

Juvenile Probation in WV

2008-2009

Supreme Court of Appeals of West Virginia, Administrative Office

Purpose

This report provides an overview of West Virginia (WV) Juvenile Probation cases referred or disposed in 2008 and 2009. 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 Supreme Court of Appeals of West Virginia Division of Probation Services and completed by the Division of Court Services.

Summary

In 2008, WV juvenile probation officers reported a total of 5,866 new cases. The 3,581 delinquency cases involved 2,948 juveniles, and the 2,285 status offense cases involved 1,940 juveniles. 7,622 offenses were charged in the delinquency cases, and 2,525 offenses were charged in the status cases.

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In 2009, a total of 5,693 new cases were reported. More than half (3,550) were delinquency cases involving 3,058 juveniles, and 2,143 were status offense cases involving 1,838 juveniles. 7,590 offenses were charged in the delinquency cases, and 2,384 offenses were charged in the status cases.

More than 1,400 delinquency cases were disposed formally each year (1,406 in 2008 and 1,359 in 2009), and more than 500 status cases were disposed formally each year (580 in 2008 and 540 in 2009).

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 84% 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 15.7 years old. A majority of juvenile offenders were enrolled in mainstream education and living with at least one parent at the time of offense.

More than 70% of formally filed delinquency cases resulted in an adjudication of delinquency. More than half of status offense cases resulted in adjudication as a status offender.

Juvenile Probation Data System

Data presented in this report was generated from the centralized 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 2008 or 2009 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 2008 or 2009, 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 2008 or 2009.

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 2008 or 2009.

Overview of Juvenile Probation

Juvenile 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-disposition reports, recommending dispositions for offenders and monitoring offenders sentenced to probation or some other form of supervision.

In 2009, the WV court system had 188 probation positions (49 adult officers, 46 juvenile officers and 93 adult & juvenile officers) and 69 secretaries. Probation officers supervised 8,064 adults and 6,385 juveniles in 2008, and 8,175 adults and 6,122 juveniles in 2009.

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, a diversion program which offers intensive supervision and treatment; to Teen Court 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 WV 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.

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.

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. This is also true for **Underage Drinking**, violation of any West Virginia municipal, county, or state law regarding use of alcoholic beverages by minors, even though it is considered a misdemeanor under WV State Code.

Delinquency & Status Cases

New Cases

In 2008, WV juvenile probation opened a total of 5,866 new cases. The majority of cases (3,581) involved at least one delinquency charge while 2,285 cases involved a status offense charge.

In 2009, a total of 5,693 new cases were opened. More than half (3,550) were delinquency cases, and 2,143 were status offense cases.

Complaint Timing

The average time between the alleged offense(s) and signing of complaint/petition for delinquency offenses was 35.9 days in 2008 and 36.6 days in 2009. About a third were signed within a day; about half were signed within one week; about 75% 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 19.7 days in 2008 and 23.0 days in 2009. A little more than half (55.7%) were signed within a day; about 70% were signed within one week; about 85% were signed within one month; and about 95% were signed within five months of the reported offense.

Complainant								
Delinquency Cases				Status Cases				Complainant Source
2008		2009		2008		2009		
#	%	#	%	#	%	#	%	
143	4.0	119	3.4	1393	61.0	1226	57.2	School
71	2.0	72	2.0	579	25.3	586	27.3	Parent
3044	85.0	3017	85.0	156	6.8	181	8.4	Law Enforcement
154	4.3	173	4.9	83	3.6	61	2.8	Probation
3	0.2	6	0.1	69	3.0	86	4.0	DHHR
115	3.2	121	3.4	3	0.1	1	0	Victim
48	1.5	0	0	2	0.1	0	0	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 was for a prior delinquency charge not resulting in adjudication. Among status cases, the most common 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 the Department of Health and Human Resources (DHHR) may have

handled a juvenile's prior status offense and that the probation officer may not know about a juvenile's prior complaint history.

More than one type of complaint history may have been selected for each juvenile depending on previous court involvement.

Complainant

Law enforcement was the complainant in 85% of delinquency cases. Schools were the most frequent complainants in status offense cases followed by parents.

Complaint History

Delinquency Cases				Status Cases				History Type
2008		2009		2008		2009		
#	%	#	%	#	%	#	%	
2127	59.4	2296	64.7	1388	60.7	1314	61.3	None
297	8.3	246	6.9	46	2.0	42	2.0	Prior arrest
397	11.1	284	8.0	507	22.2	492	23.0	Prior status offense charge not resulting in adjudication
201	5.6	212	6.0	129	5.6	137	6.4	Prior adjudication for a status offense
596	16.6	480	13.5	175	7.7	161	7.5	Prior delinquency charge not resulting in adjudication
404	11.3	382	10.8	111	4.9	80	3.7	Prior adjudication for delinquency
400	11.2	355	10.0	160	7.0	184	8.6	Prior probation

Pre-dispositional Detention

Most delinquency cases did not involve detention prior to a disposition hearing (84.4% in 2008; 86.8% in 2009). Of those cases where detention was ordered, the most common form of detention was hardware secure (7.8% in 2008 and 7.0% in 2009).

Even fewer status cases than delinquency cases involved any form of detention prior to a disposition hearing (93.3% in 2008; 94.8% in 2009). Less than 110 status cases involved any form of placement prior to disposition.

Pre-Dispositional Detention

Delinquency Cases				Status Cases				Placement Type
2008		2009		2008		2009		
#	%	#	%	#	%	#	%	
3021	84.4	3080	86.8	2133	93.3	2031	94.8	None
14	0.4	15	0.4	1	0.0	1	0.0	Home confinement
49	1.4	49	1.4	32	1.4	34	1.6	Non-secure facility
24	0.7	36	1.0	11	0.5	24	1.1	Staff-secure non-DJS facility
281	7.8	249	7.0	14	0.6	12	0.6	Hardware secure detention center
101	2.8	94	2.6	19	0.8	27	1.3	Staff secure DJS detention center
61	1.7	22	0.6	25	1.1	11	0.5	Other detention such as hospitals
30	0.8	5	0.1	50	2.2	3	0.1	Unknown or not reported

Cases by Circuit Map

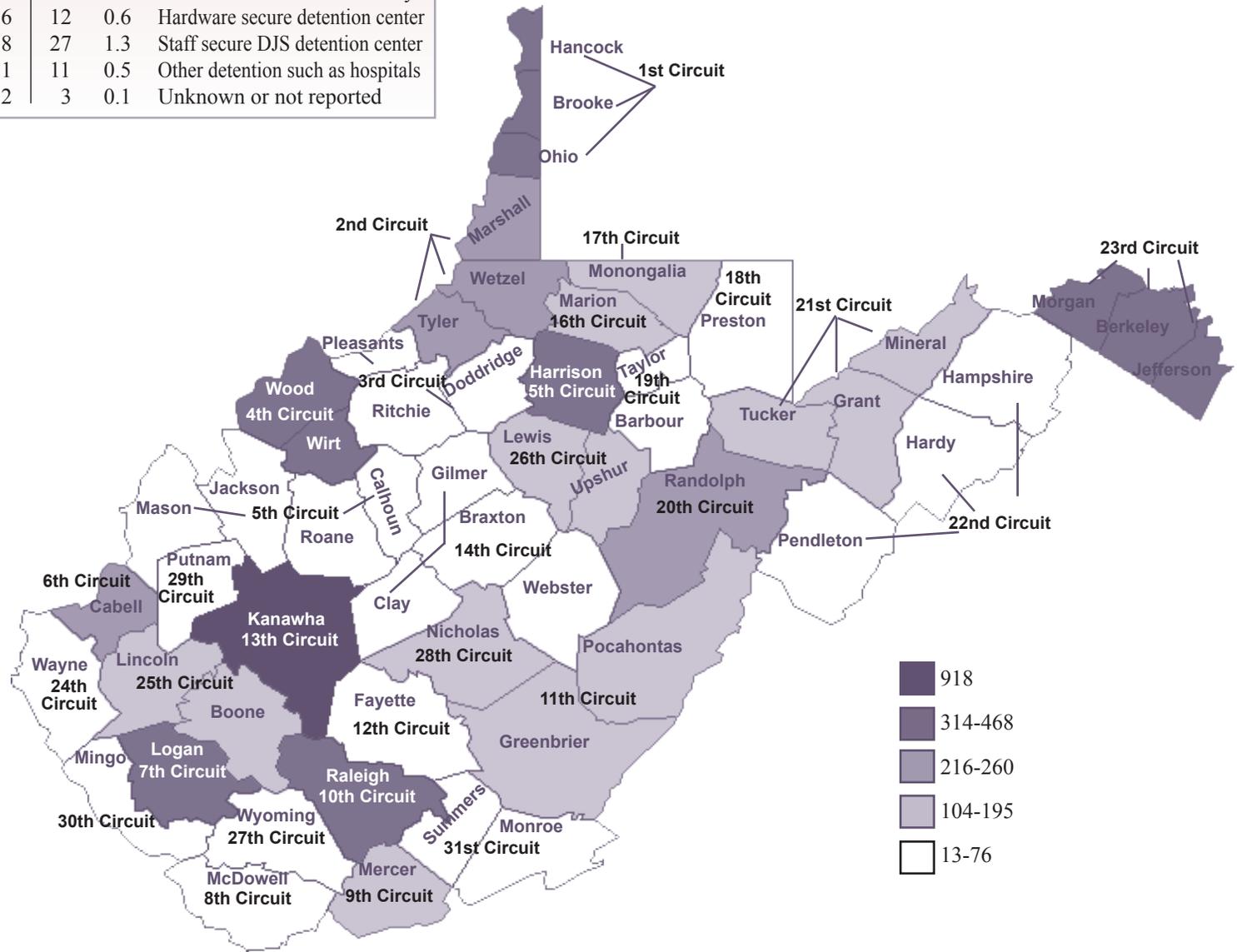
2009

The Cases by Circuit table below provides the number of new juvenile delinquency and status cases reported by each judicial circuit in 2009. The map below illustrates the geographic distribution of the total number of these cases.

Cases by Circuit

2009

Circuit	Status Cases	Delinquency Cases	Total Cases
1	93	221	314
2	90	128	218
3	3	39	42
4	125	222	347
5	0	73	73
6	0	207	207
7	441	27	468
8	23	44	67
9	11	184	195
10	165	210	375
11	39	65	104
12	15	40	55
13	248	670	918
14	13	29	42
15	142	211	353
16	7	123	130
17	67	80	147
18	8	5	13
19	50	21	71
20	120	93	213
21	55	126	181
22	6	57	63
23	60	318	378
24	15	55	70
25	132	57	189
26	17	115	132
27	14	15	29
28	82	40	122
29	38	23	61
30	42	34	76
31	22	18	40
Total	2,143	3,550	5,693



Delinquency & Status Offenses

In 2008, 7,622 offenses were charged in petitions as reported by the probation officer, and 7,590 in 2009. Some cases classified as delinquency cases may have also included a status offense(s) in addition to at least one delinquent offense.

In 2008, 2,525 status offenses were charged and 2,384 in 2009. Cases classified as status offense included a status offense charge as the most serious offense.

Delinquency Offenses

The most frequently charged individual offenses for both years were battery, destruction of property, petit larceny, first offense shoplifting and possession of a controlled substance.

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, 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: 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

Delinquency Offenses By Category

2008		2009		
#	%	#	%	
1571	30.8	1552	29.8	Property
1408	27.6	1147	22.0	Assault/Battery
707	13.9	645	12.4	Substance/Drug
333	6.5	370	7.1	Burglary/Robbery
271	5.3	330	6.3	Miscellaneous
477	9.4	311	6.0	Obstructing Justice
180	3.5	216	4.1	Traffic/Vehicle
161	3.2	182	3.5	Arson/Weapon/Explosive
117	2.3	130	2.5	Sex Offense
52	1.0	105	2.0	Fraud/Forgery
51	1.0	100	1.9	Privacy
69	1.4	51	1.0	Unknown
8	0.2	21	0.4	Escape/Fleeing
32	0.6	18	0.3	Animal/DNR
3	0.1	9	0.2	Homicide/Kidnapping
0		3	0.1	Computer/Electronics
5097		5206		Total

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.

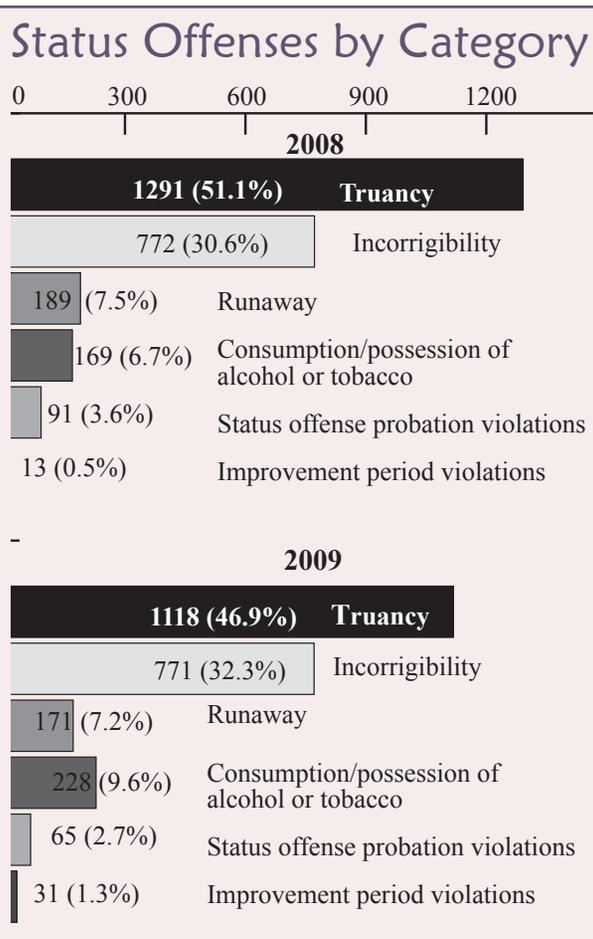
Miscellaneous Offenses

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.

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 2008, 2,948 juveniles were involved in new delinquency cases, and 3,058 juveniles were involved in 2009. For new status offense cases, 1,838 juveniles were involved in 2008 and 1,940 in 2009. 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 (68.3% in 2008 and 68.2% in 2009). With almost a third of offenders in both these years being female, this represents an increase of 6.1% in the percentage of female delinquency offenders since 1999.

Most (82.7% in 2008 and 83.2% in 2009) of the delinquency offenders were white. In 2008, 10.4% (10.0% in 2009) were black; 0.1% (0.1% in 2009) were Asian or Pacific Islander; 0.1% (0.1% in 2009) were American Indian; and 3.3% were multiracial (3.1% in 2009).

Age at Offense

Delinquency offenders ranged in age from five to almost 21 years old at offense(s). The average age was 15.7 for both 2008 and 2009. 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 18-21 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 (85.1% in 2008 and 84.6% in 2009) delinquency offenders were living with at least one parent at the time of offense. About a quarter were living with both parents. About 6% were living in DHHR approved settings.

Other living situations reported for delinquency offenders at time of offense included guardians, relatives, friends, college, job corps, with their spouses and in their own home.

Education

Most (62.2% in 2008 and 63.6% in 2009) of the delinquency offenders were reported as mainstream students at the time of their offense(s). Less than 200

(6.8% in 2008 and 5.4% in 2009) were in special education, and a few less (6.0% in 2008 and 4.4% in 2009) were in alternative education. About 100 offenders (3.8% in 2008 and 3.7% in 2009) had either graduated high school or had obtained their GED at time of offense.

In 2008 and 2009, 5.5% were reported as having dropped out of school.

“Other” educational placement was reported for a few (1.8% in 2008 and 2.1% in 2009) delinquency offenders. Home school, home bound, private school, college, job corps, vocational school, online 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 (13.9% in 2008 and 15.4% in 2009) of delinquency offenders.

Home County

Kanawha County was home to more delinquency offenders (516 in 2008 and 478 in 2009) than any other county in WV. Four other counties served more than 150 delinquency offenders in 2009, Berkeley, Cabell, Wood and Mercer.

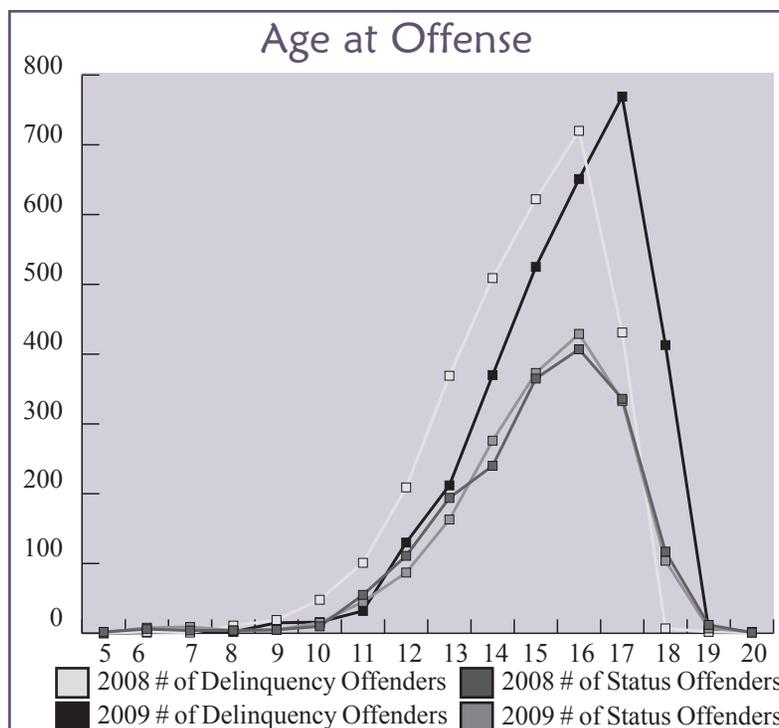
Only six delinquency offenders were reported as residents of other states in 2008, and five in 2009.

County Offender Rates

WV's delinquency offender rate of juveniles ages 10 to 17 was 1.68 in 2008 and 1.74 in 2009. These rates represent a decrease from the 2000 rate of 1.83%, and the 1999 rate of 2.19%.

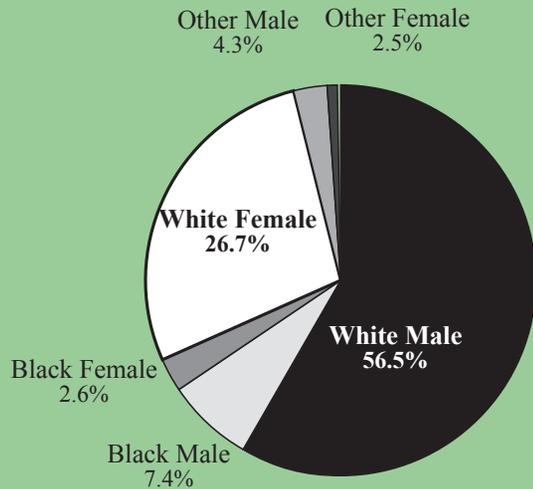
Less than a third or 18 counties in 2008 and 15 in 2009 had juvenile delinquency offender rates higher than the state average.

The method for calculating offender rates is described on page nine.



Age & Gender 2009

Delinquency Offenders



Status Offenders



In both 2008 and 2009, McDowell County had the largest number of delinquency offenders compared to its population of 10 to 17 year olds with rates of 4.04 and 4.87 respectively. In 2008, four counties had delinquency offender rates more than 3.00 (Brooke, McDowell, Mineral and Summers) while only McDowell and Mineral had rates more than 3.00 in 2009.

Status Offenders

Gender and Race

In 2008, 54.0% of status offenders were male (56.2% in 2009). Most (89.6% in both 2008 and 2009) of the status offenders were white. In 2008, 4.0% (3.5% in 2009) were black; 0.1% in both 2008 and 2009 were Asian or Pacific Islander; 0.1% were reported as Native American in 2008 and none in 2009; and 3.3% were multiracial in 2008 and 2.7% in 2009.

Age at Offense

Status offenders ranged in age from six to 19 years when they committed their offense(s). The average age was 15.1 years in both years. 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 (79.9% in 2008 and 79.7% in 2009) 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 (69.5% in 2008 and 68.3% in 2009) of the status offenders were reported as mainstream students at the time of their offense(s). A few (6.0% in 2008 and 8.4% in 2009) were in special education, and still less (4.5% in 2008 and 4.0% in 2009) were in alternative education. Less than twenty status offenders (0.9% in 2008 and 2009) had either graduated high school or had obtained their GED at time of offense. 0.8% in 2008 and 1.0% 2009 were reported as having dropped out of school.

"Other" educational placement was reported for a few (0.9% in 2008 and 1.2% in 2009) 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 15% (17.4% in 2008 and 16.2% in 2009) of status offenders.

Living Situation

Delinquency Offenders		Status Offenders		Situation				
2008	2009	2008	2009	2008	2009			
#	%	#	%	#	%			
809	27.4	803	26.3	489	25.2	441	24.0	Both Parents
1395	47.3	1519	49.8	907	46.8	861	46.8	One Parent
306	10.4	284	9.3	153	7.9	163	8.9	Parent/Step-Parent
181	6.1	177	5.8	101	5.2	114	6.2	Other Relative
55	1.9	71	2.3	29	1.5	32	1.7	DHHR Approved
3	0.1	2	0.1	0	0	0	0	Detention Center
3	0.1	4	0.1	0	0	1	0.1	Transient
41	1.4	49	1.6	25	1.3	25	1.4	Other
155	2.3	143	4.7	236	12.2	202	11.0	Unknown

Home County

Logan, Harrison, Raleigh and Lincoln counties were home to more status offenders than any other counties in WV. Those counties served more than 100 status offenders in both years. No status offenders were from out of state in either 2008 or 2009.

County Offender Rates

WV's status offender rate of juveniles ages 10 to 17 was 0.98 in 2006, 1.00 in 2007, 1.10 in 2008 and 1.05 in 2009. These rates are similar to the 1999 rate of 1.02% and the 2000 rate of 0.90%.

In 2009, 15 counties (13 counties in 2008) had juvenile status offender rates higher than the state average. Logan and Lincoln Counties had the largest number of juvenile status offenders compared to its population. Counties with school-based probation officers such as Logan County include all referrals to these officers.

Offender Rate Table

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 U.S. Census Bureau 2008 population estimates. 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	Delinquent Offenders			Status Offenders			2008			2009			
	Population #	%	Rate	#	%	Rate	#	%	Rate	#	%	Rate	
Barbour County	1527	36	1.2%	2.36	10	0.3%	0.65	55	2.8%	3.60	21	1.1%	1.38
Berkeley County	11723	135	4.6%	1.15	194	6.3%	1.65	10	0.5%	0.09	30	1.6%	0.26
B Boone County	2506	28	0.9%	1.12	10	0.3%	0.40	27	1.4%	1.08	23	1.3%	0.92
Braxton County	1369	21	0.7%	1.53	10	0.3%	0.73	1	0.1%	0.07	4	0.2%	0.29
Brooke County	2173	82	2.8%	3.77	63	2.1%	2.90	53	2.7%	2.44	31	1.7%	1.43
Cabell County	8323	199	6.8%	2.39	181	5.9%	2.17				2	0.1%	0.02
Calhoun County	644	5	0.2%	0.78	6	0.2%	0.93						
Clay County	1015	9	0.3%	0.89	8	0.3%	0.79	4	0.2%	0.39	6	0.3%	0.59
Doddridge County	797	9	0.3%	1.13	10	0.3%	1.25	1	0.1%	0.13	2	0.1%	0.25
Fayette County	4290	35	1.2%	0.82	47	1.5%	1.10	14	0.7%	0.33	15	0.8%	0.35
Gilmer County	546	11	0.4%	2.01	5	0.2%	0.92	1	0.1%	0.18	4	0.2%	0.73
Grant County	1120	9	0.3%	0.80	17	0.6%	1.52	6	0.3%	0.54	2	0.1%	0.18
Greenbrier County	3324	39	1.3%	1.17	47	1.5%	1.41	21	1.1%	0.63	31	1.7%	0.93
Hampshire County	2556	24	0.8%	0.94	23	0.8%	0.90	2	0.1%	0.08	3	0.2%	0.12
Hancock County	2803	25	0.8%	0.89	37	1.2%	1.32	1	0.1%	0.04	1	0.1%	0.04
Hardy County	1407	18	0.6%	1.28	17	0.6%	1.21				3	0.2%	0.21
Harrison County	6969	124	4.2%	1.78	171	5.6%	2.45	147	7.6%	2.11	130	7.1%	1.87
Harrison County	2871	31	1.1%	1.08	36	1.2%	1.25				3	0.2%	0.10
Jefferson County	5591	76	2.6%	1.36	74	2.4%	1.32	3	0.2%	0.05	12	0.7%	0.21
Kanawha County	17900	516	17.5%	2.88	478	15.6%	2.67	149	7.7%	0.83	183	10.0%	1.02
Lewis County	1673	32	1.1%	1.91	28	0.9%	1.67	4	0.2%	0.24	5	0.3%	0.30
Lincoln County	2180	23	0.8%	1.06	38	1.2%	1.74	123	6.3%	5.64	106	5.8%	4.86
Logan County	3378	18	0.6%	0.53	15	0.5%	0.44	425	21.9%	12.58	366	19.9%	10.83
McDowell County	2154	87	3.0%	4.04	105	3.4%	4.87	2	0.1%	0.09	8	0.4%	0.37
Marion County	5041	78	2.6%	1.55	73	2.4%	1.45	46	2.4%	0.91	60	3.3%	1.19
Marshall County	3318	34	1.2%	1.02	19	0.6%	0.57						
Mason County	2515	27	0.9%	1.07	40	1.3%	1.59	8	0.4%	0.32	19	1.0%	0.76
Mercer County	5813	33	1.1%	0.57	170	5.6%	2.92	11	0.6%	0.19	11	0.6%	0.19
Mineral County	2805	94	3.2%	3.35	93	3.0%	3.32	45	2.3%	1.60	44	2.4%	1.57
Mingo County	2631	18	0.6%	0.68	25	0.8%	0.95	89	4.6%	3.38	42	2.3%	1.60
Monongalia County	6780	56	1.9%	0.83	80	2.6%	1.18	64	3.3%	0.94	64	3.5%	0.94
Monroe County	1330	17	0.6%	1.28	5	0.2%	0.38	15	0.8%	1.13	7	0.4%	0.53
Morgan County	1743	20	0.7%	1.15	31	1.0%	1.78	13	0.7%	0.75	18	1.0%	1.03
Nicholas County	2448	50	1.7%	2.04	28	0.9%	1.14	51	2.6%	2.08	70	3.8%	2.86
Ohio County	4141	109	3.7%	2.63	101	3.3%	2.44	81	4.2%	1.96	55	3.0%	1.33
Pendleton County	700	5	0.2%	0.71	11	0.4%	1.57	1	0.1%	0.14		0.0%	0.00
Pleasants County	752	17	0.6%	2.26	20	0.7%	2.66	1	0.1%	0.13		0.0%	0.00
Pocahontas County	790	6	0.2%	0.76	6	0.2%	0.76				4	0.2%	0.51
Preston County	3038	6	0.2%	0.20	8	0.3%	0.26	16	0.8%	0.53	8	0.4%	0.26
Putnam County	5882	41	1.4%	0.70	35	1.1%	0.60	2	0.1%	0.03	39	2.1%	0.66
Raleigh County	7296	142	4.8%	1.95	148	4.8%	2.03	164	8.5%	2.25	115	6.3%	1.58
Randolph County	2780	73	2.5%	2.63	80	2.6%	2.88	81	4.2%	2.91	92	5.0%	3.31
Ritchie County	1015	13	0.4%	1.28	10	0.3%	0.99				1	0.1%	0.10
Roane County	1397	20	0.7%	1.43	16	0.5%	1.15						
Summers County	1056	32	1.1%	3.03	9	0.3%	0.85	7	0.4%	0.66	14	0.8%	1.33
Taylor County	1548	26	0.9%	1.68	10	0.3%	0.65	30	1.5%	1.94	22	1.2%	1.42
Tucker County	683	4	0.1%	0.59	9	0.3%	1.32	5	0.3%	0.73	5	0.3%	0.73
Tyler County	876	12	0.4%	1.37	7	0.2%	0.80	4	0.2%	0.46	3	0.2%	0.34
Upshur County	2263	51	1.7%	2.25	54	1.8%	2.39	9	0.5%	0.40	8	0.4%	0.35
Wayne County	4192	30	1.0%	0.72	54	1.8%	1.29	26	1.3%	0.62	14	0.8%	0.33
Webster County	926	5	0.2%	0.54	9	0.3%	0.97	1	0.1%	0.11			
Wetzel County	1662	30	1.0%	1.81	36	1.2%	2.17	12	0.6%	0.72	12	0.7%	0.72
Wirt County	587	6	0.2%	1.02	8	0.3%	1.36						
Wood County	8657	222	7.5%	2.56	171	5.6%	1.98	95	4.9%	1.10	106	5.8%	1.22
Wyoming County	2169	10	0.3%	0.46	17	0.6%	0.78	14	0.7%	0.65	14	0.8%	0.65
WV	175,673	2,948	1.7%	1.68	3,058	1.7%	1.74	1,940	1.1%	1.10	1,839	1.0%	1.05

Dispositions

A formal disposition is imposed by the court after the filing of a signed petition with the Circuit Clerk's Office. An informal disposition is action taken in a case without a petition being filed.

Delinquency Dispositions

Informal Disposition

More than 1,000 delinquency cases were disposed informally per year (1,295 in 2008 and 1,363 in 2009). The most frequent (About a third of cases) informal disposition was informal supervision by probation. The most severe informal dispositions for these cases were the following.

- Case closed or complaint withdrawn (171 in 2008 and 78 in 2009)
- Complaint resolved and/or juvenile counseled (186 in 2008 and 112 in 2009)
- Held open without further action (104 in 2008 and 66 in 2009)
- Referred to community agency (57 in 2008 and 45 in 2009)
- Referred to DHHR (9 in 2008 and 23 in 2009)
- Referred to diversion program through probation (240 in 2008 and 346 in 2009)
- Informal supervision by probation (389 in 2008 and 527 in 2009)

Other dispositions (121 in 2008 and 161 in 2009) included: AA meetings, apologies, community service, complete GED, curfews, drug screenings, essays/posters, fines, home confinement, Juvenile Drug Court, mediation, no contact with certain individuals, restitution and Teen Court.

Only seven 2008 informal case dispositions resulted in a youth being placed in a facility. Two were placed in DJS custody; three in Youth Academy; two with Pressley Ridge; and one each in Elkins Mountain School and Family Connections.

Timing of Informal Disposition

More than half of the delinquency cases were disposed within a month (56.4% in 2008 and 63.7% in 2009) and most (82.5% in 2008 and 89.7% in 2009) were disposed within 90 days of the complaint being signed. The average length of time from complaint to disposition was 70.0 days in 2008 and 50.6 days in 2009. Very few (3.6% in 2008 and 0.8% in 2009) of the delinquency cases handled informally were not disposed within one year of the date of the complaint.

Adjudication

Most of these formally filed delinquency cases with a disposition resulted in adjudication as a delinquent by plea (70.7% in 2008 and 67.0% in 2009) and a few more were adjudicated delinquent by trial (3.6% in 2008 and 3.9% in 2009). A few were adjudicated as a status offender (1.5% in 2008 and 1.4% in 2009).

However, some formally filed cases did not result in adjudication (14.2% in 2008 and 18.5% in 2009) or were dismissed (9.3% in 2008 and 9.1% in 2009). Only a handful of cases were adjudicated note a status offender or not delinquent by trial each year (0.7% in 2008 and 0.2% in 2009).

Formal Disposition

About 1,400 delinquency cases were disposed formally each year (1,406 in 2008 and 1,359 in 2009).

The most severe formal disposition selected most frequently for formally filed cases was noncustodial probation (40.2% in 2008 and 38.5% in 2009). About 15% of cases were dismissed per year (14.9% in 2008 and 14.2% in 2009). The next most frequent dispositions were DHHR custody and probation (12.2% in 2008 and 12.8% in 2009) and improvement periods (9.2% in 2008 and 11.0% in 2009). Other dispositions included: community service, referral to DHHR or other community programs, home confinement and mental health processing. Only four youth in 2008 and 1 youth in 2009 were transferred to adult criminal status.

In about 20% of delinquency cases formally disposed each year, juveniles were placed in a commitment setting outside of their home. The most frequent setting was a staff secure or non-secure WV facility (7.3% in 2008 and 9.0% in 2009) and secure WV facility (5.7% in 2008 and 4.7% in 2009). A few youth were also placed in out-of-state staff secure

Formal Dispositions

Delinquency Offenders		Status Offenders		Situation				
2008	2009	2008	2009	2008	2009			
#	%	#	%	#	%			
565	40.2	523	38.5	95	16.4	85	15.7	Probation, non-custodial
210	14.9	193	14.2	57	9.8	49	9.1	Case dismissed
172	12.2	174	12.8	62	10.7	42	7.8	DHHR custody and probation
129	9.2	149	11.0	79	13.6	76	14.1	Improvement Period
92	6.4	715	6.2	26	4.4	19	3.5	Other
85	6.0	90	6.6	69	11.9	66	12.2	DHHR custody
85	6.0	87	6.4	12	1.2	7	1.3	DJS Custody
39	2.8	29	2.1	3	0.5	5	0.9	Fine/Restitution
12	0.9	9	0.7	175	30.2	189	35.0	Referred to DHHR
6	0.4	10	0.7	5	0.9	1	0.2	Home confinement and probation
4	0.3	1	0.1	0	0	0	0	Transferred to Adult Court
3	0.2	7	0.5	0	0	0	0	Community service
3	0.2	1	0.1	0	0	0	0	Mental Health Proceeding
2	0.1	1	0.1	2	0.3	1	0.2	Monitor compliance

and non-secure facilities (2.3% in 2008 and 3.8% in 2009) and in out-of-state secure facilities (1.2% in 2008 and 0.8% in 2009). The other approximately 1.5% were placed in other settings such as home confinement, foster care, hospitals or independent living.

Predisposition reports were prepared for 163 (11.6%) cases formally disposed in 2008 and 172 (12.7%) cases in 2009. Violation reports were prepared for 89 cases (6.3%) in 2008 and 44 (3.2%) cases in 2009.

Timing of Formal Disposition

Half of the delinquency cases were disposed in just over two months (70 days in 2008, 65 days in 2009) and 75.0% were disposed within 5 months of the complaint being signed for both years. The average length of time from complaint to disposition was 111 days in 2008 and 105 days in 2009. Less than five percent (4.1% in 2008 and 4.0% in 2009) of the delinquency cases disposed were not disposed within one year of the date of the complaint.

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Status Case Dispositions

Informal Disposition

More than 1,000 status cases were disposed informally each year (1,075 in 2008 and 1,018 in 2009). The most severe informal dispositions for these cases were the following.

- Case closed or complaint withdrawn (121 in 2008 and 93 in 2009)
- Complaint resolved and/or juvenile counseled (93 in 2008 and 15 in 2009)
- Held open without further action (41 in 2008 and 34 in 2009)
- Referred to community agency (51 in 2008 and 32 in 2009)
- Referred to DHHR (64 in 2008 and 81 in 2009)
- Referred to diversion program through probation (528 in 2008 and 487 in 2009)
- Informal supervision by probation (115 in 2008 and 235 in 2009)

Other dispositions (59 in 2008 and 41 in 2009) included: assessments/evaluations, community service, counseling, Juvenile Drug Court, mediation and petition filing.

Timing of Informal Disposition

Most status offense cases were disposed within a month (87.6% in 2008 and 83.6% in 2009) of the complaint being signed. The average length of time from complaint to disposition was 23.2 days in 2008 and 19.7 days in 2009. Very few (1.3% in 2008 and 0.8% in 2009) of the status cases handled informally were not disposed within one year of the complaint.

Adjudication

More than half of formally filed status offense cases resulted in an adjudication as a status offender (60.7% in 2008 and 55.4% in 2009). While some cases (13.8% in 2008 and 18.1 in 2009) were not adjudicated, a few were dismissed (5.4% in 2008 and

6.2% in 2009). Almost a fifth of cases adjudicated the juvenile as a delinquent (19.5% in 2008 and 19.9% in 2009), which was most likely the result of a previous delinquency case disposition held in abeyance.

Formal Disposition

More than 500 status cases were disposed formally each year (580 in 2008 and 540 in 2009).

The most frequently imposed formal dispositions were referral to DHHR, non-custodial probation, improvement period and DHHR custody in that order.

In less than 15% of formally filed status cases, 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 DHHR approved facilities in WV (51 in 2008 and 66 in 2009). Only four youth in 2008 and six in 2009 were placed in DJS custody, while 13 in 2008 and eight in 2009 were placed a hospital or specific treatment setting.

Timing of Formal Disposition

In 2009, 33.1% of the status offense cases were disposed within one month (35.7% in 2008). More than half (60.3% in 2008 and 63.1% in 2009) were disposed within two months of the complaint being signed; and most (85.9% in 2008 and 93.3% in 2009) were disposed within six months. The average length of time from complaint to disposition was 89 days in 2008 and 71 days in 2009. Less than five percent (4.0% in 2008 and 2.1% in 2009) of the delinquency cases disposed were not disposed within one year of the date of the complaint.