. Cases Involving Secure Detention	7,100.00	0.00	--
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	--
7. Cases Resulting in Delinquent Findings	69.05	0.00	**
8. Cases resulting in Probation Placement	75.86	0.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	0.00	**
10. Cases Transferred to Adult Court	0.00	0.00	**

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Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

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Missing data for some element of calculation

---

**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
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5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

## 1. AREA REPORTED

2. MINORITY  
GROUP:

All Minorities

State : West Virginia

County : Berkeley

Data Items	Rate of Occurrence - White Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17 )			
2. Juvenile Arrests	4.09	3.78	0.92
3. Refer to Juvenile Court	2.38	0.00	**
4. Cases Diverted	0.00	0.00	--
5. Cases Involving Secure Detention	7,100.00	0.00	--
6. Cases Petitioned (Charge Filed)	4,200.00	0.00	--
7. Cases Resulting in Delinquent Findings	69.05	62.50	**
8. Cases resulting in Probation Placement	75.86	80.00	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	24.14	20.00	**
10. Cases Transferred to Adult Court	0.00	0.00	**

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## Key:

Statistically significant results:

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Results that are not statistically significant

Regular font

Group is less than 1% of the youth population

\*

Insufficient number of cases for analysis

\*\*

Missing data for some element of calculation

---

**Definitions of rates:****Recommended Base****Base Used**

2. Juveniles Arrested - rate per 1000 population	per 1000 youth
3. Referrals to Juvenile Court - rate per 100 arrests	per 100 arrests
4. Juveniles Diverted before adjudication - rate per 100 referrals	per 100 referrals
5. Juveniles Detained - rate per 100 referrals	per 100 referrals
6. Juveniles Petitioned - rate per 100 referrals	per 100 referrals
7. Juveniles found to be delinquent - rate per 100 youth petitioned (charged)	per 100 youth petitioned
8. Juveniles placed on probation - rate per 100 youth found delinquent	per 100 youth found delinquent
9. Juveniles placed in secure correctional facilities - rate per 100 youth found delinquent	per 100 youth found delinquent
10. Juveniles transferred to adult court - rate per 100 youth petitioned	per 100 youth petitioned

**Relative Rate Index Compared with White Juveniles**Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia

County : Berkeley

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	1.66	**	*	*	*	**	0.92
3. Refer to Juvenile Court	**	**	*	*	*	**	**
4. Cases Diverted	--	**	*	*	*	**	--
5. Cases Involving Secure Detention	--	--	*	*	*	--	--
6. Cases Petitioned	--	**	*	*	*	--	--
7. Cases Resulting in Delinquent Findings	**	**	*	*	*	**	**
8. Cases resulting in Probation Placement	**	**	*	*	*	**	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	*	*	*	**	**
10. Cases Transferred to Adult Court	**	**	*	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	
release 10/17/05							

Key:

Statistically significant results:

Results that are not statistically significant

Group is less than 1% of the youth population

**Bold font**

Regular font

\*

Insufficient number of cases for analysis	**
Missing data for some element of calculation	---

**Population Based Relative Rate Index Values**Reporting Period 1/1/2008  
through 12/31/2008

State : West Virginia

County : Berkeley

	White	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	1.00	1.66	--	--	--	--	0.45	0.92
3. Refer to Juvenile Court	1.00	--	--	--	--	--	--	--
4. Cases Diverted	--	--	--	--	--	--	--	--
5. Cases Involving Secure Detention	1.00	2.34	2.19	--	--	--	1.61	2.00
6. Cases Petitioned	1.00	1.46	--	--	--	--	0.45	0.82
7. Cases Resulting in Delinquent Findings	1.00	1.51	--	--	--	--	--	0.74
8. Cases resulting in Probation Placement	1.00	1.59	--	--	--	--	--	0.78
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	1.25	--	--	--	--	--	0.62
10. Cases Transferred to Adult Court	--	--	--	--	--	--	--	--
<b>Group meets 1% threshold?</b>		<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

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## **Significance Testing**

The spreadsheet test provide a test of statistical significance for use in guiding analysis. The test which i  
a given decision (or example a finding of guilt / delinquency) It calculates the expected n

Significance level	0.05
--------------------	------

## **Data Sufficiency Test**

The Relative Risk Index is based on the computation and comparison of rates. Under some circu  
on small numbers, which makes the rates relatively unreliable. In general, rates based on five or 1

Minimum Number of Target Events	5
Minimum Size of Base Population	30

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s used is based on the chi square distribution. For

mstances these rates may be computed based  
fewer events from a

# Attachment 3

**State of West Virginia  
Juvenile Justice and Delinquency Prevention**

**FY 2009 Budget Narrative  
(Attachment # 3)**

***Planning and Administration***

Costs under this section include program personnel who directly oversee the administration of the Title II – Juvenile Justice and Delinquency Prevention Grant program. A small portion of the P & A allotment provides the Coordinator with travel funds to monitor subgrantees for compliance with Formula grant guidelines, to attend national or regional OJJDP-sponsored conferences, and the purchase of supplies needed to assist with the operation of the JJDP program.

***Program Funds (Sub-grants to Units of Local Government)***

With Fiscal Year 2009 Formula Grant funds, the State Advisory Group has chosen six Grant Program areas to concentrate funding in. These areas include: Delinquency Prevention, School Programs, Disproportionate Minority Contact, Restitution/Diversion, Gender Specific Services, and Juvenile Justice Systems Improvement. Each program will develop a budget according to the following.

Personnel/Contractual Category – Personnel expenses for all purposes proposed through the grant.

- Coordinators – funds will be used to provide for local coordinators who provide intervention, diversion, education and/or any other direct services to youth.
- Law Enforcement Officers (Prevention Resource Officer) – funds will be used to provide for certified WV Police Officers in local middle and high schools, who offer prevention, mentoring, and safety.

Travel Category – All project travel costs and/or training expenses associated with the proposed program.

- Mileage reimbursement in accordance with West Virginia State Travel Regulations at the at the states current rate per mile (personal vehicle) for transporting direct services to youth.
- Training costs for youth service staff (registration fees, mileage, lodging, and meals). Meal allowance costs are limited to Federal Per Diem rates per day and in accordance with WV State Travel regulations.

Other Category – all program materials, advertising expenses, intervention materials, and any other expenses.

- Project materials, such as curriculum, tutoring, and counseling materials (books, handouts, workbooks, videos, etc.).
- Advertising – funds will be used to purchase billboards, radio spots, newspaper ads, produce television commercials, etc. Anything subgrantees deem as an appropriate advertising means.

## Budget Detail Worksheet

Formula Grant Program FY 2009

Program Areas	Program Area Title	Total Funds	Federal Share	State Match
23	Planning and Administration	\$120,000	\$60,000	\$60,000
31	State Advisory Group	30,000	30,000	
09	Delinquency Prevention	175,000	175,000	
27	School Programs	185,000	185,000	
10	Disproportionate Minority Contact	65,000	65,000	
13	Gender Specific Programs	30,000	30,000	
19	Juvenile Justice System Improvement	30,000	30,000	
11/25	Restitution/Community Service & Diversion	25,000	25,000	
	<b>Totals</b>	<b>\$660,000</b>	<b>\$600,000</b>	<b>\$60,000</b>

The planning and administrative costs cover:

1. Salaries for:
  - a. Full-time juvenile justice specialist (50% FG, 50% state)
  - b. Part-time senior programs specialist (10% FG, 10% state)
  - c. Partial salaries for upper management, including:
    - i. Associate Deputy Director (5% FG)
    - ii. Deputy Director (2.5% FG)
    - iii. Director (2.5% FG)
  - d. Partial salaries for administrative staff, including
    - i. Four accountants (total 13% FG)
    - ii. Four secretarial positions (total 17% FG)
2. Travel cost for the juvenile justice staff for the following activities:
  - a. Attendance at national and/or regional OJJDP-sponsored conference and workshops.
  - b. Attendance at Coalition for Juvenile Justice-sponsored national and/or regional conferences.
  - c. Monitor subgrantees for compliance with Formula grant guidelines.
  - d. Attendance at local conferences and workshops.
3. Miscellaneous expenses including:
  - a. Supplies for use by the formula grants program.
  - b. Computer equipment, when appropriate.

# Section 1

## Attachment

# WEST VIRGINIA JUVENILE LAW & PROCEDURE

*Division of Criminal Justice Services • Department of Military Affairs & Public Safety • State of West Virginia*

JUVENILE JUSTICE REPORT

JUNE 2004

## Purpose

The following report is an overview of West Virginia Juvenile Law and Procedure. This overview is intended to provide a framework for understanding West Virginia's Juvenile Justice System. The information in this report can be used as a training tool for juvenile justice system personnel, law enforcement, students and the interested public.

It is not intended to detail exhaustively every nuance of law and procedure, and is accurate as of June 1, 2004. For further clarification and understanding refer to the specific code citation for the actual code language. For the most part, this overview does not account for the substantial body of juvenile case law. Cases relating to particular statutory provisions are summarized as annotations in the WV Code, although many are now outdated as a result of subsequent Code amendments.



*A meeting of the Governor's Committee on Crime, Delinquency & Correction, Juvenile Justice Subcommittee.*

letter or number. The first digit indicates the Code chapter; the second, the Code article; the third, the section within the Code chapter and article; the parenthetical, the subsection or subdivision within the Code section.

## Prevention & Intervention

West Virginia provides a variety of prevention and intervention efforts to keep juveniles from entering or further advancing into the juvenile justice system.

Informal efforts range from community faith-based efforts, community coalitions and collaborations, Boys & Girls Clubs, WV's Promise, YMCA and others. All these community members work to provide protective factors for WV children.

More formalized prevention and intervention efforts are provided to communities primarily through grants by: the Department of Health and Human Resources and the

Department of Military Affairs and Public Safety through the Division of Criminal Justice Services (DCJS) - Governor's Committee on Crime, Delinquency and Correction's Juvenile Justice Subcommittee (SAG). The SAG is WV's coordinated planning body for prevention, intervention and accountability state and federal grant funds. DCJS administers approximately \$3 million in grant funds annually for these purposes. This board is charged by executive order and legislation with developing a statewide planning capacity for the improvement of WV's juvenile justice system. Members are appointed by the Governor and represent every aspect of WV's juvenile justice system.

## Report Information Source

Juvenile proceedings are governed principally by West Virginia (WV) Code, Chapter 49, Articles 5 and 5A. The Juvenile Offender Rehabilitation Act, contained in WV Code, Chapter 49, Article 5B, regarding juvenile status and delinquency offenses, provides for certain services for alleged and adjudicated juvenile offenders, before and after court intervention.

## Code Citations

Throughout this overview, references to the WV Code consist of three numbers separated by hyphens, with the last number usually followed by a parenthetical

# Juvenile Court Jurisdiction & Judicial Officers

## Circuit Court Jurisdiction

Jurisdiction for most proceedings involving juveniles lies with **circuit court** [§49-5-2(a)]. There are various exceptions, however; and for some matters, officials other than circuit judges act as judicial officers of the circuit court.

## Magistrate & Municipal Court Jurisdiction

Municipal courts have concurrent jurisdiction with the circuit court for violation by a juvenile of a municipal traffic or curfew ordinance or for any municipal ordinance regulating or prohibiting public intoxication, drinking or possessing alcohol, liquor or non-intoxicating beer in public places, or any other act prohibited by §60-6-9, but may not impose a sentence of incarceration [§49-5-2(d)].

For certain offenses, magistrate courts have concurrent jurisdiction to conduct proceedings involving a juvenile the same as for an adult [§49-5-2(c)]. These offenses are:

1. A misdemeanor violation of a traffic law EXCEPT as defined in §49-5-1(f) which include:
  - a. 17C-4-1 and 2 (hit and run);
  - b. 17C-5-1 (negligent homicide);
  - c. 17C-5-2 (driving under the influence); and
  - d. 17C-5-3 (reckless driving);
2. Any violation of WV Code, Chapter 20 (e.g., hunting, fishing, wildlife offense);
3. Any violation of §16-9A-3 (juvenile tobacco offense);
4. Any violation of §11-16-19 (purchase, possession, consumption, service or sale of “nonintoxicating” beer);
5. Any violation of §60-6-9 (possession of alcohol; consumption of alcohol or intoxication in a public place).

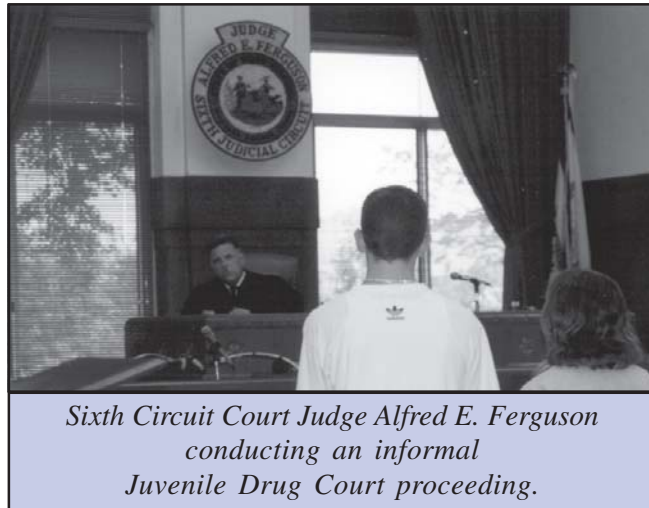
Charges for these offenses may be brought against a juvenile by citation or by criminal complaint instead of by juvenile petition. Upon a finding of guilt, a magistrate may not impose incarceration as a penalty [§49-5-2(c)]; a magistrate court sentence may involve only a fine or

community service as authorized by the WV Code and, if appropriate, restitution.

A magistrate may also acquire jurisdiction over a juvenile on any misdemeanor charge if a juvenile age 14 or older demands the circuit court to order transfer to adult criminal jurisdiction [§49-5-10(c)]. Upon receipt of a circuit court order referring such case, a magistrate

treats the juvenile the same as an adult except that no confinement in a facility that holds adults is permissible [§49-5-16(a), 49-5-2(c)].

Further, any magistrate may order a juvenile to be taken into custody [§49-5-8(a)]; and any magistrate is authorized to conduct a juvenile detention hearing when a judge or juvenile referee is not available [§49-5-8(c)(4)]. In these instances, a magistrate is acting as a judicial officer of the circuit court.



## Juvenile Referees

Circuit judges are authorized to appoint a full-time or part-time juvenile referee for each county [§49-5A-1]. Three counties have referees, Cabell, Kanawha, and Wayne. In the other 52 counties, circuit judges have appointed a magistrate (often more than one) as referee.

A juvenile referee has the authority to hold juvenile detention hearings and to perform “such other duties as are assigned” by circuit court [§49-5A-1] and to conduct preliminary hearings [§49-5-9(a)]. However, a referee is prohibited from conducting any hearing on (or ruling on) the merits of any juvenile case [§49-5A-1], e.g., accepting guilty pleas; holding adjudicatory, transfer, or post-adjudication dispositional hearings; or determining post-adjudication dispositions.

Practices vary from circuit to circuit regarding authorization of a referee, as a circuit court officer, to hear and rule on pre-adjudication motions (on either delinquency or status-offense charges) and a motion for a pre-adjudication evaluation. A referee’s authority is limited to that expressly granted by the WV Code and that expressly assigned in the order of appointment.

## Initiation of Juvenile Jurisdiction

Juvenile jurisdiction is initiated, strictly speaking, by the filing of a **juvenile petition** (as provided by §49-5-7) alleging a status offense or delinquency or by **certification** (as provided by §49-5-2(b) **or transfer** (as provided by §49-5-2(e)) to circuit court juvenile jurisdiction from the adult criminal jurisdiction of any court.

The petition method is usually noted in some way as **formal**: “formal filing,” “formal petition,” “formal proceedings,” “going formal.”

The practice in many counties, by long-set precedent, is to initiate juvenile jurisdiction by the filing of an “**informal**” complaint alleging a status offense or delinquency. An intake officer, usually a juvenile probation officer or a prosecutor, screens the complaint to determine whether to divert (see section on informal resolution) or to file a “formal” petition. Since action is allowed without beginning formal proceedings by petition, the practice of informal complaints and screening appears to be implicitly appropriate and to be consistent with Code intent.

Juvenile jurisdiction extends to juveniles accused of delinquency or a status offense.

## Definition of Delinquency

Delinquency entails an act that would be a **crime under state law or municipal ordinance if committed by an adult** [§49-1-4(8)]. For a juvenile adjudicated to be delinquent, juvenile jurisdiction may continue to age 21 [§49-5-2(f)].

## Definition of Status Offense

A status offense is any of the offenses listed below [§49-1-4(14)].

**Incorrigibility** - Habitual and continual refusal to respond to the lawful supervision by a parent, guardian, or legal custodian such that the behavior substantially endangers the health, safety, or welfare of the juvenile or any other person.

**Runaway** - Leaving the care of a parent, guardian, or custodian without consent or without good cause.

**Truancy** - Habitual absence from school without good cause.

**Underage Drinking** - violation of any West Virginia municipal, county, or state law regarding use of alcoholic beverages by minors.

# Juvenile Records

## Confidentiality of Juvenile Records

With certain exceptions, all records and information concerning a child or juvenile which are maintained by the Division of Juvenile Services, the Department of Health and Human Resources, a child agency or facility, court or law-enforcement agency **shall be kept confidential** and shall not be released or disclosed to anyone, including any federal or state agency [§49-7-1].

Except in juvenile proceedings which are transferred to adult criminal proceedings, law-enforcement records and files concerning a child or juvenile shall be kept separate from the records and files of adults and not included within the court files [§49-7-1(e)].

One exception to confidentiality is given to the Division of Criminal Justice Services (DCJS) formerly Criminal Justice and Highway Safety Division of the Department of Military Affairs and Public Safety for research and planning purposes. Because DCJS is responsible for collecting, compiling and disseminating information on juveniles in the juvenile justice system, they have access to confidential juvenile records for the limited purpose of maintaining the juvenile justice database. DCJS must keep the records confidential and not publish any information that would identify any individual juvenile [§49-7-32].

**Records of juvenile proceedings are not public records and shall not be disclosed to anyone** unless disclosure is otherwise authorized by code [§49-5-17]. Disclosures that are authorized include: A copy of a juvenile’s records shall automatically be disclosed to **certain school officials**, ONLY when: the juvenile has been charged with an offense which **involves violence against another person**; the offense involves **possession of a dangerous or deadly weapon**; or the offense involves **possession or delivery of a controlled substance**; AND the juvenile case has proceeded to a point where one or more of the following has occurred: a judge, magistrate or referee has determined that there is **probable cause** to believe that the juvenile committed the offense as charged; a judge, magistrate or referee has placed the juvenile on **probation** for the offense; a judge has placed the juvenile into an **improvement period**; or some other type of **disposition has been made** of the case other than dismissal. The circuit court for each judicial circuit designates one person to supervise the disclosure of juvenile records to certain WV school officials.



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**Juvenile records must be treated as absolutely confidential by the school official to whom they are transmitted, and nothing contained within the juvenile's records shall be noted on the juvenile's permanent educational record.**

The juvenile records are to be maintained in a secure location and are not to be copied under any circumstances. However, the principal of a school to whom the records are transmitted shall have the duty to disclose the contents of those records to any teacher of the juvenile, regular bus driver of the juvenile or any school official that has the need to be aware of the contents of the records. Under no circumstances are schools allowed to transmit a juvenile's records to another school of any type. After a student leaves a school, the school official must seal the records and return them to the person designated by the circuit court.

- If a juvenile case is transferred to the adult criminal jurisdiction of the circuit court the juvenile records shall be open to public inspection only if the juvenile fails to file a timely appeal of the transfer order, or the supreme court of appeals refuses to hear or denies an appeal which has been timely filed.

- If a juvenile is fourteen years of age or older and a court has determined there is a probable cause to believe the juvenile committed an offense set forth in §49-5-10(g) but the case is not transferred to criminal jurisdiction, the juvenile records shall be open to public inspection pending trial only if the juvenile is released on bond and no longer detained or adjudicated delinquent of the offense.

- If a juvenile is younger than fourteen years of age and a court has determined there is probable cause to believe that the juvenile committed murder or first degree sexual assault but the case is not transferred to adult criminal jurisdiction, the juvenile records shall be open to public inspection pending trial only if the juvenile is released on bond and no longer detained or adjudicated delinquent of the offense.

- Upon a written petition and pursuant to a written order, the circuit court may permit disclosure of juvenile records to:

- A court which has juvenile jurisdiction and has the juvenile before it in a juvenile proceeding;
- A court exercising criminal jurisdiction over the

juvenile which requests such records for the purpose of a presentence report or disposition proceeding;

- The juvenile, the juvenile's parents or legal guardian, or the juvenile's counsel;

- The officials of a public institution to which the juvenile is committed if they require such records for transfer, parole or discharge; OR

- A person who is conducting research. However, juvenile records may be disclosed for research purposes only upon the condition that information which would identify the subject juvenile or the juvenile's family shall not be disclosed.

### **Sealing Juvenile Records**

[§49-5-18] One year after the juvenile's eighteenth birthday, or one year after personal or juvenile jurisdiction has terminated, whichever is later, the records of a juvenile proceeding shall be sealed by operation of law.

**To seal juvenile records, they shall be returned to the circuit court in which the case was pending and be kept in a separate confidential file.**


The records shall be physically marked to show that they have been sealed and shall be securely sealed and filed in such a manner that no one can determine the identity of the juvenile. Sealed records may not be opened except upon order of the circuit court. Sealing of juvenile records has the legal effect of extinguishing the offense as if it never occurred.


**The records of a juvenile convicted under the adult criminal jurisdiction of the circuit court may not be sealed.** The records of a juvenile proceeding in which a juvenile was transferred to criminal jurisdiction pursuant to the provisions of §49-5-10 shall be sealed by operation of law if the juvenile is subsequently acquitted or found guilty only of an offense other than an offense upon which the waiver or order of transfer was based, or if the offense upon which the waiver or order of transfer was based is subsequently dismissed.


# Protection of Rights

*This is an overview of rights. Time frames and further descriptions are discussed throughout the report.*


Juveniles involved in status-offense or delinquency proceedings have an array of rights protected by statute, by Constitution, or by both. They include:


 The right to **notice**, by copy of the petition, following the filing of a petition or certification to juvenile jurisdiction [§49-5-7(a) and (d)].


 If taken into custody, the right to a **prompt detention hearing** [§49-5-8(a) and (d), §49-5A-2].


 The right **not to be detained or incarcerated in any adult jail or correctional facility** [§49-5A-2, §49-5-16].


 The right to **bail or recognizance** [§49-5-2(g)] as a general rule.


 The right to the **protections guaranteed by WV Constitution, Article III** [§49-5-2(g)], including the rights against excessive bail and fines, cruel and unusual punishment, self-incrimination, double jeopardy, unreasonable searches and seizures, as well as the rights to habeas corpus, due process of law, notice of the nature of any accusation, assistance of counsel, trial by jury, confrontation of adverse witnesses, compulsory process for obtaining favorable witnesses, freedom of expression, religion, and public assembly.


 The right to **effective representation** by counsel, whether retained or appointed, at all stages of any juvenile proceedings [§49-5-2(h)].

 The right to a meaningful **opportunity to be heard**, including the opportunity to testify and to present and cross-examine witnesses [§49-5-2(i)]. [State v. Damian R., 214 W.Va. 610, 591 S.E.2d 168 (2003)].

 The right to **closed proceedings**. Juvenile proceedings are to be closed to the public, with limited exceptions that fall within the discretion of the court for persons whose presence is requested by the parties or other persons determined by the court to have a legitimate interest in the proceedings. When a juvenile is accused of committing an act of delinquency that would be a felony for an adult, the victim or a representative of the victim has the right to be present during the proceedings at the discretion of the court. If the victim of such an offense is a juvenile, he or she may be accompanied by parents or a representative [§49-5-2(i)].


 At all adjudicatory hearings, all the **procedural rights** afforded to adults in criminal proceedings (including those afforded by the WV Rules of Criminal Procedure), unless otherwise specifically provided by the WV Code, Chapter 49 [§49-5-2(j)].


 At all adjudicatory hearings, the right to the **application of the WV Rules of Evidence** [§49-5-2(k)].


 The right **against the admission of certain statements** made by the juvenile. The following statements are not admissible: extrajudicial statements made by a juvenile under the age of 14 to law enforcement officials or while in custody, but not in the presence of the juvenile's counsel; extrajudicial statements made by a juvenile between the ages of 14 and 16 to law enforcement officials or while in custody, but not in the presence of the juvenile's counsel or without the informed consent and presence of the juvenile's parent or custodian. Extrajudicial statements in


this context do not include *res gestae* statements, which the Code defines to include spontaneous statements made immediately after an event and before an individual has had an opportunity to generate a false story. [§49-5-2(l), §49-5-1(e).]

 The right to **trial by jury** at the adjudicatory hearing upon demand by the juvenile, counsel, or parent or guardian [§49-5-6].

 In a delinquency case, at the adjudicatory hearing, the right to **proof beyond a reasonable doubt** [§49-5-11(c)].


 In a status-offense case, at the adjudicatory hearing, the right to **proof by clear and convincing evidence** [§49-5-11(d)].

 The right to have the judge make, on the record, **findings of fact and conclusions of law** at the conclusion of any transfer, adjudicatory, and dispositional hearing [§49-5-2(m), §49-5-11(f)].

 The right to have a preliminary **hearing recorded** [WV Criminal Rule of Procedure 5.1(d)] and to have any transfer, adjudicatory, and dispositional hearings recorded or transcribed and a transcript made available for appeal [§49-5-2(m)].

 The right to **appeal** [§49-5-11a(d), §49-5-13(c)].

 The right **against having an adjudication of being a delinquent to be deemed a criminal conviction** [§49-7-3].

 With certain narrow exceptions, the right of **confidentiality of juvenile records** [§49-5-17, §49-7-1]; this includes the sealing of records at age 19 or one year after the termination of juvenile jurisdiction, with the legal effect that a juvenile offense is extinguished as if it never occurred [§49-5-18].

## Rights for Specific Circumstances

Further, the WV Code requires that a juvenile be informed expressly and specifically of certain rights in three particular situations. (1) At a **detention hearing**, the judicial officer must inform the juvenile that the juvenile has the right to remain silent and the right to counsel, that the juvenile may be interrogated only in the presence of a parent or counsel, and that any statement by the juvenile may be used against him or her [§49-5-8a(a)]. (2) At a **preliminary hearing**, if a juvenile does not have counsel, the judge or referee must inform the juvenile of the right to be represented by counsel and to have counsel appointed, and of the right to demand trial by jury [§49-5-9(a)(1) and (5)]. (3) Upon coming into the **custody of a sheriff or a detention facility director**, a juvenile must be provided a written statement explaining the right to a prompt detention hearing, the right to counsel, and the right against self-incrimination [§49-5-8(d)]. In addition, a juvenile **in custody or detention** has numerous specific rights along with the right to a copy of such rights upon admission to a juvenile facility, including: no punishment by physical force, deprivation of nutritious meals or family visits, or solitary confinement; daily exercise; his or her own clothing or individualized clothing which is clean and supplied by the facility; daily showers; writing materials and sending and receiving mail without censorship; making and receiving phone calls; receiving visitors daily; medical care as needed; education, including instruction, materials, and books; reasonable access to an attorney; and a grievance procedure [§49-5-16a].

# Facilities & Placement Limitations

The WV Code defines three kinds of facilities in which juveniles involved in juvenile proceedings may be detained or to which they may be committed. (See the adjoining box for definitions of secure, staff secure and non-secure facilities.)

The Code places strict limitations on the number and kind of juveniles placed in secure facilities. **A juvenile charged with delinquency may be detained in a secure facility only as permitted under very strict standards**, which take into account an array of factors, particularly the seriousness of the alleged offense. **A juvenile may not be detained in any jail or other adult facility** [§49-5A-2, §49-5-16(a)]. Secure and some staff secure facilities are monitored for compliance by the Division of Criminal Justice Services.

The Code also places limits on the number and kind of juveniles placed in staff secure and non-secure juvenile facilities. A court may not order placement of a juvenile in these facilities licensed by the Department of Health and Human Resources (DHHR) that is at licensed capacity, and a child welfare agency operating such a facility is not required to accept a juvenile for placement if it is at licensed capacity or if it is unable to meet the needs of the juvenile [§49-1-5]. A court may order placement of a juvenile in an out-of-state facility when appropriate services are not available in state.

Except for placements in in-state secure facilities, all juvenile placements are funded by DHHR. Nonsecure and some staff secure facilities are inspected and licensed by DHHR.

## Federal & State Detention Monitoring

WV Supreme Court of Appeals, Administrative Order, effective July 1, 1997, charges DCJS to monitor compliance with State standards for juvenile detention facilities. Quarterly reports on illegal detentions are compiled and submitted to the WV Supreme Court of Appeals Administrative Office. In addition to monitoring for compliance with state standards, detention facilities also report to DCJS any instances of overcapacity. A quarterly report is prepared and sent to the WV Supreme Court of Appeals.

DCJS is also required to monitor for federal juvenile detention standards mandated by the Juvenile Justice & Delinquency Prevention Act of 1974 amended. An annual report on compliance is sent to the U.S. Department of Justice.

## Facility Types

### Secure Facility

A secure facility is “any public or private residential facility which includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility” [§49-1-4(12)]. The Division of Juvenile Services (DJS) within the Department of Military Affairs and Public Safety has authority over the public in-state secure detention and correctional facilities [§49-1-1(c), §49-2-16, §49-5E-2]. Only juveniles charged or adjudicated in delinquency proceedings may be placed in secure facilities [see §49-5-8a(a)(3), §49-5-11a(b)(2)].

### Staff-Secure Facility

A staff-secure facility is “any public or private residential facility characterized by staff restrictions of the movements and activities of individuals held in lawful custody in such facility and which limits its residents’ access to the surrounding community, but is not characterized by construction fixtures designed to physically restrict the movements and activities of residents” [§49-1-4(13)]. The Department of Health and Human Resources (DHHR) has responsibility for oversight (principally by way of licensing) of these in-state juvenile facilities. Juveniles charged or adjudicated in delinquency, as well as in status-offense proceedings, may be placed in nonsecure or staff-secure facilities.

### Nonsecure Facility

A nonsecure facility is “any public or private residential facility not characterized by construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in such facility and which provides its residents access to the surrounding community with supervision” [§49-1-4(9)].





*West Virginia Industrial Home for Youth located in Industrial, WV is a Division of Juvenile Services secure, juvenile correctional facility.*



*Davis Juvenile Correctional Facility located in Davis, WV is a Division of Juvenile Services secure, juvenile correctional facility.*



*Eastern Regional Juvenile Detention Center located in Martinsburg, WV is an example of a Division of Juvenile Services secure juvenile detention facility.*



*Stepping Stones Group Home in Wayne County is an example of a non-secure facility.*

# Juvenile Proceedings: Status-Offense & Delinquency

## Informal Resolution

Before formal filing of a juvenile petition, an alleged status offender or delinquent may be referred to a DHHR worker or to a probation officer for **diversion** to informal resolution of the matter in lieu of formal proceedings [§49-5-2a]. There are a variety of possibilities for informal resolution, before or after the filing of a formal petition.

The court (or referee, if authorized), a DHHR or other official may refer an alleged status offender (at any time or upon request by a parent, guardian, or custodian) or delinquent (before a petition is filed) for **noncustodial counseling** at DHHR, a community mental health center, or other community professional counseling agency. If the juvenile complies and the counseling is successful, the matter is resolved. If the juvenile does not comply, DHHR may, with notice to the juvenile, seek a court order directing submission to counseling. After a hearing, the judge or referee may order the juvenile to participate in noncustodial counseling for no more than six months. If recommended by DHHR or requested by a parent, guardian, or custodian, the order may allow or require a parent, guardian, or custodian to participate in the counseling. [§49-5-3.] If the counseling succeeds, the matter is resolved. If not, a petition may be filed initiating formal proceedings against the juvenile, although not mandated by §49-5-3; but information obtained during counseling is inadmissible in any subsequent proceeding.

The court (or referee, if authorized) may, alternatively, refer an alleged status offender or delinquent, and possibly other involved parties, to a probation officer for counsel and advice in an effort toward informal adjustment when it appears that the court would have jurisdiction, the best interest of the public and the juvenile would be served, and the juvenile

and a parent, guardian, or custodian consent. This is commonly known as **informal probation**. The initial effort may not continue longer than six months, unless extended by the court for an additional six months [§49-5-3a]. If the effort succeeds, the matter is resolved. If not, a petition might be filed initiating formal proceedings against the juvenile, although not mandated by §49-5-3a.

DHHR is authorized to develop an individualized program of rehabilitation for any juvenile referred for noncustodial counseling under §49-5-3 or any juvenile receiving counsel and advice under §49-5-3a.

Another “informal,” limited alternative procedure is the teen court program, which the circuit court of any county may establish. If offered in the county of the alleged offense, the **teen court** program is available as an alternative to the initiation of formal proceedings or, after the initiation of formal proceedings, as an alternative to proceeding to a disposition. The option is limited to cases in which a juvenile is alleged to be a status offender or to



An attorney demonstrates trial procedure to a Monongalia County Teen Court student volunteer.

be a delinquent whose offense would be a misdemeanor if committed by an adult. The court (or referee, if authorized), juvenile probation officer, DHHR, and parent, guardian, or custodian decide whether a juvenile participates—subject to the court’s (or referee’s) finding that the juvenile is a suitable candidate. Except for the teen court judge (who must be an active or retired circuit judge or an active attorney member of the State Bar), the teen court officials and jurors are mainly volunteer students. The teen court jury may impose community service, with monitoring by a probation officer, and the juvenile must perform two sessions of teen court jury service. If a juvenile does not cooperate in and complete the program, he or she returns to circuit court for further status-offender [§49-5-11a] or delinquent [§49-5-13] disposition. [§49-5-13d.]



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## Juvenile Petition (Formal)

Any person with knowledge of or information about facts constituting an act of juvenile delinquency or a status offense may file a petition alleging that a juvenile has committed a delinquency or a status offense. The petition must be verified (i.e., sworn or affirmed) by the petitioner and must set forth the name and address of the juvenile as well as of the parent, guardian, or custodian if the latter information is known to the petitioner.

The petition must also contain specific facts regarding the alleged act or acts, including time and place, as well as a statement that the juvenile has a right to appointed counsel at every stage of the proceedings and a statement of the relief sought. **A petition has to be filed with the circuit court in the county where the delinquency or status offense allegedly occurred** [§49-5-7(a)(1)]. The county prosecuting attorney is required to represent the petitioner throughout any juvenile proceedings [§49-5-12].

After a petition has been filed, the court must set a time and place *within two weeks* for a preliminary hearing and should appoint counsel. The juvenile must be served with a copy of the petition and a summons, which may be mailed or served in person. If a juvenile fails to respond to a mailed summons, the court may not conduct further proceedings until the juvenile has been served in person. If a juvenile fails to appear in response to a summons after personal service, the court may issue an order for the juvenile's arrest [§49-5-7(a)(2)].

The parent, guardian, or custodian of the juvenile must be served, by mail or in person, with notice of the proceedings, and be required to appear at the hearing set by the court. If a parent, guardian, or custodian cannot be found after diligent search or fails to appear more than *15 days* after notice by first-class mail, the court or referee may proceed without further attempt at notice [§49-5-7(b)].

The court or referee may order a subpoena to be issued against the person having control of a juvenile directing that person to appear with the juvenile [§49-5-7(c)]. When a juvenile is certified to the juvenile jurisdiction of circuit court, it is the responsibility of the court or referee to serve the juvenile and his or her parent, guardian, or custodian with a copy of the petition forthwith. If in custody, the juvenile must be served with a copy of the petition within *96 hours* of the beginning of custody, or be released [§49-5-7(d)].

The clerk of the circuit court is required to notify DHHR of all juvenile proceedings [§49-5-7(e)].

## Taking a Juvenile into Custody

Like adults, juveniles may be taken into custody with or without advance authorization by a judicial officer. If formal proceedings have been initiated by petition, a circuit judge, a juvenile referee, or a magistrate may order a

juvenile to be taken into custody upon a showing of probable cause that one of the following conditions exists:

- An **adult could be arrested under identical circumstances**.
- The **health, safety, and welfare of the juvenile** require custody.
- The juvenile is a **fugitive** from lawful custody **or a commitment order** from a juvenile court.
- The juvenile is alleged to be a delinquent and has a record of **failure to appear** at juvenile proceedings and custody is necessary to assure the juvenile's appearance before the court [§49-5-8(a)].

In the absence of a court order, a law enforcement officer may take a juvenile into custody only if one of the following conditions exists: [§49-5-8(b)].

- **An adult could be arrested under identical circumstances**.
- The officer concludes that emergency conditions exist that pose **imminent danger** to the health, safety, and welfare of the juvenile.
- The officer has reason to believe the juvenile has **left the care of the juvenile's parent, guardian, or custodian** without consent and the health, safety, and welfare of the juvenile are endangered.
- The juvenile is a **fugitive** from lawful custody **or a commitment order** from a juvenile court.
- The officer has reason to believe the juvenile has been **driving under the influence** of any amount of alcohol.

When a juvenile has been taken into custody, the law enforcement officer shall immediately contact the juvenile's parent, guardian, or custodian. If a parent, guardian, or custodian cannot be found, the officer must try to notify a close relative. **The law enforcement officer shall release the juvenile to the custody of a parent, guardian, or custodian except in certain circumstances:**

- The threat of **serious bodily harm** to the juvenile if released;
- **Failure to locate a responsible adult** to accept custody of the juvenile. If a juvenile is detained because no responsible adult can be located, all attempts to locate a responsible adult must be documented; or
- Allegations that the juvenile has committed an **act of delinquency for which secure detention is permissible**.

If the juvenile taken into custody is an alleged status offender, the law enforcement officer must also notify DHHR. **An alleged status offender may be detained, but only in a nonsecure or staff-secure facility and only if release would threaten serious bodily harm or no adult can be found to take custody.** If a juvenile taken into custody by a law enforcement officer is not released to a parent, guardian, custodian, or other responsible adult, the juvenile must be taken without unnecessary delay before a judge, juvenile referee, or magistrate for a detention hearing, but the delay may never be beyond the next day. [§49-5-8(c)(4).]

If a juvenile is kept in custody, the sheriff or detention center director is mandated to provide the juvenile a written statement explaining the juvenile's right to a prompt detention hearing, right to counsel, and privilege against self-incrimination. **The juvenile must be released by the end of the next day unless a detention hearing has been held and an order of detention has resulted.** [§49-5-8(d).]

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## Detention Hearing

A detention hearing may be conducted by a circuit judge, a juvenile referee, or, if neither is available, a magistrate [§49-5-8(c)(4), §49-5A-1, §49-5-8a(a)].

At the detention hearing, the judicial officer must inform the juvenile of the right to remain silent, that any statement made may be used against the juvenile in subsequent proceedings, the right to counsel, and that no interrogation of the juvenile may occur outside the presence of a parent or counsel. If counsel has not been retained, counsel must be appointed [§49-5-8a(a)].

**The sole mandatory issue at a detention hearing is whether the juvenile should be detained pending further court proceedings.** Unless the health, safety, and welfare of the juvenile are endangered, the judicial officer must release the juvenile on recognizance to the juvenile's parent, custodian, or appropriate agency. [§49-5-8a(a), §49-5A-2.] Bail may be required, but may be denied only in cases where bail could be denied for an adult [§49-5-2(g), §49-5-8a(a)].

At the hearing, the judicial officer must notify the juvenile's parent, guardian, or custodian, or, if necessary, a close relative. The juvenile must be released to the custody of a parent, guardian, custodian, or close relative unless:

- Releasing the juvenile would create an **immediate threat of serious bodily harm** to the juvenile;
- A **responsible adult cannot be found** to take custody of the juvenile; or
- The juvenile is **charged with committing an offense for which secure detention is permissible**.

If a responsible adult cannot be found to take custody and the juvenile is detained, a record must be kept of all attempts to locate a responsible adult [§49-5-8a(a)].

If the juvenile is an alleged status offender, the judicial officer must notify DHHR. An alleged status offender may be detained, but only in a nonsecure or staff-secure facility and only if release would threaten serious body harm or no adult can be found to take custody; and an alleged status offender detained must be placed in the legal custody of DHHR pending further proceedings [§49-5-8a(a)].

**A juvenile charged with delinquency may be detained in a secure facility only as permitted under very strict standards**, which take into account an array of factors, particularly the seriousness of the alleged offense. The secure detention standards are contained in two WV Supreme Court of Appeals opinions: *State ex rel. M.C.H. v. Kinder*, 173 W.Va. 387, 317 S.E. 2d 150 (1984), and *Facilities Review Panel v. Coe*, 187 W.Va. 541, 420 S.E. 2d 532 (1992).

**A juvenile may not be detained in any jail or other adult facility** [§49-5A-2, §49-5-16(a)].

At the conclusion of a detention hearing, the judicial officer is required to prepare an order setting forth findings of fact and conclusions of law, and to provide a copy to the juvenile, the parent, and the attorney [§49-5A-3]. A circuit judge may review and modify or vacate any detention order as the judge “deems just and proper” [§49-5A-4].

## Preliminary Hearing

If all parties are prepared and the juvenile has counsel, a judge or referee may conduct a preliminary hearing at the time of a detention hearing [§49-5-8a(b)]. Otherwise, for a juvenile being detained, **the preliminary hearing must take place within 10 days of the initial detention date** unless good cause is shown for a postponement [§49-5-9(a)].

Once a petition has been formally filed alleging a status or delinquency offense, a preliminary hearing, unless waived, is required for all charges; a juvenile may waive a preliminary hearing only upon advice of counsel [§49-5-9(a)]. The **same rights** afforded in an adult criminal preliminary examination apply in a juvenile preliminary hearing, and the hearing **must be electronically recorded** [WV Rule of Criminal Procedure 5.1(d)].

The judge or referee must inform the juvenile and the juvenile's parent, guardian, or custodian of the juvenile's right to counsel at all stages of the proceedings; appoint counsel if counsel has not already been retained, appointed, or knowingly waived; and **determine whether there is probable cause** to believe the juvenile committed a status or delinquency offense. If no probable cause is found, the proceedings must be dismissed and, if detained, the juvenile released. If probable cause is found, the judicial officer must inform the juvenile of the right to a jury trial and determine whether the juvenile should be released on recognizance or bail, detained, or placed in the temporary legal and/or physical custody of DHHR.

**If the juvenile is detained, the adjudicatory hearing must occur within 30 days** unless there is good cause for postponement or a jury trial is demanded. If a jury trial is requested, it must be in the next regular term of court. Unless waived by all parties, **a 10-day notice of the adjudicatory hearing must be given** the juvenile, parent, and attorney [§49-5-9(a)]. If the juvenile is not detained, an adjudicatory hearing must be held within *one month* of the preliminary hearing.

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## Pre-Adjudicatory Improvement Period

At the preliminary hearing or before an adjudicatory hearing, a juvenile may request an improvement period. If the court is satisfied that an improvement period would benefit the juvenile, **the court may delay the adjudicatory hearing and grant a noncustodial improvement period of up to one year**, with terms and conditions that are designed to rehabilitate the juvenile [§49-5-9(b)].

For a juvenile alleged to be delinquent or a status offender referred after being granted an improvement period, DHHR is required to provide an individualized program of rehabilitation [§49-5B-4(b)].

If an improvement period is successfully completed, the court shall dismiss the case. If not, the court shall proceed to an adjudicatory hearing. A motion for an improvement period may not be construed as an admission by the juvenile or used as evidence against the juvenile in later proceedings [§49-5-9(b)].

# Juvenile Proceedings: Status-Offense Only

## Adjudication

A judge must begin an adjudicatory hearing by allowing the juvenile to admit or deny the allegations in the petition. If the juvenile admits the allegations and the judge makes certain findings that the juvenile's rights are protected and the facts support the juvenile's being a status offender, the judge considers the admission to be proof of the allegations. If the juvenile denies the allegations, the judge or a jury hears evidence [§49-5-11(a) and (b)]. A juvenile, the juvenile's counsel or the juvenile's parent or guardian, may demand a trial by jury to try any question of fact. A judge may also order a trial by jury by his or her own motion [§49-5-6].

When, upon trial, the judge or jury finds that the allegations in the petition are not sustained by **clear and convincing proof**, the judge is required to dismiss the petition and, if the juvenile is in custody, release him or her [§49-5-11(e)].

**When the allegations in the petition are admitted or, upon trial, the judge or a jury finds them sustained by clear and convincing proof, the judge is required to refer the juvenile to DHHR for services and to order DHHR to report the juvenile's progress to the court at least every 90 days or until**

**the judge (on motion by DHHR or a party or on the judge's own motion) orders further disposition or dismisses the case from the court's docket [§49-5-11(d)].**

The judge must make findings of fact and conclusions of law regarding all allegations in the petition and require that they be included in the record or reduced to writing and filed with the record or incorporated in the court order [§49-5-11(f)].

## Services & Further Disposition

**When a juvenile adjudicated to be a status offender is referred to DHHR under §49-5-11(d), a multi-disciplinary treatment team must be convened.**

*The MDT is mandated to assess, plan, and implement an individually tailored service plan for the juvenile and his or her family [§49-5D-3(a)(2)].* And the judge must conduct at least every three months a judicial review, attended by the MDT and a juvenile probation officer, as long as the child remains in the legal and physical custody of the state [§49-5-21].

In providing services appropriate to the needs of a status offender and his or her family, DHHR must not only consider the MDT recommendations but must maintain consistency with the provisions of the Juvenile Offender Rehabilitation Act, WV Code, Chapter 49, Article 5B [§49-5-11a(a)].

When DHHR finds it necessary, it may petition the court to order compliance with a service plan or restrain actions interfering with or defeating a service plan.

DHHR may also petition the court to order placement of a **status offender in a nonsecure or staff-secure facility** and/or to place the juvenile in DHHR's custody.

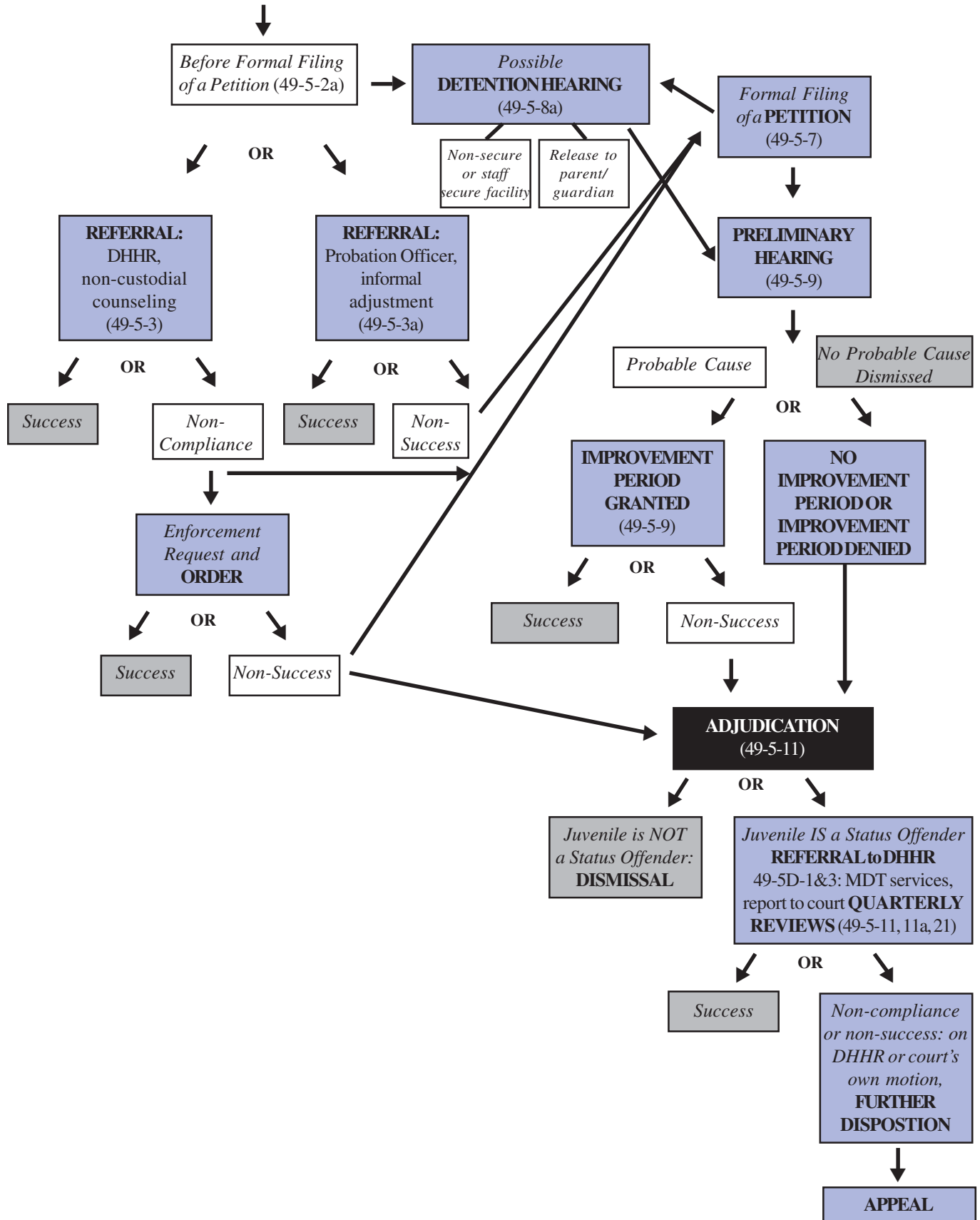
The court is not, however, limited to what DHHR seeks in a further-disposition petition; but the court must attempt to place a status offender in the **least restrictive** community-based facility that is appropriate to the juvenile's and the community's needs [§49-5-11a(b) and (c)]. As noted above, the judge on his or her own motion may order further disposition after referral of a status offender to DHHR for services [§49-5-11(d)].

## Appeal

A status offender may appeal to the WV Supreme Court any dispositional order other than the mandatory 49-5-11(d) order referring the juvenile to DHHR [§49-5-11a(d)].



# **Status Offense Allegedly Committed**



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# Juvenile Proceedings: Delinquency Only

## Transfer to Adult Criminal Jurisdiction

Not all juveniles charged with acts that would be criminal if committed by an adult are dealt with under juvenile jurisdiction. The WV Code has provisions requiring or allowing transfer from juvenile to adult criminal jurisdiction in certain circumstances.

### Mandatory Transfer

When the prosecutor moves for transfer, it is mandatory if there is probable cause to believe that **the juvenile is at least age 14 and has committed:**

- **Treason, murder, robbery involving firearms or other deadly weapons, kidnapping, first-degree arson, or first degree sexual assault; a second violent felony offense; or any third felony offense** [§49-5-10(d)].
- **An offense of violence to the person that would be a felony if the juvenile were an adult provided that the juvenile has been previously adjudged delinquent of a previous offense of violence that would be a felony** [§49-5-10(d)(2)].
- **An offense that would be a felony if the juvenile were an adult provided that the juvenile has been previously adjudged delinquent twice of a felony** [§49-5-10(d)(3)].

### Discretionary Transfer

When the prosecutor moves for transfer, it is discretionary if there is probable cause to believe:

- That for a juvenile **under age 14 transfer would be mandatory if he or she were 14 or older** [§49-5-10(e)] and involves offenses set out in [§49-5-10(d)1];
- That a juvenile **under age 14 has committed a second offense of violence to a person which would be a felony or any third felony offense**, in light of the juvenile's mental and physical condition, maturity, emotional attitude, home or family environment, school experience, and similar personal factors [§49-5-10-(f)];
- That a juvenile **at least age 14 has committed an offense of violence to a person which would be a felony, any second felony offense, any felony offense involving a firearm or other deadly weapon, a felony offense involving a narcotic drug, or the crime of second degree arson as defined in 61-3-2 involving setting fire to or burning a public building or church**; in light of the juvenile's mental and physical condition, maturity, emotional attitude, home or family environment, school experience, and similar personal actors [§49-5-10(g)].

If the court transfers a case to adult criminal

jurisdiction, in the transfer order the court must articulate findings of fact and conclusions of law on which the decision is based [§49-5-10(i)].

When a juvenile is convicted as an adult after transfer, the court may make disposition pursuant to the juvenile delinquency provisions of the WV Code instead of sentencing the juvenile as an adult [§49-5-13(e), §49-5-13b(c)]. **Even upon being sentenced as an adult after transfer, the person convicted may not be incarcerated in any adult facility until reaching age 18, and then only after review of circumstances by the sentencing court** [§49-5-16].

If a juvenile age 14 or over so demands, the court must transfer a case to adult jurisdiction. Circuit court may then deal with the juvenile the same as an adult. Or, if the charge is a misdemeanor, the court may refer the case to magistrate court, which would treat the juvenile the same as an adult [§49-5-10(c)].

### Transfer Process

For any transfer, the prosecutor must file a motion at least *eight days* before the scheduled date for an adjudicatory hearing, with reasonable notice to the juvenile, to counsel, and to a parent, guardian, or custodian. The motion must be in writing and must particularly state the grounds for transfer. **The court shall conduct a hearing to determine whether the case must or should be transferred.** Unless postponed for good cause, the hearing must take place within *seven days* of the filing of the motion [§49-5-10(a)].

One subsection of the WV Code generally requires the prosecutor to establish grounds for transfer by clear and convincing evidence [§49-5-10(a)]. Each of the subsections specifically setting out grounds for mandatory or for discretionary transfer, however, requires only probable cause §[49-5-10(d), (e), (f), and (g)]. The latter is a much lower standard or burden of proof. The applicable rule of statutory construction when there is such conflict or inconsistency regarding the same matter is that the specific prevails rather than the general. Thus it appears that the prosecutor needs only to show that there is probable cause that grounds exist for a transfer.

### Appeal

A juvenile transferred under a discretionary provision may directly appeal the transfer order to the WV Supreme Court or appeal after a conviction [§49-5-10(j)]. By implication, a juvenile transferred under a mandatory provision may appeal only after a conviction.

## Adjudication for Delinquency

A judge must begin an adjudicatory hearing by allowing the juvenile to admit or deny the allegations in the petition. If the juvenile admits the allegations and the judge makes certain findings that the juvenile's rights are protected and the facts support the juvenile's being a delinquent, the judge considers the admission to be proof of the allegations. If the juvenile denies the allegations, the judge or a jury hears evidence [§49-5-11(a) and (b)]. A juvenile, the juvenile's counsel or the juvenile's parent or guardian, may demand a trial by jury to try any question of fact. A judge may also order a trial by jury by his or her own motion [§49-5-6].

When, upon trial, the judge or jury finds that the allegations in the petition are not sustained by **proof beyond a reasonable doubt**, the judge is required to dismiss the petition and, if the juvenile is in custody, release him or her [§49-5-11(c)].

When the allegations in the petition are admitted or, upon trial, the judge or jury finds them sustained by proof beyond a reasonable doubt, the court must schedule a dispositional hearing [§49-5-11(e)].

The judge must make findings of fact and conclusions of law regarding all allegations in the petition and require that they be included on the record or reduced to writing and filed with the record or incorporated in the court order [§49-5-11(f)].

## Disposition

To assist in disposition, the court may direct a juvenile probation officer to prepare a **predisposition report** on the juvenile and alternative dispositions. The court may also order a **psychological examination** of the juvenile, upon either the court's own motion or that of the juvenile's attorney or the prosecutor. Reports may not be provided to the judge until after the adjudicatory hearing, and must be provided to the juvenile's attorney and to the prosecutor at least 72 hours before the dispositional hearing [§49-5-13(a)].

In addition, upon either the court's own motion or that of the juvenile's counsel or the prosecutor, the court may order **diagnostic evaluation, classification, and medical examination** over a period of no more than 60 days at a juvenile diagnostic center operated by the Division of Juvenile Services. A report on the results, findings, conclusions, and recommendations must be made to the court within 10 days after completion of the assessment [§49-5-13a].

Further, **the court may refer the juvenile to DHHR** for investigation and the development of an

## Possible Dispositions

A juvenile's earlier denial of allegations or demand for jury trial may not affect disposition [§49-5-13(c)]. All parties must be given an opportunity to be heard at the dispositional hearing. In deciding disposition, the court is not limited to the relief sought in the petition, but must consider the best interests of the juvenile and the welfare of the public in selecting from several alternative dispositions:

- **Dismissing** the petition [§49-5-13(b)(1)];
- **Referring** the juvenile and/or the juvenile's family to a **community agency** for assistance and dismissing the petition [§49-5-13(b)(2)];
- Granting **supervised probation**, which may include treatment and/or doing community service, and probation may not be denied because a juvenile is financially unable to pay a fine or to make restitution [§49-5-13(b)(3)A];
- Temporarily committing the juvenile to **foster care or the custody of DHHR or a child welfare agency** [§49-5-13(b)(4)];
- Committing the juvenile to the custody of the director of the Division of Juvenile Services for placement in a **juvenile correctional facility** [§49-5-13(b)(5)];
- Committing the juvenile to a **mental health facility**, following a mental hygiene hearing. [§49-5-13(b), §49-5-13(b)(6)]
- **Referring the juvenile to DHHR** for treatment and/or custody, with an individualized program of rehabilitation [§49-5B-4(b)].

In addition to one of the dispositions noted above, the court may, in light of the seriousness of the offense, the juvenile's ability to pay, and a rehabilitation program in the best interests of the juvenile:

- Impose a **fine** of up to \$100;
- Require the juvenile or a parent, guardian, or custodian to make **restitution** to a victim;
- Require the juvenile to participate in **community service**;
- Declare a juvenile age 15 or younger **ineligible** for a junior probationary operator's license or a juvenile between 16 and 18 ineligible, for no more than two years, **to operate a motor vehicle** in WV [§49-5-13b].

individualized program of rehabilitation [§49-5B-4(b)].

**If the juvenile is in secure detention, the dispositional hearing must occur within 30 days of the adjudicatory hearing; and the juvenile may not be kept in a secure detention facility for more than 14 days after disposition while awaiting any further out-of-home placement** [*Facilities Review Panel v. Coe*, 187 W.Va. 541, 420 S.E. 2d 532 (1992)].

## Modification of Disposition

A dispositional order is subject to modification upon motion by the probation officer, a DHHR official, the DJS director, the prosecutor, the juvenile, the juvenile's counsel, or a parent, guardian, or custodian. A hearing on modification requires notice of at least 72 hours.

When a motion for modification is based on an alleged violation of a court order, the court may modify disposition to a more restrictive alternative after finding, by clear and convincing evidence, that a substantial violation has occurred. Without such finding, the court may decline to modify the disposition or modify it to a less restrictive alternative. Any modification must be made with consideration of the best interests of the juvenile and the welfare of the public. [§49-5-14, see §16-9A] An order shall be entered on a motion to modify within *one month* of the filing of the motion.

### **Multi-Disciplinary Team (MDT)**

**When a court is considering placing a juvenile adjudicated to be a delinquent in DHHR custody and/or placing the juvenile out-of-home at DHHR's expense, a multi-disciplinary treatment team must be convened.** The MDT is mandated to assess, plan, and implement a comprehensive individually tailored service plan for a juvenile and his or her family [§49-5D-3(a)(2)].

Each treatment team shall be convened and directed by the child's or family's case manager. The treatment team shall consist of the child's custodial parent or parents, guardian or guardians, other immediate family members, the attorney or attorneys representing the child, the parent or parents of the child, the child's attorney, the guardian ad litem, if any, the prosecuting attorney or his or her designee and where appropriate to the case under consideration and available, a court appointed special advocate, an appropriate school official and any other person or an agency representative who may assist in providing recommendations for the particular needs of the child and family. The child may participate in multidisciplinary treatment team meetings if such is deemed appropriate by the multidisciplinary treatment team. For purposes of delinquency proceedings, the juvenile probation officer shall be a member of the treatment team [§49-5D-3(a)(3)(b)].

### ***Pre-custody/Pre-placement Protocol***

In order that Juvenile Probation Officers of the WV Supreme Court of Appeals and the DHHR may work more effectively for the placement and care of adjudicated youth, the following pre-custody/pre-placement protocol was established effective April 2003.

In status offense cases where a probation officer has been assigned by the court or delinquency proceedings where the Court and/or probation officer consider, as a dispositional alternative, placing a youth in the DHHR custody and/or in an out-of-home placement at the department's expense, the probation officer shall give a minimum of five working days notice, prior to the court proceeding in which such a recommendation will be considered, to the local DHHR. The five day notice requirement is a minimum requirement. Every effort should be made to notify the DHHR at the earliest date possible

in order to allow DHHR to convene an MDT and develop a comprehensive service plan.

The probation officer shall make a written referral to the local department using the official referral form which is to be faxed to the attention of the local DHHR Community Services Manager and the Division of Juvenile Services. It is recommended that the probation officer follow up the written referral with a phone call to the Community Services Manager that a referral form has been faxed. The department shall set a date, time and place for the pre-dispositional MDT and the social worker shall give appropriate notice to all statutory and otherwise relevant parties, including the probation officer, of said MDT. Written notice is recommended whenever possible.

Consistent with the practice of timely notice and WV Code 49-5-7(e), and in status offense and delinquency cases in which WV Code 49-5D-3(2) apply, the probation officer shall inquire of the juvenile, his/her parent or custodian whether or not the juvenile has a case manager assigned by the DHHR. Based upon the query, the probation officer will record the appropriate response on the attached Pre-Dispositional Information and Referral Form. Contemporaneous to sending the Pre-Dispositional Information and Referral Form, the probation officer will provide any information relevant to the MDT process to the DHHR.

It is not statutorily mandated that a probation officer attend an MDT that is convened solely for a status offense case. However, the probation officer's attendance at, and participation in, an MDT convened solely for a status offense case is at the discretion of his/her supervising judge. In all delinquency matters in which an MDT is convened, the probation officer is a statutorily mandated member of the MDT and shall report in writing, or orally, as it pleases the Court, the recommendation of the MDT. In status offense cases where an MDT is convened and in which a probation officer has attended and participated at the direction of his/her supervising judge, the probation officer shall report the recommendation of the MDT to the court. Otherwise, a representative of the local department shall report the recommendations of the MDT to the Court in a status offense case. In every case where an MDT is convened, the department worker assigned shall attend the dispositional hearing. Any party to the MDT is free to express a dissenting recommendation to the Court.

It shall be the responsibility of the DHHR's social worker, who has been assigned to the case by the Department, to schedule an MDT for the youth prior to the judicial review date as stated in the dispositional order or any subsequent order. The department worker shall notify, in writing (unless otherwise impracticable), all statutory and otherwise relevant parties of said MDT of the judicial review date.

Failure of probation officers to follow this protocol shall be reported by the local DHHR to the Program Manager for Youth Services who will then report the matter for resolution to the Director of Probation Services, WV Supreme Court of Appeals. Failure of the department's social workers to follow the protocol shall be reported by probation officer's to the Director of Probation Services, WV Supreme Court of Appeals who will then report the matter for resolution to the DHHR Program Manager for Youth Services. Every effort should be made by both the local probation department and the local DHHR to resolve any local issue before making a referral to either state office for problem resolution.



## Judicial Review

A judicial review of the case with the multi-disciplinary treatment team and a juvenile probation officer in attendance shall be held before a Circuit Judge as often as is considered necessary by the court but shall be conducted at least once every three calendar months as long as the child remains in the physical or legal custody of the state. The date and time of the ninety-day judicial review shall be requested by the probation officer or social worker, whichever circumstance applies, at the dispositional hearing and included in the Dispositional Order [§49-5-21].

## Appeal

Any dispositional order may be appealed to the WV Supreme Court, and the juvenile or counsel is entitled to a transcript of proceedings for use in appeal [§49-5-13(c) and (d)].

## Aftercare

At least *45 days* before discharging a juvenile from a DJS correctional facility or from a mental health facility, the facility director is required to send a copy of a proposed **aftercare plan** to: the committing circuit court; the juvenile's parent, guardian, or custodian; the juvenile's attorney; the juvenile's probation officer or community mental health center professional; the prosecutor; and the principal of the school the juvenile will attend. The aftercare plan shall contain a detailed description of the education, counseling, and treatment the juvenile received at the facility and a proposed plan for education, counseling, and treatment after the juvenile's discharge from the facility. The plan must also describe any problems the juvenile has and propose a way of addressing those problems after discharge [§49-5-20(a) and (b)].

The juvenile's probation officer or community mental health center professional shall submit written comments to the court and other parties who receive the proposed aftercare plan. Other recipients of the proposed aftercare plan may comment in writing as well [§49-5-20(c)]. In addition, the juvenile's probation officer or community mental health center professional shall contact the proposed service providers to assure that the service providers are capable of carrying out their responsibilities under the proposal and are willing to do so [§49-5-20(d)].

If adverse comments or objections are submitted, the court shall conduct a hearing and within *five days* either adopt the plan as forwarded by DJS or a mental health facility or as modified in response to adverse comments or objections [§49-5-20(e)]. No hearing is

required in the absence of adverse comments or objections, but the court shall in any event adopt an aftercare plan in each case [§49-5-20(f)]. Any aftercare plan adopted must be in the best interests of the juvenile and conform with West Virginia's interest in youth as expressed in the dispositional alternatives set out in §49-5-13(b) [§49-5-20(g)].

**The court shall appoint the juvenile's probation officer or community mental health professional to supervise the aftercare program and to report to the court every 60 days until the court determines that reports and further care are no longer necessary** [§49-5-20(h)].

Although DJS has no authority in aftercare beyond developing a proposed plan for a juvenile confined to a DJS correctional facility, they have initiated a comprehensive aftercare program in conjunction with several jurisdictions. This initiative follows each resident released from the West Virginia Industrial Home for Youth and/or the Davis Center for *12 months*. The aftercare planning begins at the point of admission to a DJS correctional facility. Aftercare case managers work with the juvenile offender and the targeted community support systems to include families, peers, schools, employers, community-based programs and others to aid the juvenile's successful community adjustment. Within *45 days* of release, a Multi-Disciplinary Treatment Team (MDT) committee is convened to develop recommendations which are included in the resident's aftercare plan that is submitted to the Circuit Court [§49-1-1(c)].

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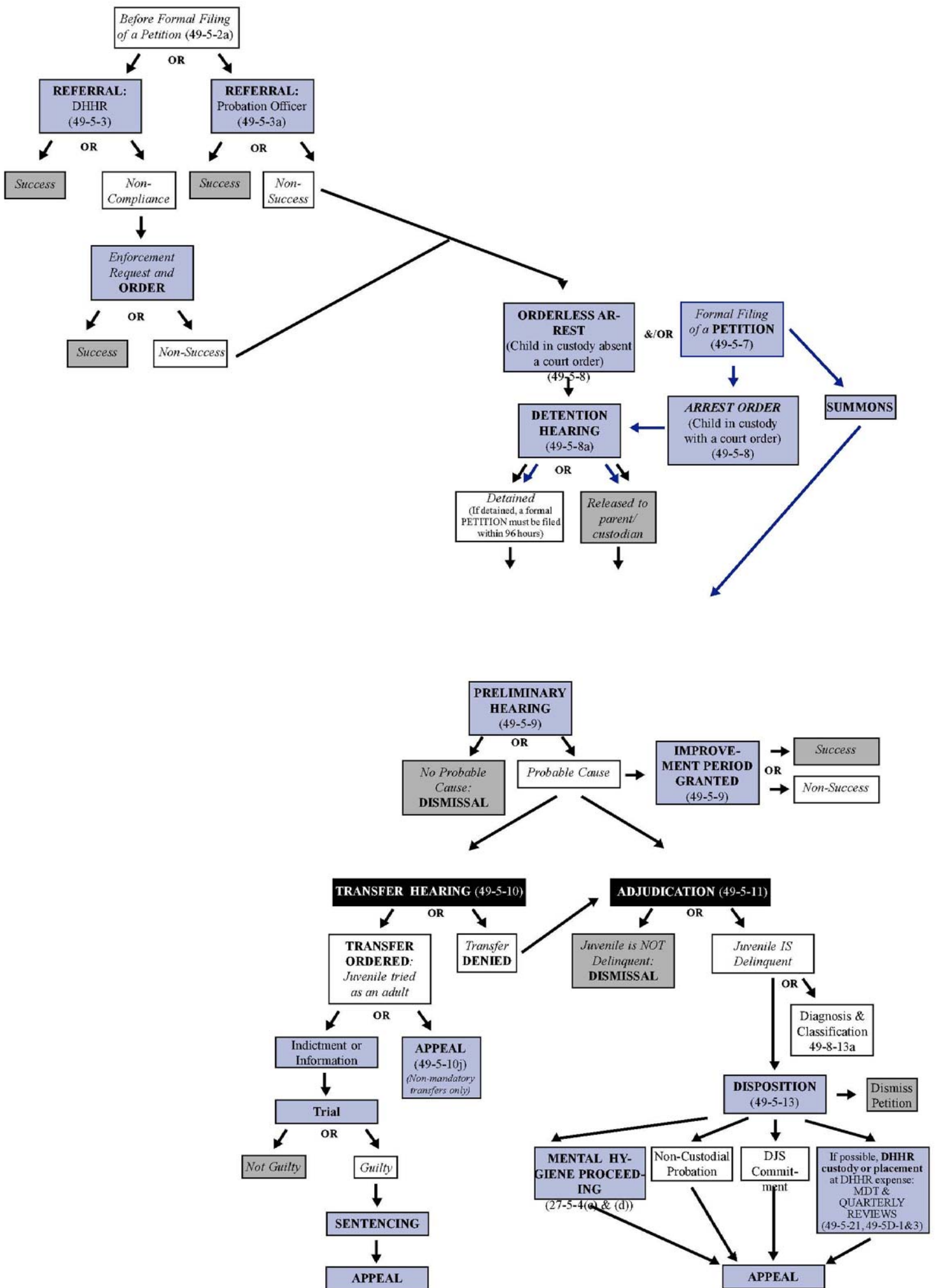
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## Delinquency Offense Allegedly Committed



# Section 2 Attachment

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Injury and Violence</b>											
Among students who rode a bicycle during the past 12 months, the percentage who never or rarely wore a bicycle helmet		97.4	95.5	88.9	88.4		84.9	84.0	85.3	Yes	Yes
Percentage of students who never or rarely wore a seat belt when riding in a car driven by someone else		34.1	20.3	21.6	20.7		15.2	15.2	16.6	Yes	Yes
Percentage of students who rode one or more times during the past 30 days in a car or other vehicle driven by someone who had been drinking alcohol		38.7	36.3	35.0	31.3		24.3	24.8	23.8	Yes	No
Percentage of students who drove a car or other vehicle one or more times during the past 30 days when they had been drinking alcohol		14.8	16.6	14.4	12.9		12.0	10.6	10.0	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on one or more of the past 30 days		28.7	25.6	25.5	21.5		20.7	22.3	21.3	Yes	Yes
Percentage of students who carried a gun on one or more of the past 30 days		12.5	10.3	9.4	7.4		10.5	7.6	4.9	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on school property on one or more of the past 30 days		14.1	12.2	10.8	9.8		6.6	8.5	6.9	Yes	No



## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Injury and Violence</b>											
Percentage of students who did not go to school on one or more of the past 30 days because they felt they would be unsafe at school or on their way to or from school		4.2	4.6	5.7	4.4		5.9	6.4	6.8	Yes	No
Percentage of students who had been threatened or injured with a weapon such as a gun, knife, or club on school property one or more times during the past 12 months		7.6	7.4	7.8	7.7		8.5	8.0	9.7	Yes	No
Percentage of students who had property, such as their car, clothing, or books stolen or deliberately damaged on school property one or more times during the past 12 months								25.7	23.4	No	
Percentage of students who were in a physical fight one or more times during the past 12 months		41.7	34.7	32.1	33.1		26.5	29.1	29.9	Yes	Yes
Percentage of students who were in a physical fight one or more times during the past 12 months in which they were injured and had to be treated by a doctor or nurse		4.4	3.6	3.8	3.8		2.8	3.6	4.1	No	No
Percentage of students who were in a physical fight on school property one or more times during the past 12 months		16.9	13.7	13.1	13.1		10.3	12.1	12.9	Yes	Yes
Percentage of students who were ever hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend during the past 12 months					12.1		11.4	9.2	11.8	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Injury and Violence</b>											
Percentage of students who had ever been physically forced to have sexual intercourse when they did not want to							9.6	6.9	9.5	No	Yes
Percentage of students who felt so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some usual activities during the past 12 months					29.6		31.9	29.6	30.7	No	No
Percentage of students who seriously considered attempting suicide during the past 12 months		26.6	25.6	23.2	19.0		17.8	16.9	16.0	Yes	No
Percentage of students who made a plan about how they would attempt suicide during the past 12 months		20.3	20.5	18.5	16.6		14.8	12.4	12.2	Yes	No
Percentage of students who actually attempted suicide one or more times during the past 12 months		10.9	9.9	9.7	7.9		9.3	8.8	9.1	No	No
Percentage of students who made a suicide attempt during the past 12 months that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse		3.8	3.4	3.0	3.7		2.5	2.5	3.4	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Tobacco Use</b>											
Percentage of students who ever tried cigarette smoking, even one or two puffs		76.8	76.4	75.4	74.7		62.8	60.7	59.3	Yes	No
Percentage of students who smoked a whole cigarette for the first time before age 13 years		35.4	33.2	31.7	33.7		27.7	24.2	21.5	Yes	No
Percentage of students who smoked cigarettes on one or more of the past 30 days		38.9	43.0	41.9	42.2		28.5	25.3	27.6	Yes	Yes
Percentage of students who smoked cigarettes on 20 or more of the past 30 days		19.9	24.6	24.1	24.0		17.7	13.6	14.4	Yes	Yes
Among students who reported current cigarette use, the percentage who smoked more than 10 cigarettes per day on the days they smoked during the past 30 days		19.7	24.4	22.0	25.9		20.2	18.0	20.3	No	No
Among students who were less than 18 years of age and who reported current cigarette use, the percentage who usually got their own cigarettes by buying them in a store or gas station during the past 30 days							16.0	13.4	11.1	No	No
Percentage of students who smoked cigarettes on school property on one or more of the past 30 days		18.1	21.8	21.0	19.2		9.8	8.3	8.8	Yes	Yes
Percentage of students who ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days							20.8	19.3	19.5	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Tobacco Use</b>											
Among students who reported current cigarette use, the percentage who ever tried to quit smoking cigarettes during the past 12 months							59.6	49.7	50.1	Yes	No
Percentage of students who used chewing tobacco, snuff, or dip on one or more of the past 30 days			18.7	15.8	15.7		13.6	14.9	14.8	No	No
Percentage of students who used chewing tobacco, snuff, or dip on school property on one or more of the past 30 days			12.2	10.2	9.4		8.9	9.2	9.7	No	No
Percentage of students who smoked cigars, cigarillos, or little cigars on one or more of the past 30 days					19.0		13.3	15.6	14.5	Yes	No
Percentage of students who smoked cigarettes or cigars or used chewing tobacco, snuff, or dip on one or more of the past 30 days					49.4		35.0	32.7	34.5	Yes	Yes

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Alcohol and Other Drug Use</b>											
Percentage of students who had at least one drink of alcohol on one or more days during their life		82.8	81.1	81.2	81.5		76.1	74.1	75.4	Yes	No
Percentage of students who had their first drink of alcohol other than a few sips before age 13 years		37.7	37.3	34.1	32.5		27.4	30.9	27.6	Yes	No
Percentage of students who had at least one drink of alcohol on one or more of the past 30 days		52.7	51.6	51.5	48.6		44.4	41.5	43.5	Yes	No
Percentage of students who had five or more drinks of alcohol in a row, that is, within a couple of hours, on one or more of the past 30 days		39.4	38.8	38.7	35.5		33.5	28.8	29.5	Yes	No
Percentage of students who had at least one drink of alcohol on school property on one or more of the past 30 days		7.7	7.4	6.8	7.3		4.1	6.4	5.5	Yes	No
Percentage of students who used marijuana one or more times during their life		34.3	42.5	47.7	48.3		43.7	38.7	40.9	No	Yes
Percentage of students who tried marijuana for the first time before age 13 years		7.4	10.3	11.0	13.5		12.3	9.9	11.3	Yes	Yes
Percentage of students who used marijuana one or more times during the past 30 days		17.5	25.9	28.5	29.3		23.1	19.6	23.5	No	Yes
Percentage of students who used marijuana on school property one or more times during the past 30 days		5.2	9.3	9.3	7.2		4.5	4.9	5.8	Yes	Yes

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Alcohol and Other Drug Use</b>											
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during their life		5.1	8.8	9.5	10.5		10.9	11.3	11.1	Yes	Yes
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during the past 30 days		2.0	4.0	3.9	4.4		5.0	4.9	5.0	Yes	Yes
Percentage of students who sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high one or more times during their life			28.3	28.4	20.4		15.1	16.0	19.2	Yes	Yes
Percentage of students who used heroin one or more times during their life					3.1		3.6	3.6	3.7	No	No
Percentage of students who used methamphetamines one or more times during their life					14.3		11.3	8.4	8.1	Yes	No
Percentage of students who used ecstasy one or more times during their life							8.4	6.9	6.3	No	No
Percentage of students who took steroid pills or shots without a doctor's prescription one or more times during their life		4.2	6.5	6.7	5.3		5.6	5.6	5.0	No	No
Percentage of students who used a needle to inject any illegal drug into their body one or more times during their life			3.5	3.4	3.2		2.3	2.7	2.8	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Alcohol and Other Drug Use</b>											
Percentage of students who were offered, sold, or given an illegal drug by someone on school property during the past 12 months		25.5	32.6	34.0	27.8		26.5	24.8	28.6	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Sexual Behaviors</b>											
Percentage of students who ever had sexual intercourse		63.1	60.9	55.5	54.8		52.0	52.5	53.7	Yes	Yes
Percentage of students who had sexual intercourse for the first time before age 13 years		12.2	11.0	7.4	8.9		7.3	7.3	6.5	Yes	No
Percentage of students who had sexual intercourse with four or more people during their life		22.4	19.6	17.0	18.6		16.5	14.8	16.5	Yes	No
Percentage of students who had sexual intercourse with one or more people during the past three months		45.6	45.3	40.4	40.4		38.8	39.3	41.4	Yes	Yes
Among students who had sexual intercourse during the past three months, the percentage who drank alcohol or used drugs before last sexual intercourse		23.3	25.6	27.4	29.2		24.6	20.7	22.3	No	Yes
Among students who had sexual intercourse during the past three months, the percentage who used a condom during last sexual intercourse		50.3	51.3	58.9	57.3		64.7	61.4	61.0	Yes	Yes
Among students who had sexual intercourse during the past three months, the percentage who used birth control pills to prevent pregnancy before last sexual intercourse		20.5	19.6	20.4	19.6		24.6	24.0	25.0	Yes	No
Percentage of students who had ever been taught in school about AIDS or HIV infection		87.1	91.5	91.9	87.4		88.9	89.6	87.8	No	No



## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Weight Management and Dietary Behaviors</b>											
Percentage of students who were at risk for becoming overweight (i.e., at or above the 85th percentile but below the 95th percentile for body mass index, by age and sex)**					14.0		15.1	16.0	17.0	No	No
Percentage of students who were overweight (i.e., at or above the 95th percentile for body mass index, by age and sex)**					13.3		13.7	14.5	14.7	No	No
Percentage of students who described themselves as slightly or very overweight		40.0	32.8	32.8	34.7		34.9	33.7	31.0	Yes	No
Percentage of students who were trying to lose weight		47.3	43.3	46.8	47.0		51.0	49.4	45.4	No	No
Percentage of students who exercised to lose weight or to keep from gaining weight during the past 30 days			52.3	54.6	60.1		62.2	61.7	60.1	Yes	Yes
Percentage of students who ate less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight during the past 30 days					44.4		46.9	45.0	43.3	No	No
Percentage of students who went without eating for 24 hours or more to lose weight or to keep from gaining weight during the past 30 days					15.8		17.3	13.9	13.4	Yes	No

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Weight Management and Dietary Behaviors</b>											
Percentage of students who took any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight during the past 30 days					7.9		11.7	8.4	7.5	No	Yes
Percentage of students who vomited or took laxatives to lose weight or to keep from gaining weight during the past 30 days			6.1	6.1	5.1		6.3	5.7	5.4	No	No
Percentage of students who drank 100% fruit juices one or more times during the past seven days					77.9		79.1	81.1	75.8	No	Yes
Percentage of students who ate fruit one or more times during the past seven days					85.8		86.6	86.0	85.4	No	No
Percentage of students who ate green salad one or more times during the past seven days					66.7		68.0	64.2	61.1	No	No
Percentage of students who ate potatoes one or more times during the past seven days					80.5		78.8	75.6	74.9	Yes	No
Percentage of students who ate carrots one or more times during the past seven days					46.8		46.2	47.4	44.7	No	No
Percentage of students who ate other vegetables one or more times during the past seven days					85.4		83.1	83.2	81.7	No	No

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Weight Management and Dietary Behaviors</b>											
Percentage of students who ate fruits and vegetables five or more times per day during the past seven days					20.4		20.6	22.1	19.8	No	No
Percentage of students who drank three or more glasses per day of milk during the past seven days					19.1		18.6	17.3	16.7	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Total</b>											
<b>Physical Activity</b>											
Percentage of students who were physically active for a total of at least 60 minutes per day on five or more of the past seven days								37.3	42.8	Yes	
Percentage of students who watched three or more hours per day of TV on an average school day					42.2		33.9	38.5	32.0	Yes	No
Percentage of students who attended physical education (PE) classes on one or more days in an average week when they were in school		41.0	38.0	35.4	38.2		33.2	36.2	33.2	Yes	No
Percentage of students who attended physical education (PE) classes daily in an average week when they were in school		36.3	32.5	26.5	30.7		28.6	31.7	25.5	Yes	No
Percentage of students who played on one or more sports teams during the past 12 months					49.5		52.7	51.9	51.8	No	No

2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

West Virginia High School Survey  
Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Total											
Other											
Percentage of students who had ever been told by a doctor or nurse that they had asthma								23.7	24.6	No	

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Male</b>											
<b>Injury and Violence</b>											
Among students who rode a bicycle during the past 12 months, the percentage who never or rarely wore a bicycle helmet		96.4	95.0	89.8	90.5		83.3	85.7	85.5	Yes	Yes
Percentage of students who never or rarely wore a seat belt when riding in a car driven by someone else		41.4	27.2	29.0	27.7		19.8	21.1	19.6	Yes	Yes
Percentage of students who rode one or more times during the past 30 days in a car or other vehicle driven by someone who had been drinking alcohol		41.3	40.4	42.5	32.5		24.7	28.4	25.3	Yes	No
Percentage of students who drove a car or other vehicle one or more times during the past 30 days when they had been drinking alcohol		20.4	22.0	20.7	15.8		14.5	15.2	12.8	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on one or more of the past 30 days		48.2	43.9	44.8	36.9		32.7	38.2	34.4	Yes	No
Percentage of students who carried a gun on one or more of the past 30 days		22.9	18.8	17.9	13.5		18.6	13.4	8.4	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on school property on one or more of the past 30 days		24.0	20.5	19.4	17.1		9.5	15.1	10.3	Yes	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Male</b>											
<b>Injury and Violence</b>											
Percentage of students who did not go to school on one or more of the past 30 days because they felt they would be unsafe at school or on their way to or from school		4.0	4.6	5.8	4.2		5.6	5.6	6.5	Yes	No
Percentage of students who had been threatened or injured with a weapon such as a gun, knife, or club on school property one or more times during the past 12 months		10.5	10.0	9.6	9.0		10.3	8.4	11.0	No	No
Percentage of students who had property, such as their car, clothing, or books stolen or deliberately damaged on school property one or more times during the past 12 months								26.9	21.4	Yes	
Percentage of students who were in a physical fight one or more times during the past 12 months		49.9	46.2	41.3	41.7		32.7	35.2	36.4	Yes	Yes
Percentage of students who were in a physical fight one or more times during the past 12 months in which they were injured and had to be treated by a doctor or nurse		5.6	5.3	5.1	5.8		4.4	4.5	5.7	No	No
Percentage of students who were in a physical fight on school property one or more times during the past 12 months		22.5	19.0	18.4	17.2		13.3	15.0	16.4	Yes	No
Percentage of students who were ever hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend during the past 12 months					12.7		11.4	9.4	11.5	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Male</b>											
<b>Injury and Violence</b>											
Percentage of students who had ever been physically forced to have sexual intercourse when they did not want to							6.4	3.9	6.6	No	Yes
Percentage of students who felt so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some usual activities during the past 12 months					23.1		22.6	24.7	20.5	No	No
Percentage of students who seriously considered attempting suicide during the past 12 months		19.2	20.9	17.7	15.1		12.1	12.7	12.3	Yes	No
Percentage of students who made a plan about how they would attempt suicide during the past 12 months		16.6	18.3	14.0	13.6		10.5	9.8	10.4	Yes	No
Percentage of students who actually attempted suicide one or more times during the past 12 months		7.5	7.6	7.3	5.8		6.0	5.2	6.7	No	No
Percentage of students who made a suicide attempt during the past 12 months that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse		2.4	3.4	2.4	3.5		2.5	1.2	3.0	No	No



## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Male</b>											
<b>Tobacco Use</b>											
Percentage of students who ever tried cigarette smoking, even one or two puffs		77.0	77.8	77.2	76.0		62.6	59.4	58.6	Yes	No
Percentage of students who smoked a whole cigarette for the first time before age 13 years		40.4	37.7	37.2	39.1		28.1	26.1	23.4	Yes	No
Percentage of students who smoked cigarettes on one or more of the past 30 days		39.7	43.4	42.4	40.6		25.6	25.6	26.7	Yes	No
Percentage of students who smoked cigarettes on 20 or more of the past 30 days		19.4	25.5	24.8	22.9		16.1	14.6	14.2	Yes	Yes
Among students who reported current cigarette use, the percentage who smoked more than 10 cigarettes per day on the days they smoked during the past 30 days		21.1	27.8	25.7	28.5		21.6	23.2	25.6	No	No
Among students who were less than 18 years of age and who reported current cigarette use, the percentage who usually got their own cigarettes by buying them in a store or gas station during the past 30 days							17.4	20.9	19.4	No	No
Percentage of students who smoked cigarettes on school property on one or more of the past 30 days		17.8	22.0	23.3	19.4		9.4	9.1	9.0	Yes	Yes
Percentage of students who ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days							18.7	18.3	19.1	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Male</b>											
<b>Tobacco Use</b>											
Among students who reported current cigarette use, the percentage who ever tried to quit smoking cigarettes during the past 12 months							47.4	42.0	44.5	No	No
Percentage of students who used chewing tobacco, snuff, or dip on one or more of the past 30 days			34.5	31.0	28.6		23.3	26.5	27.0	Yes	No
Percentage of students who used chewing tobacco, snuff, or dip on school property on one or more of the past 30 days			22.6	20.3	17.5		16.3	16.9	18.0	No	No
Percentage of students who smoked cigars, cigarillos, or little cigars on one or more of the past 30 days					26.0		18.3	23.1	19.9	No	No
Percentage of students who smoked cigarettes or cigars or used chewing tobacco, snuff, or dip on one or more of the past 30 days					53.8		36.7	39.1	39.3	Yes	Yes

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Alcohol and Other Drug Use											
Percentage of students who had at least one drink of alcohol on one or more days during their life		83.5	84.3	82.8	81.2		73.7	72.6	74.6	Yes	No
Percentage of students who had their first drink of alcohol other than a few sips before age 13 years		45.6	47.5	41.7	37.7		28.8	34.5	31.9	Yes	No
Percentage of students who had at least one drink of alcohol on one or more of the past 30 days		56.0	57.3	58.9	50.2		43.3	45.3	44.8	Yes	No
Percentage of students who had five or more drinks of alcohol in a row, that is, within a couple of hours, on one or more of the past 30 days		44.7	46.0	46.0	38.9		34.2	32.2	32.2	Yes	No
Percentage of students who had at least one drink of alcohol on school property on one or more of the past 30 days		9.7	10.0	9.4	8.7		4.5	7.9	6.2	Yes	No
Percentage of students who used marijuana one or more times during their life		38.1	47.5	52.0	49.3		44.1	41.0	43.6	No	Yes
Percentage of students who tried marijuana for the first time before age 13 years		10.0	15.0	15.6	17.1		13.6	12.8	15.6	No	No
Percentage of students who used marijuana one or more times during the past 30 days		20.8	29.4	33.3	30.5		23.6	22.7	25.4	No	Yes
Percentage of students who used marijuana on school property one or more times during the past 30 days		7.7	12.4	13.9	9.1		6.6	6.9	7.4	Yes	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Alcohol and Other Drug Use											
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during their life		6.4	11.4	11.3	12.1		9.8	11.5	11.8	Yes	No
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during the past 30 days		3.0	5.7	5.4	6.0		4.7	5.7	4.6	No	Yes
Percentage of students who sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high one or more times during their life			32.1	30.6	21.2		15.1	14.5	16.2	Yes	Yes
Percentage of students who used heroin one or more times during their life					4.7		4.2	4.8	4.7	No	No
Percentage of students who used methamphetamines one or more times during their life					15.4		11.4	7.6	7.8	Yes	No
Percentage of students who used ecstasy one or more times during their life							8.0	8.2	7.5	No	No
Percentage of students who took steroid pills or shots without a doctor's prescription one or more times during their life		6.5	8.8	8.8	7.0		7.3	7.3	6.8	No	No
Percentage of students who used a needle to inject any illegal drug into their body one or more times during their life			4.8	4.6	4.5		3.1	3.3	3.2	Yes	No

2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

West Virginia High School Survey  
Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Alcohol and Other Drug Use											
Percentage of students who were offered, sold, or given an illegal drug by someone on school property during the past 12 months		27.6	38.5	39.1	32.4		27.7	26.9	30.2	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Sexual Behaviors											
Percentage of students who ever had sexual intercourse		66.7	63.1	58.0	57.9		49.2	53.8	54.1	Yes	Yes
Percentage of students who had sexual intercourse for the first time before age 13 years		18.0	16.5	11.4	12.1		10.1	11.0	8.5	Yes	No
Percentage of students who had sexual intercourse with four or more people during their life		27.8	23.9	19.1	21.6		16.4	18.5	19.4	Yes	Yes
Percentage of students who had sexual intercourse with one or more people during the past three months		44.8	43.5	40.7	42.0		33.8	37.3	40.0	Yes	No
Among students who had sexual intercourse during the past three months, the percentage who drank alcohol or used drugs before last sexual intercourse		27.2	33.9	36.3	35.5		29.7	25.7	23.9	Yes	Yes
Among students who had sexual intercourse during the past three months, the percentage who used a condom during last sexual intercourse		57.2	57.1	63.6	65.3		73.9	65.4	65.7	Yes	Yes
Among students who had sexual intercourse during the past three months, the percentage who used birth control pills to prevent pregnancy before last sexual intercourse		15.9	14.9	12.3	13.1		20.4	13.6	18.0	No	No
Percentage of students who had ever been taught in school about AIDS or HIV infection		85.9	91.8	92.3	85.1		88.5	87.8	87.1	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Weight Management and Dietary Behaviors											
Percentage of students who were at risk for becoming overweight (i.e., at or above the 85th percentile but below the 95th percentile for body mass index, by age and sex)**					13.7		15.5	14.7	15.0	No	No
Percentage of students who were overweight (i.e., at or above the 95th percentile for body mass index, by age and sex)**					18.3		19.5	19.2	17.6	No	No
Percentage of students who described themselves as slightly or very overweight		28.0	25.6	24.3	27.2		30.1	28.0	24.8	No	No
Percentage of students who were trying to lose weight		28.1	24.7	26.6	30.1		36.7	31.6	29.3	Yes	No
Percentage of students who exercised to lose weight or to keep from gaining weight during the past 30 days			38.0	39.0	50.2		54.9	52.9	51.8	Yes	Yes
Percentage of students who ate less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight during the past 30 days					27.2		29.5	29.6	26.5	No	No
Percentage of students who went without eating for 24 hours or more to lose weight or to keep from gaining weight during the past 30 days					8.0		8.6	8.7	7.2	No	No

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Weight Management and Dietary Behaviors											
Percentage of students who took any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight during the past 30 days					4.6		7.2	5.9	6.1	No	No
Percentage of students who vomited or took laxatives to lose weight or to keep from gaining weight during the past 30 days			2.0	2.7	2.5		2.6	3.1	4.1	Yes	No
Percentage of students who drank 100% fruit juices one or more times during the past seven days					79.4		78.5	81.2	77.2	No	No
Percentage of students who ate fruit one or more times during the past seven days					83.3		85.2	84.2	82.9	No	No
Percentage of students who ate green salad one or more times during the past seven days					62.6		63.7	59.9	54.6	No	No
Percentage of students who ate potatoes one or more times during the past seven days					80.0		79.5	77.1	74.7	No	No
Percentage of students who ate carrots one or more times during the past seven days					46.9		45.1	46.4	43.3	No	No
Percentage of students who ate other vegetables one or more times during the past seven days					81.6		80.0	80.4	77.1	No	No

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.



## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Male											
Weight Management and Dietary Behaviors											
Percentage of students who ate fruits and vegetables five or more times per day during the past seven days					21.5		20.7	23.0	21.7	No	No
Percentage of students who drank three or more glasses per day of milk during the past seven days					23.9		26.3	23.6	23.4	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Male</b>											
<b>Physical Activity</b>											
Percentage of students who were physically active for a total of at least 60 minutes per day on five or more of the past seven days								43.3	53.1	Yes	
Percentage of students who watched three or more hours per day of TV on an average school day					45.1		38.0	41.1	32.7	Yes	No
Percentage of students who attended physical education (PE) classes on one or more days in an average week when they were in school		46.4	44.8	41.6	44.4		37.2	41.3	39.1	Yes	No
Percentage of students who attended physical education (PE) classes daily in an average week when they were in school		40.0	38.4	30.5	34.1		32.1	35.3	29.7	Yes	No
Percentage of students who played on one or more sports teams during the past 12 months					55.2		55.2	54.9	55.2	No	No

2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

West Virginia High School Survey  
Trend Analysis Report

Question	Prevalence Survey Year										Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007			
Male												
Other												
Percentage of students who had ever been told by a doctor or nurse that they had asthma									25.2	23.7	No	

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Injury and Violence</b>											
Among students who rode a bicycle during the past 12 months, the percentage who never or rarely wore a bicycle helmet		98.6	96.1	87.8	85.7		87.2	81.5	85.1	Yes	Yes
Percentage of students who never or rarely wore a seat belt when riding in a car driven by someone else		26.6	13.1	14.6	13.1		10.3	9.0	13.5	Yes	Yes
Percentage of students who rode one or more times during the past 30 days in a car or other vehicle driven by someone who had been drinking alcohol		36.1	31.9	27.9	29.8		23.9	20.9	22.0	Yes	No
Percentage of students who drove a car or other vehicle one or more times during the past 30 days when they had been drinking alcohol		9.1	10.8	8.5	9.6		9.3	5.8	6.8	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on one or more of the past 30 days		9.1	6.6	7.5	5.3		8.3	6.1	7.4	No	No
Percentage of students who carried a gun on one or more of the past 30 days		2.0	1.3	1.5	1.0		2.1	1.6	1.0	No	No
Percentage of students who carried a weapon such as a gun, knife, or club on school property on one or more of the past 30 days		4.2	3.5	2.7	2.1		3.5	1.9	3.2	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Injury and Violence</b>											
Percentage of students who did not go to school on one or more of the past 30 days because they felt they would be unsafe at school or on their way to or from school		4.4	4.4	5.6	4.4		6.2	7.2	6.7	Yes	No
Percentage of students who had been threatened or injured with a weapon such as a gun, knife, or club on school property one or more times during the past 12 months		4.6	4.5	6.1	6.2		6.7	7.6	8.1	Yes	No
Percentage of students who had property, such as their car, clothing, or books stolen or deliberately damaged on school property one or more times during the past 12 months								24.3	25.1	No	
Percentage of students who were in a physical fight one or more times during the past 12 months		33.4	22.4	23.4	23.8		20.0	22.8	23.0	Yes	Yes
Percentage of students who were in a physical fight one or more times during the past 12 months in which they were injured and had to be treated by a doctor or nurse		3.0	1.6	2.6	1.5		1.2	2.7	2.2	No	No
Percentage of students who were in a physical fight on school property one or more times during the past 12 months		11.1	8.1	8.1	8.5		7.2	9.3	9.0	No	No
Percentage of students who were ever hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend during the past 12 months					11.4		11.4	8.9	11.9	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Injury and Violence</b>											
Percentage of students who had ever been physically forced to have sexual intercourse when they did not want to							13.0	10.1	12.1	No	No
Percentage of students who felt so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some usual activities during the past 12 months					36.4		41.7	34.4	40.9	No	No
Percentage of students who seriously considered attempting suicide during the past 12 months		34.2	30.4	28.5	23.2		24.0	21.0	19.8	Yes	No
Percentage of students who made a plan about how they would attempt suicide during the past 12 months		24.1	22.6	22.7	19.6		19.4	15.1	14.0	Yes	No
Percentage of students who actually attempted suicide one or more times during the past 12 months		14.5	12.2	12.0	10.0		12.8	12.3	11.4	No	No
Percentage of students who made a suicide attempt during the past 12 months that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse		5.2	3.2	3.6	3.8		2.6	3.8	3.8	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Tobacco Use</b>											
Percentage of students who ever tried cigarette smoking, even one or two puffs		76.6	74.9	73.7	73.5		63.1	61.8	59.8	Yes	No
Percentage of students who smoked a whole cigarette for the first time before age 13 years		30.1	28.3	26.4	27.9		27.4	22.0	19.5	Yes	No
Percentage of students who smoked cigarettes on one or more of the past 30 days		38.0	42.5	41.3	43.7		31.4	24.8	28.4	Yes	Yes
Percentage of students who smoked cigarettes on 20 or more of the past 30 days		20.4	23.7	23.4	24.9		19.3	12.4	14.5	Yes	Yes
Among students who reported current cigarette use, the percentage who smoked more than 10 cigarettes per day on the days they smoked during the past 30 days		18.2	20.5	18.5	23.7		19.1	12.1	15.5	No	No
Among students who were less than 18 years of age and who reported current cigarette use, the percentage who usually got their own cigarettes by buying them in a store or gas station during the past 30 days							14.9	6.7	3.7	Yes	No
Percentage of students who smoked cigarettes on school property on one or more of the past 30 days		18.4	21.6	18.9	18.9		10.1	7.6	8.4	Yes	Yes
Percentage of students who ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days							23.0	20.1	20.1	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Tobacco Use</b>											
Among students who reported current cigarette use, the percentage who ever tried to quit smoking cigarettes during the past 12 months							70.2	56.9	55.6	Yes	No
Percentage of students who used chewing tobacco, snuff, or dip on one or more of the past 30 days			2.2	1.3	2.0		3.3	3.0	2.2	No	No
Percentage of students who used chewing tobacco, snuff, or dip on school property on one or more of the past 30 days			1.2	0.7	0.7		1.1	1.3	1.1	No	No
Percentage of students who smoked cigars, cigarillos, or little cigars on one or more of the past 30 days					11.5		8.1	7.5	8.5	No	No
Percentage of students who smoked cigarettes or cigars or used chewing tobacco, snuff, or dip on one or more of the past 30 days					44.9		33.3	26.4	29.3	Yes	No



## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Alcohol and Other Drug Use</b>											
Percentage of students who had at least one drink of alcohol on one or more days during their life		82.1	77.7	79.8	81.7		78.8	75.4	76.2	Yes	No
Percentage of students who had their first drink of alcohol other than a few sips before age 13 years		29.3	26.4	26.8	26.6		25.9	26.9	23.0	Yes	No
Percentage of students who had at least one drink of alcohol on one or more of the past 30 days		49.4	45.6	44.6	46.9		45.6	37.5	42.1	Yes	No
Percentage of students who had five or more drinks of alcohol in a row, that is, within a couple of hours, on one or more of the past 30 days		34.1	31.3	31.8	31.8		32.7	25.3	26.6	Yes	No
Percentage of students who had at least one drink of alcohol on school property on one or more of the past 30 days		5.7	4.7	4.4	5.9		3.7	5.0	4.6	No	No
Percentage of students who used marijuana one or more times during their life		30.3	37.1	43.7	47.2		43.2	36.2	38.0	No	Yes
Percentage of students who tried marijuana for the first time before age 13 years		4.8	5.2	6.7	9.5		10.9	6.8	6.6	Yes	Yes
Percentage of students who used marijuana one or more times during the past 30 days		14.1	22.0	24.0	28.1		22.7	16.4	21.4	No	Yes
Percentage of students who used marijuana on school property one or more times during the past 30 days		2.7	6.0	4.9	5.2		2.3	2.9	4.0	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Female											
Alcohol and Other Drug Use											
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during their life		3.9	5.9	7.8	8.8		12.1	10.8	10.2	Yes	Yes
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during the past 30 days		0.9	2.2	2.6	2.6		5.4	4.2	5.3	Yes	No
Percentage of students who sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high one or more times during their life			24.2	26.4	19.6		15.2	17.5	22.0	Yes	Yes
Percentage of students who used heroin one or more times during their life					1.2		3.0	2.4	2.5	No	No
Percentage of students who used methamphetamines one or more times during their life					13.2		11.2	9.2	8.3	Yes	No
Percentage of students who used ecstasy one or more times during their life							8.7	5.6	4.9	No	No
Percentage of students who took steroid pills or shots without a doctor's prescription one or more times during their life		1.9	3.9	4.8	3.2		3.7	4.0	3.0	No	Yes
Percentage of students who used a needle to inject any illegal drug into their body one or more times during their life			2.0	2.2	1.7		1.4	2.1	2.2	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Alcohol and Other Drug Use</b>											
Percentage of students who were offered, sold, or given an illegal drug by someone on school property during the past 12 months		23.3	26.4	29.2	23.1		25.2	22.7	26.7	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Female											
Sexual Behaviors											
Percentage of students who ever had sexual intercourse		59.4	58.5	53.1	51.3		54.9	51.1	53.0	Yes	No
Percentage of students who had sexual intercourse for the first time before age 13 years		6.3	5.0	3.6	5.5		4.3	3.7	4.3	No	No
Percentage of students who had sexual intercourse with four or more people during their life		16.7	14.9	15.1	15.5		16.6	11.0	13.6	No	No
Percentage of students who had sexual intercourse with one or more people during the past three months		46.3	47.1	40.1	38.6		44.0	41.1	42.8	No	Yes
Among students who had sexual intercourse during the past three months, the percentage who drank alcohol or used drugs before last sexual intercourse		19.3	17.3	19.0	22.2		20.5	16.3	20.3	No	No
Among students who had sexual intercourse during the past three months, the percentage who used a condom during last sexual intercourse		43.5	45.9	54.6	48.9		57.6	57.4	56.9	Yes	No
Among students who had sexual intercourse during the past three months, the percentage who used birth control pills to prevent pregnancy before last sexual intercourse		25.1	24.0	28.1	27.2		28.0	33.4	31.2	Yes	No
Percentage of students who had ever been taught in school about AIDS or HIV infection		88.3	91.3	91.5	89.8		89.2	91.4	88.5	No	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Female											
Weight Management and Dietary Behaviors											
Percentage of students who were at risk for becoming overweight (i.e., at or above the 85th percentile but below the 95th percentile for body mass index, by age and sex)**					14.4		14.7	17.3	19.0	No	No
Percentage of students who were overweight (i.e., at or above the 95th percentile for body mass index, by age and sex)**					8.1		7.4	9.8	11.7	No	No
Percentage of students who described themselves as slightly or very overweight		52.3	40.4	40.8	42.5		40.1	39.6	37.7	Yes	Yes
Percentage of students who were trying to lose weight		67.0	62.9	66.0	65.0		66.3	67.5	62.2	No	No
Percentage of students who exercised to lose weight or to keep from gaining weight during the past 30 days			67.5	69.2	70.4		70.0	71.0	69.2	No	No
Percentage of students who ate less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight during the past 30 days					62.6		65.4	60.9	60.6	No	No
Percentage of students who went without eating for 24 hours or more to lose weight or to keep from gaining weight during the past 30 days					24.2		26.5	19.4	19.6	Yes	No

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Female											
Weight Management and Dietary Behaviors											
Percentage of students who took any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight during the past 30 days					11.6		16.4	11.0	8.9	No	Yes
Percentage of students who vomited or took laxatives to lose weight or to keep from gaining weight during the past 30 days			10.3	9.4	7.9		10.2	8.5	6.5	No	No
Percentage of students who drank 100% fruit juices one or more times during the past seven days					76.6		79.8	80.8	74.4	No	Yes
Percentage of students who ate fruit one or more times during the past seven days					88.7		88.0	88.1	88.3	No	No
Percentage of students who ate green salad one or more times during the past seven days					71.0		72.5	68.8	67.7	No	No
Percentage of students who ate potatoes one or more times during the past seven days					81.3		78.0	74.2	74.8	Yes	No
Percentage of students who ate carrots one or more times during the past seven days					46.7		47.4	48.6	45.9	No	No
Percentage of students who ate other vegetables one or more times during the past seven days					89.3		86.5	86.0	86.5	No	No

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
Female											
Weight Management and Dietary Behaviors											
Percentage of students who ate fruits and vegetables five or more times per day during the past seven days					19.4		20.6	21.2	17.5	No	No
Percentage of students who drank three or more glasses per day of milk during the past seven days					14.3		10.4	11.1	9.7	Yes	No

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>Female</b>											
<b>Physical Activity</b>											
Percentage of students who were physically active for a total of at least 60 minutes per day on five or more of the past seven days								31.2	31.8	No	
Percentage of students who watched three or more hours per day of TV on an average school day					39.3		29.6	36.1	31.3	No	No
Percentage of students who attended physical education (PE) classes on one or more days in an average week when they were in school		35.5	30.9	29.6	31.6		28.8	30.9	26.9	Yes	No
Percentage of students who attended physical education (PE) classes daily in an average week when they were in school		32.5	26.3	22.8	27.1		24.7	27.8	21.0	Yes	No
Percentage of students who played on one or more sports teams during the past 12 months					43.6		50.0	48.8	48.1	No	No



2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

West Virginia High School Survey  
Trend Analysis Report

Question	Prevalence Survey Year										Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007			
Female												
Other												
Percentage of students who had ever been told by a doctor or nurse that they had asthma									22.4	25.9	No	

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Injury and Violence</b>											
Among students who rode a bicycle during the past 12 months, the percentage who never or rarely wore a bicycle helmet		97.3	95.4	88.5	88.1		84.4	84.0	85.4	Yes	Yes
Percentage of students who never or rarely wore a seat belt when riding in a car driven by someone else		33.8	19.5	21.0	19.7		14.4	14.7	16.1	Yes	Yes
Percentage of students who rode one or more times during the past 30 days in a car or other vehicle driven by someone who had been drinking alcohol		38.6	35.8	34.8	30.3		22.9	24.3	23.6	Yes	No
Percentage of students who drove a car or other vehicle one or more times during the past 30 days when they had been drinking alcohol		14.5	16.3	13.9	12.6		11.1	10.1	10.1	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on one or more of the past 30 days		28.0	25.2	24.8	20.4		20.1	21.7	20.1	Yes	No
Percentage of students who carried a gun on one or more of the past 30 days		11.9	9.6	8.7	6.2		10.1	7.3	4.6	Yes	No
Percentage of students who carried a weapon such as a gun, knife, or club on school property on one or more of the past 30 days		13.6	11.8	9.7	9.3		6.2	8.3	6.3	Yes	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Injury and Violence</b>											
Percentage of students who did not go to school on one or more of the past 30 days because they felt they would be unsafe at school or on their way to or from school		3.8	4.1	5.0	4.1		5.4	6.3	6.4	Yes	No
Percentage of students who had been threatened or injured with a weapon such as a gun, knife, or club on school property one or more times during the past 12 months		7.3	6.9	6.8	7.0		8.0	7.8	8.9	No	No
Percentage of students who had property, such as their car, clothing, or books stolen or deliberately damaged on school property one or more times during the past 12 months								25.4	22.1	No	
Percentage of students who were in a physical fight one or more times during the past 12 months		41.2	34.0	31.5	31.7		26.2	28.5	28.8	Yes	Yes
Percentage of students who were in a physical fight one or more times during the past 12 months in which they were injured and had to be treated by a doctor or nurse		4.0	3.3	3.3	3.1		2.6	3.3	3.8	No	No
Percentage of students who were in a physical fight on school property one or more times during the past 12 months		16.0	12.9	12.3	12.2		10.0	11.5	12.2	Yes	Yes
Percentage of students who were ever hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend during the past 12 months					11.1		10.7	8.7	11.3	No	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Injury and Violence</b>											
Percentage of students who had ever been physically forced to have sexual intercourse when they did not want to							8.8	6.6	9.0	No	No
Percentage of students who felt so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some usual activities during the past 12 months					29.5		31.1	29.2	30.5	No	No
Percentage of students who seriously considered attempting suicide during the past 12 months		26.6	25.3	22.4	19.1		17.2	16.7	15.9	Yes	No
Percentage of students who made a plan about how they would attempt suicide during the past 12 months		20.3	20.2	17.4	16.9		14.3	12.2	12.4	Yes	No
Percentage of students who actually attempted suicide one or more times during the past 12 months		10.6	9.6	8.8	7.1		8.9	8.5	8.7	No	No
Percentage of students who made a suicide attempt during the past 12 months that resulted in an injury, poisoning, or overdose that had to be treated by a doctor or nurse		3.4	3.0	2.4	3.2		2.2	2.4	3.2	No	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Tobacco Use</b>											
Percentage of students who ever tried cigarette smoking, even one or two puffs		76.9	76.2	75.0	74.2		62.2	60.2	58.8	Yes	No
Percentage of students who smoked a whole cigarette for the first time before age 13 years		36.0	33.3	31.1	33.4		27.1	23.9	20.9	Yes	No
Percentage of students who smoked cigarettes on one or more of the past 30 days		39.4	43.1	41.6	41.9		27.9	25.0	27.7	Yes	Yes
Percentage of students who smoked cigarettes on 20 or more of the past 30 days		20.5	24.3	23.9	24.4		16.8	13.4	14.5	Yes	Yes
Among students who reported current cigarette use, the percentage who smoked more than 10 cigarettes per day on the days they smoked during the past 30 days		20.1	24.0	21.6	26.3		17.6	17.6	20.4	No	No
Among students who were less than 18 years of age and who reported current cigarette use, the percentage who usually got their own cigarettes by buying them in a store or gas station during the past 30 days							15.2	12.7	10.4	No	No
Percentage of students who smoked cigarettes on school property on one or more of the past 30 days		18.3	21.6	20.6	18.9		9.7	7.9	8.4	Yes	Yes
Percentage of students who ever smoked cigarettes daily, that is, at least one cigarette every day for 30 days							20.1	19.2	19.3	No	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Tobacco Use											
Among students who reported current cigarette use, the percentage who ever tried to quit smoking cigarettes during the past 12 months							61.1	49.5	49.2	Yes	No
Percentage of students who used chewing tobacco, snuff, or dip on one or more of the past 30 days			18.8	15.8	16.4		13.8	15.0	15.2	Yes	No
Percentage of students who used chewing tobacco, snuff, or dip on school property on one or more of the past 30 days			12.0	10.1	9.7		8.9	9.2	10.0	No	No
Percentage of students who smoked cigars, cigarillos, or little cigars on one or more of the past 30 days					18.4		12.7	15.0	13.9	Yes	No
Percentage of students who smoked cigarettes or cigars or used chewing tobacco, snuff, or dip on one or more of the past 30 days					48.9		34.6	32.5	34.6	Yes	Yes

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Alcohol and Other Drug Use											
Percentage of students who had at least one drink of alcohol on one or more days during their life		83.1	80.8	80.9	81.2		75.8	74.0	75.9	Yes	No
Percentage of students who had their first drink of alcohol other than a few sips before age 13 years		37.6	36.4	33.5	32.7		26.8	30.7	26.8	Yes	No
Percentage of students who had at least one drink of alcohol on one or more of the past 30 days		52.9	51.3	50.9	47.7		43.9	41.3	43.9	Yes	No
Percentage of students who had five or more drinks of alcohol in a row, that is, within a couple of hours, on one or more of the past 30 days		39.9	39.0	38.1	34.9		33.3	28.5	29.7	Yes	No
Percentage of students who had at least one drink of alcohol on school property on one or more of the past 30 days		7.6	6.9	6.1	7.1		4.1	6.2	5.2	Yes	No
Percentage of students who used marijuana one or more times during their life		33.7	41.4	46.6	46.8		42.2	38.4	40.3	No	Yes
Percentage of students who tried marijuana for the first time before age 13 years		7.4	9.7	9.9	12.4		11.5	9.5	10.3	No	Yes
Percentage of students who used marijuana one or more times during the past 30 days		16.9	25.1	27.2	27.9		21.5	19.0	22.8	No	Yes
Percentage of students who used marijuana on school property one or more times during the past 30 days		5.0	8.6	8.4	6.7		4.0	4.7	5.4	Yes	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Alcohol and Other Drug Use											
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during their life		5.0	8.5	9.0	10.6		10.1	10.9	11.2	Yes	Yes
Percentage of students who used any form of cocaine, including powder, crack, or freebase one or more times during the past 30 days		1.7	3.7	3.3	4.3		4.3	4.5	4.8	Yes	No
Percentage of students who sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high one or more times during their life			28.8	28.2	21.0		15.0	15.9	19.5	Yes	Yes
Percentage of students who used heroin one or more times during their life					2.7		2.9	3.4	3.4	No	No
Percentage of students who used methamphetamines one or more times during their life					14.2		10.4	8.0	8.1	Yes	No
Percentage of students who used ecstasy one or more times during their life							7.7	6.6	6.1	No	No
Percentage of students who took steroid pills or shots without a doctor's prescription one or more times during their life		4.3	6.1	6.0	5.0		5.6	5.3	4.8	No	No
Percentage of students who used a needle to inject any illegal drug into their body one or more times during their life			3.4	2.5	2.9		1.8	2.3	2.5	No	No

\*Non-Hispanic.



## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Alcohol and Other Drug Use</b>											
Percentage of students who were offered, sold, or given an illegal drug by someone on school property during the past 12 months		25.1	32.3	33.6	27.9		25.5	24.1	27.4	Yes	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Sexual Behaviors</b>											
Percentage of students who ever had sexual intercourse		62.7	60.1	54.7	54.0		50.9	52.0	53.4	Yes	Yes
Percentage of students who had sexual intercourse for the first time before age 13 years		11.1	10.1	6.5	7.6		7.0	6.7	5.7	Yes	No
Percentage of students who had sexual intercourse with four or more people during their life		21.2	18.4	16.0	17.0		15.3	13.8	15.4	Yes	No
Percentage of students who had sexual intercourse with one or more people during the past three months		45.4	44.7	39.7	39.7		37.8	38.8	40.8	Yes	Yes
Among students who had sexual intercourse during the past three months, the percentage who drank alcohol or used drugs before last sexual intercourse		22.6	25.6	26.0	27.0		21.8	19.9	21.4	No	No
Among students who had sexual intercourse during the past three months, the percentage who used a condom during last sexual intercourse		50.1	50.9	58.9	56.1		65.2	61.1	61.0	Yes	Yes
Among students who had sexual intercourse during the past three months, the percentage who used birth control pills to prevent pregnancy before last sexual intercourse		20.3	20.5	21.3	20.4		25.4	24.5	25.4	Yes	No
Percentage of students who had ever been taught in school about AIDS or HIV infection		86.9	91.9	92.3	87.8		89.2	89.7	88.4	No	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Weight Management and Dietary Behaviors											
Percentage of students who were at risk for becoming overweight (i.e., at or above the 85th percentile but below the 95th percentile for body mass index, by age and sex)**					13.1		14.7	16.0	16.9	Yes	No
Percentage of students who were overweight (i.e., at or above the 95th percentile for body mass index, by age and sex)**					13.6		13.9	14.2	15.0	No	No
Percentage of students who described themselves as slightly or very overweight		40.6	33.1	32.1	35.3		35.0	33.2	31.4	Yes	No
Percentage of students who were trying to lose weight		48.1	44.0	47.2	47.5		51.1	49.5	45.7	No	No
Percentage of students who exercised to lose weight or to keep from gaining weight during the past 30 days			52.6	54.7	60.1		62.1	61.5	60.1	Yes	Yes
Percentage of students who ate less food, fewer calories, or foods low in fat to lose weight or to keep from gaining weight during the past 30 days					45.0		46.7	44.9	44.1	No	No
Percentage of students who went without eating for 24 hours or more to lose weight or to keep from gaining weight during the past 30 days					15.6		16.7	13.6	13.0	Yes	No

\*Non-Hispanic.

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Weight Management and Dietary Behaviors											
Percentage of students who took any diet pills, powders, or liquids without a doctor's advice to lose weight or to keep from gaining weight during the past 30 days					8.2		11.5	8.4	7.2	No	Yes
Percentage of students who vomited or took laxatives to lose weight or to keep from gaining weight during the past 30 days			6.0	5.6	4.7		6.2	5.5	5.4	No	No
Percentage of students who drank 100% fruit juices one or more times during the past seven days					77.6		79.5	81.1	75.3	No	Yes
Percentage of students who ate fruit one or more times during the past seven days					86.3		87.1	86.3	85.7	No	No
Percentage of students who ate green salad one or more times during the past seven days					66.9		67.9	64.3	61.4	No	No
Percentage of students who ate potatoes one or more times during the past seven days					81.2		79.2	76.0	76.1	Yes	No
Percentage of students who ate carrots one or more times during the past seven days					47.1		46.9	48.0	45.0	No	No
Percentage of students who ate other vegetables one or more times during the past seven days					85.6		83.2	83.3	82.0	No	No

\*Non-Hispanic.

\*\*Overweight and at risk for becoming overweight prevalence estimates for 1999 differ slightly from previously published results because different BMI cut points were used in 1999 than in subsequent years. To make these prevalence estimates comparable, the 1999 prevalence estimates were recalculated using the updated BMI cut points.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Weight Management and Dietary Behaviors											
Percentage of students who ate fruits and vegetables five or more times per day during the past seven days					19.6		20.2	21.9	19.3	No	No
Percentage of students who drank three or more glasses per day of milk during the past seven days					19.1		18.9	17.2	16.6	No	No

\*Non-Hispanic.

## 2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

### West Virginia High School Survey Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
<b>White*</b>											
<b>Physical Activity</b>											
Percentage of students who were physically active for a total of at least 60 minutes per day on five or more of the past seven days								37.4	42.7	Yes	
Percentage of students who watched three or more hours per day of TV on an average school day					40.4		32.2	38.6	30.5	Yes	No
Percentage of students who attended physical education (PE) classes on one or more days in an average week when they were in school		40.3	37.1	34.5	37.3		33.1	35.9	32.3	Yes	No
Percentage of students who attended physical education (PE) classes daily in an average week when they were in school		35.5	31.7	26.2	30.2		28.8	31.6	25.3	Yes	No
Percentage of students who played on one or more sports teams during the past 12 months					48.9		53.0	51.8	50.9	No	No

\*Non-Hispanic.

2007 YOUTH RISK BEHAVIOR SURVEY RESULTS

West Virginia High School Survey  
Trend Analysis Report

Question	Prevalence Survey Year									Linear Change	Quadratic Change
	1991	1993	1995	1997	1999	2001	2003	2005	2007		
White*											
Other											
Percentage of students who had ever been told by a doctor or nurse that they had asthma								23.7	24.6	No	

\*Non-Hispanic.

# Section 2

## Attachment



# 2008 WEST VIRGINIA KIDS COUNT DATA BOOK

## PROFILES OF CHILD WELL-BEING

# Aiming For The Stars



64,000 Reasons West Virginia Needs a Childcare Quality Rating and Improvement System



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## Our Mission

The West Virginia KIDS COUNT Fund works to improve the lives of West Virginia's at-risk children by:

- collecting information about their status;
- identifying and supporting programs that work; and
- advocating for public policies that promote early education.

The constituencies of KIDS COUNT are the business, faith and social service communities, the media and government.



## 2008 Data Book Sponsors

Through our loyal sponsors' generosity, KIDS COUNT has the resources necessary to collect and share important information about the status of West Virginia's at-risk children and make a significant contribution to the effort to improve their opportunities.

### **Donors of \$75,000 and over**

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Donna Hardy Watson  
West Virginia Department of Education

## Thank You for Your Interest in West Virginia's Children

For the past 17 years, KIDS COUNT has been West Virginia's most trusted source of information about the status of the state's children.

It is our goal to provide you with timely information that is reliable, unbiased and easy to understand. In return, we hope you use the data to inform others and influence public policies or programs on behalf of children, especially young children who are the focus of our current advocacy efforts. If you are a business leader, we hope this book will help raise your awareness about the importance of children's well being to our economic well being. And, whenever you need help analyzing the data in this book or developing strategies to improve the lives of at-risk children in your area, KIDS COUNT stands ready to help you. With your continued support of our mission, KIDS COUNT's community of child advocates continues to grow.



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## Thanks for Your Help!

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KIDS COUNT is indebted to the enthusiastic service of its Kids First Advisory Committee and Kids First Leaders. Their names are located on page 90 of this report.

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thanks also to Pam Folden, who labored long and well to edit the book and aggregate the data.

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West Virginia KIDS COUNT is grateful for the leadership and ever-ready assistance of the national KIDS COUNT staff: Don Crary,

Cory Anderson and Laura Beavers.



And, finally, thanks to all the West Virginians who make kids count by putting kids first.

Margie Hale  
Executive Director  
West Virginia KIDS COUNT Fund

## Foreword

In 1989, the Annie E. Casey Foundation launched the KIDS COUNT initiative. The nationwide project was founded on the notion that the more the public and policymakers know about the status and needs of children, the greater the chance those needs would be addressed. The West Virginia KIDS COUNT project was first funded in 1991 and is one of 50 similar projects throughout the United States. The *2008 KIDS COUNT Data Book* is the 16th annual profile of the conditions of West Virginia's children.

To compile this *Data Book*, KIDS COUNT amasses the best available data to measure the well-being of children in West Virginia. The *2008 KIDS COUNT Data Book* measures 12 indicators of child well-being and 15 background facts, including a special section of facts that are specific to early child development (ECD) issues. Also included are statewide changes in the indicators and background facts, as well as the county-level data. The county profiles are also available on-line at [www.wvkidscountfund.org](http://www.wvkidscountfund.org).

explains why our Kids First Communities are advocating for a childcare quality rating and improvement system; and outlines the steps KIDS COUNT is taking to make sure a childcare quality rating and improvement system gets under way in 2009.

Again this year, we have included several facts directly related to West Virginia's ECD system. We hope these ECD facts will give policymakers, opinion leaders and community groups the data tools they need to focus on improving our children's earliest learning experiences.

Making kids count by putting kids first is a responsibility all West Virginians share. To learn more about how you can help improve the lives of our youngest and most vulnerable children, call 1-888-KIDSCOUNT (1-888-543-7268) or visit our website at [www.wvkidscountfund.org](http://www.wvkidscountfund.org).

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of the author(s) alone, and do not necessarily reflect the opinions of the Foundation.

## THE PRIMARY BENEFIT OF THE KIDS COUNT DATA BOOK IS ITS VALUE AS A TOOL FOR SELECTING ISSUES THAT NEED OUR ATTENTION

The primary benefit of the *KIDS COUNT Data Book* is its value as a tool for selecting issues that need our attention. Last year's *Data Book* focused on the results of a series of surveys and focus groups we conducted with parents of young children, childcare providers and community leaders throughout West Virginia. The results of that data gathering formed the basis of our groundbreaking effort to unite parents, providers and community leaders in regional coalitions – called Kids First Communities – devoted to improving the quality of childcare. This year's *Data Book* essay makes the case for improving quality;



# Aiming For The Stars



64,000 Reasons West Virginia Needs A  
Childcare Quality Rating and Improvement System

## Preface: Why High-Quality Childcare Programs Are So Important to West Virginia's Future

If our society is to prosper in the future, we will need to make sure that all children have the opportunity to develop intellectually, socially and emotionally. Scientists say the best way to do this is to provide kids with stable, responsive relationships and positive learning experiences early in life – conditions that literally build the architecture of the maturing brain. That's why we need to ensure that early learning environments are working for the development of a healthy early structure, not against it.

We know a lot about what helps and hurts the growth of brain architecture. What helps build solid brain architecture is nurturing and responsive interactions with attentive adults. What weakens and damages brain architecture is exposure to severe or prolonged stress – from fear, hunger, neglect or exposure to violence, for example. Scientists call this “toxic” stress: conditions that trigger the release of chemicals in the young child's brain that actually prevent cells from growing and forming connections with each other (Frameworks Institute 20).

So, children are profoundly shaped by the world around them. Their earliest interactions with Mom, Dad, Grandma, Grandpa and all other caring adults lay the foundation on which their futures will be built. Although parents are children's first and most important teachers, 64,000 West Virginia children under six spend a large part of their day in the care of someone other than their parents, and we currently do not have in place a responsible

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system that measures the quality of that care. What we know about the quality of the care these 64,000 children are receiving while their parents are at work is disturbing. National studies have consistently shown that most childcare is **mediocre to poor**, and

**only 8%** of West Virginia's childcare centers are nationally accredited, the gold standard of quality. We also know that for every dollar the state spends to significantly improve quality we will earn a \$5.20 return through outcomes such as higher academic achievement and adult earning power and lower juvenile delinquency and dropout rates (Kent 14).

The West Virginia KIDS COUNT Fund is committed to advocating for new investments that will significantly improve the quality of childcare programs. Our commitment is rooted in the results of three important longitudinal studies of early child development programs: The Perry Preschool Program (Schweinhart), the Abecedarian Project (Campbell), and Chicago Child-Parent Centers (Reynolds). Each of these studies found that when at-risk children participate in high-quality early education programs, there are significant long-term benefits to the children and to society. Participating children benefit from higher IQs, less grade retention, fewer special education needs, lower crime rates, higher income levels and higher educational attainment. Society benefits from lower costs for education, public assistance and incarceration, and from greater economic productivity.

One noted study of the economic impact of early education is a report from the Minnesota Federal Reserve titled “Early Childhood Development: Economic Development with a High Public Return” (Rolnick). In this report, two respected economists, Art Rolnick and Rob Grunewald, make the case that public investments in high-quality early child development programs have a much higher return than public investments in private businesses, the traditional economic development tool used by states. Rolnick and Grunewald estimate a 12% return on investments in high-quality early child development programs (Rolnick 9). That high return on investment mirrors the results of the Marshall study, which predicts a \$5.20 return for every dollar West Virginia invests in good programs.

The evidence of high return on investment is clear and compelling. But, there is something beyond the dollars and cents: We have a responsibility to all children, especially our most vulnerable children, to give them the best possible start in life. Our commitment to fairness and equity demands nothing less. American culture is rooted in the notion of equal opportunity. We envision a country where every child has the same chance at prosperity and happiness as every other child, regardless of economic status. The clearest path to equal opportunity has always been education. And thanks to decades of brain research, we now know that the most important and fruitful time to educate children, particularly those from low-income families, is during their earliest years.

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In the following essay, we:

- define high-quality childcare and why it is important;
- summarize the current state of quality in West Virginia;
- explain the tool most states are using to improve quality; and
- describe why and how KIDS COUNT is advocating for a childcare quality rating and improvement system.

We believe there are at least 64,000 great reasons to improve childcare quality in West Virginia, and we believe the time to get started is now.





# Aiming for the Stars:

## 64,000 Reasons West Virginia Needs A Childcare Quality Rating and Improvement System

### What Quality Is and Why It Matters

According to childcare expert Sandra Scarr, **“There is an extraordinary international consensus among child care researchers and practitioners about what quality child care is: It is warm, supportive interactions with adults in a safe, healthy, and stimulating environment, where early education and trusting relationships combine to support individual children’s physical, emotional, social and intellectual development”** (Scarr 100).

The experts in early child development define quality in terms of structural quality and process quality. Structural measures include child-staff ratios and group size, caregivers’ general education and specialized training, their tenure and income. Process measures directly examine children’s experiences including caregivers’ interactions with children – their attention, warmth and responsiveness.

#### Structural Quality

The National Institute for Early Education Research (NIEER) has created a checklist of structural quality that evaluates the quality of pre-k programs nationwide (NIEER). According to NIEER, the key components of a high-quality program include:

#### Well-educated Teachers

- Most effective teachers have bachelor’s degrees and additional specialized training in early childhood education.
- Teachers receive salaries and benefits comparable to K-12 teachers.
- Classroom aides have at minimum a child development associate credential.
- Both teacher and aide devote at least 15 hours per year improving their skills.
- High-quality programs recruit teachers and aides who reflect the cultural diversity of the children and families they serve.

#### Low Teacher-Child Ratios and Small Class Sizes

- Young children learn best in groups of no more than 20 children.
- A ratio of one teacher for every ten or fewer children is crucial to success.

#### Research-Based Curriculum Aligned to K-12 Standards

- No one curriculum has been identified as best.
- Curricula should be built around specific goals that integrate learning across all aspects of a child’s development: cognitive, physical, social and emotional.
- Superior curricula provide a variety of daily opportunities for language and reasoning, science, math, block play, dramatic play, art and music.
- Each day, children should have occasion to participate in whole class activities, small groups and individual interactions with the teacher.

### Engaged Families

- There is direct communication between teacher and family through parent conferences, home visits, and regular reports.
- There are opportunities for families to serve on governing boards or committees, assist in the classroom, help with field trips or share expertise.
- High-quality early child development programs respect the role of the family as a child's first and most important teachers and support efforts toward greater learning at home.

### Focus on the Whole Child and Family

- High-quality programs should screen for vision, hearing and general health to identify problems and make referrals early.
- High-quality programs should offer breakfast and/or lunch to ensure proper nutrition.
- When needed, families should be given access to social services or information about nutrition, parenting and family support. Such support should be administered by trained professionals and not be solely the responsibility of teachers.

Another important educational research and policy organization, the Southern Regional Education Board (SREB), defines the five most important structural characteristics of quality as:

- Strong health and safety standards;
- Low student-to-teacher ratios and small classes;
- Qualified, well-compensated teachers;
- Proven curricula and learning processes; and
- Meaningful involvement by parents (Denton 20).

### Process Quality

Process measures directly examine the children's experiences, including their interactions with caregivers in terms of attention, warmth and responsiveness. A variety of instruments is used to measure quality in infant and toddler childcare arrangements. Process quality is typically measured by observing the experiences in the center and classroom and rating the multiple dimensions of the program, such as teacher-child interactions, type of instruction, room environment, materials, relationships with parents and health and safety routines. The **Infant/Toddler Environment Rating Scale (ITERS)** is a research-based tool that has been widely used in early education research to measure process quality in childcare (Harms 1). According to Espinosa, "When activities and interactions are rated higher on the ITERS, children develop more advanced language and math abilities as well as social skills. Conversely, poorer process quality has been linked to increased behavior problems" (Espinosa 3).



Structural quality and process quality are not either/or propositions. Researchers have consistently found that structural and process indicators of quality are related and influence the quality of the educational experiences for children (Espinosa 2-3).

## The Current State of Childcare Quality

Unfortunately, most childcare programs in the United States, and in West Virginia, do not have all of the features essential for high quality. In fact, national studies describe most childcare as poor to fair. The National Institute of Child Health and Development (NICHD) studied childcare in 600 non-parental settings in nine states. They found that most care was simply fair, and only 11 percent was judged to be excellent (NICHD 432). Translating the findings of the NICHD study to all American families, Vandell and Wolfe estimate that for children under age three:

- Eight percent of childcare settings are poor;
- 53 percent are fair;
- 30 percent are good; and
- Nine percent are excellent (Vandell 39).



Further, in West Virginia only 8% of childcare centers are nationally-accredited, the gold standard for quality, and the vast majority of counties have no accredited centers. Given the increasing number of children who spend eight or more hours per day in non-family care because their parents are working (64,000 in West Virginia), it is not surprising that the quality of childcare is an urgent concern for parents and one of our most important public policy issues.

In 2006, KIDS COUNT contracted with Columbia University's renowned early child development policy expert Dr. Sharon Lynn Kagan to lead a year-long "Policy Matters" process to determine the state of West Virginia's early child development system. To evaluate the policy context for quality, Sharon Lynn Kagan, Elizabeth Rigby and Kristie Kauerz developed a Policy Domain Framework as part of their Policy Matters project. The Policy Domain Framework is designed for use by states to develop policies that promote a coherent, quality, accessible and affordable system of early care and education.

The Policy Matters Framework rests on the assumption that developing early childhood systems requires a focus on multiple policy domains, including:

1. Quality Early Childhood Settings;
2. Early Childhood Education Professional and Workforce Development;
3. Informed Families, Informed Public;
4. Accountability/Results Orientation;
5. Adequate Early Childhood Education Financing;
6. Governance and Coordination;
7. Education in the Early Grades; and
8. Health and Mental Health.



Each domain contains several “policy features,” and each policy feature provides for a rating of current state policies. A policy that is at “level one” is considered the best policy to support quality, according to a consensus of early childhood experts. For example, in the Professional Development policy domain, a policy feature is professional standards: “The state has established high standards for what ECE providers should know and be able to do.” The policy levels that relate to professional standards are rated from 1 to 5, for example:

1. State has conducted an updated review of curriculum; developed standards/core competencies; conducted a review of standards/core competencies; and aligned professional development with these standards/core competencies.
2. State has completed three of the above.
3. State has completed two of the above.
4. State has completed one of the above.
5. State has not completed any of the above.

In West Virginia, for each of the 100+ recommended policies in the eight domains, a team of early child development experts and advocates assessed the state’s current policy level, gave it a numerical ranking and established desired policy enhancements. The findings of this policy review helped bring clarity to areas in which improvement is urgently needed and identified the areas in which the state is doing well by national standards.

There were a number of significant findings from the Policy Matters project. First, the areas in which West Virginia’s early child development policies ranked closest to the recommended levels were (from highest to lowest):

- Kindergarten;
- K-3 Learning Standards;
- K-3 Class Size;
- Family Information and Involvement; and
- Early Child Development Instructional Assessment.

The relatively higher rankings of these policies likely reflect the state’s long history with, and an ongoing investment in, the quality of K-3 education as well as recent investments in the pre-k program for 4-year-olds and 3-year-olds with special needs.

The lowest policy rankings were in the areas of:

- Facilities and Capital;
- Adequate Compensation;
- Program Accountability;
- Child Care Tax Provisions;
- Early Child Development Planning; and
- Qualified Health Professionals.

Six of the 10 policies that met national recommendations were in the domains of “Education in the Early Grades” and “Health and Mental Health.” This clustering of high scores reflects a stronger policy effort in non-early child development systems and clearly demonstrates the need for West Virginia to invest more heavily in policies that benefit children from birth through three. The full West Virginia Policy Matters results were documented in the *2006 KIDS COUNT Data Book* (available on-line at [www.wvkidscountfund.org](http://www.wvkidscountfund.org)).

Subsequent to the Policy Matters project, KIDS COUNT, in partnership with the Partners Implementing an Early Care and Education System (PIECES) Council and *West Virginia: A Vision Shared*, supported legislation in 2007 that would have created the policy framework for a high-quality early child development system in West Virginia. The bill did not pass the legislature in 2007, but policymakers' interest in improving early child development programs increased somewhat.

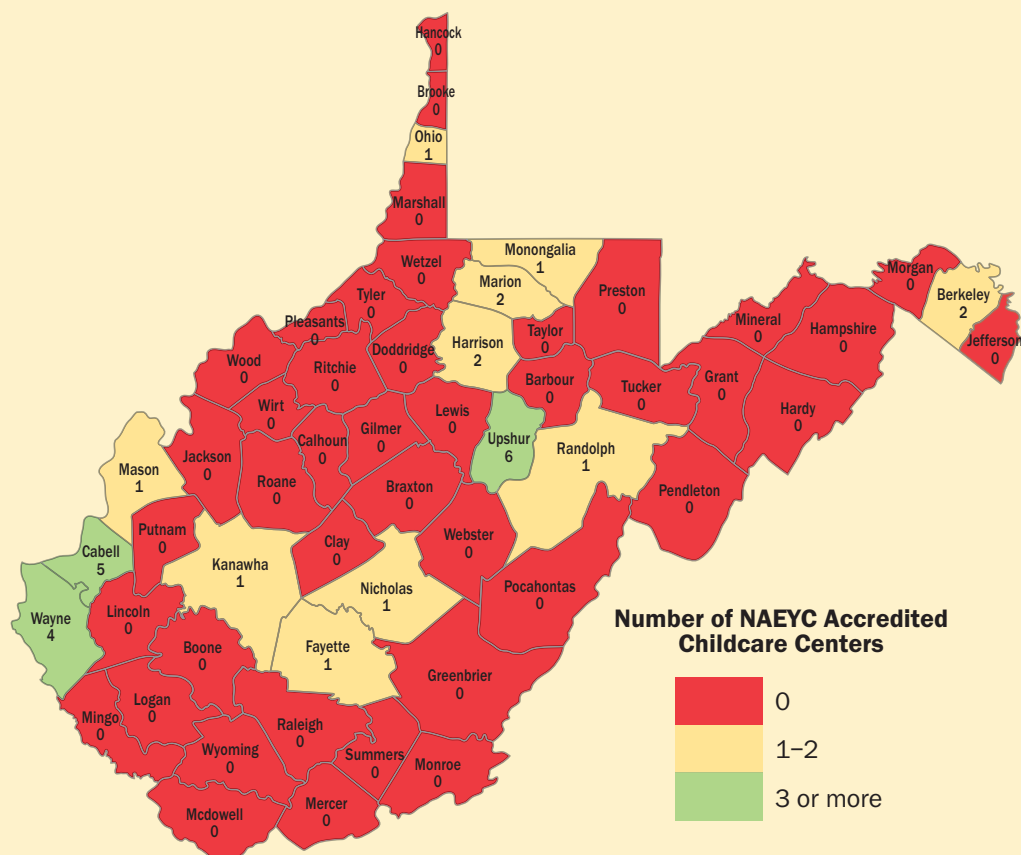
In June of 2008, the PIECES Council issued a report to the Governor that puts a childcare quality rating and improvement system at the top of its policy priority list for 2009.

In response to this increased interest in improving programs for young children, Governor Joe Manchin issued an executive order in October of 2007

asking PIECES to establish three committees to study and report to him on the quality, financing and governance of the state's early child development programs. In June of 2008, the PIECES Council issued a report to the Governor that puts a childcare quality rating and improvement system at the top of its policy priority list for 2009.

### How Most States Are Improving Childcare Quality

Throughout the United States, state licensure is considered the minimum level of childcare quality. All childcare centers must be licensed and family childcare providers must be approved to receive reimbursement from the state for caring for low-income children. Likewise, accreditation by the National Association of the Education of Young Children (NAEYC) represents the highest level of quality, and, as of September 2008, only 8% of childcare centers in West Virginia were nationally accredited (NAEYC, <http://www.naeyc.org/academy/search/>).





To address the gap between licensure and accreditation, most states have or are in the process of developing childcare quality rating and improvement systems. According to the National Child Care Information Center, all but eight states are operating, exploring or designing a quality rating and improvement system (NCCIC 1). West Virginia is among those eight states, although the state does have two tiers of reimbursement for providers who care for subsidized children.

A childcare quality rating and improvement system is a way to assess, improve and communicate the level of childcare quality in a community. It is similar to the “five-star” system of rating hotels, movies or car safety. The more stars a childcare center is awarded the higher the level of quality. In these systems, financial incentives from the state and competition for children combine to improve program quality.



**The Pennsylvania Experience**  
According to the Penn State University researchers who evaluated the effectiveness of the Keystone STARS quality rating system, “Child care programs, both child care centers and homes, improved significantly as they moved up the STAR continuum. The Keystone STARS system has reversed the drop off in quality that was so evident in the late 1990s and early 2000s. This is a major reversal that has helped to improve the overall quality of child care in Pennsylvania.”

A quality rating system provides powerful financial incentives for childcare providers to increase the level of staff training. Why? Well-trained caregivers are critical to improving quality. Well-trained caregivers are more likely to have sensitive, encouraging and frequent interactions with the children in their care and to have a positive attitude, positive physical contact, ask questions, praise, sing and read to the children (NICHD Study of Early Childcare and Youth Development 37). In a quality rating system, when a program improves key quality standards such as the qualifications of its staff, it earns a significantly higher reimbursement rate for taking care of low-income children. In addition, a quality rating system provides extensive technical support and other financial incentives, such as wage supplements, grants and scholarships, to increase teacher training and, ultimately, improve quality.

A rating system has distinct advantages as a tool for improving quality. First, it gives **parents** the information they need to make good childcare decisions. Second, it gives **childcare providers** the financial and technical supports they need to improve their quality. Third, it gives **communities** the highest possible return on their investments in young children. There is another advantage: good rating systems work.

Of the 17 states that currently operate a quality rating and improvement system, more than a dozen are conducting evaluations of their impact. According to the NCCIC, five of those evaluations have shown positive impacts on quality (NCCIC 1).

The evaluation of Pennsylvania’s quality rating and improvement system concluded that it is a reliable indicator of quality, and participating childcare centers score higher on standard quality measures than those who choose not to participate (Fiene 1). The researchers concluded, “...from these results, it is obvious that the Keystone STARS program is a success. From a national perspective, these are very important findings in demonstrating that the quality rating systems being developed in other states should be evaluated in a similar fashion in order to determine their relative effectiveness” (Fiene 3).

Because different states use different quality measures, the findings from one evaluation do not necessarily have implications for other states. However, the results from the Pennsylvania study present a compelling case for implementing a well-designed quality rating and improvement system using a successful model like Keystone STARS.

In addition to the promising evaluations of other states' programs, KIDS COUNT has identified six more reasons for West Virginia to make a significant public investment in this quality improvement tool:

**1. Childcare is a “broken market.”**

The average West Virginia family spends \$4,692 a year on childcare for one child (Pearce, 8-10). For families just getting by, that is more than they spend on food or transportation or health care. And yet, that \$4,692 investment is only buying fair to poor quality. In Mississippi, a state that is very similar to West Virginia in terms of the socioeconomic status of its residents, a 2004 report on financing high-quality childcare for the state's children estimated that the annual cost of high quality at \$6,500 per child. That is more than a quarter of the average income of Mississippi families with children (Brandon, 12). Childcare quality, therefore, cannot be dramatically improved without new public investments, such as a quality rating and improvement system. Higher education is a similar model. In that case, 73% of the funding to pay for the cost of a college education comes from public and private endowments (Stoney). Otherwise, very few parents could afford to pay the true cost of a child's college education. Likewise, the public education model for school-age children is made up entirely of public funds.

**2. Childcare experts in West Virginia have selected a quality rating and improvement system as one of their top policy priorities.**

PIECES spent 18 months working with a national childcare expert to identify policy priorities for West Virginia. After considering more than 100+ policies, a quality rating and improvement system was selected as one of PIECES' top five policy priorities. Then, in their June 2008 report to the governor, two committees of PIECES have designated a quality rating and improvement system as their **top priority** for childcare in West Virginia (PIECES, 10).

**3. High-quality childcare has a positive, long-term impact on children.**

Decades of brain research have proven that children's earliest interactions with their parents and other caring adults lay the foundation on which their successful futures will be built. Longitudinal research of high-quality childcare programs shows:

- Fewer special education placements;
- Reduced crime;
- Decreased substance abuse;
- Improved educational outcomes;
- Higher test scores and graduation rates;
- Decreased teen pregnancy; and
- Higher employment and college attendance.

**4. High-quality childcare has a significant economic impact.**

There is a proven link between high-quality childcare and economic prosperity. According to Nobel Prize-winning economist James Heckman, investments in the very young provide the highest rate of return on human capital (Heckman 24). Two respected economists at the Federal Reserve Bank of Minneapolis have predicted a 12% economic development return for states that invest in high-quality childcare programs (Rolnick 9). That's a higher rate of return than any economic development incentive currently being used nationwide. In fact,

the Marshall University Center for Business and Economic Research estimates a \$5.20 return for every dollar West Virginia invests in high-quality childcare programs. That return is also higher than any other economic development investment the state makes (Kent 14).

#### **5. Access to high-quality childcare improves the business bottom line.**

Childcare issues are cited by employers as causing more problems than any other family-related issue in the workplace, with increases in absenteeism and tardiness, reported in nine out of 10 companies. A variety of studies suggest companies that support employees' childcare needs helps them recruit and retain workers, improves workers' productivity, reduces absenteeism and tardiness and can actually save money for companies that provide assistance.

#### **6. Parents, Providers and Community Leaders Want a Quality Rating and Improvement System.**

In 2007, KIDS COUNT launched a new project designed to give West Virginia parents, childcare providers and community leaders a voice in an effort to improve childcare quality. Our first step was telling the story of parents' search for high-quality early child development programs, providers' heroic efforts to give that high quality and communities' perceived role in supporting it. As we gathered their stories from focus groups and surveys, we discovered that high-quality early childcare is a top priority for busy parents, hard-working providers and caring communities across the state. We also learned that parents, providers, and community leaders exhibit nearly unanimous support for a way to assess and improve the quality of childcare, and they believe the state should take the lead in developing a quality rating system. (The full report of KIDS COUNT's "Telling the Childcare Story" project is detailed in the *2007 Data Book* and can be downloaded at [www.wvkidscountfund.org](http://www.wvkidscountfund.org).)

### **Advocating for a Childcare Quality Rating and Improvement System in West Virginia**

Parents, childcare providers and community leaders throughout West Virginia have sent a clear message about the kind of role they want the state to play when it comes to childcare quality. They want the state to establish a reliable tool, like a childcare quality rating and improvement system, for assessing and improving the quality of childcare programs. They know that, when we invest in new public structures to improve the quality of childcare, we are ensuring a brighter future for our children and our state.

In March of 2008, KIDS COUNT launched a new project designed to address the concerns and expectations of parents, providers

and community leaders. It is called the Kids First Communities campaign. The *Kids First Communities* are providing a regional framework for parents, providers and community leaders to work together to advocate for better childcare.

**They know that, when we invest in new public structures to improve the quality of childcare, we are ensuring a brighter future for our children and our state.**

Specifically, the Kids First Communities are:

- communicating the importance of high-quality childcare programs to the state's future;
- providing a forum in which local communities can address local childcare issues; and
- bringing parents, childcare providers and community leaders together to advocate for new state funding for a childcare quality rating and improvement system beginning in 2009.

KIDS COUNT has launched Kids First Communities in Beckley, Charleston, Huntington, Morgantown, Parkersburg and Wheeling. To help ensure the success of our grassroots advocacy campaign, we selected six non-profit organizations to serve as regional Kids First Leaders and awarded each of them a \$5,000 grant and extensive technical support to carry out their mission.

Throughout 2008, the Kids First Communities led a number of regional activities aimed at increasing awareness about the importance of high-quality childcare programs and mobilizing grassroots support for new state investments to improve childcare. Those activities have included:

- Signing up more than 2,500 parents, providers and community leaders to join the campaign;
- Engaging community leaders as advocates for better childcare;
- Meeting with local legislators to discuss the importance of quality;
- Mobilizing parents, providers and community leaders to participate in “Take a Flower to Childcare Day”; and
- Organizing a letter-writing campaign to the Governor in support of a quality rating and improvement system.

In March of 2009, the Kids First Communities will come together at the State Capitol to rally in support of new state investments for a childcare quality rating and improvement system. And their work has really just begun. We expect the communities to continue their efforts beyond the 2009 legislative session and become a permanent framework that brings communities together to advocate for young children. Individuals or organizations looking to get involved in the *Kids First Communities* campaign can contact their nearest *Kids First Leader* or sign up on-line at [www.wvkidscountfund.org](http://www.wvkidscountfund.org). Members will receive regular updates from KIDS COUNT about the campaign’s progress, get specific action tools to let their voices be heard and learn about local awareness and outreach activities in which they can participate.

KIDS COUNT invites you to join us as we continue to plant the seeds of this grassroots movement. To learn more about how you can get involved in the Kids First Communities Campaign, visit our website at [www.wvkidscountfund.org](http://www.wvkidscountfund.org). We hope you will add your voice to our growing list of parents, providers and community leaders advocating for a childcare quality rating and improvement system. Together, we can make sure the 64,000 West Virginia children who need great childcare **get it**.

### **The Kids First Leaders**

#### **Kids First Boone-Clay-Kanawha-Putnam**

Kanawha Early Childhood Committee of  
Regional Family Resource Network  
Contact: Diane Hughes, 304-595-5521  
Email: [DCHughes@kcs.kana.k12.wv.us](mailto:DCHughes@kcs.kana.k12.wv.us)

#### **Kids First Cabell-Wayne**

Cabell-Wayne Early Childhood Council  
Contact: Judy Kachelreis, 304-696-5803  
Email: [Kachelr2@marshall.edu](mailto:Kachelr2@marshall.edu)

#### **Kids First Mid-Ohio Valley**

Children’s Home Society  
Contact: Steve Tuck, 304-485-0650  
Email: [stuck@childhswv.org](mailto:stuck@childhswv.org)

#### **Kids First North Central**

Monongalia Family Resource Network  
Contact: Brandi Potock, 304-284-8400  
Email: [bpotock@aol.com](mailto:bpotock@aol.com)

#### **Kids First Northern Panhandle**

Youth Services System, Inc.  
Contact: Linda Edwards, 304-232-8712  
Email: [ledwards@ysswv.com](mailto:ledwards@ysswv.com)

#### **Kids First South**

MountainHeart Child Care Services  
Contact: Roma Lester, 304-682-8271  
or 1-800-834-7082  
Email: [romalester@wvdhhr.org](mailto:romalester@wvdhhr.org)

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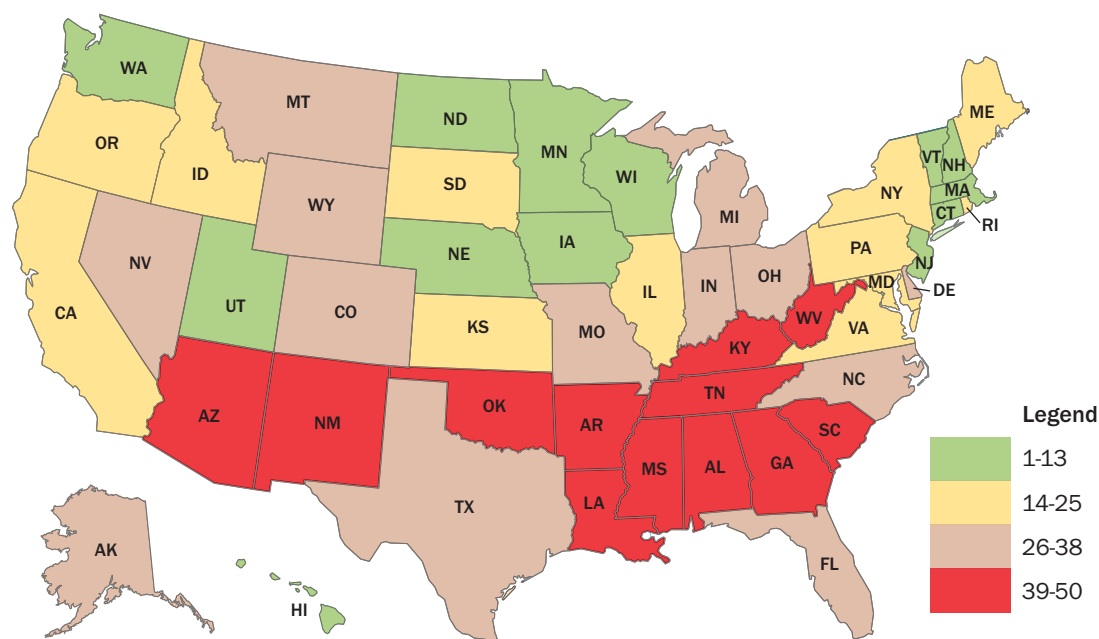
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# The Rest of the Story



## Overall State Ranks: 2008

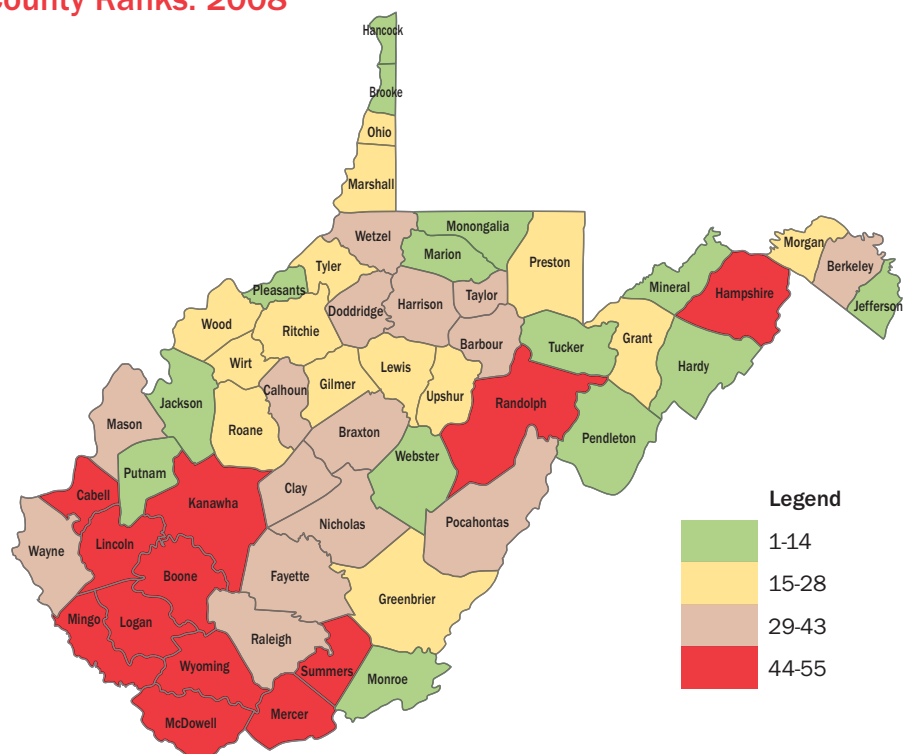


Rank	State	Rank	State	Rank	State
1	New Hampshire	18	Kansas	35	Florida
2	Minnesota	19	Maryland	36	Nevada
3	Massachusetts	20	New York	37	Texas
4	Connecticut	21	Rhode Island	38	North Carolina
5	Utah	22	California	39	Arizona
6	New Jersey	23	Pennsylvania	40	Georgia
7	North Dakota	24	Illinois	41	Kentucky
8	Iowa	25	South Dakota	42	Tennessee
9	Nebraska	26	Wyoming	43	Oklahoma
10	Vermont	27	Michigan	44	West Virginia
11	Washington	28	Colorado	45	Arkansas
12	Wisconsin	29	Montana	46	South Carolina
13	Hawaii	30	Ohio	47	Alabama
14	Idaho	31	Alaska	48	New Mexico
15	Virginia	32	Missouri	49	Louisiana
16	Maine	33	Delaware	50	Mississippi
17	Oregon	34	Indiana	NR	District of Columbia

A state's Overall Rank is determined by the sum of a state's standing on each of 10 measures of the condition of children arranged in sequential order from highest/best (1) to lowest/worst (50). The measures are as follows: percent low birth-weight babies; infant mortality rate; child death rate; teen death rate; teen birth rate; percent of teens who are high school dropouts; percent of teens not attending school and not working; percent of children living in families where no parent has full-time, year-round employment; percent of children in poverty; and percent of children in single-parent families.



## Overall County Ranks: 2008



Rank	County	Rank	County	Rank	County
1	Pendleton	20	Tyler	39	Raleigh
2	Putnam	21	Gilmer	40	Braxton
3	Monogalia	22	Grant	41	Fayette
4	Jefferson	23	Upshur	42	Doddridge
5	Tucker	24	Roane	43	Calhoun
6	Webster	25	Ritchie	44	Mercer
7	Marion	26	Lewis	45	Cabell
8	Hardy	27	Wood	46	Hampshire
9	Monroe	28	Preston	47	Randolph
10	Jackson	29	Taylor	48	Kanawha
11	Mineral	30	Wetzel	49	Wyoming
12	Hancock	31	Clay	50	Mingo
13	Brooke	32	Pocahontas	51	Boone
14	Pleasants	33	Harrison	52	Logan
15	Greenbrier	34	Mason	53	Summers
16	Morgan	35	Berkeley	54	McDowell
17	Marshall	36	Barbour	55	Lincoln
18	Wirt	37	Nicholas		
19	Ohio	38	Wayne		

A county's overall rank is determined by the sum of a county's standing on 11 of the 12 core measures of the condition of children arranged in sequential order from highest/best (1) to lowest/worst (50). The measures are as follows: percent low birth-weight babies; infant mortality rate; child death rate; percent eligible children served by Head Start; percent children approved for free and reduced-price meals; teen birth rate; percent births to unmarried teens; percent high school dropouts; juvenile delinquency case rate; teen violent death rate; and percent births to mothers with less than a 12<sup>th</sup> grade education.

## West Virginia Profile

Indicators	2000 Rate/%	2006 Rate/%	2006 U.S. Rate	— Worse	+ Better
Percent low birth-weight babies	8.4%	9.5%	8.2%	13.0%	
Infant mortality rate (per 1,000 live births)	7.9	7.9	6.9		0.6%
Child death rate (age 1-14 per 100,000 children)	24.5	24.0	20.1		2.0%
Percent eligible children served by Head Start (ages 3-4)	59.5%	66.2%	NA		11.3%
Percent children approved for free and reduced-price school meals (K-12)	49.4%	52.5%	28.0%	6.3%	
Child abuse/neglect rate (per 1,000 children)	NA	23.1	12.1	NM	
Teen birth rate (ages 15-19 per 1,000 females)	46.3	44.3	42.4		4.3%
Percent births to unmarried teens (ages 10-19)	9.6%	9.3%	8.7%		3.3%
Percent high school dropouts	16.4%	16.8%	NA	2.2%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	37.9	25.6	NA		32.4%
Teen injury death rate (ages 15-19 per 100,000 teens)	67.5	73.5	NA	8.9%	
Percent births to mothers with less than a 12th grade education	19.4%	18.5%	NA		4.6%

### Background Facts

	2000	2007	% Change
Total population	1,807,528	1,812,035	0.2%
Percent all families with related children who receive cash assistance (SFY 2008)	6.4%	2.2%	-65.2%
Total population under age 18	401,072	387,381	-3.4%
Percent population under age 18	22.2%	21.4%	-3.7%
Percent minority population	4.8%	5.8%	19.5%
Percent children under 18 who are minority	6.0%	7.8%	31.9%
Percent children under 18 in poverty (2005)	21.9%	25.5%	16.4%

### Early Child Development Background Facts

	2007
Number children under age six	125,916
Percent children under age 6 who live in families with parents in the labor force	50.8%
Number registered family day care homes (July 2008)	1,918
Percent family child care providers who are ACDS graduates (Aug 2008)	8.5%
Number family child care facilities (July 2008)	93
Number licensed child care centers (2008)	338
Percent child care centers that are NAEYC accredited (Aug 2008)	8.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	37.6%

## A Quick Look at the Counties

Indicators	Best County	Worst County	Most Improved County	Least Improved County
Percent low birth-weight babies	Roane 5.9%	Pleasants 14.7%	Hancock -33.9%	Clay 288.9%
Infant mortality rate (per 1,000 live births)	Doddridge, Pendleton 0.0	Pocahontas 20.2	Doddridge, Pendleton -100.0%	Calhoun 320.7%
Child death rate (ages 1-14 per 100,000 children)	Pendleton 0.0	Doddridge 100.7	Pendleton -100.0%	Hampshire 606.8%
Percent eligible children served by Head Start (ages 3-4)	Hardy 148.3%	Tucker 15.4%	Pleasants 125.6%	Taylor -56.9%
Percent children approved for free and reduced-price school meals (K-12)	Jefferson 32.5%	McDowell 83.8%	Marion -37.2%	McDowell 78.4%
Child abuse/neglect rate (per 1,000 children)	Pleasants 5.7	Monroe 85.5	NA	NA
Teen birth rate (ages 15-19 per 1,000 females)	Pendleton 14.7	Lincoln 76.7	Pendleton -55.0%	Preston 64.1%
Percent births to unmarried teens (ages 10-19)	Pendleton 2.7%	McDowell 13.6%	Pendleton -58.8%	Hardy 60.4%
Percent high school dropouts	Tucker 6.3%	Taylor 25.5%	Ritchie -48.5%	Hardy 237.9%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	Jefferson 0.2	Logan 144.3	Jefferson -99.6%	Mason 445.0%
Teen injury death rate (ages 15-19 per 100,000 teens)	Gilmer, Tucker, Tyler, Wirt 0.0	Calhoun 288.7	Gilmer, Tucker, Tyler, Wirt -100.0%	Preston 176.1%
Percent births to mothers with less than a 12th grade education	Monongalia 10.4%	McDowell 38.3%	Webster -31.0%	Hardy 47.2%

NA = data not available Note: Most improved and least improved counties are based on 2000-2006 trend data

Indicators	# of counties that stayed the same or got better	# of counties that got worse	# of counties where data not available (NA) or not measurable (NM)
Percent low birth-weight babies	17	38	
Infant mortality rate (per 1,000 live births)	29	26	
Child death rate (ages 1-14 per 100,000 children)	24	26	5 NM
Percent of eligible children served by Head Start (ages 3-4)	35	20	
Percent children approved for free and reduced-price school meals (K-12)	14	41	
Teen birth rate (ages 15-19 per 1,000 females)	32	23	
Percent births to unmarried teens (ages 10-19)	31	24	
Percent high school dropouts	29	26	
Juvenile delinquency case rate (ages 10-21 per 1,000 youths)	34	21	
Teen injury death rate (ages 15-19 per 100,000 teens)	26	27	2 NM
Percent births to mothers with less than a 12th grade education	33	22	

## Barbour County

Composite County Rank: 36

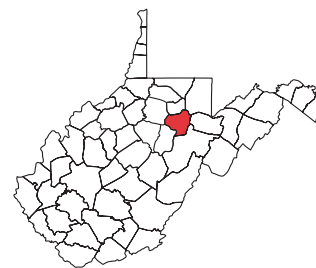
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.6%	8.5%	9.5%	20		10.7%
Infant mortality rate (per 1,000 live births)	14.8	9.5	7.9	43		36.0%
Child death rate (age 1-14 per 100,000 children)	51.1	23.9	24.0	31		53.1%
Percent eligible children served by Head Start (ages 3-4)	69.5%	75.7%	66.2%	24		9.0%
Percent children approved for free and reduced-price school meals (K-12)	64.0%	61.6%	52.5%	41		3.8%
Child abuse/neglect rate (per 1,000 children)	NA	16.1	23.1	11		NM
Teen birth rate (ages 15-19 per 1,000 females)	41.6	37.0	44.3	15		11.1%
Percent births to unmarried teens (ages 10-19)	9.8%	10.1%	9.3%	39	3.3%	
Percent high school dropouts	16.3%	21.2%	16.8%	49	29.7%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	19.9	22.0	25.6	37	10.9%	
Teen injury death rate (ages 15-19 per 100,000 teens)	50.9	91.5	73.5	35	79.8%	
Percent births to mothers with less than a 12th grade education	21.2%	16.6%	18.5%	19		21.9%

### Background Facts

	2000	2007	% Change
Total population	15,548	15,532	-0.1%
Percent all families with related children who receive cash assistance (SFY 2008)	9.6%	1.7%	-82.7%
Total population under age 18	3,554	3,271	-8.0%
Percent population under age 18	22.9%	21.1%	-7.9%
Percent minority population	2.2%	2.7%	25.4%
Percent children under 18 who are minority	2.4%	3.2%	32.7%
Percent children under 18 in poverty (2005)	27.8%	31.7%	14.0%

### Early Child Development Background Facts

	2007
Number children under age six	1,040
Percent children under age 6 who live in families with parents in the labor force	53.4%
Number registered family day care homes (July 2008)	25
Percent family child care providers who are ACDS graduates (Aug 2008)	66.7%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	56.3%



SPECIAL THANKS TO 2007 DATA BOOK SPONSOR  
• Dee Caperton Kessel Fund •

## Berkeley County

Composite County Rank: 35

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.5%	7.7%	9.5%	9		9.3%
Infant mortality rate (per 1,000 live births)	10.1	9.3	7.9	41		8.2%
Child death rate (age 1-14 per 100,000 children)	31.6	21.1	24.0	25		33.2%
Percent eligible children served by Head Start (ages 3-4)	37.0%	36.9%	66.2%	54	0.3%	
Percent children approved for free and reduced-price school meals (K-12)	39.0%	42.6%	52.5%	3	9.2%	
Child abuse/neglect rate (per 1,000 children)	NA	11.9	23.1	7	NM	
Teen birth rate (ages 15-19 per 1,000 females)	67.0	55.7	44.3	46		16.9%
Percent births to unmarried teens (ages 10-19)	12.1%	10.6%	9.3%	46		12.8%
Percent high school dropouts	25.6%	19.2%	16.8%	43		25.2%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	27.8	3.5	25.6	8		87.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	69.5	76.4	73.5	30	10.0%	
Percent births to mothers with less than a 12th grade education	22.5%	21.4%	18.5%	45		4.6%

### Background Facts

	2000	2007	% Change
Total population	76,445	99,734	30.5%
Percent all families with related children who receive cash assistance (SFY 2008)	4.0%	3.2%	-19.3%
Total population under age 18	19,667	26,133	32.9%
Percent population under age 18	25.7%	26.2%	1.8%
Percent minority population	7.2%	11.0%	52.2%
Percent children under 18 who are minority	9.6%	17.0%	76.4%
Percent children under 18 in poverty (2005)	15.5%	15.3%	-1.3%

### Early Child Development Background Facts

	2007
Number children under age six	8,791
Percent children under age 6 who live in families with parents in the labor force	40.9%
Number registered family day care homes (July 2008)	94
Percent family child care providers who are ACDS graduates (Aug 2008)	25.0%
Number family child care facilities (July 2008)	3
Number licensed child care centers (2008)	19
Percent child care centers that are NAEYC accredited (Aug 2008)	9.1%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	27.2%



SPECIAL THANKS TO 2007 DATA BOOK SPONSOR  
• WV Dept. of Health and Human Resources •

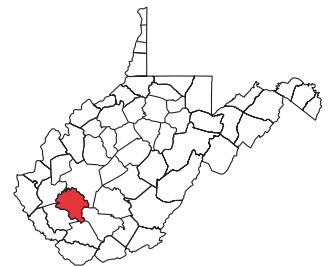
## Boone County

Composite County Rank: 52

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	– Worse	+ Better
Percent low birth-weight babies	10.1%	9.7%	9.5%	31		3.9%
Infant mortality rate (per 1,000 live births)	6.2	9.3	7.9	40	51.1%	
Child death rate (age 1-14 per 100,000 children)	26.6	18.0	24.0	18		32.5%
Percent eligible children served by Head Start (ages 3-4)	64.4%	63.8%	66.2%	35		1.0%
Percent children approved for free and reduced-price school meals (K-12)	54.6%	58.8%	52.5%	38		7.6%
Child abuse/neglect rate (per 1,000 children)	NA	38.5	23.1	49		NM
Teen birth rate (ages 15-19 per 1,000 females)	58.2	65.1	44.3	52		11.8%
Percent births to unmarried teens (ages 10-19)	10.0%	10.2%	9.3%	44		2.1%
Percent high school dropouts	16.4%	19.1%	16.8%	41		16.6%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	6.5	17.9	25.6	35	176.5%	
Teen injury death rate (ages 15-19 per 100,000 teens)	119.5	118.0	73.5	50		1.3%
Percent births to mothers with less than a 12th grade education	24.9%	20.3%	18.5%	37		18.4%

### Background Facts

	2000	2007	% Change
Total population	25,513	25,201	-1.2%
Percent all families with related children who receive cash assistance (SFY 2008)	9.0%	3.1%	-65.8%
Total population under age 18	5,900	5,645	-4.3%
Percent population under age 18	23.1%	22.4%	-3.2%
Percent minority population	1.4%	1.8%	28.7%
Percent children under 18 who are minority	2.1%	2.5%	22.5%
Percent children under 18 in poverty (2005)	25.6%	27.9%	9.0%



### Early Child Development Background Facts

	2007
Number children under age six	1,854
Percent children under age 6 who live in families with parents in the labor force	40.4%
Number registered family day care homes (July 2008)	9
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	43.1%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Bernard McDonough Foundation, Inc. •

## Braxton County

Composite County Rank: 40

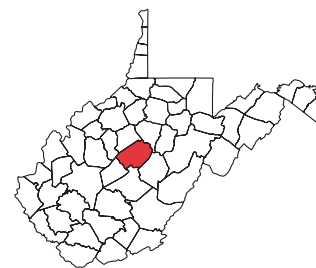
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.5%	7.6%	9.5%	8	2.2%	
Infant mortality rate (per 1,000 live births)	5.1	7.9	7.9	30	54.3%	
Child death rate (age 1-14 per 100,000 children)	23.5	42.4	24.0	48	80.4%	
Percent eligible children served by Head Start (ages 3-4)	114.3%	104.0%	66.2%	10	9.0%	
Percent children approved for free and reduced-price school meals (K-12)	56.7%	62.6%	52.5%	48	10.2%	
Child abuse/neglect rate (per 1,000 children)	NA	62.9	23.1	53	NM	
Teen birth rate (ages 15-19 per 1,000 females)	49.4	42.8	44.3	28		13.3%
Percent births to unmarried teens (ages 10-19)	9.4%	9.2%	9.3%	27		2.1%
Percent high school dropouts	13.9%	22.9%	16.8%	54	64.9%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	6.2	26.7	25.6	39	332.4%	
Teen injury death rate (ages 15-19 per 100,000 teens)	108.5	85.7	73.5	34		21.0%
Percent births to mothers with less than a 12th grade education	19.1%	21.4%	18.5%	43	12.2%	

### Background Facts

	2000	2007	% Change
Total population	14,714	14,639	-0.5%
Percent all families with related children who receive cash assistance (SFY 2008)	7.4%	3.0%	-59.3%
Total population under age 18	3,346	2,939	-12.2%
Percent population under age 18	22.7%	20.1%	-11.7%
Percent minority population	1.7%	1.9%	13.7%
Percent children under 18 who are minority	1.8%	2.5%	38.5%
Percent children under 18 in poverty (2005)	27.4%	36.6%	33.6%

### Early Child Development Background Facts

	2007
Number children under age six	875
Percent children under age 6 who live in families with parents in the labor force	33.6%
Number registered family day care homes (July 2008)	10
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	55.1%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Kenna Seal •

## Brooke County

Composite County Rank: 13

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.7%	10.3%	9.5%	39	17.8%	
Infant mortality rate (per 1,000 live births)	4.9	6.3	7.9	15	26.6%	
Child death rate (age 1-14 per 100,000 children)	0.0	16.4	24.0	14		NM
Percent eligible children served by Head Start (ages 3-4)	37.5%	39.5%	66.2%	53		5.2%
Percent children approved for free and reduced-price school meals (K-12)	31.2%	46.0%	52.5%	8	47.4%	
Child abuse/neglect rate (per 1,000 children)	NA	20.9	23.1	19		NM
Teen birth rate (ages 15-19 per 1,000 females)	31.1	27.0	44.3	3		13.3%
Percent births to unmarried teens (ages 10-19)	9.5%	8.2%	9.3%	13		13.9%
Percent high school dropouts	15.1%	9.1%	16.8%	4		39.3%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	63.3	86.1	25.6	54	36.0%	
Teen injury death rate (ages 15-19 per 100,000 teens)	23.1	61.8	73.5	21	168.1%	
Percent births to mothers with less than a 12th grade education	15.5%	11.9%	18.5%	5		22.9%

### Background Facts

	2000	2007	% Change
Total population	25,376	23,661	-6.8%
Percent all families with related children who receive cash assistance (SFY 2008)	3.2%	2.5%	-22.3%
Total population under age 18	5,170	4,482	-13.3%
Percent population under age 18	20.4%	18.9%	-7.0%
Percent minority population	1.8%	2.4%	31.7%
Percent children under 18 who are minority	2.3%	3.5%	54.8%
Percent children under 18 in poverty (2005)	15.0%	17.4%	16.0%

### Early Child Development Background Facts

	2007
Number children under age six	1,306
Percent children under age 6 who live in families with parents in the labor force	68.9%
Number registered family day care homes (July 2008)	27
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	2
Number licensed child care centers (2008)	3
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	34.5%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• John and Deborah Caperton •



## Cabell County

Composite County Rank: 45

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.7%	11.1%	9.5%	47	14.4%	
Infant mortality rate (per 1,000 live births)	8.4	8.3	7.9	33		1.2%
Child death rate (age 1-14 per 100,000 children)	22.8	16.4	24.0	11		28.1%
Percent eligible children served by Head Start (ages 3-4)	43.2%	59.7%	66.2%	36		38.3%
Percent children approved for free and reduced-price school meals (K-12)	52.3%	51.6%	52.5%	23		1.3%
Child abuse/neglect rate (per 1,000 children)	NA	18.3	23.1	14		NM
Teen birth rate (ages 15-19 per 1,000 females)	44.2	47.6	44.3	36	7.8%	
Percent births to unmarried teens (ages 10-19)	10.1%	10.9%	9.3%	49	8.3%	
Percent high school dropouts	21.0%	20.4%	16.8%	47		2.8%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	86.0	23.5	25.6	38		72.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	53.1	76.0	73.5	29	43.3%	
Percent births to mothers with less than a 12th grade education	19.9%	20.4%	18.5%	38	2.6%	

### Background Facts

	2000	2007	% Change
Total population	96,674	94,435	-2.3%
Percent all families with related children who receive cash assistance (SFY 2008)	6.6%	4.2%	-36.2%
Total population under age 18	19,354	19,407	0.3%
Percent population under age 18	20.0%	20.6%	2.7%
Percent minority population	6.2%	7.3%	16.9%
Percent children under 18 who are minority	8.2%	9.9%	21.0%
Percent children under 18 in poverty (2005)	21.6%	26.2%	21.3%

### Early Child Development Background Facts

	2007
Number children under age six	6,799
Percent children under age 6 who live in families with parents in the labor force	52.9%
Number registered family day care homes (July 2008)	93
Percent family child care providers who are ACDS graduates (Aug 2008)	8.4%
Number family child care facilities (July 2008)	3
Number licensed child care centers (2008)	25
Percent child care centers that are NAEYC accredited (Aug 2008)	20.8%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	34.6%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Edgar and Betty Barrett •

## Calhoun County

Composite County Rank: 43

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	10.5%	9.4%	9.5%	30		10.1%
Infant mortality rate (per 1,000 live births)	2.5	10.4	7.9	47	320.7%	
Child death rate (age 1-14 per 100,000 children)	32.2	18.7	24.0	19		41.9%
Percent eligible children served by Head Start (ages 3-4)	63.3%	64.5%	66.2%	33		1.8%
Percent children approved for free and reduced-price school meals (K-12)	64.8%	70.7%	52.5%	52	9.1%	
Child abuse/neglect rate (per 1,000 children)	NA	33.9	23.1	46		NM
Teen birth rate (ages 15-19 per 1,000 females)	52.6	43.3	44.3	30		17.7%
Percent births to unmarried teens (ages 10-19)	13.4%	8.6%	9.3%	19		36.2%
Percent high school dropouts	18.4%	21.6%	16.8%	51	17.1%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	9.0	3.1	25.6	6		65.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	0.0	288.7	73.5	55		NM
Percent births to mothers with less than a 12th grade education	28.1%	21.0%	18.5%	52		25.4%

### Background Facts

	2000	2007	% Change
Total population	7,584	7,201	-5.1%
Percent all families with related children who receive cash assistance (SFY 2008)	8.2%	2.0%	-75.2%
Total population under age 18	1,689	1,388	-17.8%
Percent population under age 18	22.3%	19.3%	-13.5%
Percent minority population	1.4%	1.5%	11.3%
Percent children under 18 who are minority	1.4%	1.2%	-15.3%
Percent children under 18 in poverty (2005)	28.2%	34.0%	20.6%

### Early Child Development Background Facts

	2007
Number children under age six	447
Percent children under age 6 who live in families with parents in the labor force	46.3%
Number registered family day care homes (July 2008)	7
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	61.7%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Kanawha Stone Company •

## Clay County

Composite County Rank: 31

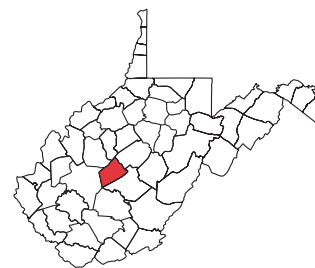
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	2.5%	9.8%	9.5%	32	288.9%	
Infant mortality rate (per 1,000 live births)	4.4	3.0	7.9	6	33.3%	
Child death rate (age 1-14 per 100,000 children)	29.9	31.6	24.0	41	5.9%	
Percent eligible children served by Head Start (ages 3-4)	76.2%	72.1%	66.2%	26	5.4%	
Percent children approved for free and reduced-price school meals (K-12)	74.2%	72.6%	52.5%	53		2.2%
Child abuse/neglect rate (per 1,000 children)	NA	80.1	23.1	54		NM
Teen birth rate (ages 15-19 per 1,000 females)	56.0	50.6	44.3	41		9.7%
Percent births to unmarried teens (ages 10-19)	7.3%	10.1%	9.3%	40	37.6%	
Percent high school dropouts	14.1%	13.3%	16.8%	16		6.3%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	14.3	7.6	25.6	15		46.9%
Teen injury death rate (ages 15-19 per 100,000 teens)	75.9	54.2	73.5	14		28.5%
Percent births to mothers with less than a 12th grade education	27.0%	26.3%	18.5%	52		2.5%

### Background Facts

	2000	2007	% Change
Total population	10,341	10,120	-2.1%
Percent all families with related children who receive cash assistance (SFY 2008)	7.7%	1.8%	-76.3%
Total population under age 18	2,626	2,297	-12.5%
Percent population under age 18	25.5%	22.7%	-10.9%
Percent minority population	1.3%	1.4%	9.8%
Percent children under 18 who are minority	1.3%	1.3%	-2.0%
Percent children under 18 in poverty (2005)	34.0%	37.4%	10.0%

### Early Child Development Background Facts

	2007
Number children under age six	771
Percent children under age 6 who live in families with parents in the labor force	44.9%
Number registered family day care homes (July 2008)	10
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	NM
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	73.8%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• The Daywood Foundation, Inc. •

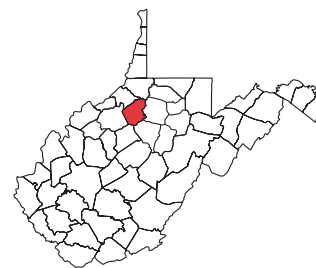
## Doddridge County

Composite County Rank: 42

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	10.1%	10.7%	9.5%	44	6.0%	
Infant mortality rate (per 1,000 live births)	2.7	0.0	7.9	1		100.0%
Child death rate (age 1-14 per 100,000 children)	44.8	100.7	24.0	55	124.7%	
Percent eligible children served by Head Start (ages 3-4)	78.4%	43.1%	66.2%	52	45.0%	
Percent children approved for free and reduced-price school meals (K-12)	52.5%	61.8%	52.5%	43	17.8%	
Child abuse/neglect rate (per 1,000 children)	NA	10.2	23.1	4	NM	
Teen birth rate (ages 15-19 per 1,000 females)	35.0	44.9	44.3	33	28.3%	
Percent births to unmarried teens (ages 10-19)	7.9%	11.6%	9.3%	51	47.3%	
Percent high school dropouts	17.8%	10.6%	16.8%	10		40.3%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	14.4	6.1	25.6	13		58.1%
Teen injury death rate (ages 15-19 per 100,000 teens)	121.8	72.5	73.5	26		40.5%
Percent births to mothers with less than a 12th grade education	21.1%	22.9%	18.5%	46	8.8%	

### Background Facts

	2000	2007	% Change
Total population	7,416	7,262	-2.1%
Percent all families with related children who receive cash assistance (SFY 2008)	6.7%	2.4%	-64.4%
Total population under age 18	1,852	1,572	-15.1%
Percent population under age 18	25.0%	21.6%	-13.4%
Percent minority population	1.2%	1.3%	5.5%
Percent children under 18 who are minority	2.0%	2.0%	-1.3%
Percent children under 18 in poverty (2005)	24.4%	29.0%	18.9%



### Early Child Development Background Facts

	2007
Number children under age six	428
Percent children under age 6 who live in families with parents in the labor force	57.0%
Number registered family day care homes (July 2008)	6
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	NM
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	51.6%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• WV Conference of the United Methodist Church •

## Fayette County

Composite County Rank: 41

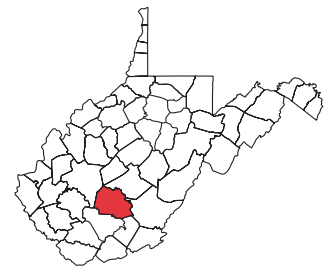
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.0%	10.2%	9.5%	38	13.5%	
Infant mortality rate (per 1,000 live births)	5.7	5.3	7.9	11		7.1%
Child death rate (age 1-14 per 100,000 children)	20.3	29.1	24.0	38	43.2%	
Percent eligible children served by Head Start (ages 3-4)	68.2%	66.6%	66.2%	31	2.3%	
Percent children approved for free and reduced-price school meals (K-12)	62.8%	63.5%	52.5%	47	1.1%	
Child abuse/neglect rate (per 1,000 children)	NA	26.0	23.1	35		NM
Teen birth rate (ages 15-19 per 1,000 females)	48.5	54.2	44.3	44	11.6%	
Percent births to unmarried teens (ages 10-19)	9.9%	9.2%	9.3%	26		7.4%
Percent high school dropouts	17.6%	18.7%	16.8%	38	6.0%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	7.5	8.6	25.6	18	14.0%	
Teen injury death rate (ages 15-19 per 100,000 teens)	96.9	110.0	73.5	47	13.5%	
Percent births to mothers with less than a 12th grade education	19.8%	19.4%	18.5%	33		2.3%

### Background Facts

	2000	2007	% Change
Total population	47,521	46,334	-2.5%
Percent all families with related children who receive cash assistance (SFY 2008)	10.4%	2.1%	-80.1%
Total population under age 18	10,284	9,793	-4.8%
Percent population under age 18	21.7%	21.1%	-2.4%
Percent minority population	7.2%	7.2%	0.5%
Percent children under 18 who are minority	7.6%	7.0%	-8.4%
Percent children under 18 in poverty (2005)	29.5%	33.3%	12.9%

### Early Child Development Background Facts

	2007
Number children under age six	3,353
Percent children under age 6 who live in families with parents in the labor force	42.0%
Number registered family day care homes (July 2008)	91
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	6
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	33.3%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	13.7%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• New River Health Association •

## Gilmer County

Composite County Rank: 21

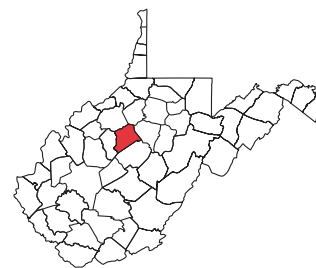
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	4.1%	9.9%	9.5%	33	139.1%	
Infant mortality rate (per 1,000 live births)	9.2	18.1	7.9	54	97.0%	
Child death rate (age 1-14 per 100,000 children)	18.8	22.5	24.0	28	19.8%	
Percent eligible children served by Head Start (ages 3-4)	48.2%	85.4%	66.2%	17		77.1%
Percent children approved for free and reduced-price school meals (K-12)	64.7%	62.4%	52.5%	44		3.6%
Child abuse/neglect rate (per 1,000 children)	NA	31.1	23.1	42		NM
Teen birth rate (ages 15-19 per 1,000 females)	31.0	30.1	44.3	5		3.1%
Percent births to unmarried teens (ages 10-19)	11.3%	9.5%	9.3%	30		16.6%
Percent high school dropouts	14.4%	7.5%	16.8%	2		48.0%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	3.6	17.2	25.6	34	377.3%	
Teen injury death rate (ages 15-19 per 100,000 teens)	28.1	0.0	73.5	1		100.0%
Percent births to mothers with less than a 12th grade education	21.6%	15.2%	18.5%	14		29.8%

### Background Facts

	2000	2007	% Change
Total population	7,167	6,907	-3.6%
Percent all families with related children who receive cash assistance (SFY 2008)	7.3%	1.1%	-84.6%
Total population under age 18	1,448	1,191	-17.7%
Percent population under age 18	20.2%	17.2%	-14.6%
Percent minority population	2.6%	3.6%	37.6%
Percent children under 18 who are minority	1.5%	2.9%	93.4%
Percent children under 18 in poverty (2005)	28.7%	29.8%	3.8%

### Early Child Development Background Facts

	2007
Number children under age six	390
Percent children under age 6 who live in families with parents in the labor force	55.9%
Number registered family day care homes (July 2008)	6
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	65.2%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• The Mountain Company •

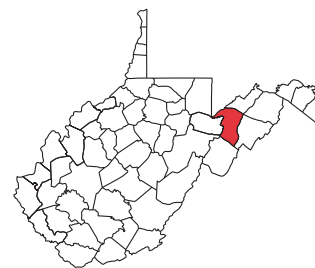
## Grant County

Composite County Rank: 22

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	6.4%	6.1%	9.5%	2		4.2%
Infant mortality rate (per 1,000 live births)	13.4	3.2	7.9	7		76.2%
Child death rate (age 1-14 per 100,000 children)	19.9	20.6	24.0	24	3.3%	
Percent eligible children served by Head Start (ages 3-4)	144.2%	88.4%	66.2%	15	38.7%	
Percent children approved for free and reduced-price school meals (K-12)	54.9%	53.2%	52.5%	15		3.0%
Child abuse/neglect rate (per 1,000 children)	NA	52.3	23.1	51		NM
Teen birth rate (ages 15-19 per 1,000 females)	56.5	60.7	44.3	50	7.4%	
Percent births to unmarried teens (ages 10-19)	8.1%	10.1%	9.3%	41	24.6%	
Percent high school dropouts	18.0%	18.8%	16.8%	39	4.4%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	10.4	6.2	25.6	14		40.3%
Teen injury death rate (ages 15-19 per 100,000 teens)	182.4	63.9	73.5	24		65.0%
Percent births to mothers with less than a 12th grade education	15.8%	21.0%	18.5%	40	33.3%	

### Background Facts

	2000	2007	% Change
Total population	11,288	11,925	5.6%
Percent all families with related children who receive cash assistance (SFY 2008)	3.2%	1.2%	-61.0%
Total population under age 18	2,552	2,467	-3.3%
Percent population under age 18	22.6%	20.7%	-8.5%
Percent minority population	1.9%	2.4%	27.7%
Percent children under 18 who are minority	2.7%	3.3%	21.2%
Percent children under 18 in poverty (2005)	19.2%	23.2%	20.8%



### Early Child Development Background Facts

	2007
Number children under age six	764
Percent children under age 6 who live in families with parents in the labor force	75.4%
Number registered family day care homes (July 2008)	10
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	2
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	47.1%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• West Virginia Department of Education •

## Greenbrier County

Composite County Rank: 15

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.0%	8.5%	9.5%	19	21.0%	
Infant mortality rate (per 1,000 live births)	6.8	5.9	7.9	14		14.2%
Child death rate (age 1-14 per 100,000 children)	20.9	21.8	24.0	26	4.2%	
Percent eligible children served by Head Start (ages 3-4)	72.5%	78.8%	66.2%	21		8.6%
Percent children approved for free and reduced-price school meals (K-12)	56.0%	56.5%	52.5%	25	0.9%	
Child abuse/neglect rate (per 1,000 children)	NA	25.3	23.1	31		NM
Teen birth rate (ages 15-19 per 1,000 females)	40.7	41.0	44.3	22	0.6%	
Percent births to unmarried teens (ages 10-19)	7.3%	7.0%	9.3%	7		4.3%
Percent high school dropouts	12.6%	16.6%	16.8%	33	32.4%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	38.9	18.2	25.6	36		53.3%
Teen injury death rate (ages 15-19 per 100,000 teens)	63.2	59.3	73.5	16		6.2%
Percent births to mothers with less than a 12th grade education	17.5%	17.2%	18.5%	21		1.9%

### Background Facts

	2000	2007	% Change
Total population	34,421	34,586	0.5%
Percent all families with related children who receive cash assistance (SFY 2008)	3.9%	0.5%	-88.1%
Total population under age 18	7,424	7,239	-2.5%
Percent population under age 18	21.6%	20.9%	-3.0%
Percent minority population	4.5%	4.7%	5.7%
Percent children under 18 who are minority	5.3%	6.2%	16.5%
Percent children under 18 in poverty (2005)	22.8%	24.7%	8.3%



### Early Child Development Background Facts

	2007
Number children under age six	2,291
Percent children under age 6 who live in families with parents in the labor force	52.0%
Number registered family day care homes (July 2008)	57
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	7
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	37.7%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Starvaggi Charities •



## Hampshire County

Composite County Rank: 46

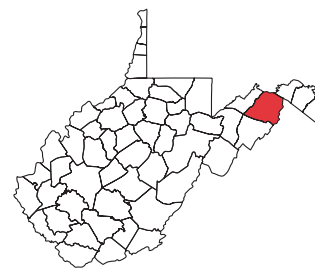
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.3%	7.7%	9.5%	11	5.0%	
Infant mortality rate (per 1,000 live births)	7.2	9.5	7.9	42	31.9%	
Child death rate (age 1-14 per 100,000 children)	5.1	35.9	24.0	46	606.8%	
Percent eligible children served by Head Start (ages 3-4)	91.9%	65.1%	66.2%	32	29.1%	
Percent children approved for free and reduced-price school meals (K-12)	51.1%	54.5%	52.5%	16	6.7%	
Child abuse/neglect rate (per 1,000 children)	NA	19.6	23.1	16	NM	
Teen birth rate (ages 15-19 per 1,000 females)	59.0	45.4	44.3	34		23.0%
Percent births to unmarried teens (ages 10-19)	11.3%	11.4%	9.3%	50	0.7%	
Percent high school dropouts	21.4%	18.3%	16.8%	36		14.4%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	16.7	9.9	25.6	20		40.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	103.6	158.4	73.5	54	53.0%	
Percent births to mothers with less than a 12th grade education	22.0%	23.1%	18.5%	48	5.1%	

### Background Facts

	2000	2007	% Change
Total population	20,320	22,577	11.1%
Percent all families with related children who receive cash assistance (SFY 2008)	4.1%	2.0%	-50.9%
Total population under age 18	5,076	5,338	5.2%
Percent population under age 18	25.0%	23.6%	-5.5%
Percent minority population	1.9%	2.8%	45.2%
Percent children under 18 who are minority	2.3%	4.2%	80.6%
Percent children under 18 in poverty (2005)	20.6%	25.5%	23.8%

### Early Child Development Background Facts

	2007
Number children under age six	1,555
Percent children under age 6 who live in families with parents in the labor force	50.7%
Number registered family day care homes (July 2008)	12
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	33.0%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Charleston Area Medical Center •

## Hancock County

Composite County Rank: 12

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	12.2%	8.1%	9.5%	15		33.9%
Infant mortality rate (per 1,000 live births)	8.2	7.6	7.9	27		6.6%
Child death rate (age 1-14 per 100,000 children)	15.3	33.2	24.0	43	117.2%	
Percent eligible children served by Head Start (ages 3-4)	53.9%	95.6%	66.2%	11		77.4%
Percent children approved for free and reduced-price school meals (K-12)	33.1%	44.4%	52.5%	7	34.0%	
Child abuse/neglect rate (per 1,000 children)	NA	22.5	23.1	24		NM
Teen birth rate (ages 15-19 per 1,000 females)	40.2	41.6	44.3	23		3.4%
Percent births to unmarried teens (ages 10-19)	8.5%	9.2%	9.3%	28		8.3%
Percent high school dropouts	17.0%	9.8%	16.8%	6		42.4%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	37.9	3.5	25.6	9		90.8%
Teen injury death rate (ages 15-19 per 100,000 teens)	42.0	94.5	73.5	37	125.0%	
Percent births to mothers with less than a 12th grade education	14.7%	15.4%	18.5%	15		4.8%

### Background Facts

	2000	2007	% Change
Total population	32,628	30,189	-7.5%
Percent all families with related children who receive cash assistance (SFY 2008)	3.8%	2.8%	-27.8%
Total population under age 18	6,771	6,098	-9.9%
Percent population under age 18	20.8%	20.2%	-2.7%
Percent minority population	3.6%	4.1%	12.9%
Percent children under 18 who are minority	5.0%	5.9%	17.9%
Percent children under 18 in poverty (2005)	15.7%	17.2%	9.6%

### Early Child Development Background Facts

	2007
Number children under age six	1,955
Percent children under age 6 who live in families with parents in the labor force	67.7%
Number registered family day care homes (July 2008)	30
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	19.1%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Rish Equipment Company •

## Hardy County

Composite County Rank: 7

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.0%	7.7%	9.5%	12		14.4%
Infant mortality rate (per 1,000 live births)	4.1	5.4	7.9	12	31.9%	
Child death rate (age 1-14 per 100,000 children)	8.5	17.6	24.0	17	106.9%	
Percent eligible children served by Head Start (ages 3-4)	209.1%	148.3%	66.2%	1	29.1%	
Percent children approved for free and reduced-price school meals (K-12)	54.4%	57.0%	52.5%	17		4.6%
Child abuse/neglect rate (per 1,000 children)	NA	38.5	23.1	50		NM
Teen birth rate (ages 15-19 per 1,000 females)	39.6	37.4	44.3	16		5.6%
Percent births to unmarried teens (ages 10-19)	5.1%	8.1%	9.3%	12	60.4%	
Percent high school dropouts	4.9%	16.4%	16.8%	31	237.9%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	22.1	12.0	25.6	23		45.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	79.5	50.5	73.5	12		36.4%
Percent births to mothers with less than a 12th grade education	19.5%	28.7%	18.5%	54	47.2%	

### Background Facts

	2000	2007	% Change
Total population	12,695	13,661	7.6%
Percent all families with related children who receive cash assistance (SFY 2008)	3.7%	0.6%	-83.6%
Total population under age 18	2,958	3,074	3.9%
Percent population under age 18	23.3%	22.5%	-3.4%
Percent minority population	3.0%	4.1%	37.4%
Percent children under 18 who are minority	3.5%	6.5%	84.1%
Percent children under 18 in poverty (2005)	16.5%	18.9%	14.5%

### Early Child Development Background Facts

	2007
Number children under age six	933
Percent children under age 6 who live in families with parents in the labor force	71.6%
Number registered family day care homes (July 2008)	19
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	47.3%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Donna H. Watson •

## Harrison County

Composite County Rank: 33

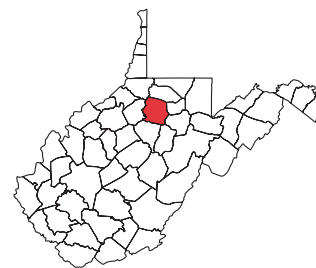
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.7%	8.7%	9.5%	21	0.1%	
Infant mortality rate (per 1,000 live births)	5.7	7.3	7.9	22	27.1%	
Child death rate (age 1-14 per 100,000 children)	19.8	26.0	24.0	34	31.4%	
Percent eligible children served by Head Start (ages 3-4)	55.6%	58.0%	66.2%	38		4.3%
Percent children approved for free and reduced-price school meals (K-12)	48.8%	50.0%	52.5%	20	2.5%	
Child abuse/neglect rate (per 1,000 children)	NA	14.2	23.1	9	NM	
Teen birth rate (ages 15-19 per 1,000 females)	50.8	48.9	44.3	39		3.9%
Percent births to unmarried teens (ages 10-19)	10.4%	10.0%	9.3%	37		3.6%
Percent high school dropouts	14.8%	15.7%	16.8%	28	6.5%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	29.8	31.1	25.6	43	4.6%	
Teen injury death rate (ages 15-19 per 100,000 teens)	75.3	72.5	73.5	27		3.7%
Percent births to mothers with less than a 12th grade education	19.6%	19.7%	18.5%	36	0.3%	

### Background Facts

	2000	2007	% Change
Total population	68,601	68,309	-0.4%
Percent all families with related children who receive cash assistance (SFY 2008)	6.7%	2.1%	-68.7%
Total population under age 18	15,810	15,081	-4.6%
Percent population under age 18	23.1%	22.1%	-4.2%
Percent minority population	3.6%	4.1%	16.2%
Percent children under 18 who are minority	4.3%	5.0%	17.1%
Percent children under 18 in poverty (2005)	22.0%	27.6%	25.5%

### Early Child Development Background Facts

	2007
Number children under age six	4,881
Percent children under age 6 who live in families with parents in the labor force	56.9%
Number registered family day care homes (July 2008)	97
Percent family child care providers who are ACDS graduates (Aug 2008)	11.1%
Number family child care facilities (July 2008)	8
Number licensed child care centers (2008)	17
Percent child care centers that are NAEYC accredited (Aug 2008)	10.5%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	49.0%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• City National Bank •

## Jackson County

Composite County Rank: 10

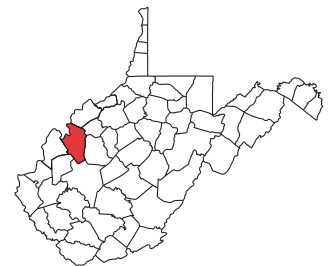
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.2%	8.8%	9.5%	23	22.1%	
Infant mortality rate (per 1,000 live births)	8.6	7.6	7.9	26		11.8%
Child death rate (age 1-14 per 100,000 children)	30.6	16.4	24.0	12		46.5%
Percent eligible children served by Head Start (ages 3-4)	53.8%	43.9%	66.2%	51	18.4%	
Percent children approved for free and reduced-price school meals (K-12)	42.8%	44.6%	52.5%	11	4.2%	
Child abuse/neglect rate (per 1,000 children)	NA	19.3	23.1	15		NM
Teen birth rate (ages 15-19 per 1,000 females)	48.4	43.2	44.3	29		10.7%
Percent births to unmarried teens (ages 10-19)	8.0%	7.5%	9.3%	9		5.7%
Percent high school dropouts	18.0%	13.5%	16.8%	17		25.2%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	12.7	0.5	25.6	2		96.0%
Teen injury death rate (ages 15-19 per 100,000 teens)	85.9	56.0	73.5	15		34.8%
Percent births to mothers with less than a 12th grade education	17.5%	16.9%	18.5%	20		3.1%

### Background Facts

	2000	2007	% Change
Total population	28,059	28,223	0.6%
Percent all families with related children who receive cash assistance (SFY 2008)	3.1%	1.6%	-48.8%
Total population under age 18	6,739	6,219	-7.7%
Percent population under age 18	24.0%	22.0%	-8.3%
Percent minority population	1.0%	1.8%	78.4%
Percent children under 18 who are minority	1.4%	2.5%	87.0%
Percent children under 18 in poverty (2005)	19.8%	23.2%	17.2%

### Early Child Development Background Facts

	2007
Number children under age six	1,938
Percent children under age 6 who live in families with parents in the labor force	49.2%
Number registered family day care homes (July 2008)	22
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	7
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	41.2%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Artistic Promotions •

## Jefferson County

Composite County Rank: 3

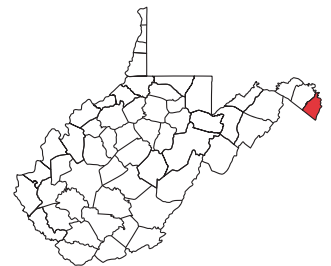
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.4%	7.1%	9.5%	5		3.5%
Infant mortality rate (per 1,000 live births)	7.5	6.9	7.9	20		7.2%
Child death rate (age 1-14 per 100,000 children)	23.2	16.4	24.0	13		29.5%
Percent eligible children served by Head Start (ages 3-4)	33.5%	47.2%	66.2%	47		41.0%
Percent children approved for free and reduced-price school meals (K-12)	37.4%	32.5%	52.5%	1		13.1%
Child abuse/neglect rate (per 1,000 children)	NA	6.1	23.1	2		NM
Teen birth rate (ages 15-19 per 1,000 females)	45.8	33.1	44.3	10		27.6%
Percent births to unmarried teens (ages 10-19)	10.5%	7.3%	9.3%	8		30.9%
Percent high school dropouts	21.7%	18.9%	16.8%	40		12.6%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	30.6	0.2	25.6	1		99.4%
Teen injury death rate (ages 15-19 per 100,000 teens)	56.7	48.5	73.5	11		14.5%
Percent births to mothers with less than a 12th grade education	19.4%	14.2%	18.5%	10		26.6%

### Background Facts

	2000	2007	% Change
Total population	42,451	50,832	19.7%
Percent all families with related children who receive cash assistance (SFY 2008)	2.8%	1.9%	-30.1%
Total population under age 18	10,126	12,583	24.3%
Percent population under age 18	23.9%	24.8%	3.7%
Percent minority population	9.0%	12.0%	33.4%
Percent children under 18 who are minority	10.5%	17.3%	64.6%
Percent children under 18 in poverty (2005)	12.3%	12.0%	-2.4%

### Early Child Development Background Facts

	2007
Number children under age six	4,248
Percent children under age 6 who live in families with parents in the labor force	42.9%
Number registered family day care homes (July 2008)	24
Percent family child care providers who are ACDS graduates (Aug 2008)	7.7%
Number family child care facilities (July 2008)	4
Number licensed child care centers (2008)	11
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	24.1%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Claude Worthington Benedum Foundation •

## Kanawha County

Composite County Rank: 48

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.6%	10.1%	9.5%	36	16.4%	
Infant mortality rate (per 1,000 live births)	6.4	6.7	7.9	16	4.8%	
Child death rate (age 1-14 per 100,000 children)	26.2	23.4	24.0	30		10.7%
Percent eligible children served by Head Start (ages 3-4)	31.3%	48.2%	66.2%	44		53.9%
Percent children approved for free and reduced-price school meals (K-12)	41.3%	52.8%	52.5%	29	27.8%	
Child abuse/neglect rate (per 1,000 children)	NA	24.2	23.1	28		NM
Teen birth rate (ages 15-19 per 1,000 females)	54.1	51.0	44.3	43		5.8%
Percent births to unmarried teens (ages 10-19)	10.7%	9.8%	9.3%	35		8.7%
Percent high school dropouts	18.8%	22.6%	16.8%	53	20.0%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	66.4	37.9	25.6	46		42.9%
Teen injury death rate (ages 15-19 per 100,000 teens)	67.2	97.4	73.5	39	45.0%	
Percent births to mothers with less than a 12th grade education	19.9%	18.9%	18.5%	29		5.0%

### Background Facts

	2000	2007	% Change
Total population	199,699	191,306	-4.2%
Percent all families with related children who receive cash assistance (SFY 2008)	4.0%	2.3%	-42.1%
Total population under age 18	42,479	40,821	-3.9%
Percent population under age 18	21.3%	21.3%	0.3%
Percent minority population	9.1%	11.1%	22.1%
Percent children under 18 who are minority	12.9%	16.2%	26.1%
Percent children under 18 in poverty (2005)	19.7%	23.2%	17.8%

### Early Child Development Background Facts

	2007
Number children under age six	13,879
Percent children under age 6 who live in families with parents in the labor force	55.0%
Number registered family day care homes (July 2008)	216
Percent family child care providers who are ACDS graduates (Aug 2008)	4.8%
Number family child care facilities (July 2008)	6
Number licensed child care centers (2008)	61
Percent child care centers that are NAEYC accredited (Aug 2008)	1.7%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	32.4%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• The Greater Kanawha Valley Foundation •

## Lewis County

Composite County Rank: 26

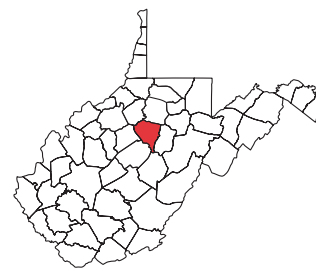
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	6.9%	7.7%	9.5%	10	10.6%	
Infant mortality rate (per 1,000 live births)	12.6	9.6	7.9	44		24.0%
Child death rate (age 1-14 per 100,000 children)	41.0	43.4	24.0	49	6.0%	
Percent eligible children served by Head Start (ages 3-4)	57.1%	69.7%	66.2%	29		22.0%
Percent children approved for free and reduced-price school meals (K-12)	54.6%	57.2%	52.5%	36	4.9%	
Child abuse/neglect rate (per 1,000 children)	NA	21.1	23.1	21	NM	
Teen birth rate (ages 15-19 per 1,000 females)	48.2	38.3	44.3	19		20.6%
Percent births to unmarried teens (ages 10-19)	9.0%	9.1%	9.3%	24	0.7%	
Percent high school dropouts	8.9%	14.8%	16.8%	24	66.9%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	61.3	30.5	25.6	41		50.3%
Teen injury death rate (ages 15-19 per 100,000 teens)	76.7	59.8	73.5	19		22.1%
Percent births to mothers with less than a 12th grade education	16.2%	16.5%	18.5%	17	1.8%	

### Background Facts

	2000	2007	% Change
Total population	16,878	17,145	1.6%
Percent all families with related children who receive cash assistance (SFY 2008)	7.8%	1.8%	-77.5%
Total population under age 18	3,716	3,599	-3.1%
Percent population under age 18	22.0%	21.0%	-4.7%
Percent minority population	1.3%	1.7%	33.9%
Percent children under 18 who are minority	1.8%	2.3%	24.8%
Percent children under 18 in poverty (2005)	25.6%	28.7%	12.1%

### Early Child Development Background Facts

	2007
Number children under age six	1,148
Percent children under age 6 who live in families with parents in the labor force	57.7%
Number registered family day care homes (July 2008)	33
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	57.4%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• WV Dept. of Health and Human Resources •



## Lincoln County

Composite County Rank: 55

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	10.6%	10.5%	9.5%	41		1.0%
Infant mortality rate (per 1,000 live births)	16.0	13.5	7.9	50		15.7%
Child death rate (age 1-14 per 100,000 children)	20.1	41.3	24.0	47	105.9%	
Percent eligible children served by Head Start (ages 3-4)	58.8%	49.8%	66.2%	42	15.3%	
Percent children approved for free and reduced-price school meals (K-12)	69.6%	70.2%	52.5%	50		0.9%
Child abuse/neglect rate (per 1,000 children)	NA	31.1	23.1	43		NM
Teen birth rate (ages 15-19 per 1,000 females)	58.2	76.7	44.3	55	31.9%	
Percent births to unmarried teens (ages 10-19)	9.7%	12.2%	9.3%	53	26.5%	
Percent high school dropouts	14.0%	21.6%	16.8%	50	53.5%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	47.5	47.6	25.6	51		0.2%
Teen injury death rate (ages 15-19 per 100,000 teens)	147.6	73.6	73.5	28		50.1%
Percent births to mothers with less than a 12th grade education	25.0%	27.8%	18.5%	53	11.0%	

### Background Facts

	2000	2007	% Change
Total population	22,133	22,322	0.9%
Percent all families with related children who receive cash assistance (SFY 2008)	10.5%	2.2%	-78.9%
Total population under age 18	5,197	4,951	-4.7%
Percent population under age 18	23.5%	22.2%	-5.5%
Percent minority population	0.9%	1.2%	27.6%
Percent children under 18 who are minority	1.5%	1.7%	17.2%
Percent children under 18 in poverty (2005)	31.0%	36.6%	18.1%

### Early Child Development Background Facts

	2007
Number children under age six	1,692
Percent children under age 6 who live in families with parents in the labor force	39.8%
Number registered family day care homes (July 2008)	11
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	2
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	49.3%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Lincoln Primary Care •

## Logan County

Composite County Rank: 51

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.2%	12.0%	9.5%	51	45.3%	
Infant mortality rate (per 1,000 live births)	13.7	7.3	7.9	23		46.7%
Child death rate (age 1-14 per 100,000 children)	47.8	53.5	24.0	51	11.9%	
Percent eligible children served by Head Start (ages 3-4)	73.3%	80.2%	66.2%	20		9.4%
Percent children approved for free and reduced-price school meals (K-12)	57.9%	54.7%	52.5%	37		5.5%
Child abuse/neglect rate (per 1,000 children)	NA	23.1	23.1	27		NM
Teen birth rate (ages 15-19 per 1,000 females)	56.1	59.0	44.3	48	5.2%	
Percent births to unmarried teens (ages 10-19)	9.0%	8.8%	9.3%	20		2.1%
Percent high school dropouts	18.1%	13.6%	16.8%	18		24.8%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	32.7	144.3	25.6	55	340.9%	
Teen injury death rate (ages 15-19 per 100,000 teens)	99.2	108.7	73.5	46	9.6%	
Percent births to mothers with less than a 12th grade education	25.5%	24.8%	18.5%	51		2.8%

### Background Facts

	2000	2007	% Change
Total population	37,586	35,629	-5.2%
Percent all families with related children who receive cash assistance (SFY 2008)	9.2%	2.5%	-73.1%
Total population under age 18	8,272	7,618	-7.9%
Percent population under age 18	22.0%	21.4%	-2.9%
Percent minority population	3.7%	3.9%	3.8%
Percent children under 18 who are minority	4.4%	4.4%	-0.7%
Percent children under 18 in poverty (2005)	30.4%	35.5%	16.8%

### Early Child Development Background Facts

	2007
Number children under age six	2,534
Percent children under age 6 who live in families with parents in the labor force	44.7%
Number registered family day care homes (July 2008)	40
Percent family child care providers who are ACDS graduates (Aug 2008)	13.8%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	40.6%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Calvin Kent •

## McDowell County

Composite County Rank: 54

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	10.7%	14.0%	9.5%	54	30.8%	
Infant mortality rate (per 1,000 live births)	12.0	14.3	7.9	52	19.0%	
Child death rate (age 1-14 per 100,000 children)	58.5	55.4	24.0	52		5.4%
Percent eligible children served by Head Start (ages 3-4)	43.0%	94.3%	66.2%	12		119.2%
Percent children approved for free and reduced-price school meals (K-12)	47.0%	83.8%	52.5%	55	78.4%	
Child abuse/neglect rate (per 1,000 children)	NA	21.6	23.1	22		NM
Teen birth rate (ages 15-19 per 1,000 females)	80.8	73.5	44.3	54		9.0%
Percent births to unmarried teens (ages 10-19)	14.9%	13.6%	9.3%	55		8.6%
Percent high school dropouts	13.3%	16.6%	16.8%	32	24.6%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	6.0	4.6	25.6	11		23.4%
Teen injury death rate (ages 15-19 per 100,000 teens)	92.1	99.0	73.5	41	7.5%	
Percent births to mothers with less than a 12th grade education	38.8%	38.3%	18.5%	55		1.3%

### Background Facts

	2000	2007	% Change
Total population	27,172	22,991	-15.4%
Percent all families with related children who receive cash assistance (SFY 2008)	8.2%	3.8%	-53.0%
Total population under age 18	6,273	4,851	-22.7%
Percent population under age 18	23.1%	21.1%	-8.8%
Percent minority population	12.8%	12.3%	-3.9%
Percent children under 18 who are minority	14.0%	13.8%	-1.8%
Percent children under 18 in poverty (2005)	0.0%	54.7%	NM



### Early Child Development Background Facts

	2007
Number children under age six	1,615
Percent children under age 6 who live in families with parents in the labor force	24.2%
Number registered family day care homes (July 2008)	24
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	45.4%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Dean Thompson •

## Marion County

Composite County Rank: 9

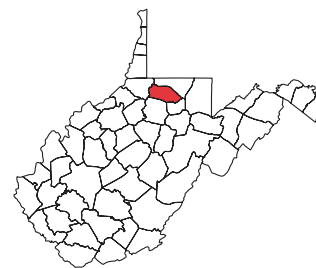
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.4%	9.2%	9.5%	29	25.1%	
Infant mortality rate (per 1,000 live births)	8.0	6.8	7.9	18		15.4%
Child death rate (age 1-14 per 100,000 children)	11.2	25.5	24.0	33	127.6%	
Percent eligible children served by Head Start (ages 3-4)	103.2%	71.5%	66.2%	27	30.8%	
Percent children approved for free and reduced-price school meals (K-12)	82.7%	51.9%	52.5%	21		37.2%
Child abuse/neglect rate (per 1,000 children)	NA	21.1	23.1	20		NM
Teen birth rate (ages 15-19 per 1,000 females)	33.2	34.4	44.3	12	3.4%	
Percent births to unmarried teens (ages 10-19)	8.4%	8.1%	9.3%	11		3.7%
Percent high school dropouts	20.4%	12.9%	16.8%	15		36.9%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	22.0	15.7	25.6	29		28.3%
Teen injury death rate (ages 15-19 per 100,000 teens)	30.2	33.1	73.5	6	9.7%	
Percent births to mothers with less than a 12th grade education	12.8%	13.2%	18.5%	8	3.3%	

### Background Facts

	2000	2007	% Change
Total population	56,516	56,728	0.4%
Percent all families with related children who receive cash assistance (SFY 2008)	31.6%	1.0%	-96.8%
Total population under age 18	11,634	11,393	-2.1%
Percent population under age 18	20.6%	20.1%	-2.5%
Percent minority population	4.8%	5.3%	11.1%
Percent children under 18 who are minority	6.5%	7.2%	10.1%
Percent children under 18 in poverty (2005)	20.5%	23.7%	15.6%

### Early Child Development Background Facts

	2007
Number children under age six	3,825
Percent children under age 6 who live in families with parents in the labor force	49.4%
Number registered family day care homes (July 2008)	69
Percent family child care providers who are ACDS graduates (Aug 2008)	20.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	9
Percent child care centers that are NAEYC accredited (Aug 2008)	20.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	27.6%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Don and Sally Richardson •

## Marshall County

Composite County Rank: 17

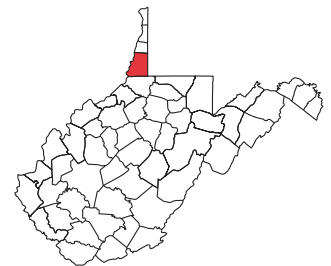
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.5%	9.0%	9.5%	27	19.6%	
Infant mortality rate (per 1,000 live births)	9.6	7.8	7.9	29		17.9%
Child death rate (age 1-14 per 100,000 children)	0.0	7.1	24.0	2		NM
Percent eligible children served by Head Start (ages 3-4)	72.7%	88.6%	66.2%	14		22.0%
Percent children approved for free and reduced-price school meals (K-12)	42.2%	52.9%	52.5%	24	25.3%	
Child abuse/neglect rate (per 1,000 children)	NA	28.3	23.1	41		NM
Teen birth rate (ages 15-19 per 1,000 females)	38.3	35.6	44.3	14		7.0%
Percent births to unmarried teens (ages 10-19)	9.2%	10.1%	9.3%	42	10.1%	
Percent high school dropouts	8.4%	11.2%	16.8%	12	33.0%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	9.3	40.5	25.6	48	337.4%	
Teen injury death rate (ages 15-19 per 100,000 teens)	61.7	64.1	73.5	25	4.0%	
Percent births to mothers with less than a 12th grade education	13.7%	14.7%	18.5%	11	7.4%	

### Background Facts

	2000	2007	% Change
Total population	35,405	33,148	-6.4%
Percent all families with related children who receive cash assistance (SFY 2008)	4.1%	3.0%	-28.5%
Total population under age 18	8,046	6,808	-15.4%
Percent population under age 18	22.7%	20.5%	-9.6%
Percent minority population	1.7%	2.1%	27.2%
Percent children under 18 who are minority	1.9%	2.6%	39.2%
Percent children under 18 in poverty (2005)	20.1%	22.6%	12.4%

### Early Child Development Background Facts

	2007
Number children under age six	1,938
Percent children under age 6 who live in families with parents in the labor force	66.7%
Number registered family day care homes (July 2008)	41
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	5
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	37.9%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• John T. Madden •

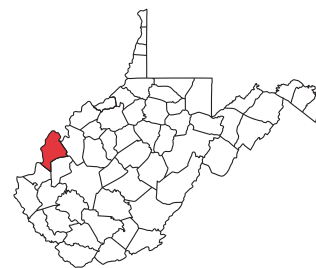
## Mason County

Composite County Rank: 34

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.6%	11.6%	9.5%	48	35.1%	
Infant mortality rate (per 1,000 live births)	5.4	6.7	7.9	17	22.7%	
Child death rate (age 1-14 per 100,000 children)	22.1	9.5	24.0	4		56.9%
Percent eligible children served by Head Start (ages 3-4)	49.4%	47.4%	66.2%	45	3.9%	
Percent children approved for free and reduced-price school meals (K-12)	43.6%	56.0%	52.5%	34	28.5%	
Child abuse/neglect rate (per 1,000 children)	NA	20.6	23.1	18		NM
Teen birth rate (ages 15-19 per 1,000 females)	52.5	55.2	44.3	45		5.1%
Percent births to unmarried teens (ages 10-19)	9.1%	9.1%	9.3%	25	0.4%	
Percent high school dropouts	12.1%	16.6%	16.8%	34	37.6%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	28.8	13.2	25.6	25		54.1%
Teen injury death rate (ages 15-19 per 100,000 teens)	68.5	92.5	73.5	36	34.9%	
Percent births to mothers with less than a 12th grade education	20.8%	19.6%	18.5%	34		6.0%

### Background Facts

	2000	2007	% Change
Total population	25,972	25,546	-1.6%
Percent all families with related children who receive cash assistance (SFY 2008)	6.0%	3.1%	-47.8%
Total population under age 18	5,869	5,408	-7.9%
Percent population under age 18	22.6%	21.2%	-6.3%
Percent minority population	1.7%	2.1%	24.0%
Percent children under 18 who are minority	2.3%	3.0%	32.8%
Percent children under 18 in poverty (2005)	23.1%	26.9%	16.5%



### Early Child Development Background Facts

	2007
Number children under age six	1,732
Percent children under age 6 who live in families with parents in the labor force	44.5%
Number registered family day care homes (July 2008)	17
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	50.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	62.5%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Thomas E. Potter •

## Mercer County

Composite County Rank: 44

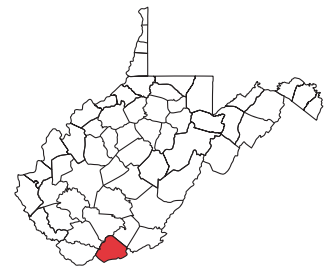
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.4%	12.9%	9.5%	52	37.9%	
Infant mortality rate (per 1,000 live births)	7.4	7.7	7.9	28	5.2%	
Child death rate (age 1-14 per 100,000 children)	43.1	14.0	24.0	7		67.5%
Percent eligible children served by Head Start (ages 3-4)	58.1%	47.0%	66.2%	48	19.1%	
Percent children approved for free and reduced-price school meals (K-12)	56.4%	61.8%	52.5%	45	9.6%	
Child abuse/neglect rate (per 1,000 children)	NA	16.8	23.1	12	NM	
Teen birth rate (ages 15-19 per 1,000 females)	58.2	59.8	44.3	49	2.7%	
Percent births to unmarried teens (ages 10-19)	10.6%	9.8%	9.3%	34		7.6%
Percent high school dropouts	18.7%	19.2%	16.8%	42	2.4%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	74.2	12.6	25.6	24		83.0%
Teen injury death rate (ages 15-19 per 100,000 teens)	80.8	80.5	73.5	31		0.4%
Percent births to mothers with less than a 12th grade education	20.4%	18.4%	18.5%	26		9.8%

### Background Facts

	2000	2007	% Change
Total population	62,944	61,350	-2.5%
Percent all families with related children who receive cash assistance (SFY 2008)	10.7%	5.1%	-51.7%
Total population under age 18	13,222	13,033	-1.4%
Percent population under age 18	21.0%	21.2%	1.1%
Percent minority population	7.2%	7.5%	4.2%
Percent children under 18 who are minority	9.3%	10.3%	9.9%
Percent children under 18 in poverty (2005)	26.5%	33.1%	24.9%

### Early Child Development Background Facts

	2007
Number children under age six	4,363
Percent children under age 6 who live in families with parents in the labor force	48.7%
Number registered family day care homes (July 2008)	114
Percent family child care providers who are ACDS graduates (Aug 2008)	25.7%
Number family child care facilities (July 2008)	5
Number licensed child care centers (2008)	15
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	40.1%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Pete and Sally Slicer •

## Mineral County

Composite County Rank: 11

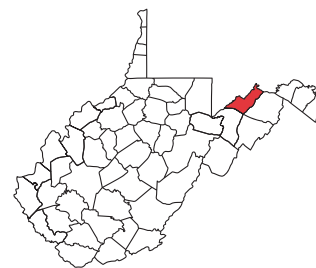
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	- Worse	+ Better
Percent low birth-weight babies	7.2%	10.0%	9.5%	35	39.3%	
Infant mortality rate (per 1,000 live births)	9.2	15.1	7.9	53	64.0%	
Child death rate (age 1-14 per 100,000 children)	40.6	17.4	24.0	16		57.2%
Percent eligible children served by Head Start (ages 3-4)	64.0%	105.6%	66.2%	8		64.8%
Percent children approved for free and reduced-price school meals (K-12)	48.3%	43.6%	52.5%	6		9.8%
Child abuse/neglect rate (per 1,000 children)	NA	28.1	23.1	40		NM
Teen birth rate (ages 15-19 per 1,000 females)	40.2	32.3	44.3	9		19.8%
Percent births to unmarried teens (ages 10-19)	9.1%	8.5%	9.3%	18		6.4%
Percent high school dropouts	10.4%	8.3%	16.8%	3		19.9%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	21.3	38.7	25.6	47	81.4%	
Teen injury death rate (ages 15-19 per 100,000 teens)	91.1	59.5	73.5	18		34.8%
Percent births to mothers with less than a 12th grade education	15.0%	11.0%	18.5%	3		26.6%

### Background Facts

	2000	2007	% Change
Total population	27,044	26,722	-1.2%
Percent all families with related children who receive cash assistance (SFY 2008)	3.6%	2.5%	-30.1%
Total population under age 18	6,302	5,952	-5.6%
Percent population under age 18	23.3%	22.3%	-4.4%
Percent minority population	3.7%	4.4%	19.0%
Percent children under 18 who are minority	4.5%	6.1%	35.0%
Percent children under 18 in poverty (2005)	20.2%	21.3%	5.4%

### Early Child Development Background Facts

	2007
Number children under age six	1,777
Percent children under age 6 who live in families with parents in the labor force	50.7%
Number registered family day care homes (July 2008)	23
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	6
Number licensed child care centers (2008)	5
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	54.4%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Mineral County Board of Education •



## Mingo County

Composite County Rank: 50

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.6%	10.8%	9.5%	45	25.1%	
Infant mortality rate (per 1,000 live births)	9.4	9.6	7.9	45	2.7%	
Child death rate (age 1-14 per 100,000 children)	31.0	25.0	24.0	32		19.5%
Percent eligible children served by Head Start (ages 3-4)	104.4%	119.8%	66.2%	4		14.8%
Percent children approved for free and reduced-price school meals (K-12)	61.2%	67.7%	52.5%	51	10.6%	
Child abuse/neglect rate (per 1,000 children)	NA	27.9	23.1	39		NM
Teen birth rate (ages 15-19 per 1,000 females)	50.6	66.1	44.3	53	30.5%	
Percent births to unmarried teens (ages 10-19)	7.7%	8.9%	9.3%	21	15.7%	
Percent high school dropouts	15.8%	15.2%	16.8%	25		4.1%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	17.9	41.3	25.6	49	130.4%	
Teen injury death rate (ages 15-19 per 100,000 teens)	55.5	105.1	73.5	44	89.5%	
Percent births to mothers with less than a 12th grade education	30.3%	21.4%	18.5%	44		29.4%

### Background Facts

	2000	2007	% Change
Total population	28,035	26,755	-4.6%
Percent all families with related children who receive cash assistance (SFY 2008)	15.5%	2.5%	-84.0%
Total population under age 18	6,757	6,157	-8.9%
Percent population under age 18	24.1%	23.0%	-4.6%
Percent minority population	3.4%	3.5%	3.6%
Percent children under 18 who are minority	4.0%	4.0%	1.2%
Percent children under 18 in poverty (2005)	32.6%	37.7%	15.6%

### Early Child Development Background Facts

	2007
Number children under age six	2,158
Percent children under age 6 who live in families with parents in the labor force	25.5%
Number registered family day care homes (July 2008)	13
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	4
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	45.0%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• International Industries, Inc. •

## Monongalia County

Composite County Rank: 4

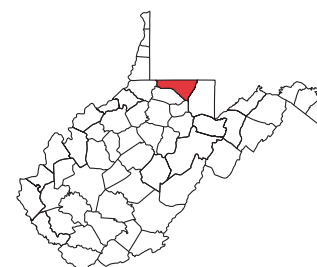
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.5%	7.9%	9.5%	14	6.3%	
Infant mortality rate (per 1,000 live births)	4.7	6.8	7.9	19	46.4%	
Child death rate (age 1-14 per 100,000 children)	13.9	19.6	24.0	22	41.8%	
Percent eligible children served by Head Start (ages 3-4)	60.1%	51.6%	66.2%	41	14.2%	
Percent children approved for free and reduced-price school meals (K-12)	37.3%	40.4%	52.5%	4	8.4%	
Child abuse/neglect rate (per 1,000 children)	NA	25.9	23.1	34	NM	
Teen birth rate (ages 15-19 per 1,000 females)	19.1	15.4	44.3	2		19.4%
Percent births to unmarried teens (ages 10-19)	7.3%	5.5%	9.3%	2		24.9%
Percent high school dropouts	17.1%	15.5%	16.8%	27		9.4%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	7.0	16.9	25.6	33	139.8%	
Teen injury death rate (ages 15-19 per 100,000 teens)	33.8	26.0	73.5	5		23.3%
Percent births to mothers with less than a 12th grade education	11.3%	10.4%	18.5%	1		8.2%

### Background Facts

	2000	2007	% Change
Total population	81,866	87,516	6.9%
Percent all families with related children who receive cash assistance (SFY 2008)	1.6%	0.7%	-55.7%
Total population under age 18	14,897	15,631	4.9%
Percent population under age 18	18.2%	17.9%	-1.8%
Percent minority population	7.5%	8.4%	11.6%
Percent children under 18 who are minority	8.2%	9.6%	16.5%
Percent children under 18 in poverty (2005)	14.9%	18.3%	22.8%

### Early Child Development Background Facts

	2007
Number children under age six	5,462
Percent children under age 6 who live in families with parents in the labor force	49.0%
Number registered family day care homes (July 2008)	31
Percent family child care providers who are ACDS graduates (Aug 2008)	4.2%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	20
Percent child care centers that are NAEYC accredited (Aug 2008)	5.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	31.8%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• West Virginia University Hospitals •

## Monroe County

Composite County Rank: 8

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.1%	7.6%	9.5%	7		6.1%
Infant mortality rate (per 1,000 live births)	6.0	1.6	7.9	3		74.0%
Child death rate (age 1-14 per 100,000 children)	8.8	28.4	24.0	37	223.0%	
Percent eligible children served by Head Start (ages 3-4)	80.8%	104.6%	66.2%	9		29.5%
Percent children approved for free and reduced-price school meals (K-12)	52.1%	56.2%	52.5%	22	7.9%	
Child abuse/neglect rate (per 1,000 children)	NA	85.5	23.1	55		NM
Teen birth rate (ages 15-19 per 1,000 females)	51.3	30.8	44.3	7		40.0%
Percent births to unmarried teens (ages 10-19)	8.6%	6.3%	9.3%	5		25.9%
Percent high school dropouts	7.6%	16.0%	16.8%	30	110.3%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	15.7	15.5	25.6	28		1.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	95.0	99.1	73.5	42	4.3%	
Percent births to mothers with less than a 12th grade education	19.8%	16.5%	18.5%	18		16.7%

### Background Facts

	2000	2007	% Change
Total population	13,219	13,537	2.4%
Percent all families with related children who receive cash assistance (SFY 2008)	6.2%	1.0%	-83.2%
Total population under age 18	2,933	2,730	-6.9%
Percent population under age 18	22.2%	20.2%	-9.2%
Percent minority population	1.8%	2.0%	8.1%
Percent children under 18 who are minority	2.8%	2.7%	-1.7%
Percent children under 18 in poverty (2005)	20.0%	22.2%	11.0%

### Early Child Development Background Facts

	2007
Number children under age six	771
Percent children under age 6 who live in families with parents in the labor force	64.1%
Number registered family day care homes (July 2008)	8
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	3
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	51.1%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Ike N. Smith •

## Morgan County

Composite County Rank: 15

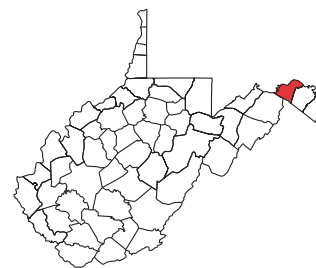
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	6.8%	6.7%	9.5%	3		1.3%
Infant mortality rate (per 1,000 live births)	10.7	8.9	7.9	34		16.9%
Child death rate (age 1-14 per 100,000 children)	15.3	30.7	24.0	39	100.7%	
Percent eligible children served by Head Start (ages 3-4)	200.0%	109.8%	66.2%	6	45.1%	
Percent children approved for free and reduced-price school meals (K-12)	42.4%	47.2%	52.5%	5	11.4%	
Child abuse/neglect rate (per 1,000 children)	NA	11.2	23.1	5		NM
Teen birth rate (ages 15-19 per 1,000 females)	56.8	37.7	44.3	17		33.6%
Percent births to unmarried teens (ages 10-19)	10.6%	8.9%	9.3%	22		15.5%
Percent high school dropouts	19.4%	10.7%	16.8%	11		45.0%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	72.2	16.9	25.6	32		76.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	48.4	116.0	73.5	49	139.8%	
Percent births to mothers with less than a 12th grade education	22.6%	17.3%	18.5%	22		23.6%

### Background Facts

	2000	2007	% Change
Total population	15,015	16,351	8.9%
Percent all families with related children who receive cash assistance (SFY 2008)	4.4%	2.8%	-35.4%
Total population under age 18	3,353	3,570	6.5%
Percent population under age 18	22.3%	21.8%	-2.2%
Percent minority population	1.9%	2.7%	41.1%
Percent children under 18 who are minority	2.3%	3.9%	68.3%
Percent children under 18 in poverty (2005)	15.4%	17.3%	12.3%

### Early Child Development Background Facts

	2007
Number children under age six	1,012
Percent children under age 6 who live in families with parents in the labor force	60.6%
Number registered family day care homes (July 2008)	4
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	45.5%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• South Charleston Pediatrics, PLLC •

## Nicholas County

Composite County Rank: 37

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.4%	10.3%	9.5%	40	9.7%	
Infant mortality rate (per 1,000 live births)	9.6	5.5	7.9	13		42.7%
Child death rate (age 1-14 per 100,000 children)	21.2	19.0	24.0	20		10.3%
Percent eligible children served by Head Start (ages 3-4)	87.6%	76.3%	66.2%	23	12.9%	
Percent children approved for free and reduced-price school meals (K-12)	59.0%	60.5%	52.5%	40	2.5%	
Child abuse/neglect rate (per 1,000 children)	NA	34.7	23.1	47	NM	
Teen birth rate (ages 15-19 per 1,000 females)	44.4	41.7	44.3	24		6.1%
Percent births to unmarried teens (ages 10-19)	8.2%	8.4%	9.3%	16	2.6%	
Percent high school dropouts	12.8%	20.4%	16.8%	46	59.2%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	38.8	37.3	25.6	45		3.8%
Teen injury death rate (ages 15-19 per 100,000 teens)	53.9	130.2	73.5	52	141.7%	
Percent births to mothers with less than a 12th grade education	16.1%	19.7%	18.5%	35	21.8%	

### Background Facts

	2000	2007	% Change
Total population	26,561	26,160	-1.5%
Percent all families with related children who receive cash assistance (SFY 2008)	4.6%	2.6%	-44.3%
Total population under age 18	6,150	5,382	-12.5%
Percent population under age 18	23.2%	20.6%	-11.2%
Percent minority population	1.1%	1.4%	29.6%
Percent children under 18 who are minority	1.4%	2.0%	45.6%
Percent children under 18 in poverty (2005)	26.7%	28.1%	5.2%

### Early Child Development Background Facts

	2007
Number children under age six	1,733
Percent children under age 6 who live in families with parents in the labor force	39.1%
Number registered family day care homes (July 2008)	55
Percent family child care providers who are ACDS graduates (Aug 2008)	3.8%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	3
Percent child care centers that are NAEYC accredited (Aug 2008)	33.3%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	41.9%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Samme Gee •

## Ohio County

Composite County Rank: 19

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.3%	9.0%	9.5%	26	8.5%	
Infant mortality rate (per 1,000 live births)	10.5	9.3	7.9	39		11.7%
Child death rate (age 1-14 per 100,000 children)	18.1	8.6	24.0	3		52.6%
Percent eligible children served by Head Start (ages 3-4)	47.6%	77.9%	66.2%	22		63.7%
Percent children approved for free and reduced-price school meals (K-12)	44.0%	48.9%	52.5%	14	11.0%	
Child abuse/neglect rate (per 1,000 children)	NA	11.9	23.1	6		NM
Teen birth rate (ages 15-19 per 1,000 females)	32.2	34.0	44.3	11	5.6%	
Percent births to unmarried teens (ages 10-19)	9.7%	10.7%	9.3%	47	9.5%	
Percent high school dropouts	17.8%	15.2%	16.8%	26		14.5%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	74.8	75.7	25.6	53	1.2%	
Teen injury death rate (ages 15-19 per 100,000 teens)	39.8	36.0	73.5	7		9.6%
Percent births to mothers with less than a 12th grade education	14.4%	14.1%	18.5%	9		1.8%

### Background Facts

	2000	2007	% Change
Total population	47,341	44,398	-6.2%
Percent all families with related children who receive cash assistance (SFY 2008)	6.1%	2.1%	-65.8%
Total population under age 18	10,088	8,979	-11.0%
Percent population under age 18	21.3%	20.2%	-5.1%
Percent minority population	5.3%	6.3%	18.6%
Percent children under 18 who are minority	8.3%	10.2%	23.3%
Percent children under 18 in poverty (2005)	17.7%	21.5%	21.5%

### Early Child Development Background Facts

	2007
Number children under age six	2,851
Percent children under age 6 who live in families with parents in the labor force	65.4%
Number registered family day care homes (July 2008)	43
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	13
Percent child care centers that are NAEYC accredited (Aug 2008)	8.3%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	26.7%

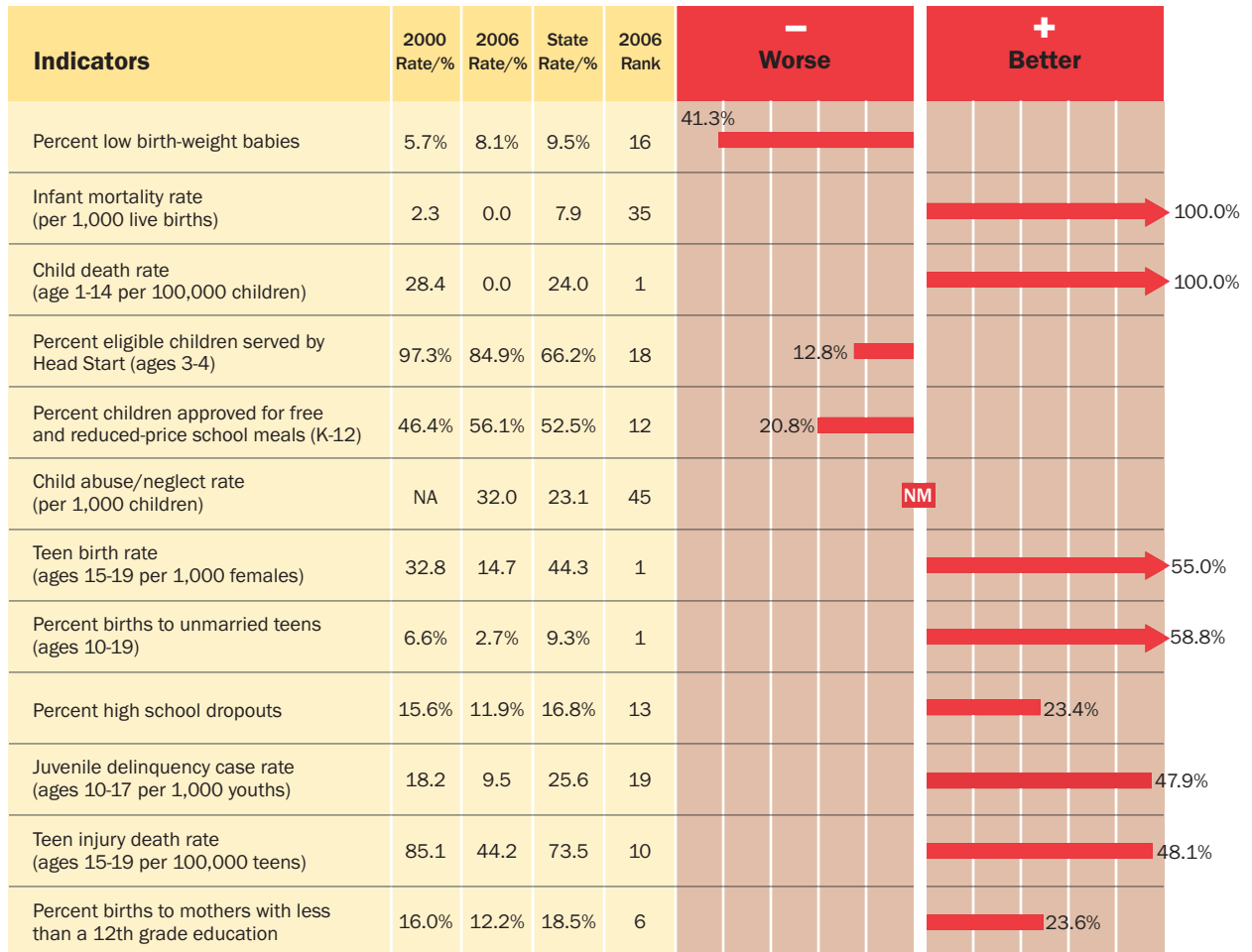


SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Diocese of Wheeling-Charleston •

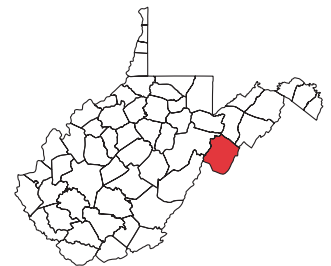
## Pendleton County

Composite County Rank: 1



### Background Facts

	2000	2007	% Change
Total population	8,167	7,650	-6.3%
Percent all families with related children who receive cash assistance (SFY 2008)	3.9%	0.3%	-92.3%
Total population under age 18	1,780	1,547	-13.1%
Percent population under age 18	21.8%	20.2%	-7.2%
Percent minority population	4.0%	5.1%	27.9%
Percent children under 18 who are minority	5.7%	8.0%	38.8%
Percent children under 18 in poverty (2005)	16.2%	17.5%	8.0%



### Early Child Development Background Facts

	2007
Number children under age six	502
Percent children under age 6 who live in families with parents in the labor force	66.1%
Number registered family day care homes (July 2008)	3
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	39.7%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• West Virginia Catholic Foundation, Inc. •

## Pleasants County

Composite County Rank: 14

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	4.8%	14.7%	9.5%	55	203.3%	
Infant mortality rate (per 1,000 live births)	4.8	9.0	7.9	36	86.9%	
Child death rate (age 1-14 per 100,000 children)	0.0	31.9	24.0	42		NM
Percent eligible children served by Head Start (ages 3-4)	47.8%	107.9%	66.2%	7		125.6%
Percent children approved for free and reduced-price school meals (K-12)	43.2%	47.8%	52.5%	9	10.6%	
Child abuse/neglect rate (per 1,000 children)	NA	5.7	23.1	1		NM
Teen birth rate (ages 15-19 per 1,000 females)	49.8	31.8	44.3	8		36.1%
Percent births to unmarried teens (ages 10-19)	9.3%	6.8%	9.3%	6		26.8%
Percent high school dropouts	14.3%	12.6%	16.8%	14		11.8%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	9.8	1.3	25.6	3		86.6%
Teen injury death rate (ages 15-19 per 100,000 teens)	157.8	134.5	73.5	53		14.7%
Percent births to mothers with less than a 12th grade education	15.0%	11.5%	18.5%	4		23.4%

### Background Facts

	2000	2007	% Change
Total population	7,507	7,183	-4.3%
Percent all families with related children who receive cash assistance (SFY 2008)	4.9%	1.8%	-62.9%
Total population under age 18	1,773	1,482	-16.4%
Percent population under age 18	23.6%	20.6%	-12.7%
Percent minority population	1.6%	2.0%	21.5%
Percent children under 18 who are minority	1.4%	1.3%	-0.3%
Percent children under 18 in poverty (2005)	16.0%	18.4%	15.0%

### Early Child Development Background Facts

	2007
Number children under age six	380
Percent children under age 6 who live in families with parents in the labor force	77.9%
Number registered family day care homes (July 2008)	9
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	61.8%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Calvin Kent •



## Pocahontas County

Composite County Rank: 32

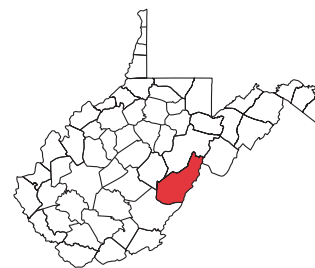
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.3%	10.6%	9.5%	43	28.3%	
Infant mortality rate (per 1,000 live births)	13.5	20.2	7.9	55	49.3%	
Child death rate (age 1-14 per 100,000 children)	40.3	15.3	24.0	9		62.2%
Percent eligible children served by Head Start (ages 3-4)	31.9%	47.3%	66.2%	46		48.1%
Percent children approved for free and reduced-price school meals (K-12)	56.2%	58.4%	52.5%	31	3.8%	
Child abuse/neglect rate (per 1,000 children)	NA	26.5	23.1	37	NM	
Teen birth rate (ages 15-19 per 1,000 females)	63.6	41.8	44.3	27		34.2%
Percent births to unmarried teens (ages 10-19)	11.0%	9.5%	9.3%	31		13.8%
Percent high school dropouts	16.5%	14.5%	16.8%	21		11.8%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	38.0	14.5	25.6	26		61.8%
Teen injury death rate (ages 15-19 per 100,000 teens)	0.0	38.9	73.5	9	NM	
Percent births to mothers with less than a 12th grade education	22.6%	21.2%	18.5%	41		6.5%

### Background Facts

	2000	2007	% Change
Total population	9,111	8,571	-5.9%
Percent all families with related children who receive cash assistance (SFY 2008)	3.1%	1.5%	-51.6%
Total population under age 18	1,889	1,643	-13.0%
Percent population under age 18	20.7%	19.2%	-7.6%
Percent minority population	1.5%	1.9%	23.4%
Percent children under 18 who are minority	1.0%	2.3%	142.7%
Percent children under 18 in poverty (2005)	22.5%	24.6%	9.3%

### Early Child Development Background Facts

	2007
Number children under age six	481
Percent children under age 6 who live in families with parents in the labor force	58.8%
Number registered family day care homes (July 2008)	4
Percent family child care providers who are ACDS graduates (Aug 2008)	28.6%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	62.2%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Jeanne G. & Lawson W. Hamilton, Jr. Family Fnd. •

## Preston County

Composite County Rank: 28

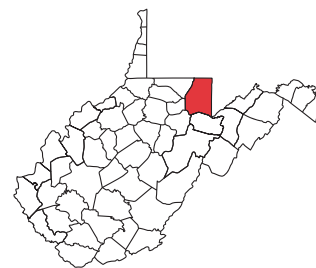
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.2%	9.1%	9.5%	28		1.6%
Infant mortality rate (per 1,000 live births)	13.2	7.9	7.9	31		39.8%
Child death rate (age 1-14 per 100,000 children)	30.8	16.8	24.0	15		45.6%
Percent eligible children served by Head Start (ages 3-4)	71.2%	64.2%	66.2%	34	9.8%	
Percent children approved for free and reduced-price school meals (K-12)	58.2%	56.2%	52.5%	19		3.4%
Child abuse/neglect rate (per 1,000 children)	NA	13.1	23.1	8		NM
Teen birth rate (ages 15-19 per 1,000 females)	27.4	44.9	44.3	32	64.1%	
Percent births to unmarried teens (ages 10-19)	7.4%	8.4%	9.3%	15	13.2%	
Percent high school dropouts	17.5%	22.1%	16.8%	52	26.7%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	10.1	15.9	25.6	30	57.7%	
Teen injury death rate (ages 15-19 per 100,000 teens)	36.4	100.5	73.5	43	176.1%	
Percent births to mothers with less than a 12th grade education	13.1%	18.3%	18.5%	25	39.9%	

### Background Facts

	2000	2007	% Change
Total population	29,308	30,254	3.2%
Percent all families with related children who receive cash assistance (SFY 2008)	3.2%	1.0%	-69.4%
Total population under age 18	6,915	6,370	-7.9%
Percent population under age 18	23.6%	21.1%	-10.8%
Percent minority population	1.2%	1.5%	24.7%
Percent children under 18 who are minority	1.8%	2.2%	23.7%
Percent children under 18 in poverty (2005)	21.5%	24.8%	15.3%

### Early Child Development Background Facts

	2007
Number children under age six	1,966
Percent children under age 6 who live in families with parents in the labor force	55.2%
Number registered family day care homes (July 2008)	9
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	5
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	33.2%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Jeanne G. & Lawson W. Hamilton, Jr. Family Fnd. •

## Putnam County

Composite County Rank: 2

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.9%	8.4%	9.5%	18	5.6%	
Infant mortality rate (per 1,000 live births)	6.6	7.5	7.9	25	13.5%	
Child death rate (age 1-14 per 100,000 children)	25.8	22.8	24.0	29		11.8%
Percent eligible children served by Head Start (ages 3-4)	49.8%	68.9%	66.2%	30		38.3%
Percent children approved for free and reduced-price school meals (K-12)	32.6%	39.7%	52.5%	2	21.8%	
Child abuse/neglect rate (per 1,000 children)	NA	9.9	23.1	3		NM
Teen birth rate (ages 15-19 per 1,000 females)	33.4	28.7	44.3	4		13.9%
Percent births to unmarried teens (ages 10-19)	5.6%	5.5%	9.3%	3		1.5%
Percent high school dropouts	14.8%	10.2%	16.8%	8		31.3%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	16.9	5.2	25.6	12		69.0%
Teen injury death rate (ages 15-19 per 100,000 teens)	64.4	62.1	73.5	22		3.6%
Percent births to mothers with less than a 12th grade education	11.5%	11.0%	18.5%	2		4.1%

### Background Facts

	2000	2007	% Change
Total population	51,751	55,001	6.3%
Percent all families with related children who receive cash assistance (SFY 2008)	1.5%	0.8%	-45.0%
Total population under age 18	12,873	12,772	-0.8%
Percent population under age 18	24.9%	23.2%	-6.7%
Percent minority population	2.0%	2.6%	29.7%
Percent children under 18 who are minority	2.8%	3.9%	38.8%
Percent children under 18 in poverty (2005)	11.4%	13.7%	20.2%



### Early Child Development Background Facts

	2007
Number children under age six	4,057
Percent children under age 6 who live in families with parents in the labor force	55.9%
Number registered family day care homes (July 2008)	30
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	2
Number licensed child care centers (2008)	11
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	24.0%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• The Greater Kanawha Valley Foundation •

## Raleigh County

Composite County Rank: 39

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.5%	10.0%	9.5%	34	4.8%	
Infant mortality rate (per 1,000 live births)	7.3	9.2	7.9	38	25.3%	
Child death rate (age 1-14 per 100,000 children)	29.2	34.0	24.0	44	16.7%	
Percent eligible children served by Head Start (ages 3-4)	62.7%	74.5%	66.2%	25		18.8%
Percent children approved for free and reduced-price school meals (K-12)	53.6%	55.7%	52.5%	32	3.8%	
Child abuse/neglect rate (per 1,000 children)	NA	26.4	23.1	36	NM	
Teen birth rate (ages 15-19 per 1,000 females)	52.3	49.9	44.3	40		4.6%
Percent births to unmarried teens (ages 10-19)	9.8%	9.4%	9.3%	29		3.7%
Percent high school dropouts	17.4%	16.7%	16.8%	35		4.1%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	38.6	46.4	25.6	50	20.3%	
Teen injury death rate (ages 15-19 per 100,000 teens)	47.4	59.4	73.5	17	25.3%	
Percent births to mothers with less than a 12th grade education	19.2%	17.5%	18.5%	23		8.7%

### Background Facts

	2000	2007	% Change
Total population	79,092	79,170	0.1%
Percent all families with related children who receive cash assistance (SFY 2008)	7.0%	1.7%	-75.2%
Total population under age 18	16,969	16,257	-4.2%
Percent population under age 18	21.5%	20.5%	-4.3%
Percent minority population	10.6%	10.6%	0.3%
Percent children under 18 who are minority	11.6%	11.8%	1.2%
Percent children under 18 in poverty (2005)	24.9%	28.3%	13.7%

### Early Child Development Background Facts

	2007
Number children under age six	5,407
Percent children under age 6 who live in families with parents in the labor force	47.4%
Number registered family day care homes (July 2008)	125
Percent family child care providers who are ACDS graduates (Aug 2008)	25.0%
Number family child care facilities (July 2008)	3
Number licensed child care centers (2008)	14
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	39.1%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Charleston Newspapers •

## Randolph County

Composite County Rank: 47

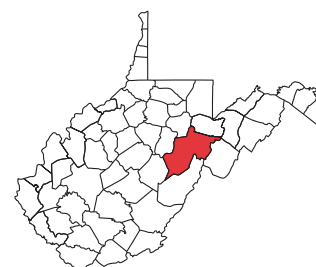
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.9%	8.7%	9.5%	22	10.2%	
Infant mortality rate (per 1,000 live births)	10.1	7.4	7.9	24		26.7%
Child death rate (age 1-14 per 100,000 children)	8.3	35.0	24.0	45	322.7%	
Percent eligible children served by Head Start (ages 3-4)	43.0%	46.1%	66.2%	49		7.1%
Percent children approved for free and reduced-price school meals (K-12)	59.4%	57.8%	52.5%	26		2.6%
Child abuse/neglect rate (per 1,000 children)	NA	35.2	23.1	48		NM
Teen birth rate (ages 15-19 per 1,000 females)	52.2	50.9	44.3	42		2.3%
Percent births to unmarried teens (ages 10-19)	10.5%	10.2%	9.3%	43		3.1%
Percent high school dropouts	13.0%	14.7%	16.8%	23	13.2%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	66.8	61.2	25.6	52		8.5%
Teen injury death rate (ages 15-19 per 100,000 teens)	106.2	111.9	73.5	48	5.4%	
Percent births to mothers with less than a 12th grade education	17.5%	18.3%	18.5%	24	4.4%	

### Background Facts

	2000	2007	% Change
Total population	28,220	28,292	0.3%
Percent all families with related children who receive cash assistance (SFY 2008)	3.7%	0.8%	-78.2%
Total population under age 18	6,284	6,011	-4.3%
Percent population under age 18	22.3%	21.2%	-4.6%
Percent minority population	2.2%	2.7%	23.3%
Percent children under 18 who are minority	2.2%	2.9%	35.3%
Percent children under 18 in poverty (2005)	23.1%	25.6%	10.8%

### Early Child Development Background Facts

	2007
Number children under age six	1,912
Percent children under age 6 who live in families with parents in the labor force	55.3%
Number registered family day care homes (July 2008)	62
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	11
Number licensed child care centers (2008)	4
Percent child care centers that are NAEYC accredited (Aug 2008)	20.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	42.4%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Jeanne G. & Lawson W. Hamilton, Jr. Family Fnd. •

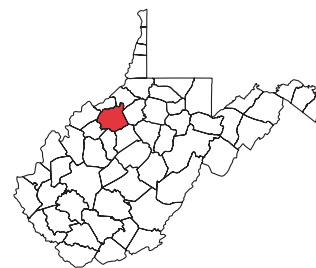
## Ritchie County

Composite County Rank: 25

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.4%	8.8%	9.5%	24		6.1%
Infant mortality rate (per 1,000 live births)	11.0	12.1	7.9	49	9.6%	
Child death rate (age 1-14 per 100,000 children)	11.0	46.7	24.0	50	324.5%	
Percent eligible children served by Head Start (ages 3-4)	48.4%	49.3%	66.2%	43		1.9%
Percent children approved for free and reduced-price school meals (K-12)	50.8%	55.9%	52.5%	18	9.9%	
Child abuse/neglect rate (per 1,000 children)	NA	25.5	23.1	32		NM
Teen birth rate (ages 15-19 per 1,000 females)	41.7	41.8	44.3	26	0.3%	
Percent births to unmarried teens (ages 10-19)	11.4%	8.2%	9.3%	14		27.6%
Percent high school dropouts	19.1%	9.9%	16.8%	7		48.5%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	8.3	11.7	25.6	22	41.4%	
Teen injury death rate (ages 15-19 per 100,000 teens)	27.7	63.8	73.5	23	130.6%	
Percent births to mothers with less than a 12th grade education	17.4%	19.3%	18.5%	32	10.5%	

### Background Facts

	2000	2007	% Change
Total population	10,337	10,371	0.3%
Percent all families with related children who receive cash assistance (SFY 2008)	5.6%	2.2%	-60.7%
Total population under age 18	2,359	2,198	-6.8%
Percent population under age 18	22.8%	21.2%	-7.1%
Percent minority population	1.3%	1.5%	22.7%
Percent children under 18 who are minority	1.5%	2.1%	41.1%
Percent children under 18 in poverty (2005)	23.4%	24.0%	2.6%



### Early Child Development Background Facts

	2007
Number children under age six	739
Percent children under age 6 who live in families with parents in the labor force	39.5%
Number registered family day care homes (July 2008)	6
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	61.3%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
 • WV Dept. of Health and Human Resources •

## Roane County

Composite County Rank: 24

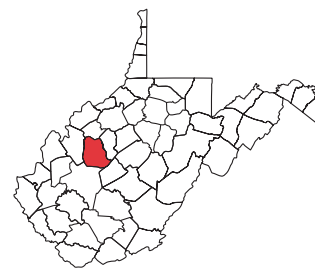
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	6.2%	5.9%	9.5%	1		5.7%
Infant mortality rate (per 1,000 live births)	4.8	2.4	7.9	5		50.5%
Child death rate (age 1-14 per 100,000 children)	29.8	16.2	24.0	10		45.6%
Percent eligible children served by Head Start (ages 3-4)	45.2%	56.3%	66.2%	39		24.7%
Percent children approved for free and reduced-price school meals (K-12)	63.1%	60.4%	52.5%	42		4.2%
Child abuse/neglect rate (per 1,000 children)	NA	25.5	23.1	33		NM
Teen birth rate (ages 15-19 per 1,000 females)	37.0	43.6	44.3	31	17.6%	
Percent births to unmarried teens (ages 10-19)	5.8%	8.1%	9.3%	10	39.6%	
Percent high school dropouts	20.4%	19.3%	16.8%	44		5.4%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	13.2	8.6	25.6	17		35.2%
Teen injury death rate (ages 15-19 per 100,000 teens)	86.4	124.6	73.5	51	44.2%	
Percent births to mothers with less than a 12th grade education	21.6%	23.9%	18.5%	49	10.8%	

### Background Facts

	2000	2007	% Change
Total population	15,469	15,295	-1.1%
Percent all families with related children who receive cash assistance (SFY 2008)	4.2%	2.0%	-53.5%
Total population under age 18	3,599	3,151	-12.4%
Percent population under age 18	23.3%	20.6%	-11.5%
Percent minority population	1.4%	1.9%	35.2%
Percent children under 18 who are minority	1.9%	2.5%	33.0%
Percent children under 18 in poverty (2005)	28.7%	31.8%	10.8%

### Early Child Development Background Facts

	2007
Number children under age six	1,001
Percent children under age 6 who live in families with parents in the labor force	52.4%
Number registered family day care homes (July 2008)	13
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	48.6%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Jenny Keup •

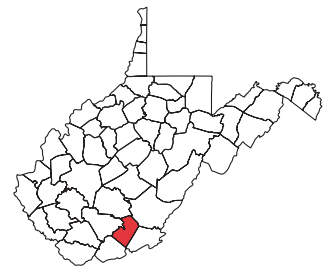
## Summers County

Composite County Rank: 53

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	11.1%	10.5%	9.5%	42		5.4%
Infant mortality rate (per 1,000 live births)	14.2	10.3	7.9	46		27.4%
Child death rate (age 1-14 per 100,000 children)	19.8	22.1	24.0	27	11.6%	
Percent eligible children served by Head Start (ages 3-4)	73.8%	82.8%	66.2%	19		12.1%
Percent children approved for free and reduced-price school meals (K-12)	67.3%	63.8%	52.5%	49		5.2%
Child abuse/neglect rate (per 1,000 children)	NA	19.7	23.1	17		NM
Teen birth rate (ages 15-19 per 1,000 females)	46.2	48.3	44.3	37	4.5%	
Percent births to unmarried teens (ages 10-19)	10.5%	12.0%	9.3%	52	14.3%	
Percent high school dropouts	18.6%	19.4%	16.8%	45	4.3%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	32.4	26.9	25.6	40		17.0%
Teen injury death rate (ages 15-19 per 100,000 teens)	210.3	83.2	73.5	33		60.4%
Percent births to mothers with less than a 12th grade education	18.0%	24.3%	18.5%	50	34.6%	

### Background Facts

	2000	2007	% Change
Total population	14,323	13,202	-7.8%
Percent all families with related children who receive cash assistance (SFY 2008)	12.3%	4.4%	-64.1%
Total population under age 18	2,650	2,184	-17.6%
Percent population under age 18	18.5%	16.5%	-10.6%
Percent minority population	8.5%	9.7%	13.9%
Percent children under 18 who are minority	5.1%	7.0%	36.5%
Percent children under 18 in poverty (2005)	32.6%	38.8%	19.0%



### Early Child Development Background Facts

	2007
Number children under age six	664
Percent children under age 6 who live in families with parents in the labor force	56.8%
Number registered family day care homes (July 2008)	12
Percent family child care providers who are ACDS graduates (Aug 2008)	75.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	2
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	55.8%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Jeanne G. & Lawson W. Hamilton, Jr. Family Fnd. •



## Taylor County

Composite County Rank: 29

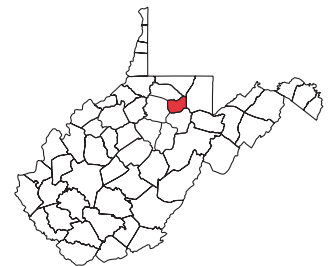
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.1%	7.1%	9.5%	4		22.3%
Infant mortality rate (per 1,000 live births)	11.3	8.9	7.9	35		21.0%
Child death rate (age 1-14 per 100,000 children)	14.2	31.1	24.0	40	119.0%	
Percent eligible children served by Head Start (ages 3-4)	75.5%	90.6%	66.2%	13		20.0%
Percent children approved for free and reduced-price school meals (K-12)	51.3%	56.0%	52.5%	28	9.1%	
Child abuse/neglect rate (per 1,000 children)	NA	17.6	23.1	13		NM
Teen birth rate (ages 15-19 per 1,000 females)	28.5	37.9	44.3	18	32.7%	
Percent births to unmarried teens (ages 10-19)	6.8%	10.0%	9.3%	36	46.9%	
Percent high school dropouts	8.1%	25.5%	16.8%	55	214.4%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	33.2	31.8	25.6	44		4.1%
Teen injury death rate (ages 15-19 per 100,000 teens)	73.9	82.1	73.5	32	11.1%	
Percent births to mothers with less than a 12th grade education	17.5%	18.8%	18.5%	27	7.0%	

### Background Facts

	2000	2007	% Change
Total population	16,103	16,117	0.1%
Percent all families with related children who receive cash assistance (SFY 2008)	4.9%	1.4%	-71.8%
Total population under age 18	3,679	3,262	-11.3%
Percent population under age 18	22.9%	20.2%	-11.5%
Percent minority population	1.8%	2.3%	22.5%
Percent children under 18 who are minority	2.4%	3.3%	37.1%
Percent children under 18 in poverty (2005)	24.7%	27.5%	11.3%

### Early Child Development Background Facts

	2007
Number children under age six	957
Percent children under age 6 who live in families with parents in the labor force	54.9%
Number registered family day care homes (July 2008)	18
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	NM
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	56.6%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Cora & Murray Simpson Family Fund •

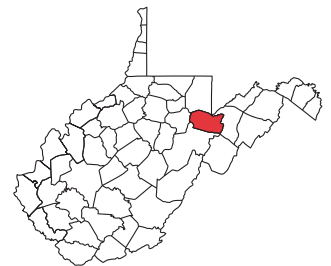
## Tucker County

Composite County Rank: 5

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.3%	7.3%	9.5%	6		11.4%
Infant mortality rate (per 1,000 live births)	2.9	3.2	7.9	8	10.0%	
Child death rate (age 1-14 per 100,000 children)	0.0	56.4	24.0	53		NM
Percent eligible children served by Head Start (ages 3-4)	35.7%	15.4%	66.2%	55	56.9%	
Percent children approved for free and reduced-price school meals (K-12)	56.7%	57.1%	52.5%	13	0.8%	
Child abuse/neglect rate (per 1,000 children)	NA	22.8	23.1	25		NM
Teen birth rate (ages 15-19 per 1,000 females)	28.8	35.3	44.3	13	22.5%	
Percent births to unmarried teens (ages 10-19)	6.3%	8.4%	9.3%	17	32.9%	
Percent high school dropouts	4.2%	6.3%	16.8%	1	48.7%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	3.7	2.9	25.6	4		21.1%
Teen injury death rate (ages 15-19 per 100,000 teens)	123.7	0.0	73.5	1		100.0%
Percent births to mothers with less than a 12th grade education	9.9%	13.1%	18.5%	7	32.7%	

### Background Facts

	2000	2007	% Change
Total population	7,299	6,868	-5.9%
Percent all families with related children who receive cash assistance (SFY 2008)	2.7%	0.4%	-86.0%
Total population under age 18	1,553	1,318	-15.1%
Percent population under age 18	21.3%	19.2%	-9.9%
Percent minority population	0.8%	0.9%	13.5%
Percent children under 18 who are minority	2.1%	2.0%	-7.2%
Percent children under 18 in poverty (2005)	20.6%	25.8%	25.2%



### Early Child Development Background Facts

	2007
Number children under age six	350
Percent children under age 6 who live in families with parents in the labor force	67.1%
Number registered family day care homes (July 2008)	15
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	75.4%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• WV Conference of United Methodist Church •

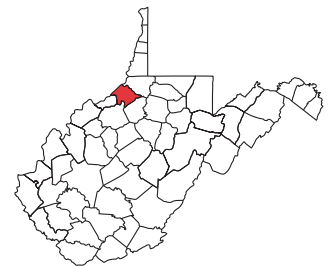
## Tyler County

Composite County Rank: 20

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	9.1%	11.9%	9.5%	50	31.0%	
Infant mortality rate (per 1,000 live births)	6.4	13.6	7.9	51	111.8%	
Child death rate (age 1-14 per 100,000 children)	23.5	27.2	24.0	35	15.7%	
Percent eligible children served by Head Start (ages 3-4)	104.4%	131.8%	66.2%	2		26.2%
Percent children approved for free and reduced-price school meals (K-12)	49.9%	55.3%	52.5%	33	10.7%	
Child abuse/neglect rate (per 1,000 children)	NA	23.0	23.1	26		NM
Teen birth rate (ages 15-19 per 1,000 females)	40.4	40.7	44.3	21	0.7%	
Percent births to unmarried teens (ages 10-19)	8.4%	9.7%	9.3%	33	15.4%	
Percent high school dropouts	13.1%	10.3%	16.8%	9		22.0%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	23.7	3.9	25.6	10		83.7%
Teen injury death rate (ages 15-19 per 100,000 teens)	64.6	0.0	73.5	1		100.0%
Percent births to mothers with less than a 12th grade education	15.5%	16.2%	18.5%	16	4.9%	

### Background Facts

	2000	2007	% Change
Total population	9,592	8,952	-6.7%
Percent all families with related children who receive cash assistance (SFY 2008)	2.9%	2.1%	-26.7%
Total population under age 18	2,225	1,785	-19.8%
Percent population under age 18	23.2%	19.9%	-14.1%
Percent minority population	0.6%	0.7%	17.7%
Percent children under 18 who are minority	1.1%	1.2%	14.3%
Percent children under 18 in poverty (2005)	21.8%	25.8%	18.3%



### Early Child Development Background Facts

	2007
Number children under age six	511
Percent children under age 6 who live in families with parents in the labor force	60.7%
Number registered family day care homes (July 2008)	9
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	NM
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	61.4%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Mingo County Community Action •

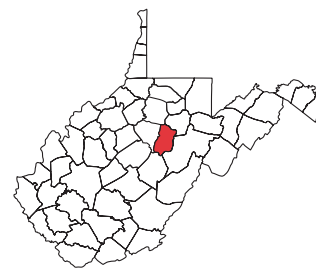
## Upshur County

Composite County Rank: 23

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.7%	8.3%	9.5%	17	8.1%	
Infant mortality rate (per 1,000 live births)	6.8	7.1	7.9	21	4.2%	
Child death rate (age 1-14 per 100,000 children)	34.6	10.3	24.0	5		70.2%
Percent eligible children served by Head Start (ages 3-4)	104.8%	115.5%	66.2%	5		10.3%
Percent children approved for free and reduced-price school meals (K-12)	53.9%	58.1%	52.5%	35		7.8%
Child abuse/neglect rate (per 1,000 children)	NA	31.4	23.1	44	NM	
Teen birth rate (ages 15-19 per 1,000 females)	42.4	38.7	44.3	20		8.8%
Percent births to unmarried teens (ages 10-19)	9.8%	9.6%	9.3%	32		2.2%
Percent high school dropouts	17.6%	15.9%	16.8%	29		9.8%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	83.7	16.4	25.6	31		80.4%
Teen injury death rate (ages 15-19 per 100,000 teens)	77.3	95.1	73.5	38	23.1%	
Percent births to mothers with less than a 12th grade education	25.4%	21.2%	18.5%	42		16.5%

### Background Facts

	2000	2007	% Change
Total population	23,413	23,508	0.4%
Percent all families with related children who receive cash assistance (SFY 2008)	9.7%	1.1%	-89.0%
Total population under age 18	5,262	5,005	-4.9%
Percent population under age 18	22.5%	21.3%	-5.3%
Percent minority population	1.8%	2.4%	32.3%
Percent children under 18 who are minority	1.8%	2.8%	56.6%
Percent children under 18 in poverty (2005)	25.2%	28.7%	13.9%



### Early Child Development Background Facts

	2007
Number children under age six	1,680
Percent children under age 6 who live in families with parents in the labor force	48.6%
Number registered family day care homes (July 2008)	21
Percent family child care providers who are ACDS graduates (Aug 2008)	5.0%
Number family child care facilities (July 2008)	3
Number licensed child care centers (2008)	6
Percent child care centers that are NAEYC accredited (Aug 2008)	100.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	26.6%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• WV Conference of United Methodist Church •

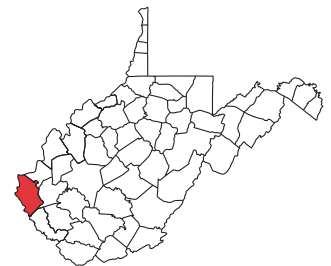
## Wayne County

Composite County Rank: 38

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	8.7%	13.9%	9.5%	53	60.2%	
Infant mortality rate (per 1,000 live births)	6.8	9.1	7.9	37	33.5%	
Child death rate (age 1-14 per 100,000 children)	20.9	19.4	24.0	21		6.8%
Percent eligible children served by Head Start (ages 3-4)	46.8%	59.2%	66.2%	37		26.4%
Percent children approved for free and reduced-price school meals (K-12)	56.1%	56.6%	52.5%	39	0.9%	
Child abuse/neglect rate (per 1,000 children)	NA	21.9	23.1	23		NM
Teen birth rate (ages 15-19 per 1,000 females)	54.9	48.7	44.3	38		11.2%
Percent births to unmarried teens (ages 10-19)	9.3%	9.0%	9.3%	23		4.0%
Percent high school dropouts	18.5%	18.5%	16.8%	37		0.2%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	35.8	11.2	25.6	21		68.8%
Teen injury death rate (ages 15-19 per 100,000 teens)	73.5	61.3	73.5	20		16.5%
Percent births to mothers with less than a 12th grade education	24.1%	19.0%	18.5%	31		21.4%

### Background Facts

	2000	2007	% Change
Total population	42,915	41,231	-3.9%
Percent all families with related children who receive cash assistance (SFY 2008)	10.0%	2.7%	-72.5%
Total population under age 18	9,993	8,984	-10.1%
Percent population under age 18	23.3%	21.8%	-6.5%
Percent minority population	1.1%	1.5%	31.6%
Percent children under 18 who are minority	1.6%	2.3%	45.9%
Percent children under 18 in poverty (2005)	23.8%	29.7%	24.8%



### Early Child Development Background Facts

	2007
Number children under age six	2,679
Percent children under age 6 who live in families with parents in the labor force	55.9%
Number registered family day care homes (July 2008)	29
Percent family child care providers who are ACDS graduates (Aug 2008)	11.4%
Number family child care facilities (July 2008)	2
Number licensed child care centers (2008)	7
Percent child care centers that are NAEYC accredited (Aug 2008)	50.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	41.4%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Jackson Gas Company •

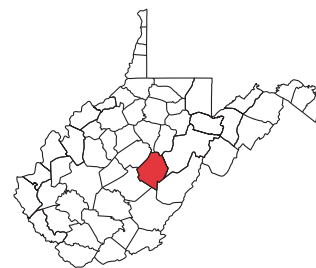
## Webster County

Composite County Rank: 6

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	6.6%	7.8%	9.5%	13	18.2%	
Infant mortality rate (per 1,000 live births)	2.2	2.1	7.9	4		5.2%
Child death rate (age 1-14 per 100,000 children)	58.3	12.6	24.0	6		78.4%
Percent eligible children served by Head Start (ages 3-4)	45.3%	69.8%	66.2%	28		54.2%
Percent children approved for free and reduced-price school meals (K-12)	73.1%	73.2%	52.5%	54	0.1%	
Child abuse/neglect rate (per 1,000 children)	NA	26.5	23.1	38		NM
Teen birth rate (ages 15-19 per 1,000 females)	42.8	30.2	44.3	6		29.4%
Percent births to unmarried teens (ages 10-19)	10.8%	5.8%	9.3%	4		46.5%
Percent high school dropouts	15.3%	14.1%	16.8%	19		7.7%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	10.3	3.1	25.6	5		70.2%
Teen injury death rate (ages 15-19 per 100,000 teens)	90.2	108.3	73.5	45	20.0%	
Percent births to mothers with less than a 12th grade education	21.5%	14.8%	18.5%	12		31.0%

### Background Facts

	2000	2007	% Change
Total population	9,700	9,435	-2.7%
Percent all families with related children who receive cash assistance (SFY 2008)	15.4%	5.6%	-63.3%
Total population under age 18	2,218	1,925	-13.2%
Percent population under age 18	22.9%	20.4%	-10.9%
Percent minority population	0.6%	0.9%	53.3%
Percent children under 18 who are minority	0.7%	1.5%	101.6%
Percent children under 18 in poverty (2005)	36.4%	42.9%	17.9%



### Early Child Development Background Facts

	2007
Number children under age six	559
Percent children under age 6 who live in families with parents in the labor force	54.7%
Number registered family day care homes (July 2008)	8
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	1
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	72.6%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Diane Stotts •

## Wetzel County

Composite County Rank: 30

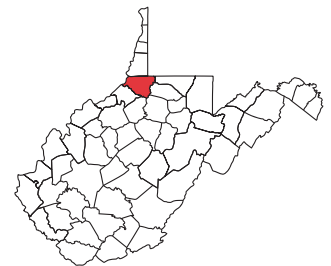
Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.9%	10.1%	9.5%	37	28.1%	
Infant mortality rate (per 1,000 live births)	10.0	11.0	7.9	48	9.9%	
Child death rate (age 1-14 per 100,000 children)	24.9	28.0	24.0	36	12.7%	
Percent eligible children served by Head Start (ages 3-4)	60.6%	86.5%	66.2%	16		42.8%
Percent children approved for free and reduced-price school meals (K-12)	48.0%	52.8%	52.5%	27	9.9%	
Child abuse/neglect rate (per 1,000 children)	NA	24.2	23.1	29		NM
Teen birth rate (ages 15-19 per 1,000 females)	49.4	57.9	44.3	47	17.2%	
Percent births to unmarried teens (ages 10-19)	10.0%	13.5%	9.3%	54	35.4%	
Percent high school dropouts	12.3%	9.6%	16.8%	5		21.8%
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	31.3	14.9	25.6	27		52.3%
Teen injury death rate (ages 15-19 per 100,000 teens)	114.8	36.0	73.5	7		68.7%
Percent births to mothers with less than a 12th grade education	19.9%	18.9%	18.5%	30		4.8%

### Background Facts

	2000	2007	% Change
Total population	17,680	16,432	-7.1%
Percent all families with related children who receive cash assistance (SFY 2008)	4.7%	2.9%	-38.7%
Total population under age 18	4,178	3,559	-14.8%
Percent population under age 18	23.6%	21.7%	-8.4%
Percent minority population	1.0%	1.4%	36.2%
Percent children under 18 who are minority	1.5%	2.1%	40.1%
Percent children under 18 in poverty (2005)	22.9%	25.7%	12.2%

### Early Child Development Background Facts

	2007
Number children under age six	1,120
Percent children under age 6 who live in families with parents in the labor force	46.2%
Number registered family day care homes (July 2008)	24
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	1
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	NM
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	66.7%



SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Ergon-West Virginia, Inc. •

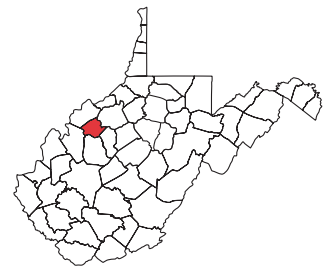
## Wirt County

Composite County Rank: 18

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	10.6%	11.8%	9.5%	49	12.1%	
Infant mortality rate (per 1,000 live births)	6.7	3.4	7.9	9		49.0%
Child death rate (age 1-14 per 100,000 children)	0.0	20.3	24.0	23	NM	
Percent eligible children served by Head Start (ages 3-4)	52.6%	55.2%	66.2%	40		4.9%
Percent children approved for free and reduced-price school meals (K-12)	50.6%	54.1%	52.5%	30	6.9%	
Child abuse/neglect rate (per 1,000 children)	NA	14.4	23.1	10	NM	
Teen birth rate (ages 15-19 per 1,000 females)	44.8	41.7	44.3	24		7.1%
Percent births to unmarried teens (ages 10-19)	14.9%	10.0%	9.3%	38		32.9%
Percent high school dropouts	6.5%	14.4%	16.8%	20	120.5%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	3.8	3.2	25.6	7		16.9%
Teen injury death rate (ages 15-19 per 100,000 teens)	89.5	0.0	73.5	1		100.0%
Percent births to mothers with less than a 12th grade education	19.9%	14.9%	18.5%	13		25.1%

### Background Facts

	2000	2007	% Change
Total population	5,881	5,809	-1.2%
Percent all families with related children who receive cash assistance (SFY 2008)	6.5%	1.8%	-71.5%
Total population under age 18	1,490	1,219	-18.2%
Percent population under age 18	25.3%	21.0%	-17.2%
Percent minority population	1.0%	1.1%	15.2%
Percent children under 18 who are minority	1.2%	0.8%	-32.1%
Percent children under 18 in poverty (2005)	25.0%	30.7%	22.8%



### Early Child Development Background Facts

	2007
Number children under age six	354
Percent children under age 6 who live in families with parents in the labor force	52.8%
Number registered family day care homes (July 2008)	9
Percent family child care providers who are ACDS graduates (Aug 2008)	NM
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	0
Percent child care centers that are NAEYC accredited (Aug 2008)	NM
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	45.3%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• James H. Harless •



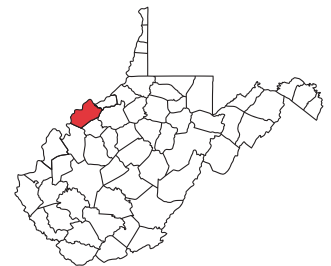
## Wood County

Composite County Rank: 27

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.4%	8.8%	9.5%	25	19.0%	
Infant mortality rate (per 1,000 live births)	7.1	8.2	7.9	32	15.7%	
Child death rate (age 1-14 per 100,000 children)	20.4	14.9	24.0	8		26.8%
Percent eligible children served by Head Start (ages 3-4)	40.9%	44.3%	66.2%	50		8.5%
Percent children approved for free and reduced-price school meals (K-12)	37.6%	40.5%	52.5%	10	7.9%	
Child abuse/neglect rate (per 1,000 children)	NA	24.6	23.1	30		NM
Teen birth rate (ages 15-19 per 1,000 females)	51.7	46.5	44.3	35		10.1%
Percent births to unmarried teens (ages 10-19)	11.0%	10.7%	9.3%	48		2.8%
Percent high school dropouts	13.8%	14.6%	16.8%	22	6.1%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	67.3	30.5	25.6	42		54.7%
Teen injury death rate (ages 15-19 per 100,000 teens)	48.9	50.6	73.5	13	3.5%	
Percent births to mothers with less than a 12th grade education	18.9%	18.8%	18.5%	28		0.8%

### Background Facts

	2000	2007	% Change
Total population	87,902	86,088	-2.1%
Percent all families with related children who receive cash assistance (SFY 2008)	6.7%	1.5%	-78.3%
Total population under age 18	20,141	18,763	-6.8%
Percent population under age 18	22.9%	21.8%	-4.9%
Percent minority population	2.5%	3.4%	33.7%
Percent children under 18 who are minority	3.4%	4.5%	30.1%
Percent children under 18 in poverty (2005)	19.5%	28.0%	43.6%



### Early Child Development Background Facts

	2007
Number children under age six	5,912
Percent children under age 6 who live in families with parents in the labor force	57.7%
Number registered family day care homes (July 2008)	107
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	8
Number licensed child care centers (2008)	22
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	37.1%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR

• Mr. and Mrs. Richard Adams •

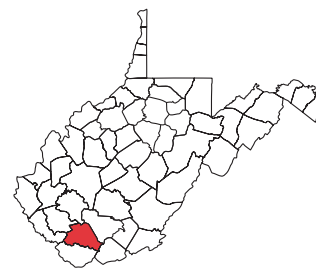
## Wyoming County

Composite County Rank: 49

Indicators	2000 Rate/%	2006 Rate/%	State Rate/%	2006 Rank	— Worse	+ Better
Percent low birth-weight babies	7.2%	10.9%	9.5%	46	50.8%	
Infant mortality rate (per 1,000 live births)	8.3	4.4	7.9	10		47.6%
Child death rate (age 1-14 per 100,000 children)	41.7	60.7	24.0	54	45.5%	
Percent eligible children served by Head Start (ages 3-4)	96.5%	122.0%	66.2%	3		26.5%
Percent children approved for free and reduced-price school meals (K-12)	62.1%	60.0%	52.5%	46		3.4%
Child abuse/neglect rate (per 1,000 children)	NA	62.4	23.1	52		NM
Teen birth rate (ages 15-19 per 1,000 females)	47.1	62.6	44.3	51	33.0%	
Percent births to unmarried teens (ages 10-19)	8.7%	10.5%	9.3%	45	20.1%	
Percent high school dropouts	15.1%	21.1%	16.8%	48	40.2%	
Juvenile delinquency case rate (ages 10-17 per 1,000 youths)	6.2	7.9	25.6	16	28.7%	
Teen injury death rate (ages 15-19 per 100,000 teens)	78.1	97.7	73.5	40	25.1%	
Percent births to mothers with less than a 12th grade education	22.7%	23.0%	18.5%	47		1.3%

### Background Facts

	2000	2007	% Change
Total population	25,610	23,674	-7.6%
Percent all families with related children who receive cash assistance (SFY 2008)	15.7%	1.6%	-90.0%
Total population under age 18	5,708	4,846	-15.1%
Percent population under age 18	22.3%	20.5%	-8.3%
Percent minority population	1.5%	1.8%	23.1%
Percent children under 18 who are minority	1.9%	2.2%	15.6%
Percent children under 18 in poverty (2005)	30.6%	35.3%	15.4%



### Early Child Development Background Facts

	2007
Number children under age six	1,576
Percent children under age 6 who live in families with parents in the labor force	36.7%
Number registered family day care homes (July 2008)	14
Percent family child care providers who are ACDS graduates (Aug 2008)	0.0%
Number family child care facilities (July 2008)	0
Number licensed child care centers (2008)	3
Percent child care centers that are NAEYC accredited (Aug 2008)	0.0%
Percent four year olds enrolled in Pre-Kindergarten (2007-08)	36.6%

SPECIAL THANKS TO 2008 DATA BOOK SPONSOR  
• Southwestern District Labor Council •

# Appendices



## Definitions

The notes below detail the way in which an indicator or background fact is constructed when KIDS COUNT calculates rates or percentages. Indicator or background fact clarification is provided for some, but not all, variables. Sources are the same for national, state and county data unless otherwise specified.

### **CHILD ABUSE/NEGLECT RATE (per 1,000 children)**

#### **Indicator:**

This is the number of children found to be victims of abuse or neglect per 1,000 children under age 18.

#### **How is it Constructed?**

At the state and county level, this indicator is a rate per 1,000 children based on an average of victims from the federal fiscal years 2005, 2006 and 2007. The rate is calculated as 1,000 times the number of victims divided by the total number of children under 18. The number of children under age 18 is based on population data from 2007.

#### **Indicator Clarification:**

Differences in reporting procedures over the years prevent comparison of rates between counties and trends over time.

#### **Data Sources:**

(2007) State of WV Department of Health and Human Resources, Bureau for Children and Families. An average of the victims in federal fiscal years 2005, 2006 and 2007.

(2006 National Data) Children's Bureau, Administration for Children and Families, US DHHS. Child Maltreatment 2006. Data from 2006 only.

(2007) Population data is from Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), "Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex," data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau. (2006) National Data from Child Maltreatment assessed on line at [www.acf.hhs.gov/programs/cb/pubs/cm06/chapter3.htm](http://www.acf.hhs.gov/programs/cb/pubs/cm06/chapter3.htm) on October 19, 2008.

### **CHILD DEATH RATE (ages 1-14 per 100,000 children)**

#### **Indicator:**

This is the number of deaths due to all causes of children between the ages of 1-14 years, per 100,000 children.

#### **How is it Constructed?**

At a state and county level, this variable is a rate per 100,000 children based on a five-year total (1998, 1999, 2000, 2001, and 2002 for 2000; and 2002, 2003, 2004, 2005 and 2006 for 2006). The rate is calculated as 100,000 times the number of child deaths due to all causes divided by the total number of children ages 1-14.

#### **Indicator Clarification:**

Due to the small number of child deaths on the county level, a small change in the actual number from the period 2000 to 2006 may result in a large percentage change for trend data. The number of children 1-14 years old is based on 2000 and 2004 U.S. Census data.

#### **Data Source:**

State (2000, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.

(2005) National Rate. The national rate is based on 2005 data. Center for Disease Control and U.S. Census Bureau.

### **INFANT MORTALITY RATE (per 1,000 live births)**

#### **Indicator:**

This is the number of deaths of infants under one year of age per 1,000 live births.

#### **How is it Constructed?**

At a state and county level, this variable is a rate per 1,000 live births based on a five-year total (1998, 1999, 2000, 2001, and 2002 for 2000; and 2002, 2003, 2004, 2005 and 2006 for 2006.) The rate is calculated as 1,000 times the number of infant deaths due to all causes divided by the number of total births. At the national level, the rate is calculated as 1,000 times the number of infant deaths in 2005 divided by the number of live births in 2005.

#### **Indicator Clarification:**

Due to the small number of deaths to infants under one year of age on the county level, a

small change in the actual number from the period 2000 to 2006 may result in a large percent change for trend data. The national rate is based on 2005 data only.

**Data Source:**

(2000, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.

(2005) National rate is from the Center for Disease Control.

**JUVENILE DELINQUENCY CASE RATE  
(ages 10-17 per 1,000 youths)**

**Indicator:**

This is the number of delinquency cases reported per 1,000 youths ages 10-17. A case is defined by the Juvenile Justice Data Base as a written and signed petition or complaint charging the juvenile with one or more crimes or status offenses committed within a 24-hour period in one county.

**How is it Constructed?**

At the state and county level, this variable is a rate per 1,000 youths based on youths ages 10-17. The rate is calculated as 1,000 times the number of juvenile cases divided by the total number of youths ages 10-17. The denominator is based on 2007 population estimates for children ages 10-17 and is provided by the Population Reference Bureau.

**Data Sources:**

(2000, 2007) Probation Services, WV Supreme Court.

Population data is provided by the Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), "Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex," data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**NUMBER CHILDREN UNDER AGE SIX**

**Background Fact:**

This is the number of children under age six in West Virginia.

**Data Source:**

(2007) Population Reference Bureau, analysis

of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), "Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex," data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**NUMBER FAMILY CHILD CARE FACILITIES**

**Background Fact:**

This is the number of family child care facilities that are regulated by the Division of Early Care and Education, WV-DHHR.

**Data Source:**

(2008) Division of Early Care and Education, WV-DHHR. Point in time report, July 2008.

**NUMBER LICENSED CHILD CARE CENTERS**

**Background Fact:**

This is the number of licensed child care centers in West Virginia, January – July 2008 and includes licensed Head Start programs that provide child-care services. Accessed 9/29/2008.

**Data Sources:**

(2008) West Virginia Department of Health and Human Resources, Division of Early Care and Education.

**NUMBER REGISTERED FAMILY CHILD CARE HOMES**

**Background Fact:**

This is the number of registered family child care homes in West Virginia, point-in-time report for July 2008.

**Data Sources:**

(2008) West Virginia Department of Health and Human Resources, Division of Early Care and Education.

**PERCENT ALL FAMILIES WITH RELATED CHILDREN WHO RECEIVE CASH ASSISTANCE**

**Background Fact:**

This is the percentage of families with related children who receive public assistance under the Temporary Aid to Needy Families (TANF) program.

**How is it Constructed?**

To arrive at the percentage, the total of TANF cases is divided by the number of families with

related children under 18 years of age. Families with related children are comprised of married couples with related children, female heads with related children, and male heads with related children. At a state and county level, this background fact is a percentage based on a three-fiscal-year average (1998-1999, 1999-2000, and 2000-2001) for 2000 and one fiscal year (2007-2008) for 2008.

**Data Sources:**

(2000) WV Department of Health and Human Resources. Welfare Reform Report to Legislative Oversight.

(SFY 2008) WV Department of Health and Human Resources, Bureau for Finance, Office of Accountability and Management Reporting. TANF - Cases, Individuals, and Expenditures, Monthly Average for State Fiscal Year 2008

**PERCENT BIRTHS TO MOTHERS WITH LESS THAN A 12TH GRADE EDUCATION**

**Indicator:**

This is the percentage of all births to mothers with less than a 12th grade education.

**How is it Constructed?**

At a state and county level, this indicator is based on a three-year total (1999, 2000 and 2001 for 2000; and 2004, 2005 and 2006 for 2006.)

The number of births to mothers with less than a 12th grade education is divided by the total number of births to mothers with known education.

**Data Source:**

(2000, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.

**PERCENT BIRTHS TO UNMARRIED TEENS (ages 10-19)**

**Indicator:**

At a state and county level, this indicator is the percentage of all live births to unmarried teens ages 10-19. At a national level, the percentage represents live births that are to unmarried teens under 20 years of age.

**How is it Constructed?**

At a state and county level, this indicator is based on a three-year total (1999, 2000 and 2001 for 2000; and 2004, 2005 and 2006 for 2006.)

The numerator is the number of births to unmar-

ried teens ages 10-19; the denominator is the total number of births. National data is based only on 2006 data.

**Indicator Clarification:**

Due to the small number of births to unmarried teens in some counties, a small change in the actual number from the period 2000 to 2006 may result in a large percentage change for trend data. The base population for this indicator is births to all mothers, regardless of age.

**Data Sources:**

(2000, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.

(2006) National data is from CDC.

**PERCENT CHILDREN APPROVED FOR FREE OR REDUCED-PRICE SCHOOL MEALS (grades K-12)**

**Indicator:**

This is the percent of all enrolled children in grades K-12 who applied and were approved for free or reduced-price school meals. This indicator is used as a measure of the percent of poor and near-poor children in West Virginia.

Children whose parents' income is below 130% of poverty are eligible for free meals; reduced-price meals are available for children whose parents' income is between 130% and 185% of poverty.

**How is it Constructed?**

At a county and state level, this variable is a percentage based on 2000-2001 fiscal year data for 2000; and 2007-2008 fiscal year data for 2008. The numerator is the number of submitted and approved applications for free or reduced-price school meals in grades K-12; the denominator is the total student enrollment in grades K-12.

**Data Sources:**

(2000, 2008) WV Department of Education, Office of Child Nutrition, Percentage of Needy Students, State Fiscal Years 2000-2001 and 2007-2008.

(National) Participants are from school year 2006, The Food Research and Action Center, State of the States 2006, [www.frac.org](http://www.frac.org).



## PERCENT CHILDREN IN POVERTY

### Background Fact:

The percentage of children in poverty is the share of children under age 18 who live in families with incomes below the U.S. poverty threshold as defined by the U.S. Census Bureau. In 2005, the poverty threshold for a family of four with two children was \$19,806 for a family with two children.

### How is it Constructed?

The percent children in poverty is the total number of children under age 18 who live in families with incomes at or below the poverty level divided by the total number of children under age 18.

### Background Fact Clarification:

Since the *1999 Data Book*, we have used information from the Small Area Income and Poverty Estimates (SAIPE) series of the U.S. Census Bureau which provides state and county-level estimates of income and poverty.

### Data Source:

(2000, 2005) For both state and county poverty estimates: U.S. Census Bureau, Small Area Income and Poverty Estimates program, data accessed online at <http://www.census.gov/cgi-bin/saipe/saipe.cgi>.

## PERCENT CHILDREN UNDER AGE SIX WITH ALL AVAILABLE PARENTS IN THE LABOR FORCE

### Background Fact:

This is the percent of children under age 6 who live in families with all available parents in the labor force.

### How is it Constructed?

The number of children with both parents in the labor force, the number of children who live with their father only and he is in the labor force, and children who live with their mother only and she is in the labor force are added together to get the number of children with all available parents in the labor force. The purpose of the indicator is to determine how many children are in some form of childcare.

### Data Sources:

(2000) U.S. Census Bureau. Data Set: Census 2000 Summary File 3 (SF 3) Sample Data. P46. Age of own children under 18 years in families and subfamilies by living arrangements.

(2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), "Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex," data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

## PERCENT CHILD CARE CENTERS THAT ARE NAEYC ACCREDITED

### Background Fact:

This is the percent of child care centers that are accredited by the National Association for the Education of Young Children (NAEYC.)

### How is it Constructed?

This background fact is based on the number of licensed day care centers in each county divided by the number of NAEYC accredited centers in each county.

### Data Sources:

(2008) National Association for the Education of Young Children, Accreditation. Accessed at [http://www.naeyc.org/academy/search/SEARCH\\_Result.asp](http://www.naeyc.org/academy/search/SEARCH_Result.asp). August 2008.

Licensed child care centers from WV Department of Health and Human Resources, Division of Early Care and Education, January-July 2008.

## PERCENT FAMILY CHILD CARE PROVIDERS WHO ARE ACDS GRADUATES

### Indicator

This is the percent of all family childcare providers who are ACDS (Apprenticeship for Child Development Specialist program) graduates.

### Data Source:

ACDS Coordinator, River Valley Child Development Services, Huntington, WV, August 2008.

## PERCENT FOUR-YEAR-OLDS ENROLLED IN PRE-KINDERGARTEN

### Background Fact:

The percent of four-year-olds who are enrolled in pre-kindergarten.

### How is it Constructed?

This background fact uses the number of 4-year-olds based on second-month enrollment and a

September 1 calculation date in the school year 2007-2008. This does not include children who entered at 5 years or 3 year olds with special needs. The denominator is the 2007 estimate of the four-year-old population prepared by the Population Reference Bureau.

**Data Sources:**

(2008) WV Department of Education, Information Systems for pre-K enrollment.

(2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), “Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex,” data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau for 4-year-old population.

**PERCENT LOW BIRTH-WEIGHT BABIES**

**Indicator:**

This is the share of live births weighing less than 2,500 grams (5.5 pounds).

**How is it Constructed?**

At a state and county level, this indicator is a percentage based on a three-year average (1999, 2000 and 2001 for 2000; and 2004, 2005 and 2006 for 2006). The numerator for this variable is the number of low birth-weight babies; the denominator is total births.

**Data Sources:**

(2000, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.

(2006) National data is based one year of data and is from the CDC.

**PERCENT MINORITY POPULATION**

**Background Fact:**

This is the percentage of the total population that is identified as minority.

**How is it Constructed?**

To arrive at percent minority population, the total minority population was divided by the total population. Numbers for this formula were based on 1990 and 2007 census data.

**Data Sources:**

(2000, 2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), “Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex,” data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**PERCENT CHILDREN UNDER 18 WHO ARE MINORITY**

**Background Fact:**

This is the percentage of the population under age 18 who have been identified as minority.

**How is it Constructed?**

To arrive at the percent of children under 18 who are minority, the total minority population under 18 was divided by the total population under 18. Numbers for this formula were based on the 2000 and 2007 data from the U. S. Census Bureau.

**Data Sources:**

(2000, 2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), “Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex,” data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**PERCENT OF ELIGIBLE CHILDREN SERVED BY HEAD START (ages 3-4)**

**Indicator:**

The percentage of all eligible children 3-4 years old is based on the number of funded positions in Head Start.

**How is it Constructed?**

At the state and county levels, this variable is a percentage based on 2007 data. The numerator for this indicator is the number of funded positions for children ages 3-4; the denominator for 2000 is the estimated number of children 3-4 years old in poverty in 2000, and the denominator for 2008 is the estimated number of 3- and 4-year-old children in poverty based 2005 data, the latest year for which county-level data on poverty is available.



**Indicator Clarification:**

In some counties, the percentage of children 3-4 years old funded by Head Start exceeds the percentage of children in poverty; this may be due to (1) the poverty percentage is estimated by the Census Bureau and therefore may not be exact; (2) the population of 3- and 4-year-olds is estimated by the Census Bureau and therefore may not be exact, and/or; (3) guidelines for the program allow up to 10% of children enrolled in Head Start to exceed the poverty level.

**Data Sources:**

(2000, 2008) The Head Start funded positions come from the West Virginia Head Start State Collaboration Project.

The poverty data come from the U.S. Census Bureau, Small Area Income and Poverty Estimates: 2005; and the population estimates are from the Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), “Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex,” data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**PERCENT HIGH SCHOOL DROPOUTS****Indicator:**

This is the percentage of students in grades 7-12 who leave a public school before graduation without transferring to another school.

**How is it Constructed?**

At a state and county level, this indicator is based on a three-year average of school years 1999-2000, 2000-2001 and 2001-2002 for 2000; and 2005, 2006 and 2007 for 2007. This percent is based on the number of 7th through 12th grade dropouts divided by the addition of the number of 7th through 12th grade dropouts and the number of 12th grade graduates.

**Data Sources:**

(2000, 2007) WV Department of Education.

**PERCENT POPULATION UNDER AGE 18****Background Fact:**

This is the percentage of the total population under age 18.

**How is it Constructed?**

To arrive at the percent population under 18, the population under 18 was divided by the total population. Numbers for this formula were based on 2000 and 2007 data from the U.S. Census Bureau.

**Data Source:**

(2000, 2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), “Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex,” data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**TEEN BIRTH RATE**

**(ages 15-19 per 1,000 females)**

**Indicator:**

This is the number of live births to mothers ages 15-19 per 1,000 females ages 15-19.

**How is it Constructed?**

At a state and county level, this indicator is a rate per 1,000 females ages 15-19 based on an average of 1999, 2000 and 2001 data for 2000; and 2004, 2005 and 2006 for 2006. The rate is calculated as 1,000 times the number of teen births to mother's ages 15-19 divided by the total number of females ages 15-19. National data is calculated in the same manner but is based on 2006 only.

**Indicator Clarification:**

The base population for this indicator is the total number of females ages 15-19 in 2000 and 2006.

**Data Source:**

(1990, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.  
(2006) National data is based on one year and is from the CDC.

**TEEN INJURY DEATH RATE**

**(ages 15-19 per 100,000 teens)**

**Indicator:**

This is the number of deaths from accidental, homicide, suicide and undetermined injuries to teens ages 15-19 per 100,000 teens.

**How is it Constructed?**

At a state and county level, this indicator is a five-year count (1998, 1999, 2000, 2001 and 2002 for 2000; and 2002, 2003, 2004, 2005 and 2006 for 2006). The rate is calculated as 100,000 times the number of teen injury deaths divided by the total number of youths ages 15-19.

**Indicator Clarification:**

Due to the small number of teen deaths on the county level, a small change in the actual number from the period 2000 to 2006 may result in a large percentage change for trend data. The number of youths between 15-19 years old is based on 2000 and 2004 data from the U. S. Census Bureau.

**Data Source:**

(2000, 2006) WV Department of Health and Human Resources, Bureau of Public Health, Office of Epidemiology and Health Promotion, Health Statistics Center.  
(2005) National data is from 2005 and is from the CDC.

**TOTAL POPULATION****Background Fact:**

This is the total population as reported by the U.S. Census Bureau.

**Data Sources:**

(2000, 2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), "Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin, and sex," data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**TOTAL POPULATION UNDER AGE 18****Background Fact:**

This is the total population under age 18 as reported by the U.S. Census Bureau.

**Data Sources:**

(2000, 2007) Population Reference Bureau, analysis of Centers for Disease Control (CDC), National Center for Health Statistics (NCHS), "Bridged-race Vintage 2007 postcensal estimates for July 1, 2000-July 1, 2007, by year, county, single-year of age, bridged race, Hispanic origin,

and sex," data file prepared under a collaborative agreement between CDC/NCHS and the U.S. Census Bureau.

**Notes**

Most of the indicators and background facts are expressed as percentages or rates. Background facts presented as actual numbers include: total population, total population under age 18, children under age 6, number registered family child care homes, and number licensed child care centers.

A composite county rank is derived by averaging the indicator ranks. This is done in order to give each indicator equal weight. The average ranks are sorted from 1 (best) to 55 (worst). All indicators, except the child abuse/neglect rate, are used to calculate the county composite rankings. All rate/percent and percent changes are rounded to the nearest tenth of a percent.

'NC' indicates there was no change between the 2000 and 2006 rate or percent. 'NA' indicates that data were not available. 'NM' (no measure) is used when the 2000 data is zero and 2006 data is any value above zero because a percent change from zero cannot be calculated. When the 2000 data is any value above zero and the 2006 data is zero, the percent change shown is always 100 percent. We also use 'NM' to note that we do not calculate the percent change from 2000 to 2006 for the child/abuse neglect rate. Differences in reporting child abuse/neglect over the years prevent us from providing trend data for this indicator. We do not have an oral health background fact this year because data for Medicaid was not made available.

More detailed information about the individual indicators, percent changes and rankings are available by request to KIDS COUNT; call 1-888-KIDSCOUNT (888-543-7268) or e-mail [staff@wvkidscountfund.org](mailto:staff@wvkidscountfund.org).

## Child Population Demographics

County	2007 Children under age 1	2007 Children age 1	2007 Children age 2	2007 Children age 3	2007 Children age 4	2007 Children age 5	2007 Total children under age 6	2004 Children 3 and 4 years old in poverty	2006-07 Children 4 years old in pre-K	2006 Number of 3-4 year olds in Head Start	2005 Children under 18 in poverty
Barbour	177	184	175	171	183	150	1,040	112	103	112	1,007
Berkeley	1,445	1,452	1,396	1,483	1,496	1,519	8,791	456	407	456	3,372
Boone	292	285	306	313	339	319	1,854	182	146	182	1,558
Braxton	135	131	136	143	167	163	875	113	92	113	1,083
Brooke	212	220	215	217	220	222	1,306	76	76	76	790
Cabell	1,105	1,125	1,120	1,164	1,131	1,154	6,799	601	391	601	4,805
Calhoun	74	78	73	65	81	76	447	50	50	50	459
Clay	124	119	113	133	149	133	771	105	110	105	892
Doddridge	74	72	76	74	62	70	428	39	32	39	433
Fayette	561	572	547	570	548	555	3,353	372	75	372	3,133
Gilmer	68	71	66	68	46	71	390	34	30	34	334
Grant	125	118	122	137	136	126	764	63	64	63	558
Greenbrier	372	366	404	366	374	409	2,291	183	141	183	1,709
Hampshire	260	269	238	251	285	252	1,555	137	94	137	1,245
Hancock	316	298	355	322	335	329	1,955	113	64	113	1,054
Hardy	149	161	151	164	150	158	933	59	71	59	540
Harrison	813	781	849	827	792	819	4,881	447	388	447	4,035
Jackson	318	328	314	308	330	340	1,938	148	136	148	1,420
Jefferson	678	675	704	727	686	778	4,248	170	165	170	1,341
Kanawha	2,233	2,292	2,270	2,401	2,338	2,345	13,879	1,099	757	1,099	9,225
Lewis	192	211	187	173	197	188	1,148	106	113	106	995
Lincoln	264	272	273	281	300	302	1,692	213	148	213	1,772
Logan	402	432	393	429	456	422	2,534	314	185	314	2,635
McDowell	271	276	264	291	271	242	1,615	307	123	307	2,769
Marion	631	632	598	663	671	630	3,825	316	185	316	2,606
Marshall	307	308	318	340	314	351	1,938	148	119	148	1,576
Mason	286	297	278	332	248	291	1,732	156	155	156	1,439
Mercer	690	700	702	735	744	792	4,363	490	298	490	4,096
Mineral	286	265	326	287	309	304	1,777	127	168	127	1,246
Mingo	335	344	356	375	382	366	2,158	285	172	285	2,307
Monongalia	894	914	870	971	946	867	5,462	351	301	351	2,572
Monroe	117	134	118	123	131	148	771	56	67	56	598
Morgan	148	152	171	180	178	183	1,012	62	81	62	569
Nicholas	295	316	270	285	284	283	1,733	160	119	160	1,508
Ohio	466	487	474	490	465	469	2,851	205	124	205	1,893
Pendleton	73	78	68	86	116	81	502	35	46	35	279
Pleasants	54	58	57	68	68	75	380	25	42	25	285
Pocahontas	76	77	71	90	82	85	481	42	51	42	411
Preston	318	300	301	366	331	350	1,966	173	110	173	1,499
Putnam	676	677	638	711	699	656	4,057	193	168	193	1,688
Raleigh	883	902	891	948	859	924	5,407	511	336	511	4,426
Randolph	319	319	331	323	321	299	1,912	165	136	165	1,473
Ritchie	122	108	124	121	124	140	739	59	76	59	525
Roane	169	150	164	190	173	155	1,001	115	84	115	1,007
Summers	113	100	107	117	129	98	664	95	72	95	881
Taylor	158	148	148	164	173	166	957	93	98	93	895
Tucker	56	55	55	57	69	58	350	33	52	33	333
Tyler	86	82	95	77	70	101	511	38	43	38	476
Upshur	269	278	257	278	304	294	1,680	167	81	167	1,385
Wayne	420	429	427	427	466	510	2,679	265	193	265	2,659
Webster	94	99	93	92	95	86	559	80	69	80	848
Wetzel	183	201	174	204	174	184	1,120	97	116	97	938
Wirt	62	56	62	54	64	56	354	36	29	36	378
Wood	949	996	948	992	981	1,046	5,912	552	364	552	5,177
Wyoming	248	254	252	234	314	274	1,576	193	115	193	1,763
<b>West Virginia</b>	<b>20,443</b>	<b>20,704</b>	<b>20,491</b>	<b>21,458</b>	<b>21,356</b>	<b>21,464</b>	<b>125,916</b>	<b>10,918</b>	<b>8,031</b>	<b>10,918</b>	<b>94,900</b>

## Committees

### Kids First Advisory Committee

Katie Berry	Tricia Kingery
Helen Post Brown	Cinny Kittle
Holly Clark	Marc McCombs
Melanie Clark	Sharon Midkiff
Jeff Crist	Susan Miller
Judy Curry	Susan Phillips
Lisa Ertl	Renate Pore
Barbara Gebhard	Lena Rapp
Laura Gilliam	Kenna Seal
Paul Gilmer	Sue Sergi
Steve Haid	Suzanne Smart
Clark Hansbarger	Ginna Taylor
Judy Kachelreis	Juliet Terry
Becky King	Margie Younce



### Kids First Communities Campaign Regional Leaders

Kids First South	Roma Lester	304-682-8271
Kids First Boone-Clay-Kanawha-Putnam	Diane Hughes	304-595-5521
Kids First Cabell-Wayne	Judy Kachelreis	304-696-5803
Kids First Mid-Ohio Valley	Steve Tuck	304-485-0650
Kids First North Central	Brandi Potock	304-284-8400
Kids First Northern Panhandle	Linda Edwards	304-232-8712

### Dissemination Partners

A.B.L.E. Families	Pendleton Community Care
Behavioral Health Consultant Services	Region VIII Adolescent Health Task Force
Big Creek People in Action	Regional Family Resource Network
Burlington United Methodist Family Services	RESA IV
Catholic Diocese of Wheeling-Charleston	United Bank
Cabell-Huntington Coalition for the Homeless	United Methodist Church
Cabell-Wayne Early Childhood Council	Upper Kanawha Starting Points
CAMC Women and Children's Hospital	Volunteer Action Center-Parkersburg
CASA for Kids	West Virginia Association for Young Children
Charleston Daymark	West Virginia Coal Association
Children's Home Society of West Virginia	West Virginia Chamber of Commerce
Communications Workers of America	West Virginia Child Care Centers United
County Commissioners' Association	West Virginia Council of Churches
Early Childhood Committee of Regional Family Resource Network	West Virginia Counseling Association
Early Head Start, Monongalia County	West Virginia DHHR Office of Maternal, Child and Family Health
Edvantia	West Virginia Healthy Kids and Families Coalition
Junior League of Huntington	West Virginia Hospital Association
Kanawha County Schools-Head Start	West Virginia Library Commission
Monongalia Family Resource Network	West Virginia Roundtable, Inc.
MountainHeart Child Care Services	West Virginia University Extension Office-McDowell County
National Association of Social Workers-West Virginia Chapter	Youth Services System, Inc.
North Central West Virginia CAA Head Start	





West Virginia KIDS COUNT Fund  
1031 Quarrier St., Suite 313  
Charleston, WV 25301  
304-345-2101  
888-543-7268  
[www.wvkidscountfund.org](http://www.wvkidscountfund.org)

# Section 2 Attachment



# Juvenile Probation in WV

## 2006-2007

December 2008

### Purpose

This report provides an overview of West Virginia (WV) Juvenile Probation cases referred or disposed in 2006 and 2007. The overview is intended to provide information to courts, judges, probation officers and other key juvenile justice stakeholders to facilitate system and program improvements.

The report was commissioned by the WV Supreme Court of Appeals, Division of Probation Services.

### Summary

In 2006, WV juvenile probation officers reported a total of 7,790 new cases. The 5,121 delinquency cases involved 3,147 juveniles, and the 2,669 status offense cases involved 1,863 juveniles. 5,121 offenses were charged in the delinquency cases, and 2,669 offenses were charged in the new status cases.

In 2007, a total of 7,711 new cases were reported. More than half (5,014) were delinquency cases involving 3,052 juveniles,

and 2,697 were status offense cases involving 1,869 juveniles. 5,014 offenses were charged in the delinquency cases, and 2,697 offenses were charged in the status offense cases.

More than 2,500 delinquency cases were disposed formally each year (2,564 in 2006 and 2,896 in 2007), and more than 900 status cases were disposed formally each year (924 in 2006 and 988 in 2007).

Battery was the most frequently charged delinquency offense, and truancy was the most frequently charged status offense in both years.

In both delinquency and status offense cases, about 60% of the juveniles were reported as having committed no prior status or delinquency offenses. More than 80% of both delinquency and status offense cases did not involve predispositional detention.

More than half of juvenile offenders were white males with an average age at offense of 16 years old. A majority of juvenile offenders were enrolled in mainstream education and living with at least one parent at the time of offense.

Approximately a third of delinquency cases resulted in no adjudication, and about half of the cases resulted in an adjudication of delinquency. About half of status offense cases resulted in no adjudication, and about a third of cases resulted in an adjudication of status offender.

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Assessment Tool.....	12

### Juvenile Justice Data System

*Data presented in this report was generated from the web-based juvenile probation data system used by WV juvenile probation offices.*

*The data system was created to provide statistical information on juvenile offenders and offenses in an effort to facilitate sound policy and case-level decisions, fair resource allocation and appropriate program development.*

### Methods

*This report is limited to information provided by WV juvenile probation. Only cases referred by a complaint/petition or disposed in 2006 or 2007 and only those cases entered into the web-based data system in a timely and accurate manner are included in this report. Juvenile probation cases not reported are not included.*

*Because this report only provides information on juvenile cases referred to probation or disposed in 2006 or 2007, it does not include information on the entire caseload of juvenile probation during this time. Juveniles under the informal or formal supervision of the court that were referred in previous years and/or were awaiting disposition are not included in the analysis.*

*The data set used to conduct analysis of cases and offenses was obtained by querying the juvenile data system for all intake cases in 2006 or 2007.*

*The data set used to conduct analysis of juvenile characteristics was obtained by unduplicating the previously described data set by using unique juvenile identification numbers. The first case signed in each year for each juvenile was selected for inclusion.*

*The data set used to conduct analysis of dispositions was obtained by querying the data system for cases with a disposition date in 2006 or 2007.*

*The data set used to conduct analysis of the Probation Assessment Tool was obtained by including all completed assessments stored in the assessment table of the data system.*



# Overview of WV Juvenile Probation Services

## Probation Services

Probation Services in WV are coordinated by the Supreme Court of Appeals of WV, Administrative Office, Division of Probation Services and are locally administered through the Circuit Courts. WV Probation Officers are officers of the Circuit Court and provide many services such as: conducting investigations and drug screening, preparing pre-sentence reports, recommending dispositions for offenders and monitoring offenders sentenced to probation.

In 2007, the WV court system had 181 probation positions and 72 secretaries. Probation officers supervised 7,472 adults and 6,699 juveniles in 2006, and 7,677 adult and 6,393 juvenile offenders in 2007.

WV's probation offices have developed a wide variety of programs for adult and juvenile offenders including several circuits with community corrections programs. Juvenile programs range from Juvenile Drug Courts in Cabell and Wayne Counties, a diversion program which offers intensive supervision and treatment; to Teen Court in Marion, Mercer and Monongalia counties, where teens are prosecuted, defended and sentenced by a jury of their peers; to the School-Based Probation Officers in several counties.

## Juvenile Jurisdiction

The WV Magistrate and Municipal Courts have concurrent jurisdiction with Circuit Courts over juvenile proceedings. The court having jurisdiction depends on the circumstances of the juvenile case.

The court's jurisdiction over juveniles is initiated by the filing of a **juvenile petition** (as provided by WV Code §49-5-7) alleging a status offense or delinquency offense; by **certification** (as provided by §49-5-2(b)); or by **transfer** (as provided by §49-5-2(e)) to circuit

court juvenile jurisdiction from the adult criminal jurisdiction of any court.

Juvenile jurisdiction extends to juveniles accused of delinquency or a status offense. The petition method is usually noted in some way as **formal**: formal filing, petition, proceedings or "going formal."

The practice in many counties, by long-set precedent, is to initiate juvenile jurisdiction by the filing of an "**informal**" complaint alleging a status offense or delinquency. An intake officer, usually a juvenile probation officer or a prosecutor, screens the complaint to determine whether to divert or to file a "formal" petition. Since action is allowed without beginning formal proceedings by petition, the practice of informal complaints and screening appears to be implicitly appropriate and to be consistent with Code intent.

Juvenile cases are referred to the court system by law enforcement, the Department of Health and Human Resources (DHHR), schools, and other sources. These cases are often handled by juvenile probation both before and after adjudication.

The court may refer the case to juvenile probation for informal resolution before the petition is officially filed. If informal action fails to resolve the case, formal proceedings are initiated with a filing of a formal petition with the court.

A preliminary hearing is scheduled to determine whether there is probable cause to believe the juvenile committed a status or delinquent offense. The court may refer the juvenile back to juvenile probation for the case to be handled informally even after a formal petition has been filed.

Please refer to the Division of Criminal Justice Services June 2004 publication, "West Virginia Juvenile Law & Procedure" for a more detailed description of juvenile proceedings.

## Definition of Delinquency

Delinquency entails an act that would be a **crime under state law or municipal ordinance if committed by an adult** [§49-1-4(8)]. For a juvenile adjudicated to be delinquent, juvenile jurisdiction may continue to age 21 [§49-5-2(f)].

A delinquency case is defined as a case wherein a juvenile is charged with at least one offense for which an adult committing the same offense could be prosecuted.

## Definition of Status Offense

Status offenses are acts that cannot be charged to adults, according to Section 223(12)(A) of the Juvenile Justice and Delinquency Prevention Act. However, at the state level the definition is not as broad. The WV Code [§49-1-4(14)] states a status offense is any of the offenses listed below [§49-1-4(14)]:

**Incorrigibility** - Habitual and continual refusal to respond to the lawful supervision by a parent, guardian, or legal custodian such that the behavior substantially endangers the health, safety, or welfare of the juvenile or any other person.

**Runaway** - Leaving the care of a parent, guardian, or custodian without consent or without good cause.

**Truancy** - Habitual absence from school without good cause.

**Underage Drinking** - violation of any West Virginia municipal, county, or state law regarding use of alcoholic beverages by minors.

Possessing tobacco by a minor and violating curfew are not specifically listed as status offenses in the WV Code, but they are included as status offenses in this report because they are offenses that cannot be charged to adults.

# Delinquency & Status Cases

## New Cases

In 2006, WV juvenile probation opened a total of 7,790 new cases. The majority of cases (5,121) involved at least one delinquency charge while 2,669 cases involved a status offense charge.

In 2007, a total of 7,711 new cases were opened. More than half (5,014) were delinquency cases, and 2,697 were status offense cases.

## Complaint Timing

The average time between the alleged offense(s) and signing of complaint/petition for delinquency offenses was 37.3 days in 2006 and 32 days in 2007. About a third were signed within a day; about half were signed within one week; about 80% were signed within one month; and about 95% were signed within five months of the reported offense.

The average time between the alleged offense(s) and signing of complaint/petition for status offenses was slightly shorter than for delinquency cases at 23.3 days in 2006 and 20 days in 2007. About half were signed within a day; about 70% were signed within one week; about 80% were signed within one month; and about 95% were signed within five months of the reported offense.

## Complainant

Delinquency Cases				Status Cases				Complainant Source
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
141	2.8	148	3.0	1409	<b>52.8</b>	1555	<b>57.7</b>	School
73	1.4	83	3.0	785	29.4	702	26.0	Parent
4274	<b>83.5</b>	4337	<b>86.5</b>	303	11.4	289	10.7	Law Enforcement
202	3.9	213	4.2	113	4.2	88	3.3	Probation
10	0.2	6	0.1	52	1.9	52	1.9	DHHR
309	6.0	207	4.1	2	0.1	5	0.2	Victim
112	2.2	20	0.4	5	0.2	6	0.2	Unknown

## Complaint History

For both years, no prior status or delinquency offenses were reported for the juvenile in about 60% of all new cases.

For delinquency cases, the most common type of prior complaint history (about 20%) was for a prior delinquency charge not resulting in adjudication. Among status cases, the most common (about 20%) history was for a prior status offense charge not resulting in adjudication.

The number of cases reporting no complaint history does not take into account that DHHR may have handled a juvenile's prior status offenses and that the probation officer may not know about a juvenile's prior complaint history.

## Complainant

Law enforcement was the complainant in more than 83% of delinquency cases. Schools were the most frequent complainants in status offense cases followed by parents.

## Complaint History

Delinquency Cases				Status Cases				History Type
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
2881	<b>56.3</b>	2731	<b>54.5</b>	1612	<b>60.4</b>	1810	<b>67.1</b>	None
423	8.3	467	9.3	87	3.3	77	2.9	Prior arrest
575	11.2	594	11.8	583	21.8	451	16.7	Prior status offense charge not resulting in adjudication
262	5.1	332	6.6	162	6.1	140	5.2	Prior adjudication for a status offense
1026	20.0	939	18.7	315	11.8	242	9.0	Prior delinquency charge not resulting in adjudication
624	12.2	679	13.5	149	5.6	120	4.4	Prior adjudication for delinquency
519	10.1	604	12.0	197	7.4	148	5.5	Prior probation

## Pre-dispositional Detention

Most delinquency cases did not involve detention prior to a disposition hearing (84.7% in 2006; 81.5% in 2007). Of those cases where detention was ordered, the most common form of detention was hardware secure (7.0%).

Even fewer status cases than delinquency cases involved any form of detention prior to a disposition hearing (92.3% in 2006; 94.4% in 2007). Less than 150 status cases involved any form of placement prior to disposition.

## Pre-Dispositional Detention

Delinquency Cases				Status Cases				Placement Type
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
4338	84.7	4087	81.5	2464	92.3	2547	94.4	None
34	0.7	45	0.9	2	0.1	2	0.1	Home confinement
58	1.1	78	1.6	47	1.8	32	1.2	Non-secure facility
67	1.3	48	1.0	48	1.8	12	0.4	Staff-secure non-DJS facility
115	2.2	149	3.0	27	1.0	18	0.7	Staff secure DJS detention center
120	2.3	66	1.3	27	1.0	42	1.6	Other detention such as hospitals
356	7.0	496	9.9	48	1.8	27	1.0	Hardware secure detention center
6	0.1	9	0.2	39	1.5	1	0	Unknown or not reported

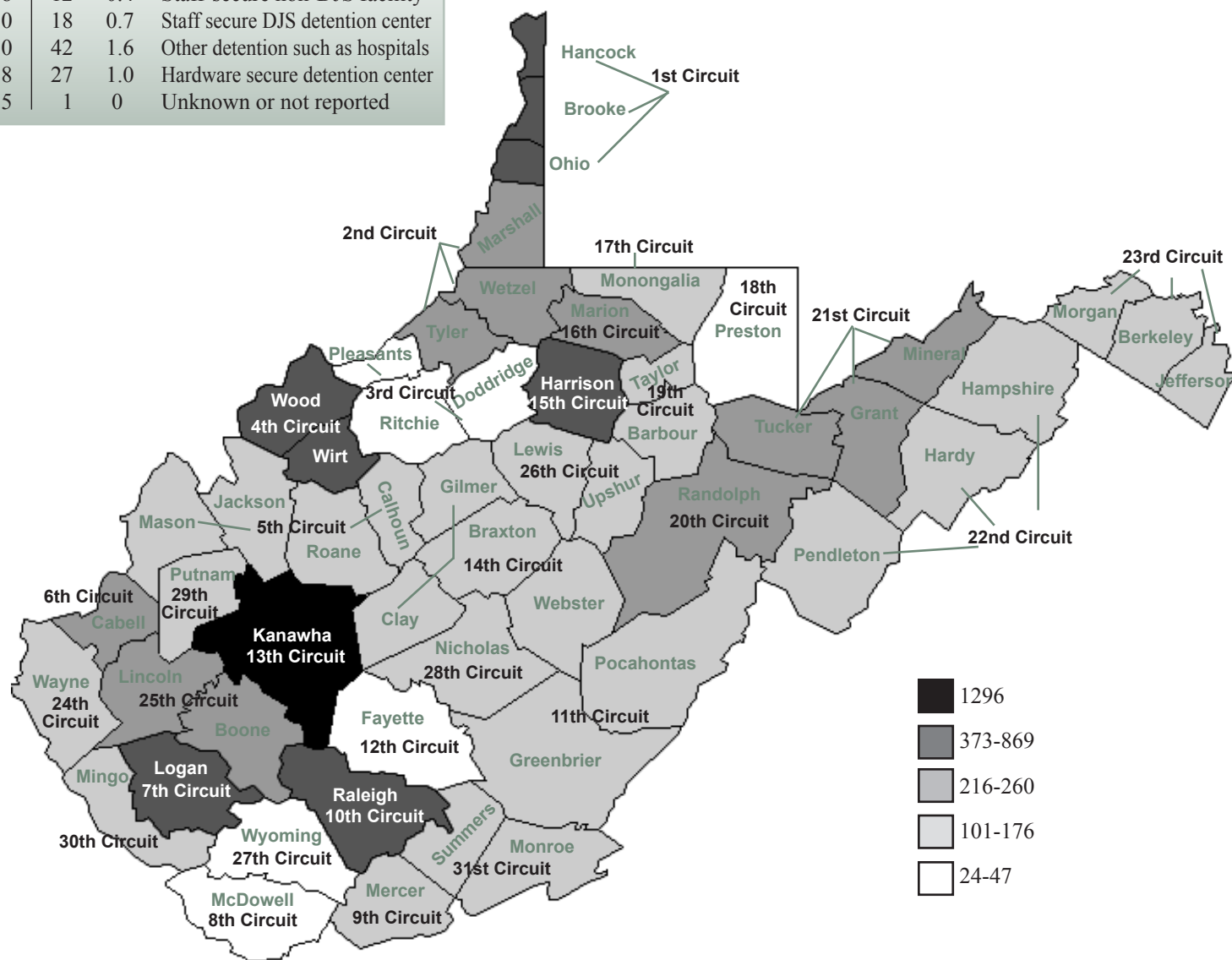
## Cases by Circuit Map 2007

The Cases by Circuit table below provides the number of new juvenile delinquency and status cases reported by each judicial circuit in 2007. The map below illustrates the geographic distribution of the total number of these cases.

## Cases by Circuit

2007

Circuit	Status Cases	Delinquency Cases	Total Cases
1	225	355	580
2	41	207	248
3	10	29	39
4	82	291	373
5	3	105	108
6	0	260	260
7	815	54	869
8	4	20	24
9	19	89	108
10	199	480	679
11	33	74	107
12	10	37	47
13	280	1016	1296
14	15	86	101
15	111	307	418
16	14	202	216
17	79	84	163
18	14	31	45
19	65	85	150
20	106	130	236
21	67	162	229
22	11	102	113
23	88	85	173
24	33	84	117
25	108	114	222
26	59	105	164
27	10	7	17
28	51	110	161
29	2	161	163
30	124	52	176
31	19	90	109
<b>Total</b>	<b>2,697</b>	<b>5,014</b>	<b>7,711</b>





# Delinquency & Status Offenses

In 2006, 5,121 offenses were charged as the most serious offense in each case as reported by the probation officer, and 5,014 in 2007. Some cases involved more than one offense; however, only the most serious offense reported is analyzed for this report. Some cases classified as delinquency cases may have also included a status offense(s) in addition to at least one delinquent offense.

In 2006, 2,669 offenses were charged as the most serious offense in each status case as reported by the probation officer, and 2,697 in 2007. Cases classified as status offense included a status offense charge as the most serious offense.

## Delinquency Offenses

The most frequently charged individual offenses were battery (12.4% in 2006 and 11.0% in 2007); destruction of property (9.9% and 8.6%); petit larceny (6.6% and 7.6%), first offense shoplifting (7.2% and 7.0%); and possession of a controlled substance (6.0% and 5.4%).

In 2006, 54.3% (53.0% in 2007) of delinquency cases involved only one offense. Two delinquency offenses were charged in 19.8% (20.6% in 2007) of the cases. About 20% (20.2% in 2006 and 22.3% in 2007) of delinquency cases involved three to six delinquency offenses, while 5.8% in 2006 and 4.2% in 2007 involved seven or more cases.

For the purposes of this report, similar offenses have been grouped together into categories similar to the classification system used by the Federal Bureau of Investigation's National Crime Information Center (NCIC). Specific offenses were grouped into NCIC categories such as: assault, theft, and traffic offenses as shown in the adjacent table. Further, these categories were grouped in the broader categories of property, person, public order, drug, status, probation violations and other offenses.

## Property Offenses

Property offenses included: theft, shoplifting, petit larceny, grand larceny, shoplifting, grand larceny, embezzlement, shoplifting and trespassing.

Property damage charges included: destruction of property, auto tampering, vandalism, breaking without entering and hit and run-property damage.

Burglary charges included: breaking and entering, nighttime burglary, daytime burglary, breaking and entering-auto, entering without breaking, burglary daytime not forced, conspiracy to or attempted breaking and entering and attempted burglary.

Stolen vehicle offenses included: joyriding, grand larceny auto and possession of a stolen vehicle.

Stolen property offenses included: transferring and receiving stolen goods and property and interstate transporting stolen property.

Arson offenses included: 1st, 2nd, 3rd and 4th degree arson; and setting fire to land.

## Person Offenses

Assault offenses included: simple assault and battery, domestic assault, assault and battery on law enforcement personnel, assault and battery on school employees, malicious wounding, unlawful wounding and malicious assault.

Sexual assault charges included: 1st, 2nd and 3rd degree sexual assault and 1st, 2nd and 3rd degree sexual abuse. Sexual offenses included: indecent exposure, incest and other sexual offenses.

Robbery included: aggravated robbery and nonaggravated robbery.

Homicide charges included: 1st degree murder, attempted murder and involuntary manslaughter.

Other person offenses included child abuse and kidnapping.

## Public Order Offenses

Obstruction of justice charges included:

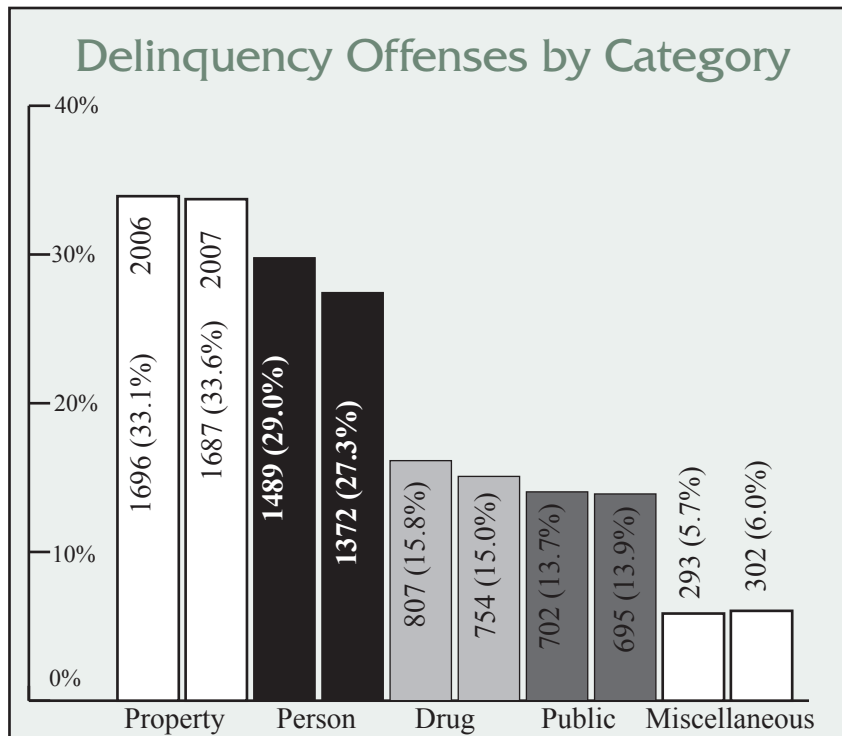
## Delinquency Offenses By Category

	2006		2007	
	#	%	#	%
Property	1696	33.1	1687	33.6
Assault/Battery	1187	23.1	1107	22.0
Controlled Substance	807	15.8	754	15.0
Miscellaneous	293	5.7	302	6.0
Traffic/Vehicle	194	3.8	178	3.6
Obstructing Justice	181	3.5	190	3.8
Burglary/Robbery	172	3.3	173	3.5
Unknown	134	2.1	204	4.1
Weapon/Explosive	133	2.6	138	2.8
Sex Offense	117	2.3	80	1.6
Escape/Fleeing	81	1.6	92	1.8
Fraud/Forgery	66	1.3	49	1.0
Computer/Electronics	39	0.8	39	0.8
Homicide/Kidnapping	13	0.3	12	0.2
Animal/DNR	8	0.2	9	0.2
Total	5121		5014	

obstructing an officer, fleeing from an officer, providing false information, resisting arrest, contempt of court, reporting a false emergency, possession of a fake ID, intimidation of a witness, escape, non-compliance order, fugitive, violation of a protective order, hindering and failure to appear in court.

Traffic offenses included: 1st offense Driving Under the Influence (DUI), 2nd offense DUI, DUI causing personal injury, DUI causing death with reckless disregard, negligent vehicular manslaughter, hit and run with personal injury, reckless driving, leaving the scene of an accident and traffic violations.

Weapons offenses included: brandishing a weapon, carrying a concealed weapon, bomb threats, wanton endangerment, possession of a weapon by a minor, possession of a weapon on school property, possession and/or placing of explosives, unlawful shooting, shooting across roads and negligent shooting.



Public peace violations included: school disturbance, disorderly conduct and public intoxication.

Fraud offenses included: forgery, uttering, credit card fraud, obtaining by fraud, fraudulent schemes, worthless checks, manufacturing counterfeit money and attempted extortion.

Privacy violations included: telephone harassment and stalking. Animal control offenses included: cruelty to animals and killing/malicious wounding of an animal. Other public order offenses included natural resource violations.

## Drug Offenses

Drug violations included: possession of controlled substances, manufacture and/or delivery of controlled substances, obtaining controlled substances by fraud and possession of drug paraphernalia.

## Probation Violations

Probation violations included all violations of probation with underlying offenses that were misdemeanors or felonies.

## Miscellaneous Offenses

Miscellaneous offenses included: conspiracy to commit a felony or a misdemeanor, accessory to a crime, loitering on school property, littering, contributing to the delinquency of a minor, hate crimes, prostitution, and violation of white cane laws.

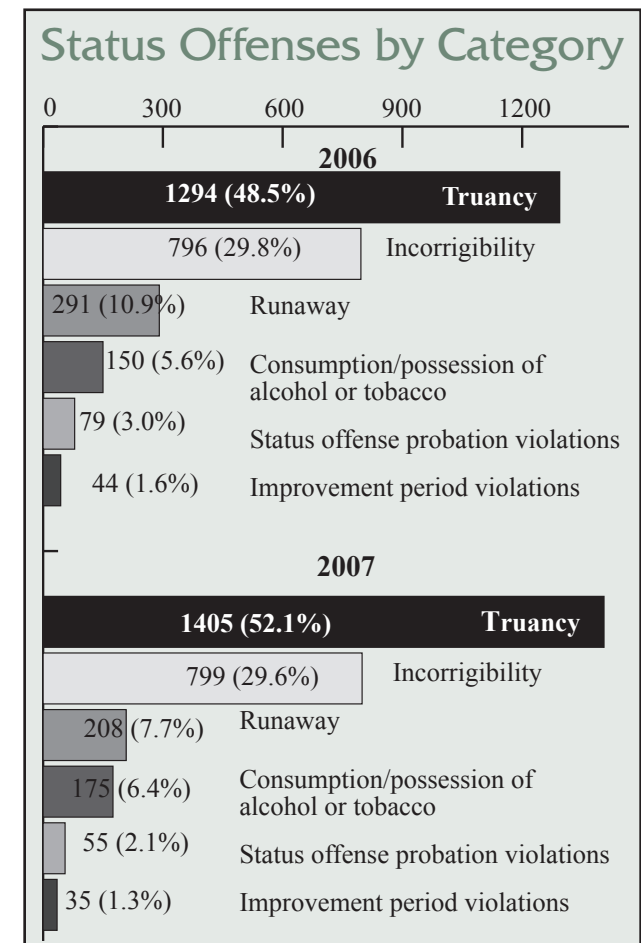
## Status Offenses

Status offenses included curfew violations, incorrigibility, possession of tobacco by a minor, runaway, status offense probation violations, truancy, and underage possession and/or consumption of alcohol. Possession of tobacco by a minor was

reclassified as a misdemeanor during the 2000 WV legislative session, however, since this offense cannot be charged to an adult, it is categorized as a status offense for the purposes of this report.

In 2006, 87.4% (85.7% in 2007) of status cases involved only one offense. Two status offenses were charged in 8.2% (10.5% in 2007) of the cases. Only 4.3% (3.7% in 2007) of status cases involved three or more status offenses.

For both years, truancy was the most frequently charged status offense comprising about half of all status offenses charged. Incorrigibility was the second most frequently charged comprising about 30% of all charges.



# Juvenile Characteristics

In 2006, 3,147 juveniles were involved in new delinquency cases, and 3,052 juveniles were involved in 2007. For new status offense cases, 1,863 juveniles were involved in 2006 and 1,869 in 2007. Cases charging at least one delinquent offense are considered delinquent cases and those juveniles involved in these cases are referred to as delinquency offenders in this report.

## Delinquency Offenders

### Gender and Race

Most delinquency offenders were male (69.0% in 2006 and 67.5% in 2007). This represents an increase of 6.7% in the percentage of female delinquency offenders since 1999.

Most (84.8% in 2006 and 85.0% in 2007) of the delinquency offenders were white. 9.9% (10.4% in 2007) were black; 0.2% in 2006 and 0.1% in 2007 were Asian or Pacific Islander; 0.1% in 2006 and 0% in 2007 were reported as American Indian; and 2.4% were multiracial in 2006 and 2.6% in 2007.

### Age at Offense

Delinquency offenders ranged in age from six to 20 years old at offense(s). The average age was 16 for both years. Delinquency offender age at offense was calculated using the juvenile's reported date of birth and the date the offense(s) allegedly occurred. Juveniles under the age of 10 are generally charged with minor property offenses and gain access to intervention resources through probation. Juveniles aged 18-20 were charged with probation violations for underlying offenses committed prior to their 18th birthday. WV law on juvenile jurisdiction allows these individuals to be handled by the juvenile system until their 21st birthday.

### Living Situation

Most (74.9% in 2006 and 76.1% in 2007) delinquency offenders were living with at least one parent at the time of offense. About a quarter were living with both parents, and about half were living with just one parent.

Other living situations reported for delinquency offenders at time of offense included: adoptive parents, foster care, guardians, relatives, friends, college, job corps, shelters or other out of home placement, with their spouses and in their own home.

### Education

Most (61.4% in 2006 and 62.0% in 2007) of the delinquency offenders were reported as mainstream students at the time of their offense(s). Less than a tenth (8.1% in 2006 and 7.0% in 2007) were in

special education, and a few less (5.9% in 2006 and 6.4% in 2007) were in alternative education. About 100 offenders (2.6% in 2006 and 3.9% in 2007) had either graduated high school or had obtained their GED at time of offense.

In 2006, 5.9% were reported as having dropped out of school (5.4% in 2007). This drop-out rate was twice as high as the statewide drop-out rate of 2.7% during the 2006-2007 school year, according to the WV Report Card published by the WV Department of Education.

"Other" educational placement was reported for a few (1.4% in 2006 and 2.2% in 2007) delinquency offenders. Home school, home bound, private school, college, job corps, vocational school, and expulsion from school were some other types of educational placement at time of offense. The educational placement was either unknown or not reported for more than a tenth (14.7% in 2006 and 13.2% in 2007) of delinquency offenders.

### Home County

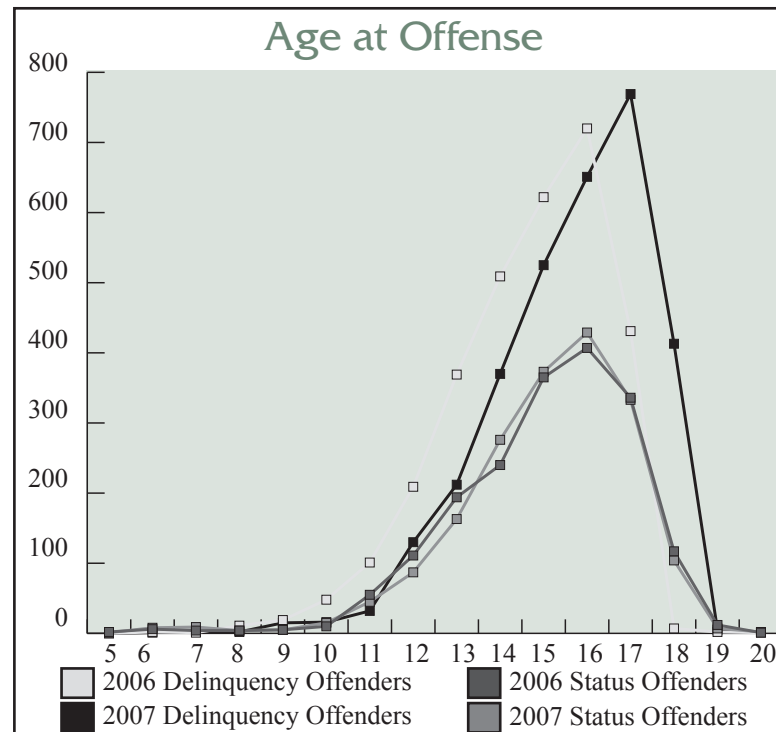
Kanawha County was home to more delinquency offenders (527 in 2006 and 537 in 2007) than any other county in WV. Three other counties served more than 150 delinquency offenders in both years: Cabell, Raleigh and Wood.

Only five delinquency offenders were reported as residents of other states in 2006, and two in 2007.

### County Offender Rates

WV's delinquency offender rate of juveniles ages 10 to 17 was 1.68 in 2006 and 1.63 in 2007. These rates represent a decrease from the 2000 rate of 1.83%, and the 1999 rate of 2.19%.

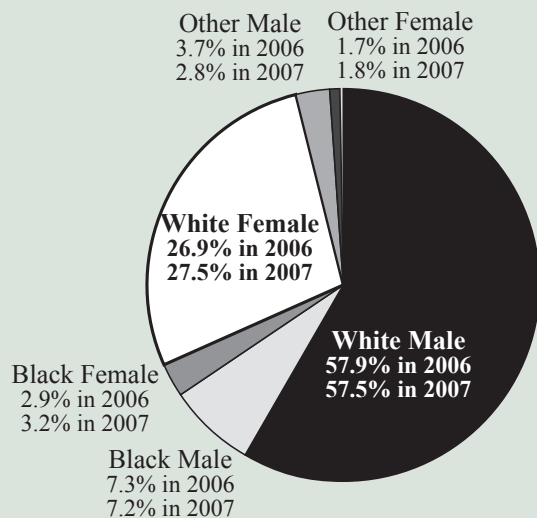
Seventeen counties in 2006 and 2007 had juvenile delinquency offender rates higher than the state average.



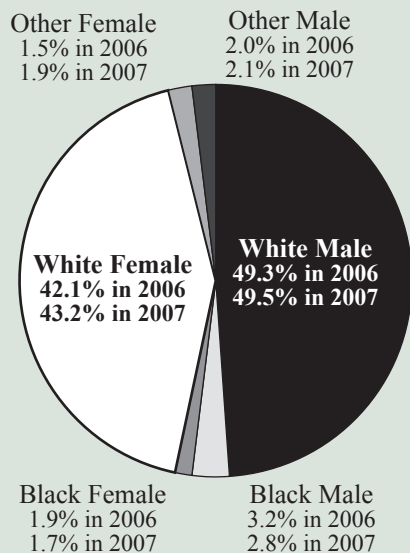


## Age & Gender

### Delinquency Offenders



### Status Offenders



In 2006, Lewis County had the largest number of juvenile delinquent offenders compared to its population of 10 to 17 year olds with a rate of 4.00. In 2007, Brooke County had the highest rate of 7.01. In 2006, four counties had juvenile delinquent offender rates over 3.00: Brooke, Cabell, Lewis, Marshall and Ohio; while only Brooke, Morgan and Raleigh had rates over 3.00 in 2007.

## Status Offenders

### Gender and Race

In 2006, 54.5% of status offenders were male (53.2% in 2007). Most (91.4% in 2006 and 92.8% in 2007) of the status offenders were white. 5.1% (3.2% in 2007) were black; 0% in 2006 and 0.1% 2007 were Asian or Pacific Islander; 0.2% were reported as American Indian in both years; and 1.6% were multiracial in 2006 and 1.7% in 2007.

### Age at Offense

Status offenders ranged in age from five to 20 years when they committed their offense(s). The average age in 2006 was 16 years and 15 in 2007. Status offender age at offense is calculated using the juvenile's reported date of birth and the date the offense(s) allegedly occurred. Juveniles under the age of 10 are generally charged to gain access to intervention resources. Juveniles aged 18-20 were charged with offenses committed prior to their 18th birthday. WV law on juvenile jurisdiction allows these individuals to be handled by the juvenile system until their 21st birthday.

### Living Situation

Most (75.9% in 2006 and 68.9% in 2007) status offenders were living with at least one parent at the time of offense.

About a quarter were living with both parents, and about half were living with just one parent. Other living situations reported for status offenders at time of offense included: foster care, adoptive parents, guardians, relatives, friends, college, shelters or other out of home placement.

## Education

Most (73.2% in 2006 and 69.0% in 2007) of the status offenders were reported as mainstream students at the time of their offense(s). A few (5.9% in 2006 and 6.9% in 2007) were in special education, and still less (4.5% in 2006 and 4.1% in 2007) were in alternative education. Less than ten status offenders (0.3% in 2006 and 0.5% in 2007) had either graduated high school or had obtained their GED at time of offense. 1.1% in 2006 and 0.9% 2007 were reported as having dropped out of school.

"Other" educational placement was reported for a few (0.9% in 2006 and 0.7% in 2007) status offenders. Home school, home bound, private school, college, job corps, vocational school, and expulsion from school were some other types of educational placement for status offenders at time of offense. The educational placement was either unknown or not reported for more than a tenth (14.2% in 2006 and 17.9% in 2007) of status offenders.

## Living Situation

Delinquency Offenders				Status Offenders				Situation
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
1488	<b>47.3</b>	1519	<b>49.8</b>	972	<b>52.2</b>	814	<b>43.6</b>	One Parent
869	27.6	803	26.3	442	23.7	472	25.3	Both Parents
285	9.1	284	9.3	165	8.9	156	8.3	Parent/Step-Parent
201	6.4	177	5.8	77	4.1	94	5.0	Other Relative
66	2.1	71	2.3	47	2.5	40	2.1	DHHR Approved
7	0.2	2	0.1	1	0.1	0	0	Detention Center
2	0.1	4	0.1	2	0.1	0	0	Transient
35	1.1	49	1.6	15	0.8	19	1.0	Other
194	6.2	143	4.7	142	7.6	274	14.7	Unknown

## Home County

Logan and Ohio counties were home to more status offenders (Logan, 311 in 2006 and 624 in 2007; Ohio, 342 in 2006 and 127 in 2007) than any other counties in WV. Three other counties served more than 100 status offenders in both years (Kanawha, Raleigh and Wood). Only one status offender was from out of state in 2006 and none in 2007.

## County Offender Rates

WV's status offender rate of juveniles ages 10 to 17 was 0.98 in 2006 and 1.00 in 2007. These rates are similar to the 1999 rate of 1.02% and the 2000 rate of 0.90%.

In 2006, 14 counties (11 counties in 2007) had juvenile status offender rates higher than the state average. Logan County had the largest number of juvenile status offenders compared to its population with a rate of 8.13 in 2006 and 16.2 in 2007.

In 2006, three counties had juvenile status offender rates over 3.00: Logan, Ohio and Randolph; while Logan and Mingo had rates over 3.00 in 2007.

The adjacent table provides the number of juveniles per county by offender type, the percentage of the total number of juveniles and the offender rate. Counties having a delinquency or status offender rate higher than the state average for any category in any year are highlighted.

*Calculation Method: Juvenile offender rates in the adjacent table were calculated by dividing the number of offenders in each county by that county's juvenile population ages 10 to 17. The data source for juvenile population numbers was the 2000 U.S. Census. Delinquent offenders under age 10 are rare and those 18 years or older at time of offense were under juvenile jurisdiction for an offense(s) committed before reaching 18 years of age. County offender rates would be underrepresented if those age groups were included in the calculation. The county offender numbers reflect the reported home county of the juvenile and not necessarily the county in which the offense(s) occurred.*

County	Population	Delinquent Offenders						Status Offenders					
		2006			2007			2006			2007		
		#	%	Rate	#	%	Rate	#	%	Rate	#	%	Rate
Barbour	1758	3	0.1	0.17	43	1.4	2.45	7	0.4	0.40	12	0.6	0.68
Berkeley	8880	79	2.5	0.89	8	0.3	0.09	47	2.5	0.53			
Boone	2648	40	1.3	1.51	24	0.8	0.91	25	1.3	0.94	17	0.9	0.64
Braxton	1638	36	1.1	2.20	22	0.7	1.34	21	1.1	1.28	6	0.3	0.37
Brooke	2452	83	2.6	3.38	172	5.6	7.01	32	1.7	1.31	50	2.7	2.04
Cabell	8596	303	9.6	3.52	192	6.3	2.23						
Calhoun	821	4	0.1	0.49									
Clay	1230	6	0.2	0.49	14	0.5	1.14	1	0.1	0.08	2	0.1	0.16
Doddridge	1012				3	0.1	0.30						
Fayette	4775	44	1.4	0.92	21	0.7	0.44	13	0.7	0.27	9	0.5	0.19
Gilmer	692	4	0.1	0.58	12	0.4	1.73	1	0.1	0.14	1	0.1	0.14
Grant	1168	8	0.3	0.68	5	0.2	0.43	1	0.1	0.09	2	0.1	0.17
Greenbrier	3606	43	1.4	1.19	37	1.2	1.03	18	1.0	0.50	20	1.1	0.55
Hampshire	2281	28	0.9	1.23	31	1.0	1.36	1	0.1	0.04	2	0.1	0.09
Hancock	3166	27	0.9	0.85	13	0.4	0.41	1	0.1	0.03	3	0.2	0.09
Hardy	1294	24	0.8	1.85	20	0.7	1.55	6	0.3	0.46	4	0.2	0.31
Harrison	7407	99	3.1	1.34	154	5.0	2.08	70	3.8	0.95	86	4.6	1.16
Jackson	3117												
Jefferson	4530												
Kanawha	19358	561	17.8	2.90	567	18.6	2.93	140	7.5	0.72	157	8.4	0.81
Lewis	1651	66	2.1	4.00	37	1.2	2.24	5	0.3	0.30	6	0.3	0.36
Lincoln	2498	56	1.8	2.24	43	1.4	1.72	58	3.1	2.32	61	3.3	2.44
Logan	3839	42	1.3	1.09	27	0.9	0.70	312	16.7	8.13	624	33.4	16.2
Marion	5591	83	2.6	1.48	89	2.9	1.59	7	0.4	0.13	3	0.2	0.05
Marshall	3784	124	3.9	3.28	107	3.5	2.83	54	2.9	1.43	29	1.6	0.77
Mason	2660	31	1	1.17	43	1.4	1.62	1	0.1	0.04	1	0.1	0.04
McDowell	3214	26	0.8	0.81	7	0.2	0.22				1	0.1	0.03
Mercer	6059	174	5.5	2.87	61	2.0	1.01	22	1.2	0.36	12	0.6	0.20
Mineral	3076	73	2.3	2.37	81	2.7	2.63	60	3.2	1.95	48	2.6	1.56
Mingo	3306	37	1.2	1.12	30	1.0	0.91	61	3.3	1.85	110	5.9	3.33
Monongalia	6690	39	1.2	0.58	78	2.6	1.17	48	2.6	0.72	60	3.2	0.90
Monroe	1454	6	0.2	0.41	20	0.7	1.38	18	1	1.24	12	0.6	0.83
Morgan	1442	10	0.3	0.69	46	1.5	3.19	13	0.7	0.90	14	0.7	0.97
Nicholas	3202	57	1.8	1.78	61	2.0	1.91	30	1.6	0.94	41	2.2	1.28
Ohio	4712	142	4.5	3.01	109	3.6	2.31	343	18.4	7.28	126	6.7	2.67
Pendleton	861	2	0.1	0.23	10	0.3	1.16	2	0.1	0.23	4	0.2	0.46
Pleasants	822	1	0	0.12				1	0.1	0.12	1	0.1	0.12
Pocahontas	957	17	0.5	1.78	15	0.5	1.57	2	0.1	0.21	2	0.1	0.21
Preston	3532	33	1.0	0.93	16	0.5	0.45	18	1	0.51	10	0.5	0.28
Putnam	5918	17	0.5	0.29	53	1.7	0.90				1	0.1	0.02
Raleigh	8082	222	7.1	2.75	258	8.5	3.19	114	6.1	1.41	104	5.6	1.29
Randolph	2983	89	2.8	2.98	87	2.9	2.92	104	5.6	3.49	65	3.5	2.18
Ritchie	1115	19	0.6	1.70	10	0.3	0.90				2	0.1	0.18
Roane	1822	8	0.3	0.44	22	0.7	1.21	2	0.1	0.11			
Summers	1188	27	0.9	2.27	23	0.8	1.94	12	0.6	1.01	4	0.2	0.34
Taylor	1712	20	0.6	1.17	35	1.1	2.04	31	1.7	1.81	37	2.0	2.16
Tucker	707	8	0.3	1.13	3	0.1	0.42				1	0.1	0.14
Tyler	1120	9	0.3	0.80	1	0.0	0.09	1	0.1	0.09			
Upshur	2498	22	0.7	0.88	33	1.1	1.32	11	0.6	0.44	12	0.6	0.48
Wayne	4722	46	1.5	0.97	51	1.7	1.08	13	0.7	0.28	30	1.6	0.64
Webster	1080	4	0.1	0.37	1	0.0	0.09						
Wetzel	2036	39	1.2	1.92	21	0.7	1.03						
Wirt	788	5	0.2	0.63	3	0.1	0.38	5	0.3	0.25			
Wood	9362	192	6.1	2.05	226	7.4	2.41	117	6.3	1.25	67	3.6	0.72
Wyoming	2862	9	0.3	0.31	7	0.2	0.24				10	0.5	0.35
Total	187774	3147		1.68	3052		1.63	1849		0.98	1869		1.00



# Dispositions

A formal disposition is imposed by the court after a juvenile has been adjudicated by the court, except for an improvement period in which the juvenile is not adjudicated. An informal disposition is action taken in a case before a juvenile is adjudicated.

## Delinquency Dispositions

### Informal Disposition

More than 1,400 delinquency cases were disposed informally per year (1,503 in 2006 and 1,405 in 2007). The most frequently imposed informal dispositions were: referred to diversion program through probation (340 in 2006 and 326 in 2007); informal supervision by probation (314 in 2006 and 315 in 2007); complaint resolved and/or juvenile counseled (311 in 2006 and 232 in 2007); case closed or complaint withdrawn (245 in 2006 and 211 in 2007); held open without further action (90 in 2006 and 123 in 2007); referred to community agency (89 in 2006 and 91 in 2007); referred to DHHR (7 in 2006 and 12 in 2007); and other (107 in 2006 and 91 in 2007).

### Adjudication

Approximately a third of cases resulted in no adjudication, and about half of the cases resulted in an adjudication of delinquent by plea.

### Formal Disposition

More than 2,500 delinquency cases were disposed formally each year (2,564 in 2006 and 2,896 in 2007).

The most frequently imposed formal dispositions were: case dismissal in about a third of cases, noncustodial probation in about 20% of cases, improvement period in another 20% of cases and just about 10% were placed into DHHR custody with or

without probation. Only about 5% of delinquency cases disposed per year resulted in placement in DJS custody; and about 1% were transferred to adult criminal status.

### Timing of Disposition

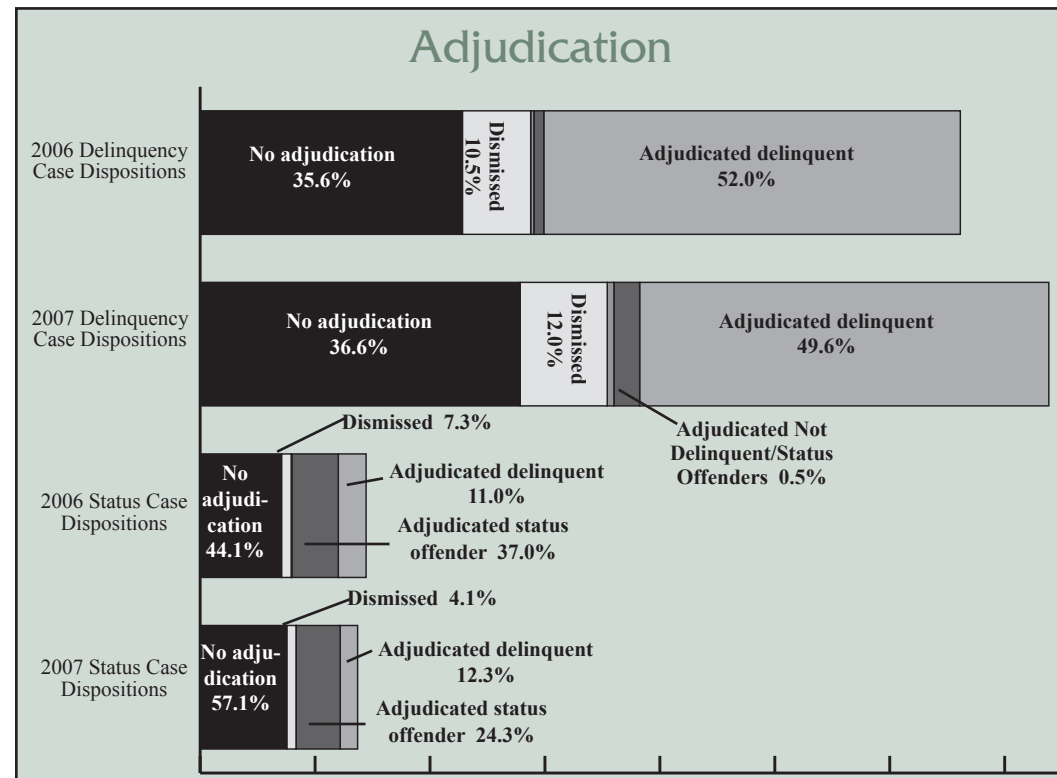
In 2006, half of the delinquency cases were disposed within 105 days (100 days in 2007) and 75.0% were disposed within 6 months of the complaint being signed for both years. The median length of time from complaint to disposition was 105 days in 2006 and 100 days in 2007. Less than nine percent (8.5% in 2006 and 8.0% in 2007) of the delinquency cases disposed were not disposed within one year of the date of the complaint.

## Commitment Setting

In about 15% of delinquency cases disposed, juveniles were placed in a commitment setting outside of their home.

In 2006, few (156 or 5.5% in 2006 and 134 or 4.7% in 2007) cases resulted in placement in Staff Secure and Non Secure Facilities in WV and even fewer (70 or 2.5% in 2006 and 36 or 1.2% in 2007) resulted in placement in these type of out-of-state facilities.

Also, few juveniles (127 or 4.5% in 2006 and 181 or 6.0% in 2007) were placed in WV secure facilities, and even less (26 in 2006 and 22 in 2007) were placed in out-of-state secure facilities. Very few dispositions (28 in 2006 and 27 in 2007) resulted in placements in a WV hospital setting and even fewer (One in 2006 and two in 2007) in an out-of-state hospital setting.



Foster care was selected as a placement commitment setting for eight cases in 2006 and for one case in 2007. Only four cases resulted in home confinement in 2006 and none in 2007.

## Investigations

Predisposition reports were prepared for 436 (15.4%) cases disposed in 2006 and 575 (18.0%) cases in 2007. Violation reports were prepared for 205 cases (7.2%) in 2006 and 301 (10.0%) cases in 2007.

## Formal Dispositions

Delinquency Offenders				Status Offenders				Situation
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
881	34.4	1031	35.6	228	24.7	276	27.9	Case dismissed
26	1.0	36	1.2	15	1.6	7	0.7	Monitor compliance
11	0.4	20	0.7	0	0	0	0	Community service
30	1.2	31	1.1	3	0.3	4	0.4	Fine/Restitution
569	22.2	673	23.2	263	28.5	359	36.3	Improvement Period
15	0.6	23	0.8	163	17.6	116	11.7	Referred to DHHR
597	23.3	609	21.0	75	8.1	60	6.1	Probation, non-custodial
92	3.6	105	3.6	103	11.1	96	9.7	DHHR custody
152	5.9	149	5.1	47	5.1	44	4.5	DHHR custody and probation
16	0.6	8	0.3	0	0	3	0.3	Home confinement and probation
15	0.6	9	0.3	0	0	0	0	Mental Health Proceeding
85	3.3	126	4.4	17	1.8	3	0.3	DJS Custody
23	0.9	5	0.2	0	0	0	0	Transferred to Adult Court
52	2.0	71	2.5	10	1.1	20	2.0	Other

## Timing of Disposition

In 2006, 21.0% of the status offense cases were disposed within one month (20.0% in 2007). 44.8% (42.0% in 2007) were disposed within two months of the complaint being signed; and 79.0% (82.5% in 2007) were disposed within six months. The median length of time from complaint to disposition was 69 days in 2006 and 76 days in 2007. Less than five percent (4.5% in 2006 and 3.1% in 2007) of the delinquency cases disposed were not disposed within one year of the date of the complaint.

## Status Case Dispositions

### Informal Disposition

More than 1,100 status cases were disposed informally each year (1,183 in 2006 and 1,333 in 2007). The most frequently imposed informal dispositions were: complaint resolved and/or juvenile counseled (300 in 2006 and 653 in 2007); referred to diversion program through probation (402 in 2006 and 227 in 2007); case closed or complaint withdrawn (131 in 2006 and 142 in 2007); referred to community agency (102 in 2006 and 87 in 2007); informal supervision by probation (81 in 2006 and 74 in 2007); held open without further action (73 in 2006 and 67 in 2007); referred to DHHR (47 in 2006 and 40 in 2007); and other (46 in 2006 and 42 in 2007).

### Adjudication

Approximately half of status offense cases resulted in no adjudication, and more than a third resulted in adjudication as a status offender.

### Formal Disposition

More than 900 status cases were disposed formally each year (924 in 2006 and 988 in 2007).

The most frequently imposed formal dispositions were: improvement period in about a third of cases, dismissal in about a quarter of cases, and referral to DHHR or DHHR custody.

## Commitment Setting

In about 10% of status cases disposed, juveniles were placed in a commitment setting outside of their home.

The most frequent out-of-home placement setting for status offenders was staff secure and non-secure facilities in WV (84 or 8.8% in 2006 and 50 or 4.9% in 2007); but very few status offenders (four in 2006 and 10 in 2007) were placed in these type of facilities out-of-state. Very few status offenders were placed in secure facilities in WV (16 in 2006 and six in 2007). In 2006, only 12 juveniles were placed in any other setting such as foster care or hospitals, and only three in 2007.

## Investigations

Predisposition reports were prepared for 167 (17.5%) cases disposed in 2006 and 176 (17.2%) cases in 2007. Violation reports were prepared for 23 cases (2.4%) in 2006, and 33 (3.2%) cases in 2007.

# Pre-Dispositional Assessment Tool

## Background

### Tool Purpose

The Pre-Dispositional Assessment Tool was developed to improve the juvenile justice system by facilitating more uniform pre-dispositional recommendations across the state. The tool was developed by WV probation officers with the assistance of other system experts for use by juvenile probation officers in WV when preparing a pre-dispositional report for a judge who is considering disposition. The tool was designed to build on the experience of seasoned probation officers from different disciplines, geographic locations, genders and race to ensure that every recommendation in a pre-dispositional report made by probation is based on the 17 factors WV probation officers considered to be critical.

### Tool Development Process

The committee formed to develop the tool was made up of representatives from: local probation; the WV Supreme Court Administrative Office; the Department of Health and Human Resources; the Department of Education; and the Department of Military Affairs and Public Safety Divisions of Juvenile Services and Criminal Justice Services.

A series of committee meetings were conducted over a 16-month period in which the 17 factors critical to assessment were determined through research and consensus of the committee. The on-line form was developed, critiqued, pilot tested and revised. The final form was reviewed and approved by the committee September 2004. The instructions for the manual were based on the online assessment instructions, pilot problem areas and committee consensus. Training was conducted at the Probation Conference October 21, 2004, with every juvenile or juvenile/adult probation officer. The tool was available for use on the court website on October 26,

2004. The development committee recommended that annual data analysis be included in the Juvenile Probation statistical reports.

The committee decided the target population for the tool should be juveniles who were adjudicated delinquent in which the probation officer would be required to complete a pre-dispositional report. The tool calculates a score that can be used to determine trends in WV probation recommendations.

The reliability and validity of the tool will be tested when an adequate number of assessments have been completed to ensure statistical accuracy.

The Division of Criminal Justice Services provided funds for this project through a State Challenge Grant from the U.S. Department of Justice, Office of Juvenile Justice & Delinquency Prevention.

## Critical Assessment Factors

### Factor Development & Scoring

The numerical value scales of each of the 17 critical factors were assigned by probation officers on the committee rating the factors they considered to be the most important when making a recommendation. Those factors were also compared to other states' assessment tools and to the juvenile delinquency risk factors. The values were discussed and determined through consensus of the committee. The most important factors have a maximum score of five. Other factors never exceed four points. The two factors relating to schools have a maximum of two points each, ensuring the maximum score for school factors does not exceed four points. The extra three-point value for multiple offenses tied to the current offense make it the most important factor to WV probation officers when making a recommendation. The online tool automatically adds up the score based on completion of the form.

It was not the intention of the committee for these

values to predict future behavior and therefore are not used to make a mandatory recommendation or to determine placement. Probation officers choose their recommendation based on mitigating factors and other considerations in addition to these 17 factors. Over time, these values can demonstrate trends in WV probation which may be used as guidelines after further analysis.

Although a great deal of time was put into removing subjectivity from each factor by providing instructions, examples, definitions and training, the possibility of score fluctuation remains highest under "Stability of Family/Home and Parental Control" because of the nature of the factor.

The format of the pre-dispositional report previously used by probation officers remained unchanged. However, now the recommendation of the probation officer is based on the consideration of the assessment factors, but does not include the score derived from the assessment tool because the number does not drive the recommendation. It is merely one tool used to develop the recommendation.

### 17 Critical Assessment Factors

Factor	Maximum Value
Age of First Referral to Juvenile Court	5
Court Compliance Issues	5
Most Aggressive Behavior	5
New Offense (s)	5
Severity of Current Offense	5
Severity of Prior Disposition	5
Alcohol Issues	4
Drug Chemical Issues	4
Mental Health	4
Parent Control	4
Peer Relationships	4
Stability of Family/Home	4
Most Serious Dispositional Offense	3
Multiple Current Offenses	3
Current School Attendance	2
School Behavior	2
Custody Issues	A, B, C or D



## Findings

The pre-dispositional assessment tool was used 454 times from October 2004 through October 2008. Assessments that were not completed in the online system were not included in the analysis. However, assessments without a computed score were included. About 16 WV probation officers reported using this tool.

### Demographic Factors

At the time of assessment, 21 juveniles (4.6%) were 10-12 years old at the time of offense; 170 (37.5%) were 13-15 years old; 214 (47.1%) were 16-17 years old; 49 (10.8%) were 18-20 years old; and one age was unknown.

### Offense, Disposition & Court Factors

#### History with Juvenile Court

Many juveniles assessed were first referred to juvenile court between ages 14-16 (259 or 56.9%); 22.6% were 13 or under (103); 20.7% (94) were 17 or older.

Many juveniles (146 or 32.1%) had no serious prior signed allegations (excluding all current offenses and any pending offenses). About a quarter (116 or 25.5%) had a prior misdemeanor offense; 45 (9.9%) had a prior felony offense; and 45 (9.9%) had a prior status offense.

#### Severity of Current Offense

The majority of juveniles assessed were currently being charged with a Misdemeanor offense (192 or 42.2%). About a quarter (125 or 27.5%) were charged with a Felony offense; 25 (5.5%) were charged with a Violation of Probation Underlying Offense Misdemeanor; seven (1.5%) were charged with a Violation of Probation Underlying Offense Felony; and this information was missing for 106 (23.3%) assessments.

#### Severity of Prior Disposition

About 40% of juveniles assessed had no known prior dispositions (183 or 40.2%).

Among juveniles that had a known prior disposition, 97 (21.3%) had an Improvement Period, Diversion or Informal Adjustment; 32 (7.0%) had Probation; 21 (4.6%) had Probation with DHHR Custody (in or out of home); 12 (2.6%) had Out of Home Placement: DHHR or other; and only seven (1.5%) were Committed to DJS.

#### Pending Offenses

Most juveniles assessed (297 or 65.3%) had no known Pending Offenses or Signed Allegations since filing current offense. This information was unknown for 107 juveniles (23.5%).

Of those juveniles with Pending Offenses, 19 (4.2%) had one or more misdemeanor offenses; 14 (3.1%) had one or more felony offenses; 12 (2.6%) had one or more felonies and misdemeanors; and six (1.3%) had one or more status offenses.

#### Court Compliance Issues

More than a third of the juveniles assessed had known court compliance issues with 67 (14.7%) having major and 122 (26.8%) having minor compliance issues. Another third (154, 33.8%) had no known compliance issues, and this information was unknown for 112 (24.6%).

### Family & Peer Factors

#### Peer Relationships

Most juveniles assessed had known negative peer influences. About 40% of juveniles (177, 38.9%) had some negative influences, while (136 or 29.9%) had mostly negative influences who were involved in delinquent behavior. Only 10 (2.2%) juveniles were reported to be anti-social with few peer relationships and isolated; while 26 (5.7%) had good support and influence. This issue was missing for 106 (23.3%) of juveniles.

#### Custody Issues

The majority of juveniles assessed (196 or 43.1%) had no known custody issues (D).

Among those juveniles assessed with custody issues, 129 (28.4%) were currently in state's custody at the time of disposition (C); the parent refused to allow nine (2.0%) juveniles to live at home (B); and six (1.3%) juveniles currently refused to live at home (A).

### Behavioral Health Factors

#### Most Aggressive Behavior

About half of the assessments reported previous aggressive behavior with 162 (35.6%) assessments reported actual physical aggression or fighting; 49 (10.8%) reported threats of physical aggression; 21 (4.6%) brandished or carried a weapon; and three (0.7%) had used a weapon with intent to maim, disfigure, disable or kill. About a quarter (114, 25.1%) reported no aggressive behavior. This issue was missing for 106 (23.3%) of juveniles.

#### Mental Health

About half of the juveniles assessed had a history of mental health issues with 169 (37.1%) having a

### Stability of Family/Home

Factor	#	%
Financial problems	161	35.4%
Parent emotional distress/psychiatric	125	27.5%
Parent drug-alcohol abuse	118	25.9%
Significant marital conflict	72	15.8%
Housing	72	15.8%
Domestic violence	72	15.8%
Parent chronic history of offenses	64	14.1%
Multiple runaway	62	13.6%
Uncooperative parent	58	12.7%
Parent refusal to allow youth to live at home	42	9.2%
Abusive parent	25	5.5%
Child refuses to live at home	21	4.6%
Other	58	12.7%

## Parental Control

Factor	#	%
Difficulty Controlling Behavior	250	54.9%
Inconsistent Parenting	226	49.7%
Inadequate Supervision	174	38.2%
Poor Relations	98	21.5%
Inappropriate Discipline	92	20.2%

About a third (142, 31.2%) of juveniles had none of the parental control issues listed above, while about half (49.9%) had between one and three issues. The rest or 18.9% had four or five parental control issues.

previous or current outpatient treatment and 57 (12.5%) a previous or current inpatient treatment. About a quarter (117 or 25.7%) had no history, and this information was unknown for 112 (24.6%) juveniles.

### Alcohol Issues

Almost half of the assessments reported alcohol use. Six (1.3%) juveniles had alcohol abuse or dependency issues with a history of previous inpatient treatment; 18 (4.0%) had alcohol abuse or dependency issues with a history of previous outpatient treatment; 29 (6.4%) had abuse or dependency issues without previous treatment; and 176 (38.7%) had used alcohol without seeking treatment of any kind.

About a quarter (116 or 25.5%) had no previous history of alcohol use, and this information was unknown for 110 (24.2%) juveniles.

### Drug/Chemical Issues

The number of juveniles assessed with drug/chemical use issues were nearly the same as those reporting alcohol issues. Eleven (2.4%) juveniles had Drug/Chemical abuse or dependency issues with a history of previous inpatient treatment; 18 (4.0%) had Drug/Chemical abuse or dependency issues with a history of previous outpatient treatment; 43 (9.5%) had abuse or dependency issues without previous treatment; and 155 (34.1%) had used drugs/chemicals

without seeking treatment of any kind.

About a quarter (116 or 25.5%) had no previous history of drug/chemical use, and this information was unknown for 112 (24.6%) juveniles.

## School Factors

### School Attendance Behavior

Only 74 (16.3%) assessments reported juveniles attending school without problems, graduating or completing a GED; 15 (3.3%) were currently enrolled in the GED program; and this information was unknown for 112 (24.6%) of the juveniles.

70 (15.4%) were not attending, expelled or dropped out; 79 (17.4%) had serious truancy or behavioral problem(s); 20 (4.4%) had multiple retentions and/or suspensions; and 85 (18.7%) had problem(s) handled at school level.

## Scoring & Recommendations

### Cumulative Scores

Of the 190 juveniles assigned a score, the average was 28.2 out of a possible 64. The modal score was also 27. The lowest score assigned was 4, and the highest was 59. About a third (32.6%) of the scores were 22 or below. Another third (32.7%) of juveniles received a score between 23 and 32. The remaining 35.7% received scores 33 to 59. A score was not calculated for 365 juveniles.

## Disposition Recommendations

	#	%
Probation (community-based)	135	29.7%
Probation + DHHR (DHHR placement)	107	23.5%
Commitment to DJS	42	9.2%
Probation + DHHR (community-based)	29	6.4%
Formal Improvement Period	4	0.9%
Other	7	1.5%
Dismissed	1	0.2%
DHHR only	1	0.2%
Unknown	129	28.4%

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The findings and conclusions expressed in this report are those of the author and editors and may not reflect those of the U.S. Department of Justice or the State of West Virginia.

# Section 4

## Attachment

# CHAPTER 1:

## INTRODUCTION

The Commission [on the Future of the West Virginia Judicial System] envisions a court system . . . that is accessible and responsive, timely in its decisions and processes, fair and just, and accountable for its rulings, conduct, and use of resources. As befits its role, it is a wholly independent entity but collaborates with other agencies and organizations so that it may more effectively fulfill its mission. Every individual and matter that comes before it is accorded respect and dignity. It is a system marked by integrity.<sup>1</sup>

Almost ten years ago, the Commission on the Future of the West Virginia Judicial System included the foregoing paragraph in its final report to the Supreme Court of Appeals of West Virginia (the Court). Public perception of the court system's integrity, however, is damaged by West Virginia's place in the national puzzle comprising minorities – in particular, African-American males -- who are disproportionately made subject to arrests, court proceedings, convictions and confinement. This overrepresentation is known as disproportionate minority contact (DMC).<sup>2</sup> DMC has been found in West Virginia through the research of state agencies, in reported records, and in the research supporting a petition before the Court.

The Task Force to Study Perceived Racial Disparity in the Juvenile Justice System seeks to determine what procedures, policies and practices within the system are contributing to DMC in West Virginia, and how to reduce DMC and even any perception thereof. After beginning its efforts, the Task Force recognized that to address the issues stated above fully, the work would need to be completed in stages over a number of years. Therefore, this is an Interim Report to the Court providing as follows:

- the history of Task Force creation (Chapter 1);
- information on DMC and racial disparity, including definitions and findings from past studies (Chapter 2);
- methods the Task Force used to reach its objectives (Chapter 3);

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<sup>1</sup> Supreme Court of Appeals of West Virginia. Commission on the Future of the West Virginia Judicial System. Final Report. (Charleston, WV: West Virginia Supreme Court of Appeals, 1998) 15. Attached hereto as Appendix 1.

<sup>2</sup> In 2002, Congress amended the Federal Juvenile Justice Delinquency Prevention Act (JJDP) (42 U.S.C. 5601, *et seq.*) that governs distribution of funds to states for addressing DMC. The amendment changed DMC from its original meaning, "disproportionate minority confinement," to "disproportionate minority contact." "Confinement" focused on youth who were in secure facilities. Use of the term "contact" broadened the phrase DMC to include any point along the juvenile justice continuum where youth may come in contact with a person, agency, policy, practice or procedure that may result in further exposure to the juvenile or criminal justice systems.

- programs in West Virginia that may reduce DMC and racial disparity in the juvenile justice system (Chapter 4);
- findings and related recommendations for the Court and Task Force (Chapter 5); and
- conclusions and suggestions from other research (Chapter 6).

## The Petition

In July 2001, a petition was filed with the Court for “Promulgation of Rules and Standards to Ensure Equal Treatment in West Virginia’s Juvenile Justice System” (“Petition”).<sup>3</sup> In a letter to former Chief Justice Warren McGraw, petitioner Robert M. Bastress noted that, “Although the Supreme Court is not responsible for the disturbing statistics cited in our petition, we who have prepared it believe the Court has the authority and capacity to initiate measures to address the striking overrepresentation of African-American youths through all phases of the juvenile justice system.”

The Petition presented some data from a report titled Minority Youth and Juvenile Justice in West Virginia, including that

... while African-American youth represent 4% of West Virginia’s juvenile population, in 1998, they represented 9% of juvenile court referrals, 18% of juveniles placed in detention, 17% of juveniles in correctional facilities, and in 1999, 52% of juveniles waived to adult criminal court. By comparison, White [*sic*] youth are underrepresented at most stages of the juvenile process. In 1998, White [*sic*] youth represented 95% of the state’s juvenile population, 89% of juvenile court referrals, 79% of juveniles placed in detention, and 80% of youth placed in correctional facilities, and, in 1999, 42% of juveniles waived to adult criminal court<sup>4</sup>

Further, the report provided data on juvenile arrests by race, including that in Charleston, West Virginia, “arrest rates for African-American youth are high in comparison to the percentage of African-American youth in Charleston’s juvenile population, 22.1%.”<sup>5</sup> The report included a table indicating that African-American youth made up 48% of juvenile arrests in Charleston, West Virginia in 1998, and that the rate increased to 52% of juvenile arrests by 2001.<sup>6</sup>

The report further explained that,

... when looked at [*sic*] from the perspective of the proportion of juveniles in the state’s population, Whites [*sic*] represented 95% of the state’s total

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<sup>3</sup> Appendix 2.

<sup>4</sup> Charleston Public Safety Council Youth Task Force and Community Development Outreach Ministries. Minority Youth and Juvenile Justice in West Virginia. (Charleston, WV: Community Development Outreach Ministries, United Methodist Church, 2001) Executive Summary.

<sup>5</sup> Charleston Public Safety Council 9.

<sup>6</sup> Charleston Public Safety Council 9.



juvenile population and 42% of juvenile [sic] waived to adult status in court, while African-Americans represented 4% of the state's juvenile population and 53% of juveniles waived to adult status in court.<sup>7</sup>

Also, the report included that "West Virginia's rates of overrepresentation of African-American youth exceed national rates at all but one stage of the juvenile justice system for which data was available. West Virginia does not admit juveniles sentenced in adult criminal court to adult state prisons."<sup>8</sup>

Finally, as quoted in the Petition, the report included that,

In an index of minority overrepresentation developed by dividing each state's proportion of minority youth detained or committed to juvenile justice facilities by the proportion of minorities in each state's juvenile population, West Virginia earned the nation's worst ranking. West Virginia is the only state with an index value of over 5.0 in each of three indexed categories. No other state comes close. An index of over 1.0 indicates minority overrepresentation. The national index value across the three categories averaged 1.8.<sup>9</sup>

Other agencies have published data regarding the DMC problem in West Virginia, including the Charleston Public Safety Council, which cited a 1997 report on racial disparity in West Virginia authored by Donna Hamparian.<sup>10</sup> According to the Building Blocks for Youth Initiative, Hamparian's report

showed that African-American youth were overrepresented in 13 of the 27 sample counties; in commitments to the Department of Corrections in 13 of the sample counties; and in out of state placements in nine of the sample counties. That data revealed that the overrepresentation of African-American youth began at arrest. It increased at detention where African-American youth accounted for 30% of the secure detentions in the sample counties; and increased even more to commitments to the Department of Corrections where African-American youth accounted for 39% of all DOC commitments from the 27 sample counties.<sup>11</sup>

Further, the West Virginia Division of Criminal Justice Services (DCJS)

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<sup>7</sup> Charleston Public Safety Council 27.

<sup>8</sup> Charleston Public Safety Council 31.

<sup>9</sup> The Supreme Court of Appeals of West Virginia. Administrative Docket Petition for Promulgation of Rules and Standards to Ensure Equal Treatment in West Virginia's Juvenile Justice System. 5 July 2001 *quoting* Charleston Public Safety Council Youth Task Force and Community Development Outreach Ministries. Minority Youth and Juvenile Justice in West Virginia. (Charleston, WV: Community Development Outreach Ministries, United Methodist Church, 2001) 2.

<sup>10</sup> Hamparian, Donna. Additional Analyses of Minority Overrepresentation in West Virginia. Champaign, IL: Community Resource Associates, Inc., 1997.

<sup>11</sup> Building Blocks for Youth. Resources for Disproportionate Minority Youth / Overrepresentation of Youth of Color. <<http://www.buildingblocksforyouth.org/issues/dmc/studies.html>>.

previously acknowledged DMC and dealt with the issue by (1) creating a DMC subcommittee of the Governor's Committee on Crime, Delinquency and Correction, Juvenile Justice Division, referred to as the State Advisory Group (SAG); (2) requesting technical assistance from the Office of Juvenile Justice Delinquency Prevention (OJJDP); (3) implementing a system to give project preference to counties having high DMC ratios; and (4) providing funds for cultural diversity training for West Virginia juvenile justice professionals. West Virginia, through the DCJS, continues to comply with the Federal Juvenile Justice Delinquency Prevention Act (JJDPA).<sup>12</sup>

In response to these findings of DMC in West Virginia, the petitioners requested that the Court do the following:

- appoint a fact-finding and advisory committee to investigate the extreme racial disparities in West Virginia's juvenile justice system and to make recommendations for rules, standards, or other measures to eliminate those disparities;
- promulgate rules and standards for the fair and equal administration of justice for juveniles in West Virginia; and
- use [the Court's] prestige and authority to engage the other branches of government in West Virginia toward addressing and eliminating the racially disparate treatment of African-American juveniles before they enter and after they leave the judicial system.

When asked to provide specifics, the petitioners responded with a proposed action plan<sup>13</sup> requesting that the Court

- develop guidelines for juvenile justice proceedings;
- identify, eliminate or modify laws and policies (of law enforcement, the courts, juvenile probation and corrections) that impose an adverse, disparate impact on minorities that is either unnecessary or unjustified;
- appoint a liaison or coordinator to "facilitate and formalize" communications between the court system and various state agencies and private groups for the accumulation and sharing of data, for program development, for identifying sources of grant money, and for sharing resources;
- conduct additional research, especially the use of self-reporting crime studies and multiple regression analyses, to inform the Court as to the causes and extent of racial disparity in the system; and
- appoint a task force to address the issue of minority overrepresentation in the juvenile justice system.<sup>14</sup>

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<sup>12</sup> Federal Juvenile Justice Delinquency Prevention Act (JJDPA) (42 U.S.C. 5601, *et seq.*).

<sup>13</sup> Appendix 3.

<sup>14</sup> Supreme Court of Appeals of West Virginia . Administrative Docket Petition for Promulgation of Rules and Standards to Ensure Equal Treatment in West Virginia's Juvenile Justice System. Action Plan Proposed by Professor Robert M. Bastress, et al., 2001. 1 – 2.

## Task Force Creation

The Court responded to the Petition by creating the Task Force to Study Perceived Racial Disparity in the Juvenile Justice System, establishing the initial ten-member Task Force in May, 2002. The Task Force noted that the Final Report of the Commission on the Future of the West Virginia Judicial System explained, “It is fundamental to the integrity of the court system that it be free of bias. The special role of the judiciary in our system of government demands not only that justice be dispensed impartially, but that the perception of impartiality be maintained.”<sup>15</sup> Therefore, the Court included the word “perceived” when naming the Task Force because, coupled with its commitment to eliminating racial disparity in West Virginia’s juvenile justice system, the Court desired to address the compounding problem of public *perception* that such disparity exists.

The Task Force met for the first time on August 23, 2002. Initially, the Task Force worked on its mission statement, objectives, and action plan. After thoughtful deliberation, the Task Force decided its overall mission was to assess, monitor, and address racial disparity in West Virginia’s juvenile justice system.

The Task Force adopted objectives as follows:

1. Devise and implement a methodology for gathering meaningful data as to the experience of minority youth in the juvenile justice system, and disseminate such data to the Court, the Legislature, and any other entities or agencies who are practical “stakeholders” in the matter.
2. Identify and develop policies that maximize the potential for children in the juvenile justice system to receive fair, individualized, and meaningful treatment.
3. Ensure that juveniles who engage in criminal conduct receive appropriate sanctions and remedial services;
4. Explore ways in which to collaborate with law enforcement agencies, schools, mental hygiene providers, and community organizations to establish effective diversion programs, truancy and dropout programs, and effective after-school, weekend, and summer programs to provide at-risk children with safe, productive alternatives to the streets.
5. Develop ideas for partnership programs with educational, religious, corporate, and social service organizations in order to serve juveniles in need.
6. Gather and disseminate research data and other information about programs, policies, and practices in other jurisdictions that could further the mission of the Task Force.

The Task Force projected that its work could be completed in three phases.

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<sup>15</sup> Supreme Court of Appeals of West Virginia. Commission on the Future of the West Virginia Judicial System. Final Report 53.

**Phase I:**

- Analyze data of official juvenile justice database records.
- Analyze data of the stakeholder survey sent to circuit court judges, family court judges, magistrates, prosecuting attorneys, and public defenders.
- Disseminate information gathered from the town meetings held throughout the state regarding juvenile justice in West Virginia.
- Develop recommendations from the outcomes of the town meetings.
- Present an Interim Report to the Court of the Task Force's findings and recommendations.

**Phase II:**

- Continue consideration and analysis of previous data collected.
- Identify laws and policies (of law enforcement, the courts, juvenile probation, and corrections) that impose an adverse, unnecessary or unjustified disparate impact on minorities, in order to eliminate such laws or policies.
- Research systemically the use of self-reporting crime studies and multiple regression analyses to inform the Court as to the causes of the existence of racial disparity.
- Interview juveniles and juvenile justice system participants and conduct focus groups.
- Collaborate with community organizations.

**Phase III:**

- Present annual reports to the Court.
- Collaborate with community organizations.
- Monitor the progress of changes enacted in juvenile justice policies and procedures.

**Funding**

To assure that the initial fiscal needs of the Task Force were met, the Court acquired a Projects Solutions Grant from the State Justice Institute (SJI) in the amount of \$18,577. The Court also earmarked \$5,000 from its Special Projects Funds to assist in covering Task Force expenses. Also, SAG awarded the Task Force a \$5,000 grant. Further, the SAG allocated an additional \$20,000 to provide training on identifying and reducing DMC to West Virginia prosecutors, law enforcement, and judicial officers. Members of the SAG were asked to collaborate with the Task Force on a variety of activities and recommendations, and the groups have two members in common.

**Commission on the Future of the West Virginia Judicial System**

Findings and recommendations from the Commission's Final Report serve to direct and support the work of the Task Force. The report recognized that

Although West Virginia has not experienced the influx of ethnic and minority groups that has occurred in other states, there is increasing diversity in the population. The impact of this increase in diversity is confined to certain areas of the State and the groups involved often represent a distinct labor pool. The Court system must be prepared to accommodate and address the needs of a more pluralistic society.<sup>16</sup>

Further, the report recognized that the poor public perception of court system performance has to be addressed if confidence in the system and decisions arising within it are to be maintained.

With this knowledge, the Commission contracted with the West Virginia University Survey Research Center to conduct a statewide, random-sample telephone survey asking whether respondents agreed or disagreed with the statement: "West Virginia courts treat people equally." Specifically, the survey asked whether respondents felt that "[p]eople get the justice they deserve." While a little more than a quarter of the survey's 712 respondents were neutral, close to half either disagreed or strongly disagreed with the statement about the fairness and equality of the court system.

Regarding bias on the basis of race, the Commission heard testimony that addressed the African-American community's lack of confidence in the court system. This lack of confidence was engendered by: the underrepresentation of African-Americans on juries; disparate sentencing practices; inequality in setting bond in criminal cases; lack of enforcement of hate crime statutes; and underrepresentation of minorities in the law enforcement and judicial system workforces.<sup>17</sup>

### **Annie E. Casey Foundation -- Dr. John P. Rhoads**

During its first meeting in August, 2002, the Task Force teleconferenced with Dr. John P. Rhoads. Dr. Rhoads has been affiliated with the Annie E. Casey Foundation's Juvenile Detention Reform Initiative since its inception in 1992. Previously, Dr. Rhoads served as both Chairperson of the Bay Region of the Chief Probation Officers of California's Probation Services Task Force, and as a member of California's Family and Juvenile Law Advisory Committee of the Judicial Council. A noted authority on juvenile justice reform, Dr. Rhoads has served on a number of statewide committees, including

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<sup>16</sup> Supreme Court of Appeals of West Virginia. Commission on the Future of the West Virginia Judicial System. Final Report 7.

<sup>17</sup> Supreme Court of Appeals of West Virginia. Commission on the Future of the West Virginia Judicial System. Final Report 54.

California's Blue Ribbon Commission on Out-of-State Probation Placement, the State Board of Corrections Standard Review Executive Steering Committee, and the Coalition Against Sexual Assault Strategic Forum. Dr. Rhoads also served as Chair of the Santa Cruz County Criminal Justice Council.

Dr. Rhoads urged the Task Force to consider pragmatic strategies that can correct problems on the local institutional level. Two key components in this regard are (1) the admission of juveniles into correctional facilities, and (2) the length of their stays. DMC issues can be examined and addressed more effectively by breaking down these key components into subcomponents and at decision-making points during the process.

Dr. Rhoads discussed his work with the Annie E. Casey Foundation, which is a "private charitable organization dedicated to helping build better futures for disadvantaged children in the United States."<sup>18</sup> In December 1992, the Foundation the Juvenile Detention Alternatives Initiative (JDAI) with the purpose of demonstrating "that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention."<sup>19</sup> The Task Force used JDAI publications as a starting point in terms of general strategies.

The eighth volume, in a JDAI published series titled Pathways to Juvenile Detention Reform, reports ways to reduce racial disparity in juvenile detention. The volume's second chapter, titled "Guiding Principals [*sic*] for reducing DMC in Detention" explicates the following bullet points:

- All children should be treated equally within the juvenile detention system.
- Racial disparities in detention occur because of both conscious and subconscious racism.
- Disparities in detention are often unintended consequences of seemingly race-neutral practices.
- Data must be collected and carefully analyzed to inform efforts to reduce racial disparity in the detention system.
- Leadership makes a difference.
- Both individuals and agencies have a responsibility to address this issue.

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<sup>18</sup> The Annie E. Casey Foundation, Annual Report (Baltimore, Maryland, 1993) inside cover.

<sup>19</sup> Hoytt, Eleanor Hinton, Vincent Schiraldi, Brenda V. Smith and Jason Ziedenberg, Pathways to Juvenile Detention Reform: Reducing Racial Disparities in Juvenile Detention. (Baltimore, MD: The Annie E. Casey Foundation, 2001) 4.

- While we cannot control all the factors that lead to racial disparities, there are things we can control and change in the detention system.<sup>20</sup>

In the same volume of Pathways, chapter five elaborates on the following lessons learned from the JDAI.

1. Without a commitment to juvenile detention reform in general, reducing racial disparities is unlikely.
2. An explicit focus on reducing racial disparities is essential.
3. Reducing racial disparities requires authoritative leadership.
4. Describing the problem must be performed in terms of flexible efforts.
5. Emphasize action, not just discussion or training.
6. Broad, diverse coalitions can facilitate DMC reduction.
7. Individual agencies can make a difference.
8. Keep the police in the work.
9. Data really helps [*sic*].
10. It is possible to reduce racial disparities in juvenile detention.<sup>21</sup>

### **Nestor Consultants -- Michael Lindsey, J.D., Ph.D.**

The Task Force first learned about Dr. Michael Lindsey, the President and CEO of Nestor Consultants, Inc., when the OJJDP granted a DCJS request for technical assistance. Dr. Lindsey conducted training at a Court-sponsored Probation Conference and made four statewide presentations on cultural competency in the juvenile justice system for magistrates, judges, other court personnel, prosecutors, public defenders, and law enforcement. In 2005, the Court acquired a grant from the SJI providing funding for Dr. Lindsey to facilitate a “Train-the-Trainers” program, for specific court and criminal service personnel. The training was based on Dr. Lindsey’s own cultural competency curriculum. The Task Force is very appreciative to Dr. Lindsey for providing his expertise in developing concepts, providing research and literature reviews, and organizing materials for this report to the Court.

### **National Conferences**

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<sup>20</sup> Hoytt 13 – 15.

<sup>21</sup> Hoytt 65 – 70.

The Task Force's efforts were reinforced and enhanced by the attendance of several Task Force members at various national conferences that addressed racial, ethnic, and juvenile issues, including DMC. Magistrate Carol Wolfe of Gilmer County Magistrate Court, and Julie Palas, former Special Projects Counsel for the Supreme Court of Appeals of West Virginia, attended the National Consortium on Racial and Ethnic Fairness in the Courts held April 10 – 12, 2003, in Detroit, Michigan. Also, Magistrate Carol Wolfe attended the 2004 Midwest Region Training Conference and National Juvenile Justice Summit in Indianapolis, Indiana, from June 7 – 11, 2004.

Charged with continuing the coordination of the Task Force's remaining efforts, including seeing this Interim Report through to completion, Jennifer Singletary, Special Projects Counsel, attended the National Consortium's annual meeting in May, 2007.

### **The Supreme Court of Appeals of West Virginia**

The Supreme Court of Appeals of West Virginia, as the administrative body for the West Virginia judicial system, is to be commended for implementing many of the recommendations in the Final Report from the Commission on the Future of the West Virginia Judicial System. Such enacted recommendations include creation of the Public Trust and Confidence in the Judiciary Committee (now adjourned); the Committee on Equality in the West Virginia Judiciary; the Task Force for Self-Represented Litigants; the Commission on Mental Hygiene Reform; Mental Health and Drug Court Diversion Programs; the Court Improvement Program Oversight Board (which monitors court performance in the area of child abuse and neglect); this Task Force; and a soon-to-be-appointed Access to Justice Commission.

In September, 2002, the Court expanded the scope of its Committee on Equality in the West Virginia Judiciary to include issues of ethnicity, race, religion, national origin, disability, age, sexual orientation, political affiliation, socioeconomic status, pregnancy, and marital status. Another effort by the Court includes the August, 2004, participation of the Honorable Justice Joseph P. Albright; Administrative Director of the West Virginia Court System, Mr. Steven D. Canterbury; law clerk Tom Rodd; and First Circuit Chief Probation Officer James Lee on a panel specifically discussing issues related to juvenile justice, hosted by Wheeling Jesuit University for court personnel, juvenile advocates, and attorneys. Additionally, the Court sponsors educational and other special events throughout the year such as an annual recognition of Law Day; the LAWS program that gives students the opportunity to participate with and learn about Supreme Court cases; and training opportunities for employees on ethics, bias-free behavior, neutral language, and diversity issues.



# CHAPTER 2:

## CONTEXT

This chapter first provides definitions of relevant terms as they pertain to DMC and then summarizes federal laws governing DMC issues. Next, the chapter provides a summary of juvenile justice in West Virginia and a review of some other states' efforts to deal with DMC, followed by a list of some DMC contributing factors.

The following definitions were gleaned from a report published in 2001 by the Commission on Behavioral and Social Sciences and Education report titled Juvenile Crime, Juvenile Justice<sup>22</sup> and are paraphrased from that same source, except where otherwise noted.

### Definitions

**Race** is not biological, genetic, or otherwise scientific. It is a social construct related to "individual identity, collective consciousness, and institutional life."<sup>23</sup> Some racial categories are black or African-American, white or Caucasian, and Native American.

**Disparity** is the probability that a particular outcome -- such as short-term versus long-term detention -- differs for distinct groups. Disparity may lead to overrepresentation. In other words, there may be differing probabilities of receiving a particular outcome or treatment based, to some degree, on race.

**Minority Overrepresentation** describes the existence of a larger proportion of minorities at various stages within the juvenile justice system (such as intake, detention, adjudication, and disposition) than would be expected based on that specific minority's proportionate presence in the general population.

**Discrimination** occurs when juvenile justice decision-makers treat one group of juveniles differently from another group of juveniles based wholly, or in part, on their gender, race, sexual orientation, social class, and/or ethnicity, among other factors.

**Disproportionate Minority Confinement** exists when the proportion of youths detained or confined in secure detention or correctional facilities or jails who are members of minority groups exceed their specific minority groups' proportionate representation in the general population.<sup>24</sup>

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<sup>22</sup> Commission on Behavioral and Social Sciences and Education (CBASSE). Juvenile Crime, Juvenile Justice. (Washington, D.C.: National Academy of Sciences, 2001) 229 – 230.

<sup>23</sup> Bobo, L.D. "America Becoming: Racial Trends and Their Consequence." Racial Attitudes And Relations At The Close Of The Twentieth Century. Vol. I (2001): 264.

<sup>24</sup> Federal Juvenile Justice Delinquency Prevention Act (JJDP) (42 U.S.C. 5601§ 223(a)(23)).

**Disproportionate Minority Contact** requires an examination of possible disproportionate representation of minority youth at each decision-making point along the juvenile justice system continuum.<sup>25</sup>

**Cultural Competence** is a concept drawn from a model used in the mental health and social services fields that indicates a set of behaviors, attributes, and policies enabling an agency to work effectively in cross-cultural situations. “Cultural competence” is not a fixed characteristic of an agency; rather, it is an on-going developmental process for addressing diversity and is often defined as a system or a model.<sup>26</sup>

## The JJDPa

In an online publication, the Building Blocks for Youth Initiative reported the following about the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPa), as amended in 1988 and 1992 by the U.S. Congress:

[The JJDPa] provides the major source of federal funding to improve states' juvenile justice systems. The JJDPa was developed with a broad consensus that children should not have contact with adults in jails and other institutional settings and that status offenders should not be placed in secure detention. Under the JJDPa and its subsequent re-authorizations, in order to receive federal funds, states are required to maintain core protections for children.

One such protection is that states are required to assess and address the disproportionate confinement of minority juveniles in all secure facilities. Studies indicate that minority youth receive tougher sentences and are more likely to be put in jail than non-minority youth for the same offenses. With minority children making up one-third of the national youth population but two-thirds of children in confinement, this provision requires states to gather information and assess the reason for disproportionate minority confinement.<sup>27</sup>

As of 2002, the JJDPa now requires juvenile delinquency prevention efforts and strategies for effectuating systemic improvement designed to reduce DMC. States receiving formula grants under the JJDPa address DMC through the following phases: identification, assessment, intervention, evaluation, and monitoring. Each state must

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<sup>25</sup> Federal Juvenile Justice Delinquency Prevention Act (JJDPa) (42 U.S.C. 5601§ 223(a)(22).

<sup>26</sup> Cox, Judith A. Addressing Disproportionate Minority Representation Within the Juvenile Justice System. (Santa Cruz, CA: Santa Cruz County Probation Department, 2000) 9. Attached hereto as Appendix 4.

<sup>27</sup> Building Blocks for Youth. Resources for Disproportionate Minority Youth / Overrepresentation of Youth of Color. <<http://www.buildingblocksforyouth.org/issues/jjdp>>.

provide progress reports, a three-year plan, and subsequent plan updates [in compliance with § 223(a)(22)]. The OJJDP reviews the submitted plans and updates them annually. Any state that fails to address the DMC in its juvenile justice system may lose twenty percent of its grant allocation for the year.

## **Other States' Efforts**

For years after legislation governing DMC passed in 1988, states moved slowly to address the issue. When efforts began, data collection methods were limited; however, a body of research now substantiates that there is a national DMC problem, particularly regarding disproportionate minority incarceration in secure juvenile correctional facilities.

While African-Americans are most consistently overrepresented, it has been demonstrated that the minority group with the highest representation in a geographical region is the over-represented minority for that region.<sup>28</sup> For example, in states along the United States southern border, overrepresentation reflects the Latin American, Asian and African-American communities; while in states with Native American reservations, the Native American community is overrepresented. In Hawaii, American Samoans are overrepresented more than four times as frequently than any other Hawaiian ethnic group by the indicators measured (including arrests, secure detention, family court cases, and secure confinement.) Interestingly, among Hawaii's population, Samoans are the minority that most closely visually resembles African-Americans.

Forty states are developing or implementing plans to address DMC. Other states are undertaking efforts such as

- examining decision-making policies and practices of police, prosecutors, courts, and probation agencies, to identify where racial disparities occur in the system;
- increasing cultural diversity of program staff;
- developing guidelines such as detention criteria, which reduce or eliminate racial disparities;
- providing support training for juvenile justice system personnel;
- developing, supporting and expanding delinquency prevention programs;
- increasing the availability of and improving the quality of diversion programs; and
- developing community-based alternatives to secure detention and incarceration.

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<sup>28</sup> See Appendix 5 for a bibliography of sources demonstrating this hypothesis.

## DMC Factors

The following section explicates factors that research suggests make some contribution to the DMC problem.

The 1993 Coalition for Juvenile Justice Annual Report identifies five principal causes of DMC: (1) economic, social, and cultural issues (such as poverty, single-parent families, segregated socialization, lack of education, and high minority unemployment); (2) subjective decision-making in the juvenile justice system; (3) overt discrimination and racism in America and the juvenile justice system; (4) cultural, social, ethnic, and racial insensitivity; and (5) under-representation of persons of color in decision-making positions.<sup>29</sup>

In a report prepared for this Task Force by Dr. Stephen M. Haas, Director of the Division of Criminal Justice Service's Criminal Justice Statistical Analysis Center, Haas revealed that researchers had found the following set of possible explanations for overrepresentation:

- *Indirect effects.* Decision-makers consider race-related variables, such as family status, gang status, and school participation . . . producing racially aligned effects.
- *Cumulative effects.* These come about as a result of collectively consistent differences in justice processing. Systemic differentiations -- however slight or insignificant each instance may appear in isolation -- can accumulate to have a marked effect on minorities in the system.
- *Geographically-marked Justice.* This refers to the differences in justice philosophy and resources that occur from place to place. For example, if most of a state's minority juveniles reside in places that either have relatively few community options or in which the justice system is particularly oriented toward community safety (through removal), then there will be overrepresentation statewide, even though minority and majority youths may be treated with similar sanctions within specific counties.<sup>30</sup>

The increasing influx of minority youth in the juvenile justice system is one of the major contributors to the overrepresentation of people of color in the criminal justice system later on. This transfer occurs in primarily two ways: either through the accumulation of a juvenile delinquency record or by waiver to criminal court where the juvenile is tried as an adult. There is increasing evidence that even more minority youth will enter the

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<sup>29</sup> Coalition for Juvenile Justice, Pursuing the Promise: Equal Justice For All Juveniles (Washington, D.C., 1993). 1993 Annual Report, 14-21, Coalition for Juvenile Justice, Washington, D.C. (1994).

<sup>30</sup> Leonard, K.K. Minorities in Juvenile Justice. (Thousand Oaks, CA: Sage Publications, 1995).

criminal justice system by a third and more direct route -- through criminal court rather than juvenile court.<sup>31</sup>

West Virginia juvenile law either allows or requires a transfer of a juvenile delinquent to adult status when certain circumstances exist. The law also allows review and return to juvenile status at age eighteen if it appears that an inappropriate transfer has taken place. No juvenile is ever housed in an adult facility or with adult inmates, if transferred, until the age of eighteen, and then only after the Court has reviewed and approved the move and confirmed the original transfer. Even at age eighteen, these transferred juveniles may be treated as youthful offenders and placed into a non-prison rehabilitative program.

The most common factors contributing to DMC were found in the juvenile justice and educational systems, among socioeconomic conditions, and within the family.<sup>32</sup> Research from the OJJDP, U.S. Department of Justice, provides the following underlying factors that contribute to minority overrepresentation.

### Juvenile Justice System

- Racial/ethnic bias
- Insufficient diversion options
- System "labeling"
- Barriers to parental advocacy
- Poor justice system and community integration

### Socioeconomic Conditions

- Low-income jobs
- Few job opportunities
- Urban density/high crime rates
- Few community support services
- Inadequate health and welfare resources

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<sup>31</sup> Mann, Coramae Richey. "A Minority View of Juvenile Justice." 51 Wash. & Lee L. Rev 465 (1994).

<sup>32</sup> Information supporting this hypothesis was obtained from 44 states. Responses were received from 29 state Juvenile Justice Specialists, and OJJDP state representatives provided information on 15 states. Two states (South Dakota and Wyoming) are not participating in the Formula Grants Program, and information was unavailable in four states. Puerto Rico is exempt from the DMC core requirement, and the other four territories are exempted from further DMC studies because they have determined that DMC does not exist in their facilities of confinement. (OJJDP, U.S. Department of Justice.)

## Educational System

Inadequate early childhood educational opportunities  
Inadequate prevention programs (early dropouts)  
Inadequate education quality overall  
Lack of cultural education, cultural role models

## The Family

Single-parent homes  
Economic stress  
Limited time for supervision

Dr. Michael Lindsey, in his report titled, “The Overrepresentation of Ethnic Minority Youths in the Juvenile Justice System” provided the following list of additional documented causes of overrepresentation.

- Lack of cultural perspective and cultural competence
- Lack of wrap-around services (support to youth and their families for basic living needs, treatment, educational and health issues, etc.)
- Lack of access to effective legal representation
- Ambivalence of federal commitment to the overrepresentation mandate
- Lack of societal rules and/or regulations
- Bias in assessment instruments, reports, and practices
- Absence of early developmental education on citizenship and responsibility
- Disintegration of family and community
- Data and research inadequate at the local level
- Incompetence of service providers
- Insufficiency of support for teaching single, female parents how to parent effectively
- Insufficiency of probation and after-care
- Lack of ethnic minorities making key decisions about juveniles
- Lack of intensive early diversion programs

- Lack of nexus between juvenile crime and disposition, particularly property crimes
- Lack of programs providing structured supervision
- Lack of youth employment opportunities
- Lack of “family friendly” workplaces or service agencies
- Notion that juveniles will survive any disposition
- Overrepresentation not deemed a significant problem by key decision-makers
- Racism
- Parents ill-prepared to negotiate the juvenile justice system
- Parents not viewed as capable/competent treatment allies
- School expulsion policies
- Legislative practices
- Subjectivity in decision-making in the system
- Systemic discomfort with targeting special needs of minority at-risk juveniles
- Lack of intervention in high-risk communities, especially for prevention.<sup>33</sup>

Finally, Dr. Lindsey explained that these lists are neither complete nor prescriptive, and admitted that there certainly may be other factors that contribute to DMC not identified here. However, Lindsey asserted that a community may enjoy a significant and meaningful reduction in DMC without attempting to address each of these concerns, and that these factors merely help in appreciating the pervasive nature of the problem.

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<sup>33</sup> Lindsey, Michael. “The Overrepresentation of Ethnic Minority Youths in the Juvenile Justice System” *quoting* Chunn, Gwenn. “Disproportionate Minority Confinement (DMC) Dirty Dozen . . . and a spare dozen more” for which there is no full citation available.

# CHAPTER 3:

## METHODS

During the Task Force's inaugural meeting, Dr. John P. Rhoads identified two key components for addressing DMC successfully. First, those in positions of leadership must believe that DMC is a problem and must support the effort to reduce the offending contact. Second, data must be collected regarding key decision-point mapping.

The Court demonstrated its belief that DMC is a problem by responding to the Petition, including its creation of the Task Force. Consequently, the Task Force developed a comprehensive research plan to reevaluate existing data and to collect current information via system surveys, town meetings, public hearings, and through the work of field specialists. The Task Force used additional methods to study perceived DMC in the West Virginia juvenile justice system. Specifically, Task Force methods involved procuring technical assistance from the OJJDP, reviewing other states' efforts in reducing DMC, distributing a juvenile justice stakeholders' survey, conducting town meetings around the state, consulting DMC experts, and reviewing national conference materials.

This chapter explicates the methods employed by the Task Force. Note, however, some Task Force research methods -- specifically, conducting a review of other states' efforts in addressing DMC and distributing the juvenile justice stakeholders' survey -- are discussed at length elsewhere in this report.<sup>34</sup>

The Task Force plan's research objectives were as follows:

Identify the extent to which racial disparity exists, both before and after entry into the juvenile justice system, within . . . the past five years unless sufficient data is not available.

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<sup>34</sup>A review of other states' efforts in addressing DMC is included beginning at page 13 of this report; and the results from the juvenile justice stakeholders' survey are discussed herein beginning at page 41.



Identify if and how the system contributes to racial disparity by answering the question: are white and non-white juveniles with similar charges and from similar geographic areas treated with parity at each decision point in the juvenile justice system?

Identify evidence-based methods for improving the juvenile justice system if evidence shows the juvenile justice system is contributing to racial disparity.

Recommend an evaluation tool for measuring the effectiveness of the above methods on their ability to improve the juvenile justice system.

Recommend a monitoring process for the juvenile justice system.

## **Technical Assistance**

In November, 2002, Ms. Angela Saunders,<sup>35</sup> Task Force member and former Senior Juvenile Justice Specialist with the DCJS, requested technical assistance in addressing DMC from the OJJDP. The technical assistance was approved and provided by the Development Services Group (DSG) from Washington, D.C. The following are five desired outcomes that Ms. Saunders requested that the technical assistance provide:

details on national practices and services that reduce overrepresentation;

a review of West Virginia's juvenile justice information systems to determine whether sufficient necessary data are gathered to identify DMC and overrepresentation trends;

an examination of detention-screening criteria and identification of potential improvements to lead to decisions that reduce DMC while ensuring public safety and the integrity of the court process;

a review of existing programs and services in West Virginia funded to reduce DMC; and

guidance for the research to be completed under the direction of Dr. Stephen M. Haas, who was then an Associate Professor at Marshall University.

In April, 2003, consultants from the DSG conducted site visits comprising stakeholder interviews and a review of the Task Force work plans. The site visits' primary purpose was to gain a comprehensive perspective of DMC trends and issues in West Virginia for mapping the direction of Task Force efforts. Recommendations from the report

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<sup>35</sup> Ms. Angela Saunders currently serves as the Director of Court Services for the Supreme Court of Appeals of West Virginia's Administrative Office.

prepared by DSG are included herein at Chapter 5.

## **Task Force Town Meetings**

Two of the Task Force goals comprised soliciting feedback from West Virginians about how they perceive racial disparity in the juvenile justice system, and developing ideas on addressing the problem. To begin accomplishing these goals, the Task Force hosted nine town meetings to garner relevant information statewide, from both the public and juvenile justice professionals. The town meetings were held in the following cities:

- Beckley, Raleigh County
- Charleston, Kanawha County
- Fairmont, Marion County
- Franklin, Pendleton County
- Huntington, Cabell County
- Martinsburg, Berkeley County
- Parkersburg, Wood County
- Welch, McDowell County
- Wheeling, Ohio County

Ms. Tammy Collins, a Prevention Specialist with the West Virginia Prevention Resource Center, prepared a Qualitative Analysis Report<sup>36</sup> on the feedback gathered from the Town Meetings. Ms. Collins obtained data for her report by attending related Task Force meetings, by attending a town meeting, and by reviewing transcripts and notes from the town meetings, which were collected in electronic format and coded using qualitative data analysis software to identify recurring themes. Ms. Collins then reviewed literature related to the identified themes.

Further, through public service announcements and advertisements, the public was encouraged to submit additional comments via written evaluation forms, e-mails and letters.

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<sup>36</sup> Collins, Tammy. Town Meeting Qualitative Analysis Report for the West Virginia Supreme Court of Appeals Task Force to Study Perceived Racial Disparity in the Juvenile Justice System (July 2004). Attached hereto as Appendix 6.

# **CHAPTER 4:**

## **EXISTING PROGRAMS**

This chapter describes some West Virginia programs that may help reduce DMC. This list of programs was developed primarily from the Task Force members' own affiliations with related organizations or agencies.

### **Judicial Programs**

Some of the Court's efforts that may serve to address DMC include the creation of the following: the Public Trust and Confidence in the Judiciary Committee; the Committee on Equality; the Task Force for Self-Represented Litigants (soon to be re-instituted as an appointed Access to Justice Commission); the Commission on Mental Hygiene Reform; and the Court Improvement Program Oversight Board.

The Court also sponsors the following annual educational special events: the LAWS project (Legal Advancement for West Virginia Students), that gives students the opportunity to participate in and learn about Supreme Court cases; the Robes to Schools outreach project, in which Justices, Circuit Court Judges, and Family Court Judges and Magistrates read aloud to students at schools. Additionally, the Court provides training for court personnel and others on ethics, bias-free behavior, neutral language, cultural competency, and diversity issues.

### **Court Diversion Programs**

The Youth Court Diversion Program is co-sponsored by the OJJDP, the Office of Justice Programs, the U.S. Department of Justice, and the National Highway Traffic Safety Administration of the U.S. Department of Transportation. Youth Courts are operated by the American Probation and Parole Association. Potential Youth Court participants are referred from probation departments to have their cases heard by their peers. To be eligible for participation, an applicant must be a first-time offender of a nonviolent act.

There are more than nine hundred programs currently operating Youth Courts in the United States. West Virginia has three Teen Courts in Marion, Mercer, and Monongalia Counties, respectively. Primary goals of a Youth Court are as follows: responding to delinquency and substance abuse; holding offenders accountable; capitalizing on peer influence among youth; and helping youth develop competencies.

### **Marion County Teen Court**

In Marion County, Teen Court is held on Tuesdays and Thursdays each month. Teen Court Coordinator, Ms. Belinda Schwartz, reported that cases heard on Thursdays consist exclusively of tobacco cases -- in which students have been smoking cigarettes during school hours. Marion County Teen Court convenes between the hours of 5:00

p.m. and 7:00 p.m., and usually two cases are heard when court is in session. In the 2003 term, there were 23 referrals in the system. The Marion County Teen Court is currently operated by approximately 31 volunteers, and has heard 38 cases so far in 2007.

### **Mercer County Teen Court**

Started in September, 2002, the Mercer County Teen Court hears cases on three Thursdays out of each month from 6:00 p.m. to 8:00 p.m. On the remaining Thursday of each month, the Teen Court holds inservice training. Respondents pay a court fee of \$25.00, and each offender processed through Mercer County Teen Court must agree to serve as a juror upon completion of program. From September, 2006 through May, 2007, the program dealt with 67 cases referred by probation, twelve of which were pending at the time of this writing, since the Mercer County Teen Court schedule corresponds with the public school calendar.

### **Monongalia County Teen Court**

The Teen Court in Monongalia County has been in existence since 1997. According to Teen Court Coordinator, Mr. C.W. Mullins, the Monongalia County Teen Court averages between 85 and ninety cases per year, based on a ten-month program. There are six to eight hearings a month, heard on Wednesday evenings between 5:15 p.m. and 7:30 p.m. The cases heard include first-offense charges, and participants stay in the program for approximately three months.

### **Juvenile Drug Court Diversion Programs**

Both the Cabell County and Wayne County Juvenile Drug Court Diversion Programs comprise the cooperative efforts of the juvenile justice, child welfare, law enforcement, and education systems. The programs seek to divert non-violent offenders with substance abuse problems from juvenile court into an intensive, individualized treatment process. This process includes outpatient drug and alcohol treatment, probation case management and compliance monitoring, and mandatory family involvement. The length of time a participant remains in each phase is determined by his or her individual progress. The programs focus on intervention, graduated sanctions, supervision, and treatment rather than punishment.

Since the Cabell County program inception in September of 1999, during the following five years, only twelve of the 84 program graduates returned to Cabell County juvenile court, for a 14.3% recidivism rate. Of those twelve, only three returned with a drug or alcohol-related charge, for a drug-related recidivism rate of 3.6%. The Wayne County program began its operation with an opening ceremony on September 18, 2007.

## **Juvenile Mediation Program**

A program titled “Juvenile Mediation -- It Takes a Community: an Early Intervention Community-Based Restorative Justice Philosophy,” was established in 1997 by the Honorable Martin J. Gaughan, First Judicial Circuit Judge, and by Mr. James Lee, Chief Probation Officer. The program serves Hancock, Brooke, Ohio, Marshall, Wetzel, and Tyler counties and deals with alleged juvenile status offenders aged six to seventeen years and their families and/or guardians.

Juvenile Mediation collaborates with community agencies to provide mental health services, life skills, and substance abuse treatment and education. The program also seeks to eliminate out-of-state placement by providing in-home treatment for juveniles and their families. Each county’s probation officer is responsible for determining the need for informal intercession.

The program requires community participation, and citizen volunteers are carefully screened and trained by the program staff. A minimum of eight hours of training is conducted on topics ranging from juvenile justice and criminal law, to communication skills, victimization, and mental health.

## **Executive Branch Programs**

### **Governor’s Committee On Crime, Delinquency And Correction – Juvenile Justice Subcommittee**

In 1978, the West Virginia Legislature designated the Governor's Committee on Crime, Delinquency and Correction and created an accompanying state planning agency in order to take advantage of programs enacted in both the federal Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 *et seq.* (1984)) and the JJDP of 1974 (42 U.S.C. 5601 (1992). *W.Va. Code* 15-9-1 (1968)).

The Committee created the aforementioned State Advisory Group (SAG), from which there is appointed a representative to the nationwide Coalition for Juvenile Justice. The SAGs help states by developing and implementing juvenile justice plans that are submitted to the OJJDP every three years. In West Virginia, the DCJS staffs the Governor’s Committee on Crime, Delinquency and Corrections as well as the SAG.

### **Juvenile Justice Grants**

The OJJDP provides funding to the states through formula, block, and discretionary grants. Each grant requires that applicants meet specific criteria; and after a grant is awarded, the program is monitored for compliance with state and federal law. Additionally, through a competitive peer-review process, the OJJDP awards discretionary grants directly to states, local government units, and private organizations to administer selected programs. West Virginia is eligible for formula and block grant funding for juvenile accountability and delinquency prevention.

Some of the specific grant programs that have been awarded in West Virginia are as follows:

- Enforcing Underage Drinking Laws, which supports and enhances efforts by state and local jurisdictions to prohibit the sale of alcohol to minors and the purchase and consumption of alcoholic beverages by minors.
- Supporting state and local delinquency prevention and intervention efforts and juvenile justice system improvements.
- Helping develop programs that promote greater accountability among offenders and in the juvenile justice system.

## **Division of Criminal Justice Services Programs**

The West Virginia Juvenile Law and Procedure report was used to create a three-hour class titled “Juvenile Justice 101 in West Virginia.” The class was designed for laypersons to understand West Virginia’s juvenile justice system and was developed in response to the Task Force’s town meetings. Participants included parent groups from the Mountain State Parents Can Organization, juvenile detention staff for the DCJS, a DCJS employee, select members of the West Virginia legislature, and Prevention Resource Officers throughout the state.

## **Probation Assessment Tool for Pre-sentencing Reports**

West Virginia youth in the juvenile justice system are subject to recommendations from probation officers regarding placement and services, which are made absent universal standards. Although different groups assess the recommendations, their assessments are not standardized. For example, an assessment used in one part of the field may never be used or even viewed in another part. West Virginia lacks collaboration, coordination and standardization that could help ensure appropriate and fair pre-sentencing assessment of West Virginia juveniles.

With funding support provided by a JJDP A Challenge grant, West Virginia’s DCJS developed a universal assessment tool for use by all probation officers when preparing pre-sentencing recommendations to judges. Judges should consider the unbiased tool for determining appropriate services and dispositions for West Virginia youth. The tool identifies critical factors for consideration when preparing recommendations for each case.

A pre-sentencing tool development committee consists of the following: the Supreme Court of Appeals of West Virginia, the Division of Probation Services, the DCJS, the Department of Education, the DHHR, and the DJS. The committee identified critical risk factors and developed an electronic version of the pre-sentencing tool. Initial training was provided for a select group of probation officers, and the pilot portion of

the project is underway. According to Ms. Angela Saunders, as of January, 2007, the tool was “up and running, online with the JJDB . . . [and] being analyzed by [Ms.] Tammy Collins” who should have a report on its effectiveness available soon.

### **West Virginia DMC Projects and Counties Served**

#### **Hope Community Development Center: Kanawha**

JJDPA grant money provides continued funding for this alternative program for status offenders to improve self-esteem, confidence, independence, and hopefulness. This collaborative effort among the judicial system, families, communities, and status offenders enables youth to make reparation and restitution and to realize a new direction in life.

#### **KISRA / Harambee and Roosevelt Learning Centers: Kanawha**

The JJDPA also funded an after-school program at the Harambee Learning Center in Dunbar, West Virginia. KISRA focuses on school-related risk factors affecting youth and provides tutoring and mentoring services for students who attend Dunbar area schools and South Charleston High School.

This successful program is being duplicated in the Roosevelt Learning Center on Charleston’s east end. The center is a safe and drug-free haven that focuses on protecting youth, reducing risk factors, and encouraging resilience in children attending Kanawha County schools.

#### **Team Agape: Boone, Kanawha, Lincoln, Putnam**

Other JJDPA funded initiatives include Team Agape services for at-risk youth in Kanawha, Putnam, Lincoln, and Boone Counties. Team Agape is a Christian, faith-based 501(C)(3) organization that deals with juvenile and family crisis prevention and intervention. The team’s mission states, “Teamwork and godly love help build and strengthen families, homes and communities.”

The team defuses and stabilizes juvenile and family crises, with such tactics as intervening in instances of domestic violence, assisting with educational needs, providing recreational activities and counseling, managing cases, developing in-home practices, reestablishing community, mentoring, procuring jobs, and providing links to other resources in the community. Although this program is established on Christian principles and morals, it is not a Christian teaching or recruiting organization; rather, it serves all juveniles and families in need.

Team Agape is unique because its staff immediately conducts crisis-intervention assessments, and develops and implements plans to provide for identified needs. The team staff serves as coordinators for the juvenile, his or her family and treatment centers, the court system, educational systems, and the community.

### **City of Huntington: Cabell**

Grant funding allows part-time staff to coordinate the Fun Time Saturday Program at the A.D. Lewis Community Center in Huntington, West Virginia. The program provides diversionary arts and recreational activities for at-risk juveniles who live in the Fairfield areas of Huntington. The center provides a variety of programs targeted to benefit minority youth, paid for by the community.

### **YWCA Sojourner's: Kanawha, Clay, Boone**

Grant funding provides supportive, educational, and preventative activities regarding substance abuse for residents of the YWCA Sojourner's Shelter for Homeless Women and Families.

### **MUSTER Projects: Raleigh**

The Muster Project was, for many years, a DCJS-funded program, but it has moved toward self-funding. With some remaining JJDPF funds, the project has as its purpose providing services to the minority youth population. What follows are descriptions of some of the programs and services comprised by the Muster Project.

The *All-Stars Program* uses a science-based curriculum to challenge middle-school-aged youth to consider risky behaviors -- such as alcohol, tobacco, and other drug use; early sexual activity; and violence -- in new ways. The program's interactive approach, solid research base, and active parent component make *All-Stars* one of the most widely-used and fundable prevention curriculums in the nation.

*Respect and Protect* is a school-violence prevention program that uses mentors to teach students healthful, effective coping methods for pressures experienced at home and at school. Through individual and group counseling as well as with student assistance the program helps youth understand family dynamics and roles, develop communication skills, identify feelings and defense mechanisms, enhance self-esteem, develop anger management and conflict resolution skills, understand grief and loss, and build basic social skills.

*Positive Adolescent Choice Training* (PACT) is a cultural-based program which helps adolescents reduce the risk of perpetrating or experiencing violence. PACT uses a cognitive-behavioral group training method that equips its participants with specific social and anger management skills to use in interpersonal conflict situations.

*Status Offender Accountability Programs* are multifaceted diversion programs for minority juvenile offenders. The programs divert youth from the court system to participating



with a network comprising law enforcement, school systems, local churches, and families.

*Youth Education in Shoplifting* provides twelve hours of instruction on the negative effects of shoplifting to first-time juvenile shoplifters and offers information and support to parents. The program also holds the juvenile accountable for his or her actions and allows for restitution and open discussion regarding the consequences of his or her actions.

## **Division of Juvenile Services Activities**

The Community Resource Department (CRD) of the DJS works with residents of the West Virginia Industrial Home for Youth (WVIHY) and the Davis Center. A Community Resource Coordinator (CRC) works with residents returning to their communities and with those who cannot return directly to the community. While residents are in DJS custody, their assigned CRCs conduct monthly progress reviews and attend Individual Treatment and Multidisciplinary Team (MDT) Meetings.

An Aftercare Process is instituted with each resident's intake at WVIHY. Each resident is assigned a CRC from the beginning, based on county of residence. Two months before a resident is scheduled for release, his or her CRC attends an MDT meeting, and all concerned parties are invited to attend. The team makes recommendations for the resident's Aftercare Plan that will be submitted to the court for approval.

The CRD is committed to collaborating with families and community providers for meeting re-entry needs of released youth and their families. Other CRD goals include helping adjudicated youth develop positive attitudes and behaviors. The CRD assists communities by providing necessary resources and services and by preserving community safety.

## **Legislative Initiatives**

In the spring of 2002, the West Virginia Legislature's Joint Committee on Government and Finance appointed Select Committee B on Minority Issues to conduct a study in furtherance of House Concurrent Resolution (HCR) No. 76. HCR No. 76 identified disparity in a number of state social systems that has resulted in a decline in the quality of life of West Virginia's minority residents, affecting African-American West Virginians in particular. The resolution requested a study on West Virginia's high minority unemployment rate and other socioeconomic problems, after finding racial disparity in the delivery of health and social services, in employment and economic opportunities, in educational achievement and in the criminal and juvenile justice systems.

The Committee – co-chaired by former Senator Larry L. Rowe and Delegate Carrie Webster – endeavored to report to the full Legislature any findings, conclusions, and recommendations from the study, and to propose appropriate legislation.

Select Committee B conducted the study and made recommendations to address the problems identified in HCR No. 76. The Committee generated a report presenting its findings and recommendations along with supporting materials.<sup>37</sup> Ultimately, the Committee decided to divide the report into four general topics, as follows: Education, Criminal and Juvenile Justice, Health Care and Social Services, and Employment and Economic Development. Further, the Select Committee offered an opportunity for public hearings on June 8, 2003, and on August 4, 2003. Other Committee meetings were devoted to individual topics selected for study, and the group solicited input from a variety of public and private sources.

In February 2004, the West Virginia Legislature adopted HCR No. 25, requesting that the three branches of state government cooperate and encourage state, county and municipal government leaders to identify and address racial disparity. The Task Force consultants recommend that the Court also support legislation intended to address system disparity.

#### **West Virginia Code § 17G-1-1 *et seq.*: Racial Profiling Data Collection Act**

The Racial Profiling Data Collection Act requires state law enforcement officers to collect data about each traffic stop performed. The data to be collected are race, age, gender, whether a citation was issued, and whether a search was conducted. The goal of the law is to create a record of the manner in which all citizens are treated during traffic stops and to determine if minorities are treated differently. It will also identify potential police misconduct. It should be noted that the expiration date of the statute is June 30, 2009. (W.Va. Code § 17G-1-1 to 17G-2-3 (2008).

#### **West Virginia Code § 15-2-7: Cadet selection board; qualifications for and appointment to membership in division; civilian employees**

W.Va. Code § 15-2-7 [2004] requires state police to present an annual report to the Legislature regarding effective recruiting of females and minorities to fill job vacancies within the State Police. On January 10, 2007, Senate Bill 41 was filed to amend this Code section to provide a one-time, across-the-board \$1,200 per year increase in pay for civilian employees of the State Police.

#### **West Virginia Senate Bill 272 (2004): Law Enforcement and Community Relations Appeal Board**

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<sup>37</sup> West Virginia Legislature, Joint Committee on Government and Finance. Report of the Proceedings of Select Committee B on Minority Issues, 2003 Legislative Interim Study. (Charleston, WV: 2004).

West Virginia Senate Bill 272 (2004) did not reach the floor of the Senate and was not resubmitted in 2005. The bill was intended to create a State Police Review Board for complaints presented by the general public against state law enforcement officers. Had the bill been enacted into legislation, any person who claimed to have been the victim of excessive force, misconduct or other unlawful act caused by a state police officer could have submitted a complaint to the office of professional standards division of the state police or at any state police detachment. The action taken would have been appealed to this newly created board. The board was to make recommendations to the superintendent of the West Virginia State Police, leaving the final decision to the superintendent.

## **A Law Enforcement Effort**

### **Support Effort Assisting Teens (SWEAT) - Wheeling**

SWEAT is a program that matches volunteer mentors from the Sheriff's Office with inner-city youth (primarily minority) between the ages of thirteen and sixteen. The Sheriff's Department promotes the program through the media to develop a "customer base" of community members who provide service opportunities -- such as yard work - for the youth and their deputy mentors, on a regular basis. The program is funded through donations from the homeowners who receive the services, and the income is divided among the participating youth.

First, the mentor accompanies the teenager to a local bank and introduces him or her to a bank official to open a bank account. The participants discuss the importance of saving a portion of SWEAT income. The program's two-fold objectives are realized when youth participants learn that hard work can result in financial gain and that a deputy sheriff can be an ally and a community resource. This program involves family members and the community, with local merchants offering donations of equipment used in the process.

The SWEAT program helps youth establish a work ethic and breaks down barriers between minority youth, the community, and law enforcement officers. Relationships built with law enforcement officers may also foster an interest for the youth in law enforcement as a career.

## **West Virginia Human Rights Commission and the West Virginia Hate Crimes Task Force**

Since 1961, the organizational mission of the West Virginia Human Rights Commission, a division of WVDHHR, has been the elimination of discrimination based upon sex, race, color, ancestry, national origin, age, disability, religion, and familial status.<sup>38</sup> The West Virginia Hate Crimes Task Force, organized under the auspices of the West Virginia

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<sup>38</sup> West Virginia Human Rights Commission. Homepage. Ivin B. Lee, Executive Director. 3 August 2007. 10 August 2007. <<http://www.wvf.state.wv.us/wvhrc/>>.

Human Rights Commission, is a group comprising representatives from federal, state and local law enforcement departments, human rights agencies and civil rights organizations. The Hate Crimes Task Force mission is to prevent and address all forms of biased-motivated crimes by responding to incidents, interacting with individuals involved and providing educational opportunities. The Hate Crimes Task Force's function is to make the State of West Virginia a safer and more tolerant place to live and work.

### Minority Students Strategies Council

In January, 2004, the Governor's Minority Students Strategies Council issued a report addressing "the impact of low achievement on West Virginia's African-American families and communities."<sup>39</sup> The report asserted that "low student achievement is associated with increased delinquent behavior, higher drug use and pregnancy rates, and higher unemployment and adult incarceration rates."<sup>40</sup> Quoting the May 2003 "Juvenile Corrections Forecast" the report continued, "Although the majority (76.5%) of commitments were white males, the percent of black males committed to corrections was six times greater than the percent of black males in the general West Virginia juvenile population."<sup>41</sup>

The report quoted an article from *The Charleston Gazette* summarizing and explicating results from the 2000 U.S. Census Bureau report.

[M]ore than one-third of the people behind bars in the Mountain State are black, though blacks make up only about 3 percent of the general population. In 10 years, the black portion of people behind bars has jumped more than 10 percent . . . [and] [t]he rate is even higher among black women, who make up nearly 44 percent of the state's incarcerated females. Overall, 18 percent of the people behind bars in West Virginia are women . . . One out of every 16 black people in the Mountain State is behind bars. One out of every 10 black men is incarcerated. Comparatively, one out of every 255 white people is behind bars.<sup>42</sup>

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<sup>39</sup> West Virginia Office of the Secretary of Education and the Arts. "Governor's Minority Students Strategies Council: Minority Students' Achievement in West Virginia" Kusimo, Patricia S., Patricia Petty-Wilson and Troy Body. (Charleston, WV: 2004).

<[http://www.allwvstudents.org/minority\\_students\\_achievement.pdf](http://www.allwvstudents.org/minority_students_achievement.pdf)>.

<sup>40</sup> West Virginia Office of the Secretary of Education and the Arts.

<[http://www.allwvstudents.org/minority\\_students\\_achievement.pdf](http://www.allwvstudents.org/minority_students_achievement.pdf)> p. 17.

<sup>41</sup> West Virginia Office of the Secretary of Education and the Arts.

<[http://www.allwvstudents.org/minority\\_students\\_achievement.pdf](http://www.allwvstudents.org/minority_students_achievement.pdf)> p. 17 *quoting* West Virginia Division of Criminal Justice Services Criminal Justice Statistical Analysis Center and The George Washington University Institute on Crime, Justice and Corrections. Juvenile Corrections Forecast 2002-2013. Hutzel, Laura, Theresa Lester, and Wendy Naro. (West Virginia: 2003).

<sup>42</sup> Bott, Rachelle. "Incarceration Rate Much Higher for Blacks than Whites Census 2000 'West Virginia Counts.'" The Charleston Gazette. 18 July 2001. 1A.

According to the Council's report,

As the academic achievement of African-American youth continues to lag behind their non African-American peers, the incarceration rates for African-Americans, both juvenile and adult, continue to increase . . . The unemployment rate for African-American teenagers in West Virginia is at least 50% compared to an overall teenage unemployment rate of 24.6, 25.2, and 27.3 in 1995 through 1997, respectively<sup>43</sup> . . . To reverse these trends and improve the situation, West Virginia's educational system must meet the educational needs of its African-American youth more effectively. If education does not work for African-American youth in West Virginia, then they have no hope, and the current trends are likely to accelerate and worsen.<sup>44</sup>

## MAACK

Maximizing the Achievement of African-American Children in Kanawha (MAACK)<sup>45</sup> was a pilot project created when the Kanawha County school system noted that while Kanawha County comprised the highest percentage of African-American students in the state (10%), that in 2001, only 34% of these students achieved a basic skills standardized test score that fell above the fiftieth percentile. To address this achievement gap, the Kanawha County School Board enlisted the help of the Appalachia Education Laboratory, Inc. (AEL). AEL, now known as Edvantia, was then one of twenty nonprofit organizations formed under Title IV of the federal Elementary and Secondary Education Act, having the purpose of linking educational research and school personnel.<sup>46</sup>

The AEL started MAACK in 2001, as a two-pronged initiative involving a school pilot project and a community initiative project. The Kanawha County School Board chose four schools to participate in the pilot program, at which facilitators from AEL introduced "culturally responsive instruction" to teachers who were to implement the instruction in their classrooms. The three MAACK objectives were to

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<sup>43</sup> West Virginia Office of the Secretary of Education and the Arts. "Governor's Minority Students Strategies Council: Minority Students' Achievement in West Virginia" Kusimo, Patricia S., Patricia Petty-Wilson and Troy Body. (Charleston, WV: 2004) *quoting* Merrifield, Edward, Retired Director of the Research, Information and Analysis Division of the BEP, letter to Ms. Debra Hart, former Director of the West Virginia EEO. 2 April 1999.

<sup>44</sup> West Virginia Office of the Secretary of Education and the Arts. "Governor's Minority Students Strategies Council: Minority Students' Achievement in West Virginia" Kusimo, Patricia S., Patricia Petty-Wilson and Troy Body. (Charleston, WV: 2004). p. 18.

<sup>45</sup> Except where otherwise noted in this subsection, the information on MAACK came from AEL, Inc. "Measuring Treatment Integrity: Testing a Multiple-Component, Multiple-Method Intervention Implementation Evaluation Model." (Charleston, WV: 2004). Evaluation, 2004, the 18<sup>th</sup> Annual Conference of the American Evaluation Association. (Atlanta, GA, November 3 - 6, 2004).

<sup>46</sup> History of Edvantia. 20 August 2007.

<<http://www.edvantia.org/about/index.cfm?&t=about&c=history>>.

1. Improve academic performance of all students, particularly African-American students, many of whom were of low socio-economic status, receiving free or reduced lunch.
2. Improve academic environment/ school climate for all students, particularly for African-American students; and
3. Build the capacity and commitment of pilot schools personnel to learn and improve their professional practices.

The facilitators worked with the schools for two years and conducted a formal study of its results in 2004. Through journal entries kept by participants and interviews with principals and educators, AEL analyzed the results of MAACK and published their findings. The nature of the feedback from participants was mixed, although most reports were positive.

According to a previous draft of this report, the community initiative component of MAACK included the following activities:

- Organizing forums during which community members could meet with school board candidates and ask questions;
- Holding dialogues with school district superintendents and other officials to learn about district practices and to allow district officials to hear community views;
- Lobbying the state legislature to establish professional development schools in up to ten counties;
- Training parents of children receiving special education services for participation in shaping their children's school plans;
- Working with media to report information about the achievement gap;
- Working with parents and with school improvement councils to increase effective parent involvement; and
- Tutoring students in mathematics to prepare them for more rigorous courses.

### **“Work it Off”: a Prosecutorial Diversion Program**

Greenbrier County Prosecutor Kevin Hanson was instrumental in creating the “Work it Off” program to provide an out-of-court option for dealing with certain minor juvenile offenses (such as underage drinking, smoking, shoplifting, petit larceny, certain traffic offenses, and slight batteries perpetrated in school fights). First, a juvenile charged with an offense that falls within the program's parameters receives a letter from the

prosecutor's office informing the juvenile of his or her program eligibility. The letter explains that participants may choose from among several different community programs, including the sheriff's department, the courthouse, the recycling center, the local domestic violence center, or, in some instances, the local landfill.

Further, the letter indicates that failure to respond will result in a juvenile petition being brought and full prosecution going forward. Most juveniles respond favorably. They work between eight to forty hours, depending on the offenses and number of charges. Parents and legal representatives must agree to allow participation. So far, participating youth have painted, mowed yards, cleaned, repaired items, washed police cruisers, and performed other services. Most participants were grateful for the chance to substitute community service for having a criminal record. In instances of successful program completion where the juvenile's participation is certified by an agency supervisor, a petition will not be filed in circuit court.

# CHAPTER 5:

## TASK FORCE FINDINGS, RECOMMENDATIONS, AND CONCLUSIONS

### Overview of West Virginia Juvenile Data Analysis Findings

Dr. Michael Lindsey, when presenting at a July, 2005, public policy forum on young men of color, suggested that a “question often raised . . . asks, ‘Doesn’t this overrepresentation exist only because minority youth commit more crimes?’”<sup>47</sup>

The answer -- from the analysis of West Virginia’s juvenile records – is no. White youth commit more crimes. Minority youth commit more *serious* crimes. Regardless, considering the seriousness of the offense, prior record, age and gender, minorities are treated more harshly at three out of four stages of the juvenile justice process analyzed in the report prepared by Dr. Stephen M. Haas. Race is still important in deciding outcomes, and it affects decision-making at multiple stages of the process.

Some national and state figures indicate that disparity starts with arrests and recommendations for court action, and escalates throughout the court system.<sup>48</sup> Similar to national findings, Dr. Haas’s report found that disparity does not accumulate successively. Instead, Dr. Haas noted that minorities were treated more harshly at the earlier stages, while an adjustment was made at the adjudication stage. A greater proportion of non-white youths’ cases were dismissed at the adjudication stage.<sup>49</sup>

Additionally, among juveniles who reach the formal disposition stage, minorities were more than twice as likely to be sentenced to DJS custody than white juveniles. Further analysis may be required regarding earlier stages in the juvenile justice process, compared to the adjudication stage. Problems arise if dismissals result from disparity in the earlier process, although charges may meet the probable cause standard but are ultimately too difficult to prove.

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<sup>47</sup> Lindsey, Dr. Michael. The Impact of Waivers to Adult Court, Alternative Sentencing, and Alternatives to Incarceration on Young Men of Color. (Bellums Commission and the Joint Center Health Policy Institute, 2005).

<sup>48</sup> Haas, Stephen M., Ph.D. “Racial Disparity and the Juvenile Justice Process: A Multi-State Analysis for the State of West Virginia.” (Huntington, WV: State Justice Institute, 2004) 32, *citing* Pope, C.E., R. Lovell, and H.M. Hsia. Disproportionate Minority Confinement: A Review of the Research Literature from 1989 through 2001. (Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 2002). Attached hereto as Appendix 7.

<sup>49</sup> Haas 28.



Also, dismissals may result from effective plea negotiations. In West Virginia, if a case remains in juvenile court, there is no advantage for the state to seek multiple convictions, as jurisdiction ends at a future date regardless of the sentence. The limited use of enhancement for future transfers is not normally enough of an incentive for prosecutors to seek multiple convictions. For these and other reasons, further analysis is needed.

Despite the “adjustment” element, it would be better for youth to avoid involvement in the juvenile justice system from the onset. Psychological, physical, and financial burdens can accompany a juvenile’s experience from having been processed through the system. The longer the juvenile is involved in the justice system, the more potential there is for compounding negative effects.

## **Findings and Recommendations from the Juvenile Records Analysis (JRA)**

The following recommendations are directed to the Court, unless another agency or organization is separately designated. Except where otherwise noted, the findings in this section are taken from the Haas Report and were made following the extensive research and work of the Task Force. Please note that after various drafts of this report, this section has been reordered and renumbered for sequential consistency and for elimination of duplication and redundancy.

### **JRA Finding 1**

Minority youth were overrepresented by approximately 2.0% - 3.0% in relation to their proportion in the general population at the point of intake.<sup>50</sup>

### **JRA Finding 2**

Non-white youths are more than twice as likely than whites to be detained prior to adjudication<sup>51</sup>.

### **JRA Finding 3**

At the formal disposition stage, non-white youths were *more* likely to be sentenced to a secure corrections facility. Non-white youths were nearly twice as likely as white youths to be sentenced to DJS custody or transferred to adult court.<sup>52</sup>

### **Recommendations for JRA Findings 1 - 3**

- Review existing assessment tools currently in use in West Virginia’s juvenile justice system to determine conformity to legal standards.

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<sup>50</sup> Haas 20.

<sup>51</sup> Haas 21.

<sup>52</sup> Haas 22.

- Use a statewide uniform risk assessment detention-screening instrument at the magistrate level to help guard against racial bias and assure consistency across jurisdictions when processing youth.

#### **JRA Finding 4**

Non-white youths (in the juvenile justice system) were significantly more likely to come from single parent homes and more likely to receive a disposition to alternative educational settings.<sup>53</sup>

#### **JRA Finding 5**

Non-white youths were significantly more likely to be younger at the time of the offense and intake into the juvenile justice system.<sup>54</sup>

#### **JRA Finding 6**

Non-white youths referred to juvenile probation had higher incidences of prior arrests, were more likely to have a prior adjudication for delinquency, and were more likely to have previously served time on probation.<sup>55</sup>

#### **JRA Finding 7**

Regardless of race, the frequency and severity of a youth's prior record and the severity of a youth's current offense were significant predictors of disposition outcomes at each stage of the juvenile justice process.<sup>56</sup>

#### **Recommendations for JRA Findings 4 - 7**

- Develop diversion resources specifically targeted to single-parent families.
- Create a process for referring at-risk children from the alternative educational settings to appropriate agencies and programs.
- Identify alternative programs or persons for law enforcement to contact if the parents or guardians of a youth in custody or arrested cannot be located, or cannot or will not accept responsibility for the juvenile.
- Analyze crime reports to identify factors contributing to disparate decisions by law enforcement personnel to arrest, refer and detain minority youth.

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<sup>53</sup> Haas 20.

<sup>54</sup> Haas 21.

<sup>55</sup> Haas 83.

<sup>56</sup> Haas 21.

· Increase “early” prevention programs. Studies show the earlier a family is given support and education, even with infants, the less likely a child will become involved in the juvenile justice system.<sup>57</sup>

## **JRA Finding 8**

Minority youths tended to be referred to juvenile probation for more serious delinquent offenses compared to white youths. While non-white youths were *less* likely to be referred to juvenile probation for a status offense, they were *more* likely to be referred for violent or felony offenses. Note, however, that a lack of uniformity among jurisdictional approaches to handling status offenders renders this data incomplete.

## **Recommendation for JRA Finding 8**

Collect and analyze additional data at each stage in the juvenile justice system

## **JRA Finding 9**

Age and gender were significant predictors for many outcomes at multiple stages. Older males were typically treated more harshly at each stage of the process.<sup>58</sup>

## **JRA Finding 10**

Non-white youths were more likely to receive harsher dispositions at the informal disposition, pre-dispositional detention, and formal disposition stages.<sup>59</sup>

## **JRA Finding 11**

At the informal disposition stage, non-white youths were significantly more likely to have their cases closed or to have their complaints withdrawn rather than being offered probation. With status offenses, non-white youths were more likely than whites to receive an informal disposition; however, where charged with a misdemeanor or felony offense, white youths were more likely to have their cases either withdrawn or referred to community agencies for disposition.<sup>60</sup>

**Comment:** The informal disposition decision point is a very important stage for determining the contact a youth will ultimately experience with the juvenile justice system. The JRA finding related to informal supervision through probation should be further explored. If disparity could be reduced here, it may reduce disparity at later

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<sup>57</sup> Diefendorf, Martha and Susan Goode. “The Long Term Economic Benefits of High Quality Early Childhood Intervention Programs.” University of North Carolina, Chapel Hill, 2004. National Early Childhood Technical Assistance Center <[www.nectac.org/~pdfs/pubs/econbene.pdf](http://www.nectac.org/~pdfs/pubs/econbene.pdf)>. (2004).

<sup>58</sup> Haas 21.

<sup>59</sup> Haas 21.

<sup>60</sup> Haas 21.

stages. Once referred, if the cases are not immediately closed or charges withdrawn, then non-white youths are less likely to receive probation.

### **Recommendation for JRA Findings 10 – 11**

Examine why and how often minority youths are referred to informal supervision.

### **JRA Finding 12**

Non-white youths were significantly more likely to have their cases simply dismissed at the adjudication stage. Non-white youths were 45.9% *less* likely to be adjudicated not a status offender or delinquent, 49.1% *less* likely to be successfully adjudicated as a status offender, and 43.6% *less* likely to be successfully adjudicated as a delinquent compared to having their cases dismissed.<sup>61</sup>

### **Recommendation for JRA Finding 12**

Collect and analyze additional data at each stage in the juvenile justice system.

### **JRA Finding 13**

Regardless of race, youths detained prior to adjudication were over *eight times* more likely to be referred to DHHR or placed in DHHR custody; over *four times* more likely to be sentenced to probation; and over *fourteen times* more likely to be placed in DJS custody or transferred to adult court.<sup>62</sup>

**Comment:** Because of this finding, the recommendation addressing assessment tools related to JRA Findings 1 through 3 has heightened importance.

### **JRA Finding 14**

Since non-white youths are more than twice as likely to be detained prior to adjudication, we can conclude that race is likely to have a significant indirect effect on case outcomes at the adjudication and formal disposition stages.<sup>63</sup>

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<sup>61</sup> Haas 21.

<sup>62</sup> Haas 22.

<sup>63</sup> Haas 22.

## **Recommendations from the Development Services Group (DSG) site visits**

What follows are recommendations for the Court gleaned from the Development Services Group (DSG) report following their site visits.<sup>64</sup>

### **DSG Recommendation 1 –Regarding Data Collection**

The DCJS should ensure that the study of processing and confinement practices captures all police contacts through Uniform Crime Reports or police logs.

### **DSG Recommendation 2 – Regarding Data Collection**

Data collection should capture referrals of status offenders to DHHR that did not result in petition filings.

### **DSG Recommendation 3 –Regarding Data Collection and Analysis**

Existing detention screening criteria used in the state should be examined, along with national standards for detention screening. Results should then be analyzed to determine the best screening tool for West Virginia. Depending on the results of these analyses, decisions (based upon West Virginia’s criteria) may fairly process juvenile offenders into secure detention, or they may require revision to ensure fair and equitable outcomes that limit secure admissions to serious and chronic offenders who either pose a danger to public safety or who fail to appear for court hearings.

### **DSG Recommended Framework for Task Force Continuation**

DSG recommendations 4 – 9 consist of the Group’s recommended framework for guiding the Task Force’s continuing efforts. If the Court chooses to adopt this framework, the study will require additional funding and resources since the scope and level of work is more expansive than was anticipated.

### **DSG Recommendation 4 – Prepare a DMC Literature Overview**

An overview of the literature is very important because it will help circumvent defensive reactions to study findings by exposing DMC as a national problem -- not just a “West Virginia problem.” An overview would document self-report findings for those who believe that DMC is solely the result of more serious offenses by minority juveniles.

### **DSG Recommendation 5 – Determine the Extent of Overrepresentation.**

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<sup>64</sup> Fedeli, Joseph. Final Report: Assisting the Task Force to Study Racial Disparity in the Juvenile Justice System in Developing a Plan of Action to Target DMC Reduction, Formula Grants Training and Technical Assistance Contract. (Bethesda, Md., DSG, 2003) 4 – 7. Attached hereto as Appendix 8.

This determination is critical, as it would expose the extent to which minorities are overrepresented at different decision points in the system. These findings will document the need for the other research phases. This would be the most labor-intensive and expensive component of the project; however, it should show where disparities actually exist and where apparent disparities are otherwise neutral. The assessment would involve interviews with juvenile justice practitioners about how they make decisions involving secure detention and correctional confinement and is critical for identifying those areas requiring changes to reduce DMC. Note that the Task Force made this determination as to the extent of overrepresentation in 2004.

### **DSG Recommendation 6 - Examine Juvenile Offenders' and Community Perceptions**

Such an examination would provide useful insights into how minority juveniles are treated that might not be revealed through the quantitative research (e.g., police gate-keeping, correctional staff handling, etc.).

### **DSG Recommendation 7 - Conduct Practitioner Forums**

Practitioner forums would enable researchers to (1) share study findings with juvenile justice system practitioners, (2) gain insights into those factors that practitioners believe are contributing to any observed disparities, and (3) identify practitioner suggestions for addressing DMC. Forums also facilitate practitioner “buy-in” through participation in addressing DMC. Sharing research findings through such forums is essential.

### **DSG Recommendation 8 - Collaborate with Other State Agencies**

Additionally, the DSG recommended that the Task Force approach education and child welfare agencies about conducting their own studies of DMC (as the State of Colorado has done). Leading state agencies to develop an interest in the issue could help build a significant force supporting fair and equal justice.

### **DSG Recommendation 9 - Adjust Task Force Membership**

The Task Force should add members including community citizens as well as education and child welfare personnel, and substance abuse service representatives.

The Task Force agrees that for any jurisdiction to be successful, all key partners that work with youth must be involved, and their concerns must not be territorial. A discussion of racism cannot be successful if it causes frustration or a derailing of enthusiasm for the work. The participants must also share resources.

## **Summary of the Juvenile Court Stakeholders Survey Results**

The report prepared by Dr. Stephen Haas explained that despite a number of studies focusing on the issue of racial disparity that have found there to be differences in the treatment of white and non-white youth, that fewer studies have examined the *mechanisms* by which racial differences become important in influencing juvenile justice decisions. According to Dr. Haas, who cited support for his assertions in the attached report, evidence suggests the perceptions of court officials may contribute to differences

in processing between white and non-white cases. Paraphrasing Dr. Haas, juvenile court stakeholders' individual perceptions of cultural differences between white and non-white youths may influence their professional judgments, and an examination of these varying perceptions and the underlying reasons for their existence may determine how, if at all, they affect the outcomes of juvenile cases.

Dr. Haas reported that

*The 2003 Survey of Juvenile Court Stakeholders* was designed to measure juvenile stakeholders' perceptions regarding differential treatment of minorities and to record the personal observations and experiences of court officials. The purpose was to better understand [sic] stakeholders' perceptions of case-processing differences between white and non-white youths . . . and to determine criteria stakeholders deemed influential to case outcomes.<sup>65</sup>

Part of the Task Force's analysis included examining "offender and offense characteristics and the extent to which stakeholders considered them to be most important for influencing the outcomes of cases referred to the juvenile justice system."<sup>66</sup>

A total of 768 surveys were mailed to juvenile justice stakeholders in West Virginia, including one hundred judges, 158 magistrates, 178 probation officers, 129 public defenders, and 203 prosecutors. A total of 468 surveys were returned, for a response rate of 60.9%. Of the 468 returned surveys, thirty-six were returned with no responses. Unless otherwise noted, the following findings from the survey are drawn from the Haas report.

## **Major Findings from Juvenile Court Stakeholder Survey and Related Recommendations**

### **Survey Finding 1**

Approximately one-quarter of all probation officers, prosecutors, and judges reported that they perceived the presence of racial disparity in the juvenile justice system. Of these stakeholders, probation officers were least likely to perceive the presence of racial disparity.

**Comment:** This finding indicates that many stakeholders do not perceive the presence of racial disparity in the juvenile justice system. While this finding may indicate a need for training, it may also indicate a need for further analysis to quantify DMC accurately.

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<sup>65</sup> Haas 22 – 23.

<sup>66</sup> Haas 23.

## **Survey Finding 2**

More than ten percent of prosecutors (11.2%) and judges (11.8%) indicated that minority youths were referred to court more frequently than white youths for the same offense at least “sometimes.” This was compared to only 5.2% of probation officers.

## **Survey Finding 3**

Thirty percent of all probation officers (29.5%), prosecutors (32.2%), and judges (30.0%) indicated that informal dispositions were more common for white offenders. Fewer than fifteen percent of prosecutors (13.3%) and judges (13.2%) reported that informal dispositions were more common for white offenders at least “sometimes.”

More than four percent (4.2%) of all probation officers indicated that informal dispositions were “usually” or “always” more common for white offenders.

## **Survey Finding 4**

Compared to other court stakeholders, public defenders were more likely to perceive the presence of racial disparity. More than fifty percent (54.7%) of public defenders reported that white youths get sentenced more leniently than non-white youths for the same offense. Nearly sixty percent (58.9%) stated that minority youths were referred or petitioned to court more often than white youths, and *more* than sixty percent (61.6%) reported that informal dispositions were more common for white offenders.

## **Survey Finding 5**

More than 10.0% of all juvenile justice stakeholders had directly observed racial bias on the part of probation officers, public defenders, prosecutors, and judges. Between 11.0% and 14.0% of all survey respondents reported witnessing racial or ethnic bias influencing official decisions made by juvenile justice officials.

## **Survey Finding 6**

Levels of perceived racial disparity varied by type of stakeholder, education level, race, and region or county of employment. Mean levels for the perception of racial disparity were significantly higher for public defenders, those with doctorate degrees, and non-white stakeholders.

## **Survey Finding 7**

Stakeholders who were employed in urban counties located in the southern federal judicial district were significantly more likely to perceive the presence of racial disparity in the juvenile justice system.



## Recommendations for Survey Findings 1 – 7

- Develop criminal justice and court information systems that include a means for documenting bias and discrimination in all areas of the system. At a minimum, information on gender and racial/ethnic background should be available. Note that these issues are currently being addressed, focusing on the existing Juvenile Justice Database (JJDB) and the forthcoming Uniform Judicial Application (UJA).
- Provide training and host dialogues involving those who have contact with youth at every level of the juvenile justice system to broaden understanding of the issues surrounding minority over-representation.
- Provide cultural competency and diversity training for all court personnel and youth service providers, especially those in areas with higher minority populations. Integrate diversity training into the educational programs of all judicial officers and court personnel. The issue of bias and discrimination should be addressed in all relevant courses as appropriate.

**Comment:** Training has been provided for various court employees over the last three years. As previously noted, in the fall of 2005, Dr. Michael Lindsey facilitated a *Train-the-Trainers* program funded by a grant from the State Justice Institute.

## Survey Finding 8

More than twelve percent (12.6%) of stakeholders felt that race was an important factor for influencing decisions at the intake stage. Ten percent of survey respondents indicated race might influence official decisions at the predispositional detention stage. These results were closely followed by the formal disposition stage (8.6%), the informal disposition stage (7.6%), and the adjudication stage (6.7%).

## Recommendations for Survey Finding 8

- Collect and analyze additional relevant data at each stage in the juvenile justice system.
- Conduct an annual analysis of data and report on the degree to which improvements have been made in over-representation of minority youth in West Virginia's juvenile justice system.<sup>67</sup>

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<sup>67</sup> Sharlip, C. Charleston Public Safety Council Youth Task Force and Community Development Outreach Ministries. Minority Youth And Juvenile Justice In West Virginia. (Charleston, WV, 2001).

## **Survey Finding 9**

The point of intake was deemed to be the stage “most susceptible” to racial bias, as 27.1% of juvenile justice stakeholders *perceived* that the intake stage was most susceptible to the influence of race.

## **Survey Finding 10**

The use of a weapon, the extent of injury to the victim, and adequacy of parental supervision were regarded as being the most important offender and offense characteristics for influencing case outcomes at both the predispositional detention and the formal disposition stages.

## **Survey Finding 11**

The least important offender and offense characteristics thought to influence case outcomes included gender, scores on need assessments, time spent in detention, and the value of property stolen or damaged.

The Recommendations for Survey Findings 9 – 11 are identical to those for JRA Findings 1, 10 and 12, above.

## **Town Meeting Qualitative Analysis Report**

The Town Meeting Qualitative Analysis Report summarizes various viewpoints gathered from eight town meetings held throughout West Virginia during the fall and winter of 2003.<sup>68</sup> The summary portion of the report lists nine broad themes that reoccurred when town meeting participants proffered solutions to reducing and eliminating DMC, as follows:

- Develop a complaint system;
- Develop an objective assessment system;
- Develop a data collection system;
- Improve judicial policies and procedures;
- Improve access to services;
- Increase training requirements;
- Increase accountability;
- Add minorities to the juvenile justice workforce; and
- Encourage community involvement.

What follows are the explicated recommendations from the town meetings and proposed solutions for their enactment. Unless otherwise noted, the recommendations and strategies are drawn from the Town Meeting Qualitative Analysis Report.

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<sup>68</sup> As previously noted, the Town Meeting Qualitative Analysis Report is attached hereto as Appendix 6.

## **Town Meeting Recommendation 1 -- Develop a Complaint System**

The lack of a complaint system for documenting allegations of disparate treatment came up at more than one town meeting. Some juvenile respondents' family members who felt they had been treated unfairly recommended a court system complaint process; a joint legislative investigative committee; and a citizens' committee to review statistics and cases. Town meeting participants also recommended executing protocols to ensure uniformity of practices throughout the state.

### **Strategies for Developing a Complaint System**

- Appoint a liaison or DMC coordinator to "facilitate and formalize" communications between the court system and various state agencies and private groups for the accumulation and sharing of data; for program development; for identifying sources of grant money; and for sharing resources. Note that Ms. Angela Saunders, the Director of the Court Services Division of the Administrative Office of the Court, is collaboratively planning with the DCJS to employ an entirely grant-funded DMC coordinator.
- Employ an Oversight Coordinator (Ombudsman) to identify systemic problems in the investigation, treatment, and resolution of cases involving juvenile delinquency; recommend administrative or legislative changes necessary to address these problems; provide technical assistance to local or regional MDTs in coordination with DHHR staff; refer specific cases to an attorney for an independent decision as to whether to appoint a *guardian ad litem*; perform random compliance audits on the use of MDTs and case plan filing; and ensure compliance with deadlines, statutes and procedural rules in juvenile delinquency cases.
- Educate parents and youth about the judicial process, including their rights and responsibilities.
- Provide Juvenile Law 101: West Virginia Juvenile Law and Procedure to relevant personnel and law enforcement, students and other interested public.
- Publish a meaningful, clear, unified process for public and employee complaints.

## **Town Meeting Recommendation 2 -- Develop an Objective Assessment System**

An objective assessment process was suggested to help eliminate disparity.

## **Recommended Strategies for Developing an Objective Assessment System**

- Develop valid, reliable tools for making placement decisions among alternative programs, ensuring that evidence-based programs with varying levels of restrictiveness and different types of services are available.

Note: According to Alternatives to Secure Detention and Confinement of Juvenile Offenders, Juvenile Justice Practice Series Bulletin (September 2005), secure detention and confinement should be a last resort used only for serious, violent, and chronic offenders and for those who repeatedly fail to appear for scheduled court hearings.

- Use a statewide, uniform risk-assessment detention-screening instrument at the magistrate level to help guard against racial bias and assure consistency across jurisdictions when processing youth.
- Assess whether existing diversion, prevention and intervention programs are applied consistently to minority youth.

## **Town Meeting Recommendation 3 -- Develop a Data Collection System**

Another common theme arising in the various town meetings was the lack of complete and reliable statistics providing information on the extent and nature of disparity.

## **Recommended Strategies for Developing a Data Collection System**

- Collect data at the earliest point of juvenile system contact, including situational context and demographic information.
- Communicate with the Department of Education and child welfare agencies regarding their own studies of DMC.
- Assess system processes to determine where disparities exist and any situations or system points where apparent disparities are neutral due to other factors. This should involve interviews with juvenile justice practitioners about how they make decisions involving secure detention and correctional confinement.
- Perform additional research to inform the court as to the causes and extent of racial disparity in the system at various decision points.

- Analyze juvenile offenders' and community perceptions regarding how minority juveniles are treated as opposed to using exclusively quantitative research methods.
- Participate in practitioner forums to enable researchers to complete the following objectives: 1) share study findings with juvenile justice system practitioners; 2) gain insights into factors that practitioners believe are contributing to any observed disparities; and 3) identify practitioner suggestions for addressing DMC.
- Monitor all implementation of recommendations.
- Continue analysis on data gathered.

#### **Town Meeting Recommendation 4 -- Improve Judicial Policies and Procedures**

Another system-related theme that emerged during town meetings was the need for improved judicial policies and procedures. Participants recommended opening juvenile proceedings; encouraging judges to write their own orders; improving court system protocols and implementing them uniformly throughout the state; changing federal sentencing guidelines; and improving the quality of public defender services.

**Comment:** West Virginia juvenile law is complex; and the state court system is the product of a long history of research, study, and interpretation. Any single change would have a ripple effect throughout the system. Current law protects juveniles and provides enhanced rights to citizens under the age of eighteen. Some Task Force members do not believe it is in the best interest of the juvenile to open juvenile proceedings; to encourage judges to write their own orders; or to recommend that the quality of public defender services needs improvement. This does not mean that our law is perfect as is; rather, it means that any changes should happen as a result of evidence-based research that has a proven correlation to DMC reduction. However, the Task Force was charged to study "perceived" racial disparity in the juvenile justice system, so public perceptions must be addressed.

#### **Recommended Strategies for Improving Judicial Policies and Procedures**

- Create a Juvenile Justice Bench Book to provide uniform guidelines, rules and standards that include assessment tools and mechanisms to help guard against racial bias and inconsistency across jurisdictions when processing youth.
- Train court personnel on the information in the Juvenile Justice Bench Book.
- Identify for elimination or modification the laws and policies of the courts and juvenile probation that impose an adverse, disparate impact on minorities that is either unnecessary or unjustified.

- Network with other judicial groups addressing DMC.

### **Town Meeting Recommendation 5: Improve Access to Services**

The town meeting notes provided suggestions for improved and additional prevention and intervention services. Specific service categories that were suggested included early prevention, mentoring, opportunities for positive recreation, school bonding, earning spending money, placement alternatives, and character education in schools.

#### **Recommended Strategies for Improving Access to Services**

- Expand existing alternatives for juvenile offenders to ensure that evidence-based programs with varying levels of restrictiveness and different types of services are available.
- Analyze geographic data regarding program availability to determine if a lack of programs in certain areas causes higher percentages of minority juveniles to enter the system earlier.
- Provide a continuum of youth services in every geographic area, including prevention, diversion, intervention, treatment, sanctions, and aftercare programs. To effectuate this strategy, availability of services in all circuits should be analyzed to identify underserved areas. The Youth Funding Study, supported by the West Virginia Prevention Resource Center, DCJS Grant, has the requisite available data for accomplishing this and could be used for examining specific circuits.
- Provide accessible youth rehabilitation programs.

### **Town Meeting Recommendation 6 -- Increase Educational Opportunities**

Town meeting participants suggested increasing the training requirements for judicial officers, educators, law enforcement officers, juveniles, and their families.

#### **Recommended Strategies for Increasing Educational Opportunities**

- Provide cultural competence and diversity training to court personnel and youth service providers, especially those who serve areas with a high minority population. Integrate issues on bias, discrimination, and diversity into every educational program for judicial officers and court personnel.
- Train judges on monitoring and reducing DMC in the juvenile justice system. Training materials are available from the National Council of Juvenile and Family Court Judges.

- Educate the public in juvenile law and procedure so that citizens understand the role of courts and their rights and responsibilities in the court system.
- Collaborate with the Department of Education to help close the achievement gap for minority students.
- Create a DMC website link for providing relevant data and information on the Court's web presence.
- Inform the public and media on the issue of DMC trends in statistical and annual reports.
- Provide information through reports, educational materials, and media forums to explain the difference between public perceptions and facts based on research regarding juvenile justice.

### **Town Meeting Recommendation 7 -- Increase Accountability**

Themes related to accountability arising during the town meetings included increasing *parental* accountability to encourage responsiveness to pre-delinquent activities, improving parenting skills, increasing accountability of the education system regarding disparity issues, and eliminating disadvantageous disparity in all public service systems.

#### **Recommended Strategies for Increasing Accountability**

- Conduct an annual analysis of data, and report on the degree to which improvements have been made in DMC in West Virginia's juvenile justice system.
- Create alternative programs or points of contact for law enforcement if parents or guardians of a youth in custody cannot be located, or cannot or will not accept responsibility for the juvenile.
- Require parental restitution for crimes perpetrated by juveniles.

### **Town Meeting Recommendation 8 -- Add Minorities to the Juvenile Justice Workforce**

The lack of minorities in the juvenile justice and social services fields was mentioned at every town meeting. Some recommendations to increase the number of minorities in the workforce included improving pay, benefits, and working conditions, and improving recruiting practices.

## **Recommended Strategies for Adding Minorities to the Juvenile Justice Workforce**

- Increase the number of minorities in the judiciary and in key decision-making positions within the juvenile justice system to reflect the population of juveniles being served.
- Participate in events intended to target minorities in the workforce; for example, send Court representatives to career fairs, and advertise jobs on diversity websites and in magazines.
- Explore scholarship provision avenues specifically targeting minority students in the fields of criminal justice, law, and law enforcement. Collaborate with professional associations and historically black colleges, and coordinate publicity campaigns.

## **Town Meeting Recommendation 9 -- Encourage Community Involvement**

Community members agreed that they needed to demonstrate a more active interest in making the community a better place for everyone. Specifically, local faith-based and nonprofit organizations were mentioned as having effective youth programs; and town meeting participants said that with proper encouragement and resources, these could expand and improve to serve more children.

## **Recommendations for Encouraging Community Involvement**

- Develop and implement a collaborative plan for law enforcement agencies, schools, behavioral health care providers, social service providers, and religious and community organizations, to create partnership programs for addressing DMC, paying particular attention to the system's early stages.
- Ask other stakeholders such as youth and town meeting participants to attend meetings and/or host focus groups.
- Publish a guide for families to explain the juvenile justice system such as Navigating the Juvenile Justice System: A Handbook for Juveniles and their Families, Texas, Second Edition, January, 2004.
- Include in the Court's annual report any relevant juvenile justice issues and various training provided by the Court during the year.

## **Select Committee B Recommendations**



The following recommendations for program development were compiled (with the assistance of the Reverend Matthew Watts and the DCJS) for a 2004 report prepared on the activities of Select Committee B on Minority Issues appointed by the West Virginia Legislature's Joint Committee on Government and Finance.

The committee recommended developing programs for the following:

Education on building character, leadership development, career choices, tutoring, mentoring and abstinence taught in schools;

Education on the dynamics of the free enterprise system and instruction on how to start a business;

Sentencing alternatives for non-violent juvenile offenders;

Transition and re-entry for juvenile offenders;

Community activities on recidivism reduction; and

Education and training for those who have contact with youth at every level of the juvenile justice system, including law enforcement, probation, juvenile referees, judges, prosecutors, attorneys, detention and correctional officers, agency staff, caseworkers, social service providers, and members of the community.

Further, Select Committee B recommended providing funding for the following:

The "front end" of juvenile problems (prevention and intervention); and

Programs and sentencing options that can be more effective in diverting all youth from additional processing through and contact with the juvenile justice system.

### **Task Force Recommendations Conclusion**

The following conclusions are excerpted from the Haas Report.

[The research methods employed by the Task Force] provided . . . information regarding the nature and extent of racial disparity in the West Virginia juvenile justice system. The analysis of official juvenile records helped us identify the stages of the juvenile process in which race plays a significant role in influencing case outcomes. [The Task

Force was] able to compare successive decision points in the juvenile process and [to] assess the magnitude of the race effect from stage to stage . . . [The Task Force was] also able to assess the relative importance of legal variables such as the frequency and severity of a youth's prior record and the seriousness of the current offense on predicting case outcomes.

Far fewer studies have focused on the individual perceptions and experiences of professionals who work in the system. As a result, less is known about how stakeholders' . . . perceptions of youth affect case processing decisions, or which offender and case characteristics are deemed to be most important for swaying the judgments of court officials. [The Task Force's] analysis of the survey results offered a glimpse into the individual perceptions and experiences of court officials. Accordingly, this research provided a measure of the extent to which racial bias or disparity was perceived to be present in the system . . . Lastly, our examination of both official juvenile records and survey responses allowed us to assess the congruence between what is *actually* occurring in the processing of juvenile cases to what is *perceived* to be taking place by stakeholders. [Emphasis added].

. . . With that said, our results did show significant differences between white and nonwhite youths upon referral to juvenile intake . . . We believe future research should seek to better understand [sic] the differences in levels of risk [sic] and the types of needs that distinguish white and nonwhite youths referred to the system and how these differences influence the judgments of key stakeholders.

At the same time, we noted that nonwhite youths were referred to juvenile intake at a higher rate than white youths. Moreover, once these youths were referred to juvenile probation, they were also less likely to receive an informal disposition and more likely to be detained prior to adjudication. These findings, coupled with the evidence that nonwhite youths were more likely to have their cases dismissed at the adjudication stage, suggests [sic] that early processing decisions may be failing to identify appropriate cases for diversion, particularly when they involve minority youths. Thus, these results imply that greater attention to the decision-making processes at the early stages of the

system may be warranted. In particular, future efforts may find it useful to focus on the decision-making criteria and processes involved in determining which cases are appropriate for being handled in an informal manner.

Furthermore, despite finding the presence of racial disparity in the system, we believe it is equally important to point out where the system appears to be operating as we might expect . . . some evidence . . . suggests the juvenile process in West Virginia may have a built-in system of “checks and balances.” At the adjudication stage, our results revealed that an “adjustment” was taking place that served to offset some of the negative effects of racial bias in the system. Simply put, a greater proportion of non-white youths were getting their cases dismissed once they reach the adjudication stage. As noted previously, our present examination was not able to explain why non-white youths were more likely to have their cases dismissed rather than undergo a formal adjudication process. Since the reasons for this adjustment are not clear, future research should seek to better understand [sic] the factors that influence decision-making at the adjudication stage.<sup>69</sup>

### **Task Force Interim Report Conclusion: the Nation and the State Move Forward**

On January 17, 2005, West Virginia’s thirty-fourth governor, Joe Manchin, III, said during his inaugural address,

Research done by the America’s Promise program shows there are five promises that we should make to every child if we want them to grow into competent, caring adults. And those five promises are as follows: 1) Every child should have a caring adult in their lives; 2) Every child should have a safe place; 3) Every child should have a healthy start; 4) Every child should be taught a marketable skill; and, last but not least, 5) Every child should learn to be a caring adult and be given an opportunity to serve their communities.

I want my administration to be remembered for fighting hard every day to keep those five promises to our children because if we commit ourselves to keeping those five promises, everything else will fall into place.

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<sup>69</sup> Haas 194 – 198.

The sentiment expressed above provided a clear focus for the governor's administration. By taking these words to heart, the Supreme Court of Appeals of West Virginia, through its administrative authority, leadership, and active support, can assist in taking care of youths during their involvement with the judicial system.

Full implementation of the Task Force's recommendations will require participation by the governor, the legislature, the State Bar, the judiciary and other court personnel, county commissions, prosecutors, public defenders, sheriffs, and various committees, organizations, and governmental agencies.

The Task Force has purposefully avoided prioritizing the recommendations for several reasons. It was clear -- from the information gathered during data collection and from that provided during town meetings -- that each issue was urgent from the perspective of some stakeholder in the system. Some of the recommendations will involve substantial costs to implement; however, they may result in long-term savings. Available funding will determine in part the implementation schedule.

In its most recent Annual Report of the Federal Advisory Committee, the Coalition for Juvenile Justice reported, "Young people who receive inadequate education, who exhibit poor literacy skills or who are truant, disproportionately wind up in the juvenile justice system."<sup>70</sup> Further, in its position statement on Unequal Treatment of Minority Youth in the Juvenile Justice System, the Coalition explained that

Youth of color receive harsher sanctions than their white counterparts at every stage of the juvenile court system, from the point of surveillance (including racial profiling) to disposition/trial, sentencing and incarceration. Youth of color comprise more than two-thirds of the juveniles held in confinement, but less than one-third of the U.S. youth population.

African American youth are six times more likely to be locked up for person offenses and nine times more likely to be locked up for violent offenses as compared with white youth charged with the same types of offenses. Latino youth represent approximately 12% of the U.S. population, yet 15% of the youth population sentenced to adult prisons. Such inequalities are startling, prevalent and well-documented.

CJJ urges policy makers to craft solutions that motivate police, officers of the court and correctional providers to

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<sup>70</sup> Office of Juvenile Justice and Delinquency Prevention, Coalition for Juvenile Justice, Federal Advisory Committee. CJJ 2001 Annual Report: An Overview. (Washington, DC, 2001) 2.

ensure unbiased and rehabilitative treatment of all youth who come into contact with the justice system.<sup>71</sup>

Because it is recognized as an ongoing national crisis, the OJJDP employs continuous efforts to address DMC. From October 25 – 27, 2007, in Denver, Colorado, the OJJDP hosted an annual DMC conference, “Reducing Disproportionate Minority Contact in Juvenile Justice by Making the Right Connections.” The conference included a best practices mini-institute; training on the development and use of risk assessment tools – the development and use of which was a recommendation made to this Court by more than one source – and training in cultural competency.

New tools from the OJJDP include a DMC Best Practices Database and a National DMC Data Book. The office is seeking nominations of DMC-reducing strategies that have been proven effective for inclusion in the database. Further, the OJJDP provides a Model Programs Guide, available online, designed to help practitioners and community representatives implement prevention and intervention programs to help youth.

The revised JJDPa § 223(a)(22) still requires states to measure DMC, but the statute contains a different method of measurement, in that the “Disproportionate Representation Index” has been replaced by the new “Relative Rate Index” method. In plain terms, the only difference is that reporting under the Relative Rate Index demonstrates a specific minority’s ratio in the confined youth population as compared to the total number of that minority’s presence in that particular geographic locality’s population. In other words, rather than a ratio measurement of a specific minority’s presence in confinement, the analyst reports a per capita rate measurement, with the ratio being the difference between the minority’s presence in confinement as compared to that minority’s presence in the overall population.<sup>72</sup> The new reporting method provides the OJJDP with a more accurate picture of the disproportional rate of confinement of specific minorities in any given population.

In 2005, the OJJDP published a guide titled Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact, recommending the following framework:

- Define the Problem,
- Implement Evidence-Based Programming,
- Develop Program Logic,
- Identify Measures,
- Collect and Analyze Data,

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<sup>71</sup> Office of Juvenile Justice and Delinquency Prevention, Coalition for Juvenile Justice. “Unequal Treatment of Minority Youth in the Juvenile Justice System.” Position Paper. (Washington, DC: 2007). <[http://www.juvjustice.org/position\\_3.html](http://www.juvjustice.org/position_3.html)>.

<sup>72</sup> Feyerheim, Dr. William and Dr. Jeffrey Butts, “Proposed Methods for Measuring Disproportionate Minority Contact (DMC) as Required by the Juvenile Justice and Delinquency Prevention Act § 223(a)(22), Revised 2002.” Office of Juvenile Justice and Delinquency Prevention: Office of Justice Programs, U.S. Department of Justice.

- Report Findings, and
- Reassess Program Logic.<sup>73</sup>

The guidebook concludes that a determination of the existence of, extent of and contributing factors to DMC are imperative before undertaking any reduction strategy, and advises that its recommended steps “can help states and jurisdictions work with stakeholders to produce meaningful DMC studies and evaluations. Ultimately, the use of evidence-based strategies linked to the source of overrepresentation can be expected to result in reductions in the rate of minorities coming into contact with the juvenile justice system.”

In May, 2007, the Honorable Judy A. Hartsfield, a presiding judge over the Family Court Juvenile Division in Detroit, Michigan, presented “Overrepresentation of Children of Color in the Child Welfare System” at the nineteenth annual National Consortium on Racial and Ethnic Fairness in the Courts in Brooklyn, New York. Judge Hartsfield concluded that to fix the overrepresentation problem, we must “build on what we already know,” target funding, provide better access to community-based services, and “increase training on culturally proficient policies and practices.” The presentation identified DMC as a national problem, and gave a nutshell overview of the recommendations explicated within this report to the Supreme Court of Appeals of West Virginia. The Task Force has demonstrated its commitment to participating in the work ahead required to reduce DMC in West Virginia and commends the Court, as administrator of the West Virginia judicial system, for its support of this important work. The Special Projects Counsel for the Administrative Office of the West Virginia Supreme Court of Appeals also attended the National Consortium in May, 2008, and intends for the division’s new full-time DMC Coordinator to attend the Consortium in May, 2009, in Pittsburgh, Pennsylvania.

The Task Force urges implementation of strategies, programs and evaluation tools that will reduce both actual and perceived racial disparity in West Virginia. Time and funding may limit the number of recommendations the Court may adopt. However, by its careful consideration of this Task Force’s recommendations, the Court continues to recognize its obligation to provide equal access to the justice system and compel observance of Section 3(B)5 of the West Virginia Code of Judicial Conduct, which provides as follows:

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual

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<sup>73</sup> Nellis, Ashley M., M.S. Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Evaluation Center, Justice Research and Statistics Association. Seven Steps to Develop and Evaluate Strategies to Reduce Disproportionate Minority Contact. (Washington, DC: OJJDP, 2005) 3, 37.

orientation, or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

# Section 4

## Attachment



**RACIAL DISPARITY AND THE JUVENILE JUSTICE PROCESS:  
A MULTI-STAGE ANALYSIS FOR THE STATE OF WEST VIRGINIA**

**FINAL REPORT**

Submitted to:

The West Virginia Supreme Court of Appeals  
Task Force to Study Perceived Racial Disparity  
in the Juvenile Justice System

June 2004

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## EXECUTIVE SUMMARY

The overrepresentation of minorities in the juvenile justice system is not a new phenomenon. For decades, an extensive amount of research has been generated on the topic. As a result, the disproportionate overrepresentation of minorities has been discovered in every state and at every stage of the juvenile justice system (Leiber, 2002; OJJDP, 1999). The phrase minority overrepresentation refers to the situation in which a larger proportion of minority juveniles is present at various stages within the juvenile justice system than would be expected based on their proportion in the general population (OJJDP, 1999). This overrepresentation at the detention stage of the juvenile justice process is referred to as *disproportionate minority confinement (DMC)*. Disproportionate minority confinement is present when minority youths are overrepresented in secure juvenile detention and correctional facilities as compared to their proportion in the general population (Devine, Coolbaugh, and Jenkins, 1998).

The federal government has recognized the problem of DMC and this has prompted nationwide efforts to address the issue (Engen, Steen, and Bridges, 2002). In 1988, Congressional amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 mandated that States participating in the Formula Grants Program assess the extent to which DMC is extant and, if present, demonstrate efforts to reduce it. In 1992, amendments to the JJDP Act elevated the DMC issue to a core requirement that tied future funding eligibility to State compliance (Pope, Lovell, and Hsia, 2002). This national emphasis has resulted in the publication of numerous governmental reports and academic studies geared



toward the examination of how race influences processing decisions and how to reduce the differential treatment of minorities in the juvenile justice system.

As a result, research has generated many explanations that identify potential factors which may contribute to the problem of minority overrepresentation at each stage of the juvenile justice system as well as DMC. Some researchers focus on racially disproportionate offending patterns as the primary cause of such disparity, while others highlight the persistence of biases in the juvenile justice system. However, a considerable amount of research suggests that the minority overrepresentation may be due to *racial disparity* that exists within the juvenile justice system. That is, overrepresentation may be due to substantial differences in the processing of minority and majority youths in the juvenile justice system.

The presence of disparity does not necessarily imply discrimination. “Disparity exists when ‘like cases’ with respect to case attributes—regardless of their legitimacy—are sentenced differently” (Blumstein, Cohen, Martin, and Tonry, 1983:72). However, discrimination occurs when unequal treatment results from the use of illegitimate criteria such as race, gender, social class, or sexual orientation (Spohn, 2000). With respect to juvenile justice processing, discrimination is present when illegitimate criteria are shown to be associated with outcomes after all other relevant factors are adequately controlled (Blumstein et al., 1983). For example, racial disparity may be present when white and nonwhite youths with similar current offenses and delinquent histories are processed differently through the juvenile justice system.

This report examines the issue of racial disparity at multiple stages of the juvenile justice process. Although research has been conducted on the issue of minority overrepresentation in West Virginia (see Hamparian, 1997; Sharlip, 2001), these studies did not examine the influence of race at multiple stages of the juvenile process—while controlling for relevant legal and extra-legal factors. As a result, these studies failed to resolve whether minority overrepresentation was due to differences in offending patterns between white and nonwhite youths or the result of differential treatment of minorities in the processing of juvenile cases.

In addition, the previous studies conducted in WV did not use multivariate statistical techniques to assess both the direct and indirect effects of race on processing outcomes. As a consequence, these studies were not able to assess the impact of early decisions on subsequent outcomes in the process and the extent to which the effect of race is conditioned by other factors. Lastly, no research to date has explored the perception of racial disparity among juvenile court stakeholders in West Virginia. This research examines, from the point of view of key court officials, the role of race in official juvenile justice decision-making.

Based on information contained in official juvenile records, the first study presented in this report examines the extent to which race influences outcomes at multiple stages of the juvenile process. This examination centers on the issue of racial disparity—the impact of race on official processing decisions after the effects of other relevant factors are adequately controlled—at each stage of the juvenile justice process. The second study presented in this report measures the extent to which juvenile court stakeholders perceive the presence of racial disparity in juvenile

justice decision-making. Based on data obtained from a statewide survey of juvenile justice stakeholders, this examination sheds light on how closely perceptions of racial disparity coincide with the results obtained from our analysis of official juvenile records. In addition, this analysis fosters an appreciation for the complexity of the decision-making process. Our analysis explores the factors considered to be most important among juvenile court officials in deciding the outcome of juvenile cases.

#### *Considerations for Analysis: Lessons from Previous Research*

Prior research highlights the importance of sufficient “analytical rigor” when examining the issue of racial disparity in the juvenile justice system (Wooldredge, 1998). Although there are a multitude of valid approaches to studying this issue, researchers point to four areas that should be considered in the development of a research design and analysis plan. These include the use of multivariate statistical techniques, the analysis of multiple stages of the process, the exploration of indirect and interaction effects, and proper model specification.

First, studies should employ multivariate statistical techniques which offer the capacity to control for relevant legal and extra-legal variables that may potentially influence processing decisions. Research has consistently demonstrated that legal factors such as offense seriousness and the frequency and severity of prior contacts with the juvenile justice system are significant predictors of sentencing outcomes. As a result, it is recommended that studies, at a minimum, control for the seriousness of the current offense and the prior records of youth. In addition, research has shown that youths are often treated differently depending on their age and gender. For instance, studies have found that females are treated more harshly than males for

less serious or status offenses (Chesney-Lind, 1973; Tittle and Curran, 1988; Ulmer and Kramer, 1996). This suggests that studies should not only control for the legal characteristics of offense seriousness and prior record, but should also control for the effects of age and gender.

Second, proper specification of the multivariate models is essential for drawing conclusions at each stage of the process. In particular, the correct operationalization of the dependent variables or processing outcomes at each stage is essential for estimating the “true” effects of race. First, proper model specification requires an accurate depiction of the actual juvenile process. Second, it requires a complete representation of the alternatives available for decision-makers at each stage of the process. Traditionally, researchers have most often dichotomized outcomes at each stage and use logistic regression techniques to estimate the effects of race. This dichotomy is often characterized as a comparison between the least restrictive and most restrictive outcomes for each stage.

The dichotomous decision-making points (dependent variables) examined in most studies include the intake screening, detention status, adjudication, and judicial disposition. The independent variables commonly utilized include race, gender, age, alleged offense, offense seriousness, prior record, and prior disposition. Although the representation of the juvenile justice process as a series of dichotomous decision-making points is a well-established and arguably valid practice, we suggest that it fails to adequately capture the complexity of the decision-making process. Thus, we estimate the effects of race at each stage of the process through the application of multinomial logistic regression techniques. Multinomial logistic

regression models allow for multiple outcomes to be examined simultaneously at each stage of the juvenile justice process. In this regard, we believe that the application of a multinomial logistic regression opposed to ordinary or binary logistic regression techniques represents an improvement over previous model specifications.

Third, since decisions made on the part of officials at earlier stages of the juvenile process can influence outcomes at later stages, the impact of race should be estimated at multiple stages. It is possible that the effect of race may be more or less present at different stages of the process. Indeed, research provides some reason to believe that the magnitude of race effects may vary for different decision points in the process. A single stage analysis that finds no race effect at the formal disposition stage would not necessarily uncover race differences that occurred at the intake or predispositional detention stages. Bishop and Frazier (1996:293) note that a multi-stage analysis allows for reflection of the actions of different decision makers “whose professional philosophies, organizational subcultures, and discretionary authority differ in ways that may render either intentional discrimination or institutional discrimination more or less likely to occur.”

In addition, a multistage analysis also allows for the discovery of potential indirect effects of race on outcomes. When research is restricted to a single, late stage in processing, the effects of race may be obscured due to correlations between race and earlier processing decisions that predict outcomes at subsequent stages (Bishop and Frazier 1988). Thus, a multistage analysis provides a means for assessing whether race indirectly affects adjudication and disposition outcomes

through earlier decisions. Based on results of previous research, we know the decision to detain a youth prior to adjudication often has a significant impact on outcomes in later stages of the process. If white and nonwhite youths are treated differently at the predispositional detention stage, and that decision is predictive of outcomes at the adjudication and predispositional detention stages, we can then conclude that race operates indirectly through predispositional detention status. A failure to take into consideration the presence of an indirect effect that operates through detention status would result in an underestimation of the “true” impact of race on adjudication and disposition decisions.

Lastly, it is important for researchers to consider the possibility that the effect of race might be conditioned by other variables. Multivariate models that rely solely on estimates of additive or main effects may fail to notice the effect of race under slightly different conditions. If an interaction effect is present, the impact of race may only be present for certain types of offenses, or only for males, or for certain ages. For instance, white and nonwhite youths may be treated similarly when the alleged offense is serious in nature, but for much less serious offenses which are characterized by greater discretion on the part of officials, white and nonwhite youths may be treated much differently. In such a case, a significant interaction effect would reveal that the influence of race is contingent upon offense severity.

## **RESEARCH DESIGN AND METHODOLOGY**

Since this research involves both an analysis of official juvenile records and survey data, our discussion is divided into two parts. Part I details the research

questions to be addressed using data maintained in the contents of the Juvenile Justice Database (JJDB). Part II describes the *Survey of Juvenile Court Stakeholders in West Virginia 2003* and the procedures used in the collection of the survey data.

### *Part I: Analysis of the Juvenile Justice Database (JJDB)*

The data used in the analysis of official juvenile records is obtained from the Juvenile Justice Database (JJDB). The JJDB is the primary source of data gathered on juvenile offenders referred to the juvenile justice system in West Virginia. The JJDB stores information on legal and extra-legal characteristics of all youth who are referred to juvenile intake.

Since the JJDB gathers information on cases rather than individuals, a juvenile may be represented more than once due to multiple referrals or cases. Thus, we reorganized the data set around individuals so that multiple referrals for a single youth over the three-year period could be chronicled and examined. We accomplished this by restricting our analysis to the last referral in 2002. This process allowed us to capture at least two full years of offense and processing history information for each youth. Our final sample includes 12,561 individual youth between 7 and 18 years old referred to juvenile probation between the period of January 1, 2000 and December 31, 2002. This figure includes youths referred for both status and delinquency cases.

The variables used in this study are devised from data submitted to the JJDB utilizing the Juvenile Justice Database Form (JJDF). At the start of this study, juvenile probation information contained in the JJDB was submitted to the DCJS

using the JJDF. The JJDF gathers demographic and case information on all juveniles referred to juvenile probation. The demographic information includes variables such as age, race, gender, living situation, and educational placement at the time of referral. In addition, the JJDF allows for the examination of critical decision-making points in the juvenile justice process. Using information gathered from the JJDF and assembled in the JJDB, it is possible to examine juvenile cases from the point of intake to formal disposition. In our analysis of juvenile probation records, we assess the effect of race at four distinct stages in the West Virginia juvenile justice process. These include the intake or informal disposition stage, the predispositional detention stage, the adjudication stage, and the formal disposition stage.

Using prior research as a foundation, we formulated seven research questions to focus our investigation of official juvenile records. The research questions are as follows:

1. What are the demographic (e.g., gender, age at intake, age at offense), sociodemographic (e.g., living situation, educational placement), and legal characteristics of juveniles referred to juvenile probation?
2. Do white and nonwhite juveniles referred to juvenile probation differ in terms of demographic and sociodemographic characteristics?
3. Do white and nonwhite juveniles referred to juvenile probation differ in terms of legal history (e.g., prior adjudications, arrests, and probation) and prior complaints (e.g., any complaints and frequency of complaints)?
4. Do white and nonwhite juveniles differ in terms of the nature and type of offenses for which they were referred to juvenile probation?
5. Are nonwhite juveniles more likely to receive a negative outcome at different stages of the juvenile justice process? If so, at which stage of the juvenile justice process are nonwhites most likely to receive negative outcomes?



6. At the bivariate level, are there significant differences in disposition outcomes at each stage of the juvenile justice process for white and nonwhite offenders?
7. Controlling for legal (e.g., prior record, current offense, and detention status) and extralegal (e.g., gender and age at intake) characteristics, is race an important predictor of disposition outcomes at multiple stages of the juvenile process?

## *Part II: Analysis of Juvenile Court “Stakeholders” Survey*

A primary interest of the *Task Force to Study Perceived Racial Disparity in the Juvenile Justice System* is to better understand stakeholders’ perceptions of case processing differences between white and nonwhite youths. To assess stakeholders’ perceptions of racial disparity in the system, we sent a comprehensive survey to key juvenile court officials throughout the State. Our survey measured not only the extent to which differential treatment of minorities is perceived by juvenile court stakeholders, but also the personal observations and experiences of court officials.

The Task Force is further interested in characteristics of cases that stakeholders deem to be important for influencing the outcomes of official decisions in the juvenile justice system. Research suggests that some differences in the treatment of minorities may be the result of offender and offense characteristics that are considered by court officials as they form judgments about individual juveniles and their cases. From the juvenile court stakeholders’ view, our survey seeks to determine the offender and offense characteristics most influential in deciding the outcome of cases referred to the juvenile justice system.

The data for this part of the study came from a survey administered to juvenile justice stakeholders throughout the State of West Virginia. The *Survey of Juvenile*

*Court Stakeholders in West Virginia 2003* was mailed to all juvenile justice stakeholders in the State. A comprehensive list of all circuit court judges, family court judges, magistrates, prosecuting attorneys, and public defenders was compiled through a variety of sources. The WV Supreme Court of Appeals provided the initial list of judges, magistrates, and probation officers. We obtained our initial list of prosecutors and assistant prosecutors by consulting the WV Association of Counties Directory. The State Bar Association was contacted to obtain a list of public defenders. In addition, we contacted prosecutors' offices in each county to obtain a list of public defenders not included on the State Bar Association's register.

A total of 768 surveys were mailed to juvenile justice stakeholders throughout the State of West Virginia. These included 100 judges, 158 magistrates, 178 probation officers, 129 public defenders, and 203 prosecutors. A total of 468 surveys were returned for a response rate of 60.9%. Of the 468 surveys, 36 were returned with no responses. These surveys were considered to be nonresponses and subsequently excluded from our analysis. If we consider these surveys as nonresponses in the calculation of our response rate, the response rate is reduced by four percentage points to 56.3%. Thus, our final sample comprised 432 juvenile justice stakeholders.

The research questions outlined below provide the basis for our analysis of the survey data. Our research questions focus on four content areas. These content areas include: (1) the general perception and direct observation of racial disparity among juvenile justice stakeholders, (2) the perception of racial disparity at different stages of the juvenile process, (3) factors that influence case processing decisions for juvenile justice stakeholders, and (4) how levels of perceived racial disparity vary

across various demographic characteristics of stakeholders. The research questions are as follows:

1. To what extent do stakeholders perceive the presence of racial disparity in the juvenile justice system? Does the perception of racial disparity vary by stakeholder position?
2. To what extent have stakeholders directly witnessed the presence of racial disparity in the system? Does the extent to which stakeholders witness racial disparity vary by stakeholder position?
3. At which stage of the juvenile justice process do stakeholders perceive the presence of racial disparity? Does the stage in which the perception of racial disparity is present vary by stakeholder position?
4. According to juvenile court stakeholders, what offender and offense characteristics are most important for influencing juvenile court decisions?
5. Does the perception of racial disparity vary across various demographic characteristics of stakeholders and geographic region (e.g., urban/rural and northern/southern)?
6. Is the relationship between the perception of racial disparity and stakeholder position the same for urban/rural or northern/southern districts?

### **RESULTS OF THE ANALYSIS OF OFFICIAL JUVENILE COURT RECORDS**

The results of the official data analysis point to a variety of potential implications for the juvenile justice system in the handling of minority cases. In some instances, our findings reveal considerable demographic and sociodemographic differences between white and nonwhite youths at the point of intake. Although far from conclusive, these results reveal that there may be fundamental differences in the backgrounds and needs of youths referred to the juvenile justice system. In the same regard, our findings denote significant differences in the legal histories and offending patterns of white and nonwhite youths referred to the system. As a

consequence, our results further show that the differences in legal characteristics of youth have a tremendous impact on what happens to them as they progress through the successive stages of the juvenile process.

Nevertheless, in spite of the social and legal differences between white and nonwhite youths, it also seems apparent that once a youth is referred to juvenile intake, his or her race begins to exert an influence on many of the official decisions that take place. Although our analysis stops far short of offering a complete rationale for the *mechanisms* that permit race to influence these official decisions, we can conclude that race is a significant predictor of outcomes at multiple stages of the juvenile justice process. This conclusion remains true—even after we control for significant differences between white and nonwhite youths in terms of the frequency and severity of prior offending and the seriousness of the current offense.

Our assessment of official juvenile records began with a series of descriptive analyses that highlighted basic differences in the characteristics of youths referred to juvenile probation. This was followed by a multivariate analysis that examined the direct and indirect effects of race controlling for legal and extra-legal characteristics of youth. The following is an overview of the major findings obtained from our analysis of official juvenile court records.

Summary of major findings:

- Minority youth were overrepresented by approximately 2.0% - 3.0% in relation to their proportion in the general population at the point of intake.
- Nonwhite youths were significantly more likely to be from single parent homes and to be placed in alternative educational settings.

- Nonwhite youths were significantly more likely to be younger at the time of the offense and intake into the juvenile justice system.
- Nonwhite youths referred to juvenile probation were nearly four times as likely to have a prior arrest, two times as likely to have a prior adjudication for delinquency, and were more likely to have previously served time on probation.
- Nonwhite youths tended to be referred to juvenile probation for more serious delinquent offenses compared to white youths. While nonwhite youths were less likely to be referred to juvenile probation for a status offense, they were more likely to be referred for a violent and felony offense.
- Regardless of race, the frequency and severity of a youth's prior record and the severity of a youth's current offense were significant predictors of disposition outcomes at each stage of the juvenile justice process.
- For many outcomes and multiple stages, a youth's age and gender were significant predictors. Older males were typically treated more harshly at each stage of the process.
- Nonwhite youths were significantly more likely to receive harsher dispositions at the informal disposition, predispositional detention, and formal disposition stages.
- At the informal disposition stage, nonwhite youths were significantly more likely to have their cases closed or the complaint withdrawn and significantly less likely to be given an opportunity to complete a period of informal supervision through probation. In addition, nonwhite youths were more likely than white youth to receive an informal disposition for a status offense, but less likely to have their cases withdrawn or be referred to a community agency for a misdemeanor or felony offenses.
- At the predispositional detention stage, nonwhite youths have greater than 2 to 1 odds of being detained prior to adjudication in a detention center compared to white youths. This corresponds to a 20.3% increase in the probability of receiving a predispositional detention for nonwhite youths.
- At the adjudication stage, nonwhite youths were significantly more likely to have their cases simply dismissed. Nonwhite youths were 45.9% less likely to be adjudicated NOT status offender or delinquent, 49.1% less likely to be successfully adjudicated as a status offender, and 43.6% less likely to be successfully adjudicated as a delinquent compared to having their cases dismissed.

- At the formal disposition stage, nonwhite youths were significantly more likely to be sentenced to a secure corrections facility. Once the effects of legal and other extra-legal factors were held constant, nonwhite youths were nearly twice as likely as white youths to be sentenced to DJS custody or be transferred to adult court.
- Regardless of race, youths detained prior to adjudication were over *eight times* more likely to be referred to DHHR or placed in DHHR custody, over *four times* more likely to be sentenced to probation, and over *fourteen times* more likely to be placed in DJS custody or transferred to adult court.
- Since nonwhite youth are more than twice as likely to be detained prior to adjudication, we can conclude that race is likely to have a significant indirect effect on case outcomes at the adjudication and formal disposition stages.

## RESULTS OF THE JUVENILE COURT STAKEHOLDERS SURVEY

Although many studies have examined the issue of racial disparity and found differences in the treatment of white and nonwhite youths, far fewer studies have examined the mechanisms by which racial differences become important for influencing juvenile justice decisions. There is some evidence that suggests the perceptions of court officials may contribute to differences in processing between white and nonwhite cases (Bridges and Steen, 1998; Tonry, 1995). As a result, fundamental differences in how juvenile court stakeholders perceive white and nonwhite youths may, in turn, impact the professional judgments of court officials when considering how to dispose of juvenile cases. Therefore, it is important to better understand how juvenile justice stakeholders perceive the presence of racial disparity in the system as well as the factors they believe are important for ultimately deciding the outcomes of cases.

The *2003 Survey of Juvenile Court Stakeholders* was designed to measure not only the extent to which differential treatment of minorities was perceived by juvenile

court stakeholders, but also the personal observations and experiences of court officials. The purpose was to better understand stakeholders' perceptions of case processing differences between white and nonwhite youths and the characteristics of cases that stakeholders deemed to be important for influencing case outcomes. Thus, part of our analysis focused on an examination of offender and offense characteristics and the extent to which stakeholders considered them to be most important for influencing the outcomes of cases referred to the juvenile justice system. Below is a brief summary of the major findings.

Summary of major findings:

- Approximately one-quarter of all probation officers, prosecutors, and judges reported that they perceived the presence of racial disparity in the system. Of these stakeholders, probation officers were least likely to perceive the presence of racial disparity in the juvenile justice system.
- Over ten percent of prosecutors (11.2%) and judges (11.8%) indicated that minority youths were referred to court more frequently than white youths for the same offense at least "sometimes." This was compared to only 5.2% of probation officers.
- Thirty percent of all probation officers (29.5%), prosecutors (32.2%), and judges (30.0%) indicated that informal dispositions were more common for white offenders. Slightly less than fifteen percent of prosecutors (13.3%) and judges (13.2%) reported that informal dispositions were more common for white offenders at least "sometimes." Over four percent (4.2%) of all probation officers indicated that informal dispositions were "usually" or "always" more common for white offenders.
- Compared to other court stakeholders, public defenders were more likely to perceive the presence of racial disparity. Over fifty percent (54.7%) of public defenders reported that white youths get sentenced more leniently than nonwhite youths for the same offense. Nearly sixty percent (58.9%) stated that minority youths were referred or petitioned to court more often than white youths and over sixty percent (61.6%) reported that informal dispositions were more common for white offenders.

- Over 10.0% of all juvenile justice stakeholders had directly observed racial bias on the part of probation officers, public defenders, prosecutors, and judges. Between 11.0% and 14.0% of all survey respondents reported witnessing racial or ethnic bias influence official decisions made by juvenile justice officials.
- Over twelve percent (12.6%) of stakeholders felt that race was an important factor for influencing decisions at the intake stage. In the same regard, 10.0% of survey respondents indicated race may impact official decisions at the predispositional detention stage. These results were closely followed by the formal disposition stage (8.6%), the informal disposition stage (7.6%), and the adjudication stage (6.7%).
- The point of intake was deemed to be the stage “most susceptible” to racial bias. Nearly thirty percent (27.1%) of juvenile justice stakeholders felt that the intake stage was most susceptible to the influence of race.
- The use of a weapon, the extent of injury to the victim, and ability of parents to adequately supervise their youth were regarded as being the most important offender and offense characteristics for influencing case outcomes at both the predispositional detention and formal disposition stages.
- The least important offender and offense characteristics thought to influence case outcomes included a youth’s gender, scores on need assessments, time spent in detention, and the value of property stolen or damaged.
- Levels of perceived racial disparity varied by type of stakeholder, education level, race, and region or county of employment. Mean levels for the perception of racial disparity were significantly higher for public defenders, those with doctorate degrees, and nonwhite stakeholders.
- Stakeholders who were employed in urban counties located in the southern federal judicial district were significantly more likely to perceive the presence of racial disparity in the juvenile justice system.

### *Conclusions*

By examining both official juvenile records and stakeholders’ responses to a statewide survey, this research provided a substantial amount of information regarding the nature and extent of racial disparity in the West Virginia juvenile justice system. The analysis of official juvenile records helped us identify the stages of the



juvenile process in which race plays a significant role in influencing case outcomes. In doing so, we were able to compare successive decision points in the juvenile process and assess the magnitude of the race effect from stage to stage. In addition, this analysis also assisted us in gaining an appreciation for the influence of extra-legal factors including a youth's age and gender. Similarly, we were also able to assess the relative importance of legal variables such as the frequency and severity of a youth's prior record and the seriousness of the current offense on predicting case outcomes.

Far fewer studies have focused on the individual perceptions and experiences of professionals who work in the system. As a result, less is known about how stakeholders' differential perceptions of youth affect case processing decisions or which offender and case characteristics are deemed to be most important for swaying the judgments of court officials. Our analysis of the survey results offered a glimpse into the individual perceptions and experiences of court officials. Accordingly, this research provided a measure of the extent to which racial bias or disparity was perceived to be present in the system. This research also fostered a greater level of awareness for the complexity of the decision-making process and the wide array of factors weighed by court officials when making decisions on the handling of juvenile cases. Lastly, our examination of both official juvenile records and survey responses allowed us to assess the congruence between what is "actually" occurring in the processing of juvenile cases to what is perceived to be taking place by stakeholders.

Prior researchers have noted a variety of methodological caveats to be carefully considered before studying the issue of racial disparity. Fortunately, this research was able to address most of the methodological issues raised by previous researchers, including the controlling of legal factors thought to be most influential in determining case outcomes (e.g., offense severity and prior record). However, we were not able to control for some social factors that are also thought to influence juvenile justice decision-making. As noted above, some researchers have found evidence that social factors such as family structure and school performance may influence juvenile detention decisions. We had hoped to control for these factors in our analyses. Unfortunately, we were not able to control for these factors due to missing information contained in the JJDB. When these variables were incorporated into our regression models, we saw a significant deterioration in our goodness-of-fit measures and a 25.0% decrease in the number of valid cases in our models.

Nonetheless, we do not believe the failure to incorporate these variables into our models constituted an important limitation for our study. Though the inclusion of these variables into the models might have helped us specify the factors that produce disparity in the system, they would not have negated our results relating to the impact of race. As described by Bishop and Frazier (1996:394), the inclusion of such factors into our regression models would merely allow us to “specify the mechanisms by which such differential treatment might arguably be justified.” Thus, in spite of the likelihood that white and nonwhite youths may be treated differently because nonwhites are more likely to come from single-parent homes or be enrolled in an alternative form of education, we do not believe this would diminish the impact

of race. Instead, it would only specify the mechanism(s) by which institutional racism occurs.

With that said, our results did show significant differences between white and nonwhite youths upon referral to juvenile intake. There was some evidence that nonwhite youths may represent a higher risk group of youths with greater needs. Nonwhite youths were more likely to be referred to juvenile probation at younger ages and for more serious offenses. Similarly, we found significant differences in the educational placement and living situation between white and nonwhite youths referred to the juvenile justice system. We believe future research should seek to better understand the differences in levels of risk and the types of needs that distinguish white and nonwhite youths referred to the system and how these differences influence the judgments of key stakeholders.

At the same time, we noted that nonwhite youths were referred to juvenile intake at a higher rate than white youths. Moreover, once these youths were referred to juvenile probation, they were also less likely to receive an informal disposition and more likely to be detained prior to adjudication. These findings, coupled with the evidence that nonwhite youths were more likely to have their cases dismissed at the adjudication stage, suggests that early processing decisions may be failing to identify appropriate cases for diversion, particularly when they involve minority youths. Thus, these results imply that greater attention to the decision-making processes at the early stages of the system may be warranted. In particular, future efforts may find it useful to focus on the decision-making criteria and processes

involved in determining which cases are appropriate for being handled in an informal manner.

Furthermore, despite finding the presence of racial disparity in the system, we believe it is equally important to point out where the system appears to be operating as we might expect. For example, our results clearly showed that legal factors were significant predictors of case outcomes at each stage of the process. In fact, a youth's prior record and current offense may arguably be the most consistent and robust predictors of outcomes at each stage. Additionally, we found some evidence that suggests the juvenile process in West Virginia may have a built-in system of "checks and balances." At the adjudication stage, our results revealed that an adjustment was taking place that served to offset some of the negative effects of racial bias in the system. Simply put, a greater proportion of nonwhite youths were getting their cases dismissed once they reach the adjudication stage. As noted previously, our present examination was not able to explain why nonwhite youths were more likely to have their cases dismissed rather than undergo a formal adjudication process. Since the reasons for this adjustment are not clear, future research should seek to better understand the factors that influence decision-making at the adjudication stage.

## CHAPTER 1

### INTRODUCTION

The overrepresentation of minorities in the juvenile justice system is not a new phenomenon. For decades, an extensive amount of research has been generated on the topic. As a result, the disproportionate overrepresentation of minorities has been discovered in every state and at every stage of the juvenile justice system (Leiber, 2002; OJJDP, 1999). The phrase minority overrepresentation refers to the situation in which a larger proportion of minority juveniles is present at various stages within the juvenile justice system than would be expected based on their proportion in the general population (OJJDP, 1999). This overrepresentation at the detention stages of the juvenile justice process is often referred to as *disproportionate minority confinement (DMC)*.

Disproportionate minority confinement is present when minority youths are overrepresented in secure juvenile detention and correctional facilities as compared to their proportion in the general population (Devine, Coolbaugh & Jenkins, 1998). Research has generated many explanations that identify potential factors which may contribute to the problem of minority overrepresentation at each stage of the juvenile justice system as well as DMC. Some researchers focus on racially disproportionate offending patterns as the primary cause of such disparity, while others highlight the persistence of biases in the juvenile justice system. However, a considerable amount of research suggests that the minority overrepresentation may be due to *racial disparity* that exists within the juvenile justice system. That is,

overrepresentation may be due to substantial differences in the processing of minority and majority youths in the juvenile justice system.

This report examines the issue of racial disparity at multiple stages of the juvenile justice process. Although research has been conducted on the issue of minority overrepresentation in West Virginia (see Hamparian, 1997; Sharlip, 2001), these studies did not examine the influence of race at multiple stages of the juvenile process while controlling for relevant legal and extra-legal factors. As a result, these studies failed to resolve whether minority overrepresentation was due to differences in offending patterns between white and nonwhite youths or the result of differential treatment of minorities in the processing of juvenile cases.<sup>1</sup>

In addition, the previous studies conducted in WV did not use multivariate statistical techniques to assess both the direct and indirect effects of race on processing outcomes. As a consequence, these studies were not able to assess the impact of early decisions on subsequent outcomes in the process and the extent to which the effect of race is conditioned by other factors. Lastly, no research to date has explored the perception of racial disparity among juvenile court stakeholders in West Virginia. This research examines, from the point of view of key court officials, the role of race in official juvenile justice decision-making.

Based on information contained in official juvenile records, the first study presented in this report examines the extent to which race influences outcomes at

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<sup>1</sup> Hamparian (1997) conducted a subgroup analysis based on offense severity and compared rates of detention and commitment to corrections. Although this study, in effect, controls for offense severity it does not take into account the frequency and severity of prior record or other relevant extra-legal factors than have been shown to influence official decisions.

multiple stages of the juvenile process. This examination centers on the issue of racial disparity—the impact of race on official processing decisions after the effects of other relevant factors are adequately controlled—at each stage of the juvenile justice process. The second study presented in this report measures the extent to which juvenile court stakeholders perceive the presence of racial disparity in juvenile justice decision-making. Based on data obtained from a statewide survey of juvenile justice stakeholders, this examination sheds light on how closely perceptions of racial disparity coincide with the results obtained from our analysis of official juvenile records. In addition, this analysis fosters an appreciation for the complexity of the decision-making process. Our analysis explores the factors considered to be most important among juvenile court officials in deciding the outcome of juvenile cases.

The following discussion provides a review of the literature on racial disparity and minority overrepresentation in the juvenile justice system. Our initial discussion focuses on the results of national studies. This is followed by an overview of the juvenile population and the results of two studies on minority overrepresentation in West Virginia. Lastly, we provide an overview of the juvenile justice process in West Virginia and conclude with a brief discussion of methodological and analytical considerations that guide our current examination.

### *Racial Disparity and the Juvenile Justice System: National Findings*

There is an extensive amount of research which addresses the significant disparity of minorities in the juvenile justice system within the United States. A substantial amount of this research yields evidence that minority youth are often treated differently from majority youth within the juvenile justice system. According

to a 2001 report published by the National Research Council and Institute of Medicine, when examining race alone, blacks are 1.5 times more likely to be handled formally by the courts.

Based on an early comprehensive review of 46 published research articles, Pope and Feyerherm (1990) found that approximately two-thirds of the studies indicated that a youth's race did influence decision-making in selected stages of the juvenile justice process. In a more recent review of DMC studies published in academic journals and scholarly books from March 1989 through December 2001, Pope, Lovell, and Hsia (2002) found that 25 of the 34 studies reviewed reported race effects in the processing of youth. Across numerous jurisdictions, a substantial body of research suggests that this disparity is most pronounced at the beginning stages with the greatest disparity between majority and minority youth occurring at intake and detention decision points. However, Pope et al. (2002) emphasize that disparate outcomes may occur at any stage of juvenile processing. In addition, despite the fact that their earlier review of the literature suggested that the effects of racial bias may accumulate as a youth progresses through the system, these authors conclude that their most recent review does not provide strong support for the "accumulation of disadvantage" notion.

While minority overrepresentation may be a by-product of case processing decisions, there is no collective judgment about how race influences outcomes. Prior research has found both direct and indirect effects of race on the processing of youth. A "direct effect" occurs when race significantly affects case outcomes after all legally relevant and offender characteristics are taken into account. In this



circumstance, differences in processing cannot be attributed solely to legal characteristics and other relevant factors.

An indirect effect is present when race influences case process outcomes through some other factor. Depending on the nature of the effect, this can also take the form of an interaction effect. For example, prior research suggests that minority youth are significantly more likely to be detained prior to adjudication and those who are detained prior to trial are more likely to receive harsher sentences at this disposition hearing. If pretrial detention significantly increases the chances of harsher sentences, and nonwhite youths are more likely to be detained prior to adjudication, then we could conclude that race indirectly affects disposition outcomes through its effect on pre-adjudicatory detention. An interaction effect is present when the effect of a youth's race varies depending on some other variable or the effects of other factors are conditioned by a youth's race.

Thus, racial disparity may stem from differences in actual behavior or from decision-making within the system, including legitimate and extralegal factors, or both. In a study of Florida's juvenile justice system, Bishop and Frazier (1988) found that race had both a direct and indirect effect on juvenile justice processing. The effects of the independent variables of race, age, gender, offense seriousness, prior record, and prior dispositions were examined at five stages of the juvenile justice process. Legal factors were found to be the most significant. However, these authors also found that race had a direct effect on decisions made at several points in the process, once the effects of legal and processing variables (e.g., detention status) were controlled. In addition, Bishop and Frazier's (1988) analysis revealed

significant interaction effects between race and prior detention status, prior disposition, and offense severity at different stages in the process. Their results showed, for example, that the effect of race on the prosecutor's decision to file a formal petition differed based upon whether the youth had been detained prior to adjudication and previous treatments/sanctions that a youth had received. They further concluded that the effects of race seemed to be compounded as juveniles penetrated deeper into the juvenile justice system.

In a more recent study of Florida's juvenile justice system, Bishop and Frazier (1996) again noted that there continues to be clear disadvantages for nonwhite youths in the processing of delinquency cases. These researchers examined processing in the intake, detention, court referral, and judicial disposition stages. The authors found that, while the magnitude of race effects varied from stage to stage, a consistent pattern of unequal treatment emerged. Based on a bivariate analysis, Bishop and Frazier (1996) discovered that nonwhites were more likely than whites to be referred by intake to formal processing, held in secure detention prior to adjudication, and petition to court by prosecutors. The author's multivariate results found that being nonwhite significantly increased the likelihood of an intake referral for formal processing, despite controls for prior record, offense severity, and other relevant non-legal factors.

Based on interviews conducted with juvenile court personnel, Bishop and Frazier (1996) noted that some portion of the overrepresentation of nonwhites in the juvenile justice system may be attributable to institutional racism or the use of criteria other than race that disproportionately impacts minority youths. They argued that the

unequal treatment of minorities may be inherent in the criteria used by practitioners to decide who is eligible for diversion and pretrial release. In many instances, they note that such eligibility is contingent upon adequate levels of family support and cooperation. In addition, other researchers note that larger macrosocial factors such as differential rates of poverty and the societal conditions associated with it may contribute to disparate outcomes in the juvenile justice system.

Other researchers have also found that court officials' and key stakeholders' perceptions of white and nonwhite youths may contribute to racial disparity in outcomes (Bridges and Steen, 1998; Farrell and Swigert, 1978; Tonry, 1995). Bridges and Steen (1998) argue that court officials' perceptions of youth and their crimes may act to legitimize differences in the treatment of white and nonwhite youth through assessments of dangerousness and youth's risk of re-offending. These authors discovered pronounced differences in probation officers' attributions about the causes of crime by white and nonwhite youths and these differences contributed significantly to differential assessments of the risk of future offending and to sentence recommendations. This research suggests that racial disparities may be due to differences in stakeholder perceptions of youth. Nonwhite youths are often perceived differently than white youths, despite having similar offense histories, and are often deemed to be more serious or dangerous (Bridges and Steen, 1998).

Research on the impact of race and the sentencing of adult offenders also suggests that race can influence sentence severity. Spohn's (2000) review, *Thirty Years of Sentencing Reform: The Quest for a Racially Neutral Sentencing Process*, evaluated 40 studies that examined the relationship between race and sentence

severity in the criminal justice system. Spohn (2000) discovered that a number of studies found no direct race effects while significant indirect or interaction effects were present (Albonetti, 1997; Chiricos and Bales, 1991; Nobling, Spohn, and DeLone, 1998; Spohn and Spears, 2000; Steffensmeier, Ulmer, and Kramer, 1998). Spohn (2000) highlighted that the combination of race and other legally irrelevant offender characteristics produces greater sentence disparity than race alone. The irrelevant characteristics included gender, age, employment status, income, and education. The author noted that the effect of race is conditioned by other offender characteristics found in research when the interrelationship among race, gender, age, employment status, and sentence severity is explored.

Research that examines the interaction between race and other legally irrelevant offender characteristics shows that minorities are sentenced more harshly than whites if they are young and male (Chiricos and Bales, 1991; Nobling, Spohn, and DeLone, 1998; Spohn and Holleran, 2000; Steffensmeier, Ulmer, and Kramer, 1998). Other researchers have found that minorities are sentenced more harshly than whites if they were found to have had less education or are detained prior to trial (Albonetti, 1997; Chiricos and Bales, 1991; Crew, 1991). Thus, there is a considerable amount of research to support the fact that minorities are punished more harshly than whites.

#### The Juvenile Population in West Virginia: An Overview

According to the 2000 U.S. Census, the total population for the State of West Virginia consisted of 402,393 youths under the age of 18. West Virginia youth under age 18 comprised slightly greater than twenty-two percent (22.3%) of the State's

total population of 1,808,344. As a percentage of the total population, the juvenile population in West Virginia decreased by nearly 9.0% between 1980 and 2000, from 28.7% to 22.3%.

West Virginia has long had one of the lowest minority juvenile populations in the nation. In 2000 the population of minorities comprised less than 5.0% of the total population of the State. The distribution of minorities included the following: African-Americans (3.2%), Hispanic/Latinos (0.7%), Asians (0.5%), and Native Americans (0.2%). For the past two decades, white youths under the age of 18 comprised roughly 95.0% of the total population of juveniles.

In recent years, however, the minority population under the age of 18 has slightly increased as a proportion of the total number of youths in the State. From 1990 to 2000, the minority juvenile population in West Virginia increased from 4.9% of the total population to 7.0%. This corresponded to a decrease of 60,736 white youths and an increase of 6,424 minority youths in the State. In 2000, counties with the highest percentages of minorities in their juvenile population include Kanawha (13.9%), Raleigh (12.1%), Berkeley (9.9%), Cabell (9.2%), and Monongalia (9.2%). Of the 55 counties in West Virginia, 22 have fewer than 100 African-Americans. Fewer than 25 African-Americans were reported to reside in the counties of Webster (1), Tyler (2), Tucker (5), Calhoun (8), and Clay (8).

In addition, U.S. Census estimates indicate that West Virginia youth under the age of 18 years old are increasingly being born into single parent families and economic poverty. In 1980, 18.7% of children in West Virginia lived at or below the poverty level. The child poverty rate peaked at around 30.0% in 1995 and has

lowered slightly since that time (U.S. Census Bureau, 2000). Moreover, the percentage of juveniles living in single parent families in West Virginia more than doubled between 1980 and 2000, from 12.0% to 24.6%.

Although Appalachian life is largely characterized as rural, the juvenile population in West Virginia is also becoming more urban. In the ten-year period between 1990 and 2000, the juvenile population in West Virginia increased by 11.0% in urban settings and decreased by 20.0% in rural settings (U.S. Census Bureau, 2000). As noted above, this increase in the urban population in the State has corresponded to a slight increase in the proportion of minority youth under the age of 18.

#### *Minority Overrepresentation and Juvenile Justice in WV: Previous Findings*

This issue of minority overrepresentation in the juvenile justice system has received considerable attention in the State of West Virginia. Recent statistical reports produced by the WV Criminal Justice Statistical Analysis Center indicate that minorities comprise a larger proportion of the probation and detention population than would be expected based on their proportion in the general population (Hutzel, Lester, and Naro, 2003; Lucas and Hutzel, 2002).

In a recent analysis of the juvenile detention population, Hutzel et al. (2003) concluded that while the majority of juveniles committed to corrections were white males, black males were committed to corrections at a rate six times higher than their proportion of the juvenile population. While African-American males constituted less than 2.0% of the juvenile population between 10 and 17 years of age, they comprised over eleven percent (11.3%) of all juveniles committed to corrections in 2001. Based on juvenile correction population figures in the spring of 2003, nearly

fourteen percent (13.7%) of the confined juvenile population consisted of black males (Hutzel et al. 2003).

Minority youth are also overrepresented in cases referred to juvenile probation or intake. For all cases referred to juvenile intake in 2000, Lucas and Hutzel (2002) reported that over ten percent (10.8%) of juvenile cases involved minority youth. Although a vast majority of cases referred to juvenile probation in 2000 involved white youth (81.8%), slightly less than ten percent comprised black youth (9.3%). As noted above, African-Americans constituted only 3.2% of the total population of youth under the age of 18 in 2000, according to the U.S. Census. Less than one half of one percent of juvenile cases referred to probation in 2000 were reported as Asian or Pacific Islanders (0.1%) and slightly above one percent comprised multiracial youth (1.4%). It is important to note that the race of the delinquent was unknown for 7.3% of the cases referred to juvenile intake (Lucas and Hutzel, 2002).

Two studies conducted in the State of West Virginia have specifically addressed the issue of minority overrepresentation in the juvenile justice system (Hamparian 1997; Sharlip 2001). Based on a systematic review of studies published by national and state agencies, Sharlip (2001) compared statistics on the States' minority overrepresentation to national estimates. According to Sharlip (2001: 1) "overrepresentation of minority youth occurs at the system's earliest stages and is often marked by an additive effect at subsequent stages." The author further contends that the rates of overrepresentation of minority youth in West Virginia exceed national rates.

Based on a sample of 27 counties with at least one percent African-American youth population, Hamparian (1997) found clear evidence of the overrepresentation of minority youth at the detention stage and in commitments to juvenile corrections in West Virginia. African-American youth accounted for 30.1% of all youth placed in secure detention prior to adjudication and 39.1% of all commitments to corrections.

Although the results of this study were not based on multivariate techniques, Hamparian (1997) conducted comparisons of white and African-American rates of detention and commitment to corrections by general offense categories (e.g., serious personal offenses, less serious personal offenses, serious property offenses, and less serious property offenses). Despite finding that a higher percentage of African-American youths were referred to intake for more serious personal offenses, the rate of commitment to detention and corrections exceeded that of white youths. Hamparian (1997) concluded that African-American youths are more likely to be detained prior to adjudication and committed to corrections than white youths for most offense categories, even after the seriousness of the committing offense is controlled.

Using an index score developed by Hamparian, Leiber, Morton, and Associates (1997), Hamparian (1997) also compared 13 counties that comprised at least one African-American youth detained or committed to corrections.<sup>2</sup> In all 13 counties,

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<sup>2</sup> The index score developed by Hamparian et al. (1997) represents a ratio of the number of youth involved at a particular decision point divided by the State's total juvenile population. An index score of 1.0 means that minorities are represented in the juvenile or criminal justice system in the same proportion as they are represented in the population. An index score larger than 1.0 indicates that minority youth are overrepresented. A score of 2.0, for example, reflects that minority youth are represented at two times their proportion in the population.



Hamparian (1997:3) reported overrepresentation was “very great” in both detention and commitments to corrections. In two counties, the author found index scores over 20.0 for overrepresentation in commitments to corrections. That is, the rate of commitment to corrections for minority youths from these counties was over 20 times what would be expected given their proportion to the African-American youth population in each county. In the case of detention, Hamparian (1997:3) concluded that “it appears that in some counties if an African-American youth is referred to court, he/she is automatically detained.”

Although these studies are useful for estimating the extent to which minority overrepresentation exists in the State, these studies do not examine the impact of race at multiple stages of the juvenile justice process while controlling for relevant legal and extra-legal characteristics of youth. As a result, these studies tell us little about the role of race in relation to other factors that may influence official decisions at different stages of the process. Since the juvenile justice system consists of multiple decision points, it is important for researchers to consider the role of race at different stages of the process. The following section provides an overview of the major stages of the juvenile justice process in West Virginia.

### *The Juvenile Justice Process in West Virginia*

The juvenile justice process in West Virginia consists of a series of stages or decision-making points. The intake or informal disposition stage, detention stage, adjudication stage, and the formal disposition stage comprise the key decision-making points of the juvenile justice process. This section describes the primary purpose and the alternatives available to officials at each stage.

In the initial stage of the process, delinquent acts and status offenses are handled in largely the same manner in the West Virginia juvenile justice process. Given the inherent nature of status offenses, however, these offenses are traditionally diverted from the system or handled in an informal manner early in the process. Regardless of whether a youth is charged with a delinquent act or a status offense, these youth proceed through four main stages.

The first stage in juvenile proceedings is the intake or referral stage. Juvenile probation serves as the point of intake for most juveniles alleged to have committed a delinquent or status offense. The practice for many years in West Virginia has been to initiate juvenile jurisdiction through informal means (Rosswurm, 2000). This usually involves the filing of an “informal” complaint alleging the commission of a delinquent or status offense. Upon receiving the complaint, an intake officer (typically a probation officer or prosecutor) reviews the complaint and decides whether to divert the case or resolve the case in an informal manner or file a “formal” petition. In essence, this stage represents the first opportunity to resolve the case in an informal manner. This study often refers to the intake stage as the informal disposition stage.

Intake officers have a variety of options in how to handle each case. In general, an alleged status offender or delinquent may be referred to the Division of Health and Human Resources (DHHR), to probation for informal supervision, or recommend the filing of a formal petition. Informal dispositions typically result in one or more of the following: a referral for noncustodial counseling to DHHR or other community or mental health agency, the case being held open without further action,

a referral to a diversion program through probation, or referral to juvenile probation for a period of informal supervision by probation.

If an intake officer decides to initiate formal proceedings, a petition is filed with the court. Shortly after a youth is referred to intake, a decision is made as to whether to detain a youth prior to adjudication or release the youth. This represents the second stage in the juvenile process and is referred to as the predispositional detention stage. This decision may or may not involve an actual detention hearing. The sole issue at a detention hearing is whether the juvenile should be detained pending further court proceedings (Rosswurm, 2002). A juvenile may be detained in a secure detention facility, non-secure and staff secure settings, or placed in home confinement.

A preliminary hearing can be held at the same time as the detention hearing and must take place within 10 days of the initial detention date for detained youth unless postponement is merited. Preliminary hearings are required for both status and delinquency offenses once formal proceedings have been initiated and may only be waived by juveniles upon the advice of counsel. Juveniles in preliminary hearings have the same rights afforded to adults in preliminary criminal proceedings.

If no probable cause is found to exist, the charges are dismissed and, if detained, the juvenile is ordered released. If probable cause is found, the juvenile is notified of his or her right to a jury trial and may receive either home confinement, placement in a non-secure or staff secure facility, placement in a state detention center, or placement into the temporary legal and/or physical custody of DHHR.

The third major decision point in the juvenile process is the adjudicatory hearing stage. The primary purpose of this hearing is to substantiate the allegations of a status offense or allegation of delinquency. If a judge or jury finds that the allegations are not substantiated by clear and convincing proof for status offenses or beyond a reasonable doubt for delinquent offenses, the judge is required to dismiss the petition. If the allegations are substantiated for a status offender, the judge is required to refer the juvenile to DHHR for services or place the status offender in a setting characterized as the least restrictive facility that is necessary based on the juvenile's and the community's needs. For delinquency cases, when the allegation is substantiated by a judge or jury, the court must schedule a dispositional hearing.

The formal disposition or sentencing stage represents the final decision point the process. The court has a wide range of options when it comes to the sentencing of juveniles. The alternatives for sentencing range from a period of monitored compliance to transfer to adult court. In West Virginia, a final disposition in a case may also include what is termed an "improvement period" for up to one year. Although an improvement period is requested by the youth and granted by the court prior to the adjudicatory hearing, a youth may have his or her case dismissed upon successful completion of this period. In essence, the granting of an improvement represents a final disposition in the case upon successful completion. Other examples of disposition at this stage include, but are not limited to, placement in DHHR custody, home confinement, probation, fines/restitution, community service, or a sentence of secure confinement to the Division of Juvenile Services.

### *Considerations for Analysis: Lessons from Previous Research*

Prior research highlights the importance of sufficient “analytical rigor” when examining the issue of racial disparity in the juvenile justice system (Wooldredge, 1998). Although there are a multitude of valid approaches to studying this issue, researchers point to four areas that should be considered in the development of a research design and analysis plan. These include the use of multivariate statistical techniques, the analysis of multiple stages of the process, the exploration of indirect and interaction effects, and proper model specification.

First, studies should employ multivariate statistical techniques which offer the capacity to control for relevant legal and extra-legal variables that may potentially influence processing decisions. Research has consistently demonstrated legal factors such as offense seriousness and the frequency and severity of prior contacts with the juvenile justice system are significant predictors of sentencing outcomes. As a result, it is recommended that studies, at a minimum, control for the seriousness of the current offense and the prior records of youth. In addition, research has shown that youths are often treated differently depending on their age and gender. For instance, studies have found that females are treated more harshly than males for less serious or status offenses (Chesney-Lind, 1973; Tittle and Curran, 1988; Ulmer and Kramer, 1996). This suggests that studies should not only control for the legal characteristics of offense seriousness and prior record, but should also control for the effects of age and gender.

Second, proper specification of the multivariate models is essential for drawing conclusions at each stage of the process. In particular, the correct operationalization

of the dependent variables or processing outcomes at each stage is essential for estimating the “true” effects of race. First, proper model specification requires an accurate depiction of the actual juvenile process. Second, it requires a complete representation of the alternatives available for decision-makers at each stage of the process. Traditionally, researchers have most often dichotomized outcomes at each stage and use logistic regression techniques to estimate the effects of race. This dichotomy is often characterized as a comparison between the least restrictive and most restrictive outcomes for each stage.

The dichotomous decision-making points (dependent variables) examined in most studies include the intake screening, detention status, adjudication, and judicial disposition. The independent variables commonly utilized include race, gender, age, alleged offense, offense seriousness, prior record, and prior disposition. Although the representation of the juvenile justice process as a series of dichotomous decision-making points is a well-established and arguably valid practice, we suggest that it fails to adequately capture the complexity of the decision-making process. Thus, we estimate the effects of race at each stage of the process through the application of multinomial logistic regression techniques. Multinomial logistic regression models allow for multiple outcomes to be examined simultaneously at each stage of the juvenile justice process. In this regard, we believe that the application of a multinomial logistic regression opposed to ordinary or binary logistic regression techniques represents an improvement over previous model specifications.

Third, since decisions made on the part of officials at earlier stages of the juvenile process can influence outcomes at later stages, the impact of race should be estimated at multiple stages. It is possible that the effect of race may be more or less present at different stages of the process. Indeed, research provides some reason to believe that the magnitude of race effects may vary for different decision points in the process. A single stage analysis that finds no race effect at the formal disposition stage would not necessarily uncover race differences that occurred at the intake or predispositional detention stages. Bishop and Frazier (1996:293) note that a multi-stage analysis allows for reflection of the actions of different decision makers “whose professional philosophies, organizational subcultures, and discretionary authority differ in ways that may render either intentional discrimination or institutional discrimination more or less likely to occur.”

In addition, a multistage analysis also allows for the discovery of potential indirect effects of race on outcomes. When research is restricted to a single, late stage in processing, the effects of race may be obscured due to correlations between race and earlier processing decisions that predict outcomes at subsequent stages (Bishop and Frazier, 1988). Thus, a multistage analysis provides a means for assessing whether race indirectly affects adjudication and disposition outcomes through earlier decisions. Based on results of previous research, we know the decision to detain a youth prior to adjudication often has a significant impact on outcomes in later stages of the process. If white and nonwhite youths are treated differently at the predispositional detention stage, and that decision is predictive of outcomes at the adjudication and predispositional detention stages, we can then

conclude that race operates indirectly through predispositional detention status. A failure to take into consideration the presence of an indirect effect that operates through detention status would result in an underestimation of the “true” impact of race on adjudication and disposition decisions.

Lastly, it is important for researchers to consider the possibility that the effect of race might be conditioned by other variables. Multivariate models that rely solely on estimates of additive or main effects may fail to notice the effect of race under slightly different conditions. If an interaction effect is present, the impact of race may only be present for certain types of offenses, or only for males, or for certain ages. For instance, white and nonwhite youths may be treated similarly when the alleged offense is serious in nature, but for much less serious offenses which are characterized by greater discretion on the part of officials, white and nonwhite youths may be treated much differently. In such a case, a significant interaction effect would reveal that the influence of race is contingent upon offense severity.

The following chapter describes the research questions and the methodology used to guide our analysis of the official juvenile records submitted to the Juvenile Justice Database (JJDB) and the stakeholder responses to the statewide questionnaire. Chapter 4 begins the presentation of results for the analysis of official juvenile court records contained in the JJDB. Lastly, Chapter 5 reports the results of the *Survey of Juvenile Court Stakeholders in West Virginia 2003*.



## CHAPTER 2

### RESEARCH DESIGN AND METHODOLOGY

This chapter provides an overview of the research questions and data collection procedures used in this report. Since this research involves both an analysis of official juvenile records and survey data, our discussion is divided into two parts. Part I details the contents of the Juvenile Justice Database (JJDB) and the construction of variables used in the analysis of juvenile records. Part II describes the *Survey of Juvenile Court Stakeholders in West Virginia 2003* and the procedures used in the collection of the survey data.

#### *Part I: Analysis of the Juvenile Justice Database (JJDB)*

The Juvenile Justice Database (JJDB) is the primary source of data gathered on juvenile offenders referred to the juvenile justice system in West Virginia. The JJDB stores information on legal and extra-legal characteristics of all youth who are referred to juvenile probation intake. In this section, we describe the contents of the JJDB and the procedures for data collection in the present study.

Based on a review of the prior literature on racial disparity and the juvenile justice system, this study seeks to examine the impact of race on decision-making at multiple stages of the juvenile justice process. Prior research has documented the importance of assessing the role of race at multiple stages of the juvenile justice process. We note throughout this report that such analyses can be helpful for identifying both the direct and indirect effects of race on various processing outcomes. In addition, a multi-stage analysis can assist us in better understanding

how legal and extra-legal factors other than race may vary in importance for influencing outcomes at each stage.

Prior research also describes the importance of including adequate controls while examining the influence of race on juvenile justice processing decisions. We know juveniles referred to probation intake differ greatly in terms of the frequency and severity of prior delinquent activities and in the offenses for which they are referred to the system. We also know that other individual characteristics of youths such as age and gender can impact disposition outcomes. As a consequence, studies that seek to examine the role of race on processing outcomes must control for or hold constant such factors.

### *Research Questions*

Using prior research as a foundation, we formulated seven research questions to focus our investigation. The research questions are as follows:

1. What are the demographic (e.g., gender, age at intake, age at offense), sociodemographic (e.g., living situation, educational placement), and legal characteristics of juveniles referred to juvenile probation?
2. Do white and nonwhite juveniles referred to juvenile probation differ in terms of demographic and sociodemographic characteristics?
3. Do white and nonwhite juveniles referred to juvenile probation differ in terms of legal history (e.g., prior adjudications, arrests, and probation) and prior complaints (e.g., any complaints and frequency of complaints)?
4. Do white and nonwhite juveniles differ in terms of the nature and type of offenses for which they were referred to juvenile probation?
5. Are nonwhite juveniles more likely to receive a negative outcome at different stages of the juvenile justice process? If so, at which stage of the juvenile justice process are nonwhites most likely to receive negative outcomes?

6. At the bivariate level, are there significant differences in disposition outcomes at each stage of the juvenile justice process for white and nonwhite offenders?
7. Controlling for legal (e.g., prior record, current offense, and detention status) and extralegal (e.g., gender and age at intake) characteristics, is race an important predictor of disposition outcomes at multiple stages of the juvenile process?

### *Procedures for Data Collection*

The Juvenile Justice Database (JJDB) contains juvenile probation information submitted by county juvenile probation officers throughout the State of West Virginia. The juvenile probation information is entered into the database by the Criminal Justice Statistical Analysis Center (CJSAC) staff housed within the WV Division of Criminal Justice Services (DCJS). The JJDB is comprehensive in that it includes all status offense and delinquency cases referred to juvenile probation. Youth may be referred to juvenile probation from a variety of sources including law enforcement, school officials, parents, and other public and private agencies. While the database is extensive, it is limited to information submitted by the juvenile probation officers to DCJS for inclusion in the database. At the time of this study, information contained in the JJDB relied upon the submission of forms from individual probation officers and the subsequent entry of these forms by staff in the CJSAC. As a result, the JJDB consists of only those cases and youth who were reported by juvenile probation officers and entered into the database as of June 30, 2003.

### *Sample*

This study represents a secondary data analysis of data contained in the JJDB. Initially, we obtained the total population of status offense and delinquency cases

referred to juvenile probation *and* entered into the JJDB in West Virginia between January 1, 2000 and December 31, 2002. A total of 23,256 cases were referred to juvenile probation during this time period. However, we excluded cases that contained youths younger than 7 years of age and older than 18 years of age based on the date of referral to juvenile probation. This reduced the number by 228 or less than 1.0% to 23,028 cases.

Since the JJDB gathers information on cases rather than individuals, a juvenile may be represented more than once due to multiple referrals or cases. Thus, we reorganized the data set around individuals so that multiple referrals for a single youth over the three-year period could be chronicled and examined. We accomplished this by restricting our analysis to the last referral in 2002. This process allowed us to capture at least two full years of offense and processing history information for each youth.<sup>3</sup> Our final sample includes 12,561 individual youth between 7 and 18 years old referred to juvenile probation between the period of January 1, 2000 and December 31, 2002. This figure includes youths referred for both status and delinquency cases.

Table 1 displays the racial distribution for the total sample of youths referred to juvenile probation over the 3-year study period. A total of 12,561 mostly white youths were referred and entered in the JJDB between January 1, 2000 and December 31, 2002. Nearly ninety percent (88.2%) of juveniles referred to probation over the study period were white. Fewer than eight percent (7.6%) were black, followed by

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<sup>3</sup> This process for reorganizing the data contained in the JJDB is similar to Bishop and Frazier (1996) in their research on race effects in the Florida juvenile justice system.

multiracial (1.6%), Asian (0.1%), and Native American (0.1%) youth. Race was unknown for over two percent (2.5%) of youths referred to juvenile probation.

Although there is a large decrease in the overall number of youths reported in the JJDB between 2000 and 2002, this does not appear to influence the racial distribution of youths referred to juvenile probation from year-to-year.<sup>4</sup> As shown in Table 1, the racial distribution of youths referred to juvenile probation is quite consistent over the three-year period. In all three years, white youths comprise approximately 90.0% of the youths referred to juvenile probation while black youth account for 7.0 – 8.0% of the minority population of youth. Other racial groups comprise less than 2.0% of juveniles reported in the JJDB. As a result, the decrease in the overall number of juveniles reported in 2002 is not likely to significantly impact our results for the total sample of youths referred to juvenile probation.<sup>5</sup>

Based on these data, it appears that minority youths are slightly overrepresented in relation to the general population at the point of initial intake into the juvenile justice system. For many years, West Virginia has routinely had one of the lowest minority adult and juvenile populations in the nation (U.S. Census Bureau, 2000).

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<sup>4</sup> Although there is evidence that youth crime in WV has decreased in recent years, which is consistent with national trends, this reduction in the number of youth reported in the JJDB is a function of the two-part data entry process. The delay in processing time from the moment a youth is referred to juvenile probation and the submission of that record to the JJDB accounts for most of the decrease in the total number of youth reported for 2002. Nonetheless, based on records subsequently entered into the JJDB for 2002, we estimate that 60% of the total youth ultimately referred to juvenile probation in 2002 are included in this study. No systematic variation or bias was found in the cases missing for 2002.

<sup>5</sup> This study does not examine year-to-year differences in the treatment of minorities at different stages of the juvenile process.

According to 2000 Census figures, African-American (3.2%), Hispanic/Latino (0.7%), Asian (0.5%), and Native American (0.2%) comprised less than five percent of the total minority population. Similarly, minority youths (ages 18 and under) were estimated to comprise approximately seven percent (6.7%) of the total population of youth in 2000 (The Annie C. Casey Foundation, 2003). For the total population of youth reported in Table 1, minority youths comprise between 9.0% and 10.0% of all juveniles at the initial point of intake into the juvenile justice system. This suggests that minority youths may be overrepresented as referrals to juvenile probation by approximately 2.0% – 3.0%.

Table 2 displays the additional demographic characteristics for the total population of youths referred to juvenile probation. Most juveniles are male and between the ages of 15 and 16 years at the time of offense and intake into the juvenile justice system. Males represent two-thirds (65.5%) of all youth referred to juvenile probation. The mean ages for juveniles at the time of the offense and at the time of intake are 15.39 and 15.46, respectively. Nearly ninety percent of all youths referred to juvenile probation are between the ages of 13 and 18 years at both the time of the offense (88.8%) and at the time of intake (89.3%).

In addition, most youths referred to juvenile probation are reported to be enrolled in a mainstream education setting but living with one biological parent at the time of the offense. Over sixty percent (61.2%) of all youth are enrolled in a mainstream educational setting. Nearly thirteen percent (12.7%) of juveniles are placed in a special education or alternative education program or school. Meanwhile, just over five percent (5.3%) of all youths report having dropped out of school. In terms of

**Table 1: Distribution of race/ethnicity for the total population of youth referred to juvenile probation, 2000-2002**

Race/Ethnicity <sup>c</sup>	Total		2000		2001		2002	
	N	% <sup>b</sup>	N	%	N	%	N	%
White	11073	88.2	4921	88.3	4113	87.3	2039	89.7
Black	949	7.6	410	7.4	373	7.9	166	7.3
Asian <sup>a</sup>	14	0.1	6	0.1	8	0.2	0	0.0
Native American	9	0.1	1	0.0	5	0.1	3	0.1
Multiracial	199	1.6	80	1.4	84	1.8	35	1.5
Unknown	<u>317</u>	<u>2.5</u>	<u>157</u>	<u>2.8</u>	<u>131</u>	<u>2.8</u>	<u>29</u>	<u>1.3</u>
<b>Total</b>	12561	100.0	5575	100.0	4714	100.0	2272	100.0

a. Includes Pacific Islanders

b. Percents may not total 100% because of rounding.

c. The WV Juvenile Justice Database does not distinguish the ethnic group Hispanic; Hispanics may be of any race. According to the 2000 U.S. Census, Hispanic minorities accounted for 1.0% of the WV population of children under the age of 18.

**Table 2: Demographic characteristics for the total population of white and nonwhite youths referred to juvenile probation by race**

Demographic Characteristics	All Juveniles		White		Nonwhite <sup>a</sup>		Unknown	
	N	% <sup>b</sup>	N	%	N	%	N	%
<b>Gender</b>								
Male	8232	65.5	7238	65.4	780	66.6	214	67.5
Female	<u>4329</u>	<u>34.5</u>	<u>3835</u>	<u>34.6</u>	<u>391</u>	<u>33.4</u>	<u>103</u>	<u>32.5</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Living Situation</b>								
Both Parents	3907	31.1	3664	33.1	178	15.2	65	20.5
One Parent	5605	44.6	4906	44.3	590	50.4	109	34.4
Parent/Step-Parent	1061	8.4	973	8.8	80	6.8	8	2.5
Other Relative	603	4.8	485	4.4	113	9.6	5	1.6
DHHR Approved	450	3.6	359	3.2	72	6.1	19	6.0
Detention Center	18	0.1	13	0.1	4	0.3	1	0.3
Transient	7	0.1	4	0.0	3	0.3	0	0.0
Other	159	1.3	123	1.1	36	3.1	0	0.0
Unknown	<u>751</u>	<u>6.0</u>	<u>546</u>	<u>4.9</u>	<u>95</u>	<u>8.1</u>	<u>110</u>	<u>34.7</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Educational Placement</b>								
Mainstream	7689	61.2	6993	63.2	584	49.9	112	35.3
Special Education	989	7.9	859	7.8	113	9.6	17	5.4
Alternative Education	597	4.8	501	4.5	91	7.8	5	1.6
Drop-Out	660	5.3	584	5.3	72	6.1	4	1.3
GED	184	1.5	161	1.5	20	1.7	3	0.9
Graduated	102	0.8	90	0.8	11	0.9	1	0.3
Other	207	1.6	184	1.7	22	1.9	1	0.3
Unknown	<u>2133</u>	<u>17.0</u>	<u>1701</u>	<u>15.4</u>	<u>258</u>	<u>22.0</u>	<u>174</u>	<u>54.9</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0



**Table 2: Demographic characteristics for the total population of white and nonwhite youths referred to juvenile probation by race (Continued)**

Demographic Characteristics	All Juveniles		White		Nonwhite		Unknown	
	N	%	N	%	N	%	N	%
<b>Age at Offense</b>								
Ages 7-8	90	0.7	71	0.6	13	1.1	6	1.9
Ages 9-10	294	2.3	257	2.3	32	2.7	5	1.6
Ages 11-12	1023	8.1	860	7.8	134	11.4	29	9.1
Ages 13-14	3143	25.0	2797	25.3	273	23.3	73	23.0
Ages 15-16	5071	40.4	4511	40.7	432	36.9	128	40.4
Ages 17-18	<u>2940</u>	<u>23.4</u>	<u>2577</u>	<u>23.3</u>	<u>287</u>	<u>24.5</u>	<u>76</u>	<u>24.0</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Age at Offense</b>								
Mean	15.39		15.41		15.25		15.43	
Standard Deviation	<u>1.93</u>		<u>1.90</u>		<u>2.12</u>		<u>2.09</u>	
<b>Total</b>	12561		11073		1171		317	
<b>Age at Intake</b>								
Ages 7-8	87	0.7	68	0.6	13	1.1	6	1.9
Ages 9-10	277	2.2	242	2.2	30	2.6	5	1.6
Ages 11-12	979	7.8	821	7.4	130	11.1	28	8.8
Ages 13-14	3069	24.4	2727	24.6	271	23.1	71	22.4
Ages 15-16	5036	40.1	4482	40.5	428	36.5	126	39.7
Ages 17-18	<u>3113</u>	<u>24.8</u>	<u>2733</u>	<u>24.7</u>	<u>299</u>	<u>25.5</u>	<u>81</u>	<u>25.6</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Age at Intake</b>								
Mean	15.46		15.48		15.31		15.46	
Standard Deviation	<u>1.93</u>		<u>1.90</u>		<u>2.12</u>		<u>2.09</u>	
<b>Total</b>	12561		11073		1171		317	

a. Includes Black, Asian/Pacific Islander, Native American, and Multiracial categories.

b. Percents may not total 100% because of rounding.

living situation, a majority of youths (75.7%) lived with at least one biological parent at the time of referral to juvenile probation. However, roughly forty-five percent (44.6%) of youth were living with only one biological parent at the time of referral compared to just over thirty percent (31.1%) living with both biological parents.

Table 2 also provides demographic comparisons for white and nonwhite youths referred to juvenile probation over the study period. There is little or no gender difference in the youths referred to juvenile probation. Nonwhite males and females appear to be equally likely to be referred to juvenile probation. Both white and nonwhite males comprise approximately sixty-five percent of the youths referred to juvenile probation. Nonetheless, there appear to be differences between white and nonwhite youths for most other demographic characteristics.

Nonwhite youths are found to be slightly younger and a greater percentage of nonwhite youths live in single parent families and are enrolled in alternative forms of education. Although there appears to be small mean differences in the age of white and nonwhite youths, a larger percentage of nonwhites between the ages of 11 and 12 years of age are referred to juvenile probation. This is consistent for both age at offense and age at intake. White youths between the ages of 11 and 12 at the time of their offense and the time of intake comprise just below eight percent of all white youths referred to juvenile probation. In contrast, nonwhite youths in the same age group make up over eleven percent of all nonwhite youths referred to juvenile probation. This finding suggests that nonwhite youths may be entering the juvenile justice system at earlier ages than white youths.

Similarly, nonwhite youths referred to juvenile probation are more likely to come from single parent homes and be enrolled in an alternative form of education. While all youths referred to juvenile probation are more likely to live with one parent opposed to coming from a two parent home, a greater percentage of nonwhites than whites come from single parent families. Over fifty percent (50.4%) of nonwhite youths referred to juvenile probation during the study period came from single parent homes. Less than twenty percent (15.2%) of nonwhite youths report living in two parent homes. This is compared to one-third (33.1%) of white youths who report living in a home with two biological parents. Likewise, a greater percentage of white youths are enrolled in a mainstream educational setting at the time of referral to probation. Two-thirds (63.2%) of all white youths referred to juvenile probation are enrolled in mainstream education, while slightly less than fifty percent (49.9%) of all nonwhite youths report a mainstream educational placement. Nonetheless, the majority of all youths referred to juvenile probation are enrolled in a mainstream educational setting at the time of referral to probation.

The legal characteristics of youth included in this study are examined in Tables 3 and 4. Table 3 describes the complaint history and prior record characteristics for the total sample of youth referred to juvenile probation over the study period. For the total sample, it is clear that most youth referred to juvenile probation do not have a legal history of any kind. Fewer than ten percent of all youth referred to juvenile probation have a prior adjudication for a status offense (2.8%) or delinquency offense (7.6%), a prior arrest (4.5%), or have served a sentence of probation (5.0%).

**Table 3: Complaint history and prior record characteristics for the total population of white and nonwhite youths referred to juvenile probation**

Legal History Variables	All Juveniles		White		Nonwhite <sup>a</sup>		Unknown	
	N	% <sup>b</sup>	N	%	N	%	N	%
<b>Prior Adjudication for Status Offense</b>								
Yes	353	2.8	319	2.9	33	2.8	1	0.3
No	<u>12208</u>	<u>97.2</u>	<u>10754</u>	<u>97.1</u>	<u>1138</u>	<u>97.2</u>	<u>316</u>	<u>99.7</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Prior Adjudication for Delinquency</b>								
Yes	956	7.6	794	7.2	154	13.2	8	2.5
No	<u>11605</u>	<u>92.4</u>	<u>10279</u>	<u>92.8</u>	<u>1017</u>	<u>86.8</u>	<u>309</u>	<u>97.5</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Prior Arrest</b>								
Yes	562	4.5	414	3.7	145	12.4	3	0.9
No	<u>11999</u>	<u>95.5</u>	<u>10659</u>	<u>96.3</u>	<u>1026</u>	<u>87.6</u>	<u>314</u>	<u>99.1</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Prior Probation</b>								
Yes	630	5.0	529	4.8	96	8.2	5	1.6
No	<u>11931</u>	<u>95.0</u>	<u>10544</u>	<u>95.2</u>	<u>1075</u>	<u>91.8</u>	<u>312</u>	<u>98.4</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Complaint History - Any</b>								
Yes	4093	32.6	3545	32.0	519	44.3	29	9.1
No	<u>8468</u>	<u>67.4</u>	<u>7528</u>	<u>68.0</u>	<u>652</u>	<u>55.7</u>	<u>288</u>	<u>90.9</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0

**Table 3: Complaint history and prior record characteristics for the total population of white and nonwhite youths referred to juvenile probation (Continued)**

Legal History Variables	All Juveniles		White		Nonwhite		Unknown	
	N	%	N	%	N	%	N	%
<b>Number of Prior Complaints</b>								
Mean	.47		.45		.73		.12	
Standard Deviation	<u>.80</u>		<u>.77</u>		<u>.99</u>		<u>.46</u>	
<b>Total</b>	12561		11073		1171		317	
<b>Prior Record Score</b>								
Mean	.50		.48		.74		.26	
Standard Deviation	<u>1.19</u>		<u>1.16</u>		<u>1.44</u>		<u>.93</u>	
<b>Total</b>	12561		11073		1171		317	

a. Includes Black, Asian/Pacific Islander, Native American, and Multiracial categories.

b. Percents may not total 100% because of rounding.

However, one-third (32.6%) of all youth referred to juvenile probation have had some form of a complaint made against them. Nevertheless, it appears that a majority of these complaints do not result in an adjudication or arrest for most youth.

Although most youths do not have a prior complaint history or record in the juvenile justice system, there appear to be large differences in the percentage of white and nonwhite youths in terms of legal history. It is quite clear that a greater percentage of nonwhite youth have a prior arrest, prior adjudication for delinquency offenses, and a prior sentence of probation. A greater proportion of nonwhite youths also have a prior complaint history. Nonwhite youths referred to juvenile probation are nearly four times as likely to have a prior arrest, two times as likely to have a prior adjudication for delinquency and have served a period on probation. In terms of prior arrest, over twelve percent (12.4%) of nonwhite youths compared to less than four percent (3.7%) of white youth are reported to have a prior arrest. Likewise, over thirteen percent (13.2%) of all nonwhite youths referred to juvenile probation have a prior adjudication for delinquency compared to fewer than eight percent (7.2%) of white youths. There also appear to be differences in white and nonwhite youths in terms of current offense characteristics.

Table 4 describes the nature of the offenses for which youths were referred to juvenile probation. Similar to our examination of complaint history and prior record characteristics, this study includes a variety of measures that pertain to the severity of the offense for which juveniles were referred to probation (see Measurement section). The findings in Table 4 are based on the most serious offense in the most recent referral for youth sent to juvenile probation. One-third of all youths are

**Table 4: Current offense characteristics for the total population of white and nonwhite youths referred to juvenile probation**

Current Offense Characteristics	All Juveniles		White		Nonwhite <sup>a</sup>		Unknown	
	N	% <sup>b</sup>	N	%	N	%	N	%
<b>Current Offense Category (JJDB)</b>								
Status Offense	4232	33.7	3962	35.8	230	19.7	40	12.6
Public Order Offense	1576	12.6	1348	12.2	178	15.2	50	15.8
Drug Offense	444	3.5	378	3.4	53	4.5	13	4.1
Property Offense	3583	28.6	3086	27.9	371	31.7	126	39.7
Violent Offense	2183	17.4	1818	16.4	280	23.9	85	26.8
Other	<u>528</u>	<u>4.2</u>	<u>467</u>	<u>4.2</u>	<u>58</u>	<u>5.0</u>	<u>3</u>	<u>0.9</u>
<b>Total</b>	12546	100.00	11059	100.0	1170	100.0	317	100.0
<b>Current Offense Type</b>								
Status Offense	4291	34.2	4015	36.3	236	20.2	40	12.6
M Public Order Offense	1845	14.7	1613	14.6	176	15.0	56	17.7
M Property Offense	2889	23.0	2453	22.2	331	28.3	105	33.1
M Person Offense	2108	16.8	1777	16.1	249	21.3	82	25.9
F Public Order	303	2.4	225	2.0	76	6.5	2	0.6
F Property Offense	791	6.3	719	6.5	51	4.4	21	6.6
F Person	<u>322</u>	<u>2.6</u>	<u>260</u>	<u>2.4</u>	<u>51</u>	<u>4.4</u>	<u>11</u>	<u>3.5</u>
<b>Total</b>	12549	100.0	11062	100.0	1170	100.0	317	100.0
<b>Current Offense Score</b>								
Mean	2.68		2.62		3.09		3.18	
Standard Deviation	<u>1.63</u>		<u>1.63</u>		<u>1.59</u>		<u>1.45</u>	
<b>Total</b>	12549		11062		1170		317	

a. Includes Black, Asian/Pacific Islander, Native American, and Multiracial categories.

b. Percents may not total 100% because of rounding.

referred to juvenile intake for status offenses as their most serious offense. Likewise, roughly one-quarter of youths are referred to juvenile probation for property offenses. A majority of the property offenses tend to be misdemeanor rather than felony offenses. As a result, over half of all youths referred to juvenile probation are for status and property offenses. Although over seventeen percent (17.4%) of juveniles are referred to juvenile probation for a violent offense as their most serious charge, less than three percent (2.6%) of these are felony person offenses. In fact, it appears that a vast majority of youth are referred to probation for non-felony offenses. Only slightly above ten percent (11.3%) of all youth are referred to probation for a felony offense of any kind.

A greater proportion of nonwhite youths are referred to juvenile probation for offenses of a serious nature. While nonwhite youths are less likely to be referred to juvenile probation for a status offense, they are more likely to be referred for a violent and felony offense. Over one-third of white youths are referred to probation for status offenses compared to less than one-fifth of nonwhite youths. In addition, nearly one-quarter (23.9%) of nonwhite youths are sent to juvenile probation for a violent offense, compared to less than twenty percent (16.4%) of white youths.

Finally, nonwhite youths are referred to juvenile probation at a higher rate than white youths for felony offenses. Although a referral to juvenile probation for a felony offense is rare for all juveniles, nonwhite juveniles comprise a greater percentage of youths sent to probation for offenses of a felony nature. Over fifteen percent (15.3%) of all nonwhite youths are referred to juvenile probation for a felony offense. This is



compared to just over ten percent (10.9%) of all white youths who are sent to juvenile probation.

### *Measurement*

The variables used in this study are devised from data submitted to the JJDB utilizing the Juvenile Justice Database Form (JJDF). At the start of this study, juvenile probation information contained in the JJDB was submitted to the DCJS using the JJDF. The JJDF gathers demographic and case information on all juveniles referred to juvenile probation (see Appendix A). The demographic information includes variables such as age, race, gender, living situation, and educational placement at the time of referral. In addition, the JJDF allows for the examination of critical decision-making points in the juvenile justice process. Using information gathered from the JJDF and assembled in the JJDB, it is possible to examine juvenile cases from the point of intake to formal disposition. In our analysis of juvenile probation records, we assess the effect of race at four distinct stages in the West Virginia juvenile justice process. These include the intake or informal disposition stage, the predispositional detention stage, the adjudication stage, and the formal disposition stage.

Although most of the variables in this study are obtained directly from the JJDF, the JJDB does not contain interval measures of prior record and current offenses useful for exploring multivariate relationships. Thus, we set out to construct a measure of prior record and current offense based on the historical case information maintained in the JJDB. Our measures of current offense and prior record are similar

to those constructed by Bishop and Frazier's (1996) study of racial disparity in Florida's juvenile justice system.

Our measure of *current offense* is based on the most serious offense for which the juvenile was referred to juvenile probation. Using a detailed list of offense codes contained in the JJDB, we constructed a seven-point scoring scheme that allowed us to distinguish both the type and severity of offenses contained in the most recent referral of the youth. The scale is similar to that of Bishop and Frazier's (1996), but with one exception. Since we examine both status and delinquency offenses as part of our analyses, we also coded status offenses. We coded this variable using the following scale: felony offense against person = 7; felony property offense = 6; felony offense against public order = 5; misdemeanor offense against person = 4; misdemeanor property offense = 3; misdemeanor offense against public order = 2; status offense = 1.

Our measure of *prior record* accounts for both the frequency and severity of prior offenses for which the youth was referred to juvenile probation. Based on the seven-point scoring scheme used in our measure of current offense, we constructed our prior record variable by adding the severity scores of all offenses contained in each prior referral, then dividing by the number of prior referrals. The mean values for both the current offense and prior record measures for the total sample of youth referred to juvenile probation are reported in Tables 3 and 4.

The other independent variables included in the multivariate analysis are gender, race, age at intake, and detention status. We dummy coded the independent variables of gender, race, and detention status. The reference categories are "white"

for race, “female” for gender, and “no predispositional detention” for detention status. Age of intake was coded in one year intervals from 7-18 years of age.

### *Design and Analysis Plan*

This report examines all youth referred and entered into the JJDB for both status and delinquency offenses between January 1, 2000 and December 31, 2002. To answer the set of research questions proposed for the official data analysis section of this report, we first set out to describe the demographic and legal characteristics of youth referred to juvenile probation and basic differences between white and nonwhite juveniles. To some degree, this was accomplished by our preceding analysis of the youth referred to juvenile probation of the three-year study period. However, we are also interested in knowing whether the differences among white and nonwhite youths are sufficient to be characterized as statistically significant.

Thus, we begin our presentation of results with a series of bivariate analyses that test whether white and nonwhite youths referred to juvenile probation are significantly different from each other in terms of demographic, sociodemographic, and legal factors. We use chi-square and independent samples t-tests to assess whether there are significant differences at the bivariate level in the legal histories and current offense characteristics of white and nonwhite youths referred to juvenile probation. We then proceed to examine the overall distribution of white and nonwhite youth at each successive stage of the juvenile process. By examining the distribution of youth at each successive stage, we can begin to assess whether differential treatment is present at each of the primary decision points in the juvenile justice process. Our focus centers on the issue of whether nonwhite juveniles are

more likely than white youths to receive negative outcomes at each stage. Moreover, we want to know, if differences do exist, the stage or stages that minority youths are most likely to receive negative outcomes.

Although an examination of the overall distribution of white and nonwhite youth at each stage of the process is useful for determining whether differential treatment may be present, it does not answer the question of whether race is producing the effect. For instance, it is possible that other differences among white and nonwhite youth such as a prior record of arrests and adjudications as well as offense seriousness may contribute to disproportionate outcomes for minority youth. Thus, it is important to examine the impact of race on disposition outcomes at each stage of the juvenile justice process, while controlling for or holding constant these legal characteristics. Therefore, the multivariate analyses test whether race is important for predicting multiple outcomes at each stage, after controlling for both legally-relevant factors (e.g., frequency and severity of prior record and the seriousness of current offense) and demographic characteristics (e.g., gender and age at intake) that may impact official decisions in the processing of youth cases.

At the later stages of the juvenile justice process, we also control for the detention status of the youth. Controlling for whether a particular youth was detained or not detained prior to adjudication allows us to take into account the impact of earlier processing decisions on disposition outcomes. In some instances, the influence of race can operate indirectly through such decisions and, thereby, contribute to disparate treatment between white and nonwhite youths.

To examine the impact of race on official decisions while simultaneously controlling for both legal and extra-legal factors, we estimate multinomial logistic regression models for each stage of the juvenile process. The use of multinomial logistic regression models represents an improvement over extant studies.

Prior studies have sought to examine the influence of race on official decisions in the juvenile justice system relying on ordinary or binary logistic regression techniques. These binary logistic regression techniques require researchers to dichotomize outcomes for each successive stage of the process. In most instances, outcomes are represented by simple dichotomous comparisons such as handling cases informally versus formally, a decision to detain a youth prior to disposition versus not, or placing a juvenile in secure confinement versus the community. This process results in an oversimplification of the decision-making process and does not take into account the range of options that are often available for juvenile justice officials at each stage. As a result, this limits the ability of researchers to examine the influence of race on *all* possible outcomes at each point in the process. Multinomial logistic regression allows researchers to compare multiple outcomes through a combination of binary logistic regressions.

Part II of this chapter describes the methods used to gather and analyze the information contained in the survey of juvenile court stakeholders. Our discussion begins with a presentation of the research questions used to guide our examination and overview of the *Survey of Juvenile Court Stakeholders in West Virginia 2003*.

## *Part II: Analysis of Juvenile Court “Stakeholders” Survey*

A primary interest of the *Task Force to Study Perceived Racial Disparity in the Juvenile Justice System* is to better understand stakeholders’ perceptions of case processing differences between white and nonwhite youths. To assess stakeholders’ perceptions of racial disparity in the system, we sent a comprehensive survey to key juvenile court officials throughout the State. Our survey measured not only the extent to which differential treatment of minorities is perceived by juvenile court stakeholders, but also the personal observations and experiences of court officials.

The Task Force is further interested in characteristics of cases that stakeholders deem to be important for influencing the outcomes of official decisions in the juvenile justice system. As noted in the introduction chapter of this report, research suggests that some differences in the treatment of minorities may be the result of offender and offense characteristics that are considered by court officials as they form judgments about individual juveniles and their cases. From the juvenile court stakeholders’ view, our survey seeks to determine the offender and offense characteristics most influential in deciding the outcome of cases referred to the juvenile justice system.

This section provides an overview of the methodology used in the administration and analysis of the *Survey of Juvenile Court Stakeholders in West Virginia 2003*. We describe in detail the survey instrument and the measures used in our analysis. We also provide an overview of the procedures used in the collection of the survey data and offer a description of the sample of survey respondents. Our discussion begins with a presentation of the research questions used to guide our analysis of the survey data.

## *Research Questions*

The research questions outlined below provide the basis for our analysis of the survey data. Our research questions focus on four content areas. These content areas include: (1) the general perception and direct observation of racial disparity among juvenile justice stakeholders, (2) the perception of racial disparity at different stages of the juvenile process, (3) factors that influence case processing decisions for juvenile justice stakeholders, and (4) how levels of perceived racial disparity vary across various demographic characteristics of stakeholders. The research questions are as follows:

1. To what extent do stakeholders perceive the presence of racial disparity in the juvenile justice system? Does the perception of racial disparity vary by stakeholder position?
2. To what extent have stakeholders directly witnessed the presence of racial disparity in the system? Does the extent to which stakeholders witness racial disparity vary by stakeholder position?
3. At which stage of the juvenile justice process do stakeholders perceive the presence of racial disparity? Does the stage in which the perception of racial disparity is present vary by stakeholder position?
4. According to juvenile court stakeholders, what offender and offense characteristics are most important for influencing juvenile court decisions?
5. Does the perception of racial disparity vary across various demographic characteristics of stakeholders and geographic region (e.g., urban/rural and northern/southern)?
6. Is the relationship between the perception of racial disparity and stakeholder position the same for urban/rural or northern/southern districts?

### *Procedures for Data Collection*

Data for this part of the study came from a survey administered to juvenile justice stakeholders throughout the State of West Virginia. The “*Survey of Juvenile Court Stakeholders in West Virginia 2003*” was mailed to all juvenile justice stakeholders in the State (see Appendix B). A comprehensive list of all circuit court judges, family court judges, magistrates, prosecuting attorneys, and public defenders was compiled through a variety of sources. The WV Supreme Court of Appeals provided the initial list of judges, magistrates, and probation officers. We obtained our initial list of prosecutors and assistant prosecutors by consulting the WV Association of Counties Directory. The State Bar Association was contacted to obtain a list of public defenders. In addition, we contacted prosecutor’s offices in each county to obtain a list of public defenders not included on the State Bar Association’s register.

A total of 768 surveys were mailed to juvenile justice stakeholders throughout the State of West Virginia. These included 100 judges, 158 magistrates, 178 probation officers, 129 public defenders, and 203 prosecutors. A total of 468 surveys were returned for a response rate of 60.9%. Of the 468 surveys, 36 were returned with no responses. These surveys were considered to be nonresponses and subsequently excluded from our analysis. If we consider these surveys as nonresponses in the calculation of our response rate, the response rate is reduced by four percentage points to 56.3%.<sup>6</sup> Thus, our final sample consisted of 432 juvenile justice stakeholders.

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<sup>6</sup> For each primary stakeholder group of interest in this study, the response rate is as follows: probation officers (102/178 = 57.3%), public defenders (60/129 = 46.5%); prosecutors (96/203 = 47.3%), and judges (149/258 = 57.8%).



## *Sample*

The demographic characteristics for the survey respondents are reported in Table 5. The final sample of respondents consists of four primary stakeholder groups: judges, prosecutors, public defenders, and probation officers.<sup>7</sup> All 55 counties in WV were represented by at least one juvenile justice stakeholder. One-third (33.8%) of the sample consists of juvenile court judges.<sup>8</sup> Probation officers (23.3%) and prosecutors (22.4%) each comprise nearly one-quarter of the survey respondents. Public defenders comprise approximately fifteen percent (13.5%) of the total sample.

Most of the survey respondents are middle-aged white males. Two-thirds (64.4%) of juvenile justice stakeholders are male and seventy percent (70.1%) are over the age of 40. Only seven percent (7.1%) of the sample of respondents are between 20 and 29 years of age. In terms of race/ethnic distribution, the demographic characteristics of juvenile justice stakeholders who responded to this study are similar to the general population estimates reported in the 2000 U.S. Census. A vast majority of the survey respondents are white. Nearly ninety-five percent (94.3%) of the survey respondents are white, while just over three percent

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<sup>7</sup> A total of 31 surveys were completed by professionals currently employed in law enforcement, victim services, and community service positions. The analyses presented in this report examine only those respondents who hold current positions as primary stakeholders in the juvenile court (e.g., judges, prosecutors, public defenders, and probation officers).

<sup>8</sup> To simplify the comparison of stakeholders, all judges were collapsed into a single “judge” category. This category includes juvenile referees (n = 1), magistrates (n = 88), family court judges (n = 16), and circuit court judges (n = 38) that preside over cases involving juveniles.

(3.1%) are African-American. Other race/ethnic groups comprise less than three percent (2.6%) of the total sample of respondents.

A majority of the respondents are employed in rural counties located in the northern federal judicial district of West Virginia. Nearly two-thirds (63.6%) of the respondents currently work in rural county areas. Based on the U.S. Office of Management and Budget Standards for Defining Metropolitan and Micropolitan Statistical Areas (MSA's), less than forty percent (36.4%) of juvenile justice stakeholders report working in an urban county. In addition, a majority of the respondents work in a county located in the northern U.S. judicial district. Fifty-six percent of the respondents work in counties located in the northern district, compared to only 44.0% in the southern district.

Finally, the juvenile justice stakeholders in this sample have considerable levels of education and work experience in the juvenile justice system. Nearly half (49.2%) of the juvenile justice stakeholders report having completed a LL.B. or J.D. degree. Likewise, roughly fifteen percent (15.1%) have completed a M.A. or M.S. degree while slightly below seventeen percent (16.7%) report the completion of a B.A. or B.S. degree. In addition, a vast majority of respondents report working in the juvenile justice system for five or more years. Over seventy percent (73.5%) of respondents report five or more years of juvenile justice work experience. Furthermore, over one-quarter (25.2%) of juvenile justice stakeholders report having twenty or more years of experience in the system. As shown in Table 6, the mean total number of years of work experience in the field of juvenile justice in general and while residing in

**Table 5: Demographic characteristics of survey respondents (N = 432)**

<b>Demographic Characteristics</b>	<b>N</b>	<b>%</b>	<b>Demographic Characteristics</b>	<b>N</b>	<b>%</b>
<b>Employment Position</b>			<b>Years of Experience<sup>c</sup></b>		
Probation Officer	100	23.3	0 to 4	108	26.5
Public Defender	58	13.5	5 to 9	83	20.3
Prosecutor	96	22.4	10 to 14	63	15.4
Judge <sup>a</sup>	145	33.8	15 to 19	51	12.5
Other <sup>b</sup>	<u>30</u>	<u>7.0</u>	20 and over	<u>103</u>	<u>25.2</u>
<b>Total</b>	<b>429</b>	<b>100.0</b>	<b>Total</b>	<b>408</b>	<b>100.0</b>
<b>Highest Degree Achieved</b>			<b>Age (Mean = 46; SD = 11)</b>		
High School Degree	68	16.2	20 to 29	29	7.1
Associate's (A.A., A.S.)	11	2.6	30 to 39	93	22.8
Bachelor's (B.A., B.S.)	71	16.7	40 to 49	122	29.9
Master's (M.A., M.S.)	64	15.1	50 and over	<u>164</u>	<u>40.2</u>
LL.B., J.D.	209	49.2	<b>Total</b>	<b>408</b>	<b>100.0</b>
Ed.D., Ph.D.	<u>1</u>	<u>0.2</u>			
<b>Total</b>	<b>425</b>	<b>100.0</b>			
<b>Race/Ethnicity</b>			<b>MSA County Definition<sup>d</sup></b>		
White	400	94.3	Urban	152	36.4
African-American	13	3.1	Rural	<u>266</u>	<u>63.6</u>
Hispanic	3	0.7	<b>Total</b>	<b>418</b>	<b>100.0</b>
Asian/Pacific Islander	2	0.5			
Native American	3	0.7			
Other	<u>3</u>	<u>0.7</u>			
<b>Total</b>	<b>424</b>	<b>100.0</b>			
<b>Gender</b>			<b>Judicial County District<sup>e</sup></b>		
Male	271	64.4	Northern	234	56.0
Female	<u>150</u>	<u>35.6</u>	Southern	<u>174</u>	<u>44.0</u>
<b>Total</b>	<b>421</b>	<b>100.0</b>	<b>Total</b>	<b>418</b>	<b>100.0</b>

a. Includes referees ( $n = 1$ ), magistrates ( $n = 88$ ), family court ( $n = 16$ ), and circuit judges ( $n = 38$ ).

b. Includes law enforcement officers ( $n = 20$ ), victim services employees ( $n = 2$ ), and community service workers ( $n = 6$ ).

c. Years of experience in the field of juvenile justice in West Virginia.

d. Based on the U.S. Office of Management and Budget Standards for Defining Metropolitan and Micropolitan Statistical Areas (MSA's). Urban counties include Berkeley, Brooke, Cabell, Hancock, Jefferson, Kanawha, Marshall, Mineral, Ohio, Putnam, Wayne, and Wood. Urban-Southern counties include Cabell, Kanawha, Putnam, and Wayne.

e. Based on the federal judicial districts established by the U.S. Congress.

**Table 6: Descriptive statistics for work-related experience among survey respondents (N = 432)**

<b>Work-related Experience</b>	<b>Min.<sup>a</sup></b>	<b>Max.</b>	<b>Mean</b>	<b>SD</b>	<b>n</b>
Current Position	0.0	33.0	9.2	7.5	416
Juvenile Justice Experience	0.0	36.0	11.9	8.9	407
Juvenile Justice Experience in WV	0.0	36.0	11.9	9.0	408

a. Less than one year of work-related experience was reported for current position ( $n = 9$ ), experience in juvenile justice ( $n = 29$ ), and experience in WV juvenile justice ( $n = 29$ ).

West Virginia is the same. This suggests that most stakeholders are likely to have gained their juvenile justice work experience while employed in the State of West Virginia.

#### *Measurement and Analysis Plan*

The data for this study was collected using the “*Survey of Juvenile Court Stakeholders in West Virginia 2003*.” The survey was developed based on a review of the literature and similar instruments used in other states.<sup>9</sup> The survey is comprehensive in that it measures not only the perception of racial disparity in the juvenile justice system, but the individual experiences and observations of juvenile court stakeholders in West Virginia (see Appendix B). Respondents were asked to report on their personal observations, experiences, and perceptions of racial disparity in West Virginia over the past three years.

While there are arguably many different juvenile justice professionals that might be considered “stakeholders,” this research is primarily interested in actors that currently work in the juvenile court setting. For the purposes of this study,

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<sup>9</sup> In particular, we found the work of Kimberly Kempf (1992) for the Pennsylvania Commission on Crime and Delinquency to be very useful in the construction of this survey instrument. See reference page.

stakeholders include judges, prosecutors, public defenders, and probation officers. In addition, a primary purpose of this study is to examine the perception of racial disparity at multiple stages of the juvenile justice process. For the survey analysis section of this report, we chose to separate the intake and informal disposition stages.<sup>10</sup> As a result, we examine a total of five juvenile process stages or decision-making points. These include the intake stage, the predispositional detention stage, the informal disposition stage, the adjudication stage, and the formal disposition stage.

Although the survey includes items useful for studying a multitude of issues that pertain to the general attitudes of juvenile justice stakeholders and the handling of minority cases, we limit our analyses to survey items that directly answer the research questions outlined in this report. In most instances, the items in the survey required only minor modification for analysis. However, it was necessary to create some new variables to assist us in our examination. Here we describe the survey items used in the analysis and, when necessary, the construction of new variables.

*The General Perception of Racial Disparity.* Our analysis begins with an examination of the overall perception of racial disparity among juvenile justice stakeholders. Simply put, we want to determine the extent to which all juvenile

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<sup>10</sup> An informal disposition can occur at any place in the juvenile justice process prior to the adjudicatory hearing. This includes any time prior to or during the preliminary adjudicatory hearing. Thus, an informal disposition can take place at or near the intake or may occur subsequent to a detention hearing. Because some juvenile justice stakeholders may view these as the same or separate stages, we chose to further specify the process by making a distinction between intake which always occurs at the beginning of the process and the informal disposition stage which may occur at or near intake or much later in the process.

justice stakeholders perceive the presence of racial disparity. We use four items to examine the general perception of racial disparity in the juvenile justice system. Three of the items ask stakeholders to respond to the following statements: “White offenders are sentenced more leniently than minority defendants convicted of the same offense,” “For the same crime, minorities are referred/petitioned to court more often than whites,” and “Informal dispositions are more common for white offenders.” The response categories include: never, seldom, sometimes, usually, and always. The final item examines the extent to which the perceptions of stakeholders have changed over the past three years. Stakeholders were asked “In general, which of the following best describes your perception of bias against racial minorities in the West Virginia juvenile justice system over the past three years?” Each response was categorized as “never been bias,” “less bias,” “more bias,” and “same bias.”

*Direct Observation of Racial Disparity.* Three items measure the personal experiences and observations of juvenile court stakeholders. Using a five-point Likert scale, respondents were asked to report on the frequency in which they had witnessed race or ethnic bias influence official decisions and heard the use of ethnic or racial slurs and jokes used in the workplace by different types of stakeholders. Respondents were asked to report the frequency in which each of these behaviors took place and the type of stakeholder who engaged in the behaviors in their presence. The stakeholders included probation officers, public defenders, prosecutors, and various types of judges (e.g., referees, magistrates, circuit court judges, and family court judges). The response categories included “never,” “not too frequently,” “somewhat frequently,” “frequently,” and “very frequently.”

*The Perception of Racial Disparity and Stages of the Juvenile Process.* Two items are used to measure whether stakeholders believe race has an influence on juvenile justice processing decisions and to identify the stage(s) they believe to be “most susceptible” to the unfair treatment of minorities. As noted above, we asked stakeholders to provide a response for each of the following five stages: the intake stage, the predispositional detention stage, the informal disposition stage, the adjudication stage, and the formal disposition stage. To measure stakeholders’ perceptions of racial bias at each stage, we simply asked respondents to indicate whether they believe race influences juvenile justice processing decisions at each stage. For each stage, respondents were asked to indicate “yes,” “no,” or “don’t know.” Based on a list of the different processing stages, stakeholders were also asked to identify the stage of the juvenile justice system they viewed to be most susceptible to unfair treatment of minorities.

*Offender and Offense Characteristics that Influence Case Processing Decisions.*

Respondents were asked to rate the importance of several offense and offender characteristics for influencing juvenile court processing decisions at two stages – the predispositional detention stage and the disposition stage. These included characteristics of juveniles (e.g., demeanor toward staff, gender, age, level of remorse, etc.), parent and/or guardians (e.g., presence at intake interview, cooperation with intake staff, and ability to supervise youth), and the offense (e.g., value of the property stolen or damaged, use of weapon, and extent of injury to the victim). Stakeholders could rate the importance of each factor as “not important,” “not too important,” somewhat important,” “important,” and “very important.”

*Other Measures.* In addition to the items discussed above, the survey measures a number of demographic characteristics of the respondents. These include the years of experience, age, gender, county of employment, highest degree achieved, and race/ethnicity of respondents. These demographic characteristics are used to describe the stakeholders who responded to the survey and assist in our efforts to assess the factors that influence the perception of racial disparity among various stakeholders.

We examine how the perception of racial disparity varies across these demographic characteristics of stakeholders, including differences in geographic region. To do so, we constructed a dependent measure of perceived racial disparity and used the county of current employment for each stakeholder to construct two measures that specify the geographic or jurisdictional locations of survey respondents.

To assess how the perception of racial disparity varies by such factors, we conduct two types of analysis of variances (ANOVA). Since ANOVA requires a metric dependent variable, we devised a two-item Perception of Racial Disparity Scale (Cronbach alpha = .88). This scale includes the items “white offenders are sentenced more leniently than minority defendants convicted of the same offense” and “for the same crime, minorities are referred/petitioned to court more often than whites.” As a result, this scale is able to measure the concept of racial disparity (e.g., similarly situated youth treated differently based on race) at two stages of the juvenile process (e.g., court referral or intake stage and the disposition or sentencing



stage). High scores on this scale indicate greater levels of perceived racial disparity among juvenile justice stakeholders.

To examine geographic differences in perceptions of racial disparity, we found it useful to devise two measures that would assist us in assessing different geographic regions of the State. The county of current employment for each stakeholder was used to construct the measures. Our first measure divides the respondents into two groups based on federal judicial districts. The State of West Virginia is divided into two federal judicial districts which were established by the U.S. Congress. Of the 55 counties in West Virginia, a total of 35 counties comprise the northern district and 20 counties are located in the southern district. Our second measure divides the sample of respondents into rural and urban groupings based on their county of employment. We applied the definition for Metropolitan Statistical Areas (MSA's) established by the U.S. Office of Management and Budget. As noted in our previous discussion, nearly two thirds of the respondents in this study were currently employed in rural counties.

## CHAPTER 3

### RESULTS OF THE ANALYSIS OF OFFICIAL JUVENILE COURT RECORDS

This chapter presents the results of the analysis of official records contained in the Juvenile Justice Database (JJDB). Our examination begins with a simple bivariate analysis of the demographic and legal characteristics of youths referred to juvenile intake. We want to measure the extent to which youths referred to juvenile probation differ on legal and extra-legal factors thought to be important for influencing case processing outcomes. We then turn to an examination of the proportion of white and nonwhite youths at each stage of the juvenile justice process and compare disposition outcomes by racial category. Finally, our examination concludes with a series of multivariate analyses at each stage of the juvenile justice process. These multivariate analyses seek to determine the influence of race on processing outcomes at various juvenile justice stages while holding constant the effects of prior record and current offense seriousness and other extra-legal characteristics.

#### *Bivariate Results of Demographic and Legal Differences among Youth Referred to Juvenile Probation by Race*

We begin our presentation of the results by assessing the differences between white and nonwhite youths referred to juvenile probation in terms of various categorical and continuous demographic and legal characteristics (Tables 7 and 8). While our previous description of youths referred to juvenile probation highlighted some potential differences, these analyses allow for the determination of whether

**Table 7: Bivariate analysis for the relationship between race and categorical demographic and legal characteristics of youth referred to juvenile probation (N = 12,561)**

	White		Nonwhite <sup>a</sup>		$\chi^2$	df	p
	N	% <sup>b</sup>	N	%			
<i>Demographic Characteristics</i>							
<b>Gender</b>							
Male	7238	65.4	780	66.6	.725	1	.395
Female	3835	34.6	391	33.4			
<b>Living Situation</b>							
Two Parent	3664	35.2	178	17.1	138.922	1	.000
Single Parent or Other <sup>c</sup>	6740	64.8	862	82.9			
<b>Educational Placement</b>							
Mainstream/Graduated	7083	77.1	595	66.8	47.584	1	.000
Other <sup>d</sup>	2105	22.9	296	33.2			
<i>Legal Characteristics</i>							
<b>Prior Adjudication for Status Offense</b>							
Yes	319	2.9	33	2.8	.015	1	.903
No	10754	97.1	1138	97.2			
<b>Prior Adjudication for Delinquency</b>							
Yes	794	7.2	154	13.2	53.027	1	.000
No	10279	92.8	1017	86.8			
<b>Prior Arrest</b>							
Yes	414	3.7	145	12.4	181.598	1	.000
No	10659	96.3	1026	87.6			

**Table 7: Bivariate analysis for the relationship between race and categorical demographic and legal characteristics of youth referred to juvenile probation (Continued)**

	White		Nonwhite <sup>a</sup>		$\chi^2$	df	p
	N	% <sup>b</sup>	N	%			
<b>Prior Probation</b>							
Yes	529	4.8	96	8.2	25.852	1	.000
No	10544	95.2	1075	91.8			
<b>Complaint History – Any</b>							
Yes	3545	32.0	519	44.3	72.326	1	.000
No	7528	68.0	652	55.7			
<b>Current Offense Type</b>							
Status Offense	4015	36.3	236	20.2	123.999	2	.000
Misdemeanor	5843	52.8	756	64.6			
Felony	1204	10.9	178	15.2			

Note: Cases with missing information or reported as “unknown” or “other” are excluded from this analysis.

a. Includes Black, Asian/Pacific Islander, Native American, and Multiracial categories.

b. Percents may not total 100% because of rounding.

c. Includes parent/step-parent, other relative, DHHR approved, detention center, and transient.

d. Includes special education, alternative, drop-out, GED.

those differences can be considered statistically significant. As anticipated, white and nonwhite youths referred to juvenile probation differ significantly on a variety of demographic and legal variables (see Table 7). Nonwhite youths are more likely to be from single parent homes and be placed in educational settings that are not considered mainstream. Less than one-fifth (17.1%) of nonwhite youths referred to juvenile probation live in a two-parent home while one-third (33.2%) of minority youths are school-dropouts or are enrolled in an alternative form of education (e.g., special education, alternative, or received a GED) at the time of intake.

We also see that nonwhite youths referred to juvenile probation are more likely to be younger than their white counterparts. Although the mean age of both white and nonwhite youths is 15 years of age, nonwhite youths tend to be slightly younger at the time of the offense and at the time of referral to juvenile intake. Approximately fifteen percent of all nonwhite youth are 12 years old or younger at the time of offense and the time of referral to juvenile probation. This is compared to just over ten percent of all white youth. As a result, nonwhite youths are more likely to be younger at the time the offense is committed and subsequently referred to juvenile probation.

In terms of legal characteristics, white and nonwhite youths significantly differ in the frequency and severity of prior delinquency and adjudications and the severity of the offenses for which they are referred to juvenile probation (see Tables 7 and 8). Nonwhite youths are significantly more likely to have a prior arrest, a prior adjudication for delinquency, a prior probation, and a prior complaint history.

**Table 8: Bivariate analysis for the relationship between race and continuous demographic and legal characteristics of youth referred to juvenile probation (N = 12,561)**

	N	Mean	SD	t-value	p
<b>Age at Offense</b>					
White	11073	15.406	1.903	2.422	.016
Nonwhite <sup>a</sup>	1171	15.249	2.122		
<b>Age at Intake</b>					
White	11073	15.480	1.903	2.581	.010
Nonwhite	1171	15.314	2.120		
<b>Number of Prior Complaints</b>					
White	11073	.455	.774	-9.168	.000
Nonwhite	1171	.728	.990		
<b>Prior Record Score</b>					
White	11073	.482	1.164	-5.945	.000
Nonwhite	1171	.742	1.445		
<b>Current Offense Score</b>					
White	11062	2.619	1.630	-9.729	.000
Nonwhite	1170	3.094	1.585		

Note: Cases with missing information are excluded from this analysis.

a. Includes Black, Asian/Pacific Islander, Native American, and Multiracial categories.

Nonwhite youths referred to juvenile probation are nearly four times as likely to have a prior arrest and almost twice as likely to have a prior adjudication for delinquency. As a consequence, nonwhite youths are almost twice as likely to report having served a term on probation. However, there is no difference in the likelihood of white and nonwhite youths having previous adjudications for status offenses.

There are also significant differences in the current offense for which white and nonwhite youths are referred to juvenile probation. Based on the most serious offense committed at the time of each youth's last referral, nonwhite youths are more likely to have committed a misdemeanor or felony offense (as opposed to a status offense). In fact, nonwhite youths are significantly less likely than white youths to have been referred to juvenile probation for a status offense (see Table 7). As a result, white juveniles are more likely to be referred for a status offense and less likely to be referred for misdemeanor and felony offenses than minority juveniles. As shown in Table 8, the current offense score is significantly greater for nonwhite youths compared to white youths. These findings indicate that the most recent offenses for which nonwhite youths are referred to juvenile probation tend to be more serious than that of white juveniles.

#### *Bivariate Results for Disposition Outcomes at Multiple Stages of the Juvenile Justice Process by Race*

Now we turn to our analyses of the outcomes of youth by racial category for each stage of the juvenile justice process. We begin by examining the proportions of white and nonwhite youths receiving more severe processing outcomes at each

successive stage of the juvenile justice process (see Figure 1). The results presented in Figure 1 compare the proportions of white and nonwhite youths who receive the most severe treatment at each stage. Each stage is represented as a series of dichotomous decision-making points.<sup>11</sup> Four stages of the juvenile justice process are examined – the informal disposition stage, the predispositional detention stage, the adjudication stage, and the formal disposition stage.

The results shown in Figure 1 suggest that nonwhite youths are more likely to receive a more severe processing outcome at the informal disposition, predispositional detention, and formal disposition stages. For example, 52.8% of nonwhite youths referred to intake do not receive an opportunity to resolve their cases in an informal manner, compared to 47.2% of white youths. At the predispositional detention stage, 7.3% of nonwhite youths are detained prior to adjudication, compared to only 2.8% of white youths. This suggests that nonwhites are nearly three times as likely to be detained in a secure juvenile detention facility prior to adjudication.

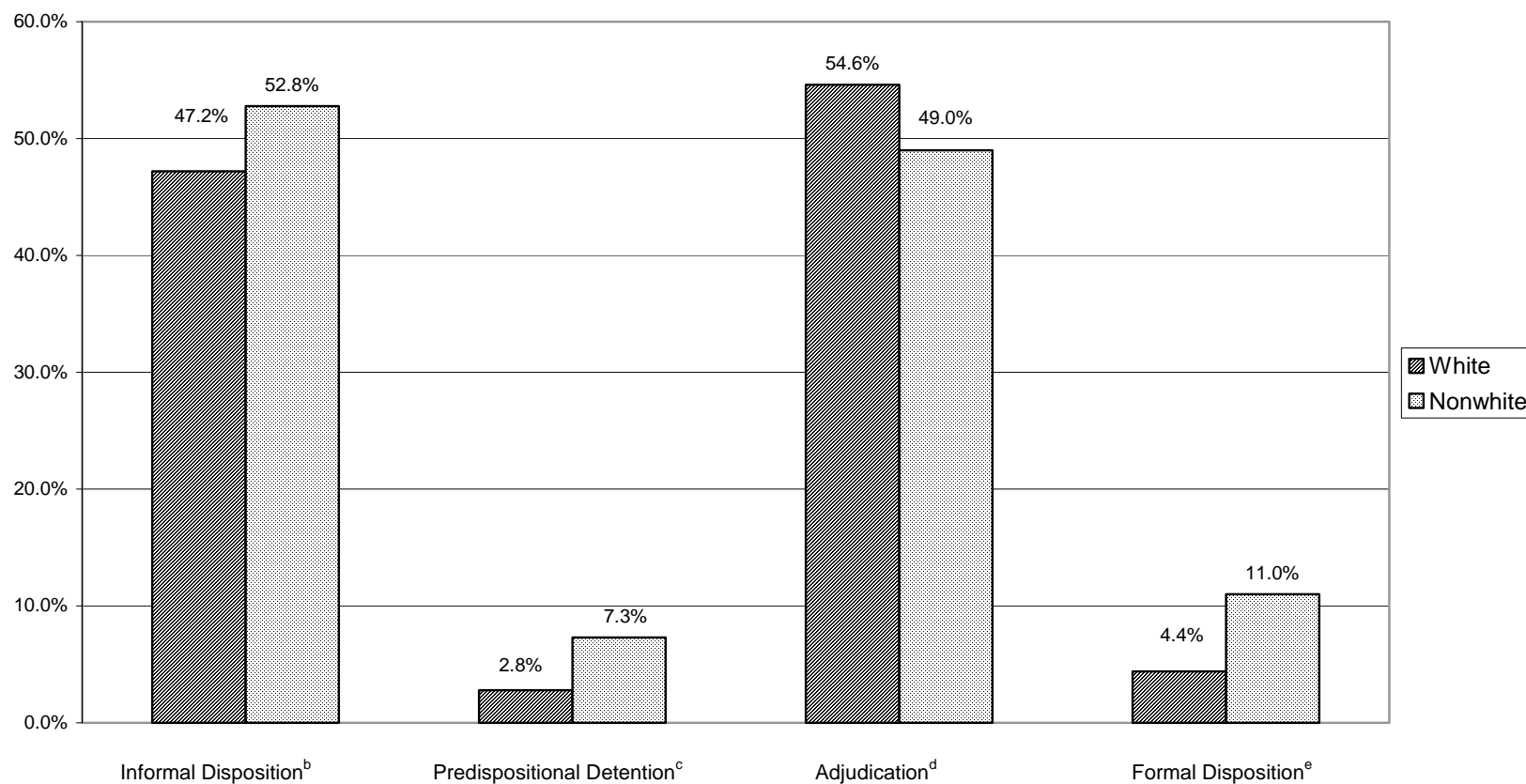
However, the proportions of white and nonwhite youths who receive more severe outcomes change at the adjudication stage (see Figure 1). At the adjudication

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<sup>11</sup> The most serious outcomes for each stage are as follows: no informal disposition, a predispositional detention in a secure juvenile detention center, adjudicated as status offender or delinquent by trial or plea, and sentenced to DJS custody or transferred to adult court.



**Figure 1: Proportions receiving more severe processing outcomes within racial categories<sup>a</sup>**



Note: This figure represents the juvenile justice system as a series of dichotomous decision-making points and depicts the relationship between race and each processing outcome, comparing the proportions of white and nonwhite youths receiving the most severe treatment at each stage.

a. Cases with missing information or reported as “unknown” or “other” are excluded from this analysis.

b. Most severe outcome is “no informal disposition.”

c. Most severe outcome is predispositional detention in a secure juvenile detention center.

d. Most severe outcome is adjudicated as status offender and/or delinquent by trial or plea.

e. Most severe outcome is sentenced to DJS custody or transferred to adult court.

stage, white youths are more likely to be adjudicated as a status offender or delinquent. Simply put, a greater proportion of white youths receive the most severe outcome at this stage. The most severe outcome at this stage is to be successfully adjudicated as a status offender or delinquent by trial or plea. At this stage, 54.6% of white youths undergo a formal adjudication process and are judged to be a status offender or delinquent, compared to 49.0% of nonwhite youths. A greater proportion of nonwhite youths have their cases dismissed at the adjudication stage.

Although a greater proportion of cases that involve nonwhite youths are dismissed at the adjudication stage, these youth are more likely to receive the most severe disposition once deemed to be a status offender or delinquent. Nonwhite youths at the formal disposition stage are much more likely to receive a sentence to the Division of Juvenile Services (DJS) or have their cases transferred to adult court, compared to white youths. In fact, nonwhite youths are sentenced to secure confinement or transferred to adult court at a rate two and a half times that of white youths. As shown in Figure 1, 11.0% of nonwhite youths are sentenced to secure confinement or transferred to adult court, compared to 4.4% of white youths.

Table 9 displays a more detailed account of the outcomes for each stage of the juvenile justice process by racial category. As anticipated, these results show that nonwhite youths receive more harsh dispositions at the two initial stages of the juvenile justice process. Moreover, these findings indicate that nonwhite youths do receive harsher sentences at the formal disposition stage. Nonwhite youths are less likely to receive an informal disposition and more likely to receive a period of detention prior to the adjudicatory hearing. Over half (52.8%) of all nonwhite youths

**Table 9: Disposition outcomes at each stage of the juvenile justice process for the total sample and by race**

Juvenile Justice Stage	All Juveniles		White		Nonwhite		Unknown	
	N	% <sup>a</sup>	N	%	N	%	N	%
<b>Informal Disposition</b>								
No Informal Disposition	6089	48.5	5227	47.2	618	52.8	244	77.0
Case Closed/Withdrawn	599	4.8	529	4.8	57	4.9	13	4.1
Complaint Resolved	1948	15.5	1740	15.7	199	17.0	9	2.8
Held Open	356	2.8	296	2.7	54	4.6	6	1.9
Community Referral	445	3.5	395	3.6	46	3.9	4	1.3
DHHR Referral	75	0.6	69	0.6	6	0.5	0	0.0
Probation Diversion								
Referral	1763	14.0	1660	15.0	93	7.9	10	3.2
Probation Informal								
Supervision	992	7.9	918	8.3	71	6.1	3	0.9
Other	<u>294</u>	<u>2.3</u>	<u>239</u>	<u>2.2</u>	<u>27</u>	<u>2.3</u>	<u>28</u>	<u>8.8</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0
<b>Predispositional</b>								
<b>Detention</b>								
None	11361	90.4	10060	90.9	1003	85.7	298	94.0
Home Confinement	38	0.3	36	0.3	2	0.2	0	0.0
Non Secure	118	0.9	106	1.0	12	1.0	0	0.0
Staff Secure	103	0.8	93	0.8	10	0.9	0	0.0
Detention Center	405	3.2	313	2.8	85	7.3	7	2.2
Other	77	0.6	75	0.7	2	0.2	0	0.0
Unknown	<u>459</u>	<u>3.7</u>	<u>390</u>	<u>3.5</u>	<u>57</u>	<u>4.9</u>	<u>12</u>	<u>3.8</u>
<b>Total</b>	12561	100.0	11073	100.0	1171	100.0	317	100.0

**Table 9: Disposition outcomes at each stage of the juvenile justice process for the total sample and by race  
(Continued)**

Juvenile Justice Stage	All Juveniles		White		Nonwhite		Unknown	
	N	%	N	%	N	%	N	%
<b>Adjudication</b>								
Case Dismissed <sup>b</sup>	501	17.3	379	15.2	70	22.4	52	56.5
Adjudicated Not Status or Delinquency Offender	852	29.4	754	30.2	89	28.5	9	9.8
Adjudicated Status Offender	334	11.5	306	12.3	24	7.7	4	4.3
Adjudicated Delinquent <sup>c</sup>	<u>1213</u>	<u>41.8</u>	<u>1057</u>	<u>42.3</u>	<u>129</u>	<u>41.3</u>	<u>27</u>	<u>29.3</u>
<b>Total</b>	2900	100.0	2496	100.0	312	100.0	92	100.0
<b>Formal Disposition</b>								
Community Service/Restitution <sup>d</sup>	93	2.4	82	2.3	9	2.5	2	3.2
Improvement Period	1773	44.9	1616	45.8	138	39.1	19	30.2
DHHR Referred/Custody	464	11.8	431	12.2	27	7.6	6	9.5
Probation – Any <sup>e</sup>	1335	33.8	1184	33.6	127	36.0	24	38.1
DJS Custody	172	4.4	135	3.8	35	9.9	2	3.2
Transferred to Adult Court	28	0.7	24	0.6	4	1.1	0	0.0
Other <sup>f</sup>	<u>80</u>	<u>2.0</u>	<u>57</u>	<u>1.6</u>	<u>13</u>	<u>3.7</u>	<u>10</u>	<u>15.9</u>
<b>Total</b>	3945	100.0	3529	100.0	353	100.0	63	100.0

Note: Cases that reported “no adjudication” for adjudication and “dismissed” as the disposition are excluded from this analysis.

- Percents may not total 100% because of rounding.
- Includes cases dismissed at the preliminary hearing and cases dismissed with and without prejudice.
- Includes cases adjudicated by plea or trial.
- Includes monitored compliance, community service, fines/restitution.
- Includes noncustodial, DHHR custody and probation, and home confinement and probation.
- “Other” category mental health processing, miscellaneous diversion programs, cases held open, and juveniles transferred to other states.

do not receive an informal disposition to their case. This is compared to 47.2% of all white youths. However, the largest difference in the outcomes of juvenile cases at the informal disposition stage occurs in the percentage of cases that receive a referral to a diversion program through probation. As shown in Table 9, white youths are nearly twice as likely to receive a diversionary referral from juvenile probation. Fifteen percent of all white youth referred receive a referral to a diversion program through probation, while fewer than eight percent (7.9%) of nonwhite youths receive the same outcome.

At the predispositional detention stage, nonwhites are more likely to be detained prior to adjudication. In particular, nonwhite youths are nearly three times as likely to be detained in a secure detention facility. For example, 7.3% of nonwhite youths receive a period of confinement in a juvenile detention center prior to adjudication, compared to only 2.8% of white youths (see Table 9).

Although a greater proportion of all nonwhite youths receive negative outcomes at the early stages of the juvenile process, it seems quite clear that this is not the case at the adjudication stage. Instead, nonwhite youths are more likely to have their cases dismissed at the adjudicatory hearing. For example, 22.4% of all nonwhite youths have their cases dismissed at the preliminary or adjudicatory hearing (with or without prejudice), compared to only 15.2% of white youths. White and nonwhite youths are equally likely to enter a formal adjudication process, but found to be *not* a status offender or delinquent at the adjudicatory hearing. In terms of successful adjudications, a smaller proportion of nonwhite youths are adjudicated for a status offense while they are equally likely as white juveniles to be adjudicated for a felony

offense. Only 7.7% of nonwhite youths were adjudicated for a status offense, compared to 12.3% of white youths.

Finally, the results shown in Table 9 indicate that nonwhite youths are more likely to be treated harshly at the formal disposition or sentencing stage.<sup>12</sup> A greater proportion of nonwhite youths are sentenced to probation, DJS custody, and transferred to adult court than white youths. At the same time, they are less likely to be given an opportunity at completing an improvement period or have their case referred to DHHR. Only 39.1% of nonwhite youths are offered an improvement period, compared to 45.8% of white youths. Instead, a larger proportion of nonwhite youths are sentenced to some form of probation and detention centers. Thirty-six percent of nonwhite youths are sentenced to some form of probation, compared to 33.6% of white youths. However, the largest percentage difference between whites and nonwhites occurs for those sentenced to detention centers. Nearly ten percent (9.9%) of nonwhite youths are sentenced to probation, compared to only 3.8% of white youths.

Table 10 displays the chi-square results for the relationship between race and outcomes at each stage of the juvenile justice process. The results confirm the differences in case outcomes between white and nonwhite youths reported in Table

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<sup>12</sup> It may seem curious that more youths are given a formal disposition than are actually adjudicated. Those youths who are given an improvement period by the court at the preliminary hearing or prior to the adjudicatory hearing are counted at the formal disposition stage. While an approval of an improvement period by the court does not represent a formal adjudication, it does represent a formal disposition in the case. Likewise, since court approval of an improvement period occurs at the preliminary hearing or between the preliminary hearing and the adjudicatory hearing, it does not technically constitute an informal disposition at the intake stage. Therefore, it is best represented as a formal disposition in the case.

9. As anticipated, the results indicate that there is a significant difference in the outcomes of cases for white and nonwhite youths (see Table 10). In other words, white and nonwhite youths are in fact dealt with very differently at each stage of the juvenile process.

The results of the chi-square test are significant for each juvenile justice stage. The largest chi-square statistics are found in the earliest stages of the process – the informal disposition and predispositional detention stages. This suggests that the largest differences in outcomes between white and nonwhite youths occur at these decision-making points. These results are closely followed by the formal disposition stage. It is clear that nonwhite youths have a disproportionate chance of being sentenced to DJS custody or transferred to adult court. Although significant differences in the outcomes of white and nonwhite youths are present at the adjudication stage, these differences do not appear to be as great as the other stages. At the same time, it appears that nonwhite youths are more likely to have their cases dismissed and less likely to be adjudicated as status offenders.

#### *Multivariate Results for Outcomes at Multiple Stages of the Juvenile Process*

The findings thus far have described the characteristics and proportions of white and nonwhite youth referred to the juvenile justice system. We have discovered that there are significant demographic and legal differences between white and nonwhite youths referred to juvenile probation. In addition, our analyses have focused on the differential treatment of youths at each stage of the juvenile process. In doing so, we have discovered that youths referred to juvenile probation are treated differently at

**Table 10: Bivariate analysis for the relationship between race and outcomes at multiple stages of the juvenile justice process<sup>a</sup>**

	White		Nonwhite		$\chi^2$	df	p
	N	%	N	%			
<b>Informal Disposition (N = 11,988)</b>							
No Informal Disposition	5227	48.2	618	53.9	44.918	3	.000
Case Closed-Held Open <sup>b</sup>	2645	24.4	319	27.8			
Referred to Community Agency or DHHR	1133	10.5	84	7.3			
Probation Diversion or Informal Probation Supervision	1837	16.9	125	10.9			
<b>Predispositional Detention (N = 11,720)</b>							
No Detention	10060	94.8	1003	90.2	67.630	3	.000
Home Confinement and Non Secure	142	1.3	14	1.3			
Staff Secure	93	0.9	10	0.9			
Detention Center	313	3.0	85	7.6			
<b>Adjudication (N = 2,900)</b>							
Dismissed <sup>c</sup>	379	15.2	70	22.4	14.371	3	.002
Adjudicated Not Status Offender or Delinquent	754	30.2	89	28.5			
Adjudicated Status Offender	306	12.3	24	7.7			
Adjudicated Delinquent <sup>d</sup>	1057	42.3	129	41.3			



**Table 10: Bivariate analysis for the relationship between race and outcomes at multiple stages of the juvenile justice process (Continued)**

	White		Nonwhite		$\chi^2$	df	p
	N	%	N	%			
<b>Formal Disposition (N = 3,945)</b>							
Improvement Period <sup>e</sup>	1698	48.9	147	43.2	36.477	3	.000
DHHR Referral/Custody	431	12.4	27	7.9			
Probation - Any <sup>f</sup>	1184	34.1	127	37.4			
DJS Custody/Adult Transfer	159	4.6	39	11.5			

- a. Cases with missing information or reported as “unknown” or “other” are excluded from this analysis.
- b. Includes cases closed/complaint withdrawn, complaint resolved/juvenile counseled, and cases held open without further action.
- c. Includes cases dismissed at preliminary hearing, with and without prejudice.
- d. Includes cases adjudicated delinquent by plea or trial.
- e. Includes dispositions of monitored compliance, community service, and fine/restitution.
- f. Includes all forms of probation such as noncustodial, DHHR, custody and probation, home confinement and probation.

each stage of the process depending on whether they are white or nonwhite. In some instances (namely, the adjudication stage), the results indicate that a greater proportion of white youths rather than nonwhite youths are treated in a more harsh manner.

Though these results are useful for ascertaining the proportion of white and nonwhite youths who receive particular disposition outcomes at each stage of the process, they do not tell us whether a youth's race or *some other factor* may be contributing to those differences. As some of the results in this report indicate, white and nonwhite youths differ on legal factors such as prior record and the seriousness of the offenses for which they are referred to juvenile probation. For instance, we know that nonwhite youths are more likely to have a record of prior arrests and adjudications for delinquency. In the same regard, our findings show that nonwhite youths are referred to juvenile probation at a higher rate for violent and felony offenses compared to white youths. However, we do not know if the differences observed in disposition outcomes between white and nonwhite youths are due to the racial differences or other characteristics that may be related to official decision-making in the juvenile justice system (e.g., prior record and offense seriousness).

To determine whether race is a key factor that influences official juvenile justice decision-making, we must assess the impact of race while controlling for other factors that are thought to be important for impacting such decisions. In other words, we want to examine the role of race when the effects of such factors as prior record, seriousness of current offense as well as the gender and age of the juveniles are taken into account. This is central to the notion of racial disparity in juvenile

justice processing decisions – when similarly situated youth of different racial and ethnic backgrounds receive unequal treatment or dispositions.

To examine the issue of racial disparity, we assess the influence of race while holding constant both legal (e.g., prior record and current offense) and extralegal factors (e.g., gender and age at intake) at each of the four juvenile justice process stages. Furthermore, we go beyond the examination of simple additive models or main effects models and explore potential interaction effects that can obscure potential racial differences in disposition outcomes. The results of the multinomial logistics regression analysis for race and the other control variables for each stage of the juvenile process are reported in Tables 11 through 18. Our presentation of results begins with an assessment of the impact of race and the other control variables at the informal disposition stage.

*Intake or Informal Disposition Stage.* Table 11 displays the results of the main effects multinomial logistic regression model at the informal disposition stage. To interpret these findings, it is useful to view the result as a series of binary logistic regressions. Multinomial logistic regression compares multiple groups – in this case different disposition outcomes at each stage – through a combination of binary logistic regressions. For each pair of disposition outcomes, multinomial regression provides a set of regression coefficients. Each regression equation or model can be used to compute the odds (and probability) that a particular disposition outcome will occur for each youth characteristic. For example, at the informal disposition stage all other types of outcomes are being compared to the likelihood of receiving “no

informal disposition” taking into account the individual characteristics of youths referred to juvenile probation.

We use the logistic regression coefficients to help us identify the likelihood or odds of a particular disposition outcome based on the legal and extralegal characteristics of youths at each stage of the juvenile process. The interpretation of regression coefficient (*b*) is based on its ability to distinguish between receiving each disposition outcome and the contribution it makes for changing the odds of receiving one disposition rather than another. Odds are based on a comparison of the probability of receiving a disposition outcome to the probability of that disposition outcome not occurring.<sup>13</sup> If a youth’s individual attribute (the independent variables in this study) is found to be statistically significant for determining disposition outcomes, then it can be said that the youth’s characteristic (e.g., race, gender, prior record, etc.) significantly changes the odds of that particular disposition outcome occurring.<sup>14</sup> The individual logistic regression coefficients signify an increase (plus +) or decrease (minus -) in the odds of the disposition outcome occurring. A positive regression coefficient (*b*) indicates that juveniles with a specific characteristic (e.g., nonwhite, male, more serious prior record) are more likely to belong to a particular group (or disposition outcome) rather than the group for which it is being compared.

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<sup>13</sup> It is important to note the basic difference between probability and odds. The odds ratio is calculated as the chance a particular disposition outcome will occur divided by the chance that disposition outcome will not occur. Probability is the chance a particular disposition outcome will occur as a fraction of the total number of possible outcomes.

<sup>14</sup> Logistic regression tests whether the odds ratio is significantly different from 1.0.

A negative regression coefficient indicates that juveniles with a specific characteristic are less likely to belong to a given disposition outcome group compared to another.

The results of the regression analysis in Table 11 compare multiple disposition outcomes to receiving no informal disposition. It is clear that all of the independent variables are important for distinguishing between most of the possible outcomes at this stage. In other words, characteristics of youths such as age at intake, race, gender, prior record, and current offense are significant predictors of disposition outcomes. The first set of regression coefficients examines the importance of each juvenile characteristic to the likelihood of having a case closed or complaint withdrawn versus *not* receiving an informal disposition. The results indicate that nonwhite youths have a greater chance of having their cases closed or the complaint withdrawn than receiving no informal disposition. The odds that nonwhite youths will have their cases closed or the complaint withdrawn is 21.5% greater than receiving no informal disposition. This translates into nearly a 5.0% increase in the probability of having their cases closed compared to receiving no informal disposition.<sup>15</sup> Therefore, nonwhite youths are more likely than white youths to receive this form of informal disposition rather than have their cases disposed in a formal manner.

At the same time, however, nonwhite youths are significantly *less* likely to be referred to a diversion program or placed on informal supervision through probation once the effects of prior record and current offense are controlled. Nonwhite youths

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<sup>15</sup> To provide more depth to our discussion regarding the chance of particular outcomes, we report both the odds ratio and probability on occasion. Hanushek and Jackson (1977) provide the formula for calculating probabilities from odds ratios as  $(\text{odds}/(\text{odds} + 1)) \times .50$ .

are 30.4% less likely to receive this type of informal disposition. The odds of white youths receiving an informal disposition in the form of a referral to a diversion program or supervision through probation are 1.437 times greater.<sup>16</sup> Therefore, white youths have a 43.7% greater chance of receiving a formal disposition on average versus having their cases referred for diversion or placed on informal supervision through probation. This odds ratio yields a 9.0% greater probability of an informal disposition through probation compared to a formal disposition for white youths.

The results further suggest that older males who are referred to juvenile probation for serious offenses and who have more extensive prior records are much less likely to have their cases resolved in an informal manner. Across all three regression equations, the independent variables of gender, age at intake, prior record, and current offense are significant predictors of disposition outcomes for both racial groups. Males are significantly less likely to receive any type of informal disposition. In terms of odds, males are 35.6% less likely to have their cases closed, 31.6% less likely to receive a referral to a community agency or DHHR, and 30.5% less likely to receive a referral to diversion or be placed in informal supervision through probation. Similarly, older youths with a record of prior complaints or

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<sup>16</sup> To determine the likelihood of white youths receiving a similar disposition outcome controlling for the same factors, we take the reciprocal of the odds ratio. That is,  $1.0/.696 = 1.437$  = odds of not being granted an informal disposition for white youths.

**Table 11: Multinomial logistic regression analysis for race and controls at the informal disposition stage – main effects model (N = 11,966)<sup>a</sup>**

	No Informal Disposition versus <sup>b</sup>								
	Case Closed Complaint Withdrawn <sup>d</sup>			Referral to Community Agency or DHHR			Probation Diversion/Informal Probation Supervision		
	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>c</sup></b>									
Race	.195	1.215	.011	-.186	.830	.136	-.363	.696	.001
Gender	-.440	.644	.000	-.380	.684	.000	-.364	.695	.000
Age at Intake	-.063	.939	.000	-.088	.916	.000	-.056	.946	.000
<b>Legal Factors</b>									
Prior Record	-.216	.806	.000	-.383	.681	.000	-.466	.627	.000
Current Offense	-.301	.740	.000	-.497	.608	.000	-.266	.766	.000
Model $\chi^2$ , 15df	1534.65		.000						

Note: Percentage of juveniles in the case closed-held open group (24.7%), referral to community agency or DHHR group (10.3%), probation diversion or informal probation supervision group (16.4%), no informal disposition group (48.8%).

a. Cases with missing information or “other” are excluded from the analysis.

b. Reference category is “no informal disposition.”

c. Reference group for race is “white”, and for gender, the reference category is female.

d. Includes cases closed or complaint withdrawn/resolved, and held open without further action.

**Table 12. Multinomial logistic regression analysis for race and controls at the informal disposition stage – interaction model (N = 11,966)<sup>a</sup>**

	No Informal Disposition versus <sup>b</sup>								
	Case Closed Complaint Withdrawn <sup>d</sup>			Referral to Community Agency or DHHR			Probation Diversion/Informal Probation Supervision		
	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>c</sup></b>									
Race	.693	2.000	.001	.662	1.863	.045	.211	1.235	.422
Gender	-.426	.653	.000	-.383	.682	.000	-.342	.710	.000
Age at Intake	-.064	.938	.000	-.089	.914	.000	-.056	.946	.000
<b>Legal Factors</b>									
Prior Record	-.202	.817	.000	-.362	.696	.000	-.458	.633	.000
Current Offense	-.292	.747	.000	-.476	.621	.000	-.258	.722	.000
<b>Interactions</b>									
Race x Gender	-.145	.865	.370	.047	1.048	.858	-.298	.742	.170
Race x Prior Record	-.097	.908	.124	-.233	.792	.147	-.080	.923	.516
Race x Current Offense	-.114	.893	.039	-.305	.737	.004	-.114	.893	.132
Model $\chi^2$ , 24df	1553.37		.000						

Note: Percentage of juveniles in the case closed-held open group (24.0%), referral to community agency or DHHR group (4.3%), probation diversion or informal probation supervision group (22.9%), no informal disposition group (48.8%).

a. Cases with missing information or “other” are excluded from the analysis.

b. Reference category is “no informal disposition.”

c. Reference group for race is “white”, and for gender, the reference category is female.

d. Includes cases closed or complaint withdrawn/resolved, and held open without further action.



offenses who are referred to intake for serious infractions are much less likely to receive an informal disposition.

Table 12 presents the results of the regression analyses at the informal disposition stage with interaction effects.<sup>17</sup> As noted earlier, it is important to explore for the possibility that the effect of race might be conditioned by other variables such as prior record and current offense. The failure to do so may obscure substantial racial differences in disposition outcomes between white and nonwhite youths.

There are significant interaction effects by race for the impact of current offense on two disposition outcomes – case closed or complaint withdrawn and referral to a community agency or DHHR. That is, the effect of race on these two outcomes differs based on the severity of a youth's current offense. For the comparison between no informal disposition and case closed/complaint withdrawn, the coefficient for race is quite large and positive while the coefficients for both current offense severity and the interaction term are much more modest and negative.

These results indicate nonwhites charged with minor offenses are more likely to have their cases closed or complaint resolved than are white youths charged with minor offenses. However, for more serious offenses there is likely to be very little disparity.

Indeed, a closer examination of the interaction between race and current offense confirms that nonwhite youths are more likely to have cases closed or complaints

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<sup>17</sup> We originally estimated models that included all two-way interactions involving race. However, inclusion of the interaction between age at intake and race into the model produced concerns over the presence of multicollinearity for many of the models across multiple stages. Therefore, we excluded the two-way interaction between age at intake and race in the final models.

resolved for nonserious offenses compared to white youths. Nonwhite youths referred to juvenile probation for a status offense have a 53.0% probability of having their case closed or withdrawn rather than being referred for formal processing, compared to only 44.0% of white youths. However, the difference in the treatment of white and nonwhite youths is much less for felony and misdemeanor offenses. In the case of felony offenses, nonwhite youths have a 5.3% probability of having their case closed or withdrawn compared to 6.3% of white youths. These results suggest that cases are more likely to be closed or withdrawn rather than be handled formally for nonwhite youths compared to white youths who are charged with status offenses.

We also find a significant interaction effect between race and current offense for the second set of regression coefficients presented in Table 12. As a result, it appears that the effect of race on the likelihood of receiving an informal disposition to a community agency or DHHR is conditioned by the seriousness of the current offense. In this instance, however, the regression coefficient for race remains positive and large while the coefficients for current offense and the interaction term are negative, but much more robust than in the previous regression equation. These results suggest that more disparity in the treatment of white and nonwhite youths is likely to be present for more serious offenses.

In an examination of the probabilities of referral to a community agency or DHHR, we find that nonwhite juveniles have a 32.0% chance of referral when charged with a status offense, while white youths have a 29.0% probability of receiving the same type of referral. Yet, for more serious offenses, there is a greater likelihood that white youths receive an informal disposition compared to nonwhite

youths. White youths have a 16.6% probability of obtaining a referral to a community agency or DHHR when they are charged with a misdemeanor or felony offense. This is compared to only an 11.1% probability for nonwhite youths. Thus, the influence of race on the likelihood of referral to a community agency or DHHR is conditioned by the seriousness of the current offense. In this instance, white youths charged with misdemeanor and felony offenses are significantly more likely than nonwhite youths to have their cases referred to a community agency or DHHR.

*Predispositional Detention Stage.* The main effects model for the multinomial logistic regression results at the predispositional detention stage are shown in Table 13. In this analysis, the odds ratios compare those youths who receive one of three types of predispositional detention to those who are not ever detained prior to adjudication. The main effects model indicates that severity of the current offense and prior record are significant predictors of all disposition outcomes at this stage for both racial groups. The odds of being detained prior to adjudication (in any setting) are greater for all juveniles who are referred to juvenile probation for a serious offense. In particular, the odds of being detained in a detention center prior to adjudication for juveniles referred to intake for more serious offenses are over one and a half times (odds ratio = 1.607) that of youths with less serious offenses. In terms of the impact of prior record, juveniles with more serious prior records also have an increased chance of being detained prior to adjudication. For each unit change in prior record, the odds of being detained prior to adjudication in any setting ranges from 24.5% and 39.4% for youths referred to juvenile probation.

**Table 13: Multinomial logistic regression analysis for race and controls at the predispositional detention stage – main effects model (N = 11,708)<sup>a</sup>**

<b>No Predispositional Detention versus<sup>b</sup></b>									
	<b>Home Confinement and Non Secure</b>			<b>Staff Secure</b>			<b>Detention Center</b>		
	<i>b</i>	<b>Odds Ratio</b>	<i>p</i>	<i>b</i>	<b>Odds Ratio</b>	<i>p</i>	<i>b</i>	<b>Odds Ratio</b>	<i>p</i>
<b>Demographic Factors<sup>c</sup></b>									
Race	-.095	.909	.737	-.070	.932	.834	.860	2.363	.000
Gender	.207	1.230	.257	-.299	.742	.154	.373	1.452	.006
Age at Intake	.097	1.102	.033	.025	1.025	.641	.310	1.364	.000
<b>Legal Factors</b>									
Prior Record	.219	1.245	.000	.277	1.320	.000	.332	1.394	.000
Current Offense	.125	1.133	.009	.195	1.215	.001	.474	1.607	.000
Model $\chi^2$ , 15df	675.97		.000						

Note: Percentage of juveniles in the no predispositional detention group (94.4%), home confinement and non-secure group (1.3%), staff secure group (0.9%), detention center group (3.4%).

a. Cases with missing information or reported as “unknown” or “other” are excluded from the analysis.

b. Reference category for predispositional detention status is “no predispositional detention.”

c. Reference group for race is “white”, and for gender, the reference category is female.

**Table 14: Multinomial logistic regression analysis for race and controls at the predispositional detention stage – interaction model (N = 11,708)<sup>a</sup>**

	No Predispositional Detention versus <sup>b</sup>								
	Home Confinement and Non Secure			Staff Secure			Detention Center		
	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>c</sup></b>									
Race	.871	2.388	.205	-.016	.984	.986	.755	2.128	.080
Gender	.223	1.250	.247	-.408	.665	.063	.297	1.345	.047
Age at Intake	.095	1.099	.037	.021	1.022	.686	.312	1.366	.000
<b>Legal Factors</b>									
Prior Record	.241	1.273	.000	.302	1.353	.000	.310	1.363	.000
Current Offense	.137	1.147	.006	.209	1.233	.001	.494	1.639	.000
<b>Interactions</b>									
Race x Gender	-.187	.830	.755	1.203	3.329	.147	.421	1.524	.236
Race x Prior Record	-.315	.730	.180	-.262	.770	.263	.098	1.103	.179
Race x Current Offense	-.192	.826	.310	-.197	.821	.357	-.095	.909	.229
Model $\chi^2$ , 24df	689.03		.000						

Note: Percentage of juveniles in the no predispositional detention group (94.4%), home confinement and non-secure group (1.3%), staff secure group (0.9%), detention center group (3.4%).

a. Cases with missing information or reported as “unknown” or “other” are excluded from the analysis.

b. Reference category for predispositional detention status is “no predispositional detention.”

c. Reference group for race is “white”, and for gender, the reference category is female.

Although prior record and current offense clearly influence the decision to detain a youth at this stage, a youth's race, gender, and age at intake are only important for predicting placement in a detention center. Nonwhite youths have greater than 2 to 1 odds of being detained prior to adjudication in a detention center versus receiving no predispositional detention. This translates into a 20.3% increased probability of a predispositional detention for nonwhite youths. At the same time, white youths' odds of serving a period of detention in a secure detention facility is over half that of nonwhites. After controlling for the influence of prior record and current offense characteristics, white youths are 57.7% less likely to be detained prior to adjudication in a detention center than receive no predispositional detention.

Likewise, older males are significantly more likely to be detained prior to adjudication in a detention center compared to receiving no predispositional detention. Males are nearly one and a half times more likely to be detained prior to adjudication in a detention center as opposed to not being detained at all. Similarly, for each one-year increase in the age of youths at intake, the odds of being detained in a detention facility prior to adjudication increase by 36.4% (which yield an almost 8.0% greater probability of detention compared to no detention). As shown in Table 14, there are no significant two-way interaction effects between race and the other variables in the model at the predispositional detention stage.

*Adjudication Stage.* The impact of race and other controls on disposition outcomes at the adjudication stage are shown in Table 15. At this stage (and the formal disposition stage), we also control for the effects of detention status on adjudication outcomes. Controlling for case outcomes at previous processing points

such as the detention stage allows us to assess for possible indirect effects on adjudication outcomes. Clearly, race has a direct impact on adjudication outcomes. However, the results are not as one might expect. Rather than receiving harsher dispositions at this stage, nonwhite youths are significantly less likely to be exposed to the adjudication process or adjudicated as a status offender or delinquent compared to having their cases dismissed. Nonwhite youths are 45.9% less likely to be adjudicated NOT status offender or delinquent, 49.1% less likely to be successfully adjudicated as a status offender, and 43.6% less likely to be successfully adjudicated as a delinquent compared to having their cases dismissed. Simply put, the odds of adjudication for nonwhite youths are almost half that of having the cases dismissed at this stage. Instead, nonwhite youths are *more likely* to have their cases dismissed than be adjudicated after the legal characteristics of prior record, current offense, and detention status are controlled.

The odds for white youths, on the other hand, are 84.8% greater of going through a formal adjudication process compared to having their cases dismissed, but only to be found *not* a status offender or delinquent. As a result, white youths are more likely to be exposed to the formal adjudication process than have their cases dismissed. Likewise, white youths have odds of about 2 to 1 of being adjudicated as a status offender compared to having their cases dismissed after controlling for the seriousness of prior record and current offense. In terms of being adjudicated as a delinquent, white youths have a 77.3% greater chance of being successfully adjudicated as a delinquent compared to having their cases dismissed once their cases reach the adjudication stage.

In terms of the impact of legal characteristics and earlier processing decisions, the results suggest that prior record and detention status are especially important for influencing disposition outcomes (see Table 15). In particular, being detained prior to adjudication significantly influences the odds of all disposition outcomes at this stage. In short, youths who are detained prior to adjudication have odds of 3 to 1 of undergoing a formal adjudication process. However, the odds are slightly less for actually being adjudicated as a delinquent. For instance, all youths detained prior to adjudication have an odds ratio of 3.769 of being exposed to the formal adjudication, but found to be not a status offender or delinquent at that time. Under the same conditions, these youths have 2.884 greater odds of actually being judged to be a delinquent upon adjudication.

The results also suggest that a youth's prior record is a significant determinant of disposition outcomes. For all youths referred to juvenile probation, the seriousness of their prior records significantly influences what happens to them at the adjudication stage. The more serious a youth's prior record, the less likely they are to be adjudicated not a status offender or delinquent or be adjudicated as a status offender. Instead, as a youth's prior record increases in terms of frequency and seriousness they are more likely to be adjudicated as delinquent. As a result, juveniles with more serious prior records are more likely to either have their cases simply dismissed or be adjudicated as a delinquent rather than to be found "not guilty" or adjudicated as a status offender. Although this result seems a bit curious, it is what we might expect. For each unit change in prior record, a youth's odds of



**Table 15: Multinomial logistic regression analysis for race and controls at the adjudication stage – main effects model (N = 2,610)<sup>a</sup>**

	Case Dismissed versus <sup>b</sup>								
	Adjudicated Not Status Offender or Delinquent			Adjudicated as Status Offender			Adjudicated as Delinquent <sup>c</sup>		
	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>d</sup></b>									
Race	-.615	.541	.001	-.675	.509	.014	-.572	.564	.001
Gender	.252	1.287	.074	-.203	.817	.223	.340	1.405	.011
Age at Intake	-.035	.966	.345	-.181	.835	.000	-.059	.943	.091
<b>Legal Factors</b>									
Prior Record	-.112	.894	.014	-.261	.770	.000	.115	1.122	.004
Current Offense	.036	1.036	.294	-.588	.556	.000	.035	1.035	.281
Detention Status <sup>e</sup>	1.327	3.769	.000	1.188	3.280	.000	1.059	2.884	.000
Model $\chi^2$ , 18df	425.51		.000						

Note: Percentage of juveniles in the, dismissed group (16.0%), adjudicated NOT status offender or delinquent group (29.5%), adjudicated as status offender group (11.8%), adjudicated as delinquent group (42.7%).

- a. Cases with missing information or reported as “unknown” or “other” categories are excluded from the analysis.
- b. Reference category is “case dismissed.” Includes cases dismissed at preliminary hearing, with and without prejudice.
- c. Includes adjudicated as delinquent by plea or by trial.
- d. Reference group for race is “white”, and for gender, the reference category is female.
- e. Reference group is “no predispositional detention.”

being successfully adjudicated as a delinquent increase by 12.2%. In terms of gender, male youths' odds of being adjudicated as a delinquent are 40.5% greater than having their cases dismissed. Female youths are nearly thirty percent (28.8%) less likely to be adjudicated as a delinquent once the seriousness of prior record and current offense are controlled.

Table 16 displays the result for the multinomial logistic regression model at the adjudication stage with interaction effects. The interaction model shows that the effect of current offense seriousness on the likelihood of being adjudicated not status offender or delinquent and having a case dismissed is dependent on race. As noted in Table 15, current offense severity was not a significant predictor for these two disposition outcomes. However, once the interaction between race and current offense was taken into account, we see that current offense becomes a much more important factor (see Table 16). The presence of a significant interaction effect suggests that white and nonwhite youths are treated differently depending on the level of current offense severity.

An examination of the predicted probabilities for each disposition outcome reveals large differences in the treatment of youths by racial category for varying levels of current offense seriousness. White and nonwhite youths are treated differently for both status and felony offenses, but treated similarly for misdemeanor offenses. For both status and felony offenses, white youths are more likely to go through a formal adjudication process only to be judged as not being a status offender or delinquent compared to simply having their cases dismissed. For

**Table 16: Multinomial logistic regression analysis for race and controls at the adjudication stage – interaction model (N = 2,610)<sup>a</sup>**

	Case Dismissed versus <sup>b</sup>								
	Adjudicated Not Status Offender or Delinquent			Adjudicated as Status Offender			Adjudicated as Delinquent <sup>c</sup>		
	<i>b</i>	Odds Ratio	<i>P</i>	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>d</sup></b>									
Race	.502	1.652	.309	-1.100	.333	.095	-.014	.986	.976
Gender	.274	1.315	.070	-.170	.844	.334	.389	1.475	.007
Age at Intake	-.036	.964	.328	-.178	.837	.000	-.060	.942	.085
<b>Legal Factors</b>									
Prior Record	-.123	.885	.015	-.265	.767	.001	.118	1.226	.007
Current Offense	.068	1.070	.064	-.609	.544	.000	.046	1.047	.192
Detention Status <sup>e</sup>	1.449	4.258	.000	1.184	3.268	.000	1.150	3.159	.000
<b>Interactions</b>									
Race x Gender	-.053	.948	.901	-.229	.796	.695	-.360	.698	.360
Race x Detention Status	-.557	.573	.292	.503	1.653	.469	-.264	.768	.593
Race x Prior Record	.061	1.063	.606	-.001	.999	.997	-.032	.969	.755
Race x Current Offense	-.284	.753	.007	.221	1.247	.195	-.063	.939	.509
Model $\chi^2$ , 30df	445.76		.000						

Note: Percentage of juveniles in the, dismissed group (16.0%), adjudicated NOT status offender or delinquent group (29.5%), adjudicated as status offender group (11.8%), adjudicated as delinquent group (42.7%).

a. Cases with missing information or reported as “unknown” or “other” categories are excluded from the analysis.

b. Reference category is “case dismissed.” Includes cases dismissed at preliminary hearing, with and without prejudice.

c. Includes adjudicated as delinquent by plea or by trial.

d. Reference group for race is “white”, and for gender, the reference category is female.

e. Reference group is “no predispositional detention.”

example, nonwhite youths have a 47.0% chance of having their case dismissed when the most serious current charge is for a status offense, compared to 32.0% for white youths. Likewise, when the most serious current offense is a felony offense, nonwhite youths have a 47.0% probability of having their case dismissed, opposed to only a 21.0% for white youths. These results are consistent with the conclusions drawn at the bivariate level that indicated nonwhite youths are more likely than white youths to have their cases dismissed at the formal adjudication stage of the juvenile justice process.

*Formal Disposition Stage.* Tables 17 and 18 display the results for the formal disposition stage. The analyses presented in these tables compare the least restrictive disposition outcome available to judges at this stage to a variety of other disposition outcomes considered to be more harsh or severe. At the formal disposition stage, juvenile judges have a variety of sentencing alternatives at their disposal. In WV, some of the least restrictive sentencing alternatives include the opportunity to complete an improvement period, a period of monitored compliance, community service, and the assessment of a fine/restitution.<sup>18</sup> For our analysis at the formal disposition stage, these least restrictive outcomes are compared to the

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<sup>18</sup> The increase in the number of juveniles analyzed at the formal disposition stage compared to the adjudication stage is due to the inclusion of youths awarded an “improvement period.” At the preliminary hearing or between the preliminary hearing and the adjudicatory hearing, a youth may make a formal request to the court to be considered for an opportunity to complete an “improvement period.” The court may delay the adjudicatory hearing and grant a non-custodial improvement period for up to one year. Successful completion of an improvement period results in a final disposition of the case. Since the court awards an improvement period through a formal process, it is considered a formal disposition and analyzed at the formal disposition stage.

likelihood of receiving a referral to DHHR or placed in DHHR custody, probation, or being sentenced to secure custody in the Division of Juvenile Services (DJS) or transferred to adult court.

Table 17 presents model estimates for the formal disposition stage. The main effects model indicates that race has a negligible impact on all of the disposition outcomes at this stage, except for DJS custody or adult transfer. Nonwhite youths are no more likely than white youths to be placed in DHHR custody or be sentenced to probation. However, after controlling for the effects of legal and other extra-legal factors, nonwhite youths are significantly more likely to receive a disposition to DJS custody or be transferred to adult court as opposed to an improvement period. The odds of DJS custody or adult court transfer for nonwhite youths are nearly twice that of being awarded an improvement period. This is compared to white youths who are 53.7% less likely to receive a sentence to DJS or be transferred to adult court under the same conditions.

For gender and age at intake, the results indicate that older males are significantly more likely to be sentenced to probation or DJS custody. For males, the odds for receiving a sentence to DJS or transfer to adult court are even greater than that of nonwhites. Males are nearly 2.5 times more likely to receive a sentence to DJS custody or be transferred to adult court. In contrast, female youths are 57.1% less likely to receive a similar sentence. Similarly, older youth are significantly more likely to be sentenced to probation or DJS custody. For each year a youth's age increases, the odds of being sentenced to DJS custody over an improvement period increases by 62.3%.

**Table 17: Multinomial logistic regression analysis for race and controls at the formal disposition stage – main effects model (N = 3,588)<sup>a</sup>**

	Improvement Period versus <sup>b</sup>								
	DHHR Referral/Custody			Probation <sup>c</sup>			DJS Custody/Adult Transfer		
	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>d</sup></b>									
Race	-.299	.742	.203	.115	1.122	.407	.769	2.158	.002
Gender	-.186	.830	.112	.235	1.265	.009	.847	2.332	.001
Age at Intake	-.061	.941	.046	.091	1.095	.000	.484	1.623	.000
<b>Legal Factors</b>									
Prior Record	.265	1.303	.000	.308	1.360	.000	.453	1.573	.000
Current Offense	-.453	.636	.000	.133	1.142	.000	.266	1.305	.000
Detention Status <sup>e</sup>	2.094	8.121	.000	1.548	4.700	.000	2.647	14.118	.000
Model $\chi^2$ , 18df	870.38		.000						

Note: Percentage of juveniles in the improvement period group (49.1%), DHHR referral/custody group (12.2%), DJS custody/adult transfer group (4.8%), and probation group (33.9%).

a. Cases with missing information or reported as “unknown” or “other” are excluded from the analysis.

b. Reference category is “improvement period,” also includes a period of monitored compliance, community service, and fine/restitution.

c. Includes all forms of probation such as noncustodial, DHHR custody and probation, home confinement and probation.

d. Reference group for race is “white”, and for gender, the reference category is female.

e. Reference group is “no predispositional detention.”

**Table 18: Multinomial logistic regression analysis for race and controls at the formal disposition stage – interaction model (N = 3,588)<sup>a</sup>**

	Improvement Period versus <sup>b</sup>								
	DHHR Referral/Custody			Probation <sup>c</sup>			DJS Custody/Adult Transfer		
	<i>b</i>	Odds Ratio	<i>p</i>	<i>B</i>	Odds Ratio	<i>p</i>	<i>b</i>	Odds Ratio	<i>p</i>
<b>Demographic Factors<sup>d</sup></b>									
Race	.074	1.077	.893	.054	1.055	.887	1.387	4.005	.078
Gender	-.177	.838	.143	.244	1.276	.010	.904	2.470	.001
Age at Intake	-.063	.939	.041	.091	1.095	.000	.484	1.622	.000
<b>Legal Factors</b>									
Prior Record	.288	1.334	.000	.320	1.376	.000	.473	1.604	.000
Current Offense	-.448	.639	.000	.129	1.137	.000	.270	1.310	.000
Detention Status <sup>e</sup>	2.058	7.833	.000	1.543	4.677	.000	2.705	14.950	.000
<b>Interactions</b>									
Race x Gender	-.217	.805	.658	-.121	.886	.696	-.323	.724	.627
Race x Detention Status	.482	1.619	.496	.053	1.054	.924	-.255	.775	.700
Race x Prior Record	-.265	.767	.125	-.100	.905	.311	-.148	.863	.312
Race x Current Offense	-.063	.939	.724	.055	1.057	.515	-.019	.981	.892
Model $\chi^2$ , 30df	875.69		.000						

Note: Percentage of juveniles in the improvement period group (49.1%), DHHR referral/custody group (12.2%), DJS custody/adult transfer group (4.8%), and probation group (33.9%).

a. Cases with missing information or reported as “unknown” or “other” are excluded from the analysis.

b. Reference category is “improvement period,” also includes a period of monitored compliance, community service, and fine/restitution.

c. Includes all forms of probation such as noncustodial, DHHR custody and probation, home confinement and probation.

d. Reference group for race is “white”, and for gender, the reference category is female.

e. Reference group is “no predispositional detention.”

It is quite clear that legal factors and disposition decisions at earlier stages of the process are important predictors of disposition outcomes at this stage. Prior detention status has a tremendous impact on judicial decision-making at this stage. Youths detained prior to adjudication are over eight times more likely to be referred to DHHR or be placed in DHHR custody, over four times more likely to be sentenced to probation, and over *fourteen times* more likely to be placed in DJS custody or transferred to adult court rather than be given an improvement period. As a result, some of the influence of race on sentencing outcomes is subsumed by the effect of detention status. Nonwhites are more likely than whites to be detained, and those who are detained are more likely to be adjudicated and subsequently sentenced to DJS custody or transferred to adult court. For example, nonwhite youths who are detained prior to adjudication have a 75.0% probability of being sentenced to DJS or transferred to adult court versus being granted an improvement period. This is compared to only a 56.6% chance for white youths.

The findings presented in Table 17 further indicate that the severity of a youth's current offense and prior record are significant predictors of all outcomes at this stage. For each unit increase in the prior record score of youth, the odds of being given any sentence other than an improvement period are between 30.3% and 57.3% greater. Thus, juveniles with serious prior records are nearly 1.5 times more likely to receive a sentence to DJS custody rather than an improvement period. In like manner, the severity of a youth's current offense is important for determining disposition outcomes. For each unit change in the severity of a youth's current offense severity the odds of being placed in DJS or being transferred to adult court



increases by 30.5%. No interaction effects are found to be significant at the formal disposition stage (see Table 18). Thus, the effects of gender, detention status, prior record, and current offense are not conditioned by race.

## CHAPTER 4

### RESULTS OF THE JUVENILE COURT STAKEHOLDERS SURVEY

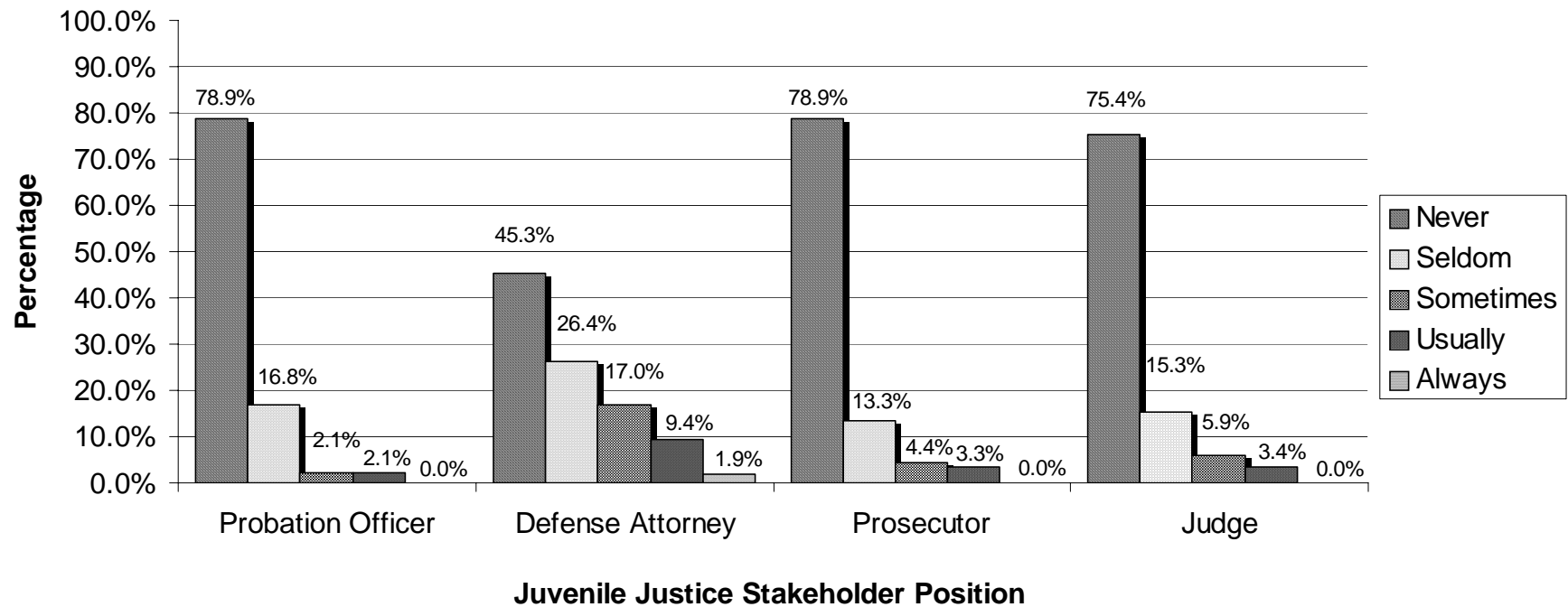
Racial disparity in the juvenile justice system is present when similarly situated youths are treated differently based on their race. Using survey data gathered from juvenile court officials throughout the State, this chapter examines stakeholders' perceptions of racial disparity in the juvenile justice system. In addition, we explore a variety of the offender and offense characteristics and their relative importance for influencing decision-making among juvenile court officials. We begin our assessment by examining stakeholders' general perceptions of racial disparity.

#### *General Perceptions of Racial Disparity among Juvenile Justice Stakeholders*

To assess stakeholders' general perceptions of racial disparity, we use two survey items that are central to this notion (see Figures 2 and 3). In Figure 2, respondents were asked to report the frequency with which white youths get sentenced more leniently than minorities convicted of the same offense. Over three-quarters of probation officers, prosecutors, and judges report that white youths "never" receive more lenient treatment than minority youths. However, less than half of all public defenders respond in a similar fashion. Only 45.3% of public defenders indicate that white youths "never" receive more lenient treatment than minority youths for the same offense.

Figure 3 displays the percentage of stakeholders who report that minority youths are referred and/or petitioned to court more often than white youths for the same offense by stakeholder position. A slightly smaller percentage of all types of

**Figure 2: Percentage of respondents who report that white youth get sentenced more leniently than minorities convicted for the same offense by stakeholder position<sup>a</sup>**



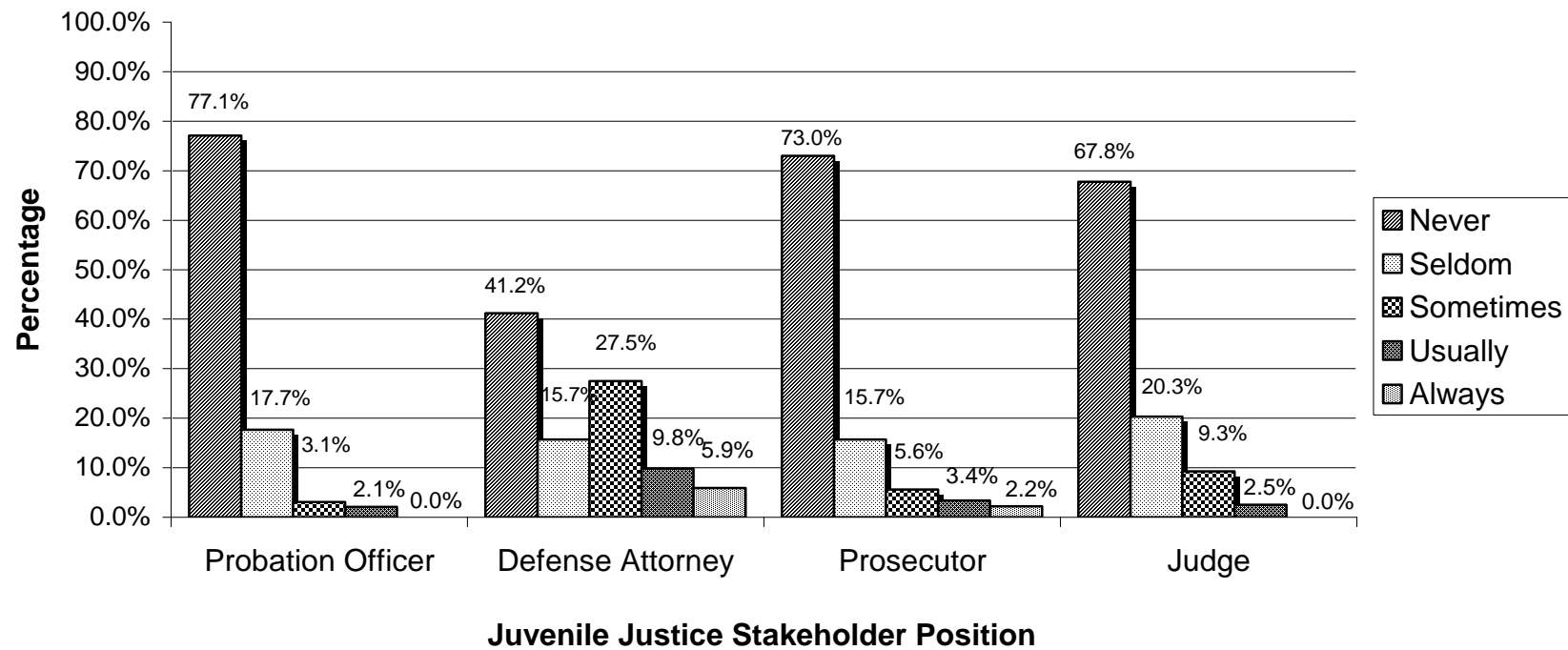
Note: Probation officer (N = 95), Defense attorney (N = 53), Prosecutor (N = 90), and Judge (N = 118).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

stakeholders indicate that minority youths are “never” referred/petitioned to court more often than white youths for the same offense. This suggests that stakeholders may view the court referral or intake stage to be most susceptible to disparate treatment between racial groups. Similar to the results shown in Figure 2, public defenders are much more likely than the other stakeholder groups to report the perception of racial disparity in court referrals. In fact, 43.2% of public defenders report that minority youths are “sometimes” more likely than white youths to be referred to court for the same offense. To a lesser extent, the other stakeholder groups also report that referral to court is more frequent for minority youths for the same offense. Over ten percent of prosecutors (11.2%) and judges (11.8%) indicate that minority youths are referred to court more frequently than white youths for the same offense at least “sometimes.” This is compared to only 5.2% of probation officers.

The results shown in Figures 2 and 3 indicate that stakeholders do perceive the presence of racial disparity in the juvenile justice system. Although the frequency of its occurrence is believed to be low, roughly one-quarter of all probation officers, prosecutors, and judges indicate the presence of racial disparity. Probation officers are the least likely to perceive the presence of racial disparity in the juvenile justice system at either stage. However, a slightly greater percentage of all stakeholders are likely to perceive the presence of racial disparity at the court referral or petition stage of the process compared to the sentencing or disposition stage. Public defenders are considerably more likely to perceive the presence of racial disparity at both stages of the process.

**Figure 3: Percentage of respondents who report that minority youth are referred/petitioned to court more often than white youth for the same offense by stakeholder position<sup>a</sup>**



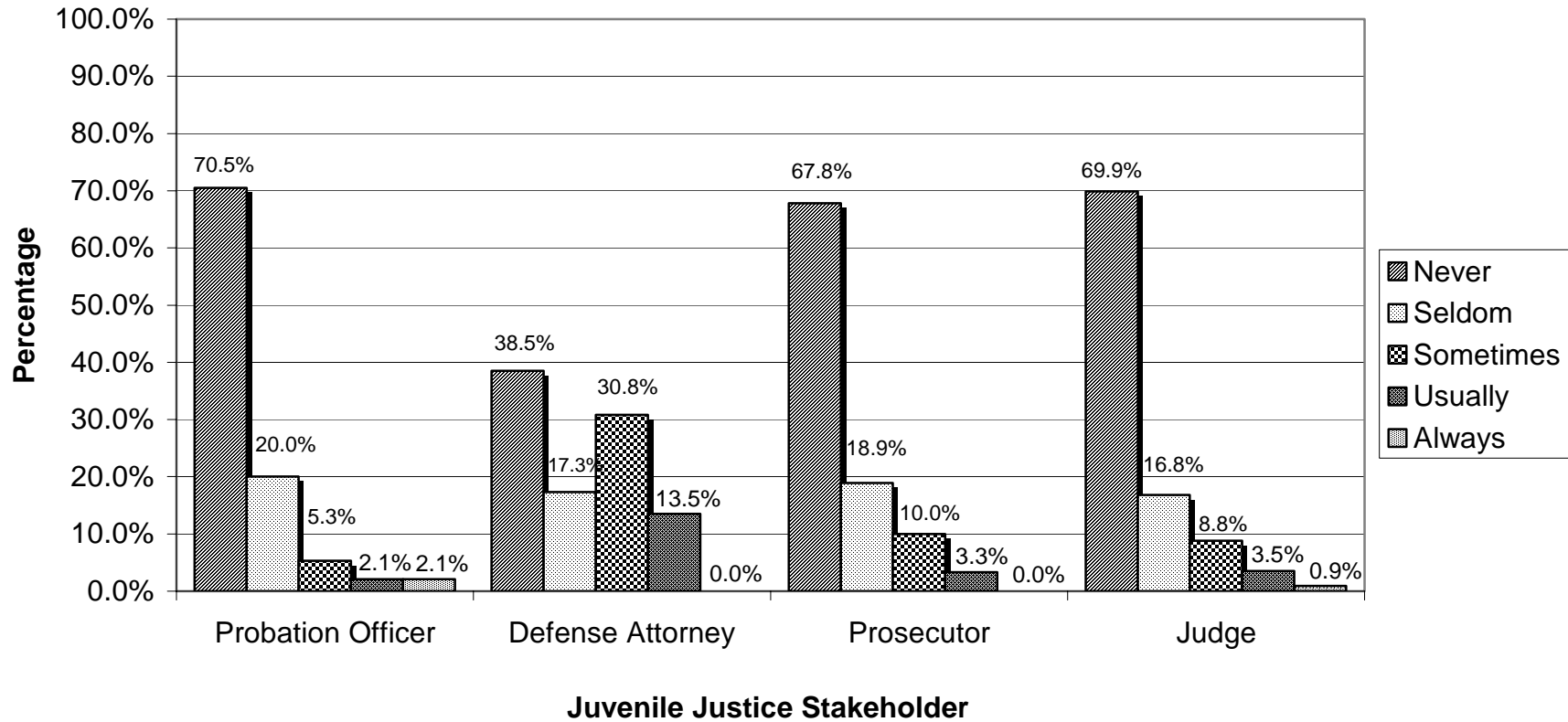
Note: Probation officer (N = 96), Defense attorney (N = 51), Prosecutor (N = 89), and Judge (N = 118).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

In terms of informal dispositions, an even greater percentage of stakeholders report that informal dispositions are more common for white offenders (see Figure 4). Thirty percent of all probation officers (29.5%), prosecutors (32.2%), and judges (30.0%) indicate that informal dispositions are more common for white offenders. Although a majority of these stakeholders report this “seldom” occurs, just below fifteen percent of prosecutors (13.3%) and judges (13.2%) state that informal dispositions are more common for white offenders at least “sometimes.” Over four percent (4.2%) of all probation officers indicate that informal dispositions are “usually” or “always” more common for white offenders. Similar to previous results, public defenders are much more likely to perceive informal dispositions to be more common for white offenders. Informal dispositions are perceived to be more common for white offenders for nearly two-thirds (61.6%) of all public defenders. Of this sixty percent of public defenders who report bias at the informal disposition stage, 30.8% report that it occurs “sometimes” and 13.5% indicate that it “usually” occurs in the handling of juvenile cases.

Figure 5 shows the changes in stakeholders’ perceptions of the presence of racial disparity over time. Respondents were asked to report how their perception of bias against racial minorities in the West Virginia juvenile justice system had changed over the past three years. Of all stakeholders, slightly more than half (52.8%) indicated that over the past three years there has “never” been racial bias in the juvenile justice system. Meanwhile, 21.7% of juvenile justice stakeholders reported that there is less racial or ethnic bias now than in the past three years and exactly one-quarter of all respondents reported racial bias to be about the same.

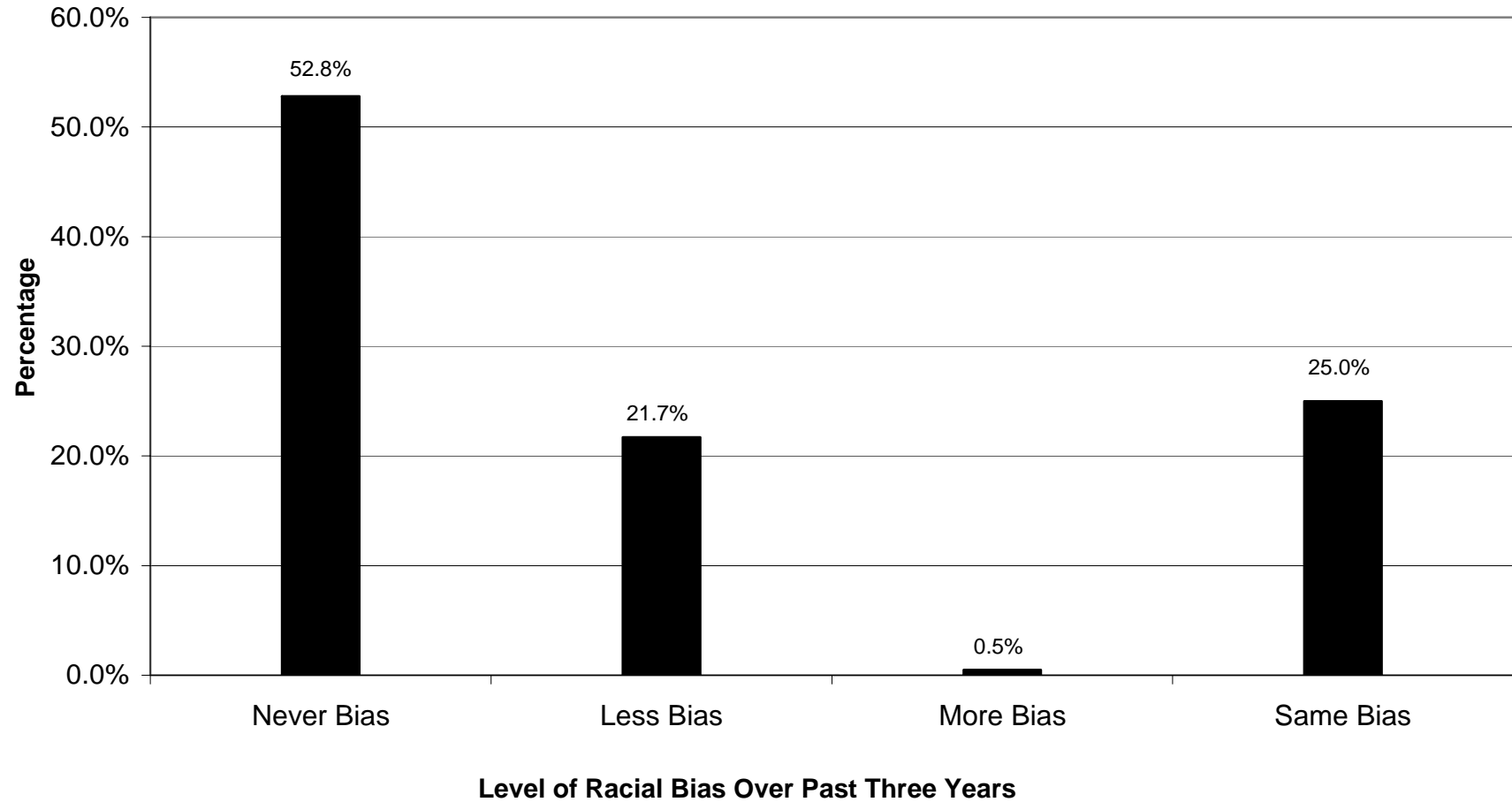
**Figure 4: Percentage of respondents who report that informal dispositions are more common for white offenders by stakeholder position<sup>a</sup>**



Note: Probation officer (N = 95), Defense attorney (N = 52), Prosecutor (N = 90), and Judge (N = 113).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

**Figure 5: Changes in the perception of bias against racial minorities in the juvenile justice system over past three years for the total sample of stakeholders (N = 392)**





Less than one percent (.05%) indicated that racial or ethnic bias in the juvenile justice system had increased over the past three years.

### *Direct Observations of Disparate Treatment of Minorities in the Juvenile Justice System*

Although perceptions are important to assess, a more direct measure of the presence of racial disparity may be obtained through an examination of the personal experiences and observations of juvenile justice stakeholders. Respondents were asked to respond to a series of questions designed to capture their personal experiences while working in the West Virginia juvenile justice system over the past three years. More specifically, respondents were asked to indicate the frequency with which they had witnessed members of the different stakeholder groups influence their official decisions or had heard racial slurs or jokes made in their presence by different juvenile justice stakeholders.

In Figure 6, we report the results for the total sample of respondents.<sup>19</sup> These results show the percentage of respondents who have witnessed racial or ethnic bias influence official decisions made by each type of stakeholder. Respondents were first asked to report the extent to which they had witnessed racial or ethnic bias influence the official decisions made by each juvenile justice representative.

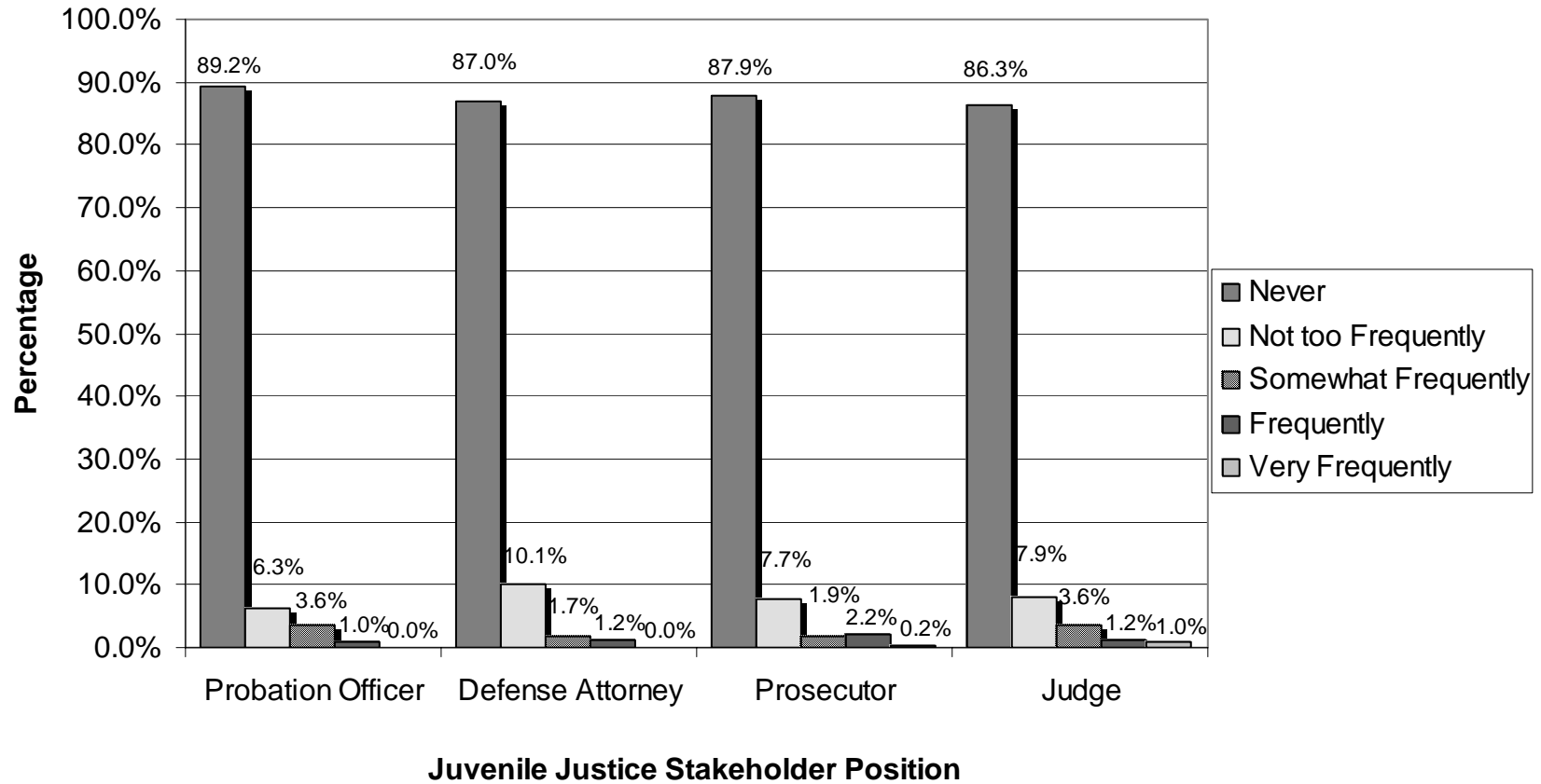
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<sup>19</sup> We also conducted an analysis to see how much of a respondent's answers were influenced by their current employment status. In other words, we wanted to see if probation officers were more likely to observe racial bias on the part of fellow probation officers or other types of stakeholders. For the most part, we found that responses were rather consistent and not appreciably impacted by the respondent's current position. Although there was a slight tendency to report greater levels of racial bias for stakeholder groups outside the respondent's current position, it appeared to be quite modest in most cases and no systematic pattern was observed.

The findings indicate that a vast majority of the respondents have “never” directly witnessed racial or ethnic bias influence official decisions made by any type of juvenile justice stakeholder in the past three years. At the same time, however, over ten percent of all respondents have directly witnessed race influence official decisions made by each type of stakeholder. These results show that roughly 10.0% of all juvenile justice stakeholders have observed racial bias on the part of probation officers, public defenders, prosecutors, and judges. In particular, the findings show that roughly 11.0% to 14.0% of all survey respondents have directly observed racial or ethnic bias influence official decisions made by juvenile justice officials (see Figure 6). Nearly fourteen percent (13.7%) of all respondents have observed racial or ethnic bias influence official decisions of judges while slightly less than eleven percent (10.9%) of all respondents reported that they had observed racial bias influence official decisions of probation officers.

Figures 7 and 8 show the distribution of total respondents who have heard racial slurs used and jokes made in their presence by different stakeholders, respectively. Although racial slurs and jokes are not a clear indication of racial bias, they do reflect or provide some indication of the daily context or environment in which juvenile justice stakeholders work and make their decisions. In Figure 7, respondents were asked to indicate how frequently they have heard ethnic or racial slurs used by a particular stakeholder over the past three years. For the most part, the results look similar to those reported in Figure 6. A majority of respondents indicate that they have not heard racial or ethnic slurs used by any juvenile justice stakeholder over the past three years. However, a greater percentage of survey respondents

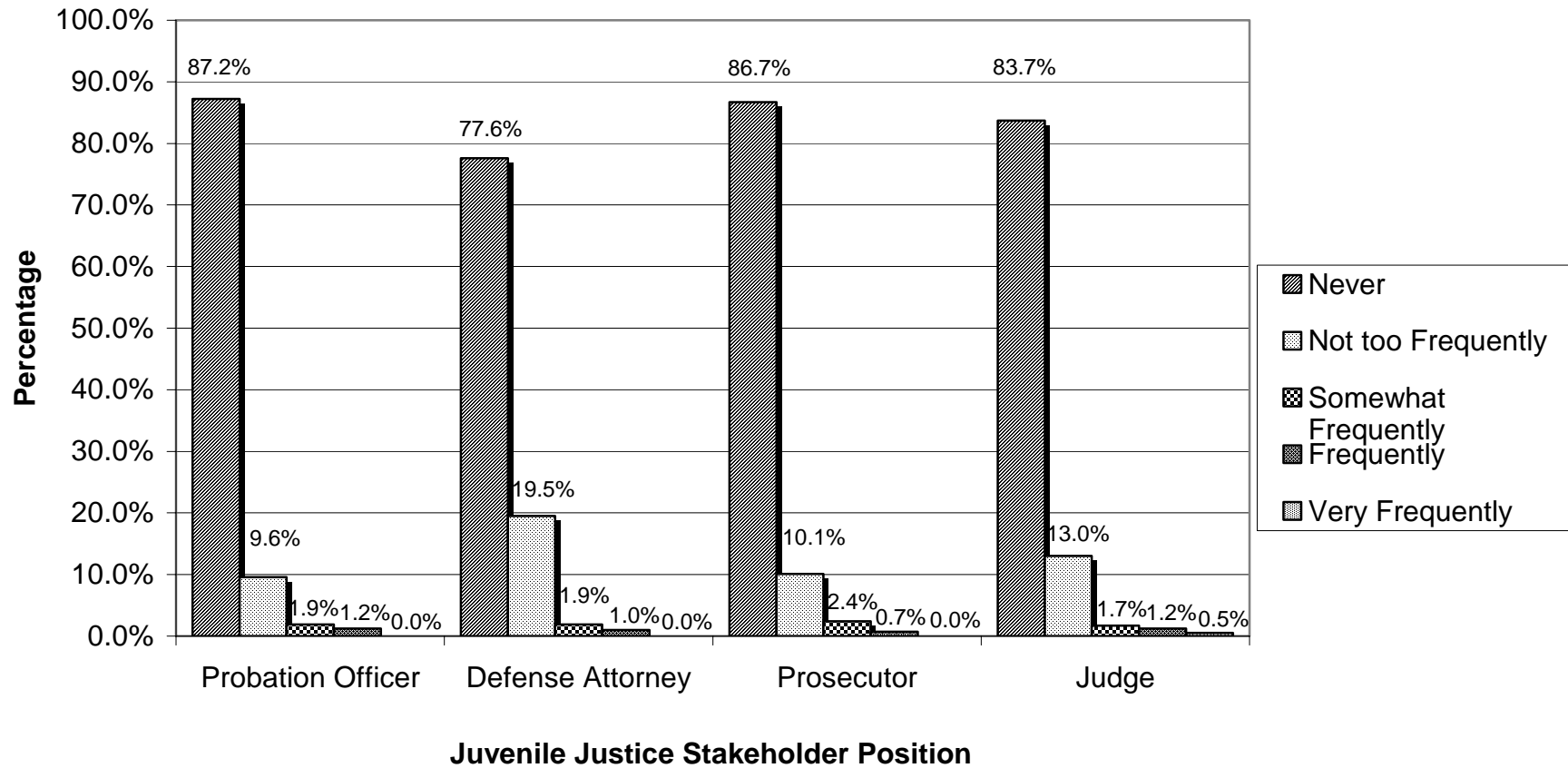
**Figure 6: Distribution of total respondents who witnessed racial bias influence official decisions by stakeholder position<sup>a</sup>**



Note: Probation officer (N = 416), Defense attorney (N = 414), Prosecutor (N = 414), and Judge (N = 417).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

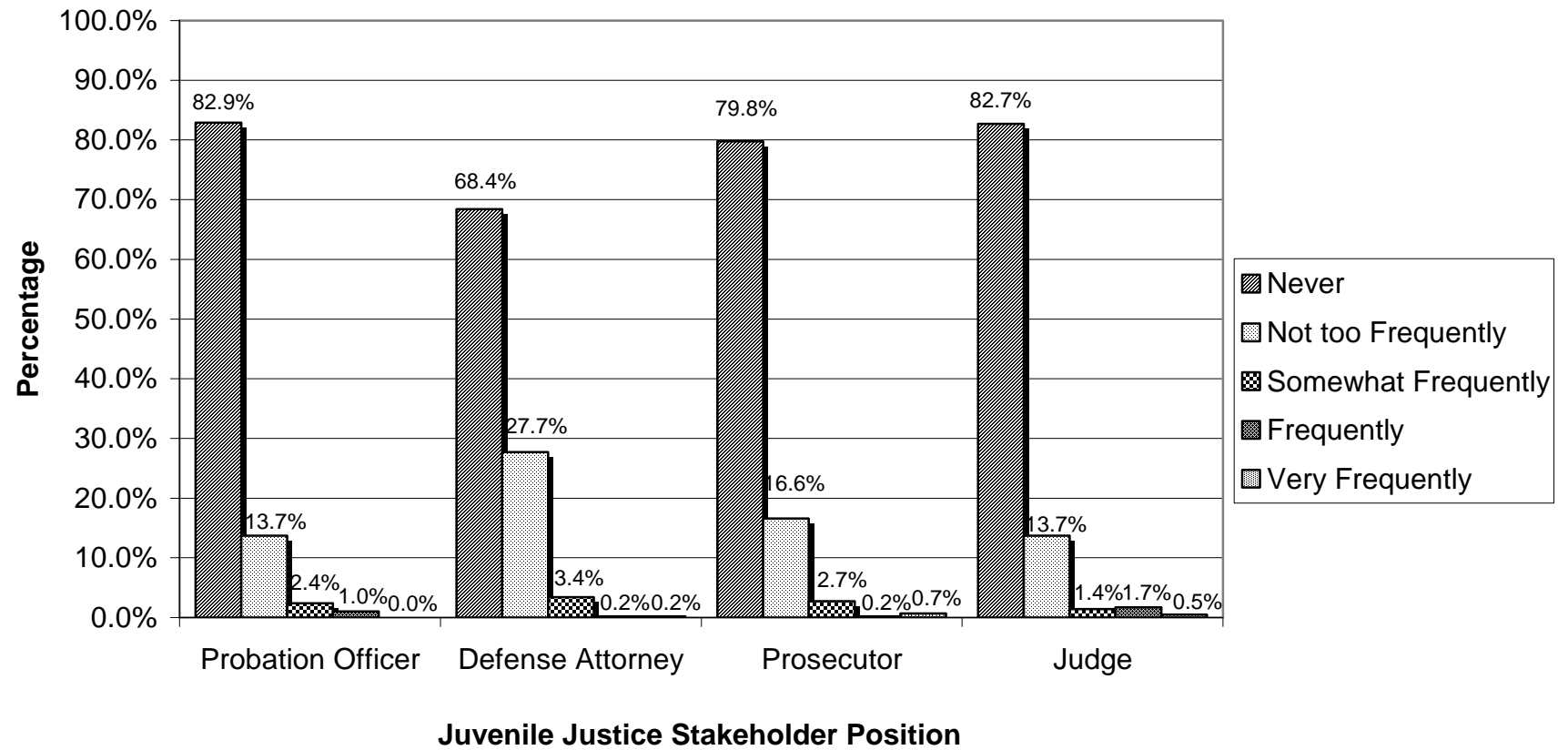
**Figure 7: Distribution of total respondents who have heard racial slurs used by stakeholder position<sup>a</sup>**



Note: Probation officer (N = 415), Defense attorney (N = 415), Prosecutor (N = 415), and Judge (N = 416).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

**Figure 8: Distribution of total respondents who have heard racial jokes made in their presence by stakeholder position<sup>a</sup>**



Note: Probation officer (N = 415), Defense attorney (N = 415), Prosecutor (N = 415), and Judge (N = 416).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

report that they have heard racial slurs used by public defenders than any other stakeholder group. Over twenty percent (22.4%) of survey respondents report having heard a public defender engage in the use of racial or ethnic slurs. Similarly, 16.4% of respondents report that they have heard a judge use racial or ethnic slurs. Racial slurs are “frequently” heard by roughly one percent of survey respondents, regardless of stakeholder position.

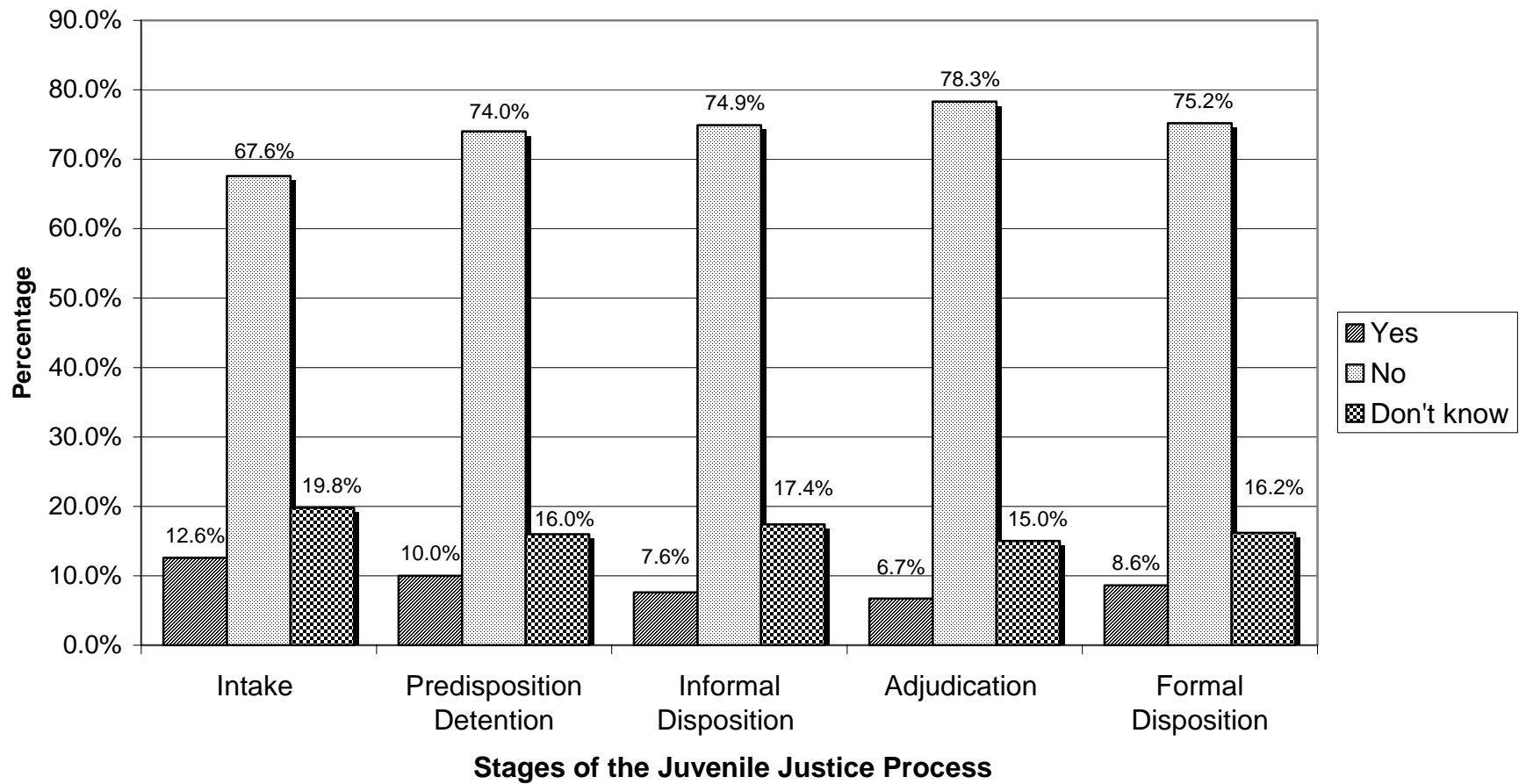
A similar pattern emerges for the distribution of survey respondents who have heard racial jokes made in their presence over the past three years. Across all stakeholder groups, a greater percentage of respondents report having heard racial jokes made in their presence compared to racial slurs (see Figure 8). Nearly thirty five percent (34.9%) of respondents state that racial jokes have been made in their presence by a public defender in the past three years. Likewise, over twenty percent (20.2%) of respondents assert that they have heard racial jokes made in their presence by a prosecutor. Slightly below four percent of all respondents indicate that they have heard racial jokes used by each of the four types of stakeholders on at least a “somewhat” frequent basis.

### *Racial Disparity and Stages of the Juvenile Justice Process*

This section examines stakeholders’ perception of racial disparity at each stage of the juvenile justice process. We are interested in identifying the stages of the juvenile justice process thought to be most susceptible to racial bias and the extent to which perceptions vary by stakeholder position.

For the total sample of stakeholders, Figure 9 displays the percentage of respondents who believe race influences official decisions at each stage of the

**Figure 9: The influence of race on official decisions at each stage of the juvenile justice process for the total sample of stakeholders**



Note: The intake stage (N = 418) all other stages of the juvenile justice process (N = 417).  
Percents may not total 100.0% due to rounding.

juvenile justice process. Respondents were asked to indicate whether or not they believed race influences juvenile justice processing decisions for each stage. It is clear that most survey respondents do not believe race influences official decisions at any of the juvenile justice process stages. Excluding the intake stage, roughly three-quarters of all stakeholders believe that race does not influence official decisions at any stage of the juvenile justice process. In particular, a large majority of stakeholders indicate that race is not an important factor for influencing decisions at the adjudication stage. Nearly eighty percent (78.3%) of juvenile justice stakeholders say that race does not influence official decisions at the adjudication stage. Similarly, a large majority of stakeholders report that race is not an important factor for influencing decisions at the predispositional detention stage (74.0%), the informal adjudication stage (74.9%), or the formal disposition stage (75.2%).

According to the juvenile court stakeholders surveyed in this study, race is most likely to impact official decisions at the intake stage. Fewer than seventy percent (67.6%) of stakeholders indicate that race does not influence decisions at this stage. As a result, over twelve percent (12.6%) say “yes”—race is an important factor for influencing decisions at the intake stage. In the same regard, 10.0% of survey respondents suggest that race influences official decisions at the predispositional detention stage. These are followed by the formal disposition stage (8.6%), the informal disposition stage (7.6%), and the adjudication stage (6.7%). These findings imply, based on this sample of juvenile court stakeholders, that the early stages of the juvenile justice process may be most predisposed to racial bias. This is closely



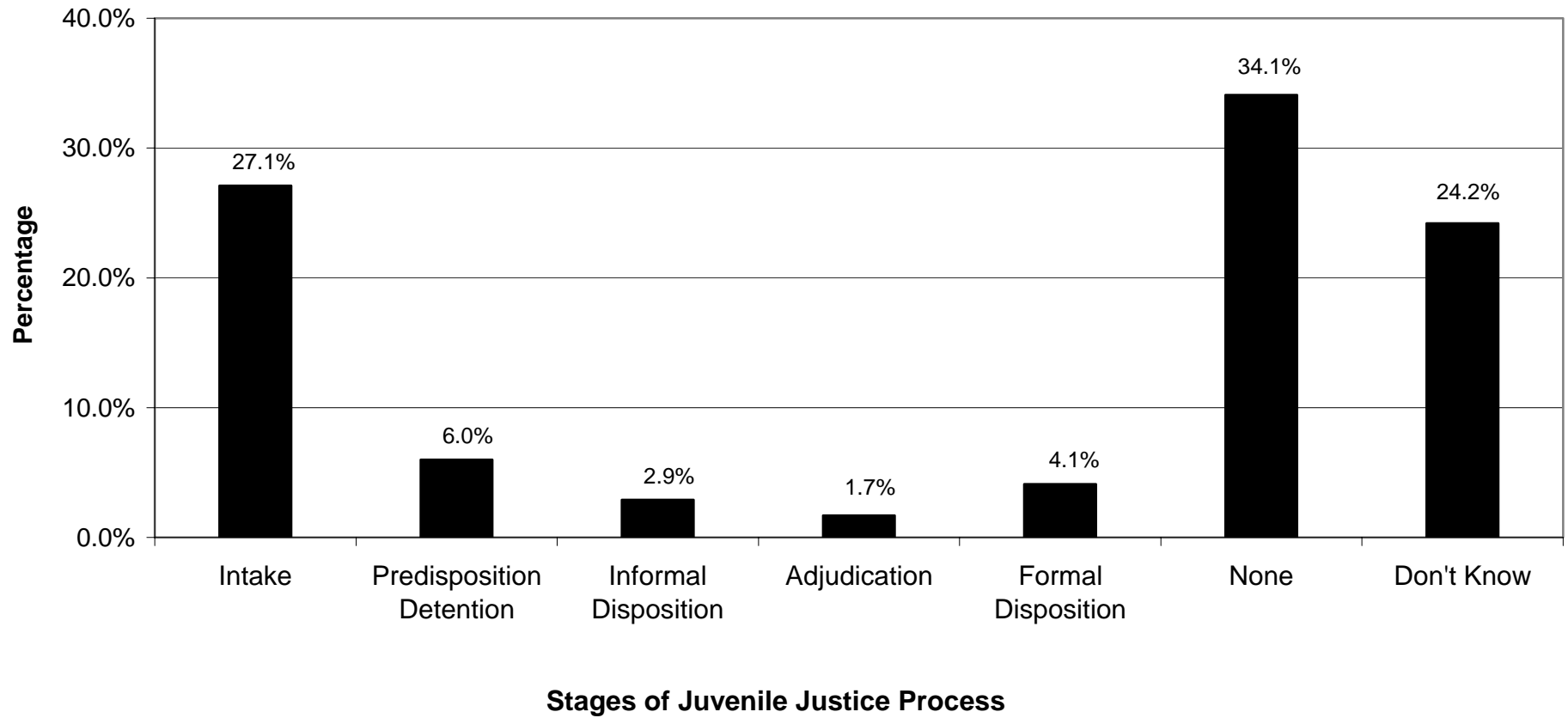
followed by the final decision-making point in the juvenile process, the formal disposition or sentencing stage.

In a related question, juvenile justice stakeholders were simply asked which stage of the juvenile justice system they believed to be “most susceptible” to unfair treatment of minorities. Figure 10 shows the stages of the juvenile justice process thought to be most susceptible to unfair treatment of minorities for the total sample of stakeholders. It is important to point out that approximately one-third (34.1%) of all juvenile justice stakeholders believe that no stage of the juvenile justice process is susceptible to unfair treatment of minorities. Interestingly, nearly one-quarter of court stakeholders who work in the juvenile justice system indicate that they “don’t know” which stage is most susceptible to unfair treatment of minorities.

Nonetheless, of those who indicate that a particular point in the process may be susceptible, it is clear that the intake stage is deemed to be the most susceptible stage for many stakeholders. Nearly thirty percent (27.1%) of juvenile justice stakeholders believe that the intake stage is most susceptible to the influence of race. A much smaller percentage of stakeholders believe the predispositional detention and the formal disposition stages are susceptible to racial bias. Less than ten percent (6.0%) of respondents indicate the predispositional detention stage is most susceptible and fewer than five percent (4.1%) identified the formal disposition stage.

Lastly, we want to know whether the perception of racial disparity varies by stakeholder position. For instance, we are interested in determining whether judges perceive racial disparity to be present at different stages than probation officers and

**Figure 10: Stages of the juvenile justice process most susceptible to unfair treatment of minorities for the total sample of stakeholders (N = 417)**



vice versa. To examine how perceptions vary by stakeholder position, we use the same measure applied in Figure 9 which asks respondents to indicate whether they believe race influences processing decisions at each stage of the juvenile justice system. Chi-square analysis is used to examine whether the responses of stakeholders significantly differ for each stage of the juvenile justice process.

The results of the bivariate analysis for the perception of racial disparity at each stage of the juvenile justice process are shown in Table 19. For each stage of the juvenile justice process, current employment status or stakeholder position significantly impacts the respondent's perception of racial disparity. However, the differences in public defenders' perceptions and all other stakeholder groups appear to drive the results. The findings suggest that public defenders view the influence of race at each stage of the process much differently than other juvenile justice stakeholders. Public defenders are much more likely to perceive that racial disparity influences official decisions at each stage of the juvenile justice process. In particular, over forty percent (41.4%) of public defenders believe race influences official decisions at the intake stage, compared to only seven percent of probation officers (7.1%) and judges (7.2%) and less than nine percent of prosecutors (8.5%).

A similar pattern emerges for each successive stage of the juvenile justice process. Less than ten percent of all probation officers, prosecutors, and judges believe race influences official decision-making—regardless of the juvenile justice

**Table 19: Bivariate analysis of perceptions of racial disparity for each stage of the juvenile justice process by respondents current employment position<sup>a</sup>**

	Current Employment Position					
Juvenile Justice Process Stage	Probation Officer	Public Defender	Prosecutor	Judge <sup>b</sup>	df	$\chi^2$
<b>Intake (<i>n</i> = 389)</b>						
Yes	7 (7.1%)	24 (41.4%)	8 (8.5%)	10 (7.2%)	6	71.200***
No	80 (81.6%)	22 (37.9%)	74 (78.7%)	87 (62.6%)		
Don't know	11 (11.2%)	12 (20.7%)	12 (12.8%)	42 (30.2%)		
<b>Predispositional Detention (<i>n</i> = 388)</b>						
Yes	5 (5.1%)	21 (36.2%)	6 (6.4%)	6 (4.3%)	6	70.215***
No	83 (84.7%)	29 (50.0%)	81 (86.2%)	98 (71.0%)		
Don't know	10 (10.2%)	8 (13.8%)	7 (7.4%)	34 (24.6%)		
<b>Informal Disposition (<i>n</i> = 388)</b>						
Yes	4 (4.1%)	17 (29.3%)	6 (6.4%)	2 (1.4%)	6	66.403***
No	83 (84.7%)	31 (53.4%)	80 (85.1%)	98 (71.0%)		
Don't know	11 (11.2%)	10 (17.2%)	8 (8.5%)	38 (27.5%)		
<b>Adjudication (<i>n</i> = 388)</b>						
Yes	6 (6.1%)	15 (25.9%)	3 (3.2%)	1 (0.7%)	6	66.139***
No	85 (86.7%)	32 (55.2%)	85 (90.4%)	104 (75.4%)		
Don't know	7 (7.1%)	11 (19.0%)	6 (6.4%)	33 (23.9%)		
<b>Formal Disposition (<i>n</i> = 388)</b>						
Yes	11 (11.2%)	15 (25.9%)	5 (5.3%)	3 (2.2%)	6	52.230***
No	80 (81.6%)	33 (56.9%)	83 (88.3%)	100 (72.5%)		
Don't know	7 (7.1%)	10 (17.2%)	6 (6.4%)	35 (25.4%)		

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. The judge category includes referees, magistrates, family court judges, and circuit judges.

stage.<sup>20</sup> While approximately one-third of public defenders believe race influences official decisions at the predispositional detention (36.2%) and informal disposition stages (29.3%), one-quarter perceive race to be an important factor at the adjudication (25.9%) and formal disposition stages (25.9%). It is important to note, however, when asked whether race influences juvenile justice processing decisions at each stage, a much larger percentage of judges responded “don’t know” compared to the other stakeholders. Interestingly, over ten percent (11.2%) of probation officers indicate that race influence decisions at the formal disposition stage while very few judges believe racial bias is present at the adjudication or the formal disposition stages.

#### *Offender and Offense Characteristics and Juvenile Justice Decision-Making*

In an effort to better understand the complexity of the juvenile justice decision-making process, the results reported in this section attempt to identify a variety of factors that juvenile justice stakeholders believe are important in deciding the outcomes of juvenile cases. Our primary purpose is to become more familiar with the legal and extra-legal characteristics of cases that stakeholders deem to be important for determining outcomes. Although these factors do not diminish our observations regarding the role of race found in our previous analysis of official juvenile records,

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<sup>20</sup> The one exception is that 11.2% of probation officers believe race influences official decisions at the formal disposition or sentencing stage.

**Table 20: Distribution of the total sample for the importance of offender and offense characteristics for influencing official decisions by stage of the juvenile justice process<sup>a</sup>**

	Predispositional Detention Decisions			Disposition Decisions		
	Important <sup>b</sup>	Not Important <sup>c</sup>	N	Important	Not Important	N
<b>Juvenile Characteristics</b>						
Juvenile's Demeanor	247 (65.3%)	131 (34.7%)	378	258 (71.1%)	105 (28.9%)	363
Need Assessment(s)	121 (33.7%)	238 (66.3%)	359	149 (43.6%)	193 (56.4%)	342
Time Secure Detention	134 (36.9%)	229 (63.1%)	363	158 (44.9%)	194 (55.1%)	352
Gender	49 (13.1%)	325 (86.9%)	374	50 (13.9%)	309 (86.1%)	359
Risk Assessment(s)	156 (43.8%)	200 (56.2%)	356	170 (49.9%)	171 (50.1%)	341
Age	220 (58.8%)	154 (41.2%)	374	214 (59.8%)	144 (40.2%)	358
Level of Remorse	251 (66.8%)	125 (33.2%)	376	280 (77.8%)	80 (22.2%)	360
Academic Performance	161 (42.6%)	217 (57.4%)	378	180 (49.9%)	181 (50.1%)	361
Peer Associations	190 (50.7%)	185 (49.3%)	375	195 (54.2%)	165 (45.8%)	360
<b>Parent/Guardian(s) Characteristics</b>						
Presence at Intake	235 (62.8%)	139 (37.2%)	374	207 (58.0%)	150 (42.0%)	357
Cooperation with Intake Staff	254 (68.3%)	118 (31.7%)	372	230 (65.0%)	124 (35.0%)	354
Ability to Supervise Youth	351 (92.9%)	27 (7.1%)	378	333 (92.2%)	28 (7.8%)	384

**Table 20: Distribution of the total sample for the importance of offender and offense characteristics for influencing official decisions by stage of the juvenile justice process (Continued)**

	Predispositional Detention Decisions			Disposition Decisions		
	Important <sup>b</sup>	Not Important <sup>c</sup>	N	Important	Not Important	N
<b>Offense Characteristics</b>						
Use of Weapon	350 (92.8%)	27 (7.2%)	377	326 (90.6%)	34 (9.4%)	360
Injury to Victim	336 (89.4%)	40 (10.6%)	376	310 (85.9%)	51 (14.1%)	361
Value of Property Stolen or Damaged	140 (37.0%)	238 (63.0%)	378	138 (38.2%)	223 (61.8%)	378

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

they do assist us in our efforts to better appreciate the multitude of factors considered to be important in the handling of juvenile cases.

Our analysis centers on an examination of offender and offense characteristics perceived to be important for influencing official juvenile justice decisions. We are interested in determining what factors are thought to be important at different stages of the process as well as how these factors vary by functional role or stakeholder position. We begin by examining the importance of offender and offense characteristics for influencing official decisions by stage of the juvenile justice process for the total sample of respondents (see Table 20). Respondents were asked to rate the importance of various offender and offense characteristics for influencing juvenile court processing decisions at two stages—the predispositional detention stage and the disposition stage.<sup>21</sup>

As shown in Table 20, there is some consistency in the offender and offense characteristics believed to be important for influencing outcomes at each stage. For the total sample of stakeholders, the use of a weapon, the extent of injury to the victim, and ability of parents to adequately supervise the youth are deemed to be most important for influencing both predispositional and disposition decisions. Over ninety percent of all juvenile justice stakeholders indicate that the ability of parents to supervise youth and the use of a weapon are important for impacting official

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<sup>21</sup> For ease of interpretation, we collapsed the importance response items into two categories. The “important” category includes responses of “important” and “very important”. The responses of “not important”, “not too important”, and “somewhat important” are included in the “not important” category.



decisions. Meanwhile, only slightly less than ninety percent of respondents feel that injury to the victim was important at each stage.

In addition, the results suggest other parent and juvenile characteristics may impact official decisions across juvenile justice process stages. Interestingly, a majority of stakeholders report that such factors as parents' cooperation with intake staff and the juvenile's demeanor or level of remorse can influence official decisions. At the predispositional detention stage, nearly seventy percent (68.3%) of juvenile justice stakeholders believe that parents' cooperation with intake staff is important for deciding outcomes. A similar percentage of stakeholders point to parents' cooperation at intake as being important at the disposition stage. In terms of juvenile characteristics, our findings show that over two-thirds of juvenile court stakeholders believe that a juvenile's demeanor and level of remorse are determinant factors at the predisposition detention stage. An even greater percentage of stakeholders deem these factors to be important at the disposition stage. Nearly eighty percent (77.8%) of juvenile justice stakeholders report that they believe a youth's level of remorse is important for influencing decisions at this stage. Likewise, over seventy percent (71.1%) indicate that a juvenile's demeanor is important at the disposition stage.

It is important to note that there is also consistency in the factors thought to be least important at each stage. Some of the factors thought to be least important at both stages include gender, needs assessments, time in detention, and the value of property stolen or damaged. Two of these factors, in particular, seem to contradict the results obtained in the analysis of official juvenile records. As you may recall for

the analysis of JJDB records, both gender and detention status were rather consistent and sometimes robust predictors of outcomes at each stage of the juvenile justice process. Nonetheless, the juvenile justice stakeholders in this sample do not perceive gender and time in secure detention to be important determinants of outcomes at these stages.

Although there is similarity in the factors thought to be important for influencing decisions at these two stages for the total sample, we are also interested in the amount of variation between the different stakeholder groups. In other words, we want to know whether judges, prosecutors, probation officers, and public defenders consider the same factors to be important determinants of outcomes at each stage. To do this, we conduct a series of chi-square analyses that assess whether stakeholders with distinct functional roles significantly differ in their perception of what factors are important for influencing juvenile justice processing decisions at each stage. Tables 21 through 26 provide the results of the bivariate analysis for both stages of the juvenile justice process.

Our discussion begins with an assessment of the factors deemed important at the predisposition detention stage. Tables 21 through 23 show that there is some variation among stakeholders in the degree to which they deem particular offender and offense characteristics to be important. In terms of juvenile characteristics, there are significant differences among stakeholders in their evaluation of the importance of juvenile demeanor, need assessments, gender, and risk assessments (see Table 21). As noted in the previous analysis, juvenile demeanor is deemed to be important at both stages for the total sample of stakeholders. However, these results suggest

**Table 21: Bivariate analysis for the importance of juvenile characteristics on predispositional detention decisions by the respondent's current employment position<sup>a</sup>**

Characteristics of the Juvenile	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
<b>Juvenile Characteristics</b>						
Juvenile's Demeanor ( <i>n</i> = 378)						
Important <sup>b</sup>	53 (54.1%)	49 (84.5%)	60 (63.8%)	85 (66.4%)	3	15.030**
Not Important <sup>c</sup>	45 (45.9%)	9 (15.5%)	34 (36.2%)	43 (33.6%)		
Need Assessment(s) ( <i>n</i> = 359)						
Important	36 (38.7%)	7 (12.7%)	31 (34.8%)	47 (38.5%)	3	13.193**
Not Important	57 (61.3%)	48 (87.3%)	58 (65.2%)	75 (61.5%)		
Time Secure Detention ( <i>n</i> = 363)						
Important	33 (33.7%)	18 (32.7%)	37 (42.5%)	46 (37.4%)	3	2.046
Not Important	65 (66.3%)	37 (67.3%)	50 (57.5%)	77 (62.6%)		
Gender ( <i>n</i> = 374)						
Important	5 (5.2%)	15 (25.9%)	12 (12.9%)	17 (13.5%)	3	13.696**
Not Important	92 (94.8%)	43 (74.1%)	81 (87.1%)	109 (86.5%)		
Risk Assessment(s) ( <i>n</i> = 356)						
Important	34 (36.2%)	12 (22.2%)	40 (46.0%)	70 (57.9%)	3	22.307***
Not Important	60 (63.8%)	42 (77.8%)	47 (54.0%)	51 (42.1%)		
Age ( <i>n</i> = 374)						
Important	51 (52.6%)	36 (64.3%)	59 (62.8%)	74 (58.3%)	3	2.872
Not Important	46 (47.4%)	20 (35.7%)	35 (37.2%)	53 (41.7%)		
Level of Remorse ( <i>n</i> = 376)						
Important	67 (68.4%)	34 (58.6%)	57 (61.3%)	93 (73.2%)	3	5.494
Not Important	31 (31.6%)	24 (41.4%)	36 (38.7%)	34 (26.8%)		

**Table 21: Bivariate analysis for the importance of juvenile characteristics on predispositional detention decisions by the respondent's current employment position (Continued)<sup>a</sup>**

Characteristics of the Juvenile	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
Academic Performance ( <i>n</i> = 378)						
Important	37 (37.8%)	25 (43.1%)	37 (39.4%)	62 (48.4%)	3	3.134
Not Important	61 (62.2%)	33 (56.9%)	57 (60.6%)	66 (51.6%)		
Peer Associations ( <i>n</i> = 375)						
Important	47 (48.0%)	28 (48.3%)	42 (44.7%)	73 (58.4%)	3	4.758
Not Important	51 (52.0%)	30 (51.7%)	52 (55.3%)	52 (41.6%)		

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

**Table 22: Bivariate analysis for the importance of parent/guardian(s) characteristics on predispositional detention decisions by the respondent's current employment position<sup>a</sup>**

Characteristics of the Parent/Guardian(s)	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
Presence at Intake ( <i>n</i> = 374)						
Important <sup>b</sup>	66 (67.3%)	34 (59.6%)	47 (51.6%)	88 (68.8%)	3	7.896*
Not Important <sup>c</sup>	32 (32.7%)	23 (40.4%)	44 (48.4%)	40 (31.3%)		
Cooperation with Intake Staff ( <i>n</i> = 372)						
Important	68 (69.4%)	42 (73.7%)	54 (58.7%)	90 (72.0%)	3	5.525
Not Important	30 (30.6%)	15 (26.3%)	38 (41.3%)	35 (28.0%)		
Ability to Supervise Youth ( <i>n</i> = 378)						
Important	93 (94.9%)	53 (91.4%)	87 (92.6%)	118 (92.2%)	3	.906
Not Important	5 (5.1%)	5 (8.6%)	7 (7.4%)	10 (7.8%)		

\* *p* < .05; \*\* *p* < .01; \*\*\* *p* < .001

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

**Table 23: Bivariate analysis for the importance of offense characteristics on predispositional detention decisions by the respondent's current employment position<sup>a</sup>**

Characteristics of the Offense	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
Use of Weapon ( <i>n</i> = 377)						
Important <sup>b</sup>	89 (90.8%)	48 (82.8%)	92 (98.9%)	121 (94.5%)	3	15.199**
Not Important <sup>c</sup>	9 (9.2%)	10 (17.2%)	1 (1.1%)	7 (5.5%)		
Injury to Victim ( <i>n</i> = 376)						
Important	85 (87.6%)	50 (87.7%)	90 (95.7%)	111 (86.7%)	3	5.437
Not Important	12 (12.4%)	7 (12.3%)	4 (4.3%)	17 (13.3%)		
Value of Property Stolen or Damaged ( <i>n</i> = 378)						
Important	46 (46.9%)	19 (32.8%)	30 (31.9%)	45 (35.2%)	3	5.827
Not Important	52 (53.1%)	39 (67.2%)	64 (68.1%)	83 (64.8%)		

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

that a greater percentage of public defenders compared to any other stakeholder group believe this factor to be an important determinant of outcomes at the predispositional detention stage. Over eighty percent (84.5%) of public defenders note that they believe a juvenile's demeanor is important, compared to roughly sixty percent of prosecutors (63.8%) and judges (66.4%) and fifty percent (54.1%) of probation officers.

Although most stakeholders do not believe such factors as gender and risk/needs assessments are particularly influential in decision-making at this stage, this seems to vary across type of stakeholders (see Table 21). For instance, only five percent (5.2%) of probation officers believe gender is important for influencing decisions at this stage, compared to over twenty five percent (25.9%) of public defenders. Likewise, judges and prosecutors seem to consider risk assessments to be more important than the other stakeholder groups. Approximately fifty percent of judges (57.9%) and prosecutors (46.0%) report risk assessments to be important, compared to one-third (36.2%) of probation officers and one-quarter (22.2%) of public defenders.

Other factors that vary by stakeholder position at the predispositional detention stage include the presence of a parent or guardian at intake and the use of a weapon. The presence of a parent or guardian at intake appears to be most important for probation officers and judges (see Table 22). Over two-thirds of probation officers and judges believe this factor to be important in impacting decisions at this stage, compared to only half of all prosecutors who responded to this survey. In like manner, we see that the use of a weapon is weighed more

heavily by probation officers, prosecutors, and judges than public defenders (see Table 23). Although a vast majority of all juvenile court stakeholders believe the use of a weapon to be an important factor for influencing outcomes, only approximately eighty percent (82.8%) of public defenders report this to be an important factor. This is compared to virtually all prosecutors (98.9%) and over ninety percent of judges (94.5%) and probation officers (90.8%).

At the disposition stage, we also find significant differences among juvenile justice stakeholders in terms of the factors considered to have an effect on official processing decisions. Tables 24 through 26 display the results for the bivariate analysis at the disposition or sentencing stage. Similar to the predispositional detention stage, we see significant differences in the percentage of respondents who believe risk and needs assessments are important for influencing official decisions (see Table 24). Judges appear to believe that these assessments are more important than the other stakeholder groups. However, a somewhat similar percentage of probation officers and prosecutors also believe these assessments to be important at this stage. Of all stakeholders, public defenders are least likely to indicate that risk and needs assessments are important for influencing official disposition decisions.

While a youth's age did not appear to be especially important in our analysis for the total sample of stakeholders, the results in Table 24 indicate that it may be important for some stakeholders. For over two-thirds of public defenders, prosecutors, and judges, a youth's age is considered to be an important factor for



**Table 24: Bivariate analysis for the importance of juvenile characteristics on disposition decisions by the respondent's current employment position<sup>a</sup>**

Characteristics of the Juvenile	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
<b>Juvenile Factors</b>						
Juvenile's Demeanor ( <i>n</i> = 363)						
Important <sup>b</sup>	64 (67.4%)	42 (76.4%)	64 (68.1%)	88 (73.9%)	3	2.270
Not Important <sup>c</sup>	31 (32.6%)	13 (23.6%)	30 (31.9%)	31 (26.1%)		
Need Assessment(s) ( <i>n</i> = 342)						
Important	43 (47.8%)	12 (23.1%)	40 (44.9%)	54 (48.6%)	3	10.763*
Not Important	47 (52.2%)	40 (76.9%)	49 (55.1%)	57 (51.4%)		
Time Secure Detention ( <i>n</i> = 352)						
Important	39 (41.1%)	21 (39.6%)	48 (53.3%)	50 (43.9%)	3	3.802
Not Important	56 (58.9%)	32 (60.4%)	42 (46.7%)	64 (56.1%)		
Gender ( <i>n</i> = 359)						
Important	7 (7.4%)	13 (23.6%)	11 (11.8%)	19 (16.4%)	3	8.658*
Not Important	88 (92.6%)	42 (76.4%)	82 (88.2%)	97 (83.6%)		
Risk Assessment(s) ( <i>n</i> = 341)						
Important	38 (41.8%)	18 (35.3%)	46 (52.9%)	68 (60.7%)	3	12.312**
Not Important	53 (58.2%)	33 (64.7%)	41 (47.1%)	44 (39.3%)		
Age ( <i>n</i> = 358)						
Important	44 (46.3%)	36 (67.9%)	60 (63.8%)	74 (63.8%)	3	10.043**
Not Important	51 (53.7%)	17 (32.1%)	34 (36.2%)	42 (36.2%)		
Level of Remorse ( <i>n</i> = 360)						
Important	72 (75.8%)	42 (76.4%)	70 (75.3%)	96 (82.1%)	3	1.856
Not Important	23 (24.2%)	13 (23.6%)	23 (24.7%)	21 (17.9%)		

**Table 24: Bivariate analysis for the importance of juvenile characteristics on disposition decisions by the respondent's current employment position (Continued)<sup>a</sup>**

Characteristics of the Juvenile	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
Academic Performance ( <i>n</i> = 361)						
Important	39 (41.1%)	29 (52.7%)	48 (51.1%)	64 (54.7%)	3	4.280
Not Important	56 (58.9%)	26 (47.3%)	46 (48.6%)	53 (45.3%)		
Peer Associations ( <i>n</i> = 360)						
Important	49 (51.6%)	26 (47.3%)	48 (51.1%)	72 (62.1%)	3	4.591
Not Important	46 (48.4%)	29 (52.7%)	46 (48.9%)	44 (37.9%)		

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

**Table 25: Bivariate analysis for the importance of parent/guardian(s) characteristics on disposition decisions by the respondent's current employment position<sup>a</sup>**

Characteristics of the Parent/Guardian(s)	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
Presence at Intake ( <i>n</i> = 357)						
Important <sup>b</sup>	63 (66.3%)	26 (48.1%)	41 (45.6%)	77 (65.3%)	3	13.118**
Not Important <sup>c</sup>	32 (33.7%)	28 (51.9%)	49 (54.4%)	41 (34.7%)		
Cooperation with Intake Staff ( <i>n</i> = 354)						
Important	69 (71.9%)	33 (62.3%)	45 (49.5%)	83 (72.8%)	3	14.889**
Not Important	27 (28.1%)	20 (37.7%)	46 (50.5%)	31 (27.2%)		
Ability to Supervise Youth ( <i>n</i> = 384)						
Important	89 (93.7%)	49 (90.7%)	87 (92.6%)	108 (91.5%)	3	0.544
Not Important	6 (6.3%)	5 (9.3%)	7 (7.4%)	10 (8.5%)		

\* *p* < .05; \*\* *p* < .01; \*\*\* *p* < .001

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

**Table 26: Bivariate analysis for the importance of offense characteristics on disposition decisions by the respondent's current employment position<sup>a</sup>**

Characteristics of the Offense	Current Employment Position				df	$\chi^2$
	Probation Officer	Public Defender	Prosecutor	Judge		
Use of Weapon ( <i>n</i> = 360)						
Important <sup>b</sup>	84 (88.4%)	45 (81.8%)	88 (94.6%)	109 (93.2%)	3	8.145*
Not Important <sup>c</sup>	11 (11.6%)	10 (18.2%)	5 (5.4%)	8 (6.8%)		
Injury to Victim ( <i>n</i> = 361)						
Important	82 (87.2%)	46 (85.2%)	80 (85.1%)	102 (85.7%)	3	0.213
Not Important	12 (12.8%)	8 (14.8%)	14 (14.9%)	17 (14.3%)		
Value of Property Stolen or Damaged ( <i>n</i> = 378)						
Important	42 (44.2%)	19 (34.5%)	33 (35.5%)	44 (37.3%)	3	2.096
Not Important	53 (55.8%)	36 (65.5%)	60 (64.5%)	74 (62.7%)		

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

Note: ( ) is the percentage within the same current employment status category.

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. Includes "not important", "not too important", and "somewhat important" response categories.

c. Includes "important" and "very important" response categories.

influencing disposition decisions. Less than half of all probation officers believe the age of the youth to be important at this stage. Nonetheless, we should note that our findings from the analysis of official juvenile records found age to be a significant predictor of outcomes at various stages of the juvenile process. Older youths are significantly more likely to receive negative outcomes at each stage of the juvenile process. Similar to the results reported at the predispositional detention stage, a vast majority of all stakeholder groups do not perceive gender to be an important determinant of outcomes (see Table 24). However, a greater percentage of public defenders perceive gender to be an important factor for influencing disposition decisions compared to the other stakeholder groups.

Finally, there are significant differences in the degree to which stakeholders believe parent/guardian's presence and cooperation and the use of a weapon are important at this stage. As shown in Table 25, the presence of a parent or guardian at intake and their cooperation with intake staff are deemed more important by a greater percentage of probation officers and prosecutors compared to the other stakeholder groups. Over sixty percent of probation officers and judges report that a parent/guardian's presence at intake is important for deciding disposition outcomes. Similarly, over seventy percent of probation officers and judges believe that parent/guardian's cooperation with intake staff is important at this stage. With slightly above sixty percent, public defenders are also somewhat likely to indicate that cooperation with intake staff is important. Consistent with the predispositional detention stage, the use of a weapon is deemed important by all stakeholders for

influencing outcomes, but only slightly less important for public defenders (see Table 26).

### *Factors that Influence Perceptions of Racial Disparity among Juvenile Justice Stakeholders*

The following discussion examines the final two research questions proposed for the survey portion of this report. We focus on the identification of factors that influence levels of perceived racial disparity among juvenile justice stakeholders. Our interest is to determine whether the perception of racial disparity varies across various demographic characteristics of stakeholders. Moreover, we also want to determine whether there are geographical differences in the levels of perceived racial disparity among juvenile justice stakeholders.

To address these interests, we employ the two-item measure of racial disparity discussed in the measurement section of this report. The *Perception of Racial Disparity Scale* combines responses to the statements “white offenders are sentenced more leniently than minority defendants convicted of the same offense” and “for the same offense, minorities are referred/petitioned to court more often than whites.” High scores on this scale indicate greater levels of perceived racial disparity among juvenile justice stakeholders.

The results of the one-way analysis of variance (ANOVA) for the perception of racial disparity by various demographic characteristics are shown in Table 27. This analysis assesses whether there is variation in mean levels of perceived racial disparity by selected demographic characteristics of stakeholders. We examine the following demographic characteristics of stakeholders: the stakeholders’ current

**Table 27: One-way ANOVA of perceptions of racial disparity by demographic characteristics**

	Perception of Racial Disparity		
	Mean	SD	N
Current Employment Status			
Probation Officer	2.57	1.15	94
Defense Attorney	4.21	2.27	51
Prosecutor	2.75	1.49	89
Judges	2.84	1.43	118
F-ratio	14.195***		
Years of Experience <sup>c</sup>			
0 to 4	3.03	1.63	77
5 to 9	2.84	1.67	69
10 to 14	3.18	1.93	50
15 to 19	2.67	1.35	46
20 and over	2.90	1.42	91
F-ratio	.731		
Age			
20 to 29	2.61	1.53	23
30 to 39	2.73	1.48	79
40 to 49	2.99	1.62	94
50 and over	3.09	1.73	137
F-ratio	1.180		
Highest Degree Achieved			
High School/Associate's Degree	2.63	1.29	49
Bachelor's (B.A., B.S.)	2.54	1.11	54
Master's (M.A., M.S.)	2.64	1.21	59
Doctorate (J.D., Ph.D., Ed.D.)	3.26	1.87	186
F-ratio	4.884**		
Gender			
Male	2.91	1.58	222
Female	2.99	1.68	119
F-ratio	.198		
Race/Ethnicity			
White	2.86	1.48	327
Nonwhite	4.17	2.73	18
F-ratio	11.963***		

p < .05; \*\* p < .01; \*\*\* p < .001

a. The "other" category in current employment status and all missing cases are excluded from this analysis.

b. The judge category includes referees, magistrates, family court judges, and circuit judges.

c. Years of experience in the field of juvenile justice in West Virginia.

employment status or position, years of experience in the field of juvenile justice in West Virginia, age, highest degree achieved, gender, and race/ethnicity.

The results shown in Table 27 indicate that there are significant differences in levels of perceived racial disparity across the different stakeholder groups. The mean level in the perception of racial disparity is much greater for public defenders in relation to all other types of stakeholders. As a result, public defenders are significantly more likely to perceive the presence of racial disparity in the juvenile justice system than any other stakeholder group.

The findings also demonstrate that the levels of perceived racial disparity are subject to the education levels and race of the individual stakeholders. As the education level of stakeholders increases, so does the perception of racial disparity. Those stakeholders who report a doctoral degree as their highest degree achieved are significantly more likely to perceive racial disparity in the juvenile justice system.<sup>22</sup> All other education levels report similar levels of perceived racial disparity. Likewise, we find that there is a significant difference between white and nonwhite respondents in the degree to which they perceive the presence of racial disparity in the juvenile justice system. Nonwhite stakeholders who work in the juvenile justice system report significantly higher mean levels of perceived racial disparity.<sup>23</sup>

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<sup>22</sup> This category is comprised primarily of stakeholders with J.D.'s. Only one respondent in this sample of stakeholders reported a Ph.D. as the highest degree achieved.

<sup>23</sup> This result should be interpreted with caution due to the small number of nonwhite or minority stakeholders that comprise this sample.



Our assessment of geographic or regional differences in the perception of racial disparity among juvenile court stakeholders begins in Table 28. We are primarily interested in determining whether the relationship between the perception of racial disparity and stakeholder position is the same across different geographic locations. We use two measures to assess the extent to which the perception of racial disparity varies by geographic or regional jurisdictions (see Measurement and Analysis Plan). Table 28 displays the results of a one-way analysis of variance (ANOVA) for the perception of racial disparity by both Metropolitan Statistical Area and judicial district definitions. Both measures are based on the county of employment for each stakeholder.

**Table 28: One-way ANOVA for perception of racial disparity by geographic region and judicial district<sup>a</sup>**

	Perception of Racial Disparity		
	Mean	SD	N
Judicial District <sup>b</sup>			
Northern	2.72	1.35	190
Southern	3.28	1.89	152
F-ratio	10.475***		
MSA County Definition <sup>c</sup>			
Urban	3.32	1.97	130
Rural	2.75	1.35	212
F-ratio	10.200**		
MSA-District County Interaction			
Urban-Northern	2.85	1.50	79
Urban-Southern	4.06	2.35	51
Rural-Northern	2.62	1.22	111
Rural-Southern	2.89	1.47	101
F-ratio	10.245***		

p < .05; \*\* p < .01; \*\*\* p < .001

a. The “other” category in current employment status and all missing cases are excluded from this analysis.

b. Based on the federal judicial districts established by the U.S. Congress.

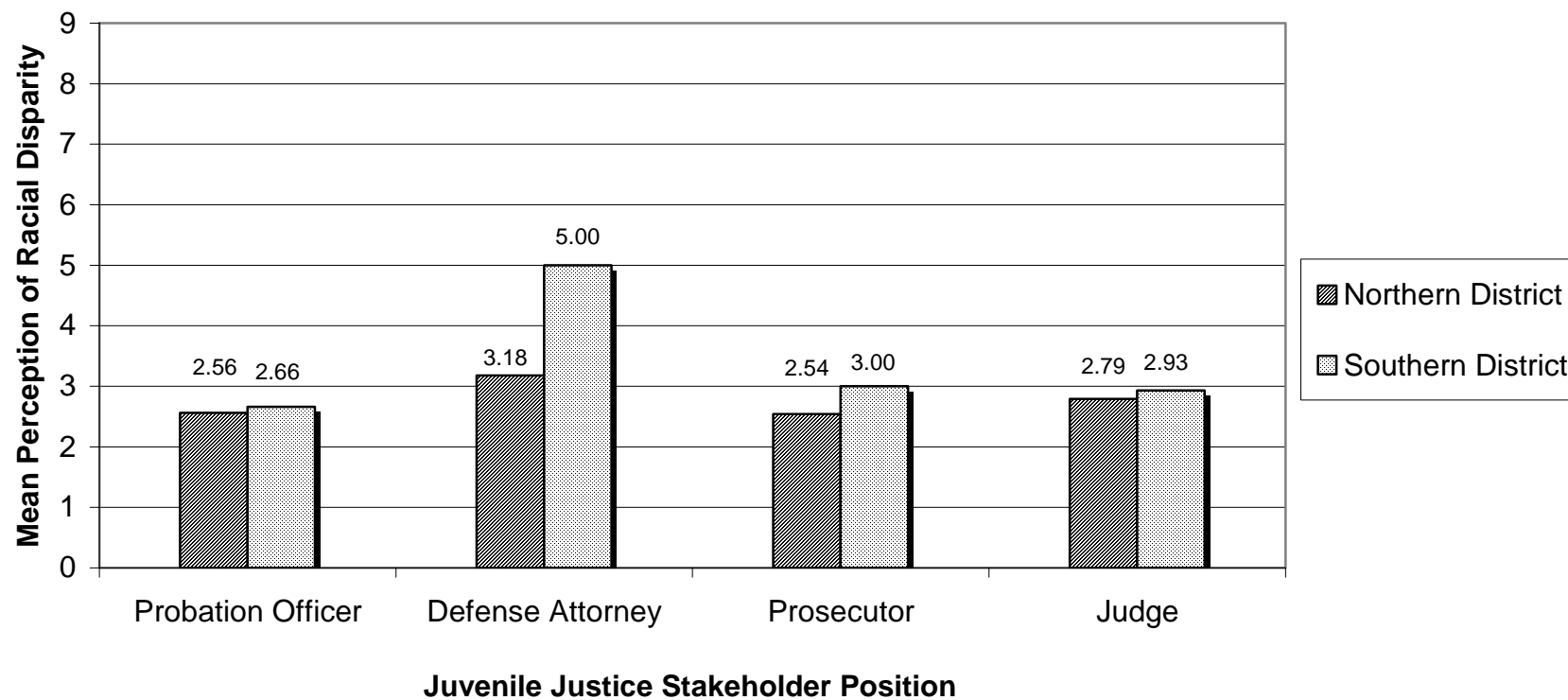
c. Based on the U.S. Office of Management and Budget Standards for Defining Metropolitan and Micropolitan Statistical Areas (MSA’s). Urban counties include Berkeley, Brooke, Cabell, Hancock,

Jefferson, Kanawha, Marshall, Mineral, Ohio, Putnam, Wayne, and Wood. Urban-Southern counties include Cabell, Kanawha, Putnam, and Wayne.

For the total sample of stakeholders, the findings show that significant differences are present in the level of perceived racial disparity based on location or county in which stakeholders work. Stakeholders who work in the southern district report significantly higher levels of perceived racial disparity compared to stakeholders in the northern district. In like manner, there is a significant difference across urban versus rural jurisdictions. Stakeholders who work in urban counties perceive greater levels of racial disparity than stakeholders located in rural jurisdictions. When the MSA and judicial district definitions are combined, we find that stakeholders who work in urban counties located in the southern judicial district are significantly more likely to report higher levels of racial disparity than stakeholders in any other region. As a result, it appears that the perception of racial disparity is significantly influenced by the counties in which stakeholders are employed.

Although these results indicate that there are geographic differences in the perception of racial disparity among stakeholders, the following analyses illustrate where these differences reside. Figures 11 through 13 further examine the relationship between stakeholders' location of employment and their perception of racial disparity. For each type of county classification, we assess whether the mean levels of perceived racial disparity vary by type of stakeholder. We first examine whether differences are present between the two federal judicial districts established by the U.S. Congress. Figure 11 displays the relationship between mean levels of perceived racial disparity by stakeholder position and the northern and southern

**Figure 11: The relationship for the perception of racial disparity by stakeholder position and judicial district<sup>a</sup>**



Note: Probation officer (N = 89), Defense attorney (N = 51), Prosecutor (N = 86), and Judge (N = 116).

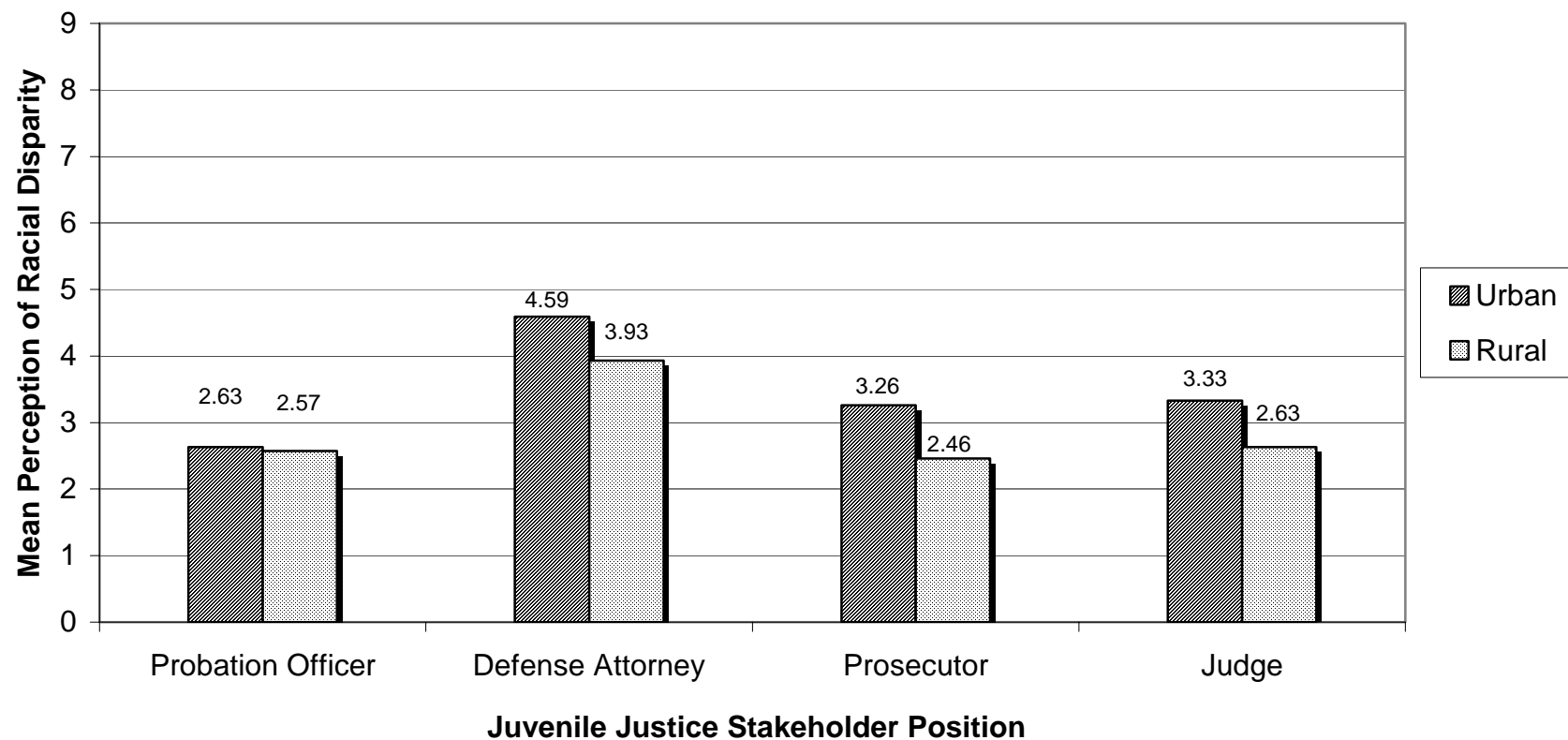
a. The judge category includes referees, magistrates, family court judges, and circuit judges.

federal judicial districts of West Virginia. The results show that respondents in the southern district tend to report higher mean levels of perceived racial disparity compared to the northern district, regardless of stakeholder position. The differences in perceptions of racial disparity are particularly pronounced for prosecutors and public defenders who reside in the southern judicial district.

To some extent, the results presented in Figure 11 support our previous conclusion that public defenders generally perceive greater levels of racial disparity than the other stakeholder groups. However, the findings show that much of this difference is explained by public defenders who work in the southern district. In a comparison of public defenders across the two judicial districts, we see a quite large difference in the perception of racial disparity. Public defenders that practice in the southern district are significantly more likely than public defenders in the northern district to perceive the presence of racial disparity. Yet, we find only slightly greater mean levels of perceived racial disparity between public defenders in the northern district and the other stakeholder groups, regardless of judicial district. To a lesser extent, we also see that prosecutors in the southern district are more likely to report higher levels of perceived racial disparity, compared to prosecutors in the northern district.

Figure 12 examines the difference in the perception of racial disparity by stakeholder position and MSA county definition. For this analysis, we compare the mean level of perceived racial disparity for stakeholders across urban and rural counties. All 55 counties are divided into urban and rural categories based on the U.S. Office of Management and Budget Standards for Defining Metropolitan and

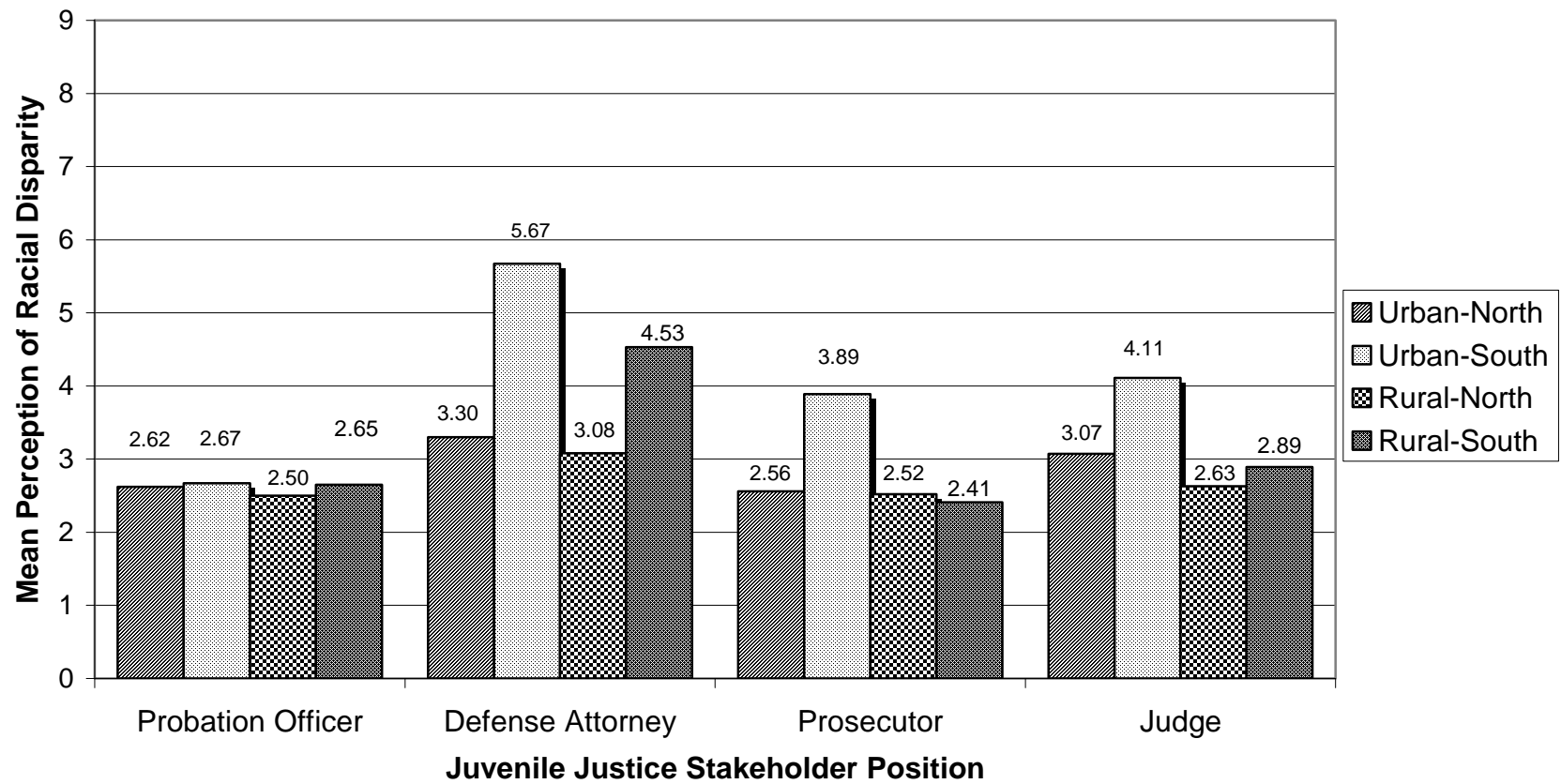
**Figure 12: The relationship for the perception of racial disparity by stakeholder position and MSA county definition<sup>a</sup>**



Note: Probation officer (N = 89), Defense attorney (N = 51), Prosecutor (N = 86), and Judge (N = 116).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

**Figure 13: Relationship for the perception of racial disparity by stakeholder position and MSA-distict county classification<sup>a</sup>**



Note: Probation officer (N = 89), Defense attorney (N = 51), Prosecutor (N = 86), and Judge (N = 116).

a. The judge category includes referees, magistrates, family court judges, and circuit judges.

Micropolitan Statistical Areas (MSA'S). Based on the results presented in Figure 12, levels of perceived racial disparity do vary across urban and rural jurisdictions for most stakeholder groups. With the exception of probation officers, stakeholders who work in urban counties report higher mean levels of perceived racial disparity compared to rural counties.

Figure 13 combines both the MSA and judicial district definitions used to categorize counties by geographic region. As expected, the perception of racial disparity is much greater among stakeholders who work in urban jurisdictions which are also located within the southern judicial district. Public defenders, prosecutors, and judges who work in urban counties located in the southern judicial district report higher levels of racial disparity. Interestingly, regardless of whether a public defender works in an urban or rural area, those public defenders who work in a southern district are much more likely to perceive the presence of racial disparity. As a result, it appears that the judicial district in which public defenders work has the greatest impact on their levels of perceived racial disparity.

The impact of judicial district is not as important as the urban versus rural county distinction for prosecutors and judges. For these stakeholders, the urban-rural distinction rather than judicial district comparisons has the greatest influence on levels of perceived racial disparity. Only those prosecutors and judges who work in urban counties located in the southern judicial district tend to report higher levels of racial disparity. Those prosecutors and judges who work in rural counties located in the same southern district do not report higher levels of perceived racial disparity. As a consequence, these findings suggest that it is the urban location -- not the judicial

district -- that impacts the perception of racial disparity among prosecutors and judges.

Finally, the results of a two-way analysis of variance for the relationship between the perception of racial disparity, stakeholder position, and geographic region are shown in Table 29. The purpose of this analysis is to confirm the influence of stakeholder position and regional differences on the perception of racial disparity. In addition, we are interested in testing whether an interaction effect is present between these variables. The presence of an interaction effect would suggest that the relationship between stakeholder position and perceived racial disparity is contingent upon the judicial district or type of county that stakeholders serve. Our previous results suggested that we should expect the mean levels of perceived racial disparity to vary by stakeholder position, judicial district, and MSA classifications. This analysis tests the significance of the main effects of stakeholder position, judicial district, and MSA classification and whether an interaction effect is present between each.

The results presented in Table 29 indicate that there are significant main effects for stakeholder position, judicial district, and MSA county definition on levels of perceived racial disparity. In other words, these findings confirm that the perception of racial disparity does in fact vary by type of stakeholder, judicial district, and MSA county definition. As shown in our previous analysis, public defenders are more likely to perceive the presence of racial disparity than other stakeholders. In addition, we know that stakeholders in urban counties and located in the southern judicial



**Table 29: Two-way ANOVA for the relationship between perception of racial disparity stakeholder position, and geographic region<sup>a</sup>**

Model	Perception of Racial Disparity		
	df	F-statistic	P-value
<b>Model 1: Northern-Southern Judicial District<sup>b</sup></b>			
Main Effects:			
Stakeholder position	3	11.463	.000
County District	1	13.147	.000
Interaction:			
Stakeholder position x county district	3	4.167	.006
<b>Model 2: Urban-Rural County Definition (MSA)<sup>c</sup></b>			
Main Effects:			
Stakeholder position	3	13.457	.000
MSA county definition	1	9.942	.002
Interaction:			
Stakeholder position x MSA county definition	3	1.035	.377
<b>Model 3: MSA-District County Interaction</b>			
Main Effects:			
Stakeholder position	3	11.897	.000
MSA-District county interaction	3	9.873	.000
Interaction:			
Stakeholder position x MSA-District county	9	1.907	.050

a. The “other” category in current employment status and all missing cases are excluded from this analysis.

b. Based on the federal judicial districts established by the U.S. Congress.

c. Based on the U.S. Office of Management and Budget Standards for Defining Metropolitan and Micropolitan Statistical Areas (MSA’s). Urban counties include Berkeley, Brooke, Cabell, Hancock, Jefferson, Kanawha, Marshall, Mineral, Ohio, Putnam, Wayne, and Wood. Urban-Southern counties include Cabell, Kanawha, Putnam, and Wayne.

district tend to report higher levels of perceived racial disparity. These results suggest that these differences are statistically significant.

Table 29 further indicates the presence of two significant interaction effects.

Model 1 tests for an interaction between stakeholder position and judicial district.

The results show a significant interaction between type of stakeholder and judicial district. This finding is consistent with the results reported in Figure 11. This result suggests that the level of perceived racial disparity among stakeholders is

conditioned by the judicial district in which they work. As shown in Figure 11, this effect is especially pronounced for public defenders. Public defenders in the southern district report much greater levels of perceived racial disparity than public defenders located in the northern district. The results shown in Table 29 also indicate that the interaction between stakeholder position and the MSA-district county interaction variable we constructed is significant at the .05 probability level (Model 3). These findings imply that the perception of racial disparity among stakeholders is influenced by both the judicial district and type of county in which they work. As may be recalled from Figure 13, a majority of stakeholders who work in the southern district and in an urban county tend to report higher levels of perceived racial disparity. These results substantiate the conclusion that there are geographical differences in the perception of racial disparity among juvenile court stakeholders.

## **CHAPTER 5**

### **DISCUSSION AND CONCLUSIONS**

This research provided a comprehensive examination of racial disparity in the juvenile justice system. Our investigation involved the systematic study of official juvenile court or probation records and a statewide survey of juvenile justice stakeholders. Part I of this report focused on the impact of race on decision-making at multiple stages of the juvenile process. Based on a sample of 12,561 individual youth referred to juvenile probation between the period of January 1, 2000 and December 31, 2002, this research sought to determine the importance of race for influencing official juvenile court decisions after controlling for relevant legal and extralegal characteristics of youth. Part II of this report assessed the extent to which juvenile justice stakeholders perceived the presence of racial disparity in the system and how their perceptions varied by various demographic characteristics. From the juvenile court stakeholders' view, our survey also explored the offender and offense characteristics deemed to be most important for influencing case outcomes.

This chapter provides a summary and discussion of the major findings presented in this report. Using the results of our analysis of official juvenile court records and stakeholder surveys, we also highlight some potential implications of this research. We further point to considerations for future directions in research on the issue and juvenile justice in West Virginia. Based on our assessment of official juvenile records, we begin with an overview and discussion of the major findings of the study and discussion of potential implications. This is followed by an overview of the results based on the survey portion of this report.

### *Analysis of Official Juvenile Records: Discussion of the Results*

The results of the official data analysis point to a variety of potential implications for the juvenile justice system in the handling of minority cases. In some instances, our findings revealed considerable demographic and sociodemographic differences between white and nonwhite youths at the point of intake. Although far from conclusive, these results revealed that there may be fundamental differences in the backgrounds and needs of youths referred to the juvenile justice system. In the same regard, our findings denoted significant differences in the legal histories and offending patterns of white and nonwhite youths referred to the system. As a consequence, our results further showed that the differences in legal characteristics of youth had a tremendous impact on what happens to juveniles as they progressed through the successive stages of the juvenile process.

Nevertheless, in spite of the social and legal differences between white and nonwhite youths, it also seems apparent that once a youth has been referred to juvenile intake, his or her race begins to exert an influence on many of the official decisions that take place. Although our analysis stops far short of offering a complete rationale for the *mechanisms* that permit race to influence these official decisions, we can conclude that race is a significant predictor of outcomes at multiple stages of the juvenile justice process. This conclusion remains true even after we control for significant differences between white and nonwhite youths in terms of the frequency and severity of prior offending and the seriousness of the current offense.

Our assessment of official juvenile records began with a series of descriptive analyses that highlighted basic differences in the characteristics of youths referred to juvenile probation. Research has consistently demonstrated that minority youth are overrepresented at the point of intake as well as at the latter stages of the juvenile process (Hamparian, 1997; Pope and Feyerherm, 1990; Pope, Lovell, and Hsia, 2002). We also found differences in the proportion and characteristics of white and nonwhite youths referred to juvenile intake.

In terms of the proportion of referrals to juvenile intake, we discovered that minority youth appeared to be overrepresented by approximately 2.0% - 3.0% in relation to their proportion in the general population. Based on 2000 U.S. Census figures, minority youth (ages 18 and under) are estimated to comprise approximately only 7.0% of the total population of youth in WV, compared to non-Hispanic white youth at 93.0%. Yet, nonwhite youths comprised approximately 9.0% - 10.0% of our sample of youths referred to juvenile intake between January 1, 2000 and December 31, 2002. Of this 9.0% - 10.0% of minority youths referred to intake, black youths comprised 7.0% - 8.0% of the sample while other racial groups constituted slightly less than 2.0%. As noted previously, African-American youths below the age of 18 years comprised less than 5.0% of the overall minority population in West Virginia (The Annie C. Casey Foundation, 2003). These results implied that minority youths were referred to juvenile probation at a higher rate than their white counterparts.

There were also significant differences between white and nonwhite youths referred to juvenile intake on various demographic, sociodemographic, and legal characteristics. For example, we found that nonwhite youths were more likely to be

from single parent homes and be placed in educational settings that are not considered mainstream. Over fifty percent (50.4%) of nonwhite youths referred to juvenile probation during the study period came from single parent homes. Likewise, a smaller percentage of nonwhite youths are enrolled in a mainstream educational setting. Slightly less than fifty-percent (49.9%) of nonwhite youths reported being enrolled in a mainstream educational setting at the time of intake, compared to two-thirds (63.2%) of all white youths. Lastly, nonwhite youths were more likely to be younger at the time of the offense and intake. Nonwhite youths between the ages of 11 and 12 years of age made up over eleven percent of all nonwhite youths referred to juvenile probation, compared to only 8.0% of white youths.

In addition, we found clear differences in the prior record and current offense characteristics of youths referred to juvenile intake. A greater percentage of nonwhite youth had been arrested, adjudicated, and served a prior sentence of probation compared to white youths. In addition, nonwhite youths were more likely to have a prior complaint history. In fact, nonwhite youths referred to juvenile probation were nearly four times as likely to have a prior arrest, two times as likely to have a prior adjudication for delinquency and have served a period on probation. In addition, nonwhite youths tended to be referred to juvenile probation for more serious delinquent offenses compared to white youths. While nonwhite youths were less likely to be referred to juvenile probation for a status offense, they were more likely to be referred for a violent and felony offense. Based on the most serious offense committed at the time of each youth's last referral, nonwhite youths were significantly more likely to have committed a misdemeanor or felony offense,

compared to a status offense. Nonwhite youths were significantly less likely than white youths to have been referred to juvenile probation for a status offense.

When the above findings are considered together, it seems quite clear that nonwhite youths differ significantly from their white counterparts. Nonwhite youths are referred at a higher rate to juvenile probation, for more serious offenses, with more severe prior records, and at a younger age. In addition, minority youths are more likely to come from single parent homes and be enrolled in alternative forms of education. These findings seem to suggest that nonwhite youths represent a higher risk group with greater needs. There is ample evidence to suggest that delinquency is associated with such factors as poor school performance and broken homes (Hawkins, Laub, and Lauritsen, 1998; Huizinga and Jakob-Chien, 1998; Farrington and Loeber, 1999; Wells and Rankin, 1991).<sup>24</sup> Although an examination of the relationship between these factors and delinquency was beyond the scope of this report, our findings clearly indicate that a greater proportion of nonwhite youths were from single parent homes and not enrolled in a mainstream education setting at the time of intake. Thus, efforts to reduce the frequency and seriousness of offending and the referral of nonwhite youths to the juvenile justice system should consider addressing these factors.

Our examination of official juvenile records also examined the role of race at four distinct stages of the juvenile justice process. These stages included the intake or

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<sup>24</sup> Although there is ample evidence to suggest that family structure is an important risk factor in delinquency, there is some current debate on this topic. Recent research has noted that familial conflict, disruptive parenting practices, and the antisocial personality of parents may be equally important for explaining delinquency (Capaldi and Patterson, 1991; Rutter, Giller, and Hagell, 1998).

informal disposition stage, the predispositional detention stage, the adjudication stage, and the formal disposition stage. We first conducted descriptive analyses that highlighted the differences in the treatment at each successive stage. Although this study was primarily interested in assessing the effects of race, we believe it is also important to note we found other demographic factors as well as legal characteristics of youths to be important for influencing disposition outcomes. Clearly, the frequency and severity of a youth's prior record and current offense were among the strongest and most consistent predictors of disposition outcomes at each stage of the juvenile justice process. Thus, we can conclude that legal factors are very important for determining what happens to youth as they progress through the system. In addition, a youth's age and gender were also found to be important predictors of most outcomes at each stage. In many instances, older males tend to be treated more harshly at each stage of the process.

This research further revealed that race was a significant factor for influencing outcomes at every stage. Depending on the stage in the process, we found race to have both direct and indirect effects on disposition outcomes. Based on the results of descriptive and bivariate analyses, we discovered that a greater percentage of nonwhite youths received harsher dispositions at the informal disposition, predispositional detention, and formal disposition stages. As a result, a disproportionate number of minorities received more harsh treatment at both the initial and later stages of the juvenile justice process. For example, 52.8% of nonwhite youths referred to intake did not receive an opportunity to resolve their cases in an informal manner, compared to 47.2% of white youths. At the



predispositional detention stage, 7.3% of nonwhite youths were detained in a secure detention facility prior to adjudication, compared to only 2.8% of white youths. At the formal disposition stage, we found nonwhite youths were much more likely to have received a sentence of confinement or to have their cases transferred to adult court. In fact, nonwhite youths were sentenced to secure confinement or transferred to adult court at a rate two and a half times that of white youths.

Although minorities tend to receive more harsh dispositions at these three stages, this did not appear to be the case at the adjudication stage. Instead, nonwhite youths were more likely to have their cases dismissed at the adjudicatory hearing while white youths were more likely to be adjudicated as a status offender or delinquent. As a result, a greater percentage of white youths were formally adjudicated and found to be a status offender or delinquent at this stage. Our results revealed that 54.6% of white youths underwent a formal adjudication process and were judged to be a status offender or delinquent, compared to 49.0% of nonwhite youths.

To ascertain whether these findings would remain consistent after taking into account the differences in legal history and current offense characteristics of youths referred to juvenile intake, we also estimated multivariate models at each stage of the juvenile justice process. The use of a multivariate analysis allowed us to hold constant the differences in prior record and current offense characteristics of white and nonwhite youths and assess both the direct and indirect effects of race at multiple stages of the juvenile justice process. In addition, our analysis went beyond the examination of simple additive models or main effect models by exploring

potential interaction effects that may obscure potential race effects in disposition outcomes. Our examination began with an assessment of the impact of race and other control variables at the informal disposition stage.

The results at the informal disposition stage were mixed. The main effects model at the informal disposition stage indicated that race was a significant factor in determining two outcomes. We found that nonwhite youths were significantly more likely to have their cases closed or the complaint withdrawn compared to receiving no informal disposition, but significantly less likely to be placed on informal supervision probation. The odds of nonwhite youths having their cases closed or the complaint withdrawn was 21.5% greater than receiving no informal disposition. This translated into nearly a 5.0% increase in the probability of having their cases closed compared to receiving no informal disposition. On the other hand, race was also a significant factor in determining whether a juvenile would receive a period of informal supervision through probation. Nonwhite youths were significantly less likely to be given an opportunity to complete a period of informal probation supervision. Our analysis found that nonwhite youths were 30.4% less likely to receive this type of informal disposition.

In addition, two significant interaction effects were present at the informal disposition stage. Our analysis indicated that the effect of race on having a case closed or complaint withdrawn and being referred to a community agency or DHHR was conditioned by the seriousness of the current offense. As a result, the effect of race on these two outcomes differed based on the severity of a youth's current offense. In short, we found that nonwhite youths were more likely than white youths

to receive an informal disposition for status offenses, but less likely to have their cases withdrawn or be referred to a community agency for misdemeanor and felony offenses.

For instance, our results showed that nonwhite youths referred to juvenile probation for a status offense had a 53.0% probability of having their case closed or withdrawn rather than being referred for formal processing, compared to only a 44.0% chance for white youths. However, the difference in the treatment of white and nonwhite youths was much less for felony and misdemeanor offenses. In the case of felony offenses, nonwhite youths had a 5.3% probability of having their case closed or withdrawn compared to 6.3% of white youths. In terms of referral to a community agency or DHHR, we found that white youths had 16.6% greater chance of receiving a referral when they were charged with a misdemeanor or felony offense (rather than a status offense), compared to only an 11.1% probability for nonwhite youths. As a result, when nonwhite youths failed to get their cases resolved or withdrawn, they were significantly less likely to get an informal disposition to their case, especially when their current offense was a misdemeanor or felony.

The impact of nonwhite youths being less likely to receive informal dispositions for misdemeanor and felony offenses may be further exacerbated at the predispositional detention stage. At the predispositional detention stage, we found that nonwhite youths were significantly more likely to be detained prior to adjudication. In fact, our results indicated that nonwhite youths had greater than 2 to 1 odds of being detained prior to adjudication in a detention center once the effects of offense severity and prior record were held constant. This result translated into a

20.3% increase in the probability of receiving a predispositional detention for nonwhite youths. There were no significant two-interaction effects between race and the other variables in the model at the predispositional detention stage.

Thus, nonwhite youths were significantly less likely to receive an informal disposition and more likely to be detained prior to the adjudication stage. Moreover, our findings suggested that many nonwhite juveniles did not receive an informal disposition and were detained prior to adjudication, only to have their cases dismissed at the adjudication stage. Although the reasons are not clear, an examination of the direct effects of race at this stage revealed that nonwhite youths were significantly more likely to have their cases dismissed rather than be adjudicated. In fact, we discovered that nonwhite youths were 45.9% less likely to be adjudicated NOT status offender or delinquent, 49.1% less likely to be successfully adjudicated as a status offender, and 43.6% less likely to be successfully adjudicated as a delinquent compared to having their cases dismissed. As a result, the odds of adjudication for nonwhite youths were almost half that of having their cases dismissed at this stage. These findings were significant even after controlling for the effects of prior record, current offense, and detention status.

Despite the fact that the direct effects of race favored nonwhite youths at the adjudication stage, there may still be a significant indirect effect of race on disposition outcomes. Based on the multivariate results at this stage, our results clearly indicated that a youth's detention status was especially important for influencing disposition outcomes at this stage. We found that being detained prior to adjudication significantly increased the odds of going through the adjudication

process and being judged to be a status offender or a delinquent. Regardless of a youth's race, juveniles detained prior to adjudication were three and a half times more likely to be exposed to the adjudication process, three times more likely to be adjudicated as a status offender, and two and a half times more likely to be adjudicated as a delinquent. Since nonwhite youth were more than twice as likely to be detained prior to adjudication, we suspect that race may be working indirectly through detention status.

Our results further indicated that some of the effects of race at this stage may be conditioned by current offense severity. We found that the effect of current offense on the likelihood of being adjudicated not status offender or delinquent and having a case dismissed may be dependent on race. As a result, white and nonwhite youths appeared to be treated differently depending on the seriousness of their current offense. In particular, our findings showed that white and nonwhite youths were treated differently for both status and felony offenses, but treated similarly for misdemeanor offenses. Consistent with the main effect models at this stage, nonwhite youths were treated more favorably than white youths. For example, nonwhite youths had a 47.0% chance of having their cases dismissed when the most serious current charge was for a status offense, compared to 32.0% chance for white youths. Likewise, when the most serious current offense was a felony offense, nonwhite youths had a 47.0% probability of having their case dismissed, compared to only a 21.0% chance for white youths.

It is not entirely clear why nonwhite youths were treated more harshly at the beginning stages of the process only to have their cases dismissed at the

adjudication stage. Perhaps the informal and prompt nature of the decision-making process at the earlier stages does not allow for ample scrutiny of individual cases. Then again, this finding may be the product of many judges taking into consideration the time spent in predispositional detention as “time served” for lesser offenses. Since nonwhite youths were significantly more likely to be placed in detention prior to the adjudication stage, it seems likely that the rate and likelihood of dismissal would be greater for nonwhite youths based on this assumption. Nevertheless, this finding is somewhat consistent with prior research on racial disparity in the juvenile justice system. Although most studies do not indicate that nonwhites receive more favorable treatment at this stage, some researchers have found that disparity did not seem to occur at the adjudication stage, despite being present at other stages of the process (Bishop and Frazier, 1996; Greenfeld, 1999; Leonard and Sontheimer, 1995; Poupart, 1995).

Unfortunately, for nonwhite youths who do not get their cases dismissed at the adjudication stage, it seems clear that they are significantly more likely to receive a sentence to DJS custody. Our multivariate results at the formal disposition stage indicated that nonwhite youths who do not have their cases dismissed at the adjudication stage are often sentenced to much harsher punishments than white youths. Although nonwhite youths were no more likely than white youths to be placed in DHHR custody or be sentenced to probation, we found that nonwhite youths were significantly more likely to be sentenced to a secure corrections facility.

After controlling for the effects of legal and other extra-legal factors, nonwhite youths were nearly twice as likely as white youths to be sentenced to DJS custody

or be transferred to adult court. White youths were 53.7% less likely to receive a sentence to DJS or be transferred to adult court than nonwhite youths under the same conditions. As a result, race can be said to have a significant direct effect on the likelihood of receiving a sentence to secure confinement. Our results also showed that older males were significantly more likely than females and younger juveniles to receive a sentence to DJS custody at the formal disposition stage.

Similar to the results at the adjudication stage, our findings further revealed that prior detention status had a tremendous impact on judicial decision-making at this stage. Youths detained prior to adjudication were over *eight times* more likely to be referred to DHHR or be placed in DHHR custody, over *four times* more likely to be sentenced to probation, and over *fourteen times* more likely to be placed in DJS custody or transferred to adult court. Again, this amounts to a substantial indirect effect of race on dispositions at this stage. Since nonwhites were significantly more likely to be detained prior to adjudication, it is clear that the implications for the predispositional detention decision are disproportionately greater for minority youths. As a consequence, we found not only a direct relationship between race and disposition outcomes at this stage, but an indirect effect that operates through the predispositional detention decision. The following discussion provides an overview of the results for the survey portion of this report.

#### *Juvenile Court Stakeholders Survey: Discussion of the Results*

Although many studies have researched the issue of racial disparity and found differences in the treatment of white and nonwhite youths, far fewer studies have examined the mechanisms by which racial differences become important for

influencing juvenile justice decisions. There is some evidence that suggests the perceptions of court officials may contribute to differences in processing between white and nonwhite cases (Bridges and Steen, 1998; Tonry, 1995). As a result, fundamental differences in how juvenile court stakeholders perceive white and nonwhite youths may, in turn, impact the professional judgments of court officials when deciding how to dispose of juvenile cases. Therefore, it is important to better understand how juvenile justice stakeholders perceive the presence of racial disparity in the system as well as the factors they believe are important for ultimately deciding the outcomes of cases.

To examine these issues, a self-administered survey was mailed to juvenile justice stakeholders throughout the State of West Virginia. The data obtained from the “*Survey of Juvenile Court Stakeholders in West Virginia 2003*” was used to examine stakeholders’ perceptions of racial disparity in the juvenile justice system. In addition, we explored a variety of the offender and offense characteristics and their relative importance for influencing decision-making among juvenile court officials. Our final dataset consisted of a representative sample of 432 juvenile court officials that included judges, prosecutors, public defenders, and probation officers.

The survey was designed to measure not only the extent to which differential treatment of minorities was perceived by juvenile court stakeholders, but also the personal observations and experiences of court officials. The purpose was to better understand stakeholders’ perceptions of case processing differences between white and nonwhite youths and the characteristics of cases that stakeholders deemed to be important for influencing case outcomes. Thus, part of our analysis focused on an



examination of offender and offense characteristics and the extent to which stakeholders considered them to be most important for influencing the outcomes of cases referred to the juvenile justice system. We begin with a review of the findings that pertain to overall perceptions of racial disparity among juvenile justice stakeholders.

The survey analysis began with an examination of the general perceptions of racial disparity among the total sample of juvenile justice stakeholders. Central to the notion of racial disparity is the idea that white and nonwhite youths are treated differently for similar types of offenses. We asked stakeholders to report the extent to which they perceived race as influencing decisions applicable to sentencing, court referral, and informal dispositions. In addition, respondents were asked to report on whether they believed levels of racial bias had changed over the past three years.

In general, we can derive three conclusions about the general perceptions of racial disparity among juvenile justice stakeholders. First, although most stakeholders did not believe it was a common occurrence in the juvenile justice system, a notable percentage of respondents reported that they believed racial disparity did exist in the system. In fact, approximately one-quarter of all probation officers, prosecutors, and judges reported that they perceived the presence of racial disparity in the system. Of these stakeholders, probation officers were least likely to perceive the presence of racial disparity in the juvenile justice system. Over ten percent of prosecutors (11.2%) and judges (11.8%) indicated that minority youths were referred to court more frequently than white youths for the same offense at least “sometimes.” This was compared to only 5.2% of probation officers.

We also found that roughly thirty percent of all probation officers (29.5%), prosecutors (32.2%), and judges (30.0%) indicated that informal dispositions are more common for white offenders. Although a majority of these stakeholders reported that this “seldom” occurs, just below fifteen percent of prosecutors (13.3%) and judges (13.2%) stated informal dispositions are more common for white offenders at least “sometimes.” Over four percent (4.2%) of all probation officers indicated that informal dispositions are “usually” or “always” more common for white offenders.

Second, we can also conclude that the extent to which public defenders perceive the presence of racial disparity differs considerably from other stakeholders in the system. As discussed later in this chapter, we further found that public defenders tended to report much different personal experiences and observations related to racial bias and decision-making in the system. Public defenders were much more likely than other stakeholders to perceive the presence of racial disparity in sentencing, court referrals, and the granting of informal dispositions. For instance, while over three-quarters of probation officers, prosecutors, and judges reported that white youths “never” received more lenient treatment than minority youths, less than half of all defense attorneys respond in a similar fashion. Only 45.3% of defense attorneys indicated that white youths “never” receive more lenient treatment than minority youths for the same offense. Instead, 54.7% of public defenders reported that white youths get sentenced more leniently than nonwhite youths for the same offense. In the same regard, nearly sixty percent (58.9%) stated that minority youths were referred or petitioned to court more often than white youths and over sixty

percent (61.6%) reported that informal dispositions were more common for white offenders.

Although perceptions are important for estimating the presence of racial disparity, a more direct measure may be obtained through an examination of the personal experiences and observations of juvenile justice stakeholders. Thus, we asked respondents to report on behaviors that they had directly witnessed over the past three years while working in the juvenile justice system. We found that over ten percent of all respondents have directly witnessed race influence official decisions made by each type of stakeholder. That is, over 10.0% of all juvenile justice stakeholders had observed racial bias on the part of probation officers, public defenders, prosecutors, and judges. Our findings revealed that between 11.0% and 14.0% of all survey respondents had directly observed racial or ethnic bias influence official decisions made by juvenile justice officials.

To an even greater extent, our results further suggested that many stakeholders are exposed to racial slurs and jokes in the workplace. Although a majority of respondents reported that they “never” directly heard racial slurs or jokes used by any juvenile justice stakeholders over the past three years, these behaviors do appear to take place in the work environment. Over twenty percent (22.4%) of survey respondents reported that they had heard a public defender use racial or ethnic slurs. Similarly, 16.4% of respondents reported that they had heard a judge use racial or ethnic slurs. In addition, our results suggested that racial jokes were even more common in the workplace. Over thirty percent (34.9%) of respondents stated that racial jokes had been made in their presence by a public defender in the

past three years. Meanwhile, over twenty percent (20.2%) of respondents asserted that they had heard racial jokes made in their presence by a prosecutor.

Throughout this study, we sought to examine both the presence and the perception of racial disparity at different stages of the juvenile justice process. In accordance with this objective, we assessed stakeholders' perceptions of racial disparity at multiple stages of the juvenile justice process. We were also interested in identifying the stages of the juvenile justice process thought to be most susceptible to racial bias by juvenile court officials. Thus, respondents were asked to indicate whether or not they believed race influences juvenile justice processing decisions for each stage.

Although our official analysis clearly indicated that race was predictive of many outcomes at multiple stages of the juvenile justice process, most stakeholders did not believe race influenced official decisions at any of the juvenile justice process stages. Less than fifteen percent of all stakeholders felt that race impacted official decision-making, regardless of the juvenile justice stage. Yet, the survey findings pointed to the earlier stages of the process as being most susceptible to racial bias. Over twelve percent (12.6%) of stakeholders felt that race was an important factor for influencing decisions at the intake stage. In the same regard, 10.0% of survey respondents indicated race may impact official decisions at the predispositional detention stage. These points in the process were closely followed by the formal disposition stage (8.6%), the informal disposition stage (7.6%), and the adjudication stage (6.7%).

In a related question, juvenile justice stakeholders were simply asked which stage of the juvenile justice system they believed to be “most susceptible” to unfair treatment of minorities. Of those who indicated that a particular point in the process may be susceptible, a greater percentage of stakeholders reported that the intake stage was most susceptible to racial bias. Nearly thirty percent (27.1%) of juvenile justice stakeholders felt that the intake stage was most susceptible to the influence of race. A much smaller percentage of stakeholders thought the predispositional detention and the formal disposition stages were most susceptible to racial bias. Thus, these findings imply that the early stages of the juvenile justice process, and in particular the intake stage, are perceived to be most predisposed to racial bias. As noted above, our analysis of official juvenile court records indicated that race in fact determines outcomes at both the initial and later stages of the process.

As noted in our review of the literature, some prior research suggests that the overrepresentation of nonwhites in the juvenile justice system may be somewhat attributable to institutional racism or the use of criteria other than race that disproportionately impacts minority youths (Bishop and Frazier, 1996). That is, factors such as family support and cooperation may constitute a third factor that disproportionately impacts the processing of minority cases and, thereby, results in disparity. Using prior research as a foundation, we wanted to examine the extent to which various offender and offense characteristics were deemed to be important for deciding case outcomes from the stakeholders’ point of view. We wanted to know whether these factors were consistent across two decision-making points (e.g., both

the predisposition detention and the disposition decisions) and between the different types of stakeholders.

For the most part, we found a great deal of consistency in the offender and offense characteristics considered to be most and least important at the predispositional detention and disposition stages. Our results showed that the use of a weapon, the extent of injury to the victim, and ability of parents to adequately supervise the youth were regarded as being most important for influencing case outcomes at both decision points. Over ninety percent of all juvenile justice stakeholders indicated that the ability of parents to supervise youth and the use of a weapon were important for impacting official decisions. In addition, a large majority of stakeholders indicated that such factors as parents' cooperation with intake staff and the juvenile's demeanor or level of remorse can influence official decisions.

The offender and offense characteristics thought to be least important included a youth's gender, scores on needs assessments, time spent in detention, and the value of property stolen or damaged. In particular, two of these factors appeared to contradict the results obtained in the analysis of official juvenile records. As you may recall for the analysis of JJDB records, both gender and detention status were rather consistent and sometimes robust predictors of outcomes at each stage of the juvenile justice process.

Our results also showed that there was some variation between stakeholders and their evaluation of the factors thought to be most important for influencing case outcomes. For instance, we found significant differences among stakeholders in their evaluation of the importance for juvenile demeanor, needs assessments, gender,

and risk assessments. Although a juvenile's demeanor was deemed to be important at both stages for the total sample of stakeholders, our findings revealed that a greater percentage of public defenders compared to any other stakeholder group believed this factor to be important. Likewise, judges and prosecutors seemed to consider risk assessments to be more important than the other stakeholder groups. Approximately fifty percent of judges (57.9%) and prosecutors (46.0%) reported risk assessments to be important, compared to one-third (36.2%) of probation officers and one-quarter (22.2%) of public defenders.

We also found significant differences among juvenile justice stakeholders in terms of the factors at the disposition stage. For over two-thirds of public defenders, prosecutors, and judges, a youth's age was considered to be an important factor for influencing disposition decisions. Yet, less than half of all probation officers believed the age of the youth was important at this stage. Interestingly, a vast majority of all stakeholder groups also did not believe gender was an important determinant of disposition outcomes. Of all four groups of stakeholders, public defenders were only slightly more likely to believe that a youth's gender had an impact on outcomes.

Again, these findings seem to conflict with our results from the analysis of juvenile records. Both age and gender were significant predictors of many outcomes at multiple stages of the juvenile process. In fact, males had 45.2% greater odds of being detained prior to adjudication and were over two times more likely to be sentenced to DJS custody at the formal disposition stage. In like manner, the odds of receiving a pre-adjudicatory detention increased by 36.4% for each year a youth

grew older. The odds of being sentenced to secure confinement at the formal disposition stage increased by 62.3%.

Our final set of analyses focused on the assessment of various demographic factors and their relationship to stakeholders' perceptions of racial disparity. We sought to determine whether the level of perceived racial disparity was influenced by such factors as stakeholders' current employment position, age, gender, education level, and so forth. At the same time, we were also interested in knowing whether stakeholders who work in different regions of the State were more or less likely to perceive the presence of racial disparity in the juvenile justice system.

Our findings showed that levels of perceived racial disparity were subject to the stakeholders' current employment position, education level, race, and region or county of employment. Consistent with other findings in this report, we found the level of perceived racial disparity among public defenders was significantly greater than that of all other stakeholder groups. That is, public defenders were more likely than probation officers, prosecutors, and judges to perceive the presence of racial disparity. In like manner, the perception of racial disparity tended to vary by education level and the race or ethnicity of juvenile court officials. Those stakeholders who reported a doctoral degree as their highest degree achieved had significantly higher mean levels of perceived racial disparity. There were no significant differences in the mean level of perceived racial disparity among other education levels. Although our sample was comprised of few minorities, we also found a significant difference between white and nonwhite respondents and the degree to which they perceived the presence of racial bias in the system. Nonwhite



stakeholders who work in the juvenile justice system reported significantly higher mean levels of perceived racial disparity.

Furthermore, our findings revealed that the extent to which these stakeholders perceived racial disparity was affected by the location or county where they were employed. We conducted comparisons between urban and rural counties as well as southern and northern judicial districts. Our results showed that there were significant differences across both urban versus rural counties and judicial districts. We found that stakeholders who worked in urban counties perceived greater levels of racial disparity than stakeholders located in rural jurisdictions. In like manner, we found that stakeholders who were employed in the southern district reported significantly higher levels of perceived racial disparity compared to stakeholders in the northern district. As a result, stakeholders located in urban-southern areas were significantly more likely to perceive the presence of racial disparity in the juvenile justice system.

However, we were also interested in determining whether the relationship between the perception of racial disparity and stakeholder position was the same across different geographic locations. Our results indicated that respondents in the southern district tended to report higher mean levels of perceived racial disparity compared to the northern district, regardless of stakeholder position. However, the differences in perceptions of racial disparity were particularly pronounced for prosecutors and public defenders who resided in the southern judicial district. Thus, public defenders that practiced in the southern district were significantly more likely than public defenders in the northern district to perceive the presence of racial

disparity. To a lesser extent, this was also the case for prosecutors. In addition, public defenders, prosecutors, and judges who worked in urban counties located in the southern judicial district reported higher levels of racial disparity. These results imply that the level of perceived racial disparity is conditioned by both the judicial district and type of county in which stakeholders work. The following discussion offers suggestions for future efforts to study the issue of racial disparity.

### *Conclusions*

By examining both official juvenile records and stakeholders' responses to a statewide survey, this research provided a substantial amount of information regarding the nature and extent of racial disparity in the West Virginia juvenile justice system. The analysis of official juvenile records helped us identify the stages of the juvenile process in which race plays a significant role in influencing case outcomes. In doing so, we were able to compare successive decision points in the juvenile process and assess the magnitude of the race effect from stage to stage. In addition, this analysis also assisted us in gaining an appreciation for the influence of extra-legal factors including a youth's age and gender. Similarly, we were also able to assess the relative importance of legal variables such as the frequency and severity of a youth's prior record and the seriousness of the current offense on predicting case outcomes.

Far fewer studies have focused on the individual perceptions and experiences of professionals who work in the system. As a result, less is known about how stakeholders' differential perceptions of youth affect case processing decisions or which offender and case characteristics are deemed to be most important for

swaying the judgments of court officials. Our analysis of the survey results offered a glimpse into the individual perceptions and experiences of court officials.

Accordingly, this research provided a measure of the extent to which racial bias or disparity was perceived to be present in the system. This research also fostered a greater level of awareness of the complexity of the decision-making process and the wide array of factors weighed by court officials when making decisions on the handling of juvenile cases. Lastly, our examination of both official juvenile records and survey responses allowed us to assess the congruence between what is “actually” occurring in the processing of juvenile cases and what is perceived to be taking place by stakeholders.

Prior researchers have noted a variety of methodological caveats to be carefully considered before studying the issue of racial disparity. Fortunately, this research was able to address most of the methodological issues raised by previous researchers, including the controlling of the legal factors thought to be most influential in determining case outcomes (e.g., offense severity and prior record). However, we were not able to control for some social factors that are also thought to influence juvenile justice decision-making. As noted above, some researchers have found evidence that social factors such as family structure and school performance may influence juvenile detention decisions. We had hoped to control for these factors in our analyses. Unfortunately, we were not able to control for these factors due to missing information contained in the JJDB. When these variables were incorporated into our regression models, we saw a significant deterioration in our goodness-of-fit measures and a 25.0% decrease in the number of valid cases in our

models.

Nonetheless, we do not believe the failure to incorporate these variables into our models constituted an important limitation for our study. Though the inclusion of these variables into the models might have helped us specify the factors that produce disparity in the system, they would not have negated our results related to the impact of race. As described by Bishop and Frazier (1996:394), the inclusion of such factors into our regression models would merely allow us to “specify the mechanisms by which such differential treatment might arguably be justified.” Thus, in spite of the likelihood that white and nonwhite youths may be treated differently because nonwhites are more likely to come from single-parent homes or be enrolled in an alternative form of education, we do not believe this would diminish the impact of race. Instead, it would only specify the mechanism(s) by which institutional racism occurs.

With that said, our results did show significant differences between white and nonwhite youths upon referral to juvenile intake. There was some evidence that nonwhite youths may represent a higher risk group of youths with greater needs. Nonwhite youths were more likely to be referred to juvenile probation at younger ages and for more serious offenses. Similarly, we found significant differences in the educational placement and living situation between white and nonwhite youths referred to the juvenile justice system. We believe future research should seek to better understand the differences in levels of risk and the types of needs that distinguish white and nonwhite youths referred to the system and how these differences influence the judgments of key stakeholders.

At the same time, we noted that nonwhite youths were referred to juvenile intake at a higher rate than white youths. Moreover, once these youths were referred to juvenile probation, they were also less likely to receive an informal disposition and more likely to be detained prior to adjudication. These findings, coupled with the evidence that nonwhite youths were more likely to have their cases dismissed at the adjudication stage, suggests that early processing decisions may be failing to identify appropriate cases for diversion, particularly when they involve minority youths. Thus, these results imply that greater attention to the decision-making processes at the early stages of the system may be warranted. In particular, future efforts may find it useful to focus on the decision-making criteria and processes involved in determining which cases are appropriate for being handled in an informal manner.

Furthermore, despite finding the presence of racial disparity in the system, we believe it is equally important to point out where the system appears to be operating as we might expect. For example, our results clearly showed that legal factors were significant predictors of case outcomes at each stage of the process. In fact, a youth's prior record and current offense may arguably be the most consistent and robust predictors of outcomes at each stage. Additionally, we found some evidence that suggests the juvenile process in West Virginia may have a built-in system of "checks and balances." At the adjudication stage, our results revealed that an adjustment was taking place that served to offset some of the negative effects of racial bias in the system. Simply put, a greater proportion of nonwhite youths were getting their cases dismissed once they reach the adjudication stage. As noted

previously, our present examination was not able to explain why nonwhite youths were more likely to have their cases dismissed rather than undergo a formal adjudication process. Since the reasons for this adjustment are not clear, future research should seek to better understand the factors that influence decision-making at the adjudication stage.

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**APPENDIX A**  
**2002 JUVENILE JUSTICE DATABASE FORM**

# 2002 Juvenile Probation Database Form

**Intake**  
Reporter# \_\_\_\_\_ - \_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

**Disposition**  
Reporter# \_\_\_\_\_ - \_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

## Part A - Intake - White Sheet

1. \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_  
\_\_\_\_\_ Last Name \_\_\_\_\_
2. \_\_\_\_\_ Home County & State \_\_\_\_\_
3. \_\_\_\_\_ Gender 1 Male 2 Female
4. \_\_\_\_/\_\_\_\_/\_\_\_\_ Date of Birth
5. \_\_\_\_\_ Race  
1 White 3 Asian/Pacific. Islander 5 Multiracial  
2 Black 4 Native American 6 Unknown
6. \_\_\_\_\_ Living Situation (At time of offense)  
1 Both Parents 4 Other Relative 7 Transient  
2 One Parent 5 DHHR Approved 8 Other \_\_\_\_\_  
3 Parent/Step-Parent 6 Detention Center 9 Unknown
7. \_\_\_\_\_ Educational Placement (At time of offense)  
1 Mainstream 4 Drop-Out 7 Other \_\_\_\_\_  
2 Special Ed. 5 GED 8 Unknown  
3 Alternative 6 Graduated
8. \_\_\_\_/\_\_\_\_/\_\_\_\_ Date Complaint/Petition Signed
9. \_\_\_\_\_ Predispositional Detention  
1 None 4 Staff Secure 7 Unknown  
2 Home Confinement 5 Detention Center  
3 Non Secure 6 Other \_\_\_\_\_
10. **Complaint History** (Please check all that apply.)  
☐ No Prior Delinquency or Status Offender Complaints  
☐ Prior Status Offender Complaints, No Adjudication  
☐ Prior Delinquency Complaints, No Adjudication  
☐ Prior Adjudication for Status Offense  
☐ Prior Adjudication for Delinquency  
☐ Prior Arrest  
☐ Prior Probation

## 11. Offense(s) Date & Name (List all charges.)

Offense Date	Offense Name & Code	Complainant*
1 / /		
2 / /		
3 / /		
4 / /		
5 / /		
6 / /		
7 / /		
8 / /		
9 / /		
10 / /		

## 12. \_\_\_\_\_ Total # of Offenses Charged

## 13. \_\_\_\_\_ Informal Disposition & Date \_\_\_\_/\_\_\_\_/\_\_\_\_

(Please choose the most serious & circle all others that apply.)

- 1 Case Closed or Complaint Withdrawn
- 2 Complaint Resolved and/or Juvenile Counseled
- 3 Held Open Without Further Action
- 4 Referred to Community Agency
- 5 Referred to DHHR
- 6 Referred to Diversion Program Through Probation
- 7 Informal Supervision By Probation
- 8 Other \_\_\_\_\_

## Part B - Formal Disposition - Yellow Sheet

### 14. ☐ Adjudication (Choose the most serious.)

- 1 No Adjudication 6 Adjudicated NOT Delinquent By Trial
- 2 Dismissed At Preliminary Hearing 7 Adjudicated Status Offender
- 3 Dismissed W/O Prejudice (Can Refile) 8 Adjudicated Delinquent by Plea
- 4 Dismissed With Prejudice (Can't Refile) 9 Adjudicated Delinquent by Trial
- 5 Adjudicated NOT Status Offender

### 15. ☐ Formal Disposition (Choose the most serious & circle

all others that apply. #1 is the least serious & #13 is the most serious.)

- 1 Case Dismissed 8 DHHR Custody
- 2 Monitor Compliance 9 DHHR Custody & Probation
- 3 Community Service 10 Home Confinement & Probation
- 4 Fine/Restitution 11 DJS Custody
- 5 Improvement Period 12 Mental Health Proceeding
- 6 Referred to DHHR 13 Transferred to Adult Court
- 7 Probation, Noncustodial 14 Other \_\_\_\_\_

Fill out #16 only IF case disposition involves commitment to a facility.

### 16. Commitment Facility Ordered at Disposition

Code # & Name & Location (Please Refer to Facility Code Sheet.)

## 17. Disposition (List all dispositions using code choices in #15)

Offense Reduced to & Code	Disposition Date	Code
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	

## 18. Investigations (Please circle one.)

- 1 Predisposition Report
- 2 Violation Report

### \*Complainant Codes

- 1 Parent
- 2 School
- 3 Law Enforcement
- 4 Probation
- 5 Victim
- 6 Unknown
- 7 DHHR

**APPENDIX B**

**THE SURVEY OF JUVENILE COURT STAKEHOLDERS  
IN WEST VIRGINIA 2003**

# West Virginia Supreme Court of Appeals



## **TASK FORCE TO STUDY PERCEIVED RACIAL DISPARITY IN THE JUVENILE JUSTICE SYSTEM**

### **"Survey of Juvenile Court Stakeholders in West Virginia 2003"**

**Mail To:**

**Julie Palas, Special Projects Counsel  
West Virginia Supreme Court of Appeals  
Administrative Office  
Building 1, Room E-100  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0832  
Phone: 304/558-0145**

**Survey Consultant: Stephen M. Haas, Ph.D.  
Marshall University**

**This survey is designed to obtain your observations, experiences, and perceptions of racial disparity in the West Virginia juvenile justice system over the past three years. All individual information gathered in this survey will be kept in the strictest confidence. Your name will never be placed on the questionnaire.**

1. Your employment during the last three years is best described as: (Circle one)
- Probation Officer
  - Defense Attorney
  - Prosecutor
  - Referee
  - Magistrate
  - Family Court Judge
  - Circuit Judge
  - Other (Please specify) \_\_\_\_\_

2. Over the past three years, how much experience have you had working with cases that involve juveniles? (Circle one)
- A Great Deal
  - Quite a Bit
  - Some
  - Very Little
  - None at all

3. How many total years have you worked in your current position? \_\_\_\_\_

4. How many total years have you worked in the field of juvenile justice? \_\_\_\_\_

5. How many total years have you worked in the field of juvenile justice in West Virginia? \_\_\_\_\_

6. What is your age: \_\_\_\_\_

7. What is the highest degree you have completed? (Circle one)
- High school degree
  - Associate's (A.A., A.S., etc.)
  - Bachelor's (B.A., B.S., etc.)
  - Master's (M.A., M.S., etc.)
  - LL.B., J.D.
  - Ed.D., Ph.D.
  - Other (Please specify) \_\_\_\_\_

8. Which of the following best describes you? (Circle one)
- White
  - African-American
  - Hispanic
  - Asian/Pacific Islander
  - Native American
  - Other (Please specify) \_\_\_\_\_

9. What is your gender? (Circle one)
- Male
  - Female

10. What is the name of the county where you currently work? \_\_\_\_\_

**11. Using the scale below, please indicate how influential you believe each of the following officials or "stakeholders" are in juvenile court processing decisions in West Virginia. (Circle one for each)**

- 1 = Not Influential at all  
 2 = Not too Influential  
 3 = Somewhat Influential  
 4 = Influential  
 5 = Very Influential

	<b>Predispositional Detention Decisions</b>					<b>Disposition Decisions</b>				
a. Probation Officers .....	1	2	3	4	5	1	2	3	4	5
b. Defense Attorneys .....	1	2	3	4	5	1	2	3	4	5
c. Prosecutors .....	1	2	3	4	5	1	2	3	4	5
d. Referees .....	1	2	3	4	5	1	2	3	4	5
e. Magistrates .....	1	2	3	4	5	1	2	3	4	5
f. Family Court Judges .....	1	2	3	4	5	1	2	3	4	5
g. Circuit Judges .....	1	2	3	4	5	1	2	3	4	5

**This section refers to your personal experiences while working in the West Virginia juvenile justice system over the past three years. Please indicate the frequency with which the following have occurred in your presence. (Circle one for each)**

12. You have witnessed race or ethnic bias influencing official decisions made by a:	<b>Never</b>	<b>Not too Frequently</b>	<b>Somewhat Frequently</b>	<b>Frequently</b>	<b>Very Frequently</b>
a. probation officer .....	1	2	3	4	5
b. defense attorney .....	1	2	3	4	5
c. prosecutor .....	1	2	3	4	5
d. referee .....	1	2	3	4	5
e. magistrate .....	1	2	3	4	5
f. family court judge .....	1	2	3	4	5
g. circuit judge .....	1	2	3	4	5

13. You have heard ethnic or racial slurs used by a:	<b>Never</b>	<b>Not too Frequently</b>	<b>Somewhat Frequently</b>	<b>Frequently</b>	<b>Very Frequently</b>
a. probation officer .....	1	2	3	4	5
b. defense attorney .....	1	2	3	4	5
c. prosecutor .....	1	2	3	4	5
d. referee .....	1	2	3	4	5
e. magistrate .....	1	2	3	4	5
f. family court judge .....	1	2	3	4	5
g. circuit judge .....	1	2	3	4	5

14. Jokes of racial or ethnic nature have been made in your presence by a:	<b>Never</b>	<b>Not too Frequently</b>	<b>Somewhat Frequently</b>	<b>Frequently</b>	<b>Very Frequently</b>
a. probation officer .....	1	2	3	4	5
b. defense attorney .....	1	2	3	4	5
c. prosecutor .....	1	2	3	4	5
d. referee .....	1	2	3	4	5
e. magistrate .....	1	2	3	4	5
f. family court judge .....	1	2	3	4	5
g. circuit judge .....	1	2	3	4	5

**Next, we are interested in your overall perceptions of differential treatment of minorities at different points or stages in the juvenile justice process in West Virginia.**

15. Do you believe race influences juvenile justice processing decisions at... (Circle <u>one</u> for each stage)			
a. The intake stage.....	Yes	No	Don't Know
b. The predispositional detention stage....	Yes	No	Don't Know
c. The informal disposition stage.....	Yes	No	Don't Know
d. The adjudication stage.....	Yes	No	Don't Know
e. The formal disposition stage.....	Yes	No	Don't Know

16. Which stage of the juvenile justice system do you view to be most susceptible to unfair treatment of minorities? (Circle one)

- The intake stage
- The predispositional detention stage
- The informal disposition stage
- The adjudication stage
- The formal disposition stage
- None are susceptible to unfair treatment of minorities
- Don't know



17. In general, which of the following best describes your perception of bias against racial minorities in the West Virginia juvenile justice system over the past three years? (Circle one)

- a. There has never been any racial or ethnic bias, now or in the past three years.
- b. There is less racial or ethnic bias now than in the past three years.
- c. There is more racial or ethnic bias now than in the past three years.
- d. There is the same amount of racial and ethnic bias now as in the past three years.

18. Please help us better understand the specific factors that you believe are important at different stages of the juvenile justice process.

Using the scale below, please indicate how important you think each of the following offender and offense characteristics are in juvenile court processing decisions. (Circle one for each)

- 1 = Not Important
- 2 = Not too Important
- 3 = Somewhat Important
- 4 = Important
- 5 = Very Important

	<u>Predispositional Detention Decisions</u>					<u>Disposition Decisions</u>				
a. Juveniles demeanor toward staff .....	1	2	3	4	5	1	2	3	4	5
b. Parent/guardian(s) presence at intake interview .....	1	2	3	4	5	1	2	3	4	5
c. Parent/guardian(s) cooperation with intake staff .....	1	2	3	4	5	1	2	3	4	5
d. Needs assessment score(s) .....	1	2	3	4	5	1	2	3	4	5
e. Time spent in secure detention .....	1	2	3	4	5	1	2	3	4	5
f. Juvenile's gender .....	1	2	3	4	5	1	2	3	4	5
g. Risk assessment score(s) .....	1	2	3	4	5	1	2	3	4	5
h. Juvenile's age .....	1	2	3	4	5	1	2	3	4	5
i. Parent/guardian(s) ability to supervise youth .....	1	2	3	4	5	1	2	3	4	5
j. Weapon used/not used in offense .....	1	2	3	4	5	1	2	3	4	5
k. Juvenile's level of remorse .....	1	2	3	4	5	1	2	3	4	5
l. Juveniles academic performance .....	1	2	3	4	5	1	2	3	4	5
m. Extent of injury to victim .....	1	2	3	4	5	1	2	3	4	5
n. Juvenile's peer/friend associations .....	1	2	3	4	5	1	2	3	4	5
o. Value of property stolen or damaged .....	1	2	3	4	5	1	2	3	4	5

19. To what extent does the physical location of the detention facility or treatment services impact your formal decision-making regarding juvenile cases? (Circle one)

- a. A Great Deal
- b. Quite a Bit
- c. Some
- d. Very Little
- e. Not at all

20. To what extent does the availability of alternatives/community-based alternatives impact your formal decision-making on juvenile cases? (Circle one)

- a. A Great Deal
- b. Quite a Bit
- c. Some
- d. Very Little
- e. Not at all

21. To what extent do objective RISK ASSESSMENT SCORES impact your formal decision-making on juvenile cases? (Circle one)

- a. A Great Deal
- b. Quite a Bit
- c. Some
- d. Very Little
- e. Not at all

22. To what extent do objective NEED ASSESSMENT SCORES impact your formal decision-making on juvenile cases? (Circle one)

- a. A Great Deal
- b. Quite a Bit
- c. Some
- d. Very Little
- e. Not at all

23. Please circle the response that best describes your observations regarding juvenile processing decisions in West Virginia. (Circle one for each)

	Never	Seldom	Sometimes	Usually	Always
a. Informal dispositions are more common for white offenders .....	1	2	3	4	5
b. White youth get less severe punishments than minorities because they can retain better counsel .....	1	2	3	4	5
c. White offenders are sentenced more leniently than minority defendants convicted of the same offense .....	1	2	3	4	5
d. Court decisions are largely based on the youth's need for treatment .....	1	2	3	4	5
e. For the same crime, minorities are referred/petitioned to court more often than whites .....	1	2	3	4	5
f. Sanctions and placement are largely based on offense type and seriousness .....	1	2	3	4	5
g. At the disposition stage, the judge follows the juvenile court officer's recommendations .....	1	2	3	4	5

24. This section relates to offender and family characteristics of youth who enter the juvenile justice system in the State of West Virginia. Please indicate how strongly you agree or disagree with the following statements. (Circle one for each)

	Strongly Agree	Agree	Disagree	Strongly Disagree	No Basis for Judgment
a. In general, the needs of minority youths are much greater than whites .....	1	2	3	4	5
b. Minority youth commit more delinquency, which is also more serious than other youth .....	1	2	3	4	5
c. Minority youth have poorer attitudes than white youth .....	1	2	3	4	5
d. Minority youth are less willing to acknowledge guilt than other youth .....	1	2	3	4	5
e. Minority families are less capable of controlling the behavior of their youth .....	1	2	3	4	5
f. Minority youth have greater difficulty staying out of trouble than do white youth .....	1	2	3	4	5
g. Minority youth are less respectful toward authority figures than white youth .....	1	2	3	4	5
h. Minority families have greater difficulty getting their youth to court ordered treatment services .....	1	2	3	4	5

**Now we are interested in knowing the extent of multicultural training you have received while working in the West Virginia juvenile justice system.**

25. For your current position, are you required to participate in multicultural education or cultural diversity/sensitivity training sessions?

(Circle one)

- a. Yes
- b. No

26. During the past three years, have you participated in multicultural education or cultural diversity/sensitivity training?

(Circle one)

- a. Yes
- b. No

27. How often are you encouraged to participate in multicultural education or cultural diversity/sensitivity training? (Circle one)

- a. Never
- b. Not too Frequently
- c. Somewhat Frequently
- d. Frequently
- e. Very Frequently

28. How many, if any, special training or in-services have you attended that specifically dealt with the handling of cases that involve minority youth in the past three years? (Enter "0" if none) \_\_\_\_\_

29. How many, if any, special training or in-services have you attended on multicultural education, cultural diversity or sensitivity in the past three years? (Enter "0" if none) \_\_\_\_\_

30. Have you EVER participated in multicultural education or cultural diversity or sensitivity training while working in the West Virginia juvenile justice system? (Circle one)

- a. Yes
- b. No

**31. Please rate the importance of the following recommendations for reducing or minimizing racial/ethnic bias in the juvenile justice system in West Virginia. (Circle one for each)**

	Not Important	Not too Important	Somewhat Important	Very Important
a. Increase access of public mental health services .....	1	2	3	4
b. Increase access of private mental health services for disadvantaged youth .....	1	2	3	4
c. Greater use of diversion programs .....	1	2	3	4
d. Greater reliance upon objective assessment tools for official decision-making .....	1	2	3	4
e. Improve training for public defenders .....	1	2	3	4
f. Increase alternatives to juvenile incarceration .....	1	2	3	4
g. Greater availability of multicultural training for probation officers .....	1	2	3	4
h. Greater availability of multicultural training for attorneys .....	1	2	3	4
i. Greater availability of multicultural training for judges/magistrates .....	1	2	3	4
j. Increase the number of minority probation officers .....	1	2	3	4
k. Increase the number of minority attorneys .....	1	2	3	4
l. Increase the number of minority judges/magistrates .....	1	2	3	4

32. Now we are interested in knowing the social distance between you and other racial groups. Please give your first feeling reactions in every case. Give your reactions to each race as a group - not your reactions to the best or the worst members that you have known.

Circle a Y or N for each cell (Y = YES; N = No).

	Whites		African-Americans		Hispanics		Asian or Pacific Islanders		Native Americans	
a. Would marry into group.....	Y	N	Y	N	Y	N	Y	N	Y	N
b. Would have as close friends....	Y	N	Y	N	Y	N	Y	N	Y	N
c. Would have as next door neighbors.....	Y	N	Y	N	Y	N	Y	N	Y	N
d. Would work in same office.....	Y	N	Y	N	Y	N	Y	N	Y	N
e. Would prefer to have as speaking acquaintances <u>only</u> ...	Y	N	Y	N	Y	N	Y	N	Y	N
f. Would prefer to have as visitors <u>only</u> to my state.....	Y	N	Y	N	Y	N	Y	N	Y	N
g. Would exclude from my state...	Y	N	Y	N	Y	N	Y	N	Y	N

33. Finally, it is important for us to obtain your views on the proper focus of the juvenile justice system as well as the nature of juvenile delinquency. Please indicate how strongly you agree or disagree with the following statements. (Circle one for each)

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. "We should change neighborhoods, not kids" ...	1	2	3	4
b. "A person's social class is more likely to create bias than his/her race or ethnicity" .....	1	2	3	4
c. "Punishment will teach juvenile offenders right from wrong" .....	1	2	3	4
d. "The best way to reduce delinquency is to identify and work with pre-delinquents" .....	1	2	3	4
e. "Most juveniles know what they are doing and thus deserve to be punished" .....	1	2	3	4
f. "The U.S. Supreme Court has gone too far in protecting the rights of juvenile offenders" .....	1	2	3	4
g. "Given adequate rehabilitation programs, most juvenile offenders could change their behavior" .....	1	2	3	4
h. "To reduce delinquency, we should lessen discrimination and inequality" .....	1	2	3	4
i. "Rehabilitation rather than punishment should be the goal of the juvenile justice system" .....	1	2	3	4
j. "Good public education, better housing, and parenting classes would dramatically reduce delinquency" .....	1	2	3	4
k. "The needs of the child and family should come first when making a decision of sanctions or placement" .....	1	2	3	4
l. "Every juvenile referred to court for a delinquent or status offense should receive some kind of intervention" .....	1	2	3	4
m. "Diversion from the system can be an effective intervention for most juveniles" .....	1	2	3	4

34. Do you believe minorities are under-represented as workers in the WV juvenile justice system? (Circle one)

- a. Yes
- b. No
- c. Don't know

35. Do you believe it is possible to reduce or eliminate disproportionate minority representation in the juvenile justice system? (Circle one)

- a. Yes
- b. No
- c. Don't know

36. Using the scale below, please indicate the extent to which you believe race influences juvenile justice processing decisions in West Virginia. (Circle a number from 1 to 10)

Not at All		Very Little		Some		Quite a Bit		A Great Deal	
1	2	3	4	5	6	7	8	9	10

Is there anything else you would like to mention or share regarding the issue of racial disparity in the juvenile justice system?

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**PLEASE RETURN THE SURVEY TO:** Julie Palas, Special Projects Counsel  
West Virginia Supreme Court of Appeals  
Administrative Office  
Building 1, Room E-100  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0832

**THANK YOU FOR PARTICIPATING IN THIS IMPORTANT SURVEY!**

# Section 6 Attachment

# Juvenile Probation in WV

## 2006-2007

December 2008

### Purpose

This report provides an overview of West Virginia (WV) Juvenile Probation cases referred or disposed in 2006 and 2007. The overview is intended to provide information to courts, judges, probation officers and other key juvenile justice stakeholders to facilitate system and program improvements.

The report was commissioned by the WV Supreme Court of Appeals, Division of Probation Services.

### Summary

In 2006, WV juvenile probation officers reported a total of 7,790 new cases. The 5,121 delinquency cases involved 3,147 juveniles, and the 2,669 status offense cases involved 1,863 juveniles. 5,121 offenses were charged in the delinquency cases, and 2,669 offenses were charged in the new status cases.

In 2007, a total of 7,711 new cases were reported. More than half (5,014) were delinquency cases involving 3,052 juveniles,

and 2,697 were status offense cases involving 1,869 juveniles. 5,014 offenses were charged in the delinquency cases, and 2,697 offenses were charged in the status offense cases.

More than 2,500 delinquency cases were disposed formally each year (2,564 in 2006 and 2,896 in 2007), and more than 900 status cases were disposed formally each year (924 in 2006 and 988 in 2007).

Battery was the most frequently charged delinquency offense, and truancy was the most frequently charged status offense in both years.

In both delinquency and status offense cases, about 60% of the juveniles were reported as having committed no prior status or delinquency offenses. More than 80% of both delinquency and status offense cases did not involve predispositional detention.

More than half of juvenile offenders were white males with an average age at offense of 16 years old. A majority of juvenile offenders were enrolled in mainstream education and living with at least one parent at the time of offense.

Approximately a third of delinquency cases resulted in no adjudication, and about half of the cases resulted in an adjudication of delinquency. About half of status offense cases resulted in no adjudication, and about a third of cases resulted in an adjudication of status offender.

### Report Contents

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### Juvenile Justice Data System

*Data presented in this report was generated from the web-based juvenile probation data system used by WV juvenile probation offices.*

*The data system was created to provide statistical information on juvenile offenders and offenses in an effort to facilitate sound policy and case-level decisions, fair resource allocation and appropriate program development.*

### Methods

*This report is limited to information provided by WV juvenile probation. Only cases referred by a complaint/petition or disposed in 2006 or 2007 and only those cases entered into the web-based data system in a timely and accurate manner are included in this report. Juvenile probation cases not reported are not included.*

*Because this report only provides information on juvenile cases referred to probation or disposed in 2006 or 2007, it does not include information on the entire caseload of juvenile probation during this time. Juveniles under the informal or formal supervision of the court that were referred in previous years and/or were awaiting disposition are not included in the analysis.*

*The data set used to conduct analysis of cases and offenses was obtained by querying the juvenile data system for all intake cases in 2006 or 2007.*

*The data set used to conduct analysis of juvenile characteristics was obtained by unduplicating the previously described data set by using unique juvenile identification numbers. The first case signed in each year for each juvenile was selected for inclusion.*

*The data set used to conduct analysis of dispositions was obtained by querying the data system for cases with a disposition date in 2006 or 2007.*

*The data set used to conduct analysis of the Probation Assessment Tool was obtained by including all completed assessments stored in the assessment table of the data system.*



# Overview of WV Juvenile Probation Services

## Probation Services

Probation Services in WV are coordinated by the Supreme Court of Appeals of WV, Administrative Office, Division of Probation Services and are locally administered through the Circuit Courts. WV Probation Officers are officers of the Circuit Court and provide many services such as: conducting investigations and drug screening, preparing pre-sentence reports, recommending dispositions for offenders and monitoring offenders sentenced to probation.

In 2007, the WV court system had 181 probation positions and 72 secretaries. Probation officers supervised 7,472 adults and 6,699 juveniles in 2006, and 7,677 adult and 6,393 juvenile offenders in 2007.

WV's probation offices have developed a wide variety of programs for adult and juvenile offenders including several circuits with community corrections programs. Juvenile programs range from Juvenile Drug Courts in Cabell and Wayne Counties, a diversion program which offers intensive supervision and treatment; to Teen Court in Marion, Mercer and Monongalia counties, where teens are prosecuted, defended and sentenced by a jury of their peers; to the School-Based Probation Officers in several counties.

## Juvenile Jurisdiction

The WV Magistrate and Municipal Courts have concurrent jurisdiction with Circuit Courts over juvenile proceedings. The court having jurisdiction depends on the circumstances of the juvenile case.

The court's jurisdiction over juveniles is initiated by the filing of a **juvenile petition** (as provided by WV Code §49-5-7) alleging a status offense or delinquency offense; by **certification** (as provided by §49-5-2(b)); or by **transfer** (as provided by §49-5-2(e)) to circuit

court juvenile jurisdiction from the adult criminal jurisdiction of any court.

Juvenile jurisdiction extends to juveniles accused of delinquency or a status offense. The petition method is usually noted in some way as **formal**: formal filing, petition, proceedings or "going formal."

The practice in many counties, by long-set precedent, is to initiate juvenile jurisdiction by the filing of an "**informal**" complaint alleging a status offense or delinquency. An intake officer, usually a juvenile probation officer or a prosecutor, screens the complaint to determine whether to divert or to file a "formal" petition. Since action is allowed without beginning formal proceedings by petition, the practice of informal complaints and screening appears to be implicitly appropriate and to be consistent with Code intent.

Juvenile cases are referred to the court system by law enforcement, the Department of Health and Human Resources (DHHR), schools, and other sources. These cases are often handled by juvenile probation both before and after adjudication.

The court may refer the case to juvenile probation for informal resolution before the petition is officially filed. If informal action fails to resolve the case, formal proceedings are initiated with a filing of a formal petition with the court.

A preliminary hearing is scheduled to determine whether there is probable cause to believe the juvenile committed a status or delinquent offense. The court may refer the juvenile back to juvenile probation for the case to be handled informally even after a formal petition has been filed.

Please refer to the Division of Criminal Justice Services June 2004 publication, "West Virginia Juvenile Law & Procedure" for a more detailed description of juvenile proceedings.

## Definition of Delinquency

Delinquency entails an act that would be a **crime under state law or municipal ordinance if committed by an adult** [§49-1-4(8)]. For a juvenile adjudicated to be delinquent, juvenile jurisdiction may continue to age 21 [§49-5-2(f)].

A delinquency case is defined as a case wherein a juvenile is charged with at least one offense for which an adult committing the same offense could be prosecuted.

## Definition of Status Offense

Status offenses are acts that cannot be charged to adults, according to Section 223(12)(A) of the Juvenile Justice and Delinquency Prevention Act. However, at the state level the definition is not as broad. The WV Code [§49-1-4(14)] states a status offense is any of the offenses listed below [§49-1-4(14)]:

**Incorrigibility** - Habitual and continual refusal to respond to the lawful supervision by a parent, guardian, or legal custodian such that the behavior substantially endangers the health, safety, or welfare of the juvenile or any other person.

**Runaway** - Leaving the care of a parent, guardian, or custodian without consent or without good cause.

**Truancy** - Habitual absence from school without good cause.

**Underage Drinking** - violation of any West Virginia municipal, county, or state law regarding use of alcoholic beverages by minors.

Possessing tobacco by a minor and violating curfew are not specifically listed as status offenses in the WV Code, but they are included as status offenses in this report because they are offenses that cannot be charged to adults.



# Delinquency & Status Cases

## New Cases

In 2006, WV juvenile probation opened a total of 7,790 new cases. The majority of cases (5,121) involved at least one delinquency charge while 2,669 cases involved a status offense charge.

In 2007, a total of 7,711 new cases were opened. More than half (5,014) were delinquency cases, and 2,697 were status offense cases.

## Complaint Timing

The average time between the alleged offense(s) and signing of complaint/petition for delinquency offenses was 37.3 days in 2006 and 32 days in 2007. About a third were signed within a day; about half were signed within one week; about 80% were signed within one month; and about 95% were signed within five months of the reported offense.

The average time between the alleged offense(s) and signing of complaint/petition for status offenses was slightly shorter than for delinquency cases at 23.3 days in 2006 and 20 days in 2007. About half were signed within a day; about 70% were signed within one week; about 80% were signed within one month; and about 95% were signed within five months of the reported offense.

## Complainant

Delinquency Cases				Status Cases				Complainant Source
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
141	2.8	148	3.0	1409	<b>52.8</b>	1555	<b>57.7</b>	School
73	1.4	83	3.0	785	29.4	702	26.0	Parent
4274	<b>83.5</b>	4337	<b>86.5</b>	303	11.4	289	10.7	Law Enforcement
202	3.9	213	4.2	113	4.2	88	3.3	Probation
10	0.2	6	0.1	52	1.9	52	1.9	DHHR
309	6.0	207	4.1	2	0.1	5	0.2	Victim
112	2.2	20	0.4	5	0.2	6	0.2	Unknown

## Complaint History

For both years, no prior status or delinquency offenses were reported for the juvenile in about 60% of all new cases.

For delinquency cases, the most common type of prior complaint history (about 20%) was for a prior delinquency charge not resulting in adjudication. Among status cases, the most common (about 20%) history was for a prior status offense charge not resulting in adjudication.

The number of cases reporting no complaint history does not take into account that DHHR may have handled a juvenile's prior status offenses and that the probation officer may not know about a juvenile's prior complaint history.

## Complainant

Law enforcement was the complainant in more than 83% of delinquency cases. Schools were the most frequent complainants in status offense cases followed by parents.

## Pre-dispositional Detention

Most delinquency cases did not involve detention prior to a disposition hearing (84.7% in 2006; 81.5% in 2007). Of those cases where detention was ordered, the most common form of detention was hardware secure (7.0%).

Even fewer status cases than delinquency cases involved any form of detention prior to a disposition hearing (92.3% in 2006; 94.4% in 2007). Less than 150 status cases involved any form of placement prior to disposition.

## Complaint History

Delinquency Cases				Status Cases				History Type
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
2881	<b>56.3</b>	2731	<b>54.5</b>	1612	<b>60.4</b>	1810	<b>67.1</b>	None
423	8.3	467	9.3	87	3.3	77	2.9	Prior arrest
575	11.2	594	11.8	583	21.8	451	16.7	Prior status offense charge not resulting in adjudication
262	5.1	332	6.6	162	6.1	140	5.2	Prior adjudication for a status offense
1026	20.0	939	18.7	315	11.8	242	9.0	Prior delinquency charge not resulting in adjudication
624	12.2	679	13.5	149	5.6	120	4.4	Prior adjudication for delinquency
519	10.1	604	12.0	197	7.4	148	5.5	Prior probation

## Pre-Dispositional Detention

Delinquency Cases				Status Cases				Placement Type
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
4338	84.7	4087	81.5	2464	92.3	2547	94.4	None
34	0.7	45	0.9	2	0.1	2	0.1	Home confinement
58	1.1	78	1.6	47	1.8	32	1.2	Non-secure facility
67	1.3	48	1.0	48	1.8	12	0.4	Staff-secure non-DJS facility
115	2.2	149	3.0	27	1.0	18	0.7	Staff secure DJS detention center
120	2.3	66	1.3	27	1.0	42	1.6	Other detention such as hospitals
356	7.0	496	9.9	48	1.8	27	1.0	Hardware secure detention center
6	0.1	9	0.2	39	1.5	1	0	Unknown or not reported

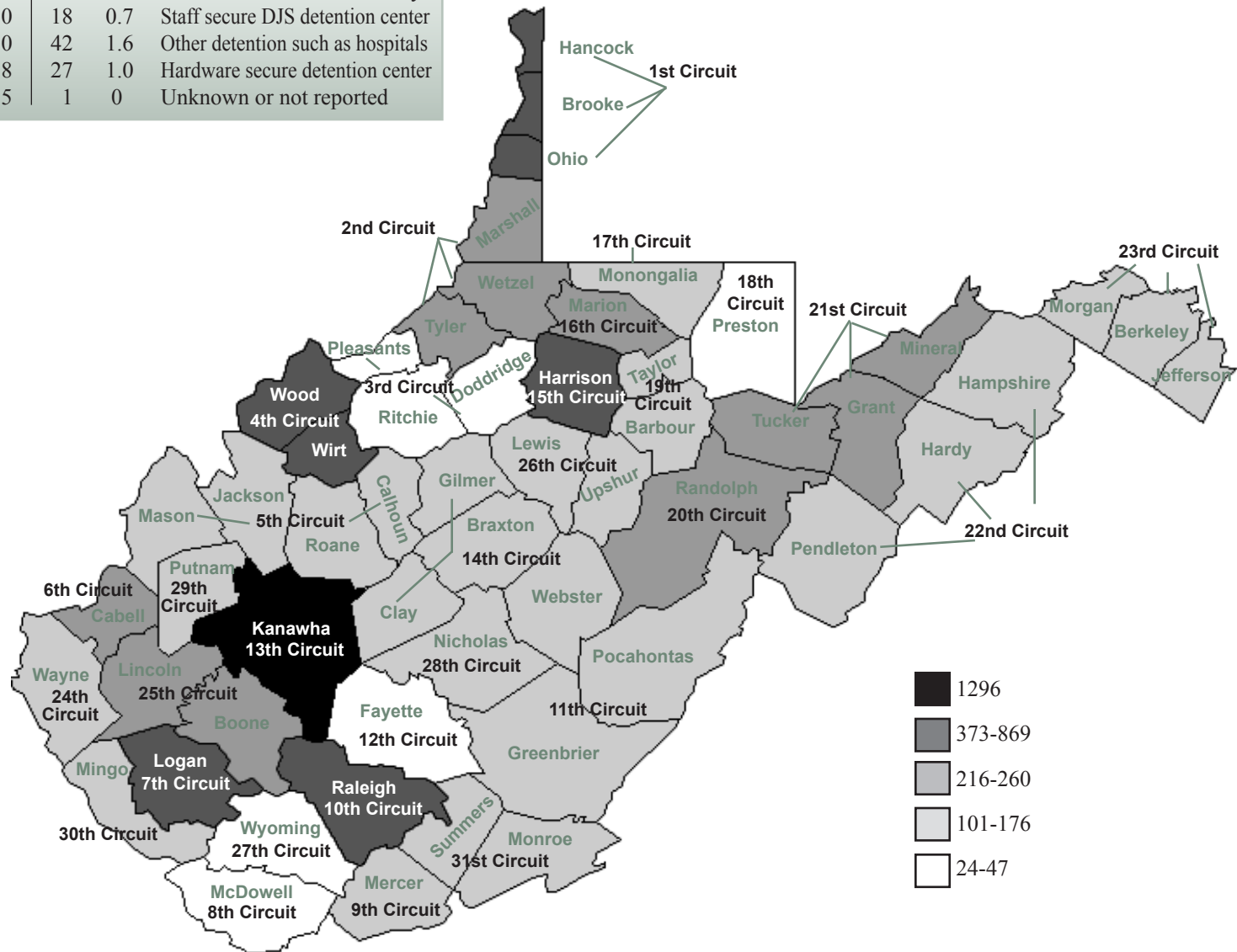
## Cases by Circuit Map 2007

The Cases by Circuit table below provides the number of new juvenile delinquency and status cases reported by each judicial circuit in 2007. The map below illustrates the geographic distribution of the total number of these cases.

## Cases by Circuit

2007

Circuit	Status Cases	Delinquency Cases	Total Cases
1	225	355	580
2	41	207	248
3	10	29	39
4	82	291	373
5	3	105	108
6	0	260	260
7	815	54	869
8	4	20	24
9	19	89	108
10	199	480	679
11	33	74	107
12	10	37	47
13	280	1016	1296
14	15	86	101
15	111	307	418
16	14	202	216
17	79	84	163
18	14	31	45
19	65	85	150
20	106	130	236
21	67	162	229
22	11	102	113
23	88	85	173
24	33	84	117
25	108	114	222
26	59	105	164
27	10	7	17
28	51	110	161
29	2	161	163
30	124	52	176
31	19	90	109
<b>Total</b>	<b>2,697</b>	<b>5,014</b>	<b>7,711</b>



# Delinquency & Status Offenses

In 2006, 5,121 offenses were charged as the most serious offense in each case as reported by the probation officer, and 5,014 in 2007. Some cases involved more than one offense; however, only the most serious offense reported is analyzed for this report. Some cases classified as delinquency cases may have also included a status offense(s) in addition to at least one delinquent offense.

In 2006, 2,669 offenses were charged as the most serious offense in each status case as reported by the probation officer, and 2,697 in 2007. Cases classified as status offense included a status offense charge as the most serious offense.

## Delinquency Offenses

The most frequently charged individual offenses were battery (12.4% in 2006 and 11.0% in 2007); destruction of property (9.9% and 8.6%); petit larceny (6.6% and 7.6%), first offense shoplifting (7.2% and 7.0%); and possession of a controlled substance (6.0% and 5.4%).

In 2006, 54.3% (53.0% in 2007) of delinquency cases involved only one offense. Two delinquency offenses were charged in 19.8% (20.6% in 2007) of the cases. About 20% (20.2% in 2006 and 22.3% in 2007) of delinquency cases involved three to six delinquency offenses, while 5.8% in 2006 and 4.2% in 2007 involved seven or more cases.

For the purposes of this report, similar offenses have been grouped together into categories similar to the classification system used by the Federal Bureau of Investigation's National Crime Information Center (NCIC). Specific offenses were grouped into NCIC categories such as: assault, theft, and traffic offenses as shown in the adjacent table. Further, these categories were grouped in the broader categories of property, person, public order, drug, status, probation violations and other offenses.

## Property Offenses

Property offenses included: theft, shoplifting, petit larceny, grand larceny, shoplifting, grand larceny, embezzlement, shoplifting and trespassing.

Property damage charges included: destruction of property, auto tampering, vandalism, breaking without entering and hit and run-property damage.

Burglary charges included: breaking and entering, nighttime burglary, daytime burglary, breaking and entering-auto, entering without breaking, burglary daytime not forced, conspiracy to or attempted breaking and entering and attempted burglary.

Stolen vehicle offenses included: joyriding, grand larceny auto and possession of a stolen vehicle.

Stolen property offenses included: transferring and receiving stolen goods and property and interstate transporting stolen property.

Arson offenses included: 1st, 2nd, 3rd and 4th degree arson; and setting fire to land.

## Person Offenses

Assault offenses included: simple assault and battery, domestic assault, assault and battery on law enforcement personnel, assault and battery on school employees, malicious wounding, unlawful wounding and malicious assault.

Sexual assault charges included: 1st, 2nd and 3rd degree sexual assault and 1st, 2nd and 3rd degree sexual abuse. Sexual offenses included: indecent exposure, incest and other sexual offenses.

Robbery included: aggravated robbery and nonaggravated robbery.

Homicide charges included: 1st degree murder, attempted murder and involuntary manslaughter.

Other person offenses included child abuse and kidnapping.

## Public Order Offenses

Obstruction of justice charges included:

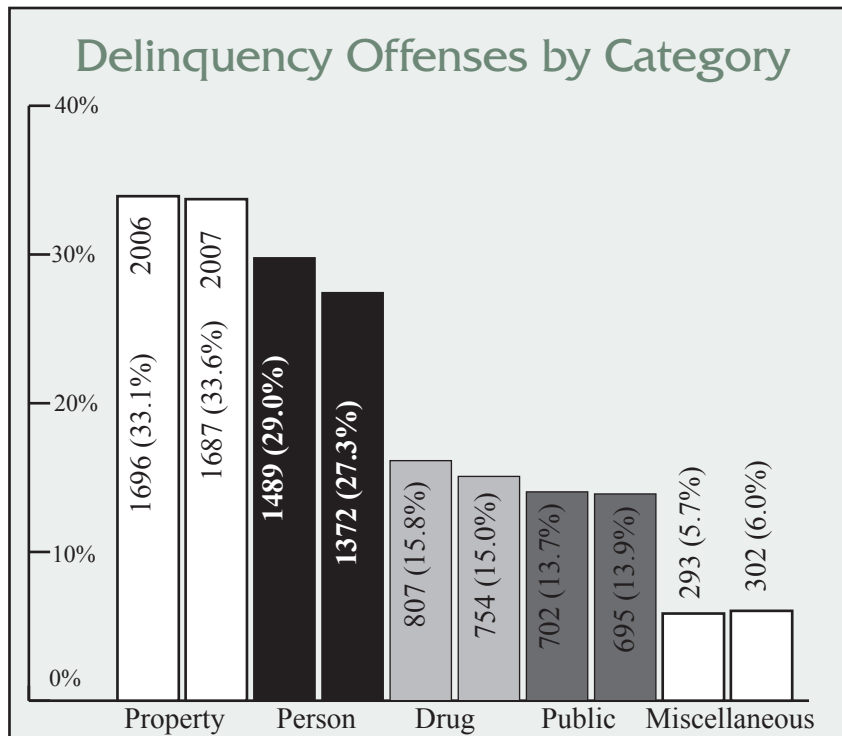
## Delinquency Offenses By Category

	2006		2007	
	#	%	#	%
Property	1696	33.1	1687	33.6
Assault/Battery	1187	23.1	1107	22.0
Controlled Substance	807	15.8	754	15.0
Miscellaneous	293	5.7	302	6.0
Traffic/Vehicle	194	3.8	178	3.6
Obstructing Justice	181	3.5	190	3.8
Burglary/Robbery	172	3.3	173	3.5
Unknown	134	2.1	204	4.1
Weapon/Explosive	133	2.6	138	2.8
Sex Offense	117	2.3	80	1.6
Escape/Fleeing	81	1.6	92	1.8
Fraud/Forgery	66	1.3	49	1.0
Computer/Electronics	39	0.8	39	0.8
Homicide/Kidnapping	13	0.3	12	0.2
Animal/DNR	8	0.2	9	0.2
Total	5121		5014	

obstructing an officer, fleeing from an officer, providing false information, resisting arrest, contempt of court, reporting a false emergency, possession of a fake ID, intimidation of a witness, escape, non-compliance order, fugitive, violation of a protective order, hindering and failure to appear in court.

Traffic offenses included: 1st offense Driving Under the Influence (DUI), 2nd offense DUI, DUI causing personal injury, DUI causing death with reckless disregard, negligent vehicular manslaughter, hit and run with personal injury, reckless driving, leaving the scene of an accident and traffic violations.

Weapons offenses included: brandishing a weapon, carrying a concealed weapon, bomb threats, wanton endangerment, possession of a weapon by a minor, possession of a weapon on school property, possession and/or placing of explosives, unlawful shooting, shooting across roads and negligent shooting.



Public peace violations included: school disturbance, disorderly conduct and public intoxication.

Fraud offenses included: forgery, uttering, credit card fraud, obtaining by fraud, fraudulent schemes, worthless checks, manufacturing counterfeit money and attempted extortion.

Privacy violations included: telephone harassment and stalking. Animal control offenses included: cruelty to animals and killing/malicious wounding of an animal. Other public order offenses included natural resource violations.

## Drug Offenses

Drug violations included: possession of controlled substances, manufacture and/or delivery of controlled substances, obtaining controlled substances by fraud and possession of drug paraphernalia.

## Probation Violations

Probation violations included all violations of probation with underlying offenses that were misdemeanors or felonies.

## Miscellaneous Offenses

Miscellaneous offenses included: conspiracy to commit a felony or a misdemeanor, accessory to a crime, loitering on school property, littering, contributing to the delinquency of a minor, hate crimes, prostitution, and violation of white cane laws.

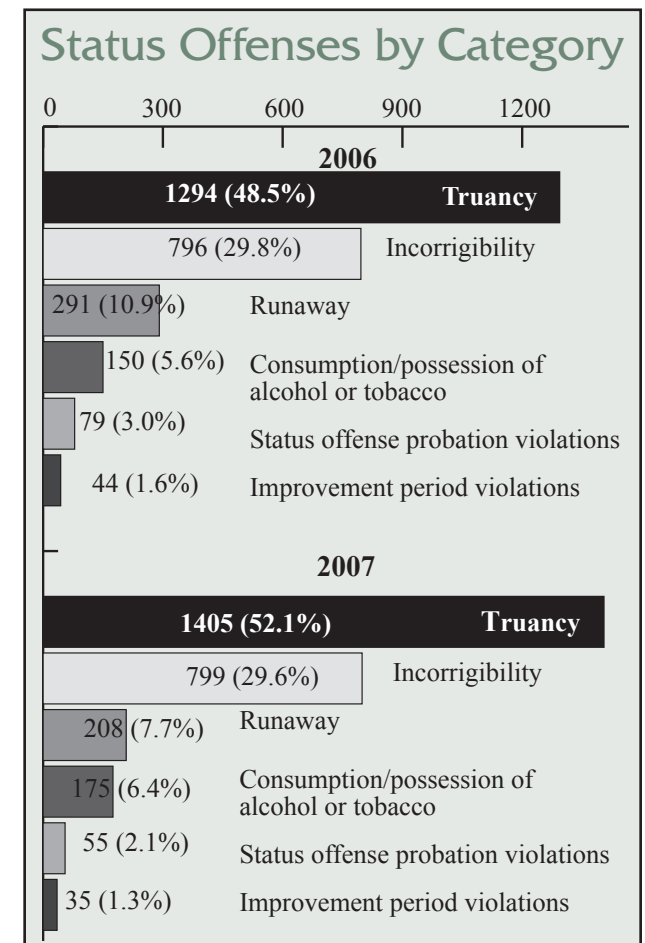
## Status Offenses

Status offenses included curfew violations, incorrigibility, possession of tobacco by a minor, runaway, status offense probation violations, truancy, and underage possession and/or consumption of alcohol. Possession of tobacco by a minor was

reclassified as a misdemeanor during the 2000 WV legislative session, however, since this offense cannot be charged to an adult, it is categorized as a status offense for the purposes of this report.

In 2006, 87.4% (85.7% in 2007) of status cases involved only one offense. Two status offenses were charged in 8.2% (10.5% in 2007) of the cases. Only 4.3% (3.7% in 2007) of status cases involved three or more status offenses.

For both years, truancy was the most frequently charged status offense comprising about half of all status offenses charged. Incorrigibility was the second most frequently charged comprising about 30% of all charges.





# Juvenile Characteristics

In 2006, 3,147 juveniles were involved in new delinquency cases, and 3,052 juveniles were involved in 2007. For new status offense cases, 1,863 juveniles were involved in 2006 and 1,869 in 2007. Cases charging at least one delinquent offense are considered delinquent cases and those juveniles involved in these cases are referred to as delinquency offenders in this report.

## Delinquency Offenders

### Gender and Race

Most delinquency offenders were male (69.0% in 2006 and 67.5% in 2007). This represents an increase of 6.7% in the percentage of female delinquency offenders since 1999.

Most (84.8% in 2006 and 85.0% in 2007) of the delinquency offenders were white. 9.9% (10.4% in 2007) were black; 0.2% in 2006 and 0.1% in 2007 were Asian or Pacific Islander; 0.1% in 2006 and 0% in 2007 were reported as American Indian; and 2.4% were multiracial in 2006 and 2.6% in 2007.

### Age at Offense

Delinquency offenders ranged in age from six to 20 years old at offense(s). The average age was 16 for both years. Delinquency offender age at offense was calculated using the juvenile's reported date of birth and the date the offense(s) allegedly occurred. Juveniles under the age of 10 are generally charged with minor property offenses and gain access to intervention resources through probation. Juveniles aged 18-20 were charged with probation violations for underlying offenses committed prior to their 18th birthday. WV law on juvenile jurisdiction allows these individuals to be handled by the juvenile system until their 21st birthday.

### Living Situation

Most (74.9% in 2006 and 76.1% in 2007) delinquency offenders were living with at least one parent at the time of offense. About a quarter were living with both parents, and about half were living with just one parent.

Other living situations reported for delinquency offenders at time of offense included: adoptive parents, foster care, guardians, relatives, friends, college, job corps, shelters or other out of home placement, with their spouses and in their own home.

### Education

Most (61.4% in 2006 and 62.0% in 2007) of the delinquency offenders were reported as mainstream students at the time of their offense(s). Less than a tenth (8.1% in 2006 and 7.0% in 2007) were in

special education, and a few less (5.9% in 2006 and 6.4% in 2007) were in alternative education. About 100 offenders (2.6% in 2006 and 3.9% in 2007) had either graduated high school or had obtained their GED at time of offense.

In 2006, 5.9% were reported as having dropped out of school (5.4% in 2007). This drop-out rate was twice as high as the statewide drop-out rate of 2.7% during the 2006-2007 school year, according to the WV Report Card published by the WV Department of Education.

"Other" educational placement was reported for a few (1.4% in 2006 and 2.2% in 2007) delinquency offenders. Home school, home bound, private school, college, job corps, vocational school, and expulsion from school were some other types of educational placement at time of offense. The educational placement was either unknown or not reported for more than a tenth (14.7% in 2006 and 13.2% in 2007) of delinquency offenders.

### Home County

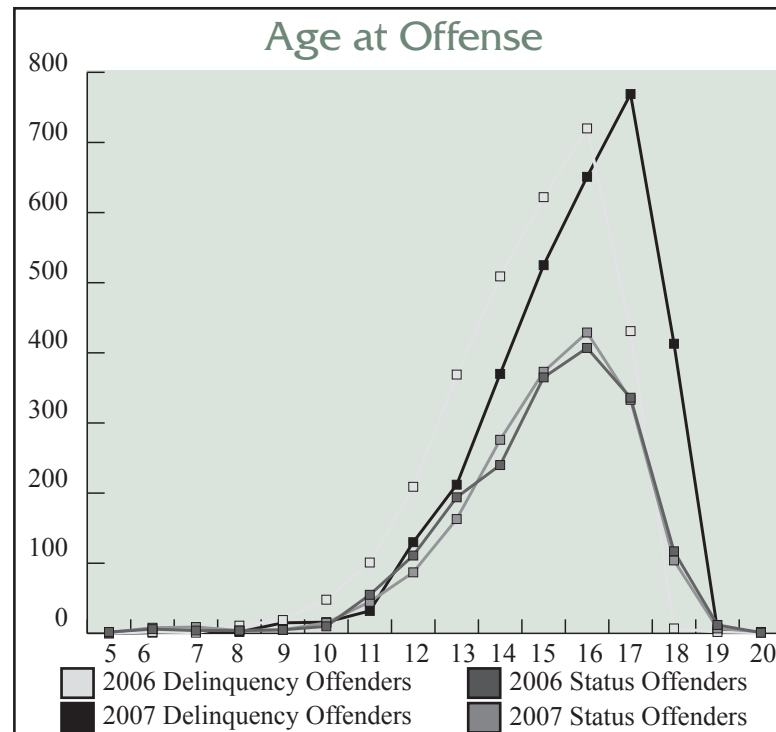
Kanawha County was home to more delinquency offenders (527 in 2006 and 537 in 2007) than any other county in WV. Three other counties served more than 150 delinquency offenders in both years: Cabell, Raleigh and Wood.

Only five delinquency offenders were reported as residents of other states in 2006, and two in 2007.

### County Offender Rates

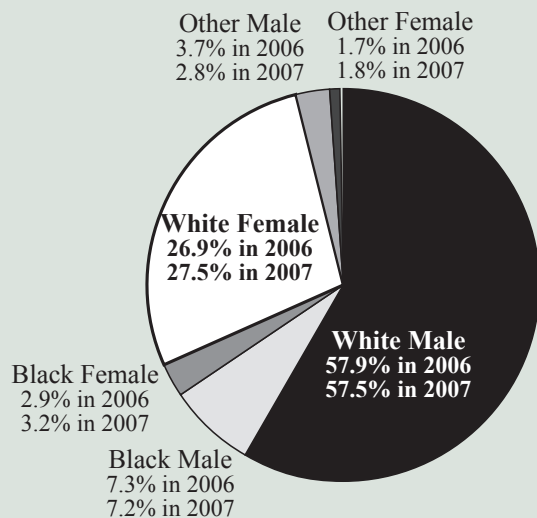
WV's delinquency offender rate of juveniles ages 10 to 17 was 1.68 in 2006 and 1.63 in 2007. These rates represent a decrease from the 2000 rate of 1.83%, and the 1999 rate of 2.19%.

Seventeen counties in 2006 and 2007 had juvenile delinquency offender rates higher than the state average.

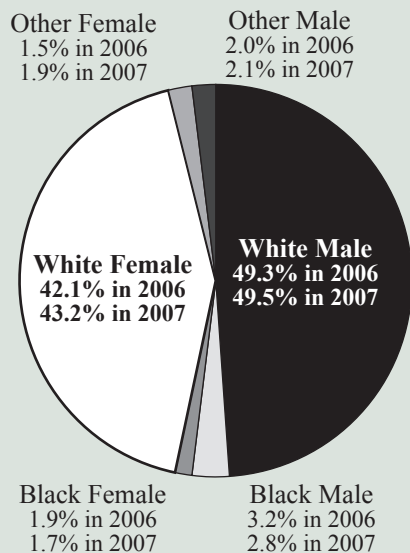


## Age & Gender

### Delinquency Offenders



### Status Offenders



In 2006, Lewis County had the largest number of juvenile delinquent offenders compared to its population of 10 to 17 year olds with a rate of 4.00. In 2007, Brooke County had the highest rate of 7.01. In 2006, four counties had juvenile delinquent offender rates over 3.00: Brooke, Cabell, Lewis, Marshall and Ohio; while only Brooke, Morgan and Raleigh had rates over 3.00 in 2007.

## Status Offenders

### Gender and Race

In 2006, 54.5% of status offenders were male (53.2% in 2007). Most (91.4% in 2006 and 92.8% in 2007) of the status offenders were white. 5.1% (3.2% in 2007) were black; 0% in 2006 and 0.1% 2007 were Asian or Pacific Islander; 0.2% were reported as American Indian in both years; and 1.6% were multiracial in 2006 and 1.7% in 2007.

### Age at Offense

Status offenders ranged in age from five to 20 years when they committed their offense(s). The average age in 2006 was 16 years and 15 in 2007. Status offender age at offense is calculated using the juvenile's reported date of birth and the date the offense(s) allegedly occurred. Juveniles under the age of 10 are generally charged to gain access to intervention resources. Juveniles aged 18-20 were charged with offenses committed prior to their 18th birthday. WV law on juvenile jurisdiction allows these individuals to be handled by the juvenile system until their 21st birthday.

### Living Situation

Most (75.9% in 2006 and 68.9% in 2007) status offenders were living with at least one parent at the time of offense.

About a quarter were living with both parents, and about half were living with just one parent. Other living situations reported for status offenders at time of offense included: foster care, adoptive parents, guardians, relatives, friends, college, shelters or other out of home placement.

## Education

Most (73.2% in 2006 and 69.0% in 2007) of the status offenders were reported as mainstream students at the time of their offense(s). A few (5.9% in 2006 and 6.9% in 2007) were in special education, and still less (4.5% in 2006 and 4.1% in 2007) were in alternative education. Less than ten status offenders (0.3% in 2006 and 0.5% in 2007) had either graduated high school or had obtained their GED at time of offense. 1.1% in 2006 and 0.9% 2007 were reported as having dropped out of school.

"Other" educational placement was reported for a few (0.9% in 2006 and 0.7% in 2007) status offenders. Home school, home bound, private school, college, job corps, vocational school, and expulsion from school were some other types of educational placement for status offenders at time of offense. The educational placement was either unknown or not reported for more than a tenth (14.2% in 2006 and 17.9% in 2007) of status offenders.

## Living Situation

Delinquency Offenders				Status Offenders				Situation
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
1488	<b>47.3</b>	1519	<b>49.8</b>	972	<b>52.2</b>	814	<b>43.6</b>	One Parent
869	27.6	803	26.3	442	23.7	472	25.3	Both Parents
285	9.1	284	9.3	165	8.9	156	8.3	Parent/Step-Parent
201	6.4	177	5.8	77	4.1	94	5.0	Other Relative
66	2.1	71	2.3	47	2.5	40	2.1	DHHR Approved
7	0.2	2	0.1	1	0.1	0	0	Detention Center
2	0.1	4	0.1	2	0.1	0	0	Transient
35	1.1	49	1.6	15	0.8	19	1.0	Other
194	6.2	143	4.7	142	7.6	274	14.7	Unknown

## Home County

Logan and Ohio counties were home to more status offenders (Logan, 311 in 2006 and 624 in 2007; Ohio, 342 in 2006 and 127 in 2007) than any other counties in WV. Three other counties served more than 100 status offenders in both years (Kanawha, Raleigh and Wood). Only one status offender was from out of state in 2006 and none in 2007.

## County Offender Rates

WV's status offender rate of juveniles ages 10 to 17 was 0.98 in 2006 and 1.00 in 2007. These rates are similar to the 1999 rate of 1.02% and the 2000 rate of 0.90%.

In 2006, 14 counties (11 counties in 2007) had juvenile status offender rates higher than the state average. Logan County had the largest number of juvenile status offenders compared to its population with a rate of 8.13 in 2006 and 16.2 in 2007.

In 2006, three counties had juvenile status offender rates over 3.00: Logan, Ohio and Randolph; while Logan and Mingo had rates over 3.00 in 2007.

The adjacent table provides the number of juveniles per county by offender type, the percentage of the total number of juveniles and the offender rate. Counties having a delinquency or status offender rate higher than the state average for any category in any year are highlighted.

*Calculation Method: Juvenile offender rates in the adjacent table were calculated by dividing the number of offenders in each county by that county's juvenile population ages 10 to 17. The data source for juvenile population numbers was the 2000 U.S. Census. Delinquent offenders under age 10 are rare and those 18 years or older at time of offense were under juvenile jurisdiction for an offense(s) committed before reaching 18 years of age. County offender rates would be underrepresented if those age groups were included in the calculation. The county offender numbers reflect the reported home county of the juvenile and not necessarily the county in which the offense(s) occurred.*

County	Population	Delinquent Offenders						Status Offenders					
		2006			2007			2006			2007		
		#	%	Rate	#	%	Rate	#	%	Rate	#	%	Rate
Barbour	1758	3	0.1	0.17	43	1.4	2.45	7	0.4	0.40	12	0.6	0.68
Berkeley	8880	79	2.5	0.89	8	0.3	0.09	47	2.5	0.53			
Boone	2648	40	1.3	1.51	24	0.8	0.91	25	1.3	0.94	17	0.9	0.64
Braxton	1638	36	1.1	2.20	22	0.7	1.34	21	1.1	1.28	6	0.3	0.37
Brooke	2452	83	2.6	3.38	172	5.6	7.01	32	1.7	1.31	50	2.7	2.04
Cabell	8596	303	9.6	3.52	192	6.3	2.23						
Calhoun	821	4	0.1	0.49									
Clay	1230	6	0.2	0.49	14	0.5	1.14	1	0.1	0.08	2	0.1	0.16
Doddridge	1012				3	0.1	0.30						
Fayette	4775	44	1.4	0.92	21	0.7	0.44	13	0.7	0.27	9	0.5	0.19
Gilmer	692	4	0.1	0.58	12	0.4	1.73	1	0.1	0.14	1	0.1	0.14
Grant	1168	8	0.3	0.68	5	0.2	0.43	1	0.1	0.09	2	0.1	0.17
Greenbrier	3606	43	1.4	1.19	37	1.2	1.03	18	1.0	0.50	20	1.1	0.55
Hampshire	2281	28	0.9	1.23	31	1.0	1.36	1	0.1	0.04	2	0.1	0.09
Hancock	3166	27	0.9	0.85	13	0.4	0.41	1	0.1	0.03	3	0.2	0.09
Hardy	1294	24	0.8	1.85	20	0.7	1.55	6	0.3	0.46	4	0.2	0.31
Harrison	7407	99	3.1	1.34	154	5.0	2.08	70	3.8	0.95	86	4.6	1.16
Jackson	3117												
Jefferson	4530												
Kanawha	19358	561	17.8	2.90	567	18.6	2.93	140	7.5	0.72	157	8.4	0.81
Lewis	1651	66	2.1	4.00	37	1.2	2.24	5	0.3	0.30	6	0.3	0.36
Lincoln	2498	56	1.8	2.24	43	1.4	1.72	58	3.1	2.32	61	3.3	2.44
Logan	3839	42	1.3	1.09	27	0.9	0.70	312	16.7	8.13	624	33.4	16.2
Marion	5591	83	2.6	1.48	89	2.9	1.59	7	0.4	0.13	3	0.2	0.05
Marshall	3784	124	3.9	3.28	107	3.5	2.83	54	2.9	1.43	29	1.6	0.77
Mason	2660	31	1	1.17	43	1.4	1.62	1	0.1	0.04	1	0.1	0.04
McDowell	3214	26	0.8	0.81	7	0.2	0.22	1	0.1	0.04	1	0.1	0.03
Mercer	6059	174	5.5	2.87	61	2.0	1.01	22	1.2	0.36	12	0.6	0.20
Mineral	3076	73	2.3	2.37	81	2.7	2.63	60	3.2	1.95	48	2.6	1.56
Mingo	3306	37	1.2	1.12	30	1.0	0.91	61	3.3	1.85	110	5.9	3.33
Monongalia	6690	39	1.2	0.58	78	2.6	1.17	48	2.6	0.72	60	3.2	0.90
Monroe	1454	6	0.2	0.41	20	0.7	1.38	18	1	1.24	12	0.6	0.83
Morgan	1442	10	0.3	0.69	46	1.5	3.19	13	0.7	0.90	14	0.7	0.97
Nicholas	3202	57	1.8	1.78	61	2.0	1.91	30	1.6	0.94	41	2.2	1.28
Ohio	4712	142	4.5	3.01	109	3.6	2.31	343	18.4	7.28	126	6.7	2.67
Pendleton	861	2	0.1	0.23	10	0.3	1.16	2	0.1	0.23	4	0.2	0.46
Pleasants	822	1	0	0.12				1	0.1	0.12	1	0.1	0.12
Pocahontas	957	17	0.5	1.78	15	0.5	1.57	2	0.1	0.21	2	0.1	0.21
Preston	3532	33	1.0	0.93	16	0.5	0.45	18	1	0.51	10	0.5	0.28
Putnam	5918	17	0.5	0.29	53	1.7	0.90				1	0.1	0.02
Raleigh	8082	222	7.1	2.75	258	8.5	3.19	114	6.1	1.41	104	5.6	1.29
Randolph	2983	89	2.8	2.98	87	2.9	2.92	104	5.6	3.49	65	3.5	2.18
Ritchie	1115	19	0.6	1.70	10	0.3	0.90				2	0.1	0.18
Roane	1822	8	0.3	0.44	22	0.7	1.21	2	0.1	0.11			
Summers	1188	27	0.9	2.27	23	0.8	1.94	12	0.6	1.01	4	0.2	0.34
Taylor	1712	20	0.6	1.17	35	1.1	2.04	31	1.7	1.81	37	2.0	2.16
Tucker	707	8	0.3	1.13	3	0.1	0.42				1	0.1	0.14
Tyler	1120	9	0.3	0.80	1	0.0	0.09	1	0.1	0.09			
Upshur	2498	22	0.7	0.88	33	1.1	1.32	11	0.6	0.44	12	0.6	0.48
Wayne	4722	46	1.5	0.97	51	1.7	1.08	13	0.7	0.28	30	1.6	0.64
Webster	1080	4	0.1	0.37	1	0.0	0.09						
Wetzel	2036	39	1.2	1.92	21	0.7	1.03						
Wirt	788	5	0.2	0.63	3	0.1	0.38	5	0.3	0.25			
Wood	9362	192	6.1	2.05	226	7.4	2.41	117	6.3	1.25	67	3.6	0.72
Wyoming	2862	9	0.3	0.31	7	0.2	0.24				10	0.5	0.35
Total	187774	3147		1.68	3052		1.63	1849		0.98	1869		1.00



# Dispositions

A formal disposition is imposed by the court after a juvenile has been adjudicated by the court, except for an improvement period in which the juvenile is not adjudicated. An informal disposition is action taken in a case before a juvenile is adjudicated.

## Delinquency Dispositions

### Informal Disposition

More than 1,400 delinquency cases were disposed informally per year (1,503 in 2006 and 1,405 in 2007). The most frequently imposed informal dispositions were: referred to diversion program through probation (340 in 2006 and 326 in 2007); informal supervision by probation (314 in 2006 and 315 in 2007); complaint resolved and/or juvenile counseled (311 in 2006 and 232 in 2007); case closed or complaint withdrawn (245 in 2006 and 211 in 2007); held open without further action (90 in 2006 and 123 in 2007); referred to community agency (89 in 2006 and 91 in 2007); referred to DHHR (7 in 2006 and 12 in 2007); and other (107 in 2006 and 91 in 2007).

### Adjudication

Approximately a third of cases resulted in no adjudication, and about half of the cases resulted in an adjudication of delinquent by plea.

### Formal Disposition

More than 2,500 delinquency cases were disposed formally each year (2,564 in 2006 and 2,896 in 2007).

The most frequently imposed formal dispositions were: case dismissal in about a third of cases, noncustodial probation in about 20% of cases, improvement period in another 20% of cases and just about 10% were placed into DHHR custody with or

without probation. Only about 5% of delinquency cases disposed per year resulted in placement in DJS custody; and about 1% were transferred to adult criminal status.

## Timing of Disposition

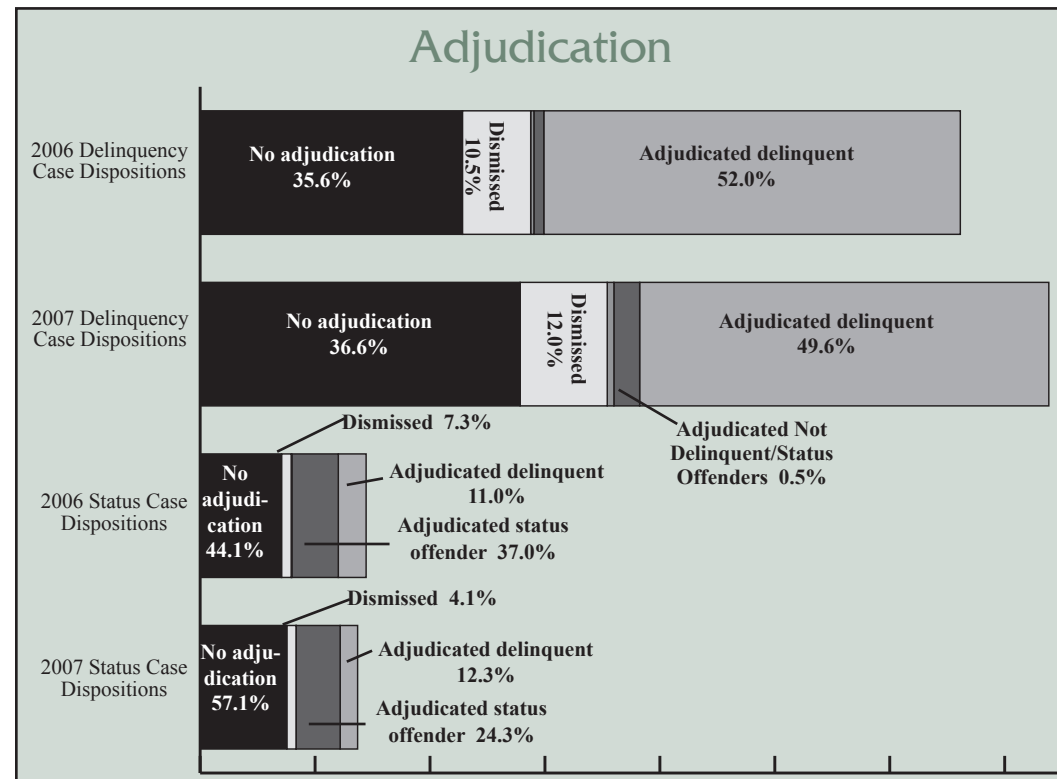
In 2006, half of the delinquency cases were disposed within 105 days (100 days in 2007) and 75.0% were disposed within 6 months of the complaint being signed for both years. The median length of time from complaint to disposition was 105 days in 2006 and 100 days in 2007. Less than nine percent (8.5% in 2006 and 8.0% in 2007) of the delinquency cases disposed were not disposed within one year of the date of the complaint.

## Commitment Setting

In about 15% of delinquency cases disposed, juveniles were placed in a commitment setting outside of their home.

In 2006, few (156 or 5.5% in 2006 and 134 or 4.7% in 2007) cases resulted in placement in Staff Secure and Non Secure Facilities in WV and even fewer (70 or 2.5% in 2006 and 36 or 1.2% in 2007) resulted in placement in these type of out-of-state facilities.

Also, few juveniles (127 or 4.5% in 2006 and 181 or 6.0% in 2007) were placed in WV secure facilities, and even less (26 in 2006 and 22 in 2007) were placed in out-of-state secure facilities. Very few dispositions (28 in 2006 and 27 in 2007) resulted in placements in a WV hospital setting and even fewer (One in 2006 and two in 2007) in an out-of-state hospital setting.





Foster care was selected as a placement commitment setting for eight cases in 2006 and for one case in 2007. Only four cases resulted in home confinement in 2006 and none in 2007.

## Investigations

Predisposition reports were prepared for 436 (15.4%) cases disposed in 2006 and 575 (18.0%) cases in 2007. Violation reports were prepared for 205 cases (7.2%) in 2006 and 301 (10.0%) cases in 2007.

## Formal Dispositions

Delinquency Offenders				Status Offenders				Situation
2006		2007		2006		2007		
#	%	#	%	#	%	#	%	
881	34.4	1031	35.6	228	24.7	276	27.9	Case dismissed
26	1.0	36	1.2	15	1.6	7	0.7	Monitor compliance
11	0.4	20	0.7	0	0	0	0	Community service
30	1.2	31	1.1	3	0.3	4	0.4	Fine/Restitution
569	22.2	673	23.2	263	28.5	359	36.3	Improvement Period
15	0.6	23	0.8	163	17.6	116	11.7	Referred to DHHR
597	23.3	609	21.0	75	8.1	60	6.1	Probation, non-custodial
92	3.6	105	3.6	103	11.1	96	9.7	DHHR custody
152	5.9	149	5.1	47	5.1	44	4.5	DHHR custody and probation
16	0.6	8	0.3	0	0	3	0.3	Home confinement and probation
15	0.6	9	0.3	0	0	0	0	Mental Health Proceeding
85	3.3	126	4.4	17	1.8	3	0.3	DJS Custody
23	0.9	5	0.2	0	0	0	0	Transferred to Adult Court
52	2.0	71	2.5	10	1.1	20	2.0	Other

## Timing of Disposition

In 2006, 21.0% of the status offense cases were disposed within one month (20.0% in 2007). 44.8% (42.0% in 2007) were disposed within two months of the complaint being signed; and 79.0% (82.5% in 2007) were disposed within six months. The median length of time from complaint to disposition was 69 days in 2006 and 76 days in 2007. Less than five percent (4.5% in 2006 and 3.1% in 2007) of the delinquency cases disposed were not disposed within one year of the date of the complaint.

## Status Case Dispositions

### Informal Disposition

More than 1,100 status cases were disposed informally each year (1,183 in 2006 and 1,333 in 2007). The most frequently imposed informal dispositions were: complaint resolved and/or juvenile counseled (300 in 2006 and 653 in 2007); referred to diversion program through probation (402 in 2006 and 227 in 2007); case closed or complaint withdrawn (131 in 2006 and 142 in 2007); referred to community agency (102 in 2006 and 87 in 2007); informal supervision by probation (81 in 2006 and 74 in 2007); held open without further action (73 in 2006 and 67 in 2007); referred to DHHR (47 in 2006 and 40 in 2007); and other (46 in 2006 and 42 in 2007).

### Adjudication

Approximately half of status offense cases resulted in no adjudication, and more than a third resulted in adjudication as a status offender.

### Formal Disposition

More than 900 status cases were disposed formally each year (924 in 2006 and 988 in 2007).

The most frequently imposed formal dispositions were: improvement period in about a third of cases, dismissal in about a quarter of cases, and referral to DHHR or DHHR custody.

## Commitment Setting

In about 10% of status cases disposed, juveniles were placed in a commitment setting outside of their home.

The most frequent out-of-home placement setting for status offenders was staff secure and non-secure facilities in WV (84 or 8.8% in 2006 and 50 or 4.9% in 2007); but very few status offenders (four in 2006 and 10 in 2007) were placed in these type of facilities out-of-state. Very few status offenders were placed in secure facilities in WV (16 in 2006 and six in 2007). In 2006, only 12 juveniles were placed in any other setting such as foster care or hospitals, and only three in 2007.

## Investigations

Predisposition reports were prepared for 167 (17.5%) cases disposed in 2006 and 176 (17.2%) cases in 2007. Violation reports were prepared for 23 cases (2.4%) in 2006, and 33 (3.2%) cases in 2007.

# Pre-Dispositional Assessment Tool

## Background

### Tool Purpose

The Pre-Dispositional Assessment Tool was developed to improve the juvenile justice system by facilitating more uniform pre-dispositional recommendations across the state. The tool was developed by WV probation officers with the assistance of other system experts for use by juvenile probation officers in WV when preparing a pre-dispositional report for a judge who is considering disposition. The tool was designed to build on the experience of seasoned probation officers from different disciplines, geographic locations, genders and race to ensure that every recommendation in a pre-dispositional report made by probation is based on the 17 factors WV probation officers considered to be critical.

### Tool Development Process

The committee formed to develop the tool was made up of representatives from: local probation; the WV Supreme Court Administrative Office; the Department of Health and Human Resources; the Department of Education; and the Department of Military Affairs and Public Safety Divisions of Juvenile Services and Criminal Justice Services.

A series of committee meetings were conducted over a 16-month period in which the 17 factors critical to assessment were determined through research and consensus of the committee. The on-line form was developed, critiqued, pilot tested and revised. The final form was reviewed and approved by the committee September 2004. The instructions for the manual were based on the online assessment instructions, pilot problem areas and committee consensus. Training was conducted at the Probation Conference October 21, 2004, with every juvenile or juvenile/adult probation officer. The tool was available for use on the court website on October 26,

2004. The development committee recommended that annual data analysis be included in the Juvenile Probation statistical reports.

The committee decided the target population for the tool should be juveniles who were adjudicated delinquent in which the probation officer would be required to complete a pre-dispositional report. The tool calculates a score that can be used to determine trends in WV probation recommendations.

The reliability and validity of the tool will be tested when an adequate number of assessments have been completed to ensure statistical accuracy.

The Division of Criminal Justice Services provided funds for this project through a State Challenge Grant from the U.S. Department of Justice, Office of Juvenile Justice & Delinquency Prevention.

## Critical Assessment Factors

### Factor Development & Scoring

The numerical value scales of each of the 17 critical factors were assigned by probation officers on the committee rating the factors they considered to be the most important when making a recommendation. Those factors were also compared to other states' assessment tools and to the juvenile delinquency risk factors. The values were discussed and determined through consensus of the committee. The most important factors have a maximum score of five. Other factors never exceed four points. The two factors relating to schools have a maximum of two points each, ensuring the maximum score for school factors does not exceed four points. The extra three-point value for multiple offenses tied to the current offense make it the most important factor to WV probation officers when making a recommendation. The online tool automatically adds up the score based on completion of the form.

It was not the intention of the committee for these

values to predict future behavior and therefore are not used to make a mandatory recommendation or to determine placement. Probation officers choose their recommendation based on mitigating factors and other considerations in addition to these 17 factors. Over time, these values can demonstrate trends in WV probation which may be used as guidelines after further analysis.

Although a great deal of time was put into removing subjectivity from each factor by providing instructions, examples, definitions and training, the possibility of score fluctuation remains highest under "Stability of Family/Home and Parental Control" because of the nature of the factor.

The format of the pre-dispositional report previously used by probation officers remained unchanged. However, now the recommendation of the probation officer is based on the consideration of the assessment factors, but does not include the score derived from the assessment tool because the number does not drive the recommendation. It is merely one tool used to develop the recommendation.

### 17 Critical Assessment Factors

Factor	Maximum Value
Age of First Referral to Juvenile Court	5
Court Compliance Issues	5
Most Aggressive Behavior	5
New Offense (s)	5
Severity of Current Offense	5
Severity of Prior Disposition	5
Alcohol Issues	4
Drug Chemical Issues	4
Mental Health	4
Parent Control	4
Peer Relationships	4
Stability of Family/Home	4
Most Serious Dispositional Offense	3
Multiple Current Offenses	3
Current School Attendance	2
School Behavior	2
Custody Issues	A, B, C or D

## Findings

The pre-dispositional assessment tool was used 454 times from October 2004 through October 2008. Assessments that were not completed in the online system were not included in the analysis. However, assessments without a computed score were included. About 16 WV probation officers reported using this tool.

### Demographic Factors

At the time of assessment, 21 juveniles (4.6%) were 10-12 years old at the time of offense; 170 (37.5%) were 13-15 years old; 214 (47.1%) were 16-17 years old; 49 (10.8%) were 18-20 years old; and one age was unknown.

### Offense, Disposition & Court Factors

#### History with Juvenile Court

Many juveniles assessed were first referred to juvenile court between ages 14-16 (259 or 56.9%); 22.6% were 13 or under (103); 20.7% (94) were 17 or older.

Many juveniles (146 or 32.1%) had no serious prior signed allegations (excluding all current offenses and any pending offenses). About a quarter (116 or 25.5%) had a prior misdemeanor offense; 45 (9.9%) had a prior felony offense; and 45 (9.9%) had a prior status offense.

#### Severity of Current Offense

The majority of juveniles assessed were currently being charged with a Misdemeanor offense (192 or 42.2%). About a quarter (125 or 27.5%) were charged with a Felony offense; 25 (5.5%) were charged with a Violation of Probation Underlying Offense Misdemeanor; seven (1.5%) were charged with a Violation of Probation Underlying Offense Felony; and this information was missing for 106 (23.3%) assessments.

#### Severity of Prior Disposition

About 40% of juveniles assessed had no known prior dispositions (183 or 40.2%).

Among juveniles that had a known prior disposition, 97 (21.3%) had an Improvement Period, Diversion or Informal Adjustment; 32 (7.0%) had Probation; 21 (4.6%) had Probation with DHHR Custody (in or out of home); 12 (2.6%) had Out of Home Placement: DHHR or other; and only seven (1.5%) were Committed to DJS.

#### Pending Offenses

Most juveniles assessed (297 or 65.3%) had no known Pending Offenses or Signed Allegations since filing current offense. This information was unknown for 107 juveniles (23.5%).

Of those juveniles with Pending Offenses, 19 (4.2%) had one or more misdemeanor offenses; 14 (3.1%) had one or more felony offenses; 12 (2.6%) had one or more felonies and misdemeanors; and six (1.3%) had one or more status offenses.

#### Court Compliance Issues

More than a third of the juveniles assessed had known court compliance issues with 67 (14.7%) having major and 122 (26.8%) having minor compliance issues. Another third (154, 33.8%) had no known compliance issues, and this information was unknown for 112 (24.6%).

### Family & Peer Factors

#### Peer Relationships

Most juveniles assessed had known negative peer influences. About 40% of juveniles (177, 38.9%) had some negative influences, while (136 or 29.9%) had mostly negative influences who were involved in delinquent behavior. Only 10 (2.2%) juveniles were reported to be anti-social with few peer relationships and isolated; while 26 (5.7%) had good support and influence. This issue was missing for 106 (23.3%) of juveniles.

#### Custody Issues

The majority of juveniles assessed (196 or 43.1%) had no known custody issues (D).

Among those juveniles assessed with custody issues, 129 (28.4%) were currently in state's custody at the time of disposition (C); the parent refused to allow nine (2.0%) juveniles to live at home (B); and six (1.3%) juveniles currently refused to live at home (A).

### Behavioral Health Factors

#### Most Aggressive Behavior

About half of the assessments reported previous aggressive behavior with 162 (35.6%) assessments reported actual physical aggression or fighting; 49 (10.8%) reported threats of physical aggression; 21 (4.6%) brandished or carried a weapon; and three (0.7%) had used a weapon with intent to maim, disfigure, disable or kill. About a quarter (114, 25.1%) reported no aggressive behavior. This issue was missing for 106 (23.3%) of juveniles.

#### Mental Health

About half of the juveniles assessed had a history of mental health issues with 169 (37.1%) having a

### Stability of Family/Home

Factor	#	%
Financial problems	161	35.4%
Parent emotional distress/psychiatric	125	27.5%
Parent drug-alcohol abuse	118	25.9%
Significant marital conflict	72	15.8%
Housing	72	15.8%
Domestic violence	72	15.8%
Parent chronic history of offenses	64	14.1%
Multiple runaway	62	13.6%
Uncooperative parent	58	12.7%
Parent refusal to allow youth to live at home	42	9.2%
Abusive parent	25	5.5%
Child refuses to live at home	21	4.6%
Other	58	12.7%



## Parental Control

Factor	#	%
Difficulty Controlling Behavior	250	54.9%
Inconsistent Parenting	226	49.7%
Inadequate Supervision	174	38.2%
Poor Relations	98	21.5%
Inappropriate Discipline	92	20.2%

About a third (142, 31.2%) of juveniles had none of the parental control issues listed above, while about half (49.9%) had between one and three issues. The rest or 18.9% had four or five parental control issues.

previous or current outpatient treatment and 57 (12.5%) a previous or current inpatient treatment. About a quarter (117 or 25.7%) had no history, and this information was unknown for 112 (24.6%) juveniles.

### Alcohol Issues

Almost half of the assessments reported alcohol use. Six (1.3%) juveniles had alcohol abuse or dependency issues with a history of previous inpatient treatment; 18 (4.0%) had alcohol abuse or dependency issues with a history of previous outpatient treatment; 29 (6.4%) had abuse or dependency issues without previous treatment; and 176 (38.7%) had used alcohol without seeking treatment of any kind.

About a quarter (116 or 25.5%) had no previous history of alcohol use, and this information was unknown for 110 (24.2%) juveniles.

### Drug/Chemical Issues

The number of juveniles assessed with drug/chemical use issues were nearly the same as those reporting alcohol issues. Eleven (2.4%) juveniles had Drug/Chemical abuse or dependency issues with a history of previous inpatient treatment; 18 (4.0%) had Drug/Chemical abuse or dependency issues with a history of previous outpatient treatment; 43 (9.5%) had abuse or dependency issues without previous treatment; and 155 (34.1%) had used drugs/chemicals

without seeking treatment of any kind.

About a quarter (116 or 25.5%) had no previous history of drug/chemical use, and this information was unknown for 112 (24.6%) juveniles.

## School Factors

### School Attendance Behavior

Only 74 (16.3%) assessments reported juveniles attending school without problems, graduating or completing a GED; 15 (3.3%) were currently enrolled in the GED program; and this information was unknown for 112 (24.6%) of the juveniles.

70 (15.4%) were not attending, expelled or dropped out; 79 (17.4%) had serious truancy or behavioral problem(s); 20 (4.4%) had multiple retentions and/or suspensions; and 85 (18.7%) had problem(s) handled at school level.

## Scoring & Recommendations

### Cumulative Scores

Of the 190 juveniles assigned a score, the average was 28.2 out of a possible 64. The modal score was also 27. The lowest score assigned was 4, and the highest was 59. About a third (32.6%) of the scores were 22 or below. Another third (32.7%) of juveniles received a score between 23 and 32. The remaining 35.7% received scores 33 to 59. A score was not calculated for 365 juveniles.

## Disposition Recommendations

	#	%
Probation (community-based)	135	29.7%
Probation + DHHR (DHHR placement)	107	23.5%
Comitment to DJS	42	9.2%
Probation + DHHR (community-based)	29	6.4%
Formal Improvement Period	4	0.9%
Other	7	1.5%
Dismissed	1	0.2%
DHHR only	1	0.2%
Unknown	129	28.4%

## References

WV Department of Education. WV Report Cards. 2007. WV Education Information System. Accessed December 26, 2008 from: <http://wveis.k12.wv.us/nclb/pub/rpt0607/accRptCard05os.cfm?year=07&county=099&school=201&coname=STATE%20TOTALS&rpage=pickreportcard.cfm&rptnum=3>

Division of Criminal Justice Services. June 2004. West Virginia Juvenile Law & Procedure.

U.S. Census Bureau. 2000. Juvenile Population. Accessed September 25, 2006 from: <http://dataferrett.census.gov/>

## Acknowledgments

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The findings and conclusions expressed in this report are those of the author and editors and may not reflect those of the U.S. Department of Justice or the State of West Virginia.

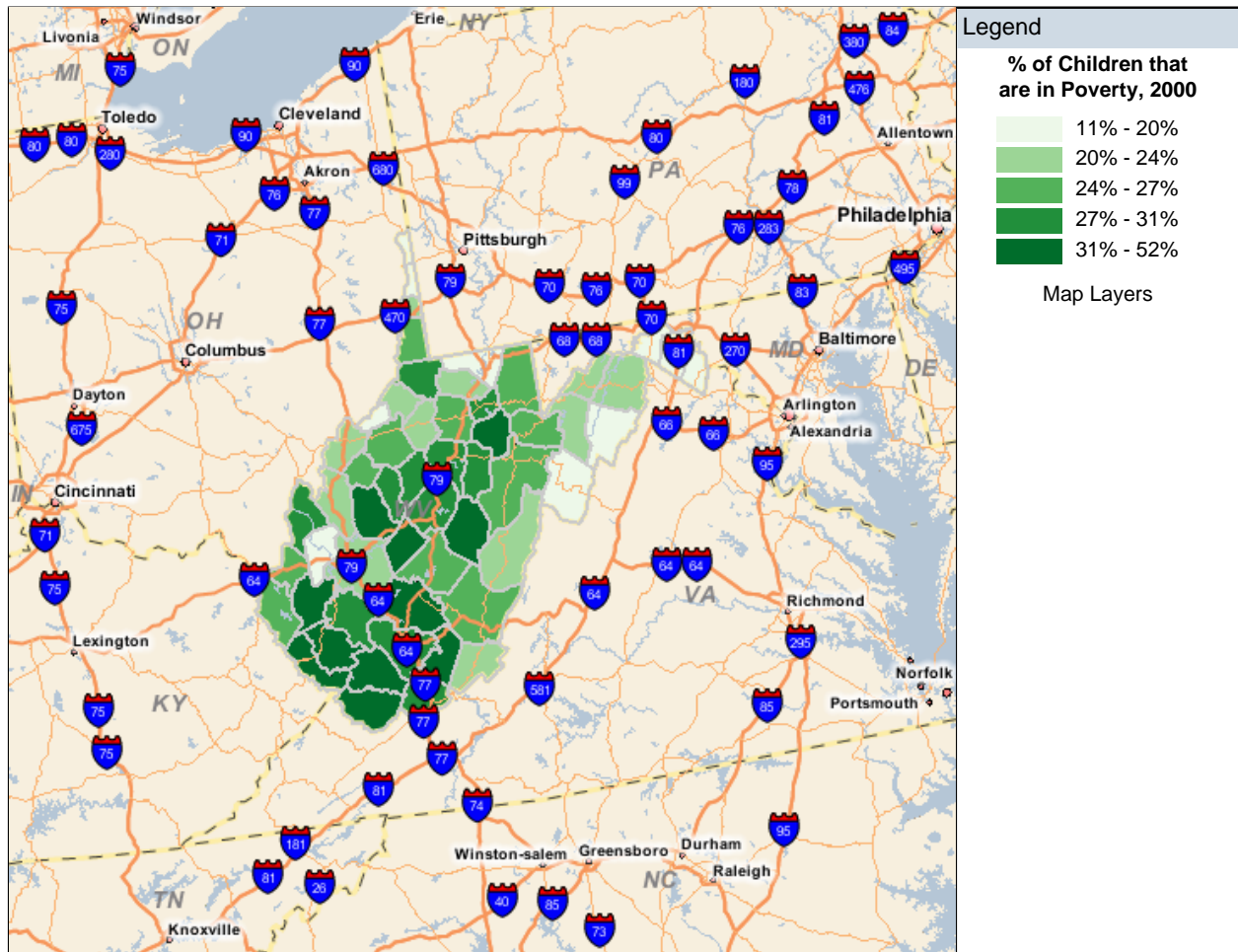
# Section 7 Attachment



**Indicator:** % of Children that are in Poverty, 2000     **Geographic Area:** National > West Virginia

**Description:** % of Children that are in Poverty

**Source:** US Census Bureau

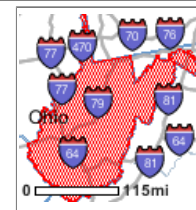


# Section 7 Attachment

## SMART Report

### West Virginia States Report

Geographic Area: **National**  
Location: West Virginia



### Indicators for this Location

#### Population

Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
% of Population Under 5 Years							6%					
% of Population 5 to 17 Years							17%					
% of Population 18 Years and Older							78%					
% of Population that is Male							49%					
% of Population that is Female							51%					
% of Households with Children that are Single Parent							25%					
% of Population 5-17 that only speak English							98%					
% of Population 5-17 that speak Spanish							1%					
% of Population 5-17 that speak an Indo European Language							1%					
% of Population 5-17 that speak an Asian Language							0%					
% of Population 5-17 that speak Other							0%					
Total Population							1,808,344					
% of Population that is White							95%					
% of Population that is Black							3%					
% of Population that is Native American							0%					
% of Population that is Asian							1%					
% of Population that is Pacific Islander							0%					
% of Population that is Other							0%					
% of Population that is Two + Races							1%					
% of Population that is Hispanic							1%					
% of Population that is Not Hispanic							99%					
% of Population Born in the United States							99%					
% of Population Born in a Foreign Country							1%					
% of Population not United States Citizens							0%					



## Crime

Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
Juvenile Arrest Rate	3,259	3,656	3,838	4,120	3,757			1,756			1,935	
Juvenile Violent Crime Index Arrest Rate	71	87	74	85	71			57			64	
Juvenile Murder Arrest Rate	3	8	4	4	0			0			2	
Juvenile Forcible Rape Arrest Rate	4	6	5	4	5			2			0	
Juvenile Robbery Arrest Rate	24	25	23	33	14			10			11	
Juvenile Aggravated Assault Arrest Rate	40	48	41	44	52			44			51	
Juvenile Property Crime Index Arrest Rate	1,128	1,144	1,220	1,172	1,049			590			573	
Juvenile Burglary Arrest Rate	244	225	230	247	239			75			77	
Juvenile Larceny Theft Arrest Rate	757	805	871	797	716			463			446	
Juvenile Motor Vehicle Theft Arrest Rate	106	97	106	93	79			46			46	
Juvenile Arson Arrest Rate	257	329	322	328	333			232			266	
Juvenile Simple Assault Arrest Rate	257	329	322	328	333			232			266	
Juvenile Weapons Violation Law Arrest Rate	72	77	69	63	57			16			19	
Juvenile Drug Abuse Violation Arrest Rate	145	180	206	244	222			126			192	
Adult Arrest Rate	3,809	4,089	4,472	4,468	4,136			2,796			3,612	
Adult Violent Crime Index Arrest Rate	96	90	88	96	111			122			119	
Adult Murder Arrest Rate	7	5	3	4	4			7			3	
Adult Forcible Rape Arrest Rate	9	8	8	7	6			3			2	
Adult Robbery Arrest Rate	14	16	16	17	15			10			12	
Adult Aggravated Assault Arrest Rate	66	60	62	69	86			102			101	
Adult Property Crime Index Arrest Rate	386	386	440	392	364			260			357	
Adult Burglary Arrest Rate	78	72	80	76	73			43			54	
Adult Larceny Theft Arrest Rate	284	286	330	290	265			197			278	
Adult Motor Vehicle Theft Arrest Rate	19	22	24	19	19			16			21	
Adult Arson Arrest Rate	439	552	591	630	613			480			517	
Adult Simple Assault Arrest Rate	439	552	591	630	613			480			517	
Adult Weapons Violation Law Arrest Rate	85	80	85	87	57			22			34	
Adult Drug Abuse Violation Arrest Rate	168	226	280	268	272			188			353	
Total Arrest Rate	3,289	3,548	3,866	3,896	3,603			2,365			3,043	
Total Violent Crime Index Arrest Rate	82	79	76	84	94			101			100	
Total Murder Arrest Rate	6	5	3	3	3			6			2	
Total Forcible Rape Arrest Rate	8	7	6	6	5			3			2	
Total Robbery Arrest Rate	14	15	15	16	13			9			11	
Total Aggravated Assault Arrest Rate	55	52	52	58	72			84			85	
Total Property Crime Index Arrest Rate	426	426	476	431	394			264			339	
Total Burglary Arrest Rate	88	81	87	86	82			42			51	
Total Larceny Theft Arrest Rate	305	311	352	311	282			202			264	
Total Motor Vehicle Theft Arrest Rate	27	28	31	25	23			18			21	
Total Arson Arrest Rate	365	460	490	522	509			398			434	
Total Simple Assault Arrest Rate	365	460	490	522	509			398			434	
Total Weapons Violation Law Arrest Rate	74	70	73	74	50			18			29	
Total Drug Abuse Violation Arrest Rate	145	194	238	233	234			160			298	

Economic												
Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
% of Population that is Employed							50%					
% of Population that is Unemployed							4%					
Per Capita Income							\$16,477					
% of Individuals that are in Poverty							18%					
% of Families that are in Poverty							14%					
% of Children that are in Poverty							24%					
Education												
Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
% of 3 and 4 Year Olds Enrolled in School							37%					
% of 3 and 4 Year Olds Not Enrolled in School							63%					
% of 5 to 17 Year Olds Enrolled in School							96%					
% of 5 to 17 Year Olds Not Enrolled in School							4%					
% of 18 to 24 Year Olds Enrolled in School							43%					
% of 18 to 24 Year Olds Not Enrolled in School							57%					
% of 18 to 24 Year Olds with no High School Degree							22%					
% of 18 to 24 Year Olds with a High School Degree							78%					
% of 18 to 24 Year Olds with a Bachelor or Higher Degree							6%					
% of 25 to 34 Year Olds with a Bachelor or Higher Degree							18%					
Housing												
Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
Total Households							844,623					
% of Households that are Owner Occupied							75%					
% of Households that are Renter Occupied							25%					
% of Households that are Occupied							87%					
% of Households that are Vacant							13%					
% of Households that are Urban							46%					
% of Households that are Rural							54%					
Health												
Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
Infant Death Rate							8					

### Risk Factors - Community

Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
% of Population that is Unemployed							4%					
% of Individuals that are in Poverty							18%					
% of Families that are in Poverty							14%					
% of Children that are in Poverty							24%					
Total Households							844,623					
% of Households that are Owner Occupied							75%					
% of Households that are Renter Occupied							25%					
% of Households that are Vacant							13%					
Adult Violent Crime Index Arrest Rate	96	90	88	96	111			122			119	
Adult Property Crime Index Arrest Rate	386	386	440	392	364			260			357	
Adult Drug Abuse Violation Arrest Rate	168	226	280	268	272			188			353	
Infant Death Rate						8						

### Risk Factors - School

Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
% of 5 to 17 Year Olds Not Enrolled in School							4%					
% of 18 to 24 Year Olds with no High School Degree							22%					
% of Teens who are High School Dropouts											7%	
% Illicit drug use other than Marijuana (12 to 17)										6%		
% Marijuana Use (12 to 17)												9%
% Binge Alcohol Use (12 to 17)												13%

### Risk Factors - Individual

Indicator	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2006
Juvenile Arrest Rate	3,259	3,656	3,838	4,120	3,757			1,756			1,935	
Juvenile Violent Crime Index Arrest Rate	71	87	74	85	71			57			64	
Juvenile Murder Arrest Rate	3	8	4	4	0			0			2	
Juvenile Forcible Rape Arrest Rate	4	6	5	4	5			2			0	
Juvenile Robbery Arrest Rate	24	25	23	33	14			10			11	
Juvenile Aggravated Assault Arrest Rate	40	48	41	44	52			44			51	
Juvenile Property Crime Index Arrest Rate	1,128	1,144	1,220	1,172	1,049			590			573	
Juvenile Burglary Arrest Rate	244	225	230	247	239			75			77	
Juvenile Larceny Theft Arrest Rate	757	805	871	797	716			463			446	
Juvenile Motor Vehicle Theft Arrest Rate	106	97	106	93	79			46			46	
Juvenile Simple Assault Arrest Rate	257	329	322	328	333			232			266	
Juvenile Weapons Violation Law Arrest Rate	72	77	69	63	57			16			19	

## Resources for this Location

Label	Category	Program	Address	City	State	Phone
John W. Hereford Boys & Girls Club of Huntington	BGCA	Youth Development	Vinson St At Hughes St	Huntington	WV	
Sugar Grove WV Navy Youth Activity Center (YAC)	BGCA	Youth Development	Nsga Bld #26	Sugar Grove	WV	
Boys & Girls Club of Weirton	BGCA	Youth Development	927 Edna Avenue	Weirton	WV	
Salvation Army Boys & Girls Club of Charleston	BGCA	Youth Development	812 S. Carroll	St. Albans	WV	
John W. Hereford Boys & Girls Club of Huntington	BGCA	Youth Development	432 West 14Th Street	Huntington	WV	
Boys & Girls Club of Pleasants County	BGCA	Youth Development	605 Cherry St.	St. Marys	WV	
Boys & Girls Club of Pleasants County	BGCA	Youth Development	605 Cherry St.	St. Marys	WV	
Boys & Girls Club of the Eastern Panhandle	BGCA	Youth Development	334 N. Lawrence Street	Charles Town	WV	
John W. Hereford Boys & Girls Club of Huntington	BGCA	Youth Development	520 Everett Street	Huntington	WV	
Boys & Girls Club of the Eastern Panhandle	BGCA	Youth Development	404 South Green Street	Berkeley Springs	WV	
Salvation Army Boys & Girls Club of Charleston	BGCA	Youth Development	301 Tennessee Avenue	Charleston	WV	
Boys & Girls Club of Parkersburg	BGCA	Youth Development	3001 Grand Central Avenue	Vienna	WV	
Mountaineer Boys & Girls Club	BGCA	Youth Development	300 Court Street	Morgantown	WV	
Mountaineer Boys & Girls Club	BGCA	Youth Development	1579 Mary Lou Retton Dr.	Fairmont	WV	
Boys & Girls Club of Parkersburg	BGCA	Youth Development	1200 Mary Street	Parkersburg	WV	
	BGCA	Youth Development	105 W. John Street	Martinsburg	WV	

Label	Category	Program	Address	City	State	Phone
Boys & Girls Club of the Eastern Panhandle						
Mountaineer Boys & Girls Club	BGCA	Youth Development	1025 Fairfax Street	Fairmont	WV	
Fayette Just for Kids Child Advocacy Center	CAC	Health and Mental Health	118 Main Street	Beckley	WV	
Raleigh Just for Kids Child Advocacy Center	CAC	Health and Mental Health	118 Main St.	Beckley	WV	
Women & Children's Hospital	CAC	Health and Mental Health	619 Virginia Street, West	Charleston	WV	
REACHH - Family Resource Center	CAC	Health and Mental Health	411 Temple Street	Hinton	WV	
Child & Youth Advocacy Center	CAC	Health and Mental Health	212 West Washington Street	Lewisburg	WV	
Safe Haven Child Advocacy Center of the Eastern Pa	CAC	Health and Mental Health	201 North High Street	Martinsburg	WV	
Child Protect of Mercer County, Inc.	CAC	Health and Mental Health	204 South 4Th Street	Princeton	WV	
Nicholas County Child Advocacy Center	CAC	Health and Mental Health	P. O. Box 553	Summersville	WV	
Braxton County Child Advocacy Center	CAC	Health and Mental Health	101 - 2Nd Street, Suite 201	Sutton	WV	
Webster County Child Advocacy Center	CAC	Health and Mental Health	Suite 102 Addison Center - 110 North Main Street	Webster Springs	WV	
Stope the Hurt, Inc.	CAC	Health and Mental Health	P. O. Box 102	Welch	WV	
Harmony House, Inc.	CAC	Health and Mental Health	2000 Eoff Street	Wheeling	WV	
	CAC	Health and Mental Health	301 Sunrise Dr.	Weirton	WV	
LUAU MANOR	HUD Public Housing	Housing	2230 Chapline St	Wheeling	WV	
MID TOWN TERRACE	HUD Public Housing	Housing	Midtown Terrace	Mt. Hope	WV	
VICTORIA COURT	HUD Public Housing	Housing	Gum Street	Williamson	WV	
ANN/LOONEY	HUD Public Housing	Housing	Ann Street	Spencer	WV	
MARCAP MANOR						
STADIUM TERRACE	HUD Public Housing	Housing	N. Pax Avenue	Mt. Hope	WV	
BAYS-PUGH HOUSING COMPLEX	HUD Public Housing	Housing	Randolph Street	Beckley	WV	
FAIRFIELD TOWER	HUD Public Housing	Housing	1701 Franklin Avenue	Huntington	WV	
	HUD Public Housing	Housing	901 Central Avenue	Charleston	WV	

Label	Category	Program	Address	City	State	Phone
CHARLESTON ACQUISITION						
MARCUM TERRACE	HUD Public Housing	Housing	2929 Marcum Terrace	Huntington	WV	
TIFFANY MANOR	HUD Public Housing	Housing	1600 Hill Avenue	Bluefield	WV	
WIND RIDGE MANOR	HUD Public Housing	Housing	Scattered Sites	Fairmont	WV	
LAUREL LANES	HUD Public Housing	Housing	Laurel Drive	Clarksburg	WV	
SCATTERED SITES - HOMEOWNERSHIP	HUD Public Housing	Housing	Scattered Site	Clarksburg	WV	
HARRIS/ANDERSON APTS	HUD Public Housing	Housing	4810 Church Drive	Dunbar	WV	
TROWBRIDGE MANOR	HUD Public Housing	Housing	101 8Th Avenue	Huntington	WV	
ROLLING MEADOW VILLAGE	HUD Public Housing	Housing	Robin Lane	Fairplane	WV	
HELPER PAVILION	HUD Public Housing	Housing	515 10Th Street	Moundsville	WV	
HUNTINGTON ACQUISITION	HUD Public Housing	Housing	232 Indiana Avenue	Huntington	WV	
LEELAND APTS	HUD Public Housing	Housing	201 South Kentucky Avenue	Martinsburg	WV	
HARLEY O. STAGGERS HOMES	HUD Public Housing	Housing	Richmond Street	Keyser	WV	
APPLE TREE APTS	HUD Public Housing	Housing	Maple Avenue	Sophia	WV	
PARKERSBURG ACQUISITION W/O REHAB	HUD Public Housing	Housing	1901 Cameron Avenue	Parkersburg	WV	
LEE TERRACE	HUD Public Housing	Housing	1319 Lee Street East	Charleston	WV	
MIDCREST HOMES	HUD Public Housing	Housing	Midland Heights	Midland	PA	
PARKLAND TERRACE	HUD Public Housing	Housing	4402 Pa Avenue	South Charleston	WV	
GRAFTON HOMES	HUD Public Housing	Housing	Anna Jarvis Drive	Grafton	WV	
SUNSET TERRACE	HUD Public Housing	Housing	Sunset Terrace	Grafton	WV	
CRISS MANOR	HUD Public Housing	Housing	124 1St Street	Weston	WV	
GARDEN PARK TERRACE	HUD Public Housing	Housing	1208 Warwood Ave	Wheeling	WV	
HARRISON REFORMULATED	HUD Public Housing	Housing	301 W. Main Street	Clarksburg	WV	
PINEY OAKS	HUD Public Housing	Housing	Smoot Avenue	Beckley	WV	
TU-ENDI-WEI	HUD Public Housing	Housing	108 Jones Street	Pt. Pleasant	WV	
ELIZABETH CATHER TOWERS	HUD Public Housing	Housing	131 East Main Street	Grafton	WV	
KOUPAL TOWERS	HUD Public Housing	Housing	916 W. Pike Street	Clarksburg	WV	
POTOMAC VILLAGE	HUD Public Housing	Housing	51 Jones Street	Piedmont	WV	
	HUD Public Housing	Housing	Industrial Drive	Beckley	WV	

Label	Category	Program	Address	City	State	Phone
LEWIS RITCHIE APTS						
MYERS AVE-DUTCH HOLLOW A	HUD Public Housing	Housing	Dutch Hollow Rd	Dunbar	WV	
W. K. ELLIOT	HUD Public Housing	Housing	510 Bridge Street	Huntington	WV	
COAL BRANCH HEIGHTS	HUD Public Housing	Housing	100 Kent Avenue	Charleston	WV	
ADAMS STEPHENS HOME	HUD Public Housing	Housing	600 Wilson Street	Martinsburg	WV	
MAGNOLIA GARDENS	HUD Public Housing	Housing	P. O. Box 248	North Matewan	WV	
WILLIAMSON TERRACE	HUD Public Housing	Housing	1026 Vinson Street	Williamson	WV	
LITTLEPAGE TERRACE	HUD Public Housing	Housing	Dawson Ct.	Charleston	WV	
JARRETT TERRACE	HUD Public Housing	Housing	824 Central Avenue	Charleston	WV	
CARTER G. WOODSON	HUD Public Housing	Housing	Hal Greer Blvd	Huntington	WV	
GATEWAY APARTMENTS	HUD Public Housing	Housing	Stoddard Avenue	Elkins	WV	
HALL-ANDERSON APARTMENTS	HUD Public Housing	Housing	Sixth St	Mcmechen	WV	
HOMECREST MANOR	HUD Public Housing	Housing	Princeton Avenue	Parkersburg	WV	
AMANDAVILLE COURT	HUD Public Housing	Housing	Amandaville Court	St. Albans	WV	
VALLEY VIEW APTS	HUD Public Housing	Housing	100 Valley View Drive	Romney	WV	
WASHINGTON SQUARE	HUD Public Housing	Housing	8Th Avenue	Huntington	WV	
HIL-DAR	HUD Public Housing	Housing	Hil Dar St	Wheeling	WV	
KEYSER HANDICAP UNIT	HUD Public Housing	Housing	412 Ward Avenue	Keyser	WV	
WASHINGTON MANOR	HUD Public Housing	Housing	Daniel Boone Dr./Clark Drive	Charleston	WV	
KEYSER REHAB - PHASE I	HUD Public Housing	Housing	620 Loughs Terrace	Keyser	WV	
VILLAGER/CODY/ CARSON STS	HUD Public Housing	Housing	650 6Th Street	St. Albans	WV	
HORATIO GATES VILLAGE	HUD Public Housing	Housing	500 Porter Avenue	Martinsburg	WV	
SOUTH PARK VILLAGE	HUD Public Housing	Housing	659 South Park Road	Charleston	WV	

<b>Label</b>	<b>Category</b>	<b>Program</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Phone</b>
PARKERSBURG ACQUISITION	HUD Public Housing	Housing	1901 Cameron Avenue	Parkersburg	WV	
SCATTERED SITES	HUD Public Housing	Housing	Ogden Avenue	Fairmont	WV	
SCATTERED SITES	HUD Public Housing	Housing	1204 Shady Way	South Charleston	WV	
RIVERVIEW TOWERS	HUD Public Housing	Housing	601 Main Street	Wheeling	WV	
RIVERVIEW EAST	HUD Public Housing	Housing	225 Short Street	Huntington	WV	
MADISON MANOR	HUD Public Housing	Housing	1329 Madison Manor	Huntington	WV	
LIBERTY HEIGHTS	HUD Public Housing	Housing	325 Liberty Street	Williamson	WV	
GOODMAN MANOR	HUD Public Housing	Housing	16 W. 4Th Avenue	Williamson	WV	
FORT RANDOLPH TERRACE	HUD Public Housing	Housing	123 Main Street	Point Pleasant	WV	
UNNAMED	HUD Public Housing	Housing	North Mercer	Bluefield	WV	
AMBROSE TOWERS	HUD Public Housing	Housing	703 Porter Avenue	Martinsburg	WV	
MASON HOUSE	HUD Public Housing	Housing	130 Washington Avenue	Clarksburg	WV	