

☞ Juvenile Justice Reform



NEW LAWS
to Know

West Virginia's Juvenile Justice System is on a
Journey Toward Justice Reform
An Overview of Some Key Items

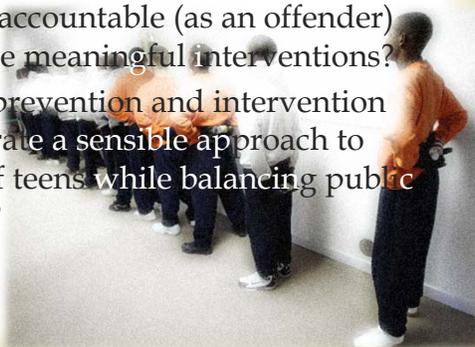


- ☞ Small number of youth offenders that pose a serious threat to public safety
- ☞ Income bias
- ☞ Out of home placements are costly and counterproductive
- ☞ Longer stays in juvenile facilities do not reduce re-offending
- ☞ Community based supervision and interventions promote better outcomes
- ☞ Controversial views: incarcerate or rehabilitate
- ☞ Discharge/transition planning is a must

Here is the Challenge.....



- ⌘ How do we guide a teen to cope with these challenges?
- ⌘ How do we hold them accountable (as an offender) and yet provide positive meaningful interventions?
- ⌘ How can delinquency prevention and intervention interchange to incorporate a sensible approach to addressing the needs of teens while balancing public and community safety?



Juvenile Justice Reform



- ⌘ Governor Earl Ray Tomblin invited the PEW Charitable Trusts to analyze West Virginia's Juvenile Justice System by way of an Intergovernmental Task Force.



Senate Bill 393

- ⌘ Amended several sections within Chapter 49
- ⌘ Reforming the Juvenile Justice System



Key Pieces



- ⌘ Early intervention
- ⌘ Strengthen community supervision and youth accountability
- ⌘ Focus the state-funded residential facilities on more serious youth and reinvest savings
- ⌘ Improve system accountability



Early Intervention

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- ❧ Pre-Court diversion programs and interventions for low-level offenses (i.e. truancy)
 - School based truancy specialists or probation officers
 - Rapid service delivery redirecting youth earlier
 - Use of restorative justice programs

Strengthen Community Supervision



- ❧ Increases intervention within the community
- ❧ Expands Youth Reporting Centers
- ❧ Requires review of youth's progress on probation every 90 days
- ❧ Authorizes courts to adopt a system of community based probation sanctions, focusing on immediate accountability and to encourage compliance

Focus on State Resources



- ☞ WV residential beds accommodate higher risk youth
- ☞ Authorizes the use of risk & needs assessments providing judges with information
- ☞ Requires community based services for first time status offenders and nonviolent misdemeanants (except in certain circumstances)
- ☞ Requires that transition planning begin within 30 days of placement; goal of discharge within 90 days

Continued.....

Focus on State Resources



- ☞ Requires case planning for youth in the community and re-entry planning for all youth in residential placement
- ☞ Limits the DJS diagnostic program to higher risk youth and shortens length of program (from 60 to 30 days)
- ☞ Prohibits DJS from housing status offenders
- ☞ Reinvests portion of savings into evidence based services in the community (e.g. mental health, substance abuse, family wrap-around)

Improve System Accountability



- ☞ Oversight of the system (and this bill) with creation of an Oversight Committee
- ☞ Increases data collection by all state agencies involved with these youth (Probation, DHHR, DJS)



House Bill 2550

- ☞ Amended current code: 18-8-4
- ☞ Increasing the number of unexcused absences of a student before action may be taken against the parent.

Defining “Excused Absences”



- ⌘ Injury of student or in the family
- ⌘ Medical/dentist appointment with written excuse
- ⌘ Chronic medical condition/disability that gets in the way of attendance
- ⌘ Calamity (fire, flood)
- ⌘ Death in the family
- ⌘ School or county approved curricular or extra-curricular activities
- ⌘ Judicial obligations or court appearance involving the student
- ⌘ Military requirement for students enlisted or enlisting
- ⌘ Personal & academic circumstances approved by the principal
- ⌘ Such other situations as may be further determined by the county board (provided that absences for students with disabilities are in accordance with the Individuals with Disabilities Education Improvement Act of 2004)

Changing the number of unexcused absences before a (legal) complaint is filed (10 unexcused absences vs 5 unexcused)



- ⌘ After 3 unexcused absences, the Attendance Director is required to send written notice to parents (informing that if 5 unexcused absences occur, a conference with the principal will be required).
- ⌘ After 5 unexcused absences, written notice will be served to parent/guardian that an in-person meeting is required within 5 days of receipt.
- ⌘ After 10 unexcused absences, a legal complaint against the parent/guardian is made with the local magistrate.



Summary



As we continue on our journey toward juvenile justice reform, goals to keep in mind include:

Goals



- ❧ Reduce institutionalization
- ❧ Quality access to counsel/attorney representation
- ❧ Create community based services
- ❧ Recognize and serve special needs youths
- ❧ Create smaller rehabilitation facilities
- ❧ Improve aftercare and re-entry services
- ❧ Maximize family involvement
- ❧ Greater access to mental and behavior health assessments and treatment
- ❧ Level of risk and need match the type of service/ placement



In Closing, we.....

